

Emerging Drug Threats Rapid Scheduling Act of 2026

Discussion draft — revision 5

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Emerging Drug Threats Rapid Scheduling Act of 2026

Discussion Draft — Not for Introduction · October 6, 2026 · Collin B. George, CISSP

119th Congress, 2d Session. Drafted as a House vehicle for referral to the Committees on Energy and Commerce and the Judiciary. Bracketed text marks placeholders and designations to be conformed by the Office of the Legislative Counsel.

Drafter's note (revision 5). Revision 5 merges two parallel revision 4 drafts that branched independently from revision 3. It takes the third-pass verification draft as its base and restores the two section 8(c) amendments made in the other branch: the marketplace civil penalty is recovered in district court rather than assessed administratively, and an express override of section 230 of the Communications Act of 1934 is added, without which the penalty would be barred before the safe harbor was reached. No other provision differs from the base.

Changes carried from the base revision 4, against revision 3: paragraph designations added to section 102 are made conforming rather than fixed, and every internal cross-reference to those definitions is stated by term rather than by paragraph number, because House-passed H.R. 1266 occupies paragraph (61); the stale cross-reference in section 202A(a) is corrected; an express amendment to 18 U.S.C. 2516(1)(e) is added, because that section does not incorporate the section 102 definitions; the research pathway now deems provisional-schedule substances to be in schedule I, without which section 303(n) would not attach; the enumerated six-statute list in section 5(c) is replaced by a general rule of construction; the unit-of-violation rule in section 402(c)(1)(D) is extended; import and export liability under section 1010(a)(1) is addressed; the citation to section 404(c) of title 39 is corrected to reach only letters of domestic origin; and Learning Resources is cited to the United States Reports. A note to committee staff listing the open items follows; it is not part of the bill.

[NOTE TO COMMITTEE STAFF. This note is not part of the bill and should be struck before introduction. It states what remains to be completed and who supplies each answer.

ITEMS COMMITTEE STAFF CAN COMPLETE WITHOUT RETURNING TO THE DRAFTER.

1. Paragraph designations, section 3(a). On the day of introduction, check the last paragraph of 21 U.S.C. 802 and number the four new definitions in sequence. Section 3(b) supplies the conforming rule, and no other provision of this bill cites these definitions by number, so section 3(a) is the only place that changes. As of October 6, 2026, section 102 ends at paragraph (60); H.R. 1266, on Senate Calendar No. 623, would add paragraph (61).
2. Schedule designation, section 7(a). Confirm that schedule I in 21 U.S.C. 812(c) still ends at subdivision (e), and conform the bracketed "(f)". Note that H.R. 1266 claims schedule III(f), not schedule I(f).
3. Dollar figures. Section 8(c)(2), the marketplace civil penalty; sections 10(f) and 12(e), the authorizations. Committee budget staff or the Congressional Budget Office.

4. Paragraph designation, section 8(d). Supply the next available paragraph of section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331).
5. Research-reagent quantity, section 11(d)(3). The DEA Diversion Control Division can state a working threshold.
6. Conforming amendments, section 5(g). Request from the Office of the Legislative Counsel. The provisions to be conformed are identified in the text.
7. Statutory re-verification. The Office of the Law Revision Counsel site was under maintenance during the citation check completed October 6, 2026, so 21 U.S.C. 802 and 812 and 18 U.S.C. 1961 and 2516 rest on search excerpts, GovInfo Code editions, and enacted bill text rather than live official text. Re-pull those four.
8. Section-by-section analysis. None exists for this revision.
9. Vehicle. Conform the enacting clause and the committee references if a Senate vehicle is substituted.

ITEMS REQUIRING A MEMBER OR SUBCOMMITTEE DECISION.

1. Section 4(8). Whether new section 201(k) becomes the exclusive route for class-wide temporary control. The recommended alternative is in brackets. Adopting it forecloses class-wide control under section 201(h), which has been used once, in 2018.
2. Section 7(a)(11). Whether control of unlisted peptides stays self-executing, or narrows to peptides named in paragraphs (1) through (10) and on the list published under section 201(k)(6)(C).
3. Section 5(d)(1). Whether to keep the final sentence of new section 305(f), which excludes a labeling violation from the felony import offense in section 1010(a)(1), or to strike it and accept that exposure.

ITEM REQUIRING OUTSIDE EXPERTISE.

1. Section 7(a), paragraphs (1) through (10). Each peptide name must be verified against DEA Diversion Control Division and IUPAC nomenclature, and paired with a full systematic name, by a forensic chemist whose verification can be entered in a hearing record. A nomenclature or sequence error in a schedule I listing is not curable by construction. This is the only item on this list that cannot be closed inside the committee.]

A BILL

To amend the Controlled Substances Act to establish an enhanced emergency scheduling authority and a provisional control category for novel synthetic opioids, novel anabolic agents, and other emerging drug threats; to control dermorphin and other peptide opioids, known and unknown; to close the labeling exception in the controlled substance analogue provisions; to strengthen import, marketplace, and foreign-supplier accountability; to provide intelligence and investigative authorities with civil-liberties safeguards; to protect legitimate research; and for other purposes.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

1. SHORT TITLE.—This Act may be cited as the “Emerging Drug Threats Rapid Scheduling Act of 2026”.

2. TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.
- Sec. 4. Enhanced emergency scheduling authority.
- Sec. 5. Provisional schedule; calibrated penalties; conforming amendments.
- Sec. 6. Closure of the labeling exception in the controlled substance analogue provisions.
- Sec. 7. Control of dermorphin and other peptide opioids.
- Sec. 8. Import and marketplace controls.
- Sec. 9. Foreign-supplier accountability.
- Sec. 10. Intelligence, information sharing, and investigative authorities.
- Sec. 11. Protected research pathway.
- Sec. 12. Forensic capacity and early warning.
- Sec. 13. Review and sunset.
- Sec. 14. Rules of construction; severability.

SEC. 2. FINDINGS.

