

CONGRESS OF THE UNITED STATES
CONGRESSIONAL BUDGET OFFICE

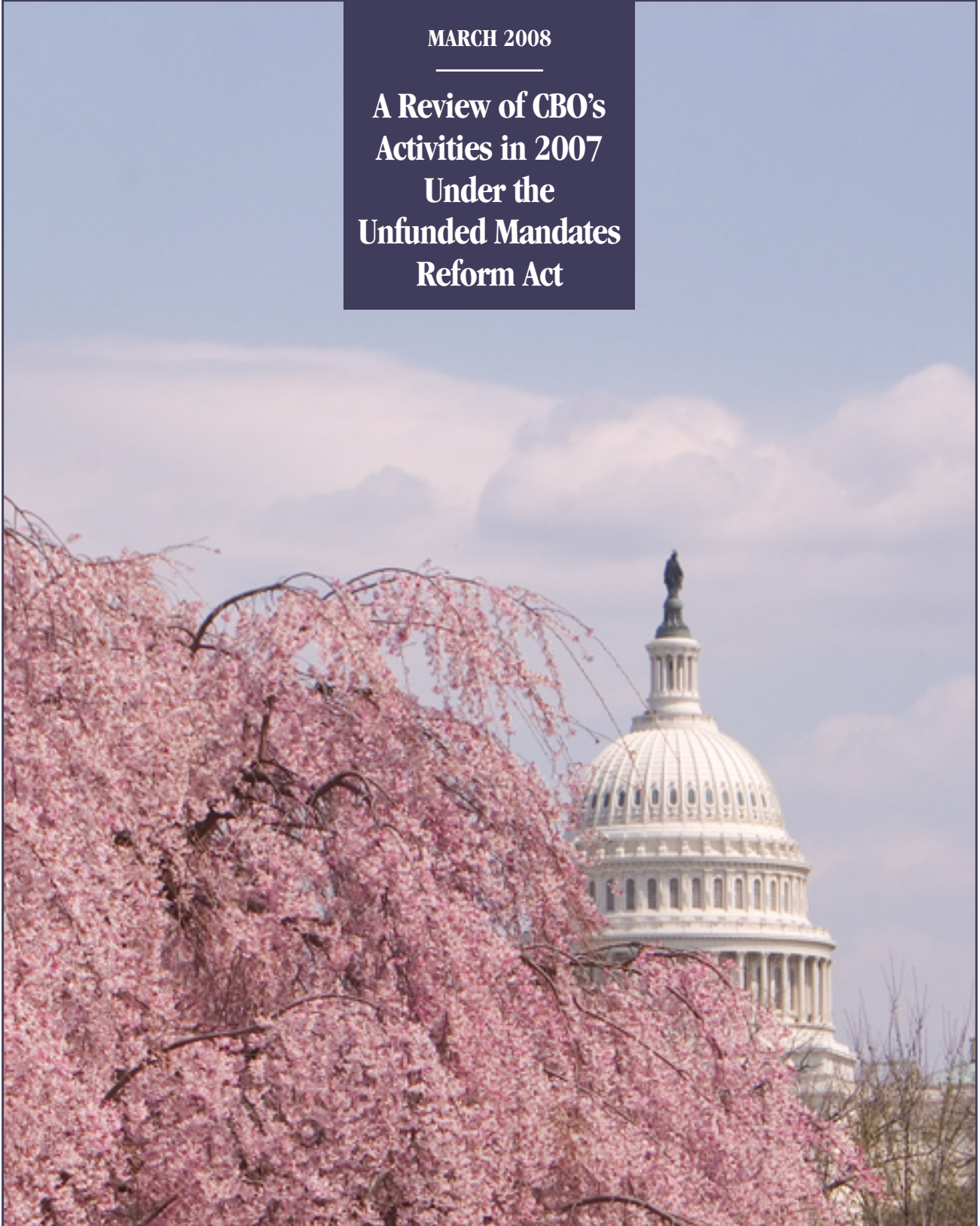
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CBO

REPORT

MARCH 2008

**A Review of CBO's
Activities in 2007
Under the
Unfunded Mandates
Reform Act**





A Review of CBO's Activities in 2007 Under the Unfunded Mandates Reform Act

March 2008

Note

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



Preface

In this report, part of an annual series that began in 1997, 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 2007 that would impose federal mandates on state, local, or tribal governments or on the private sector.

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The CBO staff members who contributed to the analyses underlying the report are listed in Appendix D.

Kate Kelly edited the report, and Sherry Snyder proofread it. Maureen Costantino designed and produced the cover and prepared the report for publication. Simone Thomas prepared the electronic version for CBO's Web site (www.cbo.gov).



Peter R. Orszag
Director

March 2008



Contents

A Review of CBO's Activities in 2007 Under the Unfunded Mandates Reform Act	1
Appendix A: An Overview of Key Provisions in the Unfunded Mandates Reform Act	19
Appendix B: Bills Reviewed by CBO in 2007 That Contained Mandates as Defined in UMRA	23
Appendix C: Intergovernmental and Private-Sector Mandates Enacted into Law, 1996 to 2007	55
Appendix D: Primary Contributors to CBO's Analyses of Mandates	57
Tables	
1. Summary of Laws Enacted in 2007 That Contained Mandates	2
2. Laws Enacted in 2007 That Contained Intergovernmental Mandates	3
3. Laws Enacted in 2007 That Contained Private-Sector Mandates	5
4. Number of Mandate Statements Prepared by CBO and Public Laws Enacted Whose Costs Exceed the Statutory Thresholds, 2003 to 2007	10
5. Intergovernmental Mandates Reviewed by CBO in 2007 Whose Costs Would Exceed the Statutory Threshold or Whose Costs Might or Might Not Exceed the Statutory Threshold	11
6. Private-Sector Mandates Reviewed by CBO in 2007 Whose Costs Would Exceed the Statutory Threshold or Whose Costs Might or Might Not Exceed the Statutory Threshold	12
B-1. Bills Reviewed by CBO in 2007 That Contained Intergovernmental Mandates	24
B-2. Bills Reviewed by CBO in 2007 That Contained Private-Sector Mandates	36



A Review of CBO's Activities in 2007 Under the Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995¹ (UMRA) established procedures for providing information to the Congress about the effects of legislative provisions on state, local, and tribal governments and on private entities. The Congressional Budget Office (CBO) is required to estimate whether the direct costs of intergovernmental and private-sector mandates contained in legislative proposals exceed statutory thresholds, which were set for 1996 at \$50 million for intergovernmental mandates and \$100 million for private-sector mandates.² In 2007, those thresholds, which are adjusted annually for inflation, were \$66 million and \$131 million, respectively.

UMRA defines a mandate as a legislative provision that would impose an enforceable duty on a state, local, or tribal government 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 reduce federal funding for those programs. Not all provisions that affect governments (for example, duties imposed as a condition of federal assistance or that arise from participation in a voluntary federal program) are considered mandates.

As specified in UMRA, during the legislative process CBO reviews most legislation that contains mandates. The agency does not routinely review bills for mandates if

the legislation is not reported from a committee (the point at which CBO generally will provide its estimates); if a bill is amended on the floor or in conference; or, in most cases, if the legislation is an appropriation bill, because those bills are not routinely reviewed by CBO for mandates.

Because the House and the Senate may consider the same or similar mandates in more than one piece of legislation, the number of bills with mandates can exceed the number of individual mandates considered by the Congress in any given year. Conversely, because one bill may contain several mandates, the number of mandates can exceed the number of bills.

CBO cannot always determine whether the costs of a mandate would exceed the threshold. In such cases, uncertainty about the mandate's scope may make it difficult to predict the nature and extent of future federal regulations, other actions by the executive branch, or the composition of the group that would be affected by the resulting regulations or actions. Nevertheless, those mandates are included in CBO's reports.

The tables in this report identify mandates in public laws and in other legislation considered by the Congress in 2007:

- Table 1 is a tally of mandates in public laws in 2007.
- Tables 2 and 3 list laws enacted in 2007 with intergovernmental and private-sector mandates.
- Table 4 is a tally of CBO's mandate statements since 2003.
- Tables 5 and 6 list mandates CBO reviewed in 2007 whose costs would or could exceed UMRA's thresholds.

Appendix A details UMRA's key provisions as they apply to CBO. Appendix B lists the bills and proposals CBO reviewed under UMRA in 2007. Appendix C lists mandates enacted between 1996 and 2007 whose costs exceeded the statutory thresholds.

1. Public Law 104-4, 109 Stat. 50.

2. The Congressional Budget and Impoundment Control Act of 1974 requires CBO to use revenue estimates produced by the Joint Committee on Taxation for all revenue legislation considered by the House or the Senate. That committee also examines legislative provisions that affect the tax code for federal mandates and estimates their costs. Such information is incorporated into CBO's mandate statements. CBO's previous reports on UMRA, including a 10-year summary completed in 2006, can be found at CBO's Web site, www.cbo.gov.

