

116TH CONGRESS
2^D SESSION

H. R. 3878

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2020

Received; read twice and referred to the Committee on the Judiciary

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Block, Report, And
3 Suspend Suspicious Shipments Act of 2020”.

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

7 (a) IN GENERAL.—Paragraph (3) of section 312(a)
8 of the Controlled Substances Act (21 U.S.C. 832(a)) is
9 amended to read as follows:

10 “(3) upon discovering a suspicious order or se-
11 ries of orders—

12 “(A) exercise due diligence;

13 “(B) establish and maintain (for not less
14 than a period to be determined by the Adminis-
15 trator of the Drug Enforcement Administra-
16 tion) a record of the due diligence that was per-
17 formed;

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

24 “(D) notify the Administrator of the Drug
25 Enforcement Administration and the Special
26 Agent in Charge of the Division Office of the

1 Drug Enforcement Administration for the area
2 in which the registrant is located or conducts
3 business of—

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

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

11 (b) REGULATIONS.—Not later than 1 year after the
12 date of enactment of this Act, for purposes of section
13 312(a)(3) of the Controlled Substances Act, as amended
14 by subsection (a), the Attorney General of the United
15 States shall promulgate a final regulation specifying the
16 indicators that give rise to a suspicion that filling an order
17 or series of orders would cause a violation of the Con-
18 trolled Substances Act (21 U.S.C. 801 et seq.) by a reg-
19 istrant or a prospective purchaser.

20 (c) APPLICABILITY.—Section 312(a)(3) of the Con-
21 trolled Substances Act, as amended by subsection (a),
22 shall apply beginning on the day that is 1 year after the
23 date of enactment of this Act. Until such day, section
24 312(a)(3) of the Controlled Substances Act shall apply as

1 such section 312(a)(3) was in effect on the day before the
2 date of enactment of this Act.

3 **SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.**

4 The budgetary effects of this Act, for the purpose of
5 complying with the Statutory Pay-As-You-Go Act of 2010,
6 shall be determined by reference to the latest statement
7 titled “Budgetary Effects of PAYGO Legislation” for this
8 Act, submitted for printing in the Congressional Record
9 by the Chairman of the House Budget Committee, pro-
10 vided that such statement has been submitted prior to the
11 vote on passage.

Passed the House of Representatives November 17,
2020.

Attest:

CHERYL L. JOHNSON,

Clerk.