Congress finds the following:

1. Chemical manufacturers in the People's Republic of China and trafficking organizations operating from Mexico introduce novel synthetic opioids, novel anabolic agents, and other psychoactive substances not controlled under the Controlled Substances Act. These substances are marketed as "research chemicals" labeled "not for human consumption" to evade regulation.
2. The temporary scheduling authority under section 201(h) of the Controlled Substances Act (21 U.S.C. 811(h)) acts on one substance, or a small group of named substances, at a time, and takes effect no earlier than 30 days after notice. Traffickers substitute a structurally distinct compound with equivalent effects before control takes effect.
3. Since 2025 the Drug Enforcement Administration has controlled nitazenes, designer benzodiazepines, and compounds related to 7-hydroxymitragynine by separate, compound-specific orders. Class-wide control has been enacted only for fentanyl-related substances, by the HALT Fentanyl Act (Public Law 119–26).
4. The controlled substance analogue provisions (21 U.S.C. 802(32), 813) require proof in each prosecution that a substance is substantially similar in chemical structure to a specific schedule I or II substance and is intended for human consumption. Those provisions do not reliably reach peptide opioids, whose structures are not substantially similar to any scheduled small molecule.
5. Dermorphin is a heptapeptide mu-opioid receptor agonist substantially more potent than morphine in animal assays. It is not controlled under the Controlled Substances Act, is sold by online "research peptide" vendors, and has been detected repeatedly in racehorses. Its availability demonstrates an active supply of a potent opioid that current law does not reach.
6. The People's Republic of China controlled fentanyl-related substances as a class in 2019 and nitazene analogues as a class effective July 1, 2025. The United Kingdom prohibits new psychoactive substances under the Psychoactive Substances Act 2016 and controls nitazenes generically under the Misuse of Drugs Act 1971 (Amendment) (No. 2) Order 2024, in force January 15, 2025. The United States continues to control most emerging synthetic opioids one compound at a time.
7. Detection of emerging substances depends on forensic laboratory data, border seizure data, overdose mortality data, financial records, and foreign and domestic intelligence reporting held by different agencies. These data are not integrated in a form that supports rapid scheduling, targeting, and prosecution.
8. A control framework that acts on pharmacological class and receptor activity, takes effect quickly, imposes penalties short of the mandatory minimums applicable to schedule I and II substances, does not criminalize simple possession, provides judicial review, integrates intelligence under civil-liberties safeguards, and protects legitimate research is necessary to address emerging drug threats while preserving scientific access and due process.

SEC. 3. DEFINITIONS.

1. IN GENERAL.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended by adding at the end the following:

[Drafting note: the bracketed designations below are placeholders. Section 102 currently ends at paragraph (60), “fentanyl-related substance,” added by section 6(c) of the HALT Fentanyl Act (Pub. L. 119–26). H.R. 1266 (119th Cong.), as passed by the House on September 15, 2026 and placed on Senate Calendar No. 623, adds paragraph (61), for xylazine. The correct designations therefore depend on what is enacted first. Subsection (b) supplies the conforming rule, and no other provision of this Act refers to these definitions by paragraph number.]

“[(61)] NOVEL SYNTHETIC OPIOID.—

“(A) IN GENERAL.—The term ‘novel synthetic opioid’ means any drug or other substance, other than a substance listed in schedule I or II on the date of enactment of the Emerging Drug Threats Rapid Scheduling Act of 2026 (except a substance so listed by reason of section 7 of that Act), a biological product licensed under section 351 of the Public Health Service Act (42 U.S.C. 262), or a drug approved under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), that—

“(i) is an agonist or partial agonist at the mu-opioid receptor or the delta-opioid receptor, or is a metabolite, precursor, or prodrug that upon administration produces such an agonist, as demonstrated by a validated in vitro functional assay or a validated in vivo assay; and

“(ii) is not a substance that occurs naturally in, and is contained within, a plant or other botanical material in its naturally occurring concentration.

“(B) PEPTIDES INCLUDED.—The term includes a peptide that satisfies subparagraph (A), without regard to whether its chemical structure is substantially similar to the chemical structure of any substance listed in schedule I or II, and without regard to whether it contains D-configured or other non-proteinogenic amino acid residues.

“(C) FUNCTIONAL ACTIVITY REQUIRED.—Receptor binding affinity without functional agonist activity does not satisfy subparagraph (A).

“(D) ENDOGENOUS PEPTIDES EXCLUDED.—The term does not include a peptide whose amino acid sequence and stereochemistry are identical to an opioid peptide produced endogenously in humans, including beta-endorphin, the enkephalins, the dynorphins, and the endomorphins, unless the Attorney General places that peptide under control by order under section 201(k) or by rule.

“[(62)] NOVEL ANABOLIC AGENT.—The term ‘novel anabolic agent’ means any drug or other substance, other than an anabolic steroid as defined in paragraph (41), a substance listed in a schedule on the date of enactment of the Emerging Drug Threats Rapid Scheduling Act of 2026, or a drug approved under section 505 of the Federal Food, Drug, and Cosmetic Act, that—

“(A) is an agonist at the androgen receptor or is a selective androgen receptor modulator, as demonstrated by a validated assay; and

“(B) is created, manufactured, marketed, or promoted with the intent or represented effect of promoting muscle growth or producing a pharmacological effect similar to that of testosterone;

and includes a selective androgen receptor modulator chemically unrelated to testosterone, estrogens, progestins, corticosteroids, and dehydroepiandrosterone.

“[(63)] RESEARCH CHEMICAL MARKETING.—The term ‘research chemical marketing’ means the distribution, offer for distribution, or advertising of a drug or other substance accompanied by a statement that the substance is ‘for research use only’, ‘not for human consumption’, ‘for laboratory use only’, or a substantially similar statement, where the substance is offered, labeled, packaged, dosed, priced, or promoted in a manner that would cause a reasonable person to understand that it is intended for ingestion, injection, inhalation, or other introduction into the human body.

“[(64)] PEPTIDE.—The term ‘peptide’ means a compound containing a sequence of two or more amino acid residues joined by amide bonds, whether the residues are proteinogenic, non-proteinogenic, D-configured, N-alkylated, or otherwise modified, and includes—

“(A) any cyclic, dimeric, or multimeric form;

“(B) any form conjugated to a lipid, carbohydrate, polymer, or other moiety;

“(C) any peptidomimetic in which one or more amide bonds is replaced by an isosteric linkage; and

“(D) any salt, ester, amide, or prodrug of such a compound.”.

1. PARAGRAPH DESIGNATIONS.—The paragraphs added by subsection (a) shall be designated in sequence following the last paragraph of section 102 of the Controlled Substances Act in effect on the date of enactment of this Act. A reference in this Act, or in an amendment made by this Act, to a term defined by subsection (a) is a reference to that term as defined in section 102 of that Act, without regard to its paragraph designation.