Table 1.**Summary of Laws Enacted in 2007 That Contained Mandates**

In 2007, the Congress and the President enacted 175 public laws. Fourteen contained at least one intergovernmental mandate, as defined in UMRA, and 20 contained at least one private-sector mandate. In all, those new laws contained 3 intergovernmental and 10 private-sector mandates with costs exceeding the statutory thresholds of \$66 million and \$131 million, respectively. CBO could not determine whether costs for another 8 private-sector mandates would be above or below the threshold.

	Laws That Contained Mandates	Total Mandates Enacted	Enacted Mandates Whose Costs Exceed the Statutory Threshold	Enacted Mandates Whose Costs May Be Above or Below the Statutory Threshold
Intergovernmental Mandates	14	20	3	0
Private-Sector Mandates	20	47	10	8

Source: Congressional Budget Office.

Note: UMRA = Unfunded Mandates Reform Act of 1995.

Table 2.**Laws Enacted in 2007 That Contained Intergovernmental Mandates**

CBO estimates that most intergovernmental mandates—those that impose duties on state, local, or tribal governments—enacted in 2007 will not impose significant costs on those governments. Of the 20 intergovernmental mandates enacted in 14 laws during 2007, only 3 mandates have costs that CBO estimates will exceed the threshold established in UMRA. Those mandates are shown in bold-faced type.

Public Law	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment?
Laws Containing Intergovernmental Mandates with Costs Above the Statutory Threshold			
110-28	U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007	Requires employers, including state, local, and tribal governments, to pay a higher minimum wage	Yes
110-53	Implementing Recommendations of the 9/11 Commission Act of 2007	Requires all public transit and rail carriers to train workers and submit reports to DHS	Yes
		Authorizes the DHS privacy officer to subpoena information; requires state, local, and tribal governments, if subpoenaed, to provide testimony, documents, or other evidence	Yes
		Preempts state laws governing whistle-blowers	Yes
110-108	Internet Tax Freedom Act Amendments of 2007	Extends a moratorium on state and local taxation of Internet access	Yes
Laws Containing Intergovernmental Mandates with Costs Below the Statutory Threshold			
110-5	Revised Continuing Appropriations Resolution, 2007	Requires the mayor of the District of Columbia to submit to the Congress a plan to expend the appropriations made by the act and extends patent fees	No
110-55	Protect America Act of 2007	Preempts legal rights of action and allows federal law enforcement officials to compel providers of communication services to provide information about customers and to assist the government with electronic surveillance	Yes
110-85	Food and Drug Administration Amendments Act of 2007	Preempts state laws governing the registration of clinical trials	Yes
110-92	A joint resolution making continuing appropriations for fiscal year 2008, and for other purposes	Extends patent fees	No
110-94	Pesticide Registration Improvement Renewal Act	Increases and extends fees for pesticide registrants	No

Continued

Table 2. **Continued**
Laws Enacted in 2007 That Contained Intergovernmental Mandates

Public Law	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment?
Laws Containing Intergovernmental Mandates with Costs Below the Statutory Threshold (Continued)			
110-116	An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes	Extends patent fees	No
110-137	A joint resolution making further continuing appropriations for fiscal year 2008, and for other purposes	Extends patent fees	No
110-140	Energy Independence and Security Act of 2007	Preempts state energy laws, requires state hearings for the consideration of utility regulations, and requires publicly owned pools and spas to equip drains with antientrapment devices	Yes
110-149	A joint resolution making further continuing appropriations for fiscal year 2008, and for other purposes	Extends patent fees	No
110-160	Terrorism Risk Insurance Program Reauthorization Act of 2007	Preempts state laws regulating insurance	Yes
		Requires certain insurers to offer terrorism insurance, including insurance for acts of domestic terrorism, and to make certain disclosures	Yes
		Requires certain insurers and their policyholders to pay surcharges and assessments to the federal government after the federal government has provided assistance for the costs of insurance claims related to a terrorist event	Yes
110-161	Consolidated Appropriations Act, 2008	Preempts the authority of states to regulate the sale of ammonium nitrate in a manner that is less stringent than the requirements of this bill	Yes
		Requires various District of Columbia officials to submit reports to the Congress	No
		Extends patent fees	No

Source: Congressional Budget Office.

Notes: UMRA = Unfunded Mandates Reform Act of 1995; DHS = Department of Homeland Security.

In 2007, the threshold for intergovernmental mandates, which is adjusted annually for inflation, was \$66 million. In several cases, enacted laws contained multiple mandates, some of which have costs exceeding the statutory threshold.

Table 3.**Laws Enacted in 2007 That Contained Private-Sector Mandates**

The Congress and the President enacted 47 private-sector mandates in 2007. CBO estimates that 10 of those mandates (shown in bold-faced type) will impose costs on the private sector that exceed the annual threshold. In addition, 2 laws contain private-sector mandates that, in total, have costs that may be above the threshold, although CBO could not make a clear determination in those cases. All of the other private-sector mandates enacted in 2007 would impose costs below the threshold established in UMRA, CBO estimates.

Public Law	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment?
Laws Containing Private-Sector Mandates with Costs Above the Statutory Threshold			
110-28	U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007	Requires employers to pay a higher minimum wage	Yes
		Increases the age until which the unearned income of certain children is taxed at their parents' rate	No
110-53	Implementing Recommendations of the 9/11 Commission Act of 2007	Requires high-risk rail carriers and commercial bus carriers to conduct vulnerability assessments, prepare and implement security plans, develop security training programs, and complete training of all workers covered under the programs	Yes
		Requires rail carriers to compile commodity data by route and storage pattern, submit a written analysis annually of the security risks for each route and storage pattern, and identify alternative routes to avoid areas of concern ^a	Yes
		Prohibits rail carriers and over-the-road bus companies from discharging or discriminating against any employee who reports a perceived threat to safety or security	Yes
		Requires shipping carriers to seal containers entering the United States according to international standards (using bolt seals) ^b	Yes
		Authorizes the DHS privacy officer to subpoena information; requires private-sector entities, if subpoenaed, to provide testimony, documents, or other evidence	Yes
110-85	Food and Drug Administration Amendments Act of 2007	Extends the requirement for manufacturers of prescription drugs and medical devices to pay user fees through fiscal year 2012	Yes
		Requires manufacturers of medical devices to include a unique identifier on the device label that identifies the device through distribution and use ^a	Yes

Continued

Table 3. **Continued**
Laws Enacted in 2007 That Contained Private-Sector Mandates

Public Law	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment?
Laws Containing Private-Sector Mandates with Costs Above the Statutory Threshold (Continued)^{a,b}			
110-85 (Continued)		Renews the FDA's authority to request that a manufacturer of previously approved drugs undertake studies of those drugs in children; enhances the FDA's authority to require drug manufacturers to conduct studies or clinical trials to collect additional safety data on certain drugs that have been approved by the FDA ^a	Yes
		Imposes new standards on ingredients, processing, and labeling for pet foods ^a	No
		Authorizes the FDA to require manufacturers of medical devices to conduct postmarket surveillance for certain classes of devices if the failure of such a device could pose serious adverse health consequences; if the device is expected to be frequently used by children; or if the device is intended to be implanted in the human body ^a	Yes
		Requires any person who submits an application for approval of a medical device to provide information on the children who suffer from the disease or condition that the device is intended to treat, diagnose, or cure	Yes
		Renews the ability of the FDA to grant six additional months of market exclusivity to manufacturers that study the safety and efficacy of their brand-name drugs in children, imposing a mandate on generic-drug companies by prohibiting them from entering the market during that period	Yes
		Requires pharmaceutical companies to submit additional information on clinical trials and their results to the FDA	Yes
		Requires pharmaceutical companies to include a statement in direct-to-consumer advertisements encouraging users to report any negative side effects to the FDA	Yes
110-138	United States–Peru Trade Promotion Agreement Implementation Act	Extends through December 13, 2014, the requirement to pay fees for customs services	Yes
		Imposes new record-keeping requirements on exporters of goods to Peru	Yes

Continued

Table 3.

