

Calendar No. 416

106TH CONGRESS
1ST SESSION

S. 1561

A BILL

To amend the Controlled Substances Act to add gamma hydroxybutyric acid and ketamine to the schedules of control substances, to provide for a national awareness campaign, and for other purposes.

NOVEMBER 18, 1999

Reported with amendments and an amendment to the
title

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IN THE SENATE OF THE UNITED STATES

AUGUST 5, 1999

Mr. ABRAHAM (for himself, Mr. DEWINE, Mr. GRAHAM, Mrs. FEINSTEIN, Mr. GRASSLEY, Mr. LIEBERMAN, and Mr. COVERDELL) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

NOVEMBER 18, 1999

Reported by Mr. HATCH, with amendments and an amendment to the title
[Omit the part struck through and insert the part printed in *italic*]

A BILL

To amend the Controlled Substances Act to add gamma hydroxybutyric acid and ketamine to the schedules of control substances, to provide for a national awareness campaign, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 ~~This Act may be cited as the “Date-Rape Drug Con-~~
3 ~~trol Act of 1999”.~~

4 **SECTION 1. SHORT TITLE.**

5 *This Act may be cited as the “Samantha Reid and*
6 *Hillory J. Farias Date-Rape Drug Prohibition Act of*
7 *1999”.*

8 **SEC. 2. FINDINGS.**

9 Congress finds as follows:

10 (1) Gamma hydroxybutyric acid (also called G,
11 Liquid X, Liquid Ecstasy, Grievous Bodily Harm,
12 Georgia Home Boy, Scoop) has become a significant
13 and growing problem in law enforcement. At least
14 20 States have scheduled such drug in their drug
15 laws and law enforcement officials have been experi-
16 encing an increased presence of the drug in driving
17 under the influence, sexual assault, and overdose
18 cases especially at night clubs and parties.

19 (2) A behavioral depressant and a hypnotic,
20 gamma hydroxybutyric acid (“GHB”) is being used
21 in conjunction with alcohol and other drugs with
22 detrimental effects in an increasing number of cases.
23 It is difficult to isolate the impact of such drug’s in-
24 gestion since it is so typically taken with an ever-
25 changing array of other drugs and especially alcohol
26 which potentiates its impact.

1 (3) GHB takes the same path as alcohol, proc-
2 esses via alcohol dehydrogenase, and its symptoms
3 at high levels of intake and as impact builds are
4 comparable to alcohol ingestion/intoxication. Thus,
5 aggression and violence can be expected in some in-
6 dividuals who use such drug.

7 (4) If taken for human consumption, common
8 industrial chemicals such as gamma butyrolactone
9 and 1,4-butanediol are swiftly converted by the body
10 into GHB. Illicit use of these and other GHB ana-
11 logues and precursor chemicals is a significant and
12 growing law enforcement problem.

13 (5) A human pharmaceutical formulation of
14 gamma hydroxybutyric acid is being developed as a
15 treatment for cataplexy, a serious and debilitating
16 disease. Cataplexy, which causes sudden and total
17 loss of muscle control, affects about 65 percent of
18 the estimated 180,000 Americans with narcolepsy, a
19 sleep disorder. People with cataplexy often are un-
20 able to work, drive a car, hold their children or live
21 a normal life.

22 (6) *Abuse of illicit GHB is an imminent hazard*
23 *to public safety that requires immediate regulatory*
24 *action under the Controlled Substances Act (21*
25 *U.S.C. 801 et seq.).*

1 **SEC. 3. ADDITION OF GAMMA HYDROXYBUTYRIC ACID AND**
 2 **KETAMINE TO SCHEDULES OF CONTROLLED**
 3 **SUBSTANCES; GAMMA BUTYROLACTONE AS**
 4 **ADDITIONAL LIST I CHEMICAL.**