SEC. 4. ENHANCED EMERGENCY SCHEDULING AUTHORITY.

Section 201 of the Controlled Substances Act (21 U.S.C. 811) is amended by adding at the end the following:

“[(k)] ENHANCED EMERGENCY SCHEDULING OF EMERGING DRUG THREATS.—

“(1) AUTHORITY.—If the Attorney General finds that placing a drug or other substance, or a class of drugs or other substances, in the provisional schedule established under section 202A or in schedule I or II is necessary to avoid an imminent hazard to public safety, the Attorney General may, by order, place the drug, substance, or class in that schedule on a temporary basis.

“(2) EVIDENCE CONSIDERED.—In making a finding under paragraph (1), the Attorney General shall consider the factors in subsection (h)(3) and may also consider—

“(A) identification of the substance or class in forensic laboratory reports, including reports in the National Forensic Laboratory Information System or by a public health laboratory;

“(B) detection of the substance or class in seizures by U.S. Customs and Border Protection or other law enforcement agencies;

“(C) reporting of the substance or class in overdose or mortality data, including data of the Centers for Disease Control and Prevention, a medical examiner, a coroner, or a poison control center;

“(D) evidence that the substance or class is offered for sale through research chemical marketing; and

“(E) credible intelligence or international early-warning reporting, including reporting of the United Nations Office on Drugs and Crime or the European Union Drugs Agency, that the substance or class is being manufactured for, or introduced into, the illicit market of the United States.

“(3) EFFECTIVE DATE.—The Attorney General shall publish notice of an intended order in the Federal Register not less than 15 days before the order takes effect, unless the Attorney General finds, and states in the order the basis for finding, that a shorter period is necessary to avoid an imminent hazard to public safety. In that case the order may take effect on publication.

“(4) CONSULTATION.—Before issuing an order under paragraph (1), the Attorney General shall transmit notice of the proposed order to the Secretary of Health and Human Services and shall consider any comments the Secretary submits within 10 days after transmittal. Failure of the Secretary to respond within that period does not preclude issuance of the order.

“(5) DURATION.—An order under paragraph (1) expires 3 years after the date it takes effect. The Attorney General may extend the order once, for not more than 1 year, if a proceeding under subsection (a) or section 202A(e) concerning the substance or class is pending.

[Drafting note: subsection (h) runs 2 years plus 1. The longer period here is justified by the transfer proceeding required under section 202A(f), which has no analogue under subsection (h). If the asymmetry is contested in markup, conforming to 2 plus 1 costs little, because section 202A(f) requires the Attorney General to act before expiration in either case.]

“(6) CLASS-WIDE ORDERS; PUBLISHED LIST.—

“(A) DEFINITION OF A CLASS.—An order under paragraph (1) may define a class by reference to a core chemical structure together with enumerated permissible modifications, in the manner of the definition of ‘fentanyl-related substance’ in section 202(c), by reference to functional activity at a specified receptor as described in the definition of ‘novel synthetic opioid’ or of ‘novel anabolic agent’ in section 102, or both.

“(B) STRUCTURAL SIMILARITY NOT REQUIRED.—A novel synthetic opioid may be controlled under this subsection, under section 202A, or under section 202(c) without regard to whether its chemical structure is substantially similar to that of a controlled substance in schedule I or II.

“(C) PUBLISHED LIST.—The Attorney General shall publish in the Federal Register, and maintain on a public website, a current list of individual substances determined to fall within any class controlled under this subsection, and shall update the list not later than 30 days after each such determination.

“(7) JUDICIAL REVIEW.—

“(A) IN GENERAL.—Notwithstanding subsection (h)(6), an order under this subsection is subject to judicial review under chapter 7 of title 5, United States Code, in the United States Court of Appeals for the District of Columbia Circuit, on a petition filed not later than 60 days after publication of the order.

“(B) STANDARD.—Review is limited to whether the finding of imminent hazard, and any determination that a substance falls within a class, are supported by substantial evidence in the administrative record, and whether the order is otherwise in accordance with law. Filing a petition does not stay the order unless the court so orders.

“(C) CLASSIFIED INFORMATION.—If the administrative record includes classified information or law enforcement sensitive information, the Attorney General may submit that information to the court ex parte and in camera. The order shall state, in unclassified form, the substance of the evidence relied on to the extent consistent with national security and the protection of sources and methods.

“(8) RELATIONSHIP TO OTHER AUTHORITY.—This subsection is in addition to the authority under subsections (a) through (c), (h), and (i). [Alternative, recommended: The authority under subsection (h) may not be used to place a class of drugs or other substances, defined by core chemical structure or by functional activity at a specified receptor, in any schedule; such a class may be placed on a temporary basis only under this subsection.]”.

[Drafting note: the alternative in paragraph (8) addresses the principal structural objection to this section. Subsection (h) denies judicial review under subsection (h)(6); this subsection grants it. Absent the alternative, an agency choosing between two routes to the same class-wide result may take the unreviewable one, and the review provision in paragraph (7) will be characterized as cosmetic. Class-wide control under subsection (h) has been attempted once, in 2018, so the cost of foreclosing it is low.]

SEC. 5. PROVISIONAL SCHEDULE; CALIBRATED PENALTIES; CONFORMING AMENDMENTS.

1. PROVISIONAL SCHEDULE.—The Controlled Substances Act is amended by inserting after section 202 (21 U.S.C. 812) the following:

“SEC. 202A. PROVISIONAL SCHEDULE.

“(a) ESTABLISHMENT.—There is established a provisional schedule, separate from schedules I through V, for novel synthetic opioids, novel anabolic agents, and other drugs or substances placed in it under section 201(k) or subsection (e).

“(b) NO MEDICAL-USE FINDING.—Placement in the provisional schedule does not require a finding that the substance has no currently accepted medical use, and is not a determination of the schedule in which the substance would be placed under section 201(a) through (c).

“(c) REGULATORY TREATMENT.—Except as otherwise provided, a substance in the provisional schedule is subject to the registration, recordkeeping, reporting, security, labeling, importation, and exportation requirements that apply to a controlled substance in schedule III.