Continued

Laws Enacted in 2007 That Contained Private-Sector Mandates

Public Law	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment?
Laws Containing Private-Sector Mandates with Costs Above the Statutory Threshold (Continued)			
110-140	Energy Independence and Security Act of 2007	Sets new CAFE standards for automobiles and certain trucks	Yes
		Increases the minimum volume of renewable fuel that motor fuels must contain	Yes
		Establishes energy-efficiency standards for appliances and lighting	Yes
		Extends the Federal Unemployment Tax Act surtax on employers	Yes
		Requires public pools and spas to equip drains with antientrapment devices ^a	Yes
		Requires pool and spa drain covers manufactured or sold in the United States to conform to certain safety standards	Yes
		Requires information about certain products to be provided to consumers	Yes
		Other energy-related mandates	Yes
110-161	Consolidated Appropriations Act, 2008	Extends through September 30, 2008, the requirement that patent and trademark applicants pay certain fees	No
		Requires owners of ammonium nitrate facilities and purchasers of ammonium nitrate to register with DHS and report theft or unexplained loss of ammonium nitrate; requires owners to maintain additional records of sales or transfers	Yes
Laws Containing Private-Sector Mandates Whose Costs May or May Not Exceed the Statutory Threshold			
110-52	A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes	Renews the ban on imports from Burma ^a	Yes
		Extends for one week—through October 21, 2014—the requirement to pay merchandise-processing fees for customs services	Yes
110-55	Protect America Act of 2007	Allows federal law enforcement officials to compel providers of communication services to provide information about customers and to assist the government with electronic surveillance; the provision expired six months after enactment ^a	Yes

Continued

Table 3. **Continued**
Laws Enacted in 2007 That Contained Private-Sector Mandates

Public Law	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment?
Laws Containing Private-Sector Mandates with Costs Below the Statutory Threshold			
110-5	Revised Continuing Appropriations Resolution, 2007	Extends through September 31, 2007, the requirement that patent and trademark applicants pay certain fees	No
110-22	Animal Fighting Prohibition Enforcement Act of 2007	Prohibits any person from knowingly selling, buying, or transporting sharp instruments for use with birds in animal-fighting ventures	Yes
		Prohibits any person from using certain forms of communication to promote animal-fighting ventures	Yes
110-42	An act to extend the authorities of the Andean Trade Preference Act until February 29, 2008	Extends for two weeks—through October 14, 2014—the requirement to pay merchandise-processing fees for customs services	Yes
110-81	Honest Leadership and Open Government Act of 2007	Requires lobbyists and lobbying organizations to provide additional information in lobbying disclosure reports and to file those reports electronically and more frequently	Yes
		Prohibits candidates in federal elections and their political committees from using campaign funds to pay for noncommercial flights unless they pay the fair-market value for comparable charter flights; requires campaign committees for such candidates to disclose certain contributions from lobbyists or lobbying organizations	No
110-89	An act to extend for three months the trade adjustment assistance program under the Trade Act of 1974	Extends for one week—through October 7, 2014—the requirement to pay fees for certain customs services	Yes
110-92	A joint resolution making continuing appropriations for fiscal year 2008, and for other purposes	Extends through November 16, 2007, the requirement that patent and trademark applicants pay certain fees	No
110-94	Pesticide Registration Improvement Renewal Act	Increases and extends fees for pesticide registrants	No
110-116	An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes	Extends through December 14, 2007, the requirement that patent and trademark applicants pay certain fees	No

Continued

Table 3.

Continued

Laws Enacted in 2007 That Contained Private-Sector Mandates

Public Law	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment?
Laws Containing Private-Sector Mandates with Costs Below the Statutory Threshold (Continued)			
110-135	Fair Treatment for Experienced Pilots Act	Requires air carriers to continue to use pilot training and qualification programs, with special emphasis on pilots who have attained 60 years of age	No
		Requires air carriers that employ pilots over the age of 60 to evaluate the performance of those pilots every six months	No
110-137	A joint resolution making further continuing appropriations for fiscal year 2008, and for other purposes	Extends through December 21, 2007, the requirement that patent and trademark applicants pay certain fees	No
110-149	A joint resolution making further continuing appropriations for fiscal year 2008, and for other purposes	Extends through December 31, 2007, the requirement that patent and trademark applicants pay certain fees	No
110-160	Terrorism Risk Insurance Program Reauthorization Act of 2007	Requires certain insurers to offer terrorism insurance, including insurance for acts of domestic terrorism	Yes
		Requires certain insurers and their policyholders to pay surcharges and assessments to the federal government after the federal government has provided assistance for the costs of insurance claims related to a terrorist event; requires certain insurers to disclose to policyholders the \$100 billion cap on their liability	Yes

Source: Congressional Budget Office.

Notes: UMRA = Unfunded Mandates Reform Act of 1995; DHS = Department of Homeland Security; FDA = Food and Drug Administration; CAFE = corporate average fuel economy.

In 2007, the threshold for private-sector mandates, which is adjusted annually for inflation, was \$131 million. In several cases, enacted laws contained multiple mandates, some of which have costs exceeding the statutory threshold.

- a. The cost of this mandate could not be determined.
- b. CBO reviewed H.R. 1 (Implementing the Recommendations of the 9/11 Commission Act of 2007) for mandates after it passed the House of Representatives and determined that the cost of the mandate on shippers would exceed the threshold. The provision was later amended to change the type of seal required, reducing the cost to shippers to below the threshold.

Table 4.**Number of Mandate Statements Prepared by CBO and Public Laws Enacted Whose Costs Exceed the Statutory Thresholds, 2003 to 2007**

CBO provides mandate statements to the Congress for most bills reported by authorizing committees and for many other bills and proposed amendments. (Most of this legislation is never enacted, and most that is enacted does not contain federal mandates as defined in UMRA.) In 2007, CBO reviewed more than 700 bills and other legislative proposals (see Appendix B). Sixteen percent of CBO's estimates identified intergovernmental mandates in 2007. The average from 2003 to 2006 was 15 percent. There was a sharper increase in the estimates for private-sector mandates: About 23 percent of the estimates identified private-sector mandates; the annual average for the preceding four years was 17 percent.

	2003	2004	2005	2006	2007
Intergovernmental Mandates					
Total Number of Statements Transmitted	615	557	500	478	703
Number of Statements That Identified Mandates	86	66	83	88	111
Mandate costs would exceed the threshold	7	9	6	12	5
Could not determine whether mandate costs would exceed the threshold	5	2	3	3	4
Public Laws with Mandates Whose Costs Exceed the Statutory Threshold	1	2	0	2	3
Private-Sector Mandates					
Total Number of Statements Transmitted	613	555	500	474	703
Number of Statements That Identified Mandates	100	71	91	93	160
Mandate costs would exceed the threshold	24	14	22	23	44
Could not determine whether mandate costs would exceed the threshold	18	10	11	21	32
Public Laws with Mandates Whose Costs Exceed the Statutory Threshold	2	2	4	8	6

Source: Congressional Budget Office.

Notes: UMRA = Unfunded Mandates Reform Act of 1995.

This table shows the number of official mandate statements transmitted to the Congress by CBO. UMRA requires CBO to complete mandate statements for every bill and joint resolution of a public nature reported by an authorizing committee and to review amendments and other legislative proposals as requested. Although not required by law, CBO also has completed preliminary reviews and informal estimates for other legislative proposals that are not included in this table.

In some years, CBO prepared more intergovernmental mandate statements than private-sector statements 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. And because the same mandate sometimes appears in multiple bills, a single mandate may be addressed in more than one CBO mandate statement.

In 2007, the UMRA thresholds, which are adjusted annually for inflation, were \$66 million for intergovernmental mandates and \$131 million for private-sector mandates.

Table 5.

Intergovernmental Mandates Reviewed by CBO in 2007 Whose Costs Would Exceed the Statutory Threshold or Whose Costs Might or Might Not Exceed the Statutory Threshold

In 2007, CBO identified five intergovernmental mandates in legislation that would have costs that exceeded UMRA's statutory threshold. Three other mandates were estimated to have costs that could be above or below the threshold.

Topic	Description of Mandate	Status at the End of February 2008^a
Intergovernmental Mandates with Costs Above the Statutory Threshold		
Internet Taxation	Extends a prohibition on state and local taxation of Internet access (H.R. 3678)	Enacted in P.L. 110-108
Minimum Wage	Requires employers, including state, local, and tribal governments, to pay a higher minimum wage (H.R. 2)	Enacted in P.L. 110-28
Protection of Personal Identity	Limits the authority of state and local governments to sell, display, and use Social Security numbers (H.R. 3046)	Placed on the House calendar
Rail and Public Transit Security	Requires all public transit and rail carriers to train workers and submit reports to DHS (H.R. 1401)	Enacted in P.L. 110-53
Sick or Family Leave	Requires state, local, and tribal governments to provide their employees with paid leave if they missed work because they were sick, had a doctor's appointment, or were caring for a sick family member (S. 910)	Introduced in the Senate
Intergovernmental Mandates Whose Costs Might or Might Not Exceed the Statutory Threshold		
Collective Bargaining	Preempts state authority to regulate the collective bargaining rights of state and local public safety employees (H.R. 980)	Placed on the Senate calendar
Immigration/Employment Eligibility Verification	Requires employers to verify the work eligibility of employees (S.A. 1150, in the nature of a substitute to S. 1348)	Cloture (end of debate and call for the vote) not invoked in the Senate
Solid Waste Management	Preempts state laws governing solid waste disposal and imposes new requirements on local waste facilities (H.R. 518)	Passed by the House

Source: Congressional Budget Office.

