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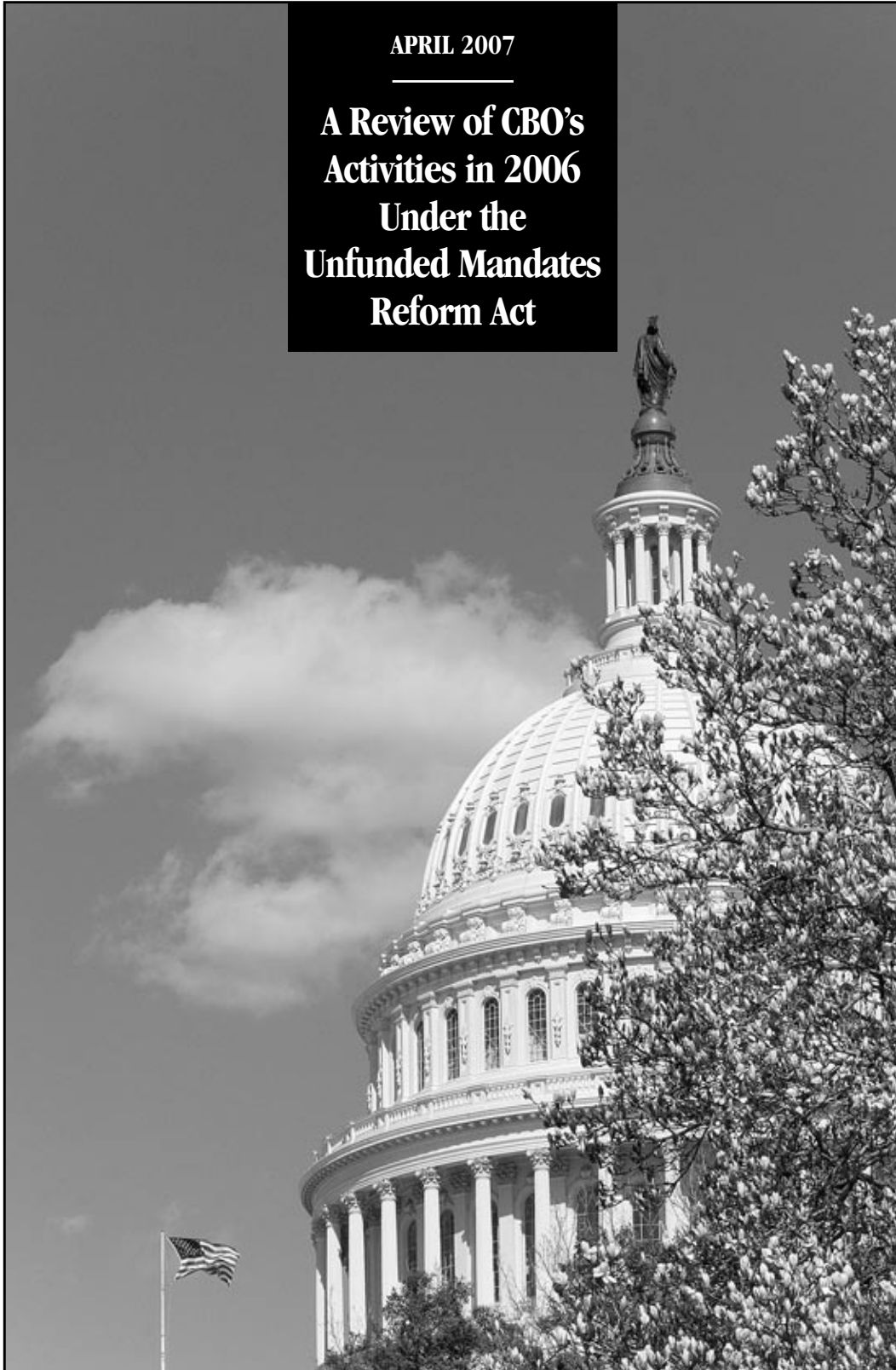
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CBO

REPORT

APRIL 2007

**A Review of CBO's
Activities in 2006
Under the
Unfunded Mandates
Reform Act**





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April 2007

Note

In this report, thresholds are calculated on a fiscal year basis, and tables reflect calendar years.



Preface

In this report, the Congressional Budget Office (CBO) reviews its activities under the Unfunded Mandates Reform Act of 1995. The report covers legislation considered by the Congress in 2006 that would impose federal mandates on state, local, or tribal governments or on the private sector.

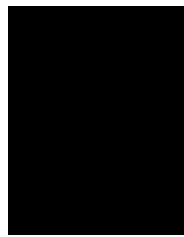
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Loretta Lettner edited the report, and Christine Bogusz proofread it. Maureen Costantino took the cover photograph and prepared the report for publication. Ernestine McNeil and Allan Keaton formatted the tables, and Simone Thomas prepared the electronic version for CBO's Web site (www.cbo.gov).



Peter R. Orszag
Director

April 2007



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A Review of CBO's Activities in 2006 Under the Unfunded Mandates Reform Act

Introduction

The federal government—through laws and regulations—sometimes requires that state, local, and tribal governments and various entities in the private sector expend resources to achieve national goals. In 1995, the Unfunded Mandates Reform Act (UMRA) was enacted to ensure that, during the legislative process, the Congress receives information about particular requirements that it considers to be federal mandates before enacting legislation that would affect state, local, or tribal governments or private-sector entities. Similarly, the act seeks to ensure that such information is provided to executive branch agencies during the rulemaking process.

UMRA defines a mandate as any provision in legislation, statute, or regulation that would impose an enforceable duty on state, local, or tribal governments or on the private sector; that would reduce or eliminate funding authorized to cover the costs of existing mandates; or that would increase the stringency of conditions that apply to certain mandatory programs or make cuts in federal funding for those programs. Duties that are imposed as a condition of federal assistance or that arise from participation in a voluntary federal program generally are not mandates as defined by UMRA.

The act consists of four titles, the first of which specifically applies to the Congressional Budget Office (CBO).¹ Title I of UMRA requires that CBO provide the Congress with information about the costs of proposed federal mandates.² CBO fulfills its responsibilities under UMRA by preparing mandate statements that address whether mandates are contained in a bill and whether they would impose direct costs that are greater than the

statutory thresholds established by UMRA.³ (In 2006, those thresholds, which are adjusted annually for inflation, were \$64 million for intergovernmental mandates and \$128 million for private-sector mandates.) If CBO cannot estimate the cost of a mandate, its statement must indicate that such an estimate is not feasible and explain why.

UMRA also established procedural rules for both the House and Senate that enforce the requirements of title I through the use of points of order. A point of order can be raised in the House or Senate against the consideration of legislation if the committee reporting a bill has not published a statement by CBO on intergovernmental and private-sector mandates. (Title I specifically requires that authorizing committees add information about mandates to their reports, including mandate statements prepared by CBO.) In addition, Members of Congress may raise a point of order against legislation that creates an intergovernmental mandate with costs above the threshold specified in UMRA—unless the legislation authorizes or provides funding to cover those costs. If a point of order is raised under UMRA, each chamber resolves the issue according to its established rules and procedures. Although such procedural requirements do not preclude

1. The major provisions of UMRA are summarized in Appendix A.

2. The Joint Committee on Taxation identifies and provides estimates of intergovernmental and private-sector mandates that are included in bills and proposals that amend the Internal Revenue Code.
3. In an effort to provide more complete information to the Congress, CBO routinely examines how other aspects of legislation—those that are not directly related to mandates as defined in UMRA, such as grant conditions or requirements for participating in voluntary federal programs—might affect state, local, and tribal governments. Similar information is provided about effects on the private sector when it is requested and available.

the Congress from passing bills that contain mandates, they may introduce additional hurdles to passage.

In this report, CBO offers its annual review of the agency's mandate-related activities, updating information provided in its previous reports on UMRA.⁴ Specifically, the report:

- Identifies mandates that the Congress passed and the President signed in 2006;
- Provides an overview of the mandate statements prepared by CBO in 2006; and
- Discusses trends in the number of federal mandates considered by the Congress since 1996.

Most of the legislation that CBO reviewed in 2006 did not contain federal mandates as defined in UMRA. In 2006, CBO transmitted 478 intergovernmental mandate statements and 474 private-sector mandate statements to the Congress. Of those, 88 identified intergovernmental mandates and 93 identified private-sector mandates. Thus, fewer than 20 percent of bills or proposals reviewed by CBO contained intergovernmental or private-sector mandates.

Of the bills or proposals that did include mandates, a small number contained mandates with costs exceeding the thresholds established in UMRA: Three percent of the bills that CBO reviewed had intergovernmental mandates with costs above the threshold, and about five percent contained private-sector mandates with costs above the threshold. Those results are slightly higher than those experienced in previous years. Few bills or proposals with mandates exceeding the thresholds ultimately became law.

Public Laws Enacted in 2006 That Contained Mandates

The Congress and the President enacted 321 public laws in 2006, 30 of which contained one or more intergovernmental mandates as defined by UMRA, and 39 of which contained one or more private-sector mandates (see Table 1 on page 10, Table 2 on page 11, and Table 3 on page 16). Of the public laws that included intergov-

4. CBO's previous reports on UMRA, including a 10-year summary completed in 2006, can be found at www.cbo.gov.

ernmental mandates, two contained mandates with costs exceeding the statutory threshold. By comparison, over the 10-year period leading up to 2006, five intergovernmental mandates with costs that exceeded the threshold were enacted. Of the public laws with private-sector mandates, eight contained mandates with costs exceeding the statutory threshold.⁵ By comparison, of the 79 public laws with private-sector mandates enacted from 2002 through 2005, 12 laws contained mandates with costs above the threshold.⁶

In most cases, legislative proposals that contained mandates were reviewed by CBO at some point during the legislative process. In some cases, as noted in the tables, mandates were not reviewed by CBO prior to enactment. This occurs when legislation is passed without committee consideration (the point at which CBO generally provides its estimates); when a bill is amended on the floor or in conference with a provision containing the mandate; or, in some cases, when a mandate is included in appropriation bills, which are not routinely reviewed by CBO for mandates.

Intergovernmental Mandates

Most of the intergovernmental mandates—those that impose duties on state, local, or tribal governments—that were enacted in 2006 will not impose significant costs on those governments.⁷ Two will impose costs that exceed UMRA's annual threshold of \$64 million in 2006:

- The Deficit Reduction Act of 2005 (Public Law 109-171) includes a provision that, in CBO's estimation, will impose significant costs on state, local, or tribal governments. Beginning in 2008, that provision will eliminate federal matching funds for child support spending that states fund with other federal assistance. By decreasing the federal government's funding for the child support enforcement program (a large entitlement program as defined in UMRA), the provision will impose an intergovernmental mandate. CBO esti-

5. The eight bills collectively contained 11 private-sector mandates with costs above the threshold.

6. While CBO has reviewed legislation for private-sector mandates under UMRA since 1996, the agency began reviewing public laws for private-sector mandates and their costs in 2002.

7. For a more in-depth discussion of the treatment of intergovernmental mandates under UMRA, see Congressional Budget Office, *Identifying Intergovernmental Mandates*, Economic and Budget Issue Brief (January 6, 2005).

mates that state costs for administering the program will increase by at least \$100 million annually, as a result.

- The Tax Increase Prevention and Reconciliation Act of 2005 (P.L. 109-222) requires state and local governments to withhold taxes on certain payments for property and services. That administrative responsibility is expected to result in additional costs that exceed the threshold in at least one year of the next five years.

CBO could not determine whether mandates in two other laws will impose costs above or below the threshold.

- The Secure Fence Act of 2006 (P.L. 109-367) authorizes the federal government to take public and private property for purposes of building a fence to secure the border. Because CBO cannot predict the outcome of the future regulations and the amount of public property that may be taken for those purposes, CBO cannot determine whether the costs of the mandate will exceed the threshold established in UMRA.
- The Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (P.L. 109-479) limits future legal actions by certain Native American tribes. Because CBO cannot predict either the likelihood or outcome of such potential lawsuits, it cannot determine whether the statutory threshold will be exceeded.

Private-Sector Mandates

Of the 39 public laws enacted in 2006 that contained private-sector mandates, eight will impose a total of 11 mandates with costs that exceed the annual threshold of \$128 million. In most cases, mandates with costs above the threshold were reviewed by CBO at some point during the legislative process.⁸ The eight public laws that include mandates whose costs exceed the threshold are as follows:

- The Passport Services Enhancement Act of 2005 (P.L. 109-167) requires individuals to pay a surcharge on the filing fee for each passport application through the end of fiscal year 2010;

8. Such a review did not occur in three cases: the provision in Public Law 109-222 related to the tax treatment of children's unearned income, the mandate imposed by P.L. 109-234, and the mandate imposed by P.L. 109-432.

- The Deficit Reduction Act of 2005 (P.L. 109-171) imposes two mandates with costs above the threshold:

- An increase in federal deposit insurance premiums for banks and credit unions;
- An increase in certain premiums paid to the Pension Benefit Guaranty Corporation by sponsors of single-employer and multiemployer defined-benefit pension plans;

- The Tax Increase Prevention and Reconciliation Act of 2005 (P.L. 109-222) contains three revenue-raising provisions, each with costs above the threshold:⁹

- A repeal of the rule allowing U.S. corporations to exclude from U.S. taxation certain income derived from foreign sources;¹⁰
- A reduction in the housing exclusion that allows U.S. citizens living abroad to lower the amount of their personal income that is subject to the U.S. income tax; and
- An increase in the age until which the unearned income of children is potentially taxed at their parents' rate;

- The Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (P.L. 109-234) extends through September 2007 the requirement that operators of coal mines pay fees associated with the Abandoned Mine Reclamation Fund;

- The Mine Improvement and New Emergency Response Act of 2006 (P.L. 109-236) requires operators of underground coal mines to install equipment and implement procedures designed to improve accident preparedness;

- The Pension Protection Act of 2006 (P.L. 109-280) imposes new requirements on sponsors and

9. The Joint Committee on Taxation provided estimates for the costs of the tax provisions at various stages during the legislative process.

10. The foreign sales corporation-extraterritorial income grandfather rule (FCS/ETI) allowed U.S. corporations to exclude from U.S. taxation certain income derived from foreign sources.

administrators of single-employer and multiemployer private pension plans;

- The John Warner National Defense Authorization Act for Fiscal Year 2007 (P.L. 109-364) prohibits providers of group health plans from offering certain incentives to military retirees to decline enrollment in a group health plan in favor of relying on the military health insurance program; and
- The Tax Relief and Health Care Act of 2006 (P.L. 109-432) reauthorizes certain fees on coal producers that were set to expire after fiscal year 2007.

Laws enacted in 2006 contained a total of 11 private-sector mandates whose costs may be above or below the threshold. Those public laws include the following:

- A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes (P.L. 109-251), extends for one year the ban on imports from Burma;
- The Iran Freedom Support Act (P.L. 109-293) imposes requirements on financial institutions related to combating money laundering involved in the proliferation of weapons of mass destruction;
- The Department of Homeland Security Appropriations Act, 2007 (P.L. 109-295) requires certain chemical facilities to conduct vulnerability assessments and develop and implement site security plans;
- The Security and Accountability for Every Port Act of 2006 (P.L. 109-347) requires new standards to be set for securing shipping containers;
- The North Korea Nonproliferation Act of 2006 (P.L. 109-353) grants authority to the President to impose sanctions on certain entities that help North Korea acquire weapons;
- The John Warner National Defense Authorization Act for Fiscal Year 2007 (P.L. 109-364) increases the total number of days that certain reservists can be required to serve on active duty, thus increasing the cost of existing mandates imposed by the Servicemembers Civil Relief Act (protections under that act prohibit creditors from charging more than 6 percent interest

on certain debts incurred by service members and shield service members from certain civil liabilities while on active duty);

- The Secure Fence Act of 2006 (P.L. 109-367) grants the federal government the authority to take private property for the purpose of building a fence to secure the border;
- A joint resolution making further continuing appropriations for the fiscal year 2007, and for other purposes (P.L. 109-383), grants protection from liability for air carriers in the event of a terrorist attack;
- The Pipeline Safety Improvement Act of 2006 (P.L. 109-468) imposes safety requirements on operators of distribution pipelines and on operators of natural gas and hazardous liquid pipelines that are designed to enhance safety and environmental protections in pipeline transportation; and
- The Department of State Authorities Act of 2006 (P.L. 109-472) contains two mandates:
 - A grant of authority to the State Department to increase surcharges related to consular services; and
 - A requirement that the President impose sanctions on entities transferring weapons to states or organizations associated with terrorism.