5 (a) ADDITION TO SCHEDULE I.—

6 (1) IN GENERAL.—Section 202(c) of the Con-
 7 trolled Substances Act (21 U.S.C. 812(c)) is amend-
 8 ed by adding at the end of schedule I the following:

9 “(d) Unless specifically excepted or unless listed in
 10 another schedule, any material, compound, mixture, or
 11 preparation, which contains any quantity of the following
 12 substance having a depressant effect on the central nerv-
 13 ous system, or which contains any of their salts, isomers,
 14 and salts of isomers whenever the existence of such salts,
 15 isomers, and salts of isomers is possible within the specific
 16 chemical designation:

17 “(1) Gamma hydroxybutyric acid.”.

18 (2) SECURITY OF FACILITIES.—For purposes of
 19 any requirements that relate to the physical security
 20 of registered manufacturers and registered distribu-
 21 tors, gamma hydroxybutyric acid and its salts, iso-
 22 mers, and salts of isomers manufactured, distrib-
 23 uted, or possessed in accordance with an exemption
 24 approved under section 505(i) of the Federal Food,
 25 Drug, and Cosmetic Act shall be treated as a con-

1 trolled substance in schedule III under section
 2 202(c) of the Controlled Substances Act.

3 (b) ~~ADDITION TO SCHEDULE III.~~—Schedule III
 4 under section 202(c) of the Controlled Substances Act (21
 5 U.S.C. 812(c)) is amended in (b)—

6 (1) by redesignating (4) through (10) as (6)
 7 through (12), respectively; and

8 (2) by redesignating (3) as (4);

9 (3) by inserting after (2) the following:

10 “(3) Gamma hydroxybutyric acid and its salts,
 11 isomers, and salts of isomers contained in a drug
 12 product for which an application has been approved
 13 under section 505 of the Federal Food, Drug, and
 14 Cosmetic Act.”; and

15 (4) by inserting after (4) (as so redesignated)
 16 the following:

17 “(5) Ketamine and its salts, isomers, and salts
 18 of isomers.”.

19 (c) ~~ADDITIONAL LIST I CHEMICAL.~~—Section 102(34)
 20 of the Controlled Substances Act (21 U.S.C. 802(34)) is
 21 amended—

22 (1) by redesignating subparagraph (X) as sub-
 23 paragraph (Y); and

24 (2) by inserting after subparagraph (W) the fol-
 25 lowing subparagraph:

1 ~~“(X) Gamma butyrolactone.”~~

2 (d) RULE OF CONSTRUCTION REGARDING CON-
3 TROLLED SUBSTANCE ANALOGUES.—Section 102(32) of
4 the Controlled Substances Act (21 U.S.C. 802(32)) is
5 amended—

6 (1) in subparagraph (A), by striking “subpara-
7 graph (B)” and inserting “subparagraph (C)”;
8 (2) by redesignating subparagraph (B) as sub-
9 paragraph (C); and

10 (3) by inserting after subparagraph (A) the fol-
11 lowing new subparagraph (B):

12 “(B) The designation of gamma butyrolactone or any
13 other chemical as a listed chemical pursuant to paragraph
14 (34) or (35) does not preclude a finding pursuant to sub-
15 paragraph (A) that the chemical is a controlled substance
16 analogue.”

17 (e) PENALTIES REGARDING SCHEDULE I.—

18 (1) IN GENERAL.—Section 401(b)(1)(C) of the
19 Controlled Substances Act (21 U.S.C. 841(b)(1)(C))
20 is amended in the first sentence by inserting after
21 “schedule I or II,” the following: “gamma hydroxy-
22 butyric acid in schedule III,”

23 (2) CONFORMING AMENDMENT.—Section
24 401(b)(1)(D) of the Controlled Substances Act (21
25 U.S.C. 841(b)(1)(D)) is amended by inserting

1 “(other than gamma hydroxybutyric acid)” after
 2 “schedule III”.