Notes: UMRA = Unfunded Mandates Reform Act of 1995; P.L. = Public Law; DHS = Department of Homeland Security; S.A. = Senate Amendment.

In 2007, the threshold for intergovernmental mandates, which is adjusted annually for inflation, was \$66 million.

- a. Full names and dates of enactment are as follows, in order by number: P.L. 110-28, the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, enacted May 25, 2007; P.L. 110-53, the Implementing Recommendations of the 9/11 Commission Act of 2007, enacted August 3, 2007; and P.L. 110-108, the Internet Tax Freedom Act Amendments of 2007, enacted October 31, 2007.

Table 6.

Private-Sector Mandates Reviewed by CBO in 2007 Whose Costs Would Exceed the Statutory Threshold or Whose Costs Might or Might Not Exceed the Statutory Threshold

In 2007 CBO identified 29 private-sector mandates in legislation that would have costs that exceed UMRA's statutory threshold. In several cases, the same mandate appears in different bills, as noted in the table. Another 18 private-sector mandates would have costs that CBO estimates could be above or below the threshold.

Topic	Description of Mandate	Status at the End of February 2008 ^a
Private-Sector Mandates with Costs Above the Statutory Threshold		
Ballast Water Management	Requires certain vessels equipped to carry ballast water and manufacturers of such vessels to comply with treatment requirements for that water (H.R. 2830, S. 1578)	Placed on the House calendar
CAFE Standards	Sets new CAFE standards for automobiles and certain trucks (H.R. 6, S. 357, S. 1419)	Enacted in P.L. 110-140
Cargo Security	Imposes new safety and inspection requirements on shipping containers entering the United States and on cargo transported on passenger aircraft operated by certain air carriers (H.R. 1)	Enacted in P.L. 110-53 ^b
Consumer Product Safety	Imposes several new requirements on manufacturers and other private entities related to consumer product safety (S. 2045)	Placed on the Senate calendar
Customs User Fees	Extends through December 13, 2014, the customs user fees that are scheduled to expire after October 21, 2014, and October 7, 2014 (H.R. 3688, S. 2113)	Enacted in P.L. 110-138
Energy-Efficiency Standards	Establishes energy-efficiency standards for appliances and lighting (H.R. 6, H.R. 3221, S. 1321)	Enacted in P.L. 110-140
FDA User Fees	Requires manufacturers of prescription drugs and medical devices to pay fees to the FDA (H.R. 2900, S. 1082)	Enacted in P.L. 110-85
Federal Unemployment Insurance Taxes	Extends the Federal Unemployment Tax Act surtax on employers (H.R. 3920)	Enacted in P.L. 110-140
Flight Surcharge	Imposes a new surcharge on flights in airspace controlled by the FAA (S. 1300)	Placed on the Senate calendar
Housing Fund	Requires Fannie Mae and Freddie Mac to contribute to a new affordable-housing fund (H.R. 1427)	Passed by the House

Continued

Table 6.

Continued

Private-Sector Mandates Reviewed by CBO in 2007 Whose Costs Would Exceed the Statutory Threshold or Whose Costs Might or Might Not Exceed the Statutory Threshold

Topic	Description of Mandate	Status at the End of February 2008 ^a
Private-Sector Mandates with Costs Above the Statutory Threshold (Continued)		
Immigration/Employment Eligibility Verification	Requires employers petitioning for H-1B visa workers to pay a supplemental fee of \$3,500 per temporary worker; requires certain employers to verify the work eligibility of employees (S.A. 1150, in the nature of a substitute to S. 1348)	Cloture (end of debate and call for the vote) not invoked in the Senate
Low-Noise Aircraft	Prohibits the operation of certain aircraft not in compliance with low-noise criteria (H.R. 2881, S. 1300)	Placed on the Senate calendar
Mental Health Parity	Prohibits insurers from imposing treatment limitations or financial requirements for mental health benefits that differ from those placed on medical and surgical benefits (H.R. 1424, S. 558)	Passed by the Senate
Minimum Wage	Requires employers to pay a higher minimum wage (H.R. 2)	Enacted in P.L. 110-28
Mining Safety	Requires operators of underground mines to install conveyor belts that meet flame resistance standards and to provide a certain postaccident communication and tracking system (H.R. 2768)	Passed by the House
Motor Vehicle Safety Standards	Requires cars to have power windows that automatically reverse direction when they detect an obstruction and to comply with a rearward visibility performance standard (S. 694)	Ordered reported by the Senate Committee on Commerce, Science, and Transportation
OCS Conservation of Resources Fees	Imposes new "conservation of resources" fees on producing and nonproducing oil and gas leases on the OCS (H.R. 3058)	Placed on the House calendar
Patent Application Procedures	Requires certain patent applicants to submit a search report, analysis, and other information related to receiving a patent (H.R. 1908)	Placed on the Senate calendar
Rail and Transit Security	Requires certain rail carriers and commercial bus carriers to conduct vulnerability assessments, implement security plans, and provide security training for their employees (H.R. 1401, S. 184, S. 294)	Enacted in P.L. 110-53 ^c

Continued

Table 6.

Continued

Private-Sector Mandates Reviewed by CBO in 2007 Whose Costs Would Exceed the Statutory Threshold or Whose Costs Might or Might Not Exceed the Statutory Threshold

Topic	Description of Mandate	Status at the End of February 2008 ^a
Private-Sector Mandates with Costs Above the Statutory Threshold (Continued)		
Railroad Safety	Requires railroads to ensure that rail used in track repairs is free of internal defects and that the railroads meet a specific minimum annual service failure rate; requires rail carriers to install certain train control safety systems and new switch indicators for tracks (H.R. 2095, S. 1889)	Passed by the House
Renewable Fuel Standard	Increases the minimum volume of renewable fuel that motor fuels must contain (H.R. 6, S. 1321, S. 1419)	Enacted in P.L. 110-140
Sick or Family Leave	Requires most private-sector employers to provide their employees with paid leave if they missed work because they were sick, had a doctor's appointment, or were caring for a sick family member (S. 910)	Introduced in the Senate
Taxes: Aviation	Increases the tax on noncommercial aviation-grade kerosene (jet fuel); increases the international arrival and departure tax and indexes it for inflation (H.R. 3539, S. 2345) ^d	Placed on the Senate calendar
Taxes: Compensation and Compliance	Requires that income of partners for performing investment management services be treated as ordinary income; requires brokers to report their customers' basis in securities transactions; clarifies the economic substance doctrine and related penalties (H.R. 3996, S. 2242) ^d	Passed by the House ^e Placed on the Senate calendar
Taxes: Effective Dates	Accelerates the effective date for the application of the American Jobs Creation Act leasing provision that applies loss limitation to leases with foreign entities regardless of when the lease was entered into; delays implementation of worldwide allocation of interest expense until 2018 (H.R. 3920, H.R. 3996, S. 349, S. 2223, S. 2242) ^d	Placed on the Senate calendar
Taxes: Energy	Denies the deduction for income attributable to domestic production of oil, natural gas, or primary products thereof; clarifies the determination of foreign oil and gas extraction income (H.R. 2776, H.R. 3221) ^d	Passed by the House
Taxes: Housing	Limits the applicability of the exclusion of gains on the sale of a principal residence (H.R. 3648, H.R. 3996) ^d	Passed by the House ^e

Continued

Table 6.

