Mr. HOYER. Mr. Speaker, I yield back the balance of my time.

Mr. BOEHNER. Mr. Speaker, I want to thank my colleague, the gentleman from Maryland (Mr. HOYER), for his support, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. BOEHNER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 244.

The question was taken.

Mr. BOEHNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of the concurrent resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PERMITTING OFFICIAL PHOTOGRAPHS OF HOUSE WHILE IN SESSION

Mr. BOEHNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 407) permitting official photographs of the House of Representatives to be taken while the House is in actual session.

The Clerk read as follows:

H. RES. 407

Resolved, That at a time designated by the Speaker of the House of Representatives, official photographs of the House may be taken while the House is in actual session. Payment for the costs associated with taking, preparing, and distributing such photographs may be made from the applicable accounts of the House of Representatives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from Maryland (Mr. HOYER) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

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Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution is very straightforward and simply authorizes the use of the Chamber for a photo while we are in session. The Speaker would set the date for such photo and payment as authorized from the applicable accounts of the House.

As Members know, in the last session of Congress there was a photo taken of all of the Members of the House, something that was rather routine in sessions past, but over a period of 3 or 4 sessions it did not occur. Several years ago when this was done the Members were very supportive of the effort, and the Committee on House Administration voted for it. The Members thereof have suggested that the House take another photograph in this session.

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my staff behind me has suggested that Members should not forget to smile. I think it is appropriate that we take a picture of the House of Representatives and its Members on an annual basis, or at least once during every Congress. I think this is not only a substantial memento for those who have the great honor and privilege of serving here, but as well, an historical record of those who are here, and of course I rise in strong support of the resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. BOEHNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Ohio (Mr. BOEHNER) that is House suspend the rules and agree to the resolution, H. Res. 407.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

HILLORY J. FARIAS AND SAMANTHA REID DATE-RAPE DRUG PROHIBITION ACT OF 1999

Mr. UPTON. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 2130) to amend the Controlled Substances Act to add gamma hydroxybutyric acid and ketamine to the schedules of controlled substances, to provide for a national awareness campaign, and for other purposes.

The Clerk read as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Hillory J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 1999''.

SEC. 2. FINDINGS.

Congress finds as follows:

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

(2) A behavioral depressant and a hypnotic, gamma hydroxybutyric acid (''GHB'') is being used in conjunction with alcohol and other drugs with detrimental effects in an increasing number of cases. It is difficult to isolate the impact of such drug's ingestion since it is so typically taken with an ever-changing array of other drugs and especially alcohol which potentiates its impact.

(3) GHB takes the same path as alcohol, processes via alcohol dehydrogenase, and its symptoms at high levels of intake and as impact builds are comparable to alcohol ingestion/intoxication. Thus, aggression and violence can be expected in some individuals who use such drug.

(4) If taken for human consumption, common industrial chemicals such as gamma butyrolactone and 1.4-butanediol are swiftly converted by the body into GHB. Illicit use of these and other GHB analogues and precursor chemicals is a significant and growing law enforcement problem.

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

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

SEC. 3. EMERGENCY SCHEDULING OF GAMMA HYDROXYBUTYRIC ACID AND LISTING OF GAMMA BUTYROLACTONE AS LIST I CHEMICAL.

(a) EMERGENCY SCHEDULING OF GHB.—

(1) IN GENERAL.—The Congress finds that the abuse of illicit gamma hydroxybutyric acid is an imminent hazard to the public safety. Accordingly, the Attorney General, notwithstanding sections 201(a), 201(b), 201(c), and 202 of the Controlled Substances Act, shall issue, not later than 60 days after the date of the enactment of this Act, a final order that schedules such drug (together with its salts, isomers, and salts of isomers) in the same schedule under section 202(c) of the Controlled Substances Act as would apply to a scheduling of a substance by the Attorney General under section 201(h)(1) of such Act (relating to imminent hazards to the public safety), except as follows:

(A) For purposes of any requirements that relate to the physical security of registered manufacturers and registered distributors, the final order shall treat such drug, when the drug is manufactured, distributed, or possessed in accordance with an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (whether the exemption involved is authorized before, on, or after the date of the enactment of this Act), as being in the same schedule as that recommended by the Secretary of Health and Human Services for the drug when the drug is the subject of an authorized investigational new drug application (relating to such section 505(i)). The recommendation referred to in the preceding sentence is contained in the first paragraph of the letter transmitted on May 19, 1999, by such Secretary (acting through the Assistant Secretary for Health) to the Attorney General (acting through the Deputy Administrator of the Drug Enforcement Administration), which letter was in response to the letter transmitted by the Attorney General (acting through such Deputy Administrator) on September 16, 1997. In publishing the final order in the Federal Register, the Attorney General shall publish a copy of the letter that was transmitted by the Secretary of Health and Human Services.

(B) In the case of gamma hydroxybutyric acid that is contained in a drug product for which an application is approved under section 505 of the Federal Food, Drug, and Cosmetic Act (whether the application involved is approved before, on, or after the date of the enactment of this Act), the final order shall schedule such drug in the same schedule as that recommended by the Secretary of Health and Human Services

for authorized formulations of the drug. The recommendation referred to in the preceding sentence is contained in the last sentence of the fourth paragraph of the letter referred to in subparagraph (A) with respect to May 19, 1999.

(2) FAILURE TO ISSUE ORDER.—If the final order is not issued within the period specified in paragraph (1), gamma hydroxybutyric acid (together with its salts, isomers, and salts of isomers) is deemed to be scheduled under section 202(c) of the Controlled Substances Act in accordance with the policies described in paragraph (1), as if the Attorney General had issued a final order in accordance with such paragraph.

(b) ADDITIONAL PENALTIES RELATING TO GHB.—

(1) CONTROLLED SUBSTANCES ACT.—

(A) IN GENERAL.—Section 401(b)(1)(C) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(C)) is amended in the first sentence by inserting after ''schedule I or II,'' the following: ''gamma hydroxybutyric acid (including when scheduled as an approved drug product for purposes of section 3(a)(1)(B) of the Hillory J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 1999),''.

(B) CONFORMING AMENDMENT.—Section 401(b)(1)(D) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(D)) is amended by striking '', or 30'' and inserting ''(other than gamma hydroxybutyric acid), or 30''.

(2) CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.—

(A) IN GENERAL.—Section 1010(b)(3) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(3)) is amended in the first sentence by inserting after ''I or II,'' the following: ''gamma hydroxybutyric acid (including when scheduled as an approved drug product for purposes of section 3(a)(1)(B) of the Hillory J. Farias and Samantha Reid 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:

''(h) In the case of a drug product containing gamma hydroxybutyric acid for which an application has been approved under section 505 of the Federal Food, Drug, and Cosmetic Act, the Attorney General may, in addition to any other requirements that apply under this section with respect to such a drug product, establish any of the following as reporting requirements:

''(1) That every person who is registered as a manufacturer of bulk or dosage form, as a packager, repackager, labeler, relabeler, or distributor shall report acquisition and distribution transactions quarterly, not later than the 15th day of the month succeeding the quarter for which the report is submitted, and annually report end-of-year inventories.