3 (f) ~~DISTRIBUTION WITH INTENT TO COMMIT CRIME~~
 4 ~~OF VIOLENCE.~~—Section 401(b)(7)(A) of the Controlled
 5 Substances Act (21 U.S.C. 841(b)(7)(A)) is amended by
 6 inserting “or controlled substance analogue” after “dis-
 7 tributing a controlled substance”.

8 **SEC. 3. EMERGENCY SCHEDULING OF GAMMA HYDROXY-**
 9 **BUTYRIC ACID AND LISTING OF GAMMA BU-**
 10 **TYROLACTONE AS LIST I CHEMICAL.**

11 (a) *EMERGENCY SCHEDULING OF GHB.*—

12 (1) *IN GENERAL.*—*The Congress finds that the*
 13 *abuse of illicit gamma hydroxybutyric acid is an im-*
 14 *minent hazard to the public safety. Accordingly, the*
 15 *Attorney General, notwithstanding sections 201(a),*
 16 *201(b), 201(c), and 202 of the Controlled Substances*
 17 *Act, shall issue, not later than 60 days after the date*
 18 *of the enactment of this Act, a final order that sched-*
 19 *ules such drug (together with its salts, isomers, and*
 20 *salts of isomers) in the same schedule under section*
 21 *202(c) of the Controlled Substances Act as would*
 22 *apply to a scheduling of a substance by the Attorney*
 23 *General under section 201(h)(1) of such Act (relating*
 24 *to imminent hazards to the public safety), except as*
 25 *follows:*

1 (A) For purposes of any requirements that
2 relate to the physical security of registered man-
3 ufacturers and registered distributors, the final
4 order shall treat such drug, when the drug is
5 manufactured, distributed, or possessed in ac-
6 cordance with an exemption under section 505(i)
7 of the Federal Food, Drug, and Cosmetic Act
8 (whether the exemption involved is authorized be-
9 fore, on, or after the date of the enactment of this
10 Act), as being in the same schedule as that rec-
11 ommended by the Secretary of Health and
12 Human Services for the drug when the drug is
13 the subject of an authorized investigational new
14 drug application (relating to such section
15 505(i)). The recommendation referred to in the
16 preceding sentence is contained in the first para-
17 graph of the letter transmitted on May 19, 1999,
18 by such Secretary (acting through the Assistant
19 Secretary for Health) to the Attorney General
20 (acting through the Deputy Administrator of the
21 Drug Enforcement Administration), which letter
22 was in response to the letter transmitted by the
23 Attorney General (acting through such Deputy
24 Administrator) on September 16, 1997. In pub-
25 lishing the final order in the Federal Register,

1 *the Attorney General shall publish a copy of the*
2 *letter that was transmitted by the Secretary of*
3 *Health and Human Services.*

4 *(B) In the case of gamma hydroxybutyric*
5 *acid that is contained in a drug product for*
6 *which an application is approved under section*
7 *505 of the Federal Food, Drug, and Cosmetic Act*
8 *(whether the application involved is approved be-*
9 *fore, on, or after the date of the enactment of this*
10 *Act), the final order shall schedule such drug in*
11 *the same schedule as that recommended by the*
12 *Secretary of Health and Human Services for au-*
13 *thorized formulations of the drug. The rec-*
14 *ommendation referred to in the preceding sen-*
15 *tence is contained in the last sentence of the*
16 *fourth paragraph of the letter referred to in sub-*
17 *paragraph (A) with respect to May 19, 1999.*

18 *(2) FAILURE TO ISSUE ORDER.—If the final*
19 *order is not issued within the period specified in*
20 *paragraph (1), gamma hydroxybutyric acid (together*
21 *with its salts, isomers, and salts of isomers) is deemed*
22 *to be scheduled under section 202(c) of the Controlled*
23 *Substances Act in accordance with the policies de-*
24 *scribed in paragraph (1), as if the Attorney General*

