

certain bad actor registrants have their registration revoked, they can re-apply for registration the very next day. Registrants who pose a significant risk of diverting drugs could be given the opportunity to do so once again.

We have to stop this. That is why this legislation is so vital.

Repeat offenders should not be allowed to get a new registration from the DEA just days after their previous registration was revoked because they broke the law. Limited debarment authority is a commonsense and effective administrative tool to address diversion, fraud, and misconduct.

I strongly support this legislation.

Madam Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Madam Speaker, I appreciate my good friend from Florida for yielding. I also thank the chairman of the committee for bringing this bill before us today on the floor.

Madam Speaker, I rise today in support of H.R. 1002, the Debarment Enforcement of Bad Actor Registrants Act of 2021, or the DEBAR Act.

In the 116th Congress, we worked vigorously to tackle the coronavirus and address the needs of those who were suffering. One of the hardest issues facing Americans during this time was substance abuse, which, on average, takes nearly 130 lives each day in our Nation.

The Centers for Disease Control and Prevention reported that more than 88,000 drug overdoses occurred in a 1-year period ending in August of 2020, making it the deadliest year for U.S. overdoses.

In Ohio alone, opioid overdoses reached record levels, rising 16 percent in the second quarter of 2020. Prior to the pandemic, these rates were, thankfully, declining over a 24-month period.

We need to act immediately to put an end to this crisis. The DEBAR Act provides the Drug Enforcement Administration, DEA, debarment authority to permanently prohibit a person or entity that has violated the Controlled Substances Act from being able to receive a registration to manufacture, distribute or dispense a controlled substance.

This legislation would also close loopholes and reduce the circulation of illegal substances across our Nation and keep bad actors from reapplying for new licenses once revoked. There is no silver bullet when it comes to fighting the opioid epidemic; however, the DEBAR Act will help address what is needed to combat this crisis, save lives, and stop bad actors from contributing to addiction.

Again, I thank the chairman, my friend from New Jersey, for bringing the bill to the floor. I also thank our ranking member from Washington for her help on this legislation.

Madam Speaker, I encourage my colleagues to support this bill.

Mr. BILIRAKIS. Madam Speaker, I urge passage of this good bill, and I yield back the balance of my time.

Mr. PALLONE. Madam Speaker, I also urge support for the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 1002, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. MILLER of Illinois. Madam Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this motion are postponed.

### ENSURING COMPLIANCE AGAINST DRUG DIVERSION ACT OF 2021

Mr. PALLONE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1899) to amend the Controlled Substances Act to provide for the modification, transfer, and termination of a registration to manufacture, distribute, or dispense controlled substances or list I chemicals, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1899

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Ensuring Compliance Against Drug Diversion Act of 2021”.

#### SEC. 2. MODIFICATION, TRANSFER, AND TERMINATION OF REGISTRATION TO MANUFACTURE, DISTRIBUTE, OR DISPENSE CONTROLLED SUBSTANCES.

Subsection (a) of section 302 of the Controlled Substances Act (21 U.S.C. 822) is amended by adding at the end the following new paragraph:

“(3)(A) Except as provided in subparagraph (C), the registration of any registrant under this title to manufacture, distribute, or dispense controlled substances or list I chemicals terminates if and when such registrant—

“(i) dies;

“(ii) ceases legal existence;

“(iii) discontinues business or professional practice; or

“(iv) surrenders such registration.

“(B) In the case of such a registrant who ceases legal existence or discontinues business or professional practice, such registrant shall promptly notify the Attorney General in writing of such fact.

“(C) No registration under this title to manufacture, distribute, or dispense controlled substances or list I chemicals, and no authority conferred thereby, may be assigned or otherwise transferred except upon such conditions as the Attorney General may specify and then only pursuant to written consent. A registrant to whom a registration is assigned or transferred pursuant to the preceding sentence may not manufacture, distribute, or dispense controlled substances or list I chemicals pursuant to such

registration until the Attorney General receives such written consent.

“(D) In the case of a registrant under this title to manufacture, distribute, or dispense controlled substances or list I chemicals desiring to discontinue business or professional practice altogether or with respect to controlled substances and list I chemicals (without assigning or transferring such business or professional practice to another entity), such registrant shall return to the Attorney General for cancellation—

“(i) the registrant’s certificate of registration;

“(ii) any unexecuted order forms in the registrant’s possession; and

“(iii) any other documentation that the Attorney General may require.”.

#### SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Florida (Mr. BILIRAKIS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1899.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 1899, the Ensuring Compliance Against Drug Diversion Act.

The Drug Enforcement Administration is charged with regulating controlled substances and manages access to these substances through a registration system. This system is meant to identify entities that manufacture, distribute, and dispense controlled substances, such as opioids; as well as to prevent diversion of these substances. We rely on the DEA to maintain the integrity of this system as one way to stop illicit diversion before it starts.

However, a 2018 Government Accountability Office report found over 700 registrants in the DEA’s system may have been ineligible for registration under the Controlled Substances Act. In fact, the GAO found that some of these registrants were reportedly deceased, did not possess State-level authority, or were incarcerated for offenses related to controlled substances.

If we are to curb rising substance abuse in the U.S., we must ensure, Madam Speaker, that bad actors are prevented from having access to these substances. The legislation we are considering today would terminate the

controlled substance registration of any registrant if the registrant dies, ceases legal existence, discontinues business or professional practice, or surrenders their registration. This bill also codifies DEA authority to ensure accuracy of registrations and limit the transfer of such registrations.

I thank the lead sponsor of this bill, Representative GRIFFITH, for his leadership on this issue.

Madam Speaker, I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. BILIRAKIS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of this legislation, which was introduced by Representative GRIFFITH.