“(d) TREATMENT WHERE SCHEDULES ARE DISTINGUISHED BY NUMBER.—Except as otherwise expressly provided by law, for purposes of any provision of this title or title III that distinguishes among schedules by number, a substance in the provisional schedule shall be treated as a substance in schedule III.

“(e) PLACEMENT BY RULE.—In addition to placement by order under section 201(k), the Attorney General may, by rule made on the record after opportunity for a hearing under section 201(a), place a novel synthetic opioid or novel anabolic agent in the provisional schedule, or determine that an individual substance falls within a class already in the provisional schedule.

“(f) TRANSFER OR EXPIRATION.—Before control under section 201(k) expires, the Attorney General, in consultation with the Secretary of Health and Human Services, shall either initiate a proceeding under section 201(a) through (c) to place the substance or class in schedule I, II, III, IV, or V, or allow control to expire. A substance placed in schedule I through V is removed from the provisional schedule.”.

[Drafting note: subsection (d) was added in revision 3. Several incorporated provisions turn on schedule number; section 302(f)(2) of the Act refers to a second substance that is “in the same schedule as the first controlled substance, or is in a schedule with a higher numerical designation,” and the provisional schedule sits outside I through V. Revision 4 adds the opening exception, because the research provisions incorporated by section 11 are keyed to schedule I and the schedule III default would defeat them; section 11(b) supplies that treatment. The cross-reference in subsection (a) is corrected in revision 4 from (d) to (e).]

1. PENALTIES.—Part D of the Controlled Substances Act is amended by inserting after section 401 (21 U.S.C. 841) the following:

“SEC. 401A. PROVISIONAL SCHEDULE SUBSTANCES.

“(a) PROHIBITED ACTS.—Except as authorized by this title or title III, it is unlawful for any person knowingly to manufacture, distribute, dispense, import, or export a substance in the provisional schedule, or to possess such a substance with intent to manufacture, distribute, or dispense it.

“(b) PENALTIES.—A person who violates subsection (a) is subject to the penalties that apply under section 401(b)(1)(E) and, for importation and exportation, under section 1010(b)(5) to a controlled substance in schedule III. No mandatory minimum term of imprisonment applies to a violation of this section.

“(c) SIMPLE POSSESSION.—Possession of a substance in the provisional schedule without intent to manufacture, distribute, or dispense it is not subject to civil or criminal penalty under this title or title III, and section 404 does not apply to such a substance.

“(d) KNOWLEDGE REQUIRED.—In a prosecution under this section, the United States must prove that the defendant knew that the substance was in the provisional schedule or was a controlled substance, or knew the identity of the substance.”.

1. SCOPE OF THE DEFINITIONAL AMENDMENT.—The amendment made by subsection (e) applies for purposes of any provision of Federal law that defines its scope by reference to the term “controlled substance” as defined in section 102 of the Controlled Substances Act, including the forfeiture provisions in sections 413 and 511 of that Act, the subpoena authority in section 506 of that Act, sections 1009 and 1010 of the Controlled Substances Import and Export Act, the attempt and conspiracy provisions in sections 406 and 1013 of those Acts, and sections 1956, 1957, and 1961 of title 18, United States Code.

[Drafting note: revision 3 stated this as an enumerated list of six statutes placed beside a general amendment to section 102(6). Setting a specific list next to a general rule invites the inference that the general rule reaches only the listed provisions. This revision states the rule generally and uses “including,” which the House and Senate drafting manuals treat as illustrative; both manuals advise against “including, but not limited to.” Section 2516 of title 18 is addressed separately in subsection (f), because it does not define its scope by reference to section 102.]

1. LABELING.—

1. REQUIREMENT.—Section 305 of the Controlled Substances Act (21 U.S.C. 825) is amended by adding at the end the following:

“(f) PROVISIONAL SCHEDULE SUBSTANCES.—It is unlawful to import, export, manufacture, distribute, or dispense a substance in the provisional schedule established under section 202A that is not labeled with its chemical name under the nomenclature of the International Union of Pure and Applied Chemistry. This subsection does not apply to conduct exempt under section 11 of the Emerging Drug Threats Rapid Scheduling Act of 2026. A violation of this subsection does not constitute a violation of section 1010(a)(1).”.

1. PROHIBITED ACT.—Section 402(a)(16) of that Act (21 U.S.C. 842(a)(16)) is amended by striking “subsection (e) of section 825” and inserting “subsection (e) or (f) of section 825”.

2. UNIT OF VIOLATION.—Section 402(c)(1)(D) of that Act (21 U.S.C. 842(c)(1)(D)) is amended by striking “containing an anabolic steroid” and inserting “containing an anabolic steroid, or a substance subject to section 305(f),”.

[Drafting note: revision 2 stated the labeling requirement in new section 401A(e) and declared a violation of it to be a violation of section 402(a)(16). That did not work, because section 842(a)(16) makes it unlawful to violate “subsection (e) of section 825,” a fixed referent. Placing the requirement in section 825 and conforming section 842(a)(16) routes the penalty through the existing Designer Anabolic Steroid Control Act chain; section 825 presently ends at subsection (e), so (f) is available, and the quoted phrase appears verbatim in section 842(a)(16), so the amendment will execute. Paragraph (3) is new in revision

4: the per-unit counting sentence in section 842(c)(1)(D) refers only to a package “containing an anabolic steroid,” so without this amendment the retail counting rule would not reach provisional-schedule substances. The final sentence of new section 305(f) is also new in revision 4. Section 1010(a)(1) of the Controlled Substances Import and Export Act reaches a person who, contrary to section 825, knowingly imports or exports a controlled substance, so absent that sentence a labeling violation would carry felony import liability, which is inconsistent with the calibrated-penalty design of section 401A. If the subcommittee prefers that exposure, strike the sentence.]

1. CONFORMING AMENDMENT TO THE DEFINITION OF CONTROLLED SUBSTANCE.—Section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) is amended by adding at the end the following: “The term includes a substance in the provisional schedule established under section 202A, except that such a substance is not a controlled substance for purposes of section 404 or of any provision imposing a mandatory minimum term of imprisonment.”.

[Drafting note: this amendment is operative in revision 3 rather than deferred. The money laundering and racketeering predicates relied on in subsection (c)(5) run through definitions in title 18 that cross-reference section 102 of the Controlled Substances Act; a deeming provision in this Act alone does not reach them. The express carve-outs preserve the no-possession-offense and no-mandatory-minimum design of section 401A.]

1. WIRETAP PREDICATE.—Section 2516(1)(e) of title 18, United States Code, is amended by inserting “, or a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act)” after “other dangerous drugs”.

[Drafting note: this subsection is new in revision 4. Section 2516(1)(e) describes drug offenses with the freestanding phrase “narcotic drugs, marihuana, or other dangerous drugs” and does not incorporate the section 102 definitions. Congress conformed the racketeering predicate in section 1961(1) to section 102 in 1994 but made no corresponding change to section 2516. The amendment to section 102(6) in subsection (e) therefore does not reach wiretap authority, and the deeming provision used in revision 3 did not reach it either. Courts read “other dangerous drugs” broadly and a section 401A felony would likely qualify, but the question should not be left to litigation.]

1. FURTHER CONFORMING AMENDMENTS.—[Conforming amendments to 21 U.S.C. 812, 822, 823, 952, and 953 to reference the provisional schedule, to be supplied by the Office of the Legislative Counsel.]

SEC. 6. CLOSURE OF THE LABELING EXCEPTION IN THE CONTROLLED SUBSTANCE ANALOGUE PROVISIONS.

1. INFERENCE REGARDING HUMAN CONSUMPTION.—Section 203 of the Controlled Substances Act (21 U.S.C. 813) is amended—

1. by inserting “(a) IN GENERAL.—” before “A controlled substance analogue”; and

2. by adding at the end the following:

“(b) INTENT FOR HUMAN CONSUMPTION.—

“(1) PERMISSIVE INFERENCE.—For purposes of subsection (a), the trier of fact may infer that a controlled substance analogue was intended for human consumption if it was distributed, offered for distribution, or possessed with intent to distribute through research chemical marketing, and it is not an article approved or authorized under the Federal Food, Drug, and Cosmetic Act, licensed under section 351 of the Public Health Service Act, or distributed to a registrant for a legitimate research, analytical, or industrial purpose.

“(2) LABELING NOT A DEFENSE.—A statement that a substance is ‘not for human consumption’, ‘for research use only’, or a substantially similar statement is not a defense to a violation involving a controlled substance analogue.

“(3) BURDEN UNCHANGED.—Nothing in this subsection shifts to the defendant the burden of proof on any element of an offense, or relieves the United States of its burden to prove the knowledge required under section 401.”.

1. PEPTIDE OPIOIDS.—Section 102(32) of the Controlled Substances Act (21 U.S.C. 802(32)) is amended by adding at the end the following:

“(D) Nothing in this paragraph limits the authority to control a novel synthetic opioid, as that term is defined in this section, under section 201(k), section 202A, or section 202(c).”.

[Drafting note: the clause is lettered (D). Paragraph (32) contains subparagraphs (A), (B), and (C); subparagraph (A) opens “Except as provided in subparagraph (C),” and subparagraph (C) is the exclusion list. Revision 2 relettered this clause (C), which would have displaced that list. The substantive rule that structural similarity is not required now appears in section 201(k)(6)(B), where the class-definition rules sit; what remains here is a non-limitation clause, so that the analogue definition is not read as a ceiling on scheduling authority.]

SEC. 7. CONTROL OF DERMORPHIN AND OTHER PEPTIDE OPIOIDS.

1. PLACEMENT IN SCHEDULE I.—Schedule I in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) is amended by adding at the end the following:

“[(f)] Unless specifically excepted or listed in another schedule, any of the following peptide opioids, including their salts, and any stereoisomer arising from a change in configuration at any amino acid residue:

“(1) Dermorphin.

“(2) Deltorphin, also known as dermenkephalin.

“(3) Deltorphin I.

“(4) Deltorphin II.

“(5) DAMGO.

“(6) DADLE.

“(7) DPDPE.

“(8) FK 33–824.

“(9) Biphalin.

“(10) [Dmt1]DALDA.

“(11) Any other peptide, other than a peptide excluded by the endogenous-peptides exclusion in the definition of ‘novel synthetic opioid’ in section 102, that is a novel synthetic opioid as defined in that section.”.

[Drafting note: amino acid sequences were carried in revisions 1 and 2 and are omitted here pending confirmation. Before introduction, each name and sequence must be verified against DEA Diversion Control Division nomenclature and IUPAC nomenclature by a forensic chemist whose verification can be entered in a hearing record; a sequence error in a schedule I listing is not curable by construction. Paragraphs (5) through (10) are standard laboratory reagents, and their listing depends on the research-reagent exemption in section 11(d)(3). Square brackets in paragraph (10) are retained: codified schedules already carry bracketed chemical names, including “5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497)” and “1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200)” in 21 U.S.C. 812(c), added by Pub. L. 112–144. Each entry should nevertheless be paired with a full systematic name in parentheses, on the model of those listings, so that no entry depends on shorthand alone. Schedule I in 21 U.S.C. 812(c) runs (a) through (e), so (f) is the next available designation; subdivision (e), fentanyl-related substances, was added by the HALT Fentanyl Act.]

1. FAIR-NOTICE LIMITATION FOR UNLISTED PEPTIDES.—In a prosecution involving a peptide controlled only by reason of paragraph (11) of the matter added by subsection (a), and not named in paragraphs (1) through (10) or on the list published under section 201(k)(6)(C) of the Controlled Substances Act, the United States must prove that the defendant knew, or represented, that the peptide produces opioid effects in humans or animals.
2. PUBLICATION.—The Attorney General shall publish in the Federal Register, and maintain on a public website, a list of peptides identified as controlled under paragraph (11) of the matter added by subsection (a), and shall update the list not later than 30 days after each identification.
3. RESEARCH.—A peptide controlled under this section is subject to the research pathway in section 11.

SEC. 8. IMPORT AND MARKETPLACE CONTROLS.

1. IMPORTATION.—A substance in the provisional schedule may be imported only in accordance with the registration, permit, and declaration requirements of sections 1002 and 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 952, 958) that apply to a controlled substance in schedule III, subject to section 11.

2. INTERAGENCY INTERDICTION PROCESS.—

1. IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commissioner of U.S. Customs and Border Protection, the Administrator of the Drug Enforcement Administration, the Commissioner of Food and Drugs, and the Postmaster General shall establish a joint process to target, detain, sample, test, and refuse admission to international mail and express consignment shipments reasonably suspected of containing a novel synthetic opioid, a novel anabolic agent, a substance in the provisional schedule, a controlled substance, or a controlled substance analogue.
2. TARGETING DATA.—The process shall use advance electronic data required under section 343(a)(3)(K) of the Trade Act of 2002 (19 U.S.C. 1415(a)(3)(K)), as amended by section 8003 of the STOP Act of 2018 (Pub. L. 115–271), and entry data made available by the suspension of duty-free treatment under section 321(a)(2)(C) of the Tariff Act of 1930 (19 U.S.C. 1321(a)(2)(C)).
3. RESULTS.—Laboratory identification of a substance in an interdicted shipment shall be entered into the early-warning system under section 12(b) not later than 14 days after the identification.
4. LIMITATION.—Nothing in this subsection authorizes the opening of a letter of domestic origin sealed against inspection except as provided in section 404(c) of title 39, United States Code, or the reading of any correspondence except as permitted by law. Inspection of mail arriving from outside the customs territory of the United States is governed by the customs laws and by section 582 of the Tariff Act of 1930 (19 U.S.C. 1582).

[Drafting note: section 404(c) of title 39 protects only a letter “of domestic origin” from opening without a warrant. Revision 3 cited it in a provision addressed to international mail, where it does not operate. This revision confines the citation to its actual scope and names the authority that governs inbound mail.]

1. MARKETPLACE AND VENDOR LIABILITY.—

1. PROHIBITION.—It is unlawful for a person that operates an online marketplace, vendor website, or payment or fulfillment service knowingly to facilitate the distribution, to persons in the United States, of a substance offered through research chemical marketing, knowing that the substance is a substance in the provisional schedule, a controlled substance, or a controlled substance analogue.
2. CIVIL PENALTY.—A person who violates paragraph (1) is subject to a civil penalty of not more than \$[250,000] for each violation. The penalty shall be recovered in a civil action brought by the United States in an appropriate district court of the United States.
3. SAFE HARBOR.—A person is not liable under paragraph (1) if, not later than 10 business days after receiving written notice from the Attorney General or the Commissioner of Food and Drugs identifying a listing, the person removes the listing and preserves associated records for not less than 1 year.
4. RELATIONSHIP TO SECTION 230 OF THE COMMUNICATIONS ACT OF 1934.—Nothing in section 230 of the Communications Act of 1934 (47 U.S.C. 230) shall be construed to limit liability under this subsection.

[Drafting note: paragraph (1) was conformed in revision 3 so that the knowledge element attaches to the controlled character of the substance, not only to the act of facilitation. As drafted in revisions 1 and 2, an operator who knowingly hosted a listing was liable without knowing the substance was controlled, which is inconsistent with the knowledge requirement codified in section 401A(d) and with *McFadden v. United States*, 576 U.S. 186 (2015).

Paragraphs (2) and (4) are restored in revision 5 from the parallel revision 4. Section 230(c)(1) of the Communications Act treats a provider as not the publisher of third-party content, and the carve-out at section 230(e)(1) reaches Federal criminal statutes only; without paragraph (4) a civil penalty premised on third-party listings would be barred before the safe harbor in paragraph (3) was reached. Paragraph (4) follows the model of section 230(e)(5), added by the Allow States and Victims to Fight Online Sex Trafficking Act of 2017 (Pub. L. 115–164), and is not defensible without the knowledge element in paragraph (1); the two should be briefed together. Paragraph (2) places recovery in district court rather than administrative assessment, which is how civil penalties under section 402(c) are collected in practice and which avoids the question raised by *SEC v. Jarkesy*, 603 U.S. 109 (2024), as to punitive civil penalties adjudicated outside an Article III court.]

1. MISBRANDING.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

“[(____)] The introduction or delivery for introduction into interstate commerce of a drug through research chemical marketing, as that term is defined in section 102 of the Controlled Substances Act, unless the drug is approved, authorized, or exempt under this Act.”.

SEC. 9. FOREIGN-SUPPLIER ACCOUNTABILITY.

1. SENSE OF CONGRESS.—It is the sense of Congress that, because the Supreme Court held in *Learning Resources, Inc. v. Trump*, 607 U.S. 229 (2026), that the International Emergency Economic Powers Act does not authorize tariffs, accountability for foreign suppliers of emerging drug threats should be pursued through designation, blocking, export control, visa, and criminal process. That holding addresses tariffs only and does not affect blocking or sanctions authority under that Act.
2. SANCTIONS DESIGNATION.—The Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, shall consider for designation under Executive Order 14059 (86 Fed. Reg. 71549; relating to imposing sanctions on foreign persons involved in the global illicit drug trade), and for the imposition of sanctions under the FEND Off Fentanyl Act (division E of Public Law 118–50), any foreign person the Secretary determines knowingly manufactures, sells, ships, brokers, or finances the distribution to the United States of a novel synthetic opioid, a novel anabolic agent, or a substance in the provisional schedule.
3. FINANCIAL MEASURES.—The Secretary of the Treasury shall consider whether any foreign financial institution, class of transactions, or jurisdiction that materially facilitates payment for such substances is of primary money laundering concern under section 5318A of title 31, United States Code.

4. EXPORT CONTROLS.—The Secretary of Commerce shall consider adding to the Entity List in supplement no. 4 to part 744 of title 15, Code of Federal Regulations, any foreign person described in subsection (b), on the basis that the person’s activities are contrary to the national security or foreign policy interests of the United States.
5. CRIMINAL PROCESS.—The Attorney General shall prioritize investigation and prosecution under section 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 959), as applied by section 5(c), of foreign persons who manufacture or distribute such substances with intent or knowledge that they will be unlawfully imported into the United States, and shall seek extradition and mutual legal assistance where available.
6. REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of the Treasury, the Secretary of State, the Secretary of Commerce, and the Attorney General shall jointly submit to the appropriate congressional committees a report identifying foreign suppliers of the substances described in subsection (b), the actions taken under this section, and the cooperation of the governments of the People’s Republic of China, Mexico, and India in controlling such substances. The report shall be unclassified and may include a classified annex.

SEC. 10. INTELLIGENCE, INFORMATION SHARING, AND INVESTIGATIVE AUTHORITIES.