1 *had issued a final order in accordance with such*
 2 *paragraph.*

3 **(b) ADDITIONAL PENALTIES RELATING TO GHB.—**

4 **(1) CONTROLLED SUBSTANCES ACT.—**

5 **(A) IN GENERAL.—***Section 401(b)(1)(C) of*
 6 *the Controlled Substances Act (21 U.S.C.*
 7 *841(b)(1)(C)) is amended in the first sentence by*
 8 *inserting after “schedule I or II,” the following:*
 9 *“gamma hydroxybutyric acid (including when*
 10 *scheduled as an approved drug product for pur-*
 11 *poses of section 3(a)(1)(B) of the Samantha Reid*
 12 *and Hillory J. Farias Date-Rape Drug Prohibi-*
 13 *tion Act of 1999),”.*

14 **(B) CONFORMING AMENDMENT.—***Section*
 15 *401(b)(1)(D) of the Controlled Substances Act*
 16 *(21 U.S.C. 841(b)(1)(D)) is amended by striking*
 17 *“, or 30” and inserting “(other than gamma hy-*
 18 *droxybutyric acid), or 30”.*

19 **(2) CONTROLLED SUBSTANCES IMPORT AND EX-**
 20 **PORT ACT.—**

21 **(A) IN GENERAL.—***Section 1010(b)(3) of the*
 22 *Controlled Substances Import and Export Act*
 23 *(21 U.S.C. 960(b)(3)) is amended in the first*
 24 *sentence by inserting after “I or II,” the fol-*
 25 *lowing: “gamma hydroxybutyric acid (including*

when scheduled as an approved drug product for purposes of section 3(a)(1)(B) of the Samantha Reid and Hillory J. Farias Date-Rape Drug Prohibition Act of 1999),”.

(B) CONFORMING AMENDMENT.—Section 1010(b)(4) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(4)) is amended by striking “flunitrazepam)” and inserting the following: “flunitrazepam and except a violation involving gamma hydroxybutyric acid)”.

(c) GAMMA BUTYROLACTONE AS ADDITIONAL LIST I CHEMICAL.—Section 102(34) of the Controlled Substances Act (21 U.S.C. 802(34)) is amended—

(1) by redesignating subparagraph (X) as subparagraph (Y); and

(2) by inserting after subparagraph (W) the following subparagraph:

“(X) Gamma butyrolactone.”.

SEC. 4. AUTHORITY FOR ADDITIONAL REPORTING REQUIREMENTS FOR GAMMA HYDROXYBUTYRIC PRODUCTS IN SCHEDULE III.

Section 307 of the Controlled Substances Act (21 U.S.C. 827) is amended by adding at the end the following:

1 “(h) In the case of a drug product containing gamma
2 hydroxybutyric acid for which an application has been ap-
3 proved under section 505 of the Federal Food, Drug, and
4 Cosmetic Act, the Attorney General may, in addition to
5 any other requirements that apply under this section with
6 respect to such a drug product, establish any of the fol-
7 lowing as reporting requirements:

8 “(1) That every person who is registered as a
9 manufacturer of bulk or dosage form, as a packager,
10 repackager, labeler, relabeler, or distributor shall re-
11 port acquisition and distribution transactions quar-
12 terly, not later than the 15th day of the month suc-
13 ceeding the quarter for which the report is sub-
14 mitted, and annually report end-of-year inventories.

15 “(2) That all annual inventory reports shall be
16 filed no later than January 15 of the year following
17 that for which the report is submitted and include
18 data on the stocks of the drug product, drug sub-
19 stance, bulk drug, and dosage forms on hand as of
20 the close of business December 31, indicating wheth-
21 er materials reported are in storage or in process of
22 manufacturing.

23 “(3) That every person who is registered as a
24 manufacturer of bulk or dosage form shall report all
25 manufacturing transactions both inventory increases,

1 including purchases, transfers, and returns, and re-
2 ductions from inventory, including sales, transfers,
3 theft, destruction, and seizure, and shall provide
4 data on material manufactured, manufactured from
5 other material, use in manufacturing other material,
6 and use in manufacturing dosage forms.