In order to prevent people who have not been vetted by authorities in dispensing controlled substances, this bill would clarify that the transfer of any controlled substance registration without written consent from the Drug Enforcement Administration, DEA, is prohibited.

A 2018 Energy and Commerce Committee report, which summarized the committee's bipartisan investigation into the distribution of prescription opioids by wholesale drug distributors, and the DEA's subsequent enforcement practices found that an opioid distributor and its pharmacy customer did not go through the appropriate process of transferring a registration to a new pharmacy owner.

Failing to contact the DEA appropriately and to verify whether the agency approved the transfer of a registration to dispense controlled substances creates a serious risk that could lead to drug diversion.

Madam Speaker, of course, I urge a "yes" vote on this.

Madam Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. GRIFFITH).

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Mr. GRIFFITH. Madam Speaker, I rise today in support of H.R. 1899, the Ensuring Compliance Against Drug Diversion Act. This is a small but very important step that could play a key role in helping contain the opioid epidemic.

License to distribute opioids is not a commodity to be freely bought and sold. We must ensure that those who wish to engage in opioid distribution earn the ability to do so.

An investigation, as the Speaker has heard, published by the Energy and Commerce Oversight and Investigations Subcommittee in 2018 found that the current procedures for transferring the licenses to distribute controlled substances lacked sufficient accountability.

In one instance, a distributor and its pharmacy customer did not go through the appropriate process of transferring registration to a new pharmacy owner, but the mistake wasn't caught until long, long afterward. As a result, there

was a period of time during which the DEA was unaware that a particular pharmacy was distributing controlled substances.

Failing to properly verify whether a transfer has been approved creates a serious risk of drug diversion. This bill amends the Controlled Substances Act to prohibit the transfer of any DEA registration without consent from the agency.

By requiring written approval from the DEA before the transfer of registration, we decrease the risk of controlled substances falling into the hands of those who have not been vetted by appropriate regulatory authorities.

Mr. BILIRAKIS. Madam Speaker, I urge passage of this very good bill. I yield back the balance of my time.

Mr. PALLONE. Madam Speaker, I also urge support for the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 1899.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WEBER of Texas. Madam Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this motion are postponed.

#### MICROLOAN IMPROVEMENT ACT OF 2021

Ms. CRAIG. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1502) to amend the Small Business Act to optimize the operations of the microloan program, lower costs for small business concerns and intermediary participants in the program, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1502

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Microloan Improvement Act of 2021".

#### SEC. 2. INTEREST RATE FOR CERTAIN INTERMEDIARIES.

Section 7(m)(3)(F)(iii) of the Small Business Act (15 U.S.C. 636(m)(3)(F)(iii)) is amended by striking "\$7,500" and inserting "\$10,000".

#### SEC. 3. LINES OF CREDIT AUTHORIZED.

Section 7(m)(6)(A) of the Small Business Act (15 U.S.C. 636(m)(6)(A)) is amended by inserting "(including lines of credit)" after "fixed rate loans".

#### SEC. 4. EXTENDED REPAYMENT TERMS.

(a) IN GENERAL.—Section 7(m)(6) of the Small Business Act (15 U.S.C. 636(m)(6)) is amended by adding at the end the following:

"(F) REPAYMENT TERMS.—

"(1) LIMITATION ON REPAYMENTS TERM.—The repayment term for a loan made under this paragraph shall not be more than—

"(I) in the case of a loan made by an intermediary of \$10,000 or less, 7 years; and

"(II) in the case of a loan made by an intermediary of greater than \$10,000, 10 years.

"(ii) NO ADDITIONAL LIMITATIONS.—The Administrator may not impose any additional limitation on the term for repayment of a loan made by an intermediary under this paragraph."

(b) TECHNICAL AMENDMENT.—Section 329(c) of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act (Public Law 116-260; 134 Stat. 2042 15 U.S.C. 636 note) is repealed.

#### SEC. 5. PROGRAM FUNDING FOR MICROLOANS.

(a) IN GENERAL.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (7)(B)—

(A) by amending clause (i) to read as follows:

"(i) ALLOCATION.—Subject to the availability of appropriations and for the first 2 quarters of a fiscal year, of the total amount of new loan funds made available for award under this subsection in such fiscal year, the Administrator shall—

"(I) reserve 15 percent of such funds for award to designated underutilized States; and

"(II) make the remaining 85 percent of such funds available for award in any State."; and

(B) in clause (ii), by striking "to carry out" and all that follows through the period at the end and inserting the following: "under clause (i)(I) remains unexpended, the Administrator may make that portion available for award in any State or designated underutilized State."; and

(2) in paragraph (11)—

(A) in subparagraph (C)(ii), by striking "and" at the end;

(B) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(E) the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa."

(b) RULEMAKING.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Small Business Administration shall issue regulations to define the term "designated underutilized State", as used in section 7(m)(7)(B) of the Small Business Act (15 U.S.C. 636(m)(7)(B)), as added by this section.

#### SEC. 6. CREDIT REPORTING INFORMATION.

The Administrator of the Small Business Administration shall issue rules establishing a process under which an intermediary that makes a loan to a borrower under section 7(m) of the Small Business Act (15 U.S.C. 636(m)) shall be required to provide the major credit reporting agencies with information about the borrower relevant to credit reporting, such as the borrower's payment activity on the loan.

#### SEC. 7. REPORT REGARDING EQUITABLE DISTRIBUTION.

Section 7(m)(8) of the Small Business Act (15 U.S.C. 636(m)(8)) is amended—

(1) by striking "In approving" and inserting the following:

"(A) IN GENERAL.—In approving"; and

(2) by adding at the end the following:

"(B) ANNUAL REPORT.—The Administrator shall include in the report submitted under paragraph (10), and make publicly available on the website of the Administration, information on how the Administration has met the requirements of subparagraph (A)."

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from