''(2) That all annual inventory reports shall be filed no later than January 15 of the year following that for which the report is submitted and include data on the stocks of the drug product, drug substance, bulk drug, and dosage forms on hand as of the close of business December 31, indicating whether materials reported are in storage or in process of manufacturing.

''(3) That every person who is registered as a manufacturer of bulk or dosage form shall report all manufacturing transactions both inventory increases, including purchases, transfers, and returns, and reductions from inventory, including sales, transfers, theft, destruction, and seizure, and shall provide data on material manufactured, manufactured from other material, use in manufacturing other material, and use in manufacturing dosage forms.

''(4) That all reports under this section must include the registered person's registration number as well as the registration numbers, names, and other identifying information of vendors, suppliers, and customers, sufficient to allow the Attorney General to track the receipt and distribution of the drug.

''(5) That each dispensing practitioner shall maintain for each prescription the name of the prescribing practitioner, the prescribing practitioner's Federal and State registration numbers, with the expiration dates of these registrations, verification that the prescribing practitioner possesses the appropriate registration to prescribe this controlled substance, the patient's name and address, the name of the patient's insurance provider and documentation by a medical practitioner licensed and registered to prescribe the drug of the patient's medical need for the drug. Such information shall be available for inspection and copying by the Attorney General.

''(6) That section 310(b)(3) (relating to mail order reporting) applies with respect to gamma hydroxybutyric acid to the same extent and in the same manner as such section applies with respect to the chemicals and drug products specified in subparagraph (A)(i) of such section.''.

SEC. 5. CONTROLLED SUBSTANCES ANALOGUES.

(a) RULE OF CONSTRUCTION REGARDING CONTROLLED SUBSTANCE ANALOGUES.—Section 102(32) of the Controlled Substances Act (21 U.S.C. 802(32)) is amended—

(1) in subparagraph (A), by striking ''subparagraph (B)'' and inserting ''subparagraph (C)'';

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) The designation of gamma butyrolactone or any other chemical as a listed chemical pursuant to paragraph (34) or (35) does not preclude a finding pursuant to subparagraph (A) of this paragraph that the chemical is a controlled substance analogue.''.

(b) DISTRIBUTION WITH INTENT TO COMMIT CRIME OF VIOLENCE.—Section 401(b)(7)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(7)(A)) is amended by inserting ''or controlled substance analogue'' after ''distributing a controlled substance''.

SEC. 6. DEVELOPMENT OF MODEL PROTOCOLS, TRAINING MATERIALS, FORENSIC FIELD TESTS, AND COORDINATION MECHANISM FOR INVESTIGATIONS AND PROSECUTIONS RELATING TO GAMMA HYDROXYBUTYRIC ACID, OTHER CONTROLLED SUBSTANCES, AND DESIGNER DRUGS.

(a) IN GENERAL.—The Attorney General, in consultation with the Administrator of the Drug Enforcement Administration and the Director of the Federal Bureau of Investigation, shall—

(1) develop—

(A) model protocols for the collection of toxicology specimens and the taking of victim statements in connection with investigations into and prosecutions related to possible violations of the Controlled Substances Act or other Federal or State laws that result in or contribute to rape, other crimes of violence, or other crimes involving abuse of gamma hydroxybutyric acid, other controlled substances, or so-called ''designer drugs''; and

(B) model training materials for law enforcement personnel involved in such investigations; and

(2) make such protocols and training materials available to Federal, State, and local personnel responsible for such investigations.

(b) GRANT.—

(1) IN GENERAL.—The Attorney General shall make a grant, in such amount and to such public or private person or entity as the Attorney General considers appropriate, for the development of forensic field tests to assist law enforcement officials in detecting the presence of gamma hydroxybutyric acid and related substances.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the Senate and House of Representatives a report on current mechanisms for coordinating Federal, State, and local investigations into and prosecutions related to possible violations of the Controlled Substances Act or other Federal or State laws that result in or contribute to rape, other crimes of violence, or other crimes involving the abuse of gamma hydroxybutyric acid, other controlled substances, or so-called ''designer drugs''. The report shall also include recommendations for the improvement of such mechanisms.

SEC. 7. ANNUAL REPORT REGARDING DATE-RAPE DRUGS; NATIONAL AWARENESS CAMPAIGN.

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

(b) NATIONAL AWARENESS CAMPAIGN.—

(1) DEVELOPMENT OF PLAN; RECOMMENDATIONS OF ADVISORY COMMITTEE.—

(A) IN GENERAL.—The Secretary, in consultation with the Attorney General, shall develop a plan for carrying out a national campaign to educate individuals described in subparagraph (B) on the following:

(i) The dangers of date-rape drugs.

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

(iii) Recognizing the symptoms that indicate an individual may be a victim of such drugs, including symptoms with respect to sexual assault.

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

(B) INTENDED POPULATION.—The individuals referred to in subparagraph (A) are young adults, youths, law enforcement personnel, educators, school nurses, counselors of rape victims, and emergency room personnel in hospitals.

(C) ADVISORY COMMITTEE.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish an advisory committee to make recommendations to the Secretary regarding the plan under subparagraph (A). The committee shall be composed of individuals who collectively possess expertise on the effects of date-rape drugs and on detecting and controlling the drugs.

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

(3) EVALUATION BY GENERAL ACCOUNTING OFFICE.—Not later than two years after the date

on which the national campaign under paragraph (1) is commenced, the Comptroller General of the United States shall submit to Congress an evaluation of the effects with respect to date-rape drugs of the national campaign.

(c) DEFINITION.—For purposes of this section, the term ''date-rape drugs'' means gamma hydroxybutyric acid and its salts, isomers, and salts of isomers and such other drugs or substances as the Secretary, after consultation 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 Attorney General shall submit to the Committees on the Judiciary of the Senate and House of Representatives a report which shall—

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

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

(2) TREATMENT OF REPORT.—Nothing in paragraph (1) may be construed to prohibit the Attorney General or the Administrator of the Drug Enforcement Administration from making any reallocation of existing resources that the Attorney General or the Administrator, as the case may be, considers appropriate.

SEC. 9. TECHNICAL AMENDMENT.

Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended by redesignating subsections (d), (e), (f), and (g) as subsections (c), (d), (e), and (f), respectively.

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.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to ask my colleagues to join me in supporting the passage of H.R. 2130, the Hillory J. Farias and Samantha Reid Date-Rape Drug Prohibition Act.

As you may recall, the House initially approved this legislation last October on a vote of 423 to 1. This evening we will vote on this legislation as amended by the Senate, and if the legislation is approved, it will go straight to the President to be signed into law.