7 “(4) That all reports under this section must
8 include the registered person’s registration number
9 as well as the registration numbers, names, and
10 other identifying information of vendors, suppliers,
11 and customers, sufficient to allow the Attorney Gen-
12 eral to track the receipt and distribution of the drug.

13 “(5) That each dispensing practitioner shall
14 maintain for each prescription the name of the pre-
15 scribing practitioner, the prescribing practitioner’s
16 Federal and State registration numbers, with the ex-
17 piration dates of these registrations, verification that
18 the prescribing practitioner possesses the appro-
19 priate registration to prescribe this controlled sub-
20 stance, the patient’s name and address, the name of
21 the patient’s insurance provider and documentation
22 by a medical practitioner licensed and registered to
23 prescribe the drug of the patient’s medical need for
24 the drug. Such information shall be available for in-
25 spection and copying by the Attorney General.

1 “(6) That section 310(b)(3) (relating to mail
 2 order reporting) applies with respect to gamma hy-
 3 droxybutyric acid to the same extent and in the
 4 same manner as such section applies with respect to
 5 the chemicals and drug products specified in sub-
 6 paragraph (A)(i) of such section.”.

7 **SEC. 5. DEVELOPMENT OF FORENSIC FIELD TESTS FOR**
 8 **GAMMA HYDROXYBUTYRIC ACID.**

9 ~~The Attorney General shall make a grant for the de-~~
 10 ~~velopment of forensic field tests to assist law enforcement~~
 11 ~~officials in detecting the presence of gamma hydroxy-~~
 12 ~~butyric acid and related substances.~~

13 **SEC. 5. CONTROLLED SUBSTANCES ANALOGUES.**

14 (a) *RULE OF CONSTRUCTION REGARDING CON-*
 15 *TROLLED SUBSTANCE ANALOGUES.*—*Section 102(32) of the*
 16 *Controlled Substances Act (21 U.S.C. 802(32)) is*
 17 *amended—*

18 (1) *in subparagraph (A), by striking “subpara-*
 19 *graph (B)” and inserting “subparagraph (C)”;*

20 (2) *by redesignating subparagraph (B) as sub-*
 21 *paragraph (C); and*

22 (3) *by inserting after subparagraph (A) the fol-*
 23 *lowing new subparagraph (B):*

24 “(B) *The designation of gamma butyrolactone or any*
 25 *other chemical as a listed chemical pursuant to paragraph*

1 (34) or (35) does not preclude a finding pursuant to sub-
 2 paragraph (A) of this paragraph that the chemical is a con-
 3 trolled substance analogue.”.

4 (b) *DISTRIBUTION WITH INTENT TO COMMIT CRIME*
 5 *OF VIOLENCE.*—Section 401(b)(7)(A) of the Controlled Sub-
 6 stances Act (21 U.S.C. 841(b)(7)(A)) is amended by insert-
 7 ing “or controlled substance analogue” after “distributing
 8 a controlled substance”.

9 **SEC. 6. DEVELOPMENT OF MODEL PROTOCOLS, TRAINING**
 10 **MATERIALS, FORENSIC FIELD TESTS, AND CO-**
 11 **ORDINATION MECHANISM FOR INVESTIGA-**
 12 **TIONS AND PROSECUTIONS RELATING TO**
 13 **GAMMA HYDROXYBUTYRIC ACID, OTHER CON-**
 14 **TROLLED SUBSTANCES, AND DESIGNER**
 15 **DRUGS.**

16 (a) *IN GENERAL.*—The Attorney General, in consulta-
 17 tion with the Administrator of the Drug Enforcement Ad-
 18 ministration and the Director of the Federal Bureau of In-
 19 vestigation, shall—

