

119TH CONGRESS
2D SESSION

H. R. 9791

To amend the Federal Food, Drug, and Cosmetic Act with respect to the requirements for the small business waiver from device fees related to annual establishment registration, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 20, 2026

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

A BILL

To amend the Federal Food, Drug, and Cosmetic Act with respect to the requirements for the small business waiver from device fees related to annual establishment registration, and for other purposes.

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 “Nullifying Overbearing
5 Federal Expenditures and Exorbitant Spending Act of
6 2026” or the “NO FEES Act of 2026”.

7 **SEC. 2. SMALL BUSINESS FEE WAIVER.**

8 (a) SMALL BUSINESSES FEE WAIVER.—

1 (1) DEFINITION OF SMALL BUSINESS.—Section
2 738(a)(3)(B)(ii)(I) of the Federal Food, Drug, and
3 Cosmetic Act (21 U.S.C. 379j(a)(3)(B)(ii)(I)) is
4 amended to read as follows:

5 “(I) DEFINITION OF SMALL
6 BUSINESS.—For purposes of this
7 clause, the term ‘small business’
8 means an entity that employs less
9 than 20 full-time equivalent employ-
10 ees, including such employees of all of
11 its affiliates.”.

12 (2) WAIVER.—Section 738(a)(3)(B)(ii)(II) of
13 the Federal Food, Drug, and Cosmetic Act (21
14 U.S.C. 379j(a)(3)(B)(ii)(II)) is amended to read as
15 follows:

16 “(II) WAIVER.—
17 “(aa) IN GENERAL.—Sub-
18 ject to subclause (V), the Sec-
19 retary shall grant a waiver of the
20 fee required under subparagraph
21 (A) for the annual registration of
22 an establishment for a year if the
23 Secretary finds that such estab-
24 lishment is a small business.

1 “(bb) PROHIBITION ON SEC-
2 RETARY CONSIDERING PAYMENT
3 HISTORY.—In determining
4 whether to grant a waiver under
5 this clause, the Secretary may
6 not consider whether an estab-
7 lishment paid the fee required
8 under subparagraph (A) for any
9 year prior to the year for which
10 the establishment requests such
11 waiver.

12 “(cc) SIZE AND AFFILIATION
13 STANDARDS.—For purposes of
14 determining whether an estab-
15 lishment is a small business
16 under this clause, the Secretary
17 shall apply the standards of the
18 Small Business Administration
19 related to size eligibility and af-
20 filiation, as described in sections
21 121.103 and 121.106 of title 13,
22 Code of Federal Regulations (or
23 successor regulations).

24 “(dd) INFORMATION DEM-
25 ONSTRATING ESTABLISHMENT

1 SIZE.—For purposes of dem-
 2 onstrating that an establishment
 3 requesting a waiver is a small
 4 business under this clause, such
 5 establishment shall submit to the
 6 Secretary, at least 60 days before
 7 the fee is due pursuant to sub-
 8 paragraph (C), a copy of its most
 9 recent Federal income tax return
 10 for a taxable year or its most re-
 11 cent payroll register.”.

12 (3) EXCLUSION OF FOREIGN COMPANIES.—Sec-
 13 tion 738(a)(3)(B)(ii)(III) of the Federal Food,
 14 Drug, and Cosmetic Act (21 U.S.C.
 15 379j(a)(3)(B)(ii)(III)) is amended to read as follows:

16 “(III) EXCLUSION OF FOREIGN
 17 COMPANIES.—An entity that is orga-
 18 nized under the laws of a foreign gov-
 19 ernment may not—

20 “(aa) apply for a waiver
 21 under this clause; or

22 “(bb) form an entity under
 23 the laws of the United States for
 24 purposes of applying for a waiver
 25 under this clause.”.

1 (4) WAIVER AMOUNT; EXPIRATION OF ELIGI-
2 BILITY.—Section 738(a)(3)(B)(ii) of the Federal
3 Food, Drug, and Cosmetic Act (21 U.S.C.
4 379j(a)(3)(B)(ii)) is amended by striking subclause
5 (IV) and inserting the following:

6 “(IV) WAIVER AMOUNT.—A
7 waiver granted by the Secretary to an
8 establishment under this clause shall
9 cover—

10 “(aa) with respect to the 3-
11 year period beginning on the date
12 on which the Secretary first de-
13 termines that such establishment
14 qualifies for such waiver, 100
15 percent of the amount of the fee
16 required under subparagraph
17 (A); and

18 “(bb) with respect to the
19 subsequent 2-year period, 50 per-
20 cent of such amount.

21 “(V) EXPIRATION OF ELIGI-
22 BILITY.—The Secretary may not
23 grant a waiver to an establishment
24 under this clause following—

1 “(aa) the date of a deter-
 2 mination by the Secretary, if any,
 3 that such establishment is not a
 4 small business; or

5 “(bb) the expiration of the
 6 5-year period of coverage applica-
 7 ble to such establishment under
 8 subclause (IV).”.

9 (5) NON-REVIEWABILITY.—Section
 10 738(a)(3)(B)(ii)(V) of the Federal Food, Drug, and
 11 Cosmetic Act (21 U.S.C. 379j(a)(3)(B)(ii)(V)) is
 12 amended by striking “REQUEST FOR WAIVER.—”
 13 and all that follows through “subparagraph (C).”
 14 and inserting “NON-REVIEWABILITY.—”.

15 **SEC. 3. ANNUAL REGISTRATION FEE FOR FOREIGN COMPA-**
 16 **NIES.**

17 Section 738(a)(3) of the Federal Food, Drug, and
 18 Cosmetic Act (21 U.S.C. 379j(a)(3)) is amended by add-
 19 ing at the end the following:

20 “(D) ANNUAL REGISTRATION FEE FOR
 21 FOREIGN COMPANIES.—With respect to an es-
 22 tablishment owned or operated by an entity or-
 23 ganized under the laws of a foreign government,
 24 the fee for an initial or annual registration
 25 under section 510 shall be equal to the fee re-

1 quired under subparagraph (A) multiplied by
2 8.”.

3 **SEC. 4. EFFECTIVE DATE.**

4 The amendments made by this Act shall apply begin-
5 ning on the date that is 90 days after the date of enact-
6 ment of this Act.

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