Continued

Private-Sector Mandates Reviewed by CBO in 2007 Whose Costs Would Exceed the Statutory Threshold or Whose Costs Might or Might Not Exceed the Statutory Threshold

Topic	Description of Mandate	Status at the End of February 2008 ^a
Private-Sector Mandates with Costs Above the Statutory Threshold (Continued)		
Taxes: Oil and Gasoline	Increases the excise tax rate per barrel of oil for the Oil Spill Liability Trust Fund; imposes a tax on finished gasoline upon removal from the refinery (S. 2345) ^d	Placed on the Senate calendar
Taxes: Tobacco Products	Increases the excise tax rate on cigarettes and other tobacco products (H.R. 976, H.R. 3162) ^d	H.R. 976 was vetoed by the President; the House did not override the veto
Private-Sector Mandates Whose Costs Might or Might Not Exceed the Statutory Threshold		
Air Cargo Security	Requires DHS to establish a system to screen all cargo transported on passenger aircraft (S. 509)	Placed on the Senate calendar
Agriculture Provisions	Expands the country-of-origin labeling program; prohibits certain packers from owning, feeding, or controlling livestock more than 14 days before slaughter (S. 2302, S.A. 3500 to H.R. 2419)	Passed by the Senate
CNMI Immigration	Reduces the number of permits issued to CNMI employers for temporary alien workers; requires some aliens lawfully residing or working in CNMI to leave before their visas expire (H.R. 3079)	Passed by the House
Electronic Surveillance	Requires certain communication service providers to assist the government with surveillance; provides for the dismissal of civil action against electronic communication service providers (H.R. 3773, S. 2248)	Surveillance provisions enacted in PL. 110-55 ^f Other provisions placed on the Senate calendar
Elimination of a Right to Seek Compensation	Eliminates existing rights to seek compensation (damages) under various conditions (H.R. 964, H.R. 2347, H.R. 3403, S. 428)	Passed by the House Placed on the Senate calendar
Identity Theft Protection	Requires certain private-sector entities to implement and maintain new security procedures governing personal data; requires them to notify affected individuals, federal authorities, and credit-reporting agencies of any breach of security that could result in identity theft (S. 239, S. 495, S. 1178)	Placed on the Senate calendar
Illegally Harvested Timber	Prohibits entities from importing timber or timber products of illegal origin (H.R. 1497)	Ordered to be reported by the House Committee on Natural Resources
Industrial Bank Regulation	Establishes new regulatory framework for industrial bank holding companies; prohibits commercial firms from acquiring or establishing an industrial bank; limits activities of certain existing commercial firms with industrial banks (H.R. 698)	Passed by the House

Continued

Table 6.**Continued**

Private-Sector Mandates Reviewed by CBO in 2007 Whose Costs Would Exceed the Statutory Threshold or Whose Costs Might or Might Not Exceed the Statutory Threshold

Topic	Description of Mandate	Status at the End of February 2008 ^a
Private-Sector Mandates Whose Costs Might or Might Not Exceed the Statutory Threshold (Continued)		
Internet Freedom	Prohibits U.S. businesses that host Internet content in countries that restrict the use of the Internet from cooperating with their governments to block certain Web sites and online content and from providing those countries with the personal information of certain Internet users (H.R. 275)	Placed on the House calendar
Mortgage Finance	Creates a licensing and registration system for mortgage loan originators, sets new mortgage origination standards, and establishes requirements for high-cost mortgages (H.R. 3915)	Passed by the House
Phone Number Portability	Requires providers of voice services (including wireless, wireline, and VoIP) to make number portability available in accordance with requirements prescribed by the FCC (S. 1769)	Placed on the Senate calendar
Pool and Spa Safety	Requires public pools and spas to equip drains with antientrapment devices (S. 1771)	Enacted in P.L. 110-140
Port and Vessel Security	Requires owners and operators of certain vessels and ports to meet new safety and security standards (S. 1892)	Placed on the Senate calendar
Railroad Antitrust Regulations	Subjects railroad carriers to certain antitrust statutes (S. 772)	Placed on the Senate calendar
Sanctions Against Burma	Renews the ban on imports from Burma (H.R. 3890, S.J. Res. 16)	Enacted in P.L. 110-52
Social Security Number Protection	Prohibits the use of Social Security numbers for certain activities and the purchase or sale of Social Security numbers (H.R. 948, H.R. 3046, S. 1178)	Placed on the House calendar

Continued

Table 6.

Continued

Private-Sector Mandates Reviewed by CBO in 2007 Whose Costs Would Exceed the Statutory Threshold or Whose Costs Might or Might Not Exceed the Statutory Threshold

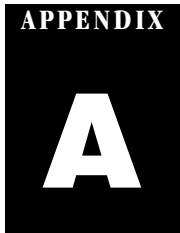
Topic	Description of Mandate	Status at the End of February 2008 ^a
Private-Sector Mandates Whose Costs Might or Might Not Exceed the Statutory Threshold (Continued)		
Solid Waste Management	Imposes requirements on companies involved in the importation, exportation, and disposal of solid waste (H.R. 518)	Passed by the House
Worker Safety	Requires facilities that use, handle, or produce diacetyl to comply with standards established by the Occupational Safety and Health Administration (H.R. 2693)	Placed on the Senate calendar

Source: Congressional Budget Office.

Notes: UMRA = Unfunded Mandates Reform Act of 1995; CAFE = corporate average fuel economy; P.L. = Public Law; FDA = Food and Drug Administration; FAA = Federal Aviation Administration; H-1B = visa granted to a skilled foreign worker admitted temporarily to the United States to work for a U.S. company; S.A. = Senate Amendment; OCS = Outer Continental Shelf; DHS = Department of Homeland Security; CNMI = Commonwealth of the Northern Mariana Islands; VoIP = Voice over Internet Protocol; FCC = Federal Communications Commission.

In 2007, the threshold for private-sector mandates, which is adjusted annually for inflation, was \$131 million.

- a. The names and dates of enactment are as follows, in order by number: P.L. 110-28, the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, enacted May 25, 2007; P.L. 110-52, an act approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes, enacted August 1, 2007; P.L. 110-53, the Implementing Recommendations of the 9/11 Commission Act of 2007, enacted August 3, 2007; P.L. 110-55, the Protect America Act of 2007, enacted August 5, 2007; P.L. 110-85, the Food and Drug Administration Amendments Act of 2007, enacted September 27, 2007; P.L. 110-138, the United States–Peru Trade Promotion Agreement Implementation Act, enacted December 14, 2007; P.L. 110-140, the Energy Independence and Security Act of 2007, enacted December 19, 2007; and P.L. 110-166, the Tax Increase Prevention Act of 2007, enacted December 26, 2007.
- b. When CBO reviewed H.R. 1, the Implementing the Recommendations of the 9/11 Commission Act of 2007, for mandates, the cost of the mandate on shippers was estimated to exceed the annual threshold. The provision was amended before enactment to change the type of seal required, reducing the cost to shippers to below the threshold.
- c. Some provisions as enacted apply to high-risk rail carriers and commercial bus carriers.
- d. The Joint Committee on Taxation examines legislative provisions that affect the tax code for federal mandates and estimates their costs. Such information is incorporated into CBO's mandate statements.
- e. H.R. 3648, the Mortgage Forgiveness Debt Relief Act of 2007, and H.R. 3996, the Temporary Tax Relief Act of 2007/Tax Increase Prevention Act of 2007, were enacted, but the mandate provisions listed from those bills were not included in P.L. 110-142 (H.R. 3648) or in P.L. 110-166 (H.R. 3996).
- f. The surveillance mandate was enacted with an expiration date of six months after enactment.



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

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.

governments, 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 by 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 2007 were \$66 million for intergovernmental mandates and \$131 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

mandates, 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 the 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 the 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.

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

authorized 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

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), www.rules.house.gov/Archives/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 appropriation clerks if it identifies any intergovernmental mandates.

APPENDIX
B

Bills Reviewed by CBO in 2007 That Contained Mandates as Defined in UMRA

This appendix lists legislation reviewed by the Congressional Budget Office (CBO) in 2007 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 are included. Table B-2 provides the same information for bills reviewed by CBO with private-sector mandates.

Table B-1.

Bills Reviewed by CBO in 2007 That Contained Intergovernmental Mandates

Bill (Committee)	Title of Legislation	Description of Mandate
Bills Containing Intergovernmental Mandates with Costs Above the Statutory Threshold		
H.R. 2	Fair Minimum Wage Act of 2007	Requires employers, including state, local, and tribal governments, to pay a higher minimum wage
H.R. 1401	Surface Transportation and Rail Security Act of 2007	Requires all public transit and rail carriers to train workers and submit reports to DHS (authorizations would cover most, if not all, of the required actions); preempts state laws governing whistle-blowers
H.R. 3046	Social Security Number Privacy and Identity Theft Prevention Act of 2007	Limits the authority of state and local governments to sell, display, and use Social Security numbers; preempts state laws governing the protection of Social Security numbers
H.R. 3678	Internet Tax Freedom Act Amendments Act of 2007	Prohibits state taxation of Internet access
S. 910	Healthy Families Act	Requires state, local, and tribal governments to provide their employees with paid leave if they miss work because they are sick, have a doctor's appointment, or are caring for a sick family member
Bills Containing Intergovernmental Mandates Whose Costs Might or Might Not Exceed the Statutory Threshold		
H.R. 518	International Solid Waste Importation and Management Act of 2007	Preempts state laws governing solid waste disposal and imposes new requirements on local waste facilities
H.R. 980	Public Safety Employer–Employee Cooperation Act of 2007	Preempts state authority to regulate the collective bargaining rights of state and local public safety employees
S.A. 1150 to S. 1348 (Letter dated May 23, 2007, to Senate Budget)	S.A. 1150, in the nature of a substitute for S. 1348, the Comprehensive Immigration Reform Act of 2007 (preliminary information)	Requires employers to verify the work eligibility of employees Preempts state laws that require the use of a federal database of workers in a manner that conflicts with the provisions of new federal requirements Prohibits certain nonimmigrants from being treated as independent contractors and prohibits the use of state contract laws in litigation against certain immigrants

Continued

Table B-1.