20 (1) develop—

21 (A) model protocols for the collection of toxi-
 22 cology specimens and the taking of victim state-
 23 ments in connection with investigations into and
 24 prosecutions related to possible violations of the
 25 Controlled Substances Act or other Federal or

1 *State laws that result in or contribute to rape,*
 2 *other crimes of violence, or other crimes involv-*
 3 *ing abuse of gamma hydroxybutyric acid, other*
 4 *controlled substances, or so-called “designer*
 5 *drugs”;* and

6 *(B) model training materials for law en-*
 7 *forcement personnel involved in such investiga-*
 8 *tions;* and

9 *(2) make such protocols and training materials*
 10 *available to Federal, State, and local personnel re-*
 11 *sponsible for such investigations.*

12 *(b) GRANT.—*

13 *(1) IN GENERAL.—The Attorney General shall*
 14 *make a grant, in such amount and to such public or*
 15 *private person or entity as the Attorney General con-*
 16 *siders appropriate, for the development of forensic*
 17 *field tests to assist law enforcement officials in detect-*
 18 *ing the presence of gamma hydroxybutyric acid and*
 19 *related substances.*

20 *(2) AUTHORIZATION OF APPROPRIATIONS.—*

21 *There are authorized to be appropriated such sums as*
 22 *may be necessary to carry out this subsection.*

23 *(c) REPORT.—Not later than 180 days after the date*
 24 *of the enactment of this Act, the Attorney General shall sub-*
 25 *mit to the Committees on the Judiciary of the Senate and*

1 *House of Representatives a report on current mechanisms*
 2 *for coordinating Federal, State, and local investigations*
 3 *into and prosecutions related to possible violations of the*
 4 *Controlled Substances Act or other Federal or State laws*
 5 *that result in or contribute to rape, other crimes of violence,*
 6 *or other crimes involving the abuse of gamma hydroxy-*
 7 *butyric acid, other controlled substances, or so-called “de-*
 8 *signer drugs”.* The report shall also include recommenda-
 9 *tions for the improvement of such mechanisms.*

10 **SEC. 6. ANNUAL REPORT REGARDING DATE-RAPE DRUGS;**

11 **NATIONAL AWARENESS CAMPAIGN.**

12 **SEC. 7. ANNUAL REPORT REGARDING DATE-RAPE DRUGS;**

13 **NATIONAL AWARENESS CAMPAIGN.**

14 (a) ANNUAL REPORT.—The Secretary of Health and
 15 Human Services (in this section referred to as the “Sec-
 16 retary”) shall periodically submit to Congress reports each
 17 of which provides an estimate of the number of incidents
 18 of the abuse of date-rape drugs (as defined in subsection
 19 (c)) that occurred during the most recent one-year period
 20 for which data are available. The first such report shall
 21 be submitted not later than January 15, 2000, and subse-
 22 quent reports shall be submitted annually thereafter.

23 (b) NATIONAL AWARENESS CAMPAIGN.—

24 (1) DEVELOPMENT OF PLAN; RECOMMENDA-
 25 TIONS OF ADVISORY COMMITTEE.—

1 (A) IN GENERAL.—The Secretary, in con-
2 sultation with the Attorney General, shall de-
3 velop a plan for carrying out a national cam-
4 paign to educate individuals described in sub-
5 paragraph (B) on the following:

6 (i) The dangers of date-rape drugs.

7 (ii) The applicability of the Controlled
8 Substances Act to such drugs, including
9 penalties under such Act.

10 (iii) Recognizing the symptoms that
11 indicate an individual may be a victim of
12 such drugs, including symptoms with re-
13 spect to sexual assault.

14 (iv) Appropriately responding when an
15 individual has such symptoms.

16 (B) INTENDED POPULATION.—The individ-
17 uals referred to in subparagraph (A) are young
18 adults, youths, law enforcement personnel, edu-
19 cators, school nurses, counselors of rape vic-
20 tims, and emergency room personnel in hos-
21 pitals.