1. EMERGING DRUG THREAT FUSION FUNCTION.—

1. ESTABLISHMENT.—The Administrator of the Drug Enforcement Administration, acting through the Office of National Security Intelligence, shall establish an emerging drug threat fusion function with participation by Homeland Security Investigations, the National Targeting Center of U.S. Customs and Border Protection, the Financial Crimes Enforcement Network, the Office of Criminal Investigations of the Food and Drug Administration, the Centers for Disease Control and Prevention, the Department of State, and other elements of the intelligence community designated by the Director of National Intelligence.
2. FUNCTIONS.—The fusion function shall—
 1. maintain a watch list of emerging substances, vendors, and foreign suppliers;
 2. prepare the evidentiary record supporting orders under section 201(k) and rules under section 202A(e) of the Controlled Substances Act;
 3. prepare investigative referrals and targeting information for Federal, State, local, and Tribal law enforcement agencies;
 4. prepare nominations for action under section 9;
 5. issue unclassified early-warning bulletins to public health authorities, medical examiners, poison control centers, and forensic laboratories; and

6. exchange chemical identification and forensic data with foreign counterpart agencies, the United Nations Office on Drugs and Crime, and the European Union Drugs Agency.

1. ADMINISTRATIVE SUBPOENAS.—

1. IN GENERAL.—The authority under section 506 of the Controlled Substances Act (21 U.S.C. 876) applies to any investigation relating to a substance in the provisional schedule, a novel synthetic opioid, a novel anabolic agent, or research chemical marketing, including subpoenas to online marketplaces, vendor websites, payment processors, express consignment carriers, and domain name registrars and registries for subscriber, transactional, and shipping records.

2. NEXUS REQUIRED.—A subpoena may be issued under this subsection in an investigation relating to research chemical marketing only where the Attorney General has reason to believe that the substance involved is a controlled substance, a controlled substance analogue, a novel synthetic opioid, a novel anabolic agent, or a substance in the provisional schedule.

3. CONTENTS EXCLUDED.—A subpoena under this subsection may not require production of the contents of a communication.

[Drafting note: paragraph (2) is new in revision 3. Research chemical marketing, as defined in section 102, can describe conduct involving a wholly uncontrolled substance; without a nexus requirement this subsection would extend administrative subpoena authority beyond the agency's jurisdiction.]

1. FINANCIAL INTELLIGENCE.—

1. ADVISORY AND RED FLAGS.—Not later than 180 days after the date of enactment of this Act, the Director of the Financial Crimes Enforcement Network shall issue an advisory identifying transaction patterns associated with research chemical marketing and the purchase of novel synthetic opioids and novel anabolic agents.

2. GEOGRAPHIC TARGETING.—The Secretary of the Treasury may issue an order under section 5326 of title 31, United States Code, imposing additional recordkeeping and reporting requirements in a geographic area where the Secretary finds those requirements necessary to address trafficking in novel synthetic opioids, novel anabolic agents, or substances in the provisional schedule.

1. INVESTIGATIVE PURCHASES.—The Administrator of the Drug Enforcement Administration and the Commissioner of Food and Drugs may purchase, in any quantity reasonably necessary for analytical identification, a substance offered through research chemical marketing, without regard to any registration requirement of the Controlled Substances Act that would otherwise apply to the purchase.

2. SAFEGUARDS.—

1. NO NEW COLLECTION AUTHORITY.—Nothing in this section authorizes the acquisition of the contents of a communication, electronic surveillance, or a search or seizure that is not otherwise authorized by

law, or expands the authority of any element of the intelligence community under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) or Executive Order 12333.

2. UNITED STATES PERSONS.—Information concerning a United States person that is received by the fusion function shall be retained, used, and disseminated only in accordance with procedures approved by the Attorney General after consultation with the Chief Privacy and Civil Liberties Officer of the Department of Justice. The procedures shall limit retention of information that is not relevant to a law enforcement or public health purpose to not more than [1 year].
3. PRIVACY ACT.—Any system of records established to carry out this section is subject to section 552a of title 5, United States Code.
4. REPORT.—The Chief Privacy and Civil Liberties Officer of the Department of Justice shall report annually to the appropriate congressional committees on the number of subpoenas issued under subsection (b), the categories of records obtained, and any compliance incidents under paragraph (2).
1. AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$[___] for each of fiscal years 2027 through 2032 to carry out this section.

SEC. 11. PROTECTED RESEARCH PATHWAY.

1. APPLICATION OF HALT FENTANYL ACT PROCEDURES.—The registration procedures enacted by the HALT Fentanyl Act (Public Law 119–26) apply to research with a substance in the provisional schedule, or a peptide controlled under section 7, to the same extent they apply to research with a substance in schedule I, including—
 1. section 303(n) of the Controlled Substances Act (21 U.S.C. 823(n)), under which a practitioner already registered to conduct research with a schedule I or II substance may begin research 30 days after notifying the Attorney General, and a notification by an unregistered practitioner is treated as an application on which the Attorney General must act within 45 days;
 2. section 302(e)(4) of that Act (21 U.S.C. 822(e)(4)), permitting a single registration for multiple sites under the control of the same institution within the same city or county;
 3. section 302(f)(2) of that Act (21 U.S.C. 822(f)(2)), removing the need for a new inspection when a registered researcher adds a second controlled substance that is in the same schedule as the first, or in a schedule with a higher numerical designation than that of the first;
 4. section 302(h) of that Act (21 U.S.C. 822(h)), permitting research to continue on a substance newly controlled if an application is filed within 90 days; and
 5. section 302(i) of that Act (21 U.S.C. 822(i)), permitting manufacture of small quantities coincident to the research without a separate manufacturing registration.
1. TREATMENT AS SCHEDULE I FOR RESEARCH PURPOSES.—Notwithstanding section 202A(d) of the Controlled Substances Act, for purposes of the provisions listed in subsection (a) and of subsection (c)

of this section, a substance in the provisional schedule, and a peptide controlled under section 7 of this Act, shall be treated as a substance in schedule I.

[Drafting note: this subsection is new in revision 4. Section 303(n)(1) authorizes the expedited procedure for research “with 1 or more schedule I substances,” and section 302(h) applies to a substance “newly added to schedule I.” Section 202A(d), added in revision 3, would otherwise treat a provisional-schedule substance as being in schedule III wherever a provision distinguishes among schedules by number, which would prevent these provisions from attaching at all. Revision 3 waived the scope limitation in section 303(n)(2) but left this designation mismatch in place, so the research pathway would still not have reached the intended registrants. This is the second distinct failure of this pathway across revisions; it should be confirmed against the codified text before introduction.]