The legislation we are considering today will amend the Controlled Substances Act to put GHB, a dangerous and sometimes fatal drug used to facilitate sexual assaults, in schedule 1 of the Controlled Substances Act, the most tightly regulated category of drugs with the strongest penalties for misuse.

It will also clamp tight controls on GBL, a precursor to GHB that is itself being used to facilitate sexual assaults.

This legislation is desperately needed. The abuse, trafficking, and diversion of GHB is rapidly increasing. The Drug Enforcement Administration has documented nearly 6,000 encounters of GHB. Deaths from the drug are escalating rapidly, from one in 1990 to 17 last year, for a total of 58 deaths. Emergency room episodes resulting from the use of the drug are also escalating rapidly, from 20 in 1992 to 762 in 1997, the last year for which data is available, for a total of more than 1,600 episodes.

Sadly, these numbers are reflecting only the tip of an iceberg. GHB is difficult to detect, almost impossible, in the body, within a few hours of its being ingested. Many law enforcement officers and emergency room personnel are not trained to look for it.

As an example, I heard from one source in Kansas City that they suspected thousands of date rape and drug abuse cases in the greater Kansas City region since 1993. The legislation before us was sparked by the death of two young, wonderful women, one in Texas and one in Michigan, whose drinks were spiked with GHB. Since then, five more women have died in Texas and another two in Michigan. We must act now before this tragic toll rises any further.

The FDA has issued consumer warnings about products containing GBL, which converts to GHB, when ingested in dietary supplements, and has asked companies marketing products containing GBL to recall them.

In August of last year the FDA sent a message to help professionals across the country, asking them to report adverse events associated with the consumption of these products. Since then, the agency has received 122 reports of serious adverse reactions, such as dangerously low respiration rates which may require intubation, unconsciousness, coma, seizures, irregular heartbeat, and yes, death.

Just this last month, as you may have read, Phoenix Suns player Tom Gugliotta suffered a seizure that caused him to stop breathing after taking an over-the-counter herbal supplement containing GBL. Similarly, a 16-year-old Peoria, Illinois high school student collapsed during a school gym class after taking a product containing GBL. He lost consciousness, stopped breathing, and had to be resuscitated by paramedics.

The Senate amended H.R. 2130 to further develop and strengthen the Department of Justice's focus on GHB and to provide for the development of forensic field tests for the detection of this substance. In all other respects, the Senate amendments have had the same effect as the legislation that we passed here in the House in October.

I wish to express my appreciation for the help of so many of my colleagues, the gentleman from Michigan (Mr. STUPAK), the gentlewoman from Texas (Ms. JACKSON LEE), the gentleman from Florida (Mr. BILIRAKIS), and the gentleman from Virginia (Chairman BLILEY), the help that they have given in getting us to this point, and for the leadership of the Senate, particularly Senator ABRAHAM and Senator HATCH, in steering this legislation for Senate approval. This has been a bipartisan effort from day number one.

With all my heart, as the father of a daughter and son, I ask that the House approve this legislation tonight and send it to the President. Let us do this for all of our sons and daughters, who are at grave risk so long as these substances are so readily available.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a Member of the Committee on the Judiciary, the Subcommittee on Crime, I am delighted to join my colleague, the gentleman from Michigan (Mr. UPTON), a member of the Committee on Commerce, and thank him for his leadership.

In fact, his leadership was so strong that he was making sure that as I came in and landed at Reagan National, that I would hurry on, and I got here timely. I thank him very much for that.

This has been a very long journey, and the one thing that we can applaud, Mr. Speaker, is that we have worked together, the Committee on Commerce, the Committee on the Judiciary, and we have answered the call of so many victims, now I am told almost between 40 to 50 who have died.

There was an anecdotal story of a Texas young woman who begged for help, explaining that her whole body hurt so much that the only way to stop it is to take more GHB but she wanted desperately to quit. She had actually died two times on GHB and was brought back by paramedics. She was raped while on GHB. She had not reported it because she felt it was her fault for getting high.

I am gratified that Members of the Committee on Commerce, the gentlemen from Michigan, Mr. UPTON and Mr.

STUPAK, and the gentleman from Virginia (Mr. BLILEY) and I introduced this bipartisan bill, the Hillory J. Farias Samantha Reid Date Rape Prevention Act of 1999.

Mr. Speaker, I am also grateful to the ranking member, the gentleman from Michigan (Mr. DINGELL), the gentleman from Ohio (Mr. BROWN), the gentleman from Florida (Mr. BILIRAKIS); members of my committee, the gentleman from Florida (Mr. MCCOLLUM), the gentleman from Virginia (Mr. SCOTT), the gentleman from Illinois (Mr. HYDE), and the gentleman from Michigan (Mr. CONYERS). This was a bipartisan effort.

I am looking forward for this bill to be supported by my colleagues, and, as well, to go quickly to the desk of the President of the United States.

This is a victory for those of us who are concerned about date rape drugs. This drug, GHB, has been used in innumerable rapes around the country and has been implicated, as I have said, in at least 40 to 50 deaths. In addition to date rape, this drug is very popular on the party scene in many cities, and it is widely abused.

I was prompted to act to control the illicit use of GHB 3 years ago because of the death of Hillory J. Farias of LaPorte, Texas, on August 5, 1996. Our community was dumbfounded, baffled. I introduced a GHB bill in 1997, and have continued to advocate for its passage to prevent more women from being victimized by date rape drugs.

Hillory Farias was a 17-year-old high school senior, a model student and varsity volleyball player who died as a result of GHB being slipped into her soft drink. She was not a drug user.

Hillory and two other girlfriends went out to a club where they consumed only soft drinks. At some point during the evening GHB was slipped into Hillory's drink. Soon afterwards she complained of feeling sick with a severe headache. She went home to bed, but the next morning Hillory was found by her grandmother unconscious and unresponsive. She was rushed to the hospital where she later died, never resuming consciousness.

Unfortunately, Hillory's death was not the only tragedy of this drug. My office has been contacted by the families of several victims of the drug since March of last year. In January, 1999, 15-year old Samantha, a young lady from Michigan, died as a result of this drug being put in her soda while out with friends. Another 14-year-old girl was also poisoned with GHB and went into a coma. Four young men will go on trial for Samantha's murder this year. On January 2, Samantha would have been 16 years old.

Her death prompted other Members from the Michigan delegation to become interested in this issue, and thus this legislation is named for both of these young women whose lives were cut short by this drug. There is also another incident in Michigan where 14 teenagers at a party ingested GHB and lapsed into comas during the Fourth of July holiday last year.

In addition to the tragic stories of Hillory and Samantha, my office was contacted by the office of the gentleman from New York (Mr. LAFALCE) with the story of Kerri Breton from Syracuse, New York, who also died from this drug being slipped into her drink. Ms. Breton was away on a business trip and was having a drink in a hotel bar with a colleague. She was found next day dead on the bathroom floor of her hotel room. Her stepfather shared this painful story in the hope it would alert others to the dangers of this drug.