22 (C) ADVISORY COMMITTEE.—Not later
23 than 180 days after the date of the enactment
24 of this Act, the Secretary shall establish an ad-
25 visory committee to make recommendations to

1 the Secretary regarding the plan under sub-
2 paragraph (A). The committee shall be com-
3 posed of individuals who collectively possess ex-
4 pertise on the effects of date-rape drugs and on
5 detecting and controlling the drugs.

6 (2) IMPLEMENTATION OF PLAN.—Not later
7 than 180 days after the date on which the advisory
8 committee under paragraph (1) is established, the
9 Secretary, in consultation with the Attorney General,
10 shall commence carrying out the national campaign
11 under such paragraph in accordance with the plan
12 developed under such paragraph. The campaign may
13 be carried out directly by the Secretary and through
14 grants and contracts.

15 (3) EVALUATION BY GENERAL ACCOUNTING OF-
16 FICE.—Not later than two years after the date on
17 which the national campaign under paragraph (1) is
18 commenced, the Comptroller General of the United
19 States shall submit to Congress an evaluation of the
20 effects with respect to date-rape drugs of the na-
21 tional campaign.

22 (c) DEFINITION.—For purposes of this section, the
23 term “date-rape drugs” means gamma hydroxybutyric
24 acid and its salts, isomers, and salts of isomers and such
25 other drugs or substances as the Secretary, after consulta-

tion with the Attorney General, determines to be appropriate.

SEC. 8. SPECIAL UNIT IN DRUG ENFORCEMENT ADMINISTRATION FOR ASSESSMENT OF ABUSE AND TRAFFICKING OF GHB AND OTHER CONTROLLED SUBSTANCES AND DRUGS.

(a) *ESTABLISHMENT*.—Not later than 60 days after the date of the enactment of this Act, the Attorney General shall establish within the Operations Division of the Drug Enforcement Administration a special unit which shall assess the abuse of and trafficking in gamma hydroxybutyric acid, flunitrazepam, ketamine, other controlled substances, and other so-called “designer drugs” whose use has been associated with sexual assault.

(b) *PARTICULAR DUTIES*.—In carrying out the assessment under subsection (a), the special unit shall—

(1) *examine the threat posed by the substances and drugs referred to in that subsection on a national basis and regional basis; and*

(2) *make recommendations to the Attorney General regarding allocations and reallocations of resources in order to address the threat.*

(c) *REPORT ON RECOMMENDATIONS*.—

(1) *REQUIREMENT*.—Not later than 180 days after the date of the enactment of this Act, the Attor-

1 *ney General shall submit to the Committees on the*
 2 *Judiciary of the Senate and House of Representatives*
 3 *a report which shall—*

4 *(A) set forth the recommendations of the*
 5 *special unit under subsection (b)(2): and*

6 *(B) specify the allocations and reallocations*
 7 *of resources that the Attorney General proposes*
 8 *to make in response to the recommendations.*

9 *(2) TREATMENT OF REPORT.—Nothing in para-*
 10 *graph (1) may be construed to prohibit the Attorney*
 11 *General or the Administrator of the Drug Enforce-*
 12 *ment Administration from making any reallocation*
 13 *of existing resources that the Attorney General or the*
 14 *Administrator, as the case may be, considers appro-*
 15 *priate.*

16 **SEC. 9. TECHNICAL AMENDMENT.**

17 *Section 401 of the Controlled Substances Act (21*
 18 *U.S.C. 841) is amended by redesignating subsections (d),*
 19 *(e), (f), and (g) as subsections (c), (d), (e), and (f), respec-*
 20 *tively.*

Amend the title so as to read: “An Act to amend the Controlled Substances Act to direct the emergency scheduling of gamma hydroxybutyric acid, to provide for a national awareness campaign, and for other purposes.”.