Mandate Statements Prepared by CBO During 2006

Last year, CBO provided mandate cost statements to the Congress for nearly all of the bills reported by authorizing committees and for many other bills and proposed amendments. In total, CBO reviewed about 475 bills and other legislative proposals to determine whether they contained federal mandates (see Table 4 on page 24). As in previous years, most of that legislation did not contain federal mandates as defined by UMRA. However, in 2006, the number of bills with mandates increased when compared with previous years: Eighteen percent (88 bills or proposals) of CBO's estimates identified intergovernmental mandates in 2006, compared with an average over the previous 10 years of 13 percent. Private-sector mandates saw a similar increase: Nearly 20 percent (93 bills or proposals) of CBO's estimates identified private-sector mandates in 2006, compared with

15 percent, on average, for the previous 10 years. (Appendix B lists all of the bills and proposals containing mandates that CBO reviewed in 2006.) Over half of the intergovernmental mandates for which CBO provided estimates were preemptions of state and local authority.

Mandates Considered in 2006 That Had Estimated Costs Above the Statutory Threshold

Most of the mandates that the Congress considered in 2006 would not have imposed costs that exceeded UMRA's annual thresholds, in CBO's estimation. Fewer than 3 percent (12 bills) of the bills and proposals CBO analyzed had intergovernmental mandates with costs higher than the \$64 million annual threshold; another three bills (less than 1 percent) had mandates whose costs may be above or below the threshold. Similarly, only about 5 percent (23) of the bills and proposals CBO analyzed contained private-sector mandates that would have imposed costs greater than the \$128 million threshold. For another 4 percent (21 bills), CBO could not determine whether the cost of the private-sector mandates would exceed the threshold. These numbers are slightly higher than those recorded in previous years.

The number of bills or other legislative proposals that contain mandates and the number of individual mandates that appear in proposed legislation generally differ. As a result of action in both the House and Senate, the Congress may consider the same or similar mandates in more than one piece of legislation. Consequently, the number of bills that contained mandates may exceed the number of individual mandates that the Congress considered in any given year. Conversely, one particular bill may contain a number of individual mandates, so in some cases, the number of bills containing mandates may be less than the number of mandates that the Congress considered. In 2006, CBO reviewed the same or similar mandates in multiple pieces of legislation. In some cases, a bill contained multiple mandates. Coincidentally, the number of bills containing intergovernmental mandates with costs above the statutory threshold and the number of individual intergovernmental mandates both came to 12. CBO also identified 14 individual private-sector mandates in 23 separate bills.

Table 5 on page 25 and Table 6 on page 27 identify individual mandates that had costs over the thresholds. Table B-1 and Table B-2 in Appendix B list every bill or legislative proposal reviewed by CBO that contained

a mandate, indicating (when possible) which had costs above the thresholds established in UMRA.

Intergovernmental Mandates. In 2006, CBO identified 12 intergovernmental mandates that had costs estimated to exceed the threshold of \$64 million (see Table 5):

- The elimination of the federal match for child support spending that states pay for with other federal assistance—states will have to use more of their own resources to support administration of the program (S. 1932; enacted in P.L.109-171);
- A requirement that states ensure proper identification of individuals before allowing them to vote (H.R. 4844);
- A requirement that state and local governments implement and maintain new security procedures governing personal data (S. 1326);
- A requirement that state and local governments notify affected individuals and credit-reporting agencies of any breach of security that could result in identity theft (S. 1326 and S. 1789);
- A requirement that employers pay a higher minimum wage (H.R. 2429 and H.R. 5970);
- A provision prohibiting state, local, and tribal governments from imposing discriminatory taxes on property containing natural gas pipelines (H.R. 1369);
- A requirement that state and local governments withhold taxes on certain payments for property and services (H.R. 4297);
- A provision prohibiting state and local governments from imposing fees or taxes on cable television services (H.R. 5252, two versions);
- A preemption of states' authority to tax certain business activities (H.R. 1956);
- A permanent extension of the Internet Tax Freedom Act, which prohibits state and local governments from imposing taxes on Internet access (H.R. 5252);

- A provision prohibiting state and local governments from imposing certain new taxes on mobile telephone service for three years (H.R. 5252); and
- A requirement for public transportation systems to conduct vulnerability assessments and implement security plans (H.R. 5814).

Private-Sector Mandates. In 2006, CBO identified 14 private-sector mandates with costs estimated to exceed the annual threshold of \$128 million (see Table 6):

- A provision prohibiting individuals from bringing or maintaining a civil action that alleges injury as a result of asbestos exposure; a requirement that defendant companies and their insurers pay annual assessments to a federal Asbestos Fund; and a requirement that asbestos settlement trusts transfer their assets to the Asbestos Fund (Senate Amendment No. 2746 to S. 852);
- A requirement that shipping carriers ensure that all cargo containers entering the United States be secured with a seal meeting certain standards and that owners and operators of maritime terminal facilities implement new security measures (H.R. 4880, H.R. 4954, S. 2459; enacted in P.L. 109-347; as amended, the enacted version may or may not result in costs that exceed the threshold);
- A requirement that owners and operators of certain chemical facilities comply with new security standards and procedures (H.R. 5695, S. 2145; enacted in P.L. 109-295; as amended, the enacted version may or may not result in costs that exceed the threshold);
- A requirement that individuals have a government-issued photo ID to vote in a federal election (H.R. 4844);
- A requirement that telephone companies increase their payments to the Universal Service Fund (H.R. 5252, as approved by the Senate Committee on Commerce, Science, and Transportation);
- A requirement that health plans, providers, and clearinghouses adopt updated coding and transaction standards (H.R. 4157);
- A requirement that certain entities implement information security programs to protect personal information and notify individuals in the event of a security breach (H.R. 3997, H.R. 4127, S. 1326, S. 1789);
- A requirement that employers verify the employment eligibility of employees who currently work or seek to work in the United States (S. 2611);
- A requirement that employers pay a higher minimum wage (H.R. 2429, H.R. 5970);
- A requirement that operators of underground coal mines install equipment to improve accident preparedness (S. 2803; enacted in P.L. 109-236);
- New requirements on sponsors and administrators of single-employer and multiemployer private pension plans (H.R. 4; enacted in P.L. 109-280);
- A provision prohibiting providers of group health coverage from providing financial incentives to military retirees and their dependents to decline enrollment in the group health plan in favor of relying on the military health program as the primary source of health coverage (H.R. 5122, S. 2766; enacted in P.L. 109-364); and
- Revenue-raising tax provisions in tax reconciliation (H.R. 4297, Conference agreement; enacted in P.L. 109-222):¹¹
 - Repeal the rule that allowed U.S. corporations to exclude certain foreign-source income from U.S. taxation; and
 - Reduce the housing exclusion for citizens living abroad that allows them to lower the amount of their foreign-earned income subject to U.S. income taxation.

Mandates Considered in 2006 Whose Costs Might or Might Not Exceed the Statutory Threshold

For a small number of intergovernmental and private-sector mandates, CBO could not determine whether their costs would exceed the thresholds established by UMRA. In most cases, uncertainty about the mandate's

11. The Joint Committee on Taxation is responsible for identifying mandates in tax provisions.

scope (both how extensive its requirements would be and who would be affected) made it impossible to estimate the mandate's costs.

Intergovernmental Mandates. CBO could not determine whether the costs of two intergovernmental mandates (contained in three estimates) would be above or below the threshold: Requirements on employers to verify the eligibility of workers under immigration laws (two versions of S. 2611) and limitations on Indian gaming (H.R. 4893) (see Table 5). In estimating the costs of S. 2611, CBO had no basis for predicting the scope of regulations the Department of Homeland Security would issue to implement the new verification requirements for workers. CBO had no basis for predicting the outcome of Indian gaming applications under the new rules proposed in H.R. 4893. The approval or disapproval of those applications could have significant financial consequences for tribes. Neither mandate became law.

Private-Sector Mandates. CBO identified 12 separate private-sector mandates for which the agency could not determine whether the costs would be above or below the threshold. In four instances, CBO could not determine the costs of the mandates because the mandates would require regulatory action to implement and there was no basis for predicting the cost of such regulations. Those mandates include:

- Requirements on operators of distribution pipelines, natural gas pipelines, and hazardous liquid pipelines that aimed to enhance safety and environmental protections in pipeline transportation (H.R. 5782, enacted in P.L. 109-468);
- Requirements on telecommunications carriers and companies that provide certain telephone services over the Internet to comply with confidentiality procedures for protecting customers' proprietary network information (H.R. 4943, S. 2389);
- Requirements on rail carriers and public transportation systems to conduct vulnerability assessments and implement security plans (H.R. 5814, S. 1052); and
- Requirements on processors of financial transactions (including payment networks that use a designated payment system) to identify and block restricted transactions in connection with unlawful Internet gambling (H.R. 4411).

In the other eight cases, uncertainty about the mandate's scope (both about how extensive its requirements would be and who would be affected) made it impossible to estimate costs. Those mandates include: several bills that would eliminate an existing right of action to seek compensation; a bill that would grant the authority to impose sanctions on entities having transactions with North Korea and a joint resolution that would renew the ban on all imports from Burma; a bill that would prohibit certain pricing practices by oil and gas companies and a bill prohibiting certain pricing practices for broadband network services; a bill requiring compliance with surveillance by federal law enforcement officials; a bill granting the State Department authority to increase the surcharges related to consular services; and a bill prohibiting the purchase of Social Security numbers.

Provisions That Might or Might Not Constitute Mandates

In most cases when CBO reviews a legislative proposal, determining whether it contains a mandate is relatively easy. Sometimes, however, such a determination is impossible to make because of uncertainty about how to interpret some provisions of UMRA or uncertainty about how the provisions would be implemented relative to existing requirements. Of the 474 bills that CBO reviewed in 2006 for possible private-sector mandates, it was unable to make any determination for two of them, or less than 1 percent (see Table B-2). CBO made determinations for all of the bills reviewed for intergovernmental mandates.

In one instance, H.R. 4761, the Deep Ocean Energy Resources Act of 2006, would impose new "conservation of resources" fees on certain federal leaseholders. The fees would apply to existing deep-water leases that include a standard provision providing that they are subject to "all regulations issued pursuant to [the Outer Continental Shelf Lands Act] in the future which provide for the prevention of waste and conservation of the natural resources of the Outer Continental Shelf and the protection of correlative rights therein." Excluded from UMRA's definition of "federal private-sector mandate" are duties "arising from participation in a voluntary federal program." In general, CBO considers any requirements that are imposed in connection with a voluntary contract with the federal government, such as a deep-water lease, not to be private-sector mandates. It is unclear, however, whether fees related to the "conservation of resources" are encompassed by the terms of the existing lease agreements and can be said to have been

voluntarily accepted by the leaseholders. If the fees do not constitute preexisting duties under the leases, they would represent new enforceable duties imposed by H.R. 4761 and would be mandates under UMRA.

In the second case, H.R. 5359 (a bill to amend the automobile fuel economy provisions of title 49, United States Code, to authorize the Secretary of Transportation to set fuel-economy standards for passenger automobiles on the basis of one or more vehicle attributes), CBO could not determine how the requirements of the bill would be implemented. Under current law, the Secretary of Transportation is authorized to set corporate average fuel economy (CAFE) standards for cars and light trucks sold in the United States. H.R. 5359 would authorize the Secretary to set varying CAFE standards for cars on the basis of size, class, or other characteristics that affect fuel consumption. Because regulations to set any new standard have not been established and the Department of Transportation's plans, if any, to amend the CAFE standard under current law were unknown, CBO could not determine whether the bill would result in new private-sector mandates.

Mandate Statements Prepared Since UMRA Went Into Effect

CBO has reviewed roughly 6,200 bills and other legislative proposals since UMRA went into effect in 1996. While there was a slight increase in the number of mandates identified during the 109th Congress, the proportion of bills and legislative proposals containing mandates—both intergovernmental and private-sector—has varied only slightly from one Congress to another (see Table 7 on page 31).

Most of the mandates that CBO examined since 1996 would not have imposed costs higher than the thresholds set by UMRA. About 1 percent of the bills that CBO reviewed had intergovernmental mandates whose costs exceeded the threshold established in the law, and another 1 percent had costs that could not be estimated. For private-sector mandates, about 4 percent of bills had mandates whose costs were greater than the statutory threshold. About 2 percent of bills had mandates whose private-sector costs could not be estimated.

UMRA does not apply to legislative provisions that cover constitutional rights, discrimination, emergency aid, accounting and auditing procedures for grants, national

security and treaty ratification, and title II of Social Security (Old-Age, Survivors, and Disability Insurance benefits). About 2 percent of the bills that CBO reviewed in each year of the 1996–2006 period contained provisions that fit within those exclusions. Many of the provisions applied to national security, treaty ratification, constitutional rights, or Social Security, and in general did not contain costly mandates.

In the 11 years that UMRA has been in place, seven intergovernmental mandates with costs above the threshold have become law:

- An increase in the minimum wage (P.L. 104-188, enacted in 1996). CBO estimated that the required increase would cost state and local governments (in their capacity as employers) more than \$1 billion during the first five years that it was in effect.
- A reduction in federal funding for administering the Food Stamp program (P.L. 105-185, enacted in 1998). That change costs the states between \$200 million and \$300 million a year, in CBO's estimation.
- A preemption of state taxes on premiums for certain prescription drug plans (P.L. 108-173, enacted in 2003). Under that preemption, CBO estimated, states would lose about \$70 million in revenues in 2006 (the first year in which the mandate was in effect). That drop in revenues is estimated to grow to about \$95 million in 2010.
- A temporary preemption—through 2007—of states' authority to tax certain Internet services and transactions (P.L. 108-435, enacted in 2004). That preemption will result in a reduction in state and local government revenues totaling at least \$300 million, according to CBO's estimates.
- A requirement that state and local governments meet certain standards for issuing driver's licenses, identification cards, and vital-statistics documents (P.L. 108-458, enacted in 2004). CBO estimates that state and local governments will have to spend more than \$100 million over the 2005–2009 period to comply with the standards and that the costs in at least one of those years will exceed the UMRA threshold. The law authorizes the appropriation of funds to provide grants to state and local governments to

pay for those costs, and \$40 million was subsequently appropriated in fiscal year 2006 for that purpose.

- The elimination of matching federal payments for some child support spending (P.L. 109-171, enacted in 2006). States will have to use more of their own resources to support administration of the program, and CBO estimates that additional state spending will total more than \$100 million annually, beginning in 2008;
- A requirement that state and local governments withhold taxes on certain payments for property and services (P.L. 109-222, enacted in 2006).

Since UMRA became law, the Congress has enacted more legislation that contains private-sector mandates than that containing intergovernmental mandates. Forty private-sector mandates whose costs CBO determined were higher than the statutory threshold have been enacted since 1996:

- Twelve revenue-raising provisions in the tax code that require individuals or firms to pay more in taxes;
- Six mandates that affect health insurance—requirements for portability of insurance coverage, requirements for minimum maternity stays, requirements for private health insurance providers under the Medicare program, parity in insurance coverage for mental health as well as other medical benefits, various requirements relating to pediatric research that apply to drug manufacturers, and a prohibition on providers of group health plans against offering incentives to military retirees to decline enrollment in a group health plan in favor of relying on the military health care program;
- Nine mandates that affect specific industries—changes in the regulation of telecommunications, changes in milk pricing, a requirement for country-of-origin labels for certain foods, a new safety requirement for automobiles, expanded safety requirements for commercial motor carriers, a minimum requirement for renewable fuels in motor fuels, new requirements for credit agencies, lenders, and merchants that handle credit transactions, a requirement that chemical facilities conduct vulnerability assessments and implement site security plans earlier than previously required, and requirements on operators of underground coal mines to install equipment to improve accident preparedness;
- Six mandates that involve fees—specifically, a fee on manufacturers and importers of tobacco products, increases in existing fees and new fees for certain patent and trademark services, a fee on airline travel, a surcharge on the filing fee for passport applications, a three-month extension of mining reclamation fees, and a reauthorization of mining reclamation fees;
- Two mandates—one increasing the minimum wage and the other raising federal employees' contributions for retirement—that affect a worker's take-home pay;
- Two mandates that increase the premiums paid by industry for government insurance—an increase in federal deposit insurance premiums for banks and credit unions, and an increase in certain premiums paid to the Pension Benefit Guaranty Corporation by sponsors of single-employer and multiemployer defined-benefit pension plans;
- One mandate that imposes new requirements on sponsors of immigrants;
- One mandate that changes procedures for administering bankruptcy claims; and
- One mandate that changes procedures for collecting and using campaign contributions.

Table 1.

Summary of Laws Enacted in 2006 That Contained Mandates

	Laws That Contained Mandates	Total Mandates Enacted	Enacted Mandates Whose Costs Exceed the Statutory Threshold ^a	Enacted Mandates Whose Costs May Be Above or Below the Statutory Threshold
Intergovernmental Mandates	30	37	2	2
Private-Sector Mandates	39	66	11	11

Source: Congressional Budget Office.

Note: n.a. = not applicable.

a. In 2006, the thresholds, which are adjusted annually for inflation, were \$64 million for intergovernmental mandates and \$128 million for private-sector mandates.

Table 2.

Laws Enacted in 2006 That Contained Intergovernmental Mandates

Public Law Number	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment? ^a	Do Costs Exceed the Statutory Threshold? ^b
109-162	Violence Against Women and Department of Justice Authorization Act	Increases the cost of an existing mandate by raising the number of protection orders that state, local, and tribal governments must enforce	Yes	No
		Prohibits states, Indian tribes, or territories from publishing information related to the registration or filing of protection orders, restraining orders, or injunctions if that information would reveal the identity or location of the individual under such an order	Yes	No
109-163	National Defense Authorization Act for Fiscal Year 2006	Increases the costs of complying with existing intergovernmental mandates by boosting the number of service members and reservists on active duty who can request deferrals for paying certain state and local taxes and fees and who can maintain a single state of residence for purposes of state and local personal income taxes	Yes	No
		Preempts the application of state licensing requirements for lawyers practicing within a certain state	Yes	No
109-164	Trafficking Victims Protection Reauthorization Act	Preempts state laws and requires all assets of human traffickers (individuals who recruit, transport, or receive people for the purpose of exploitation) to be forfeited to the federal government	Yes	No
109-171	Deficit Reduction Act of 2005 (Reconciliation)	Eliminates federal match for child support spending	Yes	Yes
		Raises certain court fees; preempts New York State laws; requires public television stations to stop using analog signals earlier than is required under current law	Yes	No
109-177	USA PATRIOT Act Improvement and Reauthorization Act of 2005	Requires publicly owned pharmacies to implement tighter controls for selling and storing over-the-counter drugs that contain pseudoephedrine and ephedrine	Yes	No

Continued

Table 2.**Continued**

Public Law Number	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment?^a	Do Costs Exceed the Statutory Threshold?^b
109-221	Native American Technical Corrections Act of 2006 (Title III, section 301)	Increases fees that must be paid by tribes to the National Indian Gaming Commission	No	No
109-222	Tax Increase Prevention and Reconciliation Act of 2005	Requires state and local governments to withhold taxes on certain payments for property and services	Yes (JCT) ^c	Yes
109-233	Veterans' Housing Opportunity and Benefits Improvement Act of 2006	Prohibits public entities that provide health insurance from increasing premiums for service members when they return from active-duty service and choose to reinstate or continue previously held policies	Yes	No
		Increases the cost of complying with an existing intergovernmental mandate by extending certain health insurance protections to reservists whose notice for active duty is subsequently canceled	Yes	No
109-236	Mine Improvement and New Emergency Response Act of 2006 (the MINER Act)	Preempts state liability laws in cases involving mine rescue teams	Yes	No
109-239	Safe and Timely Interstate Placement of Foster Children Act of 2006	Requires states to complete home studies for interstate placements in the foster care program within 60 days	Yes	No
109-241	Coast Guard and Maritime Transportation Act of 2006	Requires some ferries operated by states to be inspected by the Coast Guard; requires public entities, including port authorities, to notify the Coast Guard if such an entity releases an object that might obstruct the navigable waters of the Delaware River	Yes	No
109-242	Fetus Farming Prohibition Act of 2006	Prohibits the solicitation or acceptance of fetal tissue that has been gestated solely for research purposes	No	No
109-248	Adam Walsh Child Protection and Safety Act of 2006	Requires Indian tribes that choose not to establish registries of sex offenders to delegate that authority to nearby states that provide such services	Yes	No

Continued

Table 2.

Continued

Public Law Number	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment? ^a	Do Costs Exceed the Statutory Threshold? ^b
109-248 (Continued)		Eliminates the ability of states to opt out of federal requirements to conduct background checks and make alternative placements in the foster care program; requires that states conduct background checks of national criminal databases that include a fingerprint search	Yes	No
		Requires state and local governments to provide information on all substantiated cases of child abuse or neglect to the Secretary of Health and Human Services	No	No
109-264	An act to amend title 4 of the United States Code to clarify the treatment of self-employment for purposes of the limitation on state taxation of retirement income	Prohibits states from taxing certain retirement income of former residents; limits the ability of states to tax the retirement income of nonresidents who were partners in firms domiciled within the state	Yes	No
109-271	An act to make technical corrections to the Violence Against Women and Department of Justice Reauthorization Act for 2005	Preempts state and local laws that would prohibit public housing agencies or owners of certain rental properties from terminating or bifurcating leases in certain instances	No	No
109-280	Pension Protection Act of 2006	Preempts state laws that require written permission from employees before an employer can withhold funds from an employee's pay and deposit those funds into a 401(k) plan	Yes	No
109-286	Pueblo de San Ildefonso Claims Settlement Act	Preempts state law and requires that settlement agreements be interpreted as a matter of federal law	Yes	No
109-296	An act to reauthorize the Livestock Mandatory Reporting Act of 1999 and to amend the swine reporting provisions of that act	Extends an existing preemption of livestock reporting requirements at the state or local level if they differ from federal requirements	Yes	No
109-347	Security and Accountability for Every Port Act of 2006 (the SAFE Port Act)	Requires ports to resubmit security plans in certain circumstances; requires ports to hire a United States citizen for the position of chief security officer	Yes	No

Continued

Table 2.

Continued

Public Law Number	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment? ^a	Do Costs Exceed the Statutory Threshold? ^b
109-351	Financial Services Regulatory Relief Act of 2006	Preempts certain state banking laws and places new requirements on state agencies that regulate financial institutions	Yes	No
109-356	2005 District of Columbia Omnibus Authorization Act	Requires the District of Columbia to compel taxicabs to charge fares based on a meter rather than a zone system (although the mayor would be authorized to waive the requirement)	Yes	No
109-364	John Warner National Defense Authorization Act for Fiscal Year 2007	Prohibits employers and other providers of group health coverage from offering incentives to military retirees to decline enrollment in a group health plan in favor of relying on the DoD military health program	Yes	No
		Increases the number of days certain reservists can be called to active duty, thus raising the cost of existing mandates imposed by the Servicemembers Civil Relief Act	Yes	No
109-367	Secure Fence Act of 2006	Authorizes the federal government to take public and private property for purposes of building a fence to secure the border	No	Uncertain
109-396	Federal and District of Columbia Government Real Property Act of 2006	Terminates certain claims of the District of Columbia against the United States	Yes	No
109-455	Undertaking Spam, Spyware, and Fraud Enforcement with Enforcers Beyond Borders Act of 2006 (the U.S. SAFE WEB Act)	Provides new subpoena authority to the FTC and preempts state liability laws in certain instances	Yes	No
109-462	Dietary Supplement and Nonprescription Drug Consumer Protection Act	Preempts state laws that require reporting on adverse reactions to nonprescription drugs or dietary supplements	Yes	No
109-466	An act to clarify certain land use in Jefferson County, Colorado	Preempts state and local laws that would prohibit the construction of a digital television antenna	No	No

Continued

Table 2.

Continued

Public Law Number	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment? ^a	Do Costs Exceed the Statutory Threshold? ^b
109-468	Pipeline Safety Improvement Act of 2006	Places new requirements on operators of natural gas pipelines (including about 1,000 that are publicly operated); requires pipeline operators to place certain equipment on service lines installed or repaired after enactment of the bill; imposes new federal standards for pipeline operators as well as new reporting requirements	Yes	No
109-472	Department of State Authorities Act	Preempts state laws by extending diplomatic privileges and immunities to three new entities and their members	Yes	No
109-479	Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006	Limits future legal actions by certain Native American tribes	No	Uncertain

Source: Congressional Budget Office.

Note: DoD = Department of Defense; FTC = Federal Trade Commission; JCT = Joint Committee on Taxation; USA PATRIOT = Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism.

- a. In some cases, mandates may have been reviewed in 2005 during the first session of the 109th Congress.
- b. In 2006, the threshold for intergovernmental mandates, which is adjusted annually for inflation, was \$64 million.
- c. Because Public Law 109-222 amended the Internal Revenue Code, JCT analyzed the legislation for intergovernmental mandates.

Table 3.

Laws Enacted in 2006 That Contained Private-Sector Mandates

Public Law Number	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment? ^a	Do Costs Exceed the Statutory Threshold? ^b
109-162	Violence Against Women and Department of Justice Authorization Act	Regulates the distribution of information by international marriage brokers about individuals in their service	Yes	No
		Authorizes the attorney general to collect DNA samples from individuals who have been arrested or detained for certain federal offenses	Yes	No
109-163	National Defense Authorization Act for Fiscal Year 2006	Increases the costs of complying with existing mandates by raising the number of service members and reservists eligible for protection under the Servicemembers Civil Relief Act	Yes	No
109-167	Passport Services Enhancement Act of 2005	Requires individuals to pay a surcharge on the filing fee of each passport application through the end of fiscal year 2010	Yes	Yes
109-171	Deficit Reduction Act of 2005 (Reconciliation)	Increases federal deposit insurance premiums for banks and credit unions; merges the BIF and SAIF	Yes	Yes
		Terminates all licenses for broadcasting in analog and requires broadcast stations to cease analog television service on a specific date	Yes	No
		Increases certain vessel tonnage duties on ships entering the United States	Yes	No
		Increases certain premiums to be paid to the Pension Benefit Guaranty Corporation by sponsors of single-employer and multiemployer defined-benefit pension plans	Yes	Yes
		Increases filing fees for entities that seek action by a U.S. District Court or a U.S. Court of Appeals	Yes	No
109-173	Federal Deposit Insurance Reform Conforming Amendments Act of 2005	Increases insurance premiums by increasing the federal deposit insurance coverage for retirement accounts insured by the National Credit Union Administration	Yes	No

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Table 3.

Continued

Public Law Number	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment? ^a	Do Costs Exceed the Statutory Threshold? ^b
109-173 (Continued)		Requires insured credit unions to display signs	No	No
109-177	USA PATRIOT Improvement and Reauthorization Act of 2005	Requires retail businesses and entities involved in the sale and distribution of medications that contain ephedrine, pseudoephedrine, or phenylpropanolamine to implement tighter controls for selling and storing such products; expands current reporting requirements for certain importers and exporters of such chemicals	Yes	No
109-215	Milk Regulatory Equity Act of 2005	Requires certain milk processors to comply with federal pricing regulations	No	No
109-222	Tax Increase Prevention and Reconciliation Act of 2005	Repeals the foreign sales corporation-extraterritorial income grandfather rule which allowed U.S. corporations to exclude certain foreign source income from U.S. tax	Yes (JCT) ^c	Yes
		Reduces the housing exclusion for citizens living abroad that allows them to lower the amount of their foreign earned income that is subject to U.S. income tax	Yes (JCT) ^c	Yes
		Increases the age until which the unearned income of children is potentially taxed at their parents' rate	No	Yes
		Imposes revenue-raising tax provisions	No	No
109-228	Respect for America's Fallen Heroes Act	Prohibits individuals from demonstrating at cemeteries under the control of the National Cemetery Administration or at Arlington Cemetery subject to certain criteria	Yes	No
109-233	Veterans' Housing Opportunity and Benefits Improvement Act of 2006	Requires insurers to reinstate policies without price increases for service members returning from active duty and for reservists who are called to active duty but later are returned to reserve status	Yes	No

Continued

Table 3.

Continued

Public Law Number	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment? ^a	Do Costs Exceed the Statutory Threshold? ^b
109-234	Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006	Extends through September 2007 the requirement that operators of coal mines pay fees associated with the Abandoned Mine Reclamation Fund	No	Yes
109-236	Mine Improvement and New Emergency Response Act of 2006 (the MINER Act)	Requires operators of underground coal mines to improve accident preparedness by installing two-way communication systems, tracking systems, providing an additional two-hour supply of breathable air, providing flame-resistant lifeline systems, and ensuring rescue teams are within one hour of certain mines	Yes	Yes
109-241	Coast Guard and Maritime Transportation Act of 2006	Requires operators of freight vessels to have background checks and documentation done for aliens who make vessel repairs	Yes	No
		Requires operators of vessels to report any object released into U.S. waterways	Yes	No
		Requires operators of single and double-hull oil vessels to increase their liability coverage	Yes	No
		Requires operators of foreign-flag nontank vessels to create responsive plans for the discharge of oil	Yes	No
109-242	Fetus Farming Prohibition Act of 2006	Prohibits anyone from soliciting or accepting human fetal tissue gestated in the uterus of a human or nonhuman primate solely for research purposes	No	No
109-243	Freedom to Display the American Flag Act of 2005	Prohibits a condominium, cooperative, or real estate management association from denying unit owners the right to display the flag of the United States from their individual units	No	No
109-248	Adam Walsh Child Protection and Safety Act of 2006	Expands reporting requirements for sex offenders	Yes	No
		Authorizes the attorney general to collect DNA samples from individuals who have been arrested or detained for federal offenses	Yes	No

Continued

Table 3.

Continued

Public Law Number	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment? ^a	Do Costs Exceed the Statutory Threshold? ^b
109-248 (Continued)		Expands recordkeeping requirements for producers involved in the commerce of certain sexually explicit materials	Yes	No
109-251	A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes	Renews for one year the ban on all imports from Burma	Yes	Uncertain
109-280	Pension Protection Act of 2006	Imposes new requirements on sponsors and administrators of single-employer and multiemployer private pension plans by lowering the discount rate of private pension plans and shortening the schedule for vesting in private retirement funds	Yes	Yes
109-289	Department of Defense Appropriations Act, 2007	Extends for seven weeks temporary increases in patent and trademark fees	Yes	No
109-290	Military Personnel Financial Services Protection Act	Prohibits the sale of periodic payment plan certificates, requires a registered securities association to provide an electronic process to receive inquiries about disciplinary actions taken against brokers and dealers; requires brokers on military bases to make disclosures when selling or soliciting life insurance products on military installations	Yes	No
109-291	Credit Rating Agency Reform Act of 2006	Requires credit rating agencies that currently are identified as NRSROs to register with the SEC and follow certain requirements if they want the NRSRO designation as defined in this act	Yes	No
109-293	Iran Freedom Support Act	Authorizes the Secretary of the Treasury to require domestic financial institutions to aid the Treasury in combating international money laundering by entities involved in the proliferation of weapons of mass destruction	No	Uncertain

Continued

Table 3.

Continued

Public Law Number	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment? ^a	Do Costs Exceed the Statutory Threshold? ^b
109-295	Department of Homeland Security Appropriations Act, 2007	Requires operators of certain chemical facilities to conduct vulnerability assessments and to develop and implement site security plans	Yes ^d	Uncertain
		Requires air carriers to submit plans as to how they will participate in an emergency services program	Yes	No
109-296	An act to reauthorize the Livestock Mandatory Reporting Act of 1999 and to amend the swine reporting provisions of that act	Extends reporting requirements on beef-, pork-, and lamb-packing plants; expands the reporting requirement for pork-packing plants by requiring operators to submit additional electronic price reports	Yes	No
109-347	Security and Accountability for Every Port Act of 2006 (the SAFE Port Act)	Requires operators of maritime terminals to resubmit security plans for approval upon transfer of ownership or operation of a facility; requires that an individual having full authority to implement security actions at a port facility be a U.S. citizen	Yes	No
		Requires the Secretary of Homeland Security to establish minimum standards and procedures for securing containers in transit to the United States	Yes	Uncertain
109-351	Financial Services Regulatory Relief Act of 2006	Expands the authority of federal banking agencies over insured depository institutions and institution-affiliated parties with respect to safety and soundness enforcement	Yes	No
		Restricts participation in the affairs of financial institutions by people convicted of certain crimes or who are the subject of certain criminal proceedings	Yes	No
		Requires depository institutions that do not have federal deposit insurance to obtain signed written statements from new depositors acknowledging that the institution is not federally insured	No	No

Continued

Table 3.

Continued

Public Law Number	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment? ^a	Do Costs Exceed the Statutory Threshold? ^b
109-353	North Korea Nonproliferation Act of 2006	Authorizes the President to impose sanctions on foreign entities that help North Korea acquire weapons of mass destruction; sanctions include measures that prohibit domestic entities from trading with those persons	Yes	Uncertain
109-364	John Warner National Defense Authorization Act for Fiscal Year 2007	Prohibits providers of group health plans from offering certain incentives to military retirees to decline enrollment in a group health plan in favor of relying on the DoD military health program	Yes	Yes
		Increases the number of days certain reservists can be called to active duty, thus raising the cost of existing mandates imposed by the Servicemembers Civil Relief Act	Yes	Uncertain
109-367	Secure Fence Act of 2006	Authorizes the federal government to take public and private property for purposes of building a fence to secure the border	No	Uncertain
109-369	An act making further continuing appropriations for fiscal year 2007, and for other purposes	Extends for three weeks temporary increases in patent and trademark fees	Yes	No
109-383	An act making further continuing appropriations for fiscal year 2007, and for other purposes	Extends for 10 weeks increased patent and trademark fees	Yes	No
		Limits liability of air carriers in the event of a terrorist attack	No	Uncertain
109-432	Tax Relief and Health Care Act of 2006	Reauthorizes certain fees on coal producers set to expire after fiscal year 2007	No	Yes
		Extends the 54 cents-per-gallon tariff on ethanol from its scheduled expiration on September 30, 2007, to December 31, 2008	No	No

Continued

Table 3.

Continued

Public Law Number	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment? ^a	Do Costs Exceed the Statutory Threshold? ^b
109-432 (Continued)		Implements additional revenue-raising provisions: excludes tobacco personal use quantity exception from delivery sales; adds vaccines to list of taxable vaccines	No	No
		Extends for one year the mandate requiring private group health plans and health insurance issuers to cover mental health and medical benefits equally, in terms of annual and lifetime dollar limits	No	No
109-437	Stolen Valor Act of 2005	Prohibits individuals from possessing, buying, creating, or selling blank and unofficial certificates of various medals and decorations without authorization	No	No
109-455	Undertaking Spam, Spyware, and Fraud Enforcement with Enforcers Beyond Borders Act of 2006 (the U.S. SAFE WEB Act)	Exempts from liability entities that voluntarily provide information about third parties to the FTC, limits the ability of those third parties to sue for the disclosure or for failure to provide notice of disclosure	Yes	No
109-462	Dietary Supplement and Nonprescription Drug Consumer Protection Act	Requires manufacturers, packers, and distributors of nonprescription drugs and dietary supplements to submit reports of serious adverse events associated with their product and to provide domestic contact information for users	Yes	No
109-464	An act to amend title 18, United States Code, to prohibit disruptions of funerals of members or former members of the armed forces	Prohibits disruptions of funerals of members or former members of the armed forces at a cemetery other than a national cemetery	No	No
109-468	Pipeline Safety Improvement Act of 2006	Imposes requirements on operators of distribution pipelines, gas and hazardous liquid pipelines aimed at enhancing safety and environmental protections in pipeline transportation	Yes	Uncertain

Continued

Table 3.

Continued

Public Law Number	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment? ^a	Do Costs Exceed the Statutory Threshold? ^b
109-472	Department of State Authorities Act of 2006	Requires the President to impose sanctions on foreign governments if they transfer MANPADS to state sponsors of terrorism or to terrorist organizations	Yes	Uncertain
		Authorizes the Secretary of State to increase the dollar amounts of certain surcharges related to consular services	Yes	Uncertain
109-479	Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006	Creates recreational fishery registry; requires commercial fishing operations to submit certain information to the Secretary of Commerce	Yes	No
		Reauthorizes authority of the states of Washington, Oregon, and California to manage the Dungeness crab fishery, including charging permit fees	Yes	No
		Prohibits feeding to attract sharks for any purpose other than research or harvest	No	No
		Requires local fishers off Navassa Island to comply with federal fishing regulations	Yes	No

Source: Congressional Budget Office.

Note: DNA = deoxyribonucleic acid; BIF= Bank Insurance Fund; SAIF = Savings Association Insurance Fund; USA PATRIOT = Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism; JCT = Joint Committee on Taxation; NRSRO = nationally recognized statistical rating organization; SEC = Securities and Exchange Commission; DoD = Department of Defense; FTC = Federal Trade Commission; MANPADS = man-portable air defense systems.

- a. In some cases, mandates may have been reviewed in 2005, during the first session of the 109th Congress.
- b. In 2006, the threshold for private-sector mandates, which is adjusted annually for inflation, was \$128 million.
- c. Because Public Law 109-222 amended the Internal Revenue Code, JCT analyzed the legislation for private-sector mandates
- d. CBO reviewed S. 2145 and H.R. 5695 for mandates. Those bills would require all chemical facilities to conduct vulnerability assessments and develop and implement site security plans. The direct cost of those mandates is over the threshold. The enacted version requires only certain chemical facilities to do such assessments and plans.

Table 4.

Number of Mandate Statements Prepared by CBO for Bills, Proposed Amendments, and Conference Reports in 2006

	Intergovernmental Mandates	Private-Sector Mandates
Total Number of Statements Transmitted	478	474
Number of Statements That Identified Mandates	88	93
Mandate costs would exceed the statutory threshold ^a	12	23
Mandate costs may be above or below the statutory threshold	3	21

Source: Congressional Budget Office.

Notes: The numbers in this table represent official mandate statements transmitted to the Congress by CBO. The Unfunded Mandates Reform Act (UMRA) requires CBO to complete mandate statements for every bill and joint resolution of a public character reported by an authorizing committee and to review amendments and other legislative proposals when requested. In addition, although not required by law, CBO completed a number of preliminary reviews and informal estimates for other legislative proposals that are not included in this table.

CBO prepared more intergovernmental mandate statements than private-sector statements during 2006 because, in some cases, the agency was asked to review a specific bill, amendment, or conference report solely for intergovernmental mandates. (In those cases, no private-sector analysis was transmitted to the requesting Member or committee.)

A mandate statement may cover more than one mandate. Also, because the same mandate sometimes appears in multiple bills, a single mandate may be addressed in more than one CBO statement.

- a. In 2006, the thresholds, which are adjusted annually for inflation, were \$64 million for intergovernmental mandates and \$128 million for private-sector mandates.
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Table 5.

Status of Intergovernmental Mandates Reviewed by CBO in 2006 Whose Costs Would Exceed the Statutory Threshold or Whose Costs Might or Might Not Exceed the Statutory Threshold

Topic	Description of Mandate	Was a Version Enacted into Law?	Did the Enacted Version Exceed the Statutory Threshold? ^a
Intergovernmental Mandates with Costs Above the Statutory Threshold			
Child Support Enforcement	Eliminates federal match for child support spending that states pay for with other federal assistance (S. 1932)	Yes (P.L. 109-171) ^b	Yes
Federal Elections	Imposes new requirements on states for ensuring proper identification of individuals before allowing them to vote (H.R. 4844)	No	n.a.
Identity Theft Protection	Requires state and local governments to implement and maintain new security procedures governing personal data (S. 1326)	No	n.a.
	Requires state and local governments to notify affected individuals and credit-reporting agencies of any breach of security that could result in identity theft (S. 1326 and S. 1789)	No	n.a.
Minimum Wage	Requires state, local, and tribal governments as employers to pay a higher minimum wage (H.R. 2429 and H.R. 5970)	No	n.a.
Natural Gas Taxation	Prohibits state, local, and tribal governments from imposing discriminatory taxes on the property of natural gas pipelines (H.R. 1369)	No	n.a.
Tax Administration	Requires state and local governments to withhold taxes on certain payments for property and services (H.R. 4297, Conference)	Yes (P.L. 109-222) ^b	Yes
Taxes and Fees on Cable Television	Prohibits state and local governments from imposing fees or taxes on cable television services (H.R. 5252, Senate Commerce, Science & Transportation Committee; and H.R. 5252, House Energy & Commerce Committee)	No	n.a.
Taxes on Business Activities	Preempts state authority to tax certain business activities (H.R. 1956)	No	n.a.

Continued

Table 5.

Continued

Topic	Description of Mandate	Was a Version Enacted into Law?	Did the Enacted Version Exceed the Statutory Threshold? ^a
Intergovernmental Mandates with Costs Above the Statutory Threshold (Continued)			
Taxes on Internet Access	Permanently extends the Internet Tax Freedom Act, which prohibits state and local governments from imposing taxes on Internet access (H.R. 5252, Senate Commerce, Science & Transportation Committee)	No	n.a.
Taxes on Mobile Telephone Services	Prohibits—for three years—state and local governments from imposing certain new taxes on mobile telephone service (H.R. 5252, Senate Commerce, Science & Transportation Committee)	No	n.a.
Transportation Security	Requires public transportation systems to conduct vulnerability assessments and implement security plans (H.R. 5814)	No	n.a.
Intergovernmental Mandates Without a Threshold Determination			
Immigration/ Employment Eligibility Verification	Places new requirements on employers for verifying employment eligibility; preempts some state laws governing employment regulation; preempts state liability laws as they apply to temporary workers (S. 2611, as Introduced; and S. 2611, as Passed by the Senate)	No	n.a.
Indian Gaming	Limits the ability of tribes to operate gaming on recently acquired trust lands (H.R. 4893)	No	n.a.

Source: Congressional Budget Office.

Notes: The mandates in this table were identified by the Congressional Budget Office when a bill was reported by an authorizing committee or when CBO was asked to formally review a bill. In some cases, CBO issued more than one formal mandate statement for a topic.

PL. = public law; n.a. = not applicable.

- a. In 2006, the threshold for intergovernmental mandates, which is adjusted annually for inflation, was \$64 million.
- b. The full names and dates of enactment of the public laws referred to in this table are (in order of law number):
 - Public Law 109-171, Deficit Reduction Act of 2005, enacted February 8, 2006; and
 - Public Law 109-222, Tax Increase Prevention and Reconciliation Act of 2005, enacted May 17, 2006.

Table 6.

Status of Private-Sector Mandates Reviewed by CBO in 2006 Whose Costs Would Exceed the Statutory Threshold or Whose Costs Might or Might Not Exceed the Statutory Threshold

Topic	Description of Mandate	Was a Version Enacted into Law?	Did the Enacted Version Exceed the Statutory Threshold? ^a
Private-Sector Mandates with Costs Above the Statutory Threshold			
Asbestos Compensation	Prohibits individuals from bringing or maintaining a civil action that alleges injury as a result of asbestos exposure; requires defendant companies and their insurers to pay annual assessments to the federal Asbestos Fund; requires asbestos settlement trusts to transfer their assets to the Asbestos Fund (Senate Amendment No. 2746 to S. 852)	No	n.a.
Cargo Security/ Maritime Terminal Security	Requires shipping carriers to ensure that all cargo containers that enter the United States be secured with a seal that meets certain standards; places new security requirements on owners and operators of maritime terminal facilities (H.R. 4880, H.R. 4954, S. 2459)	Yes (P.L. 109-347) ^b	Uncertain ^c
Chemical Facility Security	Requires owners and operators of certain chemical facilities to comply with new security standards and procedures (H.R. 5695, S. 2145)	Yes (P.L. 109-295) ^b	Uncertain ^d
Federal Elections	Requires individuals to have a government-issued photo ID to vote in a federal election (H.R. 4844)	No	n.a.
Fees for the Universal Service Fund	Increases payments made by telephone companies to the Universal Service Fund (H.R. 5252, Senate Commerce, Science, and Transportation Committee)	No	n.a.
Health Information Coding	Requires health plans, providers, and clearinghouses to adopt updated coding and transaction standards (H.R. 4157)	No	n.a.
Identity Theft Protection	Requires certain entities to implement information security programs to protect personal information and notify individuals in the event of a security breach; places new disclosure, recordkeeping, and auditing requirements on information brokers (H.R. 3997, H.R. 4127, S. 1326, S. 1789)	No	n.a.
Immigration/ Employment Eligibility Verification	Requires employers designated as critical employers to verify the employment eligibility of current employees; requires all employers and other entities that recruit or refer employees to verify the eligibility of new hires and maintain a record of the verification (S. 2611, as Introduced; and S. 2611, as Passed by the Senate)	No	n.a.

Continued

Table 6.

Continued

Topic	Description of Mandate	Was a Version Enacted into Law?	Did the Enacted Version Exceed the Statutory Threshold? ^a
Private-Sector Mandates with Costs Above the Statutory Threshold (Continued)			
Minimum Wage	Requires employers to pay a higher minimum wage (H.R. 2429 and H.R. 5970)	No	n.a.
Mining Safety	Requires operators of underground coal mines to improve accident preparedness by installing two-way communication systems, tracking systems, providing an additional two-hour supply of breathable air, providing flame-resistant lifeline systems, and ensuring rescue teams are within one hour of certain mines (S. 2803)	Yes (P.L. 109-236) ^b	Yes
Private Pension Plans	Imposes new requirements on sponsors and administrators of single-employer and multiemployer private pension plans by lowering the discount rate of private pension plans and shortening the schedule for vesting in private retirement funds (H.R. 4)	Yes (P.L. 109-280) ^b	Yes
Regulation of Health Care Incentives for Military Retirees	Prohibits providers of group health coverage from providing financial incentives to military retirees and their dependents to decline enrollment in the group health plan in favor of relying on the DoD military health program as the primary source of health coverage (H.R. 5122, S. 2766)	Yes (P.L. 109-364) ^b	Yes
Tax Reconciliation – revenue-raising provisions	Repeals the foreign sales corporation-extraterritorial income grandfather rule which allowed U.S. corporations to exclude certain foreign source income from U.S. tax (H.R. 4297, Conference)	Yes (P.L. 109-222) ^b	Yes
	Reduces the housing exclusion for citizens living abroad that allows them to lower the amount of their foreign earned income that is subject to U.S. income tax (H.R. 4297, Conference)	Yes (P.L. 109-222) ^b	Yes
Private-Sector Mandates Without a Threshold Determination			
Electronic Surveillance by Federal Law Enforcement	Requires entities to provide federal law enforcement with all information, facilities, and assistance necessary to conduct electronic surveillance (H.R. 5825, S. 2453)	No	n.a.
Elimination of Existing Rights to Seek Compensation	Eliminates existing rights to seek compensation (damages) under various conditions (H.R. 4698, H.R. 5825, H.R. 5318)	No	n.a.

Continued

Table 6.

Continued

Topic	Description of Mandate	Was a Version Enacted into Law?	Did the Enacted Version Exceed the Statutory Threshold? ^a
Private-Sector Mandates Without a Threshold Determination (Continued)			
Internet Neutrality	Amends antitrust law to make it unlawful for broadband service providers to: provide broadband network services to any provider of content, network applications, or services in a discriminatory manner; prevent users from attaching any device to the network that does no harm to the network; interconnect with other broadband network service providers on discriminatory terms; or use surcharges for enhanced quality of service or prioritization (H.R. 5417)	No	n.a.
North Korea Nonproliferation	Authorizes the President to impose sanctions on foreign people who help North Korea acquire weapons of mass destruction; sanctions include measures that prohibit domestic entities from trading with those people (H.R. 5805)	Yes (P.L. 109-353) ^b	Uncertain
Oil and Gas Industry Antitrust Regulation	Amends antitrust law to prohibit any supplier from withholding, exporting, or diverting existing supplies of natural gas, petroleum, or gasoline with the primary intention of increasing prices or creating a shortage in a geographic market (S. 2557)	No	n.a.
Pipeline Safety	Imposes requirements on operators of distribution pipelines, gas, and hazardous liquid pipelines aimed at enhancing safety and environmental protections in pipeline transportation (H.R. 5782)	Yes (P.L. 109-468) ^b	Uncertain
Protection from Fraudulent Access to Phone Records	Requires telecommunications carriers and IP-enabled voice service providers to comply with confidentiality procedures for protecting customer proprietary network information (H.R. 4943, S. 2389)	No	n.a.
Sanctions Against Burma	Renews for one year the ban on all imports from Burma (H.J. Res. 86)	Yes (P.L. 109-251) ^b	Uncertain
Social Security Number Protection	Prohibits any person from selling or purchasing a Social Security number in violation of regulations to be implemented by the Federal Trade Commission (H.R. 1078)	No	n.a.
Surcharges on Consular Services	Authorizes the Secretary of State to increase the dollar amounts of certain surcharges related to consular services (H.R. 6060)	Yes (P.L. 109-472) ^b	Uncertain

Continued

Table 6.

Continued

Topic	Description of Mandate	Was a Version Enacted into Law?	Did the Enacted Version Exceed the Statutory Threshold? ^a
Private-Sector Mandates Without a Threshold Determination (Continued)			
Transportation Security	Requires rail carriers and public transportation systems to conduct vulnerability assessments and implement security plans (H.R. 5814, S. 1052)	No	n.a.
Unlawful Internet Gambling Enforcement	Requires providers of financial transactions (including payment networks that use a designated payment system) to identify and block restricted transactions in connection with unlawful Internet gambling (H.R. 4411)	No	n.a.

Source: Congressional Budget Office.

Notes: The mandates in this table were identified by the Congressional Budget Office when a bill was reported by an authorizing committee or when CBO was asked to formally review a bill. In some cases, CBO issued more than one formal mandate statement for a topic.

PL. = public law; n.a. = not applicable; DoD = Department of Defense; IP = Internet protocol.

- a. In 2006, the threshold for private-sector mandates, which is adjusted annually for inflation, was \$128 million.
- b. The full names and dates of enactment of the public laws referred to in this table are (in order of law number):
 - Public Law 109-222, Tax Increase Prevention and Reconciliation Act of 2005, enacted May 17, 2006;
 - Public Law 109-236, Mine Improvement and New Emergency Response Act of 2006 (the MINER Act), enacted June 15, 2006;
 - Public Law 109-251, A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes, enacted August 1, 2006;
 - Public Law 109-280, Pension Protection Act of 2006, enacted August 17, 2006;
 - Public Law 109-295, Department of Homeland Security Appropriations Act, 2007, enacted October 4, 2006;
 - Public Law 109-347, Security and Accountability For Every Port Act of 2006 (the SAFE Port Act), enacted October 13, 2006;
 - Public Law 109-353, North Korea Nonproliferation Act of 2006, enacted October 13, 2006;
 - Public Law 109-364, John Warner National Defense Authorization Act for Fiscal Year 2007, enacted October 17, 2006;
 - Public Law 109-468, Pipeline Safety Improvement Act of 2006, enacted December 29, 2006; and
 - Public Law 109-472, Department of State Authorities Act of 2006, enacted January 11, 2007.
- c. CBO determined that the cost of the mandates contained in H.R. 4880 (which apply to shipping carriers and owners of maritime terminal facilities) would exceed the statutory threshold. The cost of the mandates in H.R. 4954 and S. 2459, though similar to the mandates in H.R. 4880, would depend on future regulations. Because the mandates contained in Public Law 109-347 that affect shipping carriers and owners of maritime terminal facilities also would depend on future regulations, CBO could not determine whether the costs of those mandates would exceed the statutory threshold.
- d. CBO reviewed H.R. 5695 and S. 2145, which require all chemical facilities to conduct vulnerability assessments and develop and implement site security plans, and determined that the cost of the mandate would exceed the statutory threshold in each bill. The version of the mandate enacted into Public Law 109-295 requires only certain chemical facilities to conduct such assessments and implement site security plans; therefore, CBO could not determine if the cost of the enacted version would exceed the threshold.

Table 7.**Number of Mandate Statements Prepared by CBO for Bills, Proposed Amendments, and Conference Reports, 1996 to 2006**

	Congress						Total
	104th (1995–1996)	105th (1997–1998)	106th (1999–2000)	107th (2001–2002)	108th (2003–2004)	109th (2005–2006)	
Intergovernmental Mandates							
Total Number of Statements Transmitted	718	1,062	1,279	1,038	1,172	978	6,247
Number of Statements That Identified Mandates	69	128	158	110	152	171	788
Mandate costs would exceed the statutory threshold ^a	11	14	7	10	16	18	76
Mandate costs may be above or below the statutory threshold ^a	6	14	1	8	7	6	42
Private-Sector Mandates							
Total Number of Statements	673	1,023	1,253	1,034	1,168	974	6,125
Number of Statements That Identified Mandates	91	140	191	139	171	184	916
Mandate costs would exceed the statutory threshold ^a	38	36	26	37	38	45	220
Mandate costs may be above or below the statutory threshold ^a	2	14	20	22	28	32	118

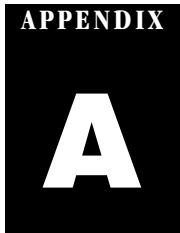
Source: Congressional Budget Office.

Notes: Each Congress consists of two one-year sessions. For example, the 109th Congress spanned 2005 and 2006. CBO began preparing mandate statements in January 1996 in the middle of the 104th Congress. The figures for 1996 reflect bills on the calendar in January 1996 and bills reported by authorizing committees thereafter.

The numbers in this table represent official mandate statements transmitted to the Congress by CBO. The Unfunded Mandates Reform Act (UMRA) requires CBO to complete mandate statements for every bill and joint resolution of a public character reported by an authorizing committee and to review amendments and other legislative proposals as requested. In addition, although not required by law, CBO completed a number of preliminary reviews and informal estimates for other legislative proposals that are not included here. CBO prepared more intergovernmental mandate statements than private-sector statements over the 1996-2006 period because, in some cases, the agency was asked to review a specific bill, amendment, or conference report solely for intergovernmental mandates. (In those cases, no private-sector analysis was transmitted to the requesting Member or committee.)

A mandate statement may cover more than one mandate. Also, because the same mandate sometimes appears in multiple bills, a single mandate may be addressed in more than one CBO mandate statement.

- a. The UMRA thresholds, which are adjusted annually for inflation, were \$50 million for intergovernmental mandates and \$100 million for private-sector mandates in 1996. They had risen to \$64 million and \$128 million, respectively, in 2006.



An Overview of Key Provisions in the Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (UMRA) comprises four titles that address how various parts of the federal government should handle proposed and existing mandates imposed on state, local, and tribal governments and on the private sector.

- Title I, Legislative Accountability and Reform, requires the Congressional Budget Office (CBO) and authorizing committees in the Congress to develop and report information about the existence and costs of mandates in proposed legislation. It also establishes a mechanism for bringing that information to the attention of the Congress before such legislation is considered on the floor of the House or Senate.
- Title II, Regulatory Accountability and Reform, applies to actions of federal agencies in implementing federal law. It requires most agencies in the executive branch (except some independent regulatory agencies) to assess the effects of their regulatory actions on state, local, and tribal governments and on the private sector. It also requires that statements about such effects accompany certain significant regulations, that agencies seek input from other levels of government in developing regulations, and that agencies consider alternatives that would ease the financial burden of regulations.
- Title III, Review of Federal Mandates, required the now-defunct Advisory Commission on Intergovernmental Relations (ACIR) to prepare three reports: a baseline study of the costs and benefits of federal mandates imposed on state, local, and tribal governments; a review of the impact of unfunded federal mandates on those governments, along with recommendations for easing, consolidating, or terminating mandates; and an annual report identifying federal court rulings

that required state, local, or tribal governments to undertake additional responsibilities and activities.¹

- Title IV, Judicial Review, allows for limited judicial review of certain actions by agencies and of rules developed under title II of UMRA.

Key Provisions of Title I of UMRA

Title I of the Unfunded Mandates Reform Act attempts to ensure that the Congress receives information about the potential direct costs of federal mandates before enacting legislation. UMRA requires CBO and authorizing committees in the Congress to develop and report information about the existence and costs of mandates in proposed legislation. The act also establishes mechanisms to bring that information to the attention of the Congress before legislation is considered on the floor of the House or Senate.

Defining Mandates and Their Costs

Under UMRA, a mandate is any provision in legislation, statute, or regulation that would impose an enforceable duty on state, local, or tribal governments or the private sector, or that would reduce or eliminate the amount of funding authorized to cover the costs of existing mandates. Duties that are imposed as a condition of federal assistance or that arise from participation in a voluntary federal program are not mandates. In the case of some large entitlement programs under which \$500 million or more is provided annually to state, local, or tribal govern-

1. ACIR completed and released the report on judicial mandates in July 1995. In January 1996, the commission published a preliminary report on the impact of federal mandates imposed on state and local governments. ACIR received no appropriations after fiscal year 1996 and was terminated at the end of that year.

ments, a new condition on, or a reduction in, federal assistance would be a mandate but only if states lack the flexibility to offset the new costs or the loss of federal funding with reductions elsewhere in the program.

The scope of UMRA is further narrowed by the fact that legislative provisions that deal with constitutional rights, discrimination, emergency aid, accounting and auditing procedures of grants, national security, treaty ratification, and title II of Social Security (Old-Age, Survivors, and Disability Insurance benefits) are excluded from UMRA's procedures.

Direct costs are defined in the law as amounts that mandated entities—governmental or private-sector—would be required to spend to comply with the enforceable duty, including amounts that states, localities, and tribes “would be prohibited from raising in revenues.” Direct costs exclude amounts that mandated entities would spend to comply with applicable laws, regulations, or professional standards in effect when the federal mandate is adopted. In addition, direct costs must be offset by direct savings to the mandated entities that would result from compliance with the mandate or savings from other provisions of the same legislation that govern the same activity as that affected by the mandate.

Because the term “mandate” is defined narrowly, the budgetary impacts that legislation imposes on other governments or the private sector are not all the result of mandates as defined by UMRA. For example, as noted earlier, any costs associated with complying with grant conditions for most new or existing programs are not considered mandate costs under UMRA. Most of the nonmandate costs for other governments or the private sector that CBO identifies when reviewing bills would result from conditions for receiving federal aid or participating in voluntary federal programs.

Determining what constitutes a mandate under UMRA is not a straightforward task. Although an activity (such as sponsoring an immigrant's entry into the United States) may be voluntary, the federal program that governs such activity (immigration laws) is not. In that instance, a bill imposing new requirements on sponsors of immigrants would constitute a mandate under UMRA. In contrast, other federal programs in which participation is voluntary may impose requirements on their participants that, by UMRA's definition, are not mandates. For example, the National Salvage Motor Vehicle

Consumer Protection Act of 1999 (S. 655 in the 105th Congress) contained no intergovernmental mandates, according to CBO. The bill would have imposed additional requirements on states that chose to participate in the National Motor Vehicle Title Information System and additional costs, including higher annual operating expenses and onetime charges to modify vehicle titles and print new forms—which together might have exceeded several million dollars for participating states. Distinctions between what is voluntary in a piece of legislation and what is mandatory are not always clear. But state, local, and tribal governments may incur significant costs under a proposed law when they participate voluntarily. CBO identifies those costs whenever possible.

In addition, measuring the costs of extending a mandate that is set to expire has, in the past, presented CBO with difficulty in determining whether the statutory thresholds would be exceeded. UMRA is unclear about whether the incremental costs of such an extension should be measured as if the mandate would expire or as if the mandate would continue. That ambiguity has, in previous years, led CBO to report costs using both comparisons. CBO has concluded that the costs of extending a mandate in such cases should be estimated relative to the costs that would be incurred if the mandate were to expire. That method of measuring costs is consistent with the way that certain federal costs are scored and allows for a threshold determination in cases where costs can be estimated.

Mandate Cost Statements: CBO's Role

The law requires CBO to give any Congressional authorizing committee that reports a bill a statement about the direct costs of any mandates that CBO identifies in the bill. If the total direct costs of all mandates in the bill are above a specified threshold in any of the first five fiscal years in which the mandate is effective, CBO must provide an estimate of those costs (if feasible) and the basis of its estimate. The statutory thresholds are \$50 million for intergovernmental mandates and \$100 million for private-sector mandates in 1996 dollars, adjusted annually for inflation. (The thresholds in 2006 were \$64 million for intergovernmental mandates and \$128 million for private-sector mandates.)

The mandate statement that CBO prepares must also include an assessment of whether the bill authorizes or otherwise provides funding to cover the costs of any new federal mandate. In the case of intergovernmental man-

dates, the cost statement must, under certain circumstances, estimate the appropriations needed to fund such authorizations for up to 10 years after the mandate takes effect.

Authorizing committees must publish CBO's mandate statements in their reports or in the *Congressional Record* before a bill is considered on the floor of the House or Senate. Conference committees must "to the greatest extent practicable" ensure that CBO prepares statements for conference agreements or amended bills if they contain mandates not previously considered by either the House or the Senate or if they impose greater direct costs than the version considered earlier. At the request of a Senator, CBO must estimate the costs of intergovernmental mandates contained in an amendment the Senator may wish to offer.

The Congress may also call on CBO to prepare analyses at other stages of the legislative process. If asked by the chairman or ranking member of a committee, CBO will help committees analyze the impact of proposed legislation, conduct special studies of legislative proposals, or compare a federal agency's estimate of the costs of proposed regulations to implement a federal mandate with CBO's estimate.

Enforcement Mechanisms

Section 425 of UMRA sets out rules for both the House and Senate that prohibit consideration of legislation unless certain conditions are met. For all reported legislation, consideration is not "in order" unless the committee has published a mandate statement prepared by CBO. That is, UMRA prohibits the consideration of a reported bill unless the committee has published a statement from CBO about the costs of any mandates.

For reported legislation that contains intergovernmental mandates with direct costs above the statutory threshold, the rules preclude consideration unless the legislation provides direct spending authority or authorizes appropriations sufficient to cover those costs. An authorization of appropriation will not be sufficient unless the autho-

rized amounts are specified for each year (up to 10 years) after the effective date and the legislation provides a way to terminate or scale back the mandate if the federal agency determines that the appropriated funds are not sufficient to cover those costs.

Finally, although UMRA does not specifically require CBO to analyze the cost of mandates in appropriation bills, it is not in order to consider legislative provisions in such bills—or amendments to them—that increase the direct costs of intergovernmental mandates unless an appropriate CBO statement is provided.

Those rules are not automatically enforced, however; a Member must raise a point of order to enforce them. In the House, if a Member raises a point of order, the full House votes on whether to consider the bill regardless of whether there is a violation. In the Senate, if a point of order is raised, the bill may not be considered unless either the Senate waives the point of order or it is overturned by the chair or the full Senate.²

Appropriation Bills

As noted above, UMRA does not expressly require CBO to prepare mandate statements for appropriation bills, and CBO has never done so. In general, UMRA's points of order do not apply to the provisions of bills or resolutions reported by the appropriations committees (except legislative provisions), even if those provisions would increase the direct costs of an intergovernmental mandate without providing funding and do not have a mandate statement.³

2. For more information about points of order, see House Committee on Rules, *The Unfunded Mandate Point of Order*, Parliamentary Outreach Program Newsletter, vol. 106, no. 11 (June 18, 1999), available at www.rules.house.gov/POP/pop106_11.htm.
3. In many cases, it is not clear what constitutes a legislative provision in an appropriation bill. Therefore, CBO prepares mandate statements for those bills only when requested. On an informal basis, however, CBO reviews all appropriation bills as they move through the legislative process and alerts the appropriations clerks if it identifies any intergovernmental mandates.

APPENDIX
B

Bills Reviewed by CBO in 2006 That Contained Mandates as Defined by UMRA

This appendix lists legislation reviewed by the Congressional Budget Office (CBO) in 2006 that would impose federal mandates, regardless of whether the estimated costs of those mandates would be higher or lower than the thresholds established in the Unfunded Mandates Reform Act and regardless of whether the legislation was enacted.

Table B-1 lists in numerical order bills that CBO identified as containing intergovernmental mandates. If a particular bill was considered by more than one committee, the various versions of that bill were also included. Table B-2 on page 47 provides the same information for bills reviewed by CBO with private-sector mandates.

Table B-1.

Bills Reviewed by CBO in 2006 That Contained Intergovernmental Mandates

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills Containing Intergovernmental Mandates with Costs Above the Statutory Threshold^{a,b}		
H.R. 1369	A bill to prevent certain discriminatory taxation of natural gas pipeline property	Prohibits state, local, and tribal governments from imposing discriminatory taxes on the property of natural gas pipelines
H.R. 1956	Business Activity Tax Simplification Act of 2005	Preempts state authority to tax certain business activities
H.R. 2429	Fair Minimum Wage Act of 2005	Requires state, local, and tribal governments to comply with new minimum wage requirements Extends minimum wage requirements of the Fair Labor Standards Act to the Commonwealth of the Northern Mariana Islands
H.R. 4297 ^c (Conference Agreement)	Tax Increase Prevention and Reconciliation Act of 2005	Requires state and local governments to withhold taxes on certain payments for property and services
H.R. 4844	Federal Election Integrity Act of 2006	Imposes new requirements on states for ensuring proper identification of individuals before allowing them to vote
H.R. 5252 (Senate Commerce, Science, and Transportation)	Communications Act of 2006	Prohibits state and local governments from imposing fees or taxes on cable television services Permanently extends the Internet Tax Freedom Act (which prohibits state and local governments from imposing taxes on Internet access) Prohibits—for three years—state and local governments from imposing certain new taxes on mobile telephone service Preempts a variety of other state and local laws
H.R. 5252 (House Energy & Commerce)	Communications Act of 2006	Prohibits state and local governments from imposing fees or taxes on certain cable television services Limits the authority of certain intergovernmental entities—primarily municipal governments—to regulate the provision of cable television service in some areas Preempts various state and local laws governing access, consumer protection, and municipal rights of way
H.R. 5814	Department of Homeland Security Authorization Act for Fiscal Year 2007	Requires public transportation systems to conduct vulnerability assessments and implement security plans

Continued

Table B-1.**Continued**

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills Containing Intergovernmental Mandates with Costs Above the Statutory Threshold^{a,b} (Continued)		
H.R. 5970	Estate Tax and Extension of Tax Relief Act of 2006	Requires state and local governments to comply with new minimum wage requirements Preempts laws of states that exclude tips from being considered as wages in determining if certain employees have been paid the applicable minimum wage rate
S. 1326	Notification of Risk to Personal Data Act	Requires state and local governments to implement and maintain certain security procedures governing personal data Requires state and local governments to notify affected individuals and credit-reporting agencies of any breach of security that could result in identity theft Preempts state laws governing the treatment of personal information
S. 1789	Personal Data Privacy and Security Act of 2005	Requires state and local governments to notify individuals, credit-reporting agencies, and law enforcement agencies of security breaches that could result in identity theft Preempts state laws governing the treatment of personal information Places notification requirements and limitations on state attorneys general and state insurance authorities
S. 1932 (Letter to the Hon. Charles Rangel)	Deficit Reduction Act of 2005	Eliminates federal match for child support spending that states pay for with other federal assistance. (Because child support enforcement is a large entitlement program, such a reduction in assistance is an intergovernmental mandate)
Bills Containing Intergovernmental Mandates Whose Costs Might or Might Not Exceed the Statutory Threshold^b		
H.R. 4893	Restricting Indian Gaming to Homelands of Tribes Act of 2006	Limits the ability of tribes to operate gaming on recently acquired trust lands
S. 2611 (As Introduced)	Comprehensive Immigration Reform Act of 2006	Requires employers to verify work eligibility of employees; preempts state authority to fine certain employers; authorizes state and local law enforcement officers to enforce immigration laws, preempting state and local laws that prohibit such activity

Continued

Table B-1.**Continued**

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills Containing Intergovernmental Mandates Whose Costs Might or Might Not Exceed the Statutory Threshold^b (Continued)		
S. 2611 (As Passed by the Senate)	Comprehensive Immigration Reform Act of 2006	Requires employers to verify work eligibility of employees; preempts some state liability laws governing private rights of action currently available for temporary workers and preempts some state insurance requirements; requires state and local governments to consult with Mexico before building fences or other security structures
Bills Containing Intergovernmental Mandates with Costs Below the Statutory Threshold^b		
H.R. 4	Pension Protection Act of 2006	Preempts state laws that require written permission from employees before an employer can withhold funds from the employee's pay and deposit them into a 401(k) plan
H.R. 1078	Social Security Number Protection Act of 2006	Preempts state laws regarding the use of Social Security numbers; requires state attorneys general to notify the FTC when actions are taken to implement or enforce the bill
H.R. 1176	Nonprofit Athletic Organization Protection Act of 2006	Preempts state laws governing the liability of nonprofit athletic organizations
H.R. 1871	Volunteer Pilot Organization Protection Act of 2006	Preempts state laws governing the liability of volunteer pilots and volunteer pilot organizations
H.R. 2567	Antifreeze Bittering Agent Act of 2006	Preempts state laws requiring the addition of bittering agents to antifreeze and establishes a uniform federal standard governing the addition of such agents
H.R. 2955	Intellectual Property Jurisdiction Clarification Act of 2006	Preempts state court authority to hear certain patent cases
H.R. 2965	Federal Prison Industries Competition in Contracting Act of 2006	Requires state and local prisons that provide certain services in interstate commerce to obtain federal certification
H.R. 3197	Secure Handling of Ammonium Nitrate Act of 2006	Preempts the authority of states to regulate the sale of ammonium nitrate in a manner that is less stringent than the requirements of the bill
H.R. 3505	Financial Services Regulatory Relief Act of 2005	Preempts state securities regulation; places new requirements on state entities

Continued

Table B-1.**Continued**

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills Containing Intergovernmental Mandates with Costs Below the Statutory Threshold^b (Continued)		
H.R. 3508	2005 District of Columbia Omnibus Authorization Act	Requires the District of Columbia government to compel taxicabs to charge fares based on a meter rather than a zone system
H.R. 3509	Workplace Goods Job Growth and Competitiveness Act of 2005	Preempts state laws governing the liability of some manufacturers
H.R. 3997 (Financial Services)	Financial Data Protection Act of 2006	Preempts laws in about 20 states regarding the protection and use of certain personal data; requires state entities that regulate insurance to enforce administrative rules governing personal data
H.R. 3997 (Energy and Commerce)	Data Accountability and Trust Act (DATA)	Preempts laws in about 20 states regarding the protection and use of certain personal data; requires state attorneys general to notify the FTC of any actions taken under the bill to protect personal information
H.R. 4019	A bill to amend title 4 of the U.S. Code to clarify the treatment of self-employment for purposes of the limitation on state taxation of retirement income	Preempts state authority to tax certain retirement income
H.R. 4100	Louisiana Recovery Corporation Act	Establishes new subpoena authority and preempts state court authority
H.R. 4127 (Energy and Commerce)	Data Accountability and Trust Act (DATA)	Preempts state laws governing the protection and use of certain personal data; places new requirements and limitations on state attorneys general
H.R. 4127 (Judiciary)	Data Accountability and Trust Act (DATA)	Preempts state laws governing the protection and use of certain personal data; places new requirements and limitations on state attorneys general
H.R. 4127 (Financial Services)	Financial Data Protection Act of 2006	Preempts state laws governing the protection and use of certain personal data; requires state insurance entities to enforce federal regulations
H.R. 4157 (Ways and Means)	Health Information Technology Promotion Act of 2006	Preempts state requirements for recordkeeping and state civil and criminal penalties imposed on exchanges of health information
H.R. 4157 (Energy and Commerce)	Better Health Information System Act of 2006	Preempts state requirements for recordkeeping and state civil and criminal penalties imposed on exchanges of health information

Continued

Table B-1.**Continued**

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills Containing Intergovernmental Mandates with Costs Below the Statutory Threshold^b (Continued)		
H.R. 4167	National Uniformity for Food Act of 2005	Preempts state laws regarding consumer protection and food labeling
H.R. 4472	Children's Safety and Violent Crime Reduction Act of 2005	Requires background checks and alternative placements in the foster care program; preempts some state gun laws
H.R. 4698	Disaster Relief Volunteer Protection Act of 2006	Preempts state liability laws for certain disaster volunteers
H.R. 4777	Internet Gambling Prohibition Act	Preempts state regulations of certain gambling activities; prohibits sale of state lottery tickets over the Internet
H.R. 4880	Maritime Terminal Security Enhancement Act of 2006	Requires ports to comply with regulations more quickly than under current law; requires ports to resubmit security plans; requires chief security officers to be United States citizens
H.R. 4954	Security and Accountability for Every Port Act	Requires law enforcement officers to staff command centers for maritime security; requires ports to resubmit security plans in certain circumstances; requires ports to hire United States citizens to be chief security officers
H.R. 5005	Firearms Corrections and Improvement Act	Preempts state and local gun laws regulating the sale and transfer of certain firearms
H.R. 5013	Disaster Recovery Personal Protection Act of 2006	Preempts local gun control ordinances
H.R. 5122	National Defense Authorization Act for Fiscal Year 2007	Prohibits employers and providers of group health coverage from offering incentives to military retirees to decline enrollment in a group health plan in favor of relying on DoD's military health program; increases the number of days certain reservists can be called to active duty, thus raising the cost of existing mandates imposed by the Servicemembers Civil Relief Act
H.R. 5219	Judicial Transparency and Ethics Enhancement Act of 2006	Creates an Inspector General for the Judiciary with the power to subpoena information; requires state and local governments to comply with requests for information

Continued

Table B-1.**Continued**

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills Containing Intergovernmental Mandates with Costs Below the Statutory Threshold^b (Continued)		
H.R. 5312	Indian Health Care Improvement Act Amendments of 2006	Preempts state licensing laws that govern health care professionals who are licensed in one state but who perform services in another state under a tribal health program
H.R. 5318	Cyber-Security Enhancement and Consumer Data Protection Act of 2006	Requires notification of federal law enforcement agencies when a security breach involves the personal information of 10,000 or more individuals
H.R. 5388	District of Columbia Fair and Equal House Voting Rights Act of 2006	Preempts Utah state law and requires the state to hold a statewide election
H.R. 5393	Natural Disaster Housing Reform Act of 2006	Preempts state and local regulation of certain development within flood zones
H.R. 5403	Safe and Timely Interstate Placement of Foster Children Act of 2006	Requires states to complete home studies for interstate placements in the foster care program within 60 days
H.R. 5417	Internet Freedom and Nondiscrimination Act of 2006	Prohibits providers of Internet services from charging additional fees for providing certain services and content
H.R. 5632	A bill to amend chapter 301 of title 49, U.S. Code, to establish a national tire fuel efficiency consumer information program, and for other purposes	Preempts state and local authority to enact their own laws or regulations relating to consumer information about the fuel efficiency of tires
H.R. 5637	Nonadmitted and Reinsurance Reform Act of 2006	Preempts state authority to tax and regulate certain insurance products
H.R. 5681	Coast Guard Authorization Act of 2006	Requires ports to allow crew members to leave and reboard ships at no cost
H.R. 5695	Chemical Facility Anti-Terrorism Act of 2006	Preempts state and local regulations that would interfere with new security requirements; preempts some public information laws; requires certain public water and wastewater facilities to comply with new security measures
H.R. 5782 (Energy and Commerce)	Pipeline Safety Improvement Act of 2006	Imposes new safety standards on pipeline operators

Continued

Table B-1.**Continued**

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills Containing Intergovernmental Mandates with Costs Below the Statutory Threshold^b (Continued)		
H.R. 5782 (Transportation and Infrastructure)	Pipeline Safety Improvement Act of 2006	Requires gas pipeline distributors to replace certain equipment and comply with new federal standards
H.R. 5808	Public Transportation Security Assistance Act of 2006	Requires certain public transit agencies to participate in the Information Sharing and Analysis Center for Public Transportation
H.R. 5825 (Intelligence)	Electronic Surveillance Modernization Act	Requires public entities to comply with requests for information from federal law enforcement agencies
H.R. 5825 (Judiciary)	Electronic Surveillance Modernization Act	Preempts state and local liability laws and requires public entities to comply with requests for information from federal law enforcement agencies
H.R. 6060	Department of State Authorities Act of 2006	Extends diplomatic privileges and immunities to three new groups, thereby expanding the preemption of certain state and local laws
S. 852	Fairness in Asbestos Injury Resolution (FAIR) Act of 2005	Preempts state laws regulating asbestos claims and requires states to comply with requests for information
S. 1052	Transportation Security Improvement Act of 2005	Requires rail carriers to create and implement security training programs; preempts state whistle-blower laws
S. 1057	Indian Health Care Improvement Act Amendments of 2005	Preempts state licensing laws that govern health care professionals who are licensed in one state but are performing services in another state under a tribal health program
S. 1235	Veterans' Housing Opportunity and Benefits Improvement Act of 2006	Prohibits insurance providers, including state and local governments, from raising premiums for certain service members
S. 1608	Undertaking Spam, Spyware, and Fraud Enforcement with Enforcers Beyond Borders Act of 2005	Preempts state freedom of information laws
S. 1773 (House Resources)	Pueblo de San Ildefonso Claims Settlement Act of 2005	Preempts state law regarding interpretation of a tribal settlement agreement

Continued

Table B-1.**Continued**

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills Containing Intergovernmental Mandates with Costs Below the Statutory Threshold^b (Continued)		
S. 1773 (Senate Indian Affairs)	Pueblo de San Ildefonso Claims Settlement Act of 2005	Preempts state law regarding interpretation of a tribal settlement agreement
S. 1838	Federal and District of Columbia Government Real Property Act of 2005	Extinguishes claims of the District of Columbia against the United States
S. 1899	Indian Child Protection and Family Violence Prevention Act Amendments of 2006	Prohibits disclosure of information on child abuse victims to entities that are not involved in preventing or treating child abuse
S. 1955	Health Insurance Marketplace Modernization and Affordability Act of 2006	Preempts state laws governing insurance, including rating and pricing regulations, benefits, and, in some cases, licensing
S. 2078	Indian Gaming Regulatory Act Amendments of 2006	Limits the ability of tribes to operate gaming on recently acquired trust lands and increases federal regulation of tribal gaming operations
S. 2128	Lobbying Transparency and Accountability Act of 2006	Provides the newly established “Commission to Strengthen Confidence in Congress” with new subpoena authority
S. 2145	Chemical Facilities Anti-Terrorism Act of 2006	Requires chemical facilities, including public drinking water and wastewater facilities, to complete vulnerability assessments and response plans; preempts state and local public access to information and preempts state regulation of ammonium nitrate
S. 2348	Nuclear Release Notice Act of 2006	Requires public nuclear power plants to report the release of radioactive substances to the Nuclear Regulatory Commission and to state and local officials
S. 2389	Protecting Consumer Phone Records Act	Preempts state laws governing the protection and disclosure of phone records and limits the actions of state attorneys general in some circumstances
S. 2453	National Security Surveillance Act of 2006	Requires public entities to comply with requests for information from federal law enforcement agencies
S. 2459	GreenLane Maritime Cargo Security Act	Requires state and local governments to participate in staffing command centers

Continued

Table B-1.**Continued**

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills Containing Intergovernmental Mandates with Costs Below the Statutory Threshold^b (Continued)		
S. 2766	National Defense Authorization Act for Fiscal Year 2007	Prohibits employers and providers of group health coverage from offering incentives to military retirees to decline enrollment in a group health plan in favor of relying on DoD's military health program
S. 2781	Wastewater Treatment Works Security Act of 2006	Preempts state and local laws providing for public access to information
S. 2803	Mine Improvement and New Emergency Act of 2006	Preempts state liability laws in cases involving mine rescue teams
S. 2856	Financial Services Regulatory Relief Act of 2006	Limits certain fees that bank supervisors may impose; preempts state laws if banks or credit unions go into receivership
S. 3237 (Armed Services)	Intelligence Authorization Act for Fiscal Year 2007	Provides subpoena power to the Inspector General of the Intelligence Community; requires state and local governments to comply with requests for information
S. 3237 (Intelligence)	Intelligence Authorization Act for Fiscal Year 2007	Provides subpoena power to the Inspector General of the Intelligence Community; requires state and local governments to comply with requests for information
S. 3526	Indian Land Consolidation Act Amendments of 2006	Limits tribes' right to bid on fractional property interests
S. 3546	Dietary Supplement and Nonprescription Drug and Consumer Protection Act	Preempts state laws that require reporting on adverse reactions to nonprescription drugs or dietary supplements
S. 3589	Flood Insurance Reform and Modernization Act of 2006	Requires state regulators to require, and state lenders to provide, flood plan information
S. 3679	National Transportation Safety Board Reauthorization Act of 2006	Preempts state liability laws

Source: Congressional Budget Office.

Note: FTC = Federal Trade Commission; DoD = Department of Defense.

- a. In certain cases, proposed legislation reviewed by CBO contained multiple mandates, some of which did not have costs exceeding statutory thresholds. Therefore, in this category, mandates whose costs exceeded the statutory threshold are depicted in bold.
- b. In 2006, the threshold for intergovernmental mandates, which is adjusted annually for inflation, was \$64 million.
- c. Because H.R. 4297 would amend the Internal Revenue Code, the Joint Committee on Taxation analyzed the bill for intergovernmental mandates.

Table B-2.**Bills Reviewed by CBO in 2006 That Contained Private-Sector Mandates**

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates with Costs Above the Statutory Threshold^{a,b}		
H.R. 4	Pension Protection Act of 2006	Imposes new requirements on sponsors and administrators of single-employer and multi-employer private pension plans
H.R. 2429	Fair Minimum Wage Act of 2005	Increases the minimum wage paid by employers covered under the Fair Labor Standards Act
H.R. 3997 (Financial Services)	Financial Data Protection Act of 2006	Requires entities engaged in assembling or evaluating consumer financial information to protect the security and confidentiality of “sensitive financial personal information” relating to any consumer against unauthorized access and to notify consumers of data security breaches; prohibits consumer reporting agencies from releasing a credit report when requested by a consumer
H.R. 3997 (Energy and Commerce)	Data Accountability and Trust Act	Requires certain businesses and individuals engaged in interstate commerce to implement information security programs to protect personal information and notify individuals in the event of a security breach; places new disclosure, recordkeeping, and auditing requirements on information brokers
H.R. 4127 (Energy and Commerce)	Data Accountability and Trust Act	Requires certain businesses and individuals engaged in interstate commerce to implement information security programs to protect personal information and notify individuals in the event of a security breach; places new disclosure, recordkeeping and auditing requirements on information brokers
H.R. 4127 (Financial Services)	Financial Data Protection Act of 2006	Requires entities engaged in assembling or evaluating consumer financial information to protect the security and confidentiality of “sensitive financial personal information” relating to any consumer against unauthorized access and to notify consumers of data security breaches; prohibits consumer reporting agencies from releasing a credit report when requested by a consumer
H.R. 4127 (Judiciary)	Data Accountability and Trust Act	Requires certain businesses and individuals engaged in interstate commerce to implement information security programs to protect personal information and notify individuals in the event of a security breach; places new disclosure, recordkeeping, and auditing requirements on information brokers

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Table B-2.

Continued

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates with Costs Above the Statutory Threshold^{a,b} (Continued)		
H.R. 4157 (Ways and Means)	Health Information Technology Promotion Act of 2006	Requires health plans, providers, and clearinghouses to adopt updated coding and transaction standards by specified future dates in 2009
H.R. 4297 ^c (Conference Agreement)	Tax Increase Prevention and Reconciliation Act of 2005	Repeals the foreign sales corporation-extraterritorial income grandfather rule, which allowed U.S. corporations to exclude certain foreign-source income from U.S. taxation; reduces the housing exclusion for citizens living abroad that allows them to lower the amount of their foreign earned income that is subject to U.S. income tax
H.R. 4844	Federal Election Integrity Act of 2006	Requires individuals to have a government-issued photo identification to vote in a federal election
H.R. 4880	Maritime Terminal Security Enhancement Act of 2006	Requires shipping carriers to ensure that all cargo containers that enter the United States be secured with a seal that meets certain standards; places new security requirements on owners and operators of maritime terminal facilities
H.R. 5122	National Defense Authorization Act for Fiscal Year 2007	Prohibits employers and other providers of group health coverage from offering incentives to military retirees and their dependents to decline enrollment in the group health plan in favor of relying on the DoD military health program as the primary source of health coverage; increases the maximum number of days that some reservists could be called to active duty, causing entities in the private sector to delay certain court procedures or uphold other protections provided to the service member

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Table B-2.**Continued**

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates with Costs Above the Statutory Threshold^{a,b} (Continued)		
H.R. 5252 (Senate Commerce, Science, and Transportation)	Advanced Telecommunications and Opportunities Reform Act	Increases payments by telephone companies to the Universal Service Fund; imposes regulations on interconnections among providers of telephone services; imposes requirements on video service providers; requires satellite carriers to serve subscribers in Alaska and Hawaii; requires manufacturers to include output control technologies in products that receive digital broadcasts; requires broadcasters and retailers to educate consumers about the transition to digital broadcasts; imposes new standards on digital converter boxes and multimode devices; requires cable companies to carry analog video streams; requires broadcasters and multiple-channel video programming distributors to provide video description for the blind; requires video service providers to prevent easy access to certain commercial matter during the broadcast of children's programming; requires Internet service providers to meet consumer protection guidelines; prohibits the transmission of false or misleading information over caller-identification services
H.R. 5695	Chemical Facility Anti-Terrorism Act of 2006	Requires owners and operators of certain chemical facilities and certain individuals affiliated with those facilities to comply with new security standards and procedures
H.R. 5970	Estate Tax and Extension of Tax Relief Act of 2006	Increases the minimum wage paid by employers covered under the Fair Labor Standards Act; requires certain firms that currently pay for health benefits for retired coal miners (and their dependents and survivors) through collectively bargained agreements to make additional payments for those benefits in specified years
S. 852	Senate Amendment No. 2746 to S. 852, the Fairness in Asbestos Injury Resolution (FAIR) Act of 2005	Prohibits individuals from bringing or maintaining a civil action that alleges injury as a result of asbestos exposure; requires defendant companies and their insurers to pay annual assessments to the federal Asbestos Fund; requires asbestos settlement trusts to transfer their assets to the Asbestos Fund; prohibits persons from manufacturing, processing, or distributing in commerce certain products containing asbestos

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Table B-2.**Continued**

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates with Costs Above the Statutory Threshold^{a,b} (Continued)		
S. 1326	Notification of Risk to Personal Data Act	Requires entities that own or license computerized data containing sensitive information to implement and maintain certain security procedures governing personal data and to notify affected individuals and credit reporting agencies of any breach of security that could result in identity theft
S. 1789	Personal Data Privacy and Security Act of 2005	Requires certain business entities engaging in interstate commerce that involves personally identifiable information in electronic or digital form to establish and maintain a data privacy and security program; requires entities engaged in interstate commerce to notify individuals, credit-reporting agencies, and law enforcement agencies of security breaches that could result in identity theft; and requires data brokers to provide individuals with their personally identifiable information upon request and change the information if it is found to be incorrect
S. 2145	Chemical Facility Anti-Terrorism Act of 2006	Requires owners and operators of certain chemical facilities to comply with new security standards and procedures and prohibits them from taking actions against employees that inform the government about vulnerabilities at such facilities; imposes new requirements on producers, sellers, and purchasers of ammonium nitrate
S. 2611 (As Introduced)	Comprehensive Immigration Reform Act of 2006	Requires employers determined to be critical employers to verify the employment eligibility of current employees; requires all employers and other entities that recruit or refer employees to verify the eligibility of new hires and maintain a record of the verification
S. 2611 (As Passed by the Senate)	Comprehensive Immigration Reform Act of 2006	Requires employers determined to be critical employers to verify the employment eligibility of current employees; requires all employers and other entities that recruit or refer employees to verify the eligibility of new hires and maintain a record of the verification
S. 2766	National Defense Authorization Act for Fiscal Year 2007	Prohibits employers and other providers of group health coverage from offering incentives to military retirees to decline enrollment in the group health plan in favor of relying on the DoD military health program

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Table B-2.**Continued**

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates with Costs Above the Statutory Threshold^{a,b} (Continued)		
S. 2803	Mine Improvement and New Emergency Response Act of 2006	Requires operators of coal mines to: install new safety systems and equipment; establish rescue teams within one hour's distance from each mining facility and comply with standards to be established for sealing abandoned areas in underground mines
Bills Containing Private-Sector Mandates Whose Costs Might or Might Not Exceed the Statutory Threshold^b		
H.J. Res. 86	A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003	Renews for one year the ban of all imports from Burma
H.R. 1078	Social Security Number Protection Act of 2006	Prohibits any person from selling or purchasing a Social Security number in violation of regulations to be implemented by the Federal Trade Commission
H.R. 4411 (Financial Services)	Unlawful Internet Gambling Enforcement Act of 2006	Requires providers of financial transactions (including creditors, credit card issuers, financial institutions or other payment networks that use a designated payment system) to identify and block restricted transactions in connection with unlawful Internet gambling
H.R. 4411 (Judiciary)	Unlawful Internet Gambling Enforcement Act of 2006	Requires providers of financial transactions (including creditors, credit card issuers, financial institutions or other payment networks that use a designated payment system) to identify and block restricted transactions in connection with unlawful Internet gambling
H.R. 4698	Disaster Relief Volunteer Protection Act of 2006	Eliminates existing rights to seek compensation from disaster relief volunteers, their employers or business partners, as well as individuals or entities that work with, accept services from, or make their facilities available to such volunteers to assist in disaster relief services for injury caused by certain negligent acts
H.R. 4943	Prevention of Fraudulent Access to Phone Records Act	Requires telecommunications carriers to obtain authorization from customers before using, accessing, or disclosing their phone records and to comply with more stringent security requirements for customer proprietary network information, including phone records

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Table B-2.**Continued**

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates Whose Costs Might or Might Not Exceed the Statutory Threshold^b (Continued)		
H.R. 4954	Security and Accountability for Every Port Act (SAFE Port Act)	Requires owners and operators of maritime terminal facilities to resubmit their security plans for approval upon transfer of ownership or operation of their facility; requires shipping carriers and owners and operators of maritime terminal facilities to comply with security standards for the international supply chain
H.R. 5318	Cyber-Security Enhancement and Consumer Data Protection Act of 2006	Requires certain persons to notify federal law enforcement agencies in the event of a major security breach of certain electronic data; prohibits anyone from bringing a cause of action in court against certain persons related to a delay of notification of such a security breach for law enforcement purposes
H.R. 5417	Internet Freedom and Nondiscrimination Act of 2006	Amends antitrust law to make it unlawful for broadband service providers to: provide broadband network services to any provider of content, network applications, or services in a discriminatory manner; prevent users from attaching any device to the network that does no harm to the network; interconnect with other broadband network service providers on discriminatory terms; or use surcharges for enhanced quality of service or prioritization
H.R. 5782 (Transportation and Infrastructure)	Pipeline Safety Improvement Act of 2006	Authorizes the Secretary of Transportation to increase the pipeline safety user fee on gas and liquid transmission operators; requires all operators of liquid pipelines to comply with new safety standards; requires operators of distribution pipelines to comply with a new distribution integrity management program
H.R. 5782 (Energy and Commerce)	Pipeline Safety Improvement Act of 2006	Authorizes the Secretary of Transportation to increase the pipeline safety user fee on gas and liquid transmission operators and to charge pipeline operators a fee to cover the cost of conducting a safety review of their facility design; imposes new safety standards on liquid and natural gas pipeline operators
H.R. 5805	North Korea Nonproliferation Act of 2006	Authorizes the President to impose sanctions on foreign persons that help North Korea acquire weapons of mass destruction; sanctions include measures that prohibit domestic entities from trading with those persons

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Table B-2.**Continued**

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates Whose Costs Might or Might Not Exceed the Statutory Threshold^b (Continued)		
H.R. 5814	Department of Homeland Security Authorization Act for Fiscal Year 2007	Requires rail carriers and public transportation systems to conduct vulnerability assessments and implement security plans; eliminates existing rights to seek compensation for damages caused by security inspectors; requires individuals applying for recurrent training to operate certain aircraft to pay a fee for threat assessment; prohibits passengers from carrying scissors and certain other tools aboard a passenger aircraft; prohibits individuals and entities from using specific words, initials, titles, or the insignia of the Department of Homeland Security without written permission
H.R. 5825 (Judiciary)	Electronic Surveillance Modernization Act	Requires entities to provide federal law enforcement agencies with all information, facilities, and assistance necessary to conduct electronic surveillance and provides liability protections for those entities
H.R. 5825 (Intelligence)	Electronic Surveillance Modernization Act	Requires entities to provide federal law enforcement agencies with all information, facilities, and assistance necessary to conduct electronic surveillance
H.R. 6060	Department of State Authorities Act of 2006	Authorizes the Secretary of State to increase the dollar amounts of certain surcharges related to consular services
S. 1052	Transportation Security Improvement Act of 2005	Requires rail carriers to create and implement security training programs for their employees and grants whistleblower protections to their employees; requires rail carriers and motor carriers to develop and implement security plans; authorizes new requirements for operators of transmission pipelines; requires importers who ship goods via cargo containers to provide entry data to federal officials before loading the containers for shipment
S. 2389	Protecting Consumer Phone Records Act	Requires telecommunications carriers and Voice-over-Internet-Protocol providers to comply with confidentiality procedures for protecting customer proprietary network information; prohibits wireless communications providers from including their customers' wireless phone numbers in any wireless directory assistance service database or written directory without permission