Continued

Bills Reviewed by CBO in 2007 That Contained Intergovernmental Mandates

Bill (Committee)	Title of Legislation	Description of Mandate
Bills Containing Intergovernmental Mandates Whose Costs Might or Might Not Exceed the Statutory Threshold (Continued)		
S.A. 1150 to S. 1348	S.A. 1150, in the nature of a substitute for S. 1348, the Comprehensive Immigration Reform Act of 2007	Requires employers to verify the work eligibility of employees Preempts state laws that require the use of a federal database of workers in a manner that conflicts with the provisions of new federal requirements Prohibits certain nonimmigrants from being treated as independent contractors and prohibits the use of state contract laws in litigation against certain immigrants
Bills Containing Intergovernmental Mandates with Costs Below the Statutory Threshold		
H.R. 1	Implementing Recommendations of the 9/11 Commission Act of 2007	Provides new subpoena power to two federal agencies; state, local, and tribal governments, if subpoenaed, would be required to provide testimony, documents, or evidence
H.R. 6 (Letter dated December 5, 2007, to House Budget)	Energy Independence and Security Act	Preempts state energy laws and requires state hearings for the consideration of utility regulations
H.R. 6 (Letter dated December 14, 2007, to Senate Budget)	Energy Independence and Security Act	Preempts state energy laws, requires state hearings for the consideration of utility regulations, and requires publicly owned pools to equip drains with antientrapment devices
H.R. 493 (Education and Labor)	Genetic Information Nondiscrimination Act of 2007	Restricts the use of genetic information by state and local governments in employment practices and in the provision of health care for employees Preempts state laws that govern the confidentiality of genetic information in some cases
H.R. 493 (Energy and Commerce)	Genetic Information Nondiscrimination Act of 2007	Restricts the use of genetic information by state and local governments in employment practices and in the provision of health care for employees Preempts state laws that govern the confidentiality of genetic information in some cases

Continued

Table B-1.

Continued

Bills Reviewed by CBO in 2007 That Contained Intergovernmental Mandates

Bill (Committee)	Title of Legislation	Description of Mandate
Bills Containing Intergovernmental Mandates with Costs Below the Statutory Threshold (Continued)		
H.R. 493 (Ways and Means)	Genetic Information Nondiscrimination Act of 2007	Restricts the use of genetic information by state and local governments in employment practices and in the provision of health care for employees Preempts state laws that govern the confidentiality of genetic information in some cases
H.R. 698	Industrial Bank Holding Company Act of 2007	Preempts state laws that allow commercial entities to own industrial banks
H.R. 900	Puerto Rico Democracy Act of 2007	Requires Puerto Rico to hold a vote on its territorial status
H.R. 948	Social Security Number Protection Act of 2007	Preempts state laws governing Social Security numbers and imposes notification requirements on state attorneys general
H.R. 964	Securely Protect Yourself Against Cyber Trespass Act	Preempts state spyware laws
H.R. 1227	Gulf Coast Hurricane Housing Recovery Act of 2007	Preempts state laws governing occupancy and tenancy of public housing facilities
H.R. 1227 (As passed)	Gulf Coast Hurricane Housing Recovery Act of 2007	Preempts state laws governing occupancy and tenancy of public housing facilities
H.R. 1328	Indian Health Care Improvement Act Amendments of 2007	Preempts state licensing laws that apply to medical professionals who are licensed in one state but who provide services for tribal health programs in another state
H.R. 1424 (Education and Labor)	Paul Wellstone Mental Health and Addiction Equity Act of 2007	Preempts state laws governing mental health coverage
H.R. 1424 (Energy and Commerce)	Paul Wellstone Mental Health and Addiction Equity Act of 2007	Preempts state laws governing mental health coverage
H.R. 1424 (Ways and Means)	Paul Wellstone Mental Health and Addiction Equity Act of 2007	Preempts state laws governing mental health coverage
H.R. 1427	Federal Housing Finance Reform Act of 2007	Preempts state statute-of-limitation and contract laws
H.R. 1433 (Government Reform)	District of Columbia House Voting Rights Act of 2007	Preempts state laws in Utah that govern elections and requires an at-large election for a new Congressional seat

Continued

Table B-1.**Continued****Bills Reviewed by CBO in 2007 That Contained Intergovernmental Mandates**

Bill (Committee)	Title of Legislation	Description of Mandate
Bills Containing Intergovernmental Mandates with Costs Below the Statutory Threshold (Continued)		
H.R. 1433 (Judiciary)	District of Columbia House Voting Rights Act of 2007	Preempts state laws in Utah that govern elections and requires an at-large election for a new Congressional seat
H.R. 1525	Internet Spyware (I-SPY) Prevention Act of 2007	Prohibits states from creating civil penalties that are tied to provisions of the new federal law governing spyware
H.R. 1585 (Armed Services)	National Defense Authorization Act for Fiscal Year 2008	Increases the number of active-duty service members, thus increasing the cost of existing mandates
H.R. 1585 (As passed by the House)	National Defense Authorization Act for Fiscal Year 2008	Increases the number of active-duty service members, thus increasing the cost of existing mandates
H.R. 1680	Secure Handling of Ammonium Nitrate Act of 2007	Preempts state regulation of ammonium nitrate if the regulations are less stringent than provisions of the bill
H.R. 1684	Department of Homeland Security Authorization Act of Fiscal Year 2008	Requires sponsors of international visitors and schools that have international students to ensure those visitors and students are active participants in programs and are observed once every 60 days
H.R. 1684 (As passed by the House)	Department of Homeland Security Authorization Act of Fiscal Year 2008	Prohibits employers from firing or demoting volunteer firefighters and emergency medical technicians under some circumstances
H.R. 1908	Patent Reform Act of 2007	Requires patent applicants to follow new application procedures and prohibits tax-planning methods from being patented
H.R. 2081	A bill to amend the District of Columbia Home Rule Act to increase the salary of the chief financial officer of the District of Columbia	Preempts (amends) the District of Columbia Code to increase the salary of the chief financial officer
H.R. 2082	Intelligence Authorization Act for Fiscal Year 2008	Extends authorization of an existing commission that has the power to subpoena information
H.R. 2095	Federal Railroad Safety Improvement Act of 2007	Requires railroads to comply with hours-of-service restrictions, make certifications, establish safety procedures, and submit reports Preempts certain state laws governing railroad operations and safety

Continued

Table B-1.

Continued

Bills Reviewed by CBO in 2007 That Contained Intergovernmental Mandates

Bill (Committee)	Title of Legislation	Description of Mandate
Bills Containing Intergovernmental Mandates with Costs Below the Statutory Threshold (Continued)		
H.R. 2389	Small Energy Efficient Businesses Act	Preempts state laws that would limit the ability of the Small Business Administration to exercise its ownership rights in certain debentures issued by a renewable-fuel capital investment company
H.R. 2419 (Agriculture)	Farm, Nutrition, and Bioenergy Act of 2007	Preempts state laws restricting the transportation of meat and poultry inspected under a new program Increases the stringency of conditions under the Food Stamp program
H.R. 2419 (As passed by the House)	Farm, Nutrition, and Bioenergy Act of 2007	Preempts state laws restricting the transportation of meat and poultry inspected under a new program Increases the stringency of conditions for states administering the Food Stamp program
H.R. 2761	Terrorism Risk Insurance Revision and Extension Act of 2007	Preempts state insurance law and requires insurers to offer terrorism insurance and insured entities to pay surcharges
H.R. 2768	Supplemental Mine Improvement and New Emergency Response (S-MINER) Act of 2007	Preempts state laws and disciplinary standards for some attorneys
H.R. 2787	CJ's Home Protection Act of 2007	Preempts state safety standards for manufactured homes
H.R. 2830 (Homeland Security)	Coast Guard Authorization Act of 2007	Imposes safety requirements on ferries and preempts state laws regulating ballast water
H.R. 2830 (Judiciary)	Coast Guard Authorization Act of 2007	Imposes safety requirements on ferries and preempts state laws regulating ballast water
H.R. 2830 (Transportation and Infrastructure)	Coast Guard Authorization Act of 2007	Imposes safety requirements on ferries and preempts state laws regulating ballast water
H.R. 2881	Federal Aviation Administration Reauthorization Act of 2007	Requires airport operators to submit contingency plans and gives the FAA access to state criminal history records
H.R. 2900	Food and Drug Administration Amendments of 2007	Preempts state and local laws that require the registration of clinical trials