Mr. Speaker, this drug is not a respecter of any age. You do not have to be very smart, you do not have to be unsmart, if you will; you do not have to be educated or uneducated; you do not have to be rich or poor. This is a drug that respects no one and causes the loss of life of wonderful human beings.

A young man from the Chicago area overdosed and almost died last September. He was using the drug because he wanted to be a bodybuilder. Just recently I received more information about young people who are addicted to this drug. In Texas there is a young woman who was addicted to GHB and clinically died twice.

In addition, these tragedies underscore the importance of this legislation. All of these incidents among young people are stronger evidence that this drug has a high potential for abuse and must be placed on the schedule for the Controlled Substances Act.

A few months ago during the summer there was a rave party in California up in the mountains. Those who attended were alleged to have taken GHB, as has been noted by these rave parties that have gone on. A car loaded with young people went over the side of the mountain. Of course, they lost their lives leaving the rave party.

Without this bill, illicit use of GHB would increase dramatically. There are undoubtedly other deaths that may not have been classified as GHB-related because the drug is not part of the standard toxicology screen. That is why we are very grateful for this bill, that includes part of the responsibilities of FDA and the Justice Department, so that we will have those kinds of tools for law enforcement to utilize.

In addition, GHB has been used to render victims helpless to defend against an attack, and it even erases any memory of the attack. That is why it has been so difficult to prove rape.

As a drug of abuse, GHB is ingested orally after being mixed in a liquid. The onset of action is rapid and unconsciousness can occur in as little as 15 minutes. Profound coma can occur within 30 to 40 minutes after ingestion. GHB has also been used by drug abusers for its alleged hallucinogenic effects, and by bodybuilders.

I believe by classifying this drug now, we send a strong message to those who would use this drug and its analogs to commit crimes against women and others. In addition to being used for date rape, this drug is being used at alarming rates among young people.

However, my position does not mean I am insensitive to the concerns of patients who might be helped by this drug. This drug has shown some benefits to patients with a specific form of narcolepsy in clinical trials, those who suffer from sleeping sickness, and for those uses during trials to try to cure that disease.

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There is a possibility that GHB can be used for the treatment of such diseases. We want that to occur, because it is a rare disorder. We believe that this bill matches the medicinal needs along with the needs to protect our citizens from the devastation of illegal use of GHB, known to be made in bathtubs in large amounts.

The distribution of this drug would be strictly controlled to ensure that only patients in need of this drug would have access. This bill also provides for a grant by the Department of Justice to research a forensic test to assist law enforcement in detecting GHB on the street, one of our major problems in making the cases. This would improve the ability to prosecute date rape and other crimes involving this substance.

Mr. Speaker, this bill reaches a compromise; and I am glad. And as I stated earlier, we have been working a long time to pass this bill and to schedule this drug, because I do not want to see any more lives cut short by GHB.

I thank all the people who were involved in this. One of my sources for information was Trinka Porrata, a retired member of the Los Angeles Police Department. She has been a steady voice explaining to all of us that GHB is dangerous and can be devastating and causes the loss of lives. I thank Trinka for working with my staff for the past 3 years and coming to Washington, D.C. to testify twice in this journey that we have made.

Mr. Speaker, I would also like to thank the Farias family, her uncles and grandparents, for sharing their story to help us inform others about this drug. They did not need to come forward, but they did. I thank them for their courage.

I thank as well, Harris County Medical Examiner, Dr. Joy Carter, who was the one who discovered what was the cause of, of course, Hillary's death. And I would like to thank Samantha Reid's mother for support of our efforts.

Of course, I want to take note of the Senate's leadership as well; the families of other victims who have shared this devastation; and my colleagues, the gentleman from Michigan (Mr. UPTON), the gentleman from Michigan (Mr. STUPAK), the gentleman from Michigan (Mr. DINGELL), and Senator

ABRAHAM and the other members of the Michigan delegation, and the gentlewoman from Michigan (Ms. STABENOW) for showing interest in this issue as well.

I would like to take time to thank the staff members of the Committee on Commerce for their hard work, especially John Ford with the minority staff and John Manthei with the majority staff. I would also like to thank Members of the Committee on the Judiciary for their work on this issue last year and this year, as I mentioned the gentleman from Virginia (Mr. SCOTT), the gentleman from Michigan (Mr. CONYERS), the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Illinois (Chairman HYDE). In 1998, we had a hearing on this issue in the Subcommittee on Crime and it shed a lot of light on date rape and the illicit use of GHB.

Often, they say that our two committees find it difficult to find compromise. I am very pleased to stand here today and acknowledge that they have. I also thank the staff members who worked on this as well in my office, Deena Maerowitz, Ayanna Hawkins, and Leon Buck. Finally, I thank all of those who are victims but yet still living. And let me promise the young people and others of the future that with the passage of this GHB legislation, we look to save more lives and I ask the President to sign this bill as quickly as possible.

I am pleased to stand here today in strong support of the Hillory J. Farias and Samantha Reid Date Rape Prevention Act of 1999. Last summer, I joined my Colleagues on the Commerce Committee, Representatives UPTON, STUPAK, and BLILEY, to introduce this bipartisan bill. I have waited a long time for this day, and I look forward to the next step for this legislation, which is getting President Clinton to sign this into law.

This day has been a long time coming, but it is a victory for those of us who are concerned about date rape drugs. This drug, GHB (Gamma Hydroxy-butyrate) has been used in innumerable rapes around the country and has been implicated in at least 40 deaths. In addition to date rape, this drug is very popular on the party scene in many cities and it is widely abused.

I was prompted to act to control the illicit use of GHB three years ago because of the death of Hillory J. Farias, of Laporte, Texas on August 5, 1996. I introduced a GHB bill in 1997 and I have continued to advocate for its passage to prevent more women from being victimized by date rape drugs.

Hillory Farias was a 17-year-old high school senior, model student and varsity volleyball player who died as a result of GHB slipped into her soft drink.

Hillory and two of her girlfriends went out to a club where they consumed only soft drinks. At some point during the evening, GHB was slipped into Hillory's drink and soon afterwards, Hillory complained of feeling sick with a severe headache.

She went home to bed, but the next morning, Hillory was found by her grandmother unconscious and unresponsive. Hillory was rushed to the hospital where she later died.

Unfortunately, Hillory's death was not the only tragedy of this drug. My office has been contacted by the families of several victims of this drug since March of last year.

In January 1999, 15 year old Samantha Reid, a young lady from Michigan, died as a result of this drug being put in her soda while out with friends. Another 14 year old girl who was also poisoned with GHB went into a coma.

Four young men will go on trial for Samantha's murder this year. On January 2, Samantha would have been 16 years old.

Samantha's death prompted other Members from the Michigan delegation to become interested in this issue and thus, this legislation is named for both of these young women whose lives were cut short by this drug. There was also another incident in Michigan where four teenagers at a party ingested GHB and lapsed into comas during the Fourth of July holiday last year.

In addition to the tragic stories of Hillory and Samantha, my office was contacted by Representative LAFALCE's office with the story of Kerri Breton, from Syracuse, New York who also died from this drug being slipped into her drink.

Ms. Breton was away on a business trip and was having a drink in the hotel bar with a colleague. She was found the next day dead on the bathroom floor of her hotel room. Her stepfather shared this painful story in hope that it would alert others to the dangers of this drug.

A young man from the Chicago area overdosed and almost died last September. He was a bodybuilder who had abused drugs for years. The doctors and law enforcement officials in the Chicago area did not know anything about GHB. If his sister had not been around when he lost consciousness, he would have surely died. She called my office to share the painful account of how her family almost had to prepare for her brother's death.

Just recently, I received more information about young people who are addicted to this drug. In Texas, there was a young woman who was addicted to GHB and clinically died twice.

She was also raped while on GHB, but she did not report it to the police because she felt that it was her fault for getting high. She is now in the process of rebuilding her life through a drug detox program.

These tragedies underscore the importance of this legislation. All of these incidents among young people are strong evidence that this drug has a high potential for abuse and must be placed on the schedule for the Controlled Substances Act.

Without this bill, illicit use of GHB would increase dramatically. There are undoubtedly other deaths that may not have been classified as GHB-related because the drug is not a part of a standard toxicology screen. So far, there have been close to 50 confirmed deaths.

GHB has been used to render victims helpless to defend against attack and it even erases any memory of the attack. The recipe for this drug and its analogs can be accessed on the Internet. Currently, GHB is not legally produced in the United States. It is being smuggled across our borders or it is being illegally created here by ''bathtub'' chemists.

As a drug of abuse, GHB is generally ingested orally after being mixed in a liquid. The onset of action is rapid, and unconsciousness can occur in as little as 15 minutes. Profound coma can occur within 30 to 40 minutes after ingestion.

GHB has also been used by drug abusers for its alleged hallucinogenic effects and by bodybuilders who abuse GHB for an anabolic agent or as a sleep aid.

I believe that by classifying this drug now, we send a strong message to those who would use this drug and its analogs to commit crimes against women. In addition to being used for date rape, this drug is being abused at alarming rates among young people.

However, my position on the illicit use of GHB does not mean that I am insensitive to the concerns of patients that might be helped with this drug. This drug has shown some benefits to patients with a specific form of narcolepsy in clinical trials.

There is a possibility that GHB can be developed for the treatment of cataplexy, a rare form of narcolepsy. Cataplexy is a rare disorder that causes sudden and total loss of muscle control. People with cataplexy are unable to work, drive or lead a normal life. Like my colleagues, I understand the situation that affects these patients and I am sensitive to their need for treatment of that disorder.

This bill reflects a compromise that takes into account the needs of the patient group and the needs of law enforcement. This bill enables law enforcement to prosecute anyone who abuses GHB to the full extent of the law by placing the drug on Schedule I of the Controlled Substances Act.

Scheduling GHB on the Federal Controlled Substances Act allows prosecutors to punish anyone who uses a scheduled drug in any sexual assault crime to suffer penalties under the Drug Induced Rape Prevention and Punishment Act. This bill would increase the sentence for someone using GHB to commit a sex crime to 20 years imprisonment.

However, this bill protects people with cataplexy by providing an exemption for those enrolled in clinical trials now, and later it reschedules the drug once it has been approved by the FDA.

The distribution of the drug would be strictly controlled to ensure that only patients in need of this drug would have access to it. Any illicit use of GHB would result in the enhanced sentence penalties.

This bill also provides for a grant by the Department of Justice to research a forensic test to assist law enforcement in detecting GHB on the street. This would improve the ability to prosecute date rape and other crimes involving this substance. This provision provides law enforcement with a crucial tool in fighting this drug on the street.

This bill reaches a compromise that will benefit the patients who desperately need this drug for treatment and law enforcement agencies that need the tools to fight the use of this drug among young people.

As I stated earlier, I have been working to pass legislation to schedule this drug for a long time now because I do not want to see any more young lives cut short by GHB. There are many people who have been resources to my staff these years and I would like to thank them publicly for their work.

I would like to thank all of the people who have been involved with this process from the beginning and who provided me with information about this drug. One of my sources for information was Trinka Porrata, a retired member of the Los Angeles police department. She has been a strong advocate for this legislation.

Trinka has worked with my staff for the past three years on this legislation. She has come to Washington to testify twice and she has been a valuable resource of information on how this drug has become popular on the street.

I would like to thank the Farias family for sharing their story to help us inform others about this drug. Their tragedy and loss cannot be overlooked and I appreciate their patience with us. We have worked closely with Hillory's family and the Harris County medical examiner, Dr. Joy Carter, since I first introduced this bill.

I would also like to thank Samantha Reid's mother for her support of our efforts as well. Last year when this bill came to the floor, she vowed to call everyone she could to see it pass, and I thank her for her willingness to turn her tragedy into action to help save other lives.

I would also like to thank the families of the other victims who have shared their stories with us as well. With the passage of this bill today, I hope that there will be some comfort brought to those families that their loved ones did not die or suffer in vain.

I thank my colleagues from Michigan—Representatives UPTON, STUPAK, and DINGELL—as well as Senator ABRAHAM who were instrumental in moving this legislation in memory of these young women. I would also like to thank my other colleagues on the Commerce Committee for helping to move this legislation through that Committee—Representatives BLILEY and BILIRAKIS.

I would also like to thank the staff members at the Commerce Committee for their hard work, especially John Ford with the Minority staff and John Manthei with the Majority staff.

I would also like to thank the Members of the Judiciary Committee for their work on this issue last year and this year—especially Representatives SCOTT, CONYERS, MCCOLLUM, and Chairman HYDE. In 1998 we had a hearing on this issue in the Crime Subcommittee and it shed a lot of light on the issue of date rape and illicit drug abuse of GHB.

Finally, I would like to thank my staff for their hard work on this issue. Again, I thank my colleagues for their support of this legislation.

Mr. Speaker, I was expecting another speaker, but I believe the travel difficulties have delayed this person's arrival, so I yield back the balance of my time.

Mr. UPTON. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would like to say with the passage of this bill tonight, we will certainly end a nightmare that no family ever wants to experience, whether it be in Texas, Michigan, California, or any of the other 50 States.

I want to particularly commend the hard work and diligence of all Members on this legislation. It was about a year ago that our subcommittee first became involved in this, moving from the good work that had been done in the Committee on the Judiciary from a previous Congress. We quickly discovered that, in fact, the laws were too loose, the loopholes ought to be closed. Sadly, we still saw deaths even when that information became public.

Mr. Speaker, these drugs are available on the Internet. It has to stop. This bill does that. I look forward to working with all Members tonight to make sure that this is passed and, obviously, with the administration as they have indicated that they are going to support this legislation as well.

Mr. BILIRAKIS. Mr. Speaker, I rise in strong support of H.R. 1230, ''The Hillory J. Farias Date Rape Prevention Drug Act of 1999.'' This important, bipartisan legislation was unanimously approved by my Health and Environment Subcommittee in July of last year, and the House passed the bill in October. Today, the House will consider the Senate-passed version of this legislation, and I urge my colleagues to support this measure.

H.R. 2130 was introduced by Representative FRED UPTON, joined by Representatives TOM BLILEY, BART STUPAK and SHEILA JACKSON-LEE. The bill amends the Controlled Substances Act to make GHB a Schedule I drug, the DEA's most intensively regulated category of drugs. GHB is a central nervous system depressant that has been abused to assist in the commission of sexual assaults.

As a further protection, H.R. 2130 lists GBL, the primary precursor used in the production of GHB, as a List I chemical. These compounds—GHB and GBL—are more commonly known as ''date-rape'' drugs.

The bill before us includes language designed to protect very important and promising research on an orphan drug that contains GHB and is used in the treatment of narcolepsy patients. These provisions were adopted as an amendment when the bill was considered by my Health and Environment Subcommittee.

I urge my colleagues to join me in supporting passage of H.R. 2130.

Mr. STUPAK. Mr. Speaker, I rise in strong support of passage of H.R. 2130, the Hillory J. Farias Date Rape Prevention Act. In October, this House overwhelmingly passed this legislation and I urge my colleagues to do so again today.

As many of my colleagues know, I have long been concerned with the problem of drug abuse and date rape. In addition to other efforts, I am an original co-sponsor of H.R. 2130, the legislation we are considering here today. H.R. 2130, as amended, is the product of a compromise worked out by numerous parties in the Commerce Committee, Judiciary Committee and the Senate to address the concerns and needs of both law enforcement and patients.

I am sure that all the members of this body have heard or read about the terrible incidents surrounding GHB. GHB has been widely used by nefarious individuals to help commit date rapes. It has been widely abused by teenagers seeking an easily available illicit substance. GHB is one of the first drugs in which the recipe for manufacture at home was widely available over the Internet. People were literally cooking up the drug in their house by obtaining the ingredients and instructions over the Internet. H.R. 2130 addressed this issue by requiring tracking and reporting of possible misuse of GBL and other precursor chemicals. By requiring the Drug Enforcement Agency to schedule GHB, we will be giving the DEA strong controls over the drug and allowing them to combat the rampant abuse of this drug which we are currently seeing.

Finally, the bill requires the Department of Justice to develop a forensic test to aid law enforcement officials in determining when GHB or a GHB-related compound is involved in a criminal activity. This will be helpful to law enforcement officials who currently have no way of determining GHB's involvement in a crime or situation without laboratory testing.

However, this bill recognizes that well-designed legislative efforts should not throw the baby out with the bathwater, so to speak. By this, I mean that the abusive use of GHB we have been focusing on should not prevent possible legitimate or beneficial uses of the drug.

For example, GHB has shown considerable promise for the treatment of narcolepsy. Specifically, this drug could benefit the approximately 30,000 people who suffer with a form of cataplexy, or the sudden loss of muscle control. Good public policy recognizes these patients and the important research which is being done attempting to address their serious medical concerns.

The bill we are considering today, as passed by the Senate, is different from the legislation we passed in October in a significant respect. Since the Senate-passed version does not specifically schedule GHB on the list of controlled substances, but rather instructs the DEA about how the scheduling should occur. I want to make clear that Congress clearly intends that once GHB is approved by the FDA, the DEA should place the drug into Schedule III. We intend that this drug product be treated in every respect as a Schedule III controlled substance. Only in this way can we ensure that patients who need this drug will have access to it.

Mr. Speaker, a lot of work has gone into reaching this bipartisan legislation. I want to thank the gentlewoman from Texas, Ms. JACKSON-LEE, for working with me so diligently on this issue. I want to thank the Chairman of the Commerce Committee Mr. BLILEY, as well as Mr. UPTON and Mr. BILIRAKIS who were crucial in moving this bill through the Commerce Committee. Finally I would like to thank Mr. DINGELL, as well as Mr. BROWN and Mr. KLINK for working with us on our side to move this bill. I urge the House to pass this bill so we can prevent more deaths from the misuse of this dangerous substance.

Mr. BLILEY. Mr. Speaker, I rise in support of H.R. 2130, as amended by the Senate, ''the Hillory J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 1999.'' As you know, along with Mr. UPTON, Mr. STUPAK, and Ms. JACKSON-LEE, I am one of the original sponsors of this important legislation to address the growing national problem of the abuse of date rape drugs to facilitate sexual assaults on unsuspecting victims. By passing this legislation today and sending it to the President to be signed into law, we will give the DEA and law enforcement organizations the tools they need to take a significant step forward in getting date rape drugs off of the streets and out of the hands of criminals to protect our Nation's youth.

Although H.R. 2130, as amended by the Senate, uses different language, the intent with respect to the scheduling of GHB under the Controlled Substances Act (CSA) and listing GBL as a List I chemical remains exactly the same as the bill that passed the full House last year. H.R. 2130, as amended, would

place GHB into schedule I of the CSA. Schedule I gives the Drug Enforcement Administration its strongest control over the drug, and allows prosecutors to impose the harshest penalties for those who abuse GHB. Additionally, as in the bill passed in October, registered manufacturers and registered distributors possessing the drug pursuant to an FDA approved Investigation New Drug exemption (IND) would be subject to schedule III security requirements under the CSA and implementing regulations. This will protect patients with cataplexy—a severe and debilitating form of narcolepsy—by allowing years of promising research to continue.

Also, under H.R. 2130, as amended, if a drug product that contains GHB receives FDA approval, the approved GHB drug product will be placed in Schedule III of the CSA. However, given the dangers involving this drug, H.R. 2130 adds additional reporting and accountability requirements to conform with the requirements for schedule I substances, schedule II drugs, and schedule III narcotics, and, significantly would maintain the strict schedule I criminal penalties for the unlawful abuse of the approved drug product. Simply put, these additional requirements and penalties in my opinion are needed to provide greater protection to our nation's youth, and to give our law enforcement agencies the ability to penalize those who abuse this product to the fullest extent under the law.

These drugs are powerful sedatives, which in certain dosages can induce unconsciousness or even death. In addition to the risk that is posed by the misuse of these drugs by sexual predators, misuse of these drugs for recreational abuse is also a growing danger. The numbers of emergency room admissions for overdoses, drunk driving accidents, and other injuries which are related to these drugs are all increasing with no end in sight. Certainly, it seems like almost every week that we read a new report involving the abuse of GHB and GBL. As many of you know, H.R. 2130, as amended, is named after a young Texas woman, Hillory Farias, and a young woman from Michigan, Samatha Reid, who died after unknowingly ingesting GHB. We must do all that we can to ensure that similar tragic events do not occur again. By passing H.R. 2130 today, we will take a significant step forward in that direction. Once again, I would like to thank Mr. Upton for his leadership and tireless efforts on this issue, and I look forward to seeing H.R. 2130 signed into law.

