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