Continued

Table B-1.**Continued****Bills Reviewed by CBO in 2007 That Contained Intergovernmental Mandates**

Bill (Committee)	Title of Legislation	Description of Mandate
Bills Containing Intergovernmental Mandates with Costs Below the Statutory Threshold (Continued)		
H.R. 3079	Northern Mariana Islands Immigration, Security, and Labor Act	Preempts immigration laws of the Commonwealth of the Northern Mariana Islands and requires the commonwealth to enforce a cap on alien workers, provide information to DHS, and operate its refugee program according to federal guidelines
H.R. 3221	Renewable Energy and Conservation Tax Act of 2007	Preempts state and local laws governing debentures and requires state and local hearings for the consideration of utility regulations
H.R. 3403	911 Modernization and Public Safety Act of 2007	Prohibits fees on VoIP services that are higher than fees on other telecommunication services Preempts state liability law
H.R. 3685	Employment Non-Discrimination Act of 2007	Prohibits employers from discriminating against employees and applicants based on sexual orientation; requires employers to post notices regarding such prohibitions
H.R. 3773 (Intelligence)	Responsible Electronic Surveillance That Is Overseen, Reviewed, and Effective (RESTORE) Act of 2007	Preempts state and local liability law Authorizes federal law enforcement officers to compel providers of communication services to release information about customers and users
H.R. 3773 (Judiciary)	Responsible Electronic Surveillance That Is Overseen, Reviewed, and Effective (RESTORE) Act of 2007	Preempts state and local liability law Authorizes federal law enforcement officers to compel providers of communication services to release information about customers and users
H.R. 3796	Early Warning and Health Care for Workers Affected by Globalization Act	Broadens an existing mandate that requires government employers to provide written notice of plant closings and mass layoffs; increases the number of government employers that must comply with this federal law
H.R. 3887	William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007	Requires state and local governments to provide access to law enforcement databases
H.R. 3915	Mortgage Reform and Anti-Predatory Lending Act of 2007	Preempts state law and imposes minimum standards for licenses issued by states to mortgage originators
H.R. 3920	Trade and Globalization Assistance Act of 2007	Requires state and local governments to comply with subpoenas for information

Continued

Table B-1.

Continued

Bills Reviewed by CBO in 2007 That Contained Intergovernmental Mandates

Bill (Committee)	Title of Legislation	Description of Mandate
Bills Containing Intergovernmental Mandates with Costs Below the Statutory Threshold (Continued)		
H.R. 3965	Mark-to-Market Extension and Enhancement Act of 2007	Preempts state laws governing how surplus funds are distributed from housing projects that receive assistance under the Mark-to-Market program
H.R. 4137	Higher Education Amendments of 2007	Requires certain institutions of higher education to submit reports and create task forces Prohibits schools from receiving gifts from lenders or engaging in revenue-sharing agreements Increases disclosure requirements for certain lenders Requires publishers of textbooks to provide information Requires publishers to offer materials separately
S. 4	Improving America's Security Act of 2007	Authorizes the DHS privacy officer to subpoena information; state, local, and tribal governments, if subpoenaed, would be required to provide testimony, documents, or evidence
S. 84	Professional Boxing Amendments Act of 2007	Preempts state and tribal boxing commission authority and places reporting requirements on those entities
S. 184	Surface Transportation and Rail Security Act of 2007	Requires rail and motor carriers to comply with reporting requirements and security procedures; preempts certain state laws governing railroad operators and safety operations
S. 239	Notification of Risk to Personal Data Act of 2007	Preempts state laws that govern the treatment of personal information and places notification requirements on state attorneys general and insurance commissioners
S. 294	Passenger Rail Investment and Improvement Act of 2007	Requires rail carriers to comply with reporting requirements and security procedures and preempts certain state laws governing railroad safety and operations
S. 311	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 the transport, sale, or donation of horses for the purpose of human consumption

Continued

Table B-1.**Continued****Bills Reviewed by CBO in 2007 That Contained Intergovernmental Mandates**

Bill (Committee)	Title of Legislation	Description of Mandate
Bills Containing Intergovernmental Mandates with Costs Below the Statutory Threshold (Continued)		
S. 357	Ten-in-Ten Fuel Economy Act	Preempts state authority to implement consumer information laws or regulations on the fuel efficiency of tires
S. 358	Genetic Information Nondiscrimination Act of 2007	Restricts the use of genetic information by state and local governments in employment practices and in the provision of health care to employees
S. 372 (Armed Services)	Intelligence Authorization Act for Fiscal Year 2007	Establishes an Inspector General of the Intelligence Community with the authority to subpoena information; state, local, and tribal governments, if subpoenaed, would be required to provide testimony, documents, or other evidence
S. 372 (Intelligence)	Intelligence Authorization Act for Fiscal Year 2007	Establishes an Inspector General of the Intelligence Community with the authority to subpoena information; state, local, and tribal governments, if subpoenaed, would be required to provide testimony, documents, or other evidence
S. 376	Law Enforcement Officers Safety Act of 2007	Expands an existing preemption of state and local laws that prohibit carrying concealed weapons
S. 381	Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act	Requires state, local, and tribal governments to respond to subpoenas and provide testimony, documents, or other evidence
S. 398	Indian Child Protection and Family Violence Prevention Act Amendments of 2007	Limits the authority of states to release information about abused children under certain circumstances; preempts state laws that govern background checks conducted by tribes
S. 428	Internet Protocol (IP)-Enabled Voice Communications and Public Safety Act of 2007	Prohibits fees on VoIP telecommunication services that are higher than fees on other telecommunication services; preempts state liability laws
S. 462	Shoshone–Paiute Tribes of the Duck Valley Reservation Water Rights Settlement Act	Requires the Shoshone–Paiute tribes to enact a water code governing tribal water rights
S. 495	Personal Data Privacy and Security Act of 2007	Preempts state laws on the treatment of personal information and imposes procedural requirements on state entities
S. 558	Mental Health Parity Act of 2007	Preempts state laws that govern the provision of mental health benefits in businesses with 50 or more employees

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Table B-1.

Continued

Bills Reviewed by CBO in 2007 That Contained Intergovernmental Mandates

Bill (Committee)	Title of Legislation	Description of Mandate
Bills Containing Intergovernmental Mandates with Costs Below the Statutory Threshold (Continued)		
S. 595	Toxic Right-to-Know Protection Act	Increases federal reporting requirements on state and local governments following chemical releases
S. 613	Reconstruction and Stabilization Civilian Management Act of 2007	Preempts some state laws governing the liability of volunteers
S. 742	Ban Asbestos in America Act of 2007	Prohibits importing, manufacturing, and distributing asbestos
S. 763	Public Transportation Terrorism Prevention Act of 2007	Requires certain public transportation entities to participate in the Information Sharing and Analysis Center
S. 980	Ryan Haight Online Pharmacy Consumer Protection Act of 2007	Preempts state authority to regulate certain prescriptions for controlled substances
S. 1027	Prevent All Cigarette Trafficking (PACT) Act of 2007	Increases reporting requirements on tribal entities that sell cigarettes and preempts state, local, and tribal laws related to delivery sales
S. 1082	Prescription Drug User Fee Amendments of 2007	Preempts state and local laws that require the registration of clinical trials
S. 1178	Identity Theft Protection Act	Preempts state laws governing the protection of private information; places requirements on schools for protecting private information and notification requirements on state attorneys general
S. 1200	Indian Health Care Improvement Act Amendments of 2007	Preempts state licensing laws that apply to medical professionals who are licensed in one state but who provide services for tribal health programs in another state
S. 1300	Aviation Investment and Modernization Act of 2007	Requires state and local governments to comply with requests for information from the FAA
S. 1321	Energy Savings Act of 2007	Preempts state and local labeling laws and requires states to hold hearings to consider utility standards and regulations
S. 1347	A bill to amend the Omnibus Indian Advancement Act to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust and to provide for the conduct of certain activities on the land	Restricts the ability of the Lytton Band of Indians to expand a current facility and subjects the tribe to additional requirements under federal law

Continued

Table B-1.**Continued****Bills Reviewed by CBO in 2007 That Contained Intergovernmental Mandates**

