

Union Calendar No. 481

116TH CONGRESS
2^D SESSION

H. R. 3878

[Report No. 116-583, Part I]

To amend the Controlled Substances Act to clarify the process for registrants to exercise due diligence upon discovering a suspicious order, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 23, 2019

Mr. MCKINLEY (for himself and Mrs. DINGELL) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

NOVEMBER 16, 2020

Additional sponsors: Mr. WALDEN and Ms. STEFANIK

NOVEMBER 16, 2020

Reported from the Committee on Energy and Commerce with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

NOVEMBER 16, 2020

Committee on the Judiciary discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on July 23, 2019]

A BILL

To amend the Controlled Substances Act to clarify the process for registrants to exercise due diligence upon discovering a suspicious order, 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,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Block, Report, And Sus-*
5 *pend Suspicious Shipments Act of 2020”.*

6 **SEC. 2. CLARIFICATION OF PROCESS FOR REGISTRANTS TO**
7 **EXERCISE DUE DILIGENCE UPON DISCOV-**
8 **ERING A SUSPICIOUS ORDER.**

9 *(a) IN GENERAL.—Paragraph (3) of section 312(a) of*
10 *the Controlled Substances Act (21 U.S.C. 832(a)) is amend-*
11 *ed to read as follows:*

12 *“(3) upon discovering a suspicious order or se-*
13 *ries of orders—*

14 *“(A) exercise due diligence;*

15 *“(B) establish and maintain (for not less*
16 *than a period to be determined by the Adminis-*
17 *trator of the Drug Enforcement Administration)*
18 *a record of the due diligence that was performed;*

19 *“(C) decline to fill the order or series of or-*
20 *ders if the due diligence fails to resolve all of the*
21 *indicators that gave rise to the suspicion that*
22 *filling the order or series of orders would cause*
23 *a violation of this title by the registrant or the*
24 *prospective purchaser; and*

1 “(D) notify the Administrator of the Drug
2 Enforcement Administration and the Special
3 Agent in Charge of the Division Office of the
4 Drug Enforcement Administration for the area
5 in which the registrant is located or conducts
6 business of—

7 “(i) each suspicious order or series of
8 orders discovered by the registrant; and

9 “(ii) the indicators giving rise to the
10 suspicion that filling the order or series of
11 orders would cause a violation of this title
12 by the registrant or the prospective pur-
13 chaser.”.

14 (b) *APPLICABILITY.*—Section 312(a)(3) of the Con-
15 trolled Substances Act, as amended by subsection (a), shall
16 apply beginning on the day that is 6 months after the date
17 of enactment of this Act. Until such day, section 312(a)(3)
18 of the Controlled Substances Act shall apply as such section
19 312(a)(3) was in effect on the day before the date of enact-
20 ment of this Act.

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