Mr. HAYWORTH. Mr. Speaker, I commend and thank my colleague, Congressman FRED UPTON, for introducing H.R. 2130, the Hillory J. Farias and Samantha Reid Date-Rape Drug Prohibition Act.

On December 17, 1999, Tom Gugliotta, who plays for the Phoenix Suns, suffered a seizure and was nearly killed after taking a form of furanone di-hydron, a generic chemical name for gamma butyrolactone (GBL). In the United States, products containing GBL have been marketed as dietary supplements and the sale of GBL is not regulated in most states.

GBL is the primary precursor used in the production of gamma-hydroxybutric acid (GHB). GHB has predominantly been abused by America's youth to produce euphoric and hallucinatory states, and for its alleged role as a growth hormone releasing agent to stimulate muscle. Additionally, GHB has been used to assist in the commission of sexual assaults.

The Drug Enforcement Administration (DEA) has documented over 5,700 overdoses and law enforcement encounters with GHB and 58 GHB-related deaths. GBL, once absorbed orally, is rapidly converted into GHB in the body and produces the same profile of physiological and behavioral effects as GHB. In 1999, the FDA issued several warnings about products that contain GBL and asked manufacturers to voluntarily recall all products. Unfortunately, products containing GBL remain available for sale over the Internet.

H.R. 2130 directs the Attorney General to schedule GHB (together with its salts, isomers, and salts of isomers) as a ''Schedule I drug'', the DEA's most regulated drug category, under the Controlled Substances Act (CSA). In addition, H.R. 2130 specifically names GBL as a ''List I chemical'', the DEA's most regulated chemical category.

Illicit use of many GHB analogues and precursor chemicals is a significant and growing law enforcement problem. Importantly, H.R. 2130 will help DEA not only control GHB, but the full range of CSA drug control measures would also apply to GBL.

It is imperative that the DEA has necessary tools to control these dangerous substances to further prevent incidents such as Tom Gugliotta's seizure. Therefore, I urge an aye vote on H.R. 2130.

Mr. PAUL. Mr. Speaker, today the Congress will collectively move our nation yet another step closer to a national police state by further expanding a federal crime to include amongst the list of controlled substances that of GHB, a nutrient used for 25 years with beneficial effects for those suffering from cataplexy, insomnia, narcolepsy, depression, alcoholism, opiate addiction and numerous other conditions. Of course, it is much easier to ride the current wave of federalizing every human misdeed in the name of saving the world from some evil than to uphold a Constitutional oath which prescribes a procedural limitation by which the nation is protected from what is perhaps the worst evil, totalitarianism. Who, after all, and especially in an election year, wants to be amongst those members of Congress who are portrayed as being soft on drugs or rape, irrespective of the procedural transgressions and individual or civil liberties one tramples in their overzealous approach.

Our federal government is, constitutionally, a government of limited powers. Article one, Section eight, enumerates the legislative areas for which the U.S. Congress is allowed to act or enact legislation. For every other issue, the federal government lacks any authority or consent of the governed and only the state governments, their designees, or the people in their private market actions enjoy such rights to governance. The tenth amendment is brutally clear in stating ''The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.''

In his first formal complaint to Congress on behalf of the federal Judiciary, Chief Justice William H. Rehnquist said ''the trend to federalize crimes that have traditionally been handled in state courts * * * threatens to change entirely the nature of our federal system.'' Rehnquist further criticized Congress for yielding to the political pressure to ''appear responsive to every highly publicized societal ill or sensational crime.''

Even if GHB is as potentially dangerous as the bill's advocates suggest, punishing possession of a useful substance because it potentially could be used in a harmful manner is as inconsistent with liberty as criminalizing the possession of handguns and cars.

Moreover, this bill empowers Health and Human Services to engage in a national propaganda campaign on the dangers of GHB, creates a special unit with the Drug Enforcement Agency to assess abuse and trafficking in GHB, and authorizes the Justice Department to issue taxpayer-funded grants for the development of police officer field-test equipment. Aside from being further abuses of enumerated powers doctrine, the substantive questions raised by this legislation make these usurpations of state government authority even more reprehensible.

Additionally, this Act undermines the recently enacted Dietary Supplement Health & Education Act (DSHEA) at the expense of thousands of consumers who have safely used these natural metabolites of the amino acid GABA. According to practicing physician Ward Dean, West Point graduate and former Delta Force flight surgeon, HR 2130 appears to be a case of pharmaceutical-company-protectionism. Because the substances restricted under this act are natural, and hence, non-patentable, the pharmaceutical concerns lose market-share in areas for which GHB is a safer and less expensive means of treating numerous ailments. In a recent letter from Dr. Dean, he states:

> I have extensive experience in the clinical use of gamma hyudroxy butyric acid (GHB) . . . I have used these substances for over ten years on hundreds of patients (and have advised thousands through my books and articles on the subject). I have not had one instance reported to me of adverse effects in my patients. GHB is the safest, most nontoxic sleep inducing substance known. It has a wide range of other therapeutic uses. The therapeutic threshold for GHB is greater than almost any known pharmaceutical substance (the LD50 is 40–100 times greater than the sleep-inducing therapeutic dose of 3–6 grams!).
>
> It is incongruous, to me, that a substance with such a wide range of documented benefits that is so overwhelmingly safe, can simultaneously be both a Schedule I and a Schedule III substance. GHB is a naturally occurring substance, present in all mammalian tissue as well as many foods. Consequently, everyone is in ''possession'' of this ''controlled substance''—and every grocery store that sells meat is in ''possession with intent to distribute.'' These are not frivolous statements. In states where GHB is a Schedule I substance, there have been several instances where the charges have been dropped by the prosecution upon receipt of documentation that GHB is in beef from the state in question. I believe alleged violations of this proposed federal law will be equally difficult to successfully prosecute.
>
> Although GHB has been claimed to have been responsible for a small number of deaths, many of these cases are questionable. This is due to the fact that GHB is produced in significant quantities by the body post mortem, and is readily detectable in 96 out of 100 deceased persons even when no GHB has been consumed.

For each of the aforementioned procedural and substantive reasons, I must again oppose H.R. 2130, the Hillory J. Farias Date-Rape Prevention Drug Act.

Ms. STABENOW. Mr. Speaker, I rise today in support of H.R. 2130, and I commend the gentlemen from Michigan, Mr. UPTON, Mr. DINGELL, and Mr. STUPAK, as well as our other

colleagues mentioned here today, for their work on this legislation. I am a cosponsor of this bill and I am glad we are making this one of our first priorities this session. I look forward to it becoming law very soon.

H.R. 2130 will classify gamma hydroxybutyric, or GHB, as a schedule I drug under the Controlled Substances Act, as it is in my home state of Michigan. This action is necessary due to the increased and pernicious use of this drug. According to the U.S. Drug Enforcement Agency (DEA), at least 32 deaths have been associated with GHB since 1990, while over 3,500 overdoses have occurred. Emergency room visits due go GHB increased nationally from 26 in 1992 to 629 in 1996.

Samantha Reid, one of the young women this bill is named after, was from Michigan. She died one year ago after unknowingly ingesting GHB at a party. She was 15 years old. It is this type of senseless tragedy that H.R. 2130 is meant to address. GHB is odorless and colorless and is easily slipped into a drink without the knowledge of the intended victim. It is generally used as a date-rape drug, a crime that affects women between the ages of 16 and 24 more than any other age group. It is estimated that one in four college women have been the victim of date-rape.

H.R. 2130 directs the Department of Justice to develop model protocols for taking toxicology specimens and victim's statements in association with drugs used to commit date-rape. This is important because this crime too often goes unreported. A recent study indicates that 84 percent of rape victims knew their attacker, and 57 percent of those were raped on a date. Moreover, GHB is hard to trace, often leaving the body within 24 hours. The DEA will also create a special unit to analyze the growing use of date-rape drugs and make recommendations to the Attorney General on how federal funds can best be used to combat this problem.

Mr. Speaker, I would again like to commend the work of my colleagues on this important legislation. I urge my colleagues to support its passage.

Mr. UPTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 2130

The question was taken.

Mr. UPTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ELECTRONIC BENEFIT TRANSFER INTEROPERABILITY AND PORTABILITY ACT OF 1999

Mr. COMBEST. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1733) to amend the Food Stamp Act of 1977 to provide for a national standard of interoperability and portability applicable to electronic food stamp benefit transactions.

The Clerk read as follows:

S. 1733

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Electronic Benefit Transfer Interoperabilty and Portability Act of 1999''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to protect the integrity of the food stamp program;

(2) to ensure cost-effective portability of food stamp benefits across State borders without imposing additional administrative expenses for special equipment to address problems relating to the portability;

(3) to enhance the flow of interstate commerce involving electronic transactions involving food stamp benefits under a uniform national standard of interoperability and portability; and

(4) to eliminate the inefficiencies resulting from a patchwork of State-administered systems and regulations established to carry out the food stamp program

SEC. 3. INTEROPERABILTY AND PORTABILITY OF FOOD STAMP TRANSACTIONS.

Section 7 of the Food Stamp Act of 1977 (7 U.S.C. 2016) is amended by adding at the end the following:

''(k) INTEROPERABILTY AND PORTABILITY OF ELECTRONIC BENEFIT TRANSFER TRANSACTIONS.—

''(1) DEFINITIONS.—In this subsection:

''(A) ELECTRONIC BENEFIT TRANSFER CARD.—The term 'electronic benefit transfer card' means a card that provides benefits under this Act through an electronic benefit transfer service (as defined in subsection (i)(11)(A)).

''(B) ELECTRONIC BENEFIT TRANSFER CONTRACT.—The term 'electronic benefit transfer contract' means a contract that provides for the issuance, use, or redemption of coupons in the form of electronic benefit transfer cards.

''(C) INTEROPERABILTY.—The term 'interoperability' means a system that enables a coupon issued in the form of an electronic benefit transfer card to be redeemed in any State.

''(D) INTERSTATE TRANSACTION.—The term 'interstate transaction' means a transaction that is initiated in 1 State by the use of an electronic benefit transfer card that is issued in another State.

''(E) PORTABILITY.—The term 'portability' means a system that enables a coupon issued in the form of an electronic benefit transfer card to be used in any State by a household to purchase food at a retail food store or wholesale food concern approved under this Act.

''(F) SETTLING.—The term 'settling' means movement, and reporting such movement, of funds from an electronic benefit transfer card issuer that is located in 1 State to a retail food store, or wholesale food concern, that is located in another State, to accomplish an interstate transaction.

''(G) SMART CARD.—The term 'smart card' means an intelligent benefit card described in section 17(f).

''(H) SWITCHING.—The term 'switching' means the routing of an interstate transaction that consists of transmitting the details of a transaction electronically recorded through the use of an electronic benefit transfer card in 1 State to the issuer of the card that is in another State.

''(2) REQUIREMENT.—Not later than October 1, 2002, the Secretary shall ensure that systems that provide for the electronic issuance, use, and redemption of coupons in the form of electronic benefit transfer cards are interoperable, and food stamp benefits are portable, among all States.

''(3) COST.—The cost of achieving the interoperability and portability required under paragraph (2) shall not be imposed on any food stamp retail store, or any wholesale food concern, approved to participate in the food stamp program.

''(4) STANDARDS.—Not later than 210 days after the date of enactment of this subsection, the Secretary shall promulgate regulations that—

''(A) adopt a uniform national standard of interoperability and portability required under paragraph (2) that is based on the standard of interoperability and portability used by a majority of State agencies; and

''(B) require that any electronic benefit transfer contract that is entered into 30 days or more after the regulations are promulgated, by or on behalf of a State agency, provide for the interoperability and portability required under paragraph (2) in accordance with the national standard.

''(5) EXEMPTIONS—

''(A) CONTRACTS.—The requirements of paragraph (2) shall not apply to the transfer of benefits under an electronic benefit transfer contract before the expiration of the term of the contract if the contract—

''(i) is entered into before the date that is 30 days after the regulations are promulgated under paragraph (4); and

''(ii) expires after October 1, 2002.

''(B) WAIVER.—At the request of a State agency, the Secretary may provide 1 waiver to temporarily exempt, for a period ending on or before the date specified under clause (iii), the State agency from complying with the requirements of paragraph (2), if the State agency—

''(i) establishes to the satisfaction of the Secretary that the State agency faces unusual technological barriers to achieving by October 1, 2002, the interoperability and portability required under paragraph (2);

''(ii) demonstrates that the best interest of the food stamp program would be served by granting the waiver with respect to the electronic benefit transfer system used by the State agency to administer the food stamp program; and

''(iii) specifies a date by which the State agency will achieve the interoperability and portability required under paragraph (2).

''(C) SMART CARD SYSTEMS.—The Secretary shall allow a State agency that is using smart cards for the delivery of food stamp program benefits to comply with the requirements of paragraph (2) at such time after October 1, 2002, as the Secretary determines that a practicable technological method is available for interoperability with electronic benefit transfer cards.

''(6) FUNDING.—

''(A) IN GENERAL.—In accordance with regulations promulgated by the Secretary, the Secretary shall pay 100 percent of the costs incurred by a State agency under this Act for switching and settling interstate transactions—

''(i) incurred after the date of enactment of this subsection and before October 1, 2002, if the State agency uses the standard of interoperability and portability adopted by a majority of State agencies; and

''(ii) incurred after September 30, 2002, if the State agency uses the uniform national standard of interoperability and portability adopted under paragraph (4)(A).

''(B) LIMITATION.—The total amount paid to State agencies for each fiscal year under subparagraph (A) shall not exceed $500,000.''.