Bill (Committee)	Title of Legislation	Description of Mandate
Bills Containing Intergovernmental Mandates with Costs Below the Statutory Threshold (Continued)		
S. 1419	Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007	Preempts state and local energy-efficiency laws and requires state hearings for the consideration of utility regulations
S. 1538 (Armed Services)	Intelligence Authorization Act for Fiscal Year 2008	Establishes an Inspector General of the Intelligence Community with the authority to subpoena information; state, local, and tribal governments, if subpoenaed, would be required to provide testimony, documents, or other evidence
S. 1538 (Select Committee on Intelligence)	Intelligence Authorization Act for Fiscal Year 2008	Establishes an Inspector General of the Intelligence Community with the authority to subpoena information; state, local, and tribal governments, if subpoenaed, would be required to provide testimony, documents, or other evidence
S. 1547 (Armed Services)	National Defense Authorization Act for Fiscal Year 2008	Increases the number of active-duty service members, thus increasing the costs of existing mandates
S. 1547 (Select Committee on Intelligence)	National Defense Authorization Act for Fiscal Year 2008	Increases the number of active-duty service members, thus increasing the costs of existing mandates
S. 1578	Ballast Water Management Act of 2007	Preempts state laws governing ballast water and imposes requirements on public vessels
S. 1580	Coral Reef Conservation Amendments Act of 2007	Requires entities to acquire permits for research on coral reefs
S. 1642	Higher Education Amendments of 2007	Preempts certain state contract laws relating to Perkins loans
S. 1693	Wired for Health Care Quality Act	Preempts state laws governing the use of health information
S. 1771	Virginia Graeme Baker Pool and Spa Safety Act	Preempts state and local laws governing swimming pool safety; requires local governments to purchase equipment or modify pools to comply with new federal standards
S. 1853	Community Broadband Act of 2007	Preempts state laws that ban the provision of broadband services by public entities
S. 1889	Railroad Safety Enhancement Act of 2007	Imposes requirements on commuter railroads and preempts certain state laws governing railroad safety and operations

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Table B-1.

Continued

Bills Reviewed by CBO in 2007 That Contained Intergovernmental Mandates

Bill (Committee)	Title of Legislation	Description of Mandate
Bills Containing Intergovernmental Mandates with Costs Below the Statutory Threshold (Continued)		
S. 1892	Coast Guard Authorization Act for Fiscal Year 2008	Requires public entities to respond to subpoenas and prohibits ports from charging escort fees
S. 2045	Consumer Product Safety Commission (CPSC) Reform Act of 2007	Requires state and local governments to comply with whistle-blower protections
S. 2248 (Intelligence)	Foreign Intelligence Surveillance Act (FISA) Amendments Act of 2007	Prohibits state investigations of FISA requests; preempts legal rights of action; allows federal law enforcement to compel providers of communication services to release information about customers and users
S. 2248 (Judiciary)	Foreign Intelligence Surveillance Act (FISA) Amendments Act of 2007	Preempts legal rights of action and allows federal law enforcement to compel providers of communication services to release information about customers and users
S. 2284	Flood Insurance Reform and Modernization Act of 2007	Directs state regulatory agencies to require and state lenders to provide information on flood risk to more mortgage borrowers
S. 2285	Terrorism Risk Insurance Revision and Extension Act of 2007	Requires insurers to offer terrorism insurance and to pay certain surcharges Preempts some state laws governing insurance
S. 2302	Food and Energy Security Act of 2007	Preempts state laws governing production contracts for livestock or poultry Preempts state and local laws that require public disclosure of information under some circumstances Increases the stringency of conditions of assistance under the Food Stamp program
S. —	Private Student Loan Transparency and Improvement Act of 2007	Increases disclosure requirements for certain lenders and prohibits some lending practices and financial arrangements

Continued

Table B-1.**Continued****Bills Reviewed by CBO in 2007 That Contained Intergovernmental Mandates**

Bill (Committee)	Title of Legislation	Description of Mandate
Bills Containing Intergovernmental Mandates with Costs Below the Statutory Threshold (Continued)		
S.A. 3500 to H.R. 2419	Food and Energy Security Act of 2007	Preempts state laws governing production contracts for livestock or poultry Preempts state and local laws that require public disclosure of information under some circumstances Increases the stringency of conditions of assistance for states administering the Food Stamp program

Source: Congressional Budget Office.

Notes: S.A. = Senate Amendment; FAA = Federal Aviation Administration; DHS = Department of Homeland Security; VoIP = Voice over Internet Protocol.

In 2007, the threshold for intergovernmental mandates, which is adjusted annually for inflation, was \$66 million. Mandates whose costs exceeded the statutory threshold are shown in bold-faced type. In several cases, proposed legislation reviewed by CBO contained multiple mandates, some of which had costs exceeding the statutory threshold.

Table B-2.

Bills Reviewed by CBO in 2007 That Contained Private-Sector Mandates

Bill (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates with Costs Above the Statutory Threshold		
H.R. 1	Implementing Recommendations of the 9/11 Commission Act of 2007	Imposes new safety and inspection requirements on shipping containers entering the United States and on cargo transported on passenger aircraft operated by certain air carriers; requires entities in the private sector, if subpoenaed, to provide testimony, documents, or other evidence; prohibits certain business transactions with foreign persons, companies, or countries
H.R. 2	Fair Minimum Wage Act of 2007	Requires employers to pay a higher minimum wage
H.R. 6 (Letter dated December 5, 2007, to House Budget)	Energy Independence and Security Act of 2007	Sets new CAFE standards; increases the renewable-fuel standard; establishes energy-efficiency standards for appliances and lighting; requires certain electric utilities to meet specified targets for electricity generated from renewable-energy resources; requires information to be provided to consumers; other energy-related mandates
H.R. 6 (Letter dated December 14, 2007, to Senate Budget)	Energy Independence and Security Act of 2007	Sets new CAFE standards; increases the renewable-fuel standard; establishes energy-efficiency standards for appliances and lighting; requires commercial pool and spa drain covers to conform to certain antientrapment standards; requires public pools and spas to install antientrapment devices; requires information to be provided to consumers; other energy-related mandates
H.R. 1401	Rail and Public Transportation Security Act of 2007	Requires private rail carriers and commercial bus carriers to conduct vulnerability assessments and implement security plans, provide security training for their employees, conduct additional checks for employees of high-risk providers, and provide whistleblower protections for their employees
H.R. 1424 (Education and Labor)	Paul Wellstone Mental Health and Addiction Equity Act of 2007	Prohibits insurers from imposing treatment limitations or financial requirements for mental health benefits that differ from those placed on medical and surgical benefits
H.R. 1424 (Energy and Commerce)	Paul Wellstone Mental Health and Addiction Equity Act of 2007	Prohibits insurers from imposing treatment limitations or financial requirements for mental health benefits that differ from those placed on medical and surgical benefits

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Table B-2.

Continued

Bills Reviewed by CBO in 2007 That Contained Private-Sector Mandates

Bill (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates with Costs Above the Statutory Threshold (Continued)		
H.R. 1424 (Ways and Means)	Paul Wellstone Mental Health and Addiction Equity Act of 2007	Prohibits insurers from imposing treatment limitations or financial requirements for mental health benefits that differ from those placed on medical and surgical benefits
H.R. 1427	Federal Housing Finance Reform Act of 2007	Requires Fannie Mae and Freddie Mac to contribute to a new affordable-housing fund; requires the housing-related GSEs to comply with new requirements
H.R. 1908	Patent Reform Act of 2007	Requires certain patent applicants to provide a search report, analysis, and other information relevant to receiving a patent; prohibits tax-planning methods from being patented
H.R. 2095	Federal Railroad Safety Improvement Act of 2007	Requires rail carriers to install certain safety systems for tracks, ensure that rail used in track repairs is free of internal defects, and meet a specific minimum annual service failure rate; requires railroads to comply with hours-of-service restrictions, certification and training requirements, safety procedures, and reporting requirements
H.R. 2768	Supplemental Mine Improvement and New Emergency Response (S-MINER) Act of 2007	Requires operators of underground mines to install conveyor belts that meet flame-resistance standards, provide a specific postaccident communication and tracking system, monitor behind certain mine seals using a continuous-monitoring device, equip each miner with a personal dust monitor, and install an atmospheric monitoring system; requires operators to meet with other safety and environmental requirements, reporting requirements, and notification requirements
H.R. 2776	Renewable Energy and Energy Conservation Tax Act of 2007	Denies the tax deduction for income attributable to domestic production of oil, natural gas, or primary products thereof; clarifies the determination of foreign oil and gas extraction income^a
H.R. 2830 (Homeland Security)	Coast Guard Authorization Act of 2007	Requires certain vessels equipped to carry ballast water and manufacturers of such vessels to comply with treatment requirements for that water; requires owners and operators of commercial vessels to carry survival craft; requires owners and operators of passenger vessels and commercial fishing vessels to follow safety requirements; imposes new requirements on businesses and employees in the maritime industry

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Table B-2.

Continued

Bills Reviewed by CBO in 2007 That Contained Private-Sector Mandates

Bill (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates with Costs Above the Statutