

113TH CONGRESS  
1ST SESSION

# H. R. 389

To require the submission to the Congress of annual reports on the tobacco user fees assessed and collected under section 919 of the Federal Food, Drug, and Cosmetic Act.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 23, 2013

Mr. GUTHRIE introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To require the submission to the Congress of annual reports on the tobacco user fees assessed and collected under section 919 of the Federal Food, Drug, and Cosmetic Act.

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 “Transparency in To-  
5 bacco User Fees Act of 2013”.

1 **SEC. 2. REPORTING ON TOBACCO USER FEES.**

2 Section 919 of the Federal Food, Drug, and Cosmetic  
3 Act (21 U.S.C. 387s) is amended by adding at the end  
4 the following:

5 “(f) REPORTING.—

6 “(1) IN GENERAL.—Beginning with fiscal year  
7 2014, not later than 120 days after the end of each  
8 fiscal year for which fees are collected under this  
9 section, the Secretary shall, with respect to such fis-  
10 cal year, prepare and submit to the Committee on  
11 Energy and Commerce of the House of Representa-  
12 tives and the Committee on Health, Education,  
13 Labor, and Pensions of the Senate a report con-  
14 cerning such fees.

15 “(2) CONTENTS.—Each report under para-  
16 graph (1) shall, with respect to the fiscal year in-  
17 volved, include at a minimum the following:

18 “(A) The total amount of fees assessed  
19 and collected under this section.

20 “(B) A description of how such fees have  
21 been, or are intended to be, used.

22 “(C) The total amount of fees assessed  
23 and collected under this section which have not  
24 been obligated.

1           “(D) The total amount of fees assessed  
2 and collected under this section which have  
3 been obligated, but have not been expended.

4           “(E) Of the fees assessed and collected  
5 under this section, the portion of such fees  
6 which have been, or are intended to be, pro-  
7 vided to public or private entities outside of the  
8 Federal Government.

9           “(F) The total number of tobacco products  
10 for which an application is received, or an order  
11 is issued, under section 910.

12           “(G) Of the applications received under  
13 section 910—

14                   “(i) the number of such applications  
15 disposed of; and

16                   “(ii) the number of such applications  
17 which remain pending.

18           “(H) The total number of modified risk to-  
19 bacco products (as defined in section 911(b))  
20 for which an application is received, or an order  
21 is issued, under section 911.

22           “(I) Of the applications received under sec-  
23 tion 911—

24                   “(i) the number of such applications  
25 disposed of; and

1                   “(ii) the number of such applications  
2                   which remain pending.”.

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