## **AMENDMENT TO**

## RULES COMMITTEE PRINT 117-51

## Offered by M\_.

After section 263, insert the following new section:

1	SEC. 264. BLOCK, REPORT, AND SUSPEND SUSPICIOUS
2	SHIPMENTS.
3	(a) Clarification of Process for Registrants
4	TO EXERCISE DUE DILIGENCE UPON DISCOVERING A
5	Suspicious Order.—Paragraph (3) of section 312(a) of
6	the Controlled Substances Act (21 U.S.C. 832(a)) is
7	amended to read as follows:
8	"(3) upon discovering a suspicious order or se-
9	ries of orders, and in a manner consistent with the
10	other requirements of this section—
11	"(A) exercise due diligence as appropriate;
12	"(B) establish and maintain (for not less
13	than a period to be determined by the Adminis-
14	trator of the Drug Enforcement Administra-
15	tion) a record of the due diligence that was per-
16	formed;
17	"(C) decline to fill the order or series of
18	orders if the due diligence fails to dispel all of
19	the indicators that give rise to the suspicion

1	that, if the order or series of orders is filled, the
2	drugs that are the subject of the order or series
3	of orders are likely to be diverted; and
4	"(D) notify the Administrator of the Drug
5	Enforcement Administration and the Special
6	Agent in Charge of the Division Office of the
7	Drug Enforcement Administration for the area
8	in which the registrant is located or conducts
9	business of—
10	"(i) each suspicious order or series of
11	orders discovered by the registrant; and
12	"(ii) the indicators giving rise to the
13	suspicion that, if the order or series of or-
14	ders is filled, the drugs that are the sub-
15	ject of the order or series of orders are
16	likely to be diverted.".
17	(b) RESOLUTION OF SUSPICIOUS INDICATORS.—Sec-
18	tion 312 of the Controlled Substances Act (21 U.S.C. 832)
19	is amended—
20	(1) by redesignating subsection (b) and (c) as
21	subsections (c) and (d), respectively; and
22	(2) by inserting after subsection (a) the fol-
23	lowing:
24	"(b) Resolution of Suspicious Indicators.—If
25	a registrant resolves all of the indicators giving rise to sus-

picion about an order or series of orders under subsection 2 (a)(3)— 3 "(1) notwithstanding subsection (a)(3)(C), the 4 registrant may choose to fill the order or series of 5 orders; and 6 "(2) notwithstanding subsection (a)(3)(D), the 7 registrant may choose not to make the notification 8 otherwise required by such subsection.". 9 (c) REGULATIONS.—Not later than 1 year after the 10 date of enactment of this Act, for purposes of subsections 11 (a)(3) and (b) of section 312 of the Controlled Substances 12 Act, as amended or inserted by subsection (a), the Attorney General of the United States shall promulgate a final regulation specifying the indicators that give rise to a sus-14 15 picion that, if an order or series of orders is filled, the drugs that are the subject of the order or series of orders 16 17 are likely to be diverted. 18 (d) APPLICABILITY.—Subsections (a)(3) and (b) of 19 section 312 of the Controlled Substances Act, as amended 20 or inserted by subsection (a), shall apply beginning on the 21 day that is 1 year after the date of enactment of this Act. Until such day, section 312(a)(3) of the Controlled Sub-23 stances Act shall apply as such section 312(a)(3) was in

effect on the day before the date of enactment of this Act.