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Table B-2.**Continued**

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates Whose Costs Might or Might Not Exceed the Statutory Threshold^b (Continued)		
S. 2453	National Security Surveillance Act of 2006	Requires entities to provide federal law enforcement agencies with the information, facilities, and assistance necessary to conduct electronic surveillance upon request
S. 2459	GreenLane Maritime Cargo Security Act	Requires shipping carriers and owners and operators of maritime terminal facilities to adhere to minimum standards and procedures for securing containers in transit to an importer in the United States
S. 2557	Oil and Gas Industry Antitrust Act of 2006	Amends antitrust law to prohibit any supplier from withholding, exporting, or diverting existing supplies of natural gas, petroleum, or gasoline with the primary intention of increasing prices or creating a shortage in a geographic market
Bills Containing Private-Sector Mandates with Costs Below the Statutory Threshold^b		
H.R. 282	Iran Freedom Support Act	Requires managers of pension plans and mutual funds sold or distributed in the United States to notify investors if their plans or funds are invested in firms that have invested more than \$20 million in Iran's energy sector
H.R. 503	A bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes	Prohibits, within the states of New York and Kentucky, the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption
H.R. 1595 (Resources)	Guam World War II Loyalty Recognition Act	Limits the fees payable to attorneys or other individuals seeking to represent claimants who are eligible to receive money from the Foreign Claims Settlement Commission under the Guam World War II Loyalty Recognition Act
H.R. 1595 (Judiciary)	Guam World War II Loyalty Recognition Act	Limits the fees payable to attorneys or other individuals seeking to represent claimants who are eligible to receive money from the Foreign Claims Settlement Commission under the Guam World War II Loyalty Recognition Act
H.R. 2567	Antifreeze Bittering Act of 2005	Requires certain manufacturers to use a bittering agent in engine coolant or antifreeze if the CPSC determines that the use of such an agent would have no adverse effects on the environment

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Table B-2.**Continued**

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates with Costs Below the Statutory Threshold^b (Continued)		
H.R. 2679	Veterans' Memorials, Boy Scouts, Public Seals, and Other Public Expressions of Religion Protection Act of 2006	Eliminates existing rights to seek compensation for injury caused by certain acts involving a violation of a prohibition in the Constitution against the establishment of religion; prohibits awards for attorneys' fees from such lawsuits
H.R. 2990	Credit Rating Agency Duopoly Relief Act of 2006	Requires credit-rating agencies that currently are identified as nationally recognized statistical rating organizations to register with the SEC and follow certain requirements if they want to retain that designation
H.R. 3049	Asian Carp Prevention and Control Act	Prohibits shipping or importing of certain varieties of Asian carp
H.R. 3197	Secure Handling of Ammonium Nitrate Act of 2006	Expands data collection and reporting requirements for handlers and purchasers of ammonium nitrate
H.R. 3505	Financial Services Regulatory Relief Act of 2005	Prohibits interstate branching by certain depository institutions controlled by commercial firms; expands the authority of federal banking agencies over insured depository institutions and institution-affiliated parties with respect to safety and soundness enforcement; restricts participation in the affairs of financial institutions of people convicted of certain crimes or the subject of certain criminal proceedings
H.R. 3509	Workplace Goods Job Growth and Competitiveness Act of 2005	Prevents firms and individuals from filing lawsuits to recover damages in cases where the accident involving a durable good occurred more than 12 years after that good was delivered to its first purchaser or lessee
H.R. 4100	Louisiana Recovery Corporation Act	Requires entities in the private sector, if subpoenaed, to attend and provide testimony, evidence, or materials related to any investigations the Louisiana Recovery Corporation may conduct
H.R. 4157 (Energy and Commerce)	Better Health Information System Act of 2006	Requires health plans, providers, and clearinghouses to adopt updated standards for claims transactions by April 2009

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Table B-2.**Continued**

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates with Costs Below the Statutory Threshold^b (Continued)		
H.R. 4472	Children's Safety and Violent Crime Reduction Act of 2005	Expands reporting requirements for individuals who have been convicted of certain sex offenses; requires individuals who have been arrested or detained for federal offenses to provide a DNA sample to law enforcement officials; expands recordkeeping requirements for producers involved in interstate and foreign commerce of certain sexually explicit material
H.R. 4473	CFTC Reauthorization Act of 2005	Requires entities involved in retail foreign currency transactions to be subject to CFTC jurisdiction with regard to those transactions; requires entities that hold, maintain, or control large positions in contract sales of natural gas for future delivery to submit additional reports to the CFTC
H.R. 4686	Multi-State and International Fisheries Conservation and Management Act of 2006	Extends an existing mandate that allows Washington, Oregon, and California to continue to regulate commercial fishing for Dungeness crabs in federal waters adjacent to their states
H.R. 4777	Internet Gambling Prohibition Act	Prohibits gambling businesses from using a communication facility for the transmission of bets or wagers or for the transmission that entitles the recipient to receive money or credit as a result of bets or wagers; requires Internet service providers to remove or disable access to a specific Internet site when notified by law enforcement agencies; eliminates existing rights to seek compensation for damages caused when Internet service providers comply with law enforcement
H.R. 4944	Miscellaneous Trade and Technical Corrections Act of 2006	Raises tariff duties on certain chemicals imported into the United States
H.R. 4973	Flood Insurance Reform and Modernization Act of 2006	Requires mortgage lenders to include in each estimate certain disclosures about the National Flood Insurance Program
H.R. 4975 (Judiciary)	Lobbying Transparency and Accountability Act of 2006	Imposes new restrictions on lobbying activities and requires lobbyists and lobbying organizations to submit additional reports and disclosures to the Senate Office of Public Records and the Office of the Clerk of the House; requires certain organizations registered under section 527 of the Internal Revenue Code to register as political committees with the Federal Election Commission and comply with current regulations on federal campaign finance

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Table B-2.**Continued**

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates with Costs Below the Statutory Threshold^b (Continued)		
H.R. 4975 (Rules)	Lobbying Transparency and Accountability Act of 2006	Imposes new restrictions on lobbying activities and requires lobbyists and lobbying organizations to submit additional reports and disclosures to the Senate Office of Public Records and the Office of the Clerk of the House; requires certain organizations registered under section 527 of the Internal Revenue Code to register as political committees with the Federal Election Commission and comply with current regulations on federal campaign finance
H.R. 4975 (Government Reform)	Lobbying Transparency and Accountability Act of 2006	Imposes new restrictions on lobbying activities and requires lobbyists and lobbying organizations to submit additional reports and disclosures to the Senate Office of Public Records and the Office of the Clerk of the House; requires certain organizations registered under section 527 of the Internal Revenue Code to register as political committees with the Federal Election Commission and comply with current regulations on federal campaign finance
H.R. 4975 (Administration)	Lobbying Transparency and Accountability Act of 2006	Imposes new restrictions on lobbying activities and requires lobbyists and lobbying organizations to submit additional reports and disclosures to the Senate Office of Public Records and the Office of the Clerk of the House; requires certain organizations registered under section 527 of the Internal Revenue Code to register as political committees with the Federal Election Commission and comply with current regulations on federal campaign finance
H.R. 4975 (Standards of Official Conduct)	Lobbying Transparency and Accountability Act of 2006	Imposes new restrictions on lobbying activities and require lobbyists and lobbying organizations to submit additional reports and disclosures to the Senate Office of Public Records and the Office of the Clerk of the House; requires certain organizations registered under section 527 of the Internal Revenue Code to register as political committees with the Federal Election Commission and comply with current regulations on federal campaign finance
H.R. 5005	Firearms Corrections and Improvements Act	Prohibits anyone who has been convicted of a misdemeanor sex offense against a minor to ship, transport, possess, or receive a firearm or ammunition in interstate or foreign commerce

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Table B-2.**Continued**

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates with Costs Below the Statutory Threshold^b (Continued)		
H.R. 5018	American Fisheries Management and Marine Life Enhancement Act	Requires certain commercial and recreational fishers to participate in data collection programs; requires individuals to pay quota origination and transfer fees for participation in a fishery under the Limited Access Privilege program; authorizes the Secretary of Commerce to collect observer fees in all U.S. fisheries; prohibits the sale of recreationally caught fish; prohibits the use of retired fishing vessels for fishing; requires local fishers off of Navassa Island to comply with federal fishing regulations
H.R. 5037	Respect for America's Fallen Heroes Act	Prohibits unauthorized demonstrations at Arlington National Cemetery or on the property of cemeteries under the control of the National Cemetery Administration
H.R. 5219	Judicial Transparency and Ethics Enhancement Act of 2006	Provides subpoena power to the Inspector General for the Judicial Branch; requires entities in the private sector, if subpoenaed, to comply with requests for information
H.R. 5252 (House Energy and Commerce)	Communications Opportunity, Promotion, and Enhancement Act of 2006	Prohibits broadband service providers from requiring subscribers to purchase other services as a bundle; requires certain entities that own emergency 9-1-1 telephone components to allow Voice-over-Internet-Protocol providers access to their infrastructure
H.R. 5351	National Emergency Management Reform and Enhancement Act of 2006	Prohibits individuals and entities from using specific words, initials, titles, or the insignia of the Department of Homeland Security in connection with certain activities without written permission
H.R. 5632	A bill to amend chapter 301 of title 49, U.S. Code, to establish a national tire fuel efficiency consumer information program, and for other purposes	Requires manufacturers and retailers of motor vehicle tires to comply with a national fuel efficiency rating system for tires; requires tire retailers to provide consumers with information on the fuel efficiency rating of motor vehicle tires at the point of sale
H.R. 5681	Coast Guard Authorization Act of 2006	Requires owners and operators of private port terminals to provide a system for seamen assigned to a vessel at the facility to board and depart the vessel through the facility without paying fees

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Table B-2.**Continued**

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates with Costs Below the Statutory Threshold^b (Continued)		
S. 418	Military Personnel Financial Services Protection Act	Prohibits the sales of periodic payment plan certificates; requires insurers and producers of life insurance products to make certain disclosures when selling life insurance products on military installations; requires registered securities associations to include new rules governing the sales of securities on the premises of military installations and make available a process to handle inquiries about disciplinary actions taken against brokers and dealers
S. 1235	Veterans' Housing Opportunity and Benefits Improvement Act of 2006	Prohibits health insurance providers from raising premiums for service members when they return from active-duty service and choose to reinstate or continue previously held policies; requires providers to allow certain reservists whose notice for active duty is later canceled to continue policies or reinstate those policies without delay
S. 1509	Captive Primate Safety Act of 2005	Prohibits persons, with certain exceptions, from importing, exporting, transporting, selling, receiving, acquiring, or purchasing in interstate or foreign commerce nonhuman primates (including lemurs, monkeys, and apes)
S. 1608	Undertaking Spam, Spyware, and Fraud Enforcement with Enforcers Beyond Borders Act of 2005 (U.S. SAFE WEB Act)	Limits the existing right of an individual to sue for the disclosure or for failure to provide notice of disclosure when another party provides information about the individual to the Federal Trade Commission
S. 2012	Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005	Requires certain commercial and recreational fishers to participate in data collection programs; extends an existing mandate on owners of vessels that fish for Dungeness crab by allowing Washington, Oregon, and California to issue permits and to collect permit fees; requires local fishers off of Navassa Island to comply with federal fishing regulations
S. 2078	Indian Gaming Regulatory Act Amendments of 2005	Requires certain contractors in the Indian gaming industry to comply with federal regulation of Class II and Class III gaming-related contracts

Continued

Table B-2.**Continued**

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates with Costs Below the Statutory Threshold^b (Continued)		
S. 2128	Lobbying Transparency and Accountability Act of 2006	Imposes new restrictions on lobbying activities and requires lobbyists and lobbying organizations to submit additional reports and disclosures to the Senate Office of Public Records and the Office of the Clerk of the House; requires certain grassroots organizations hired by registered lobbying entities to register with those offices in the Senate and House; requires private entities, if subpoenaed, to provide information to the Commission to Strengthen Confidence in Congress established by the act
S. 2348	Nuclear Release Notice Act of 2006	Requires civilian nuclear power plants to report the release of radioactive substances occurring outside the boundaries controlled by the nuclear facility to the Nuclear Regulatory Commission and state and county governments
S. 2856	Financial Services Regulatory Relief Act of 2006	Imposes new requirements on certain insured depository institutions and parties affiliated with such institutions with respect to safety and soundness; places restrictions on parties with certain contracts or agreements with depository institutions that go into conservatorship or receivership; restricts participation in the affairs of certain financial institutions by people convicted of certain crimes
S. 3237 (Select Committee on Intelligence)	Intelligence Authorization Act for Fiscal Year 2007	Provides subpoena power to the Inspector General of the Intelligence Community; requires entities in the private sector, if subpoenaed, to comply with requests for information
S. 3237 (Armed Services)	Intelligence Authorization Act for Fiscal Year 2007	Provides subpoena power to the Inspector General of the Intelligence Community; requires entities in the private sector, if subpoenaed, to comply with requests for information
S. 3526	Indian Land Consolidation Act Amendments of 2006	Limits an existing right of certain individuals to bid on small fractional property interests in Indian land; diminishes the inheritance of certain individuals who would otherwise be the sole heir to inherit small fractional interests in certain Indian land under current law

Continued

Table B-2.**Continued**

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates with Costs Below the Statutory Threshold^b (Continued)		
S. 3546	Dietary Supplement and Nonprescription Drug and Consumer Protection Act	Requires manufacturers, packers, and distributors to report to the FDA within 15 business days any serious adverse events reported to them and maintain records for six years of all adverse events reported to them regarding nonprescription drugs and dietary supplements
S. 3589	Flood Insurance Reform and Modernization Act of 2006	Requires mortgage lenders to notify other parties to a transaction when making, increasing, extending, or renewing any loan secured by property located in an area within the 500-year floodplain; requires lenders to notify policyholders that insurance coverage may cease with the final mortgage payment
S. 3679	National Transportation Safety Board Reauthorization Act of 2006	Requires Amtrak to submit a plan to the National Transportation Safety Board addressing the needs of the families of passengers involved in any rail passenger accident involving an Amtrak intercity train and resulting in a loss of life
S. 3718	Pool and Spa Safety Act	Requires any swimming pool or spa drain cover manufactured, distributed, or entered into commerce in the United States to meet certain entrapment protection standards
S. 3850	Credit Rating Agency Reform Act of 2006	Requires credit rating agencies that currently are identified as nationally recognized statistical rating organizations to register with the SEC and follow certain requirements if they want to retain that designation

Continued

Table B-2.**Continued**

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills That Might or Might Not Contain a Private-Sector Mandate		
H.R. 4761	Deep Ocean Energy Resources Act of 2006	Imposes a new fee on lessees producing oil or gas in deep waters of the Outer Continental Shelf unless the lease includes limits on the firm's eligibility for royalty relief when oil and gas prices exceed price thresholds specified in the bill or the firm negotiates the lease to pay the royalties
H.R. 5359	A bill to amend the automobile fuel economy provisions of title 49, U.S. Code, to authorize the Secretary of Transportation to set fuel economy standards for passenger automobiles on the basis of one or more vehicle attributes	Authorizes the Secretary of Transportation to set varying CAFE standards for cars on the basis of size, class, or other characteristics that affect fuel consumption

Source: Congressional Budget Office.

Note: CAFE = corporate average fuel economy; CFTC = Commodity Futures Trading Commission; CPSC = Consumer Product Safety Commission; DNA = deoxyribonucleic acid; DoD = Department of Defense; FDA = Food and Drug Administration; SEC = Securities and Exchange Commission.

- a. In certain cases, proposed legislation reviewed by CBO contained multiple mandates or mandates with multiple provisions, some of which did not have costs exceeding statutory thresholds. Therefore, in this category, mandates whose costs exceeded the statutory threshold are depicted in bold.
- b. In 2006, the threshold for private-sector mandates, which is adjusted annually for inflation, was \$128 million.
- c. Because H.R. 4297 would amend the Internal Revenue Code, the Joint Committee on Taxation analyzed the bill for private-sector mandates.

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