

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2339
OFFERED BY M. Burgess**

In section 104, strike subsection (a) (relating to an increase in fees) (and make such conforming changes as may be necessary).

At the end of title I, insert the following new section:

**1 SEC. 107. REQUIRED EXPLANATION OF FDA'S FAILURE TO
2 COMPLY WITH REPORTING MANDATE.**

3 Not later than 30 days after the date of enactment
4 of this Act, the Secretary of Health and Human Services,
5 acting through the Commissioner of Food and Drugs,
6 shall submit to the appropriate congressional committees
7 a written explanation of why the Food and Drug Adminis-
8 tration has not complied with section 106(a) of the Family
9 Smoking Prevention and Tobacco Control Act (requiring
10 an FDA progress report) (21 U.S.C. 387u(a)).