1. EXTENSION OF THE EXPEDITED PROCEDURE.—Section 303(n) of the Controlled Substances Act (21 U.S.C. 823(n)) shall apply to research with a substance in the provisional schedule, or a peptide controlled under section 7 of this Act, without regard to the limitations in paragraph (2) of that subsection, where the research is conducted by—

1. an institution of higher education, as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001);
2. a forensic laboratory operated by, or under contract to, a Federal, State, local, or Tribal government;
3. a public health laboratory, a medical examiner, or a coroner;
4. a hospital or clinical laboratory accredited by a nationally recognized accrediting body; or
5. an entity conducting research under a grant, contract, or cooperative agreement from a Federal agency.

[Drafting note: section 823(n)(2), as enacted, limits the 30-day expedited procedure to research under an investigational new drug exemption and to research conducted or funded by the Department of Health and Human Services, the Department of Defense, or the Department of Veterans Affairs. Without this subsection, academic and forensic research with these substances would not qualify, which is the objection that stalled earlier synthetic-analogue legislation. Revision 2 drafted this as an amendment to section 823(n)(2) conditioned on a reserved subsection (c); the reserved subsection meant the extension reached no one. This revision states the categories inline and applies the procedure without amending the HALT Fentanyl Act.]

1. EXEMPTIONS.—The registration, penalty, and importation provisions of this Act and the amendments made by this Act do not apply to—

1. a researcher acting under a registration or exemption under section 302 or 303 of the Controlled Substances Act (21 U.S.C. 822, 823);
2. the manufacture, distribution, possession, or use of an analytical reference standard or certified reference material by or for a forensic, clinical, public health, or research laboratory, where the material is used, or is intended to be used, for an analytical, forensic, clinical, or research purpose;

3. the distribution of a research reagent in a quantity of not more than [___] milligrams per transaction to a registrant, or to a laboratory operating under an approved institutional biosafety, animal care, or human subjects protocol, if the distributor maintains records of each transaction for not less than 2 years;
 4. a person developing a drug under an investigational new drug exemption in effect under section 505(i) of the Federal Food, Drug, and Cosmetic Act, or a new animal drug under section 512(j) of that Act (21 U.S.C. 360b(j)); and
 5. a licensed veterinarian using a substance for a legitimate veterinary purpose where the substance has an accepted veterinary use.
1. FDA AUTHORITY PRESERVED.—Nothing in this Act limits the authority of the Commissioner of Food and Drugs under the Federal Food, Drug, and Cosmetic Act or the Public Health Service Act.

SEC. 12. FORENSIC CAPACITY AND EARLY WARNING.

1. GRANTS.—The Attorney General, acting through the Administrator of the Drug Enforcement Administration and in coordination with the Director of the Centers for Disease Control and Prevention, shall award grants to State, local, and Tribal forensic laboratories, medical examiner and coroner offices, and public health laboratories to—
 1. acquire analytical instrumentation, including high-resolution mass spectrometry suitable for identifying peptides and unknown compounds;
 2. acquire reference standards for novel synthetic opioids and novel anabolic agents; and
 3. expand postmortem and clinical toxicology testing for emerging substances.
1. EARLY-WARNING SYSTEM.—The Attorney General, in coordination with the Secretary of Health and Human Services, shall maintain a national early-warning system that integrates data from the National Forensic Laboratory Information System, the toxicology testing program of the Drug Enforcement Administration, U.S. Customs and Border Protection seizures, interdiction results under section 8(b), and overdose mortality data. Data that are not law enforcement sensitive shall be made available to researchers and public health authorities.
2. REFERENCE SPECTRA.—The Administrator of the Drug Enforcement Administration shall publish analytical reference data, including mass spectra, for each substance controlled under section 201(k), section 202A, or section 7, not later than 60 days after control takes effect, where such data are available.
3. REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Attorney General shall report to the appropriate congressional committees on each order and rule issued under sections 201(k) and 202A of the Controlled Substances Act, the substances and classes

controlled, the evidence relied on, transfers to schedules I through V, expirations, research registrations granted under section 11, and the median time from first forensic identification to control.

4. AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$[____] for each of fiscal years 2027 through 2032 to carry out this section.

SEC. 13. REVIEW AND SUNSET.

1. GOVERNMENT ACCOUNTABILITY OFFICE.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall report to the appropriate congressional committees on the use and effect of the authorities in this Act, including effects on overdose mortality, research access, and displacement of illicit supply to uncontrolled substances, with a comparison to the experience of the United Kingdom under the Psychoactive Substances Act 2016.
2. INSPECTOR GENERAL.—Not later than 2 years after the date of enactment of this Act, the Inspector General of the Department of Justice shall report to the appropriate congressional committees on the sufficiency of the administrative record supporting each order under section 201(k) of the Controlled Substances Act and on compliance with section 10(e).
3. SUNSET.—The authority to issue orders under section 201(k), and rules under section 202A(e), of the Controlled Substances Act expires 6 years after the date of enactment of this Act unless reauthorized by Act of Congress. Expiration does not affect any order then in effect for the remainder of its term, the authority to extend such an order under section 201(k)(5), any placement in schedules I through V, or section 7.
4. APPROPRIATE CONGRESSIONAL COMMITTEES.—In this Act, the term “appropriate congressional committees” means the Committee on the Judiciary, the Committee on Energy and Commerce, the Committee on Financial Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives, and the Committee on the Judiciary, the Committee on Health, Education, Labor, and Pensions, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

SEC. 14. RULES OF CONSTRUCTION; SEVERABILITY.

1. RULES OF CONSTRUCTION.—Nothing in this Act—
 1. makes simple possession of a substance in the provisional schedule a civil or criminal offense;
 2. affects the authority of the Secretary of Health and Human Services or the Commissioner of Food and Drugs over plant or other botanical material in its naturally occurring concentration;
 3. affects the control status of any substance controlled before the date of enactment of this Act; or

4. affects the authority of a State to regulate or prohibit any substance.

1. SEVERABILITY.—If any provision of this Act or an amendment made by this Act, or its application to any person or circumstance, is held invalid, the remainder of this Act and the amendments made by this Act, and their application to other persons or circumstances, shall not be affected.

ABOUT THE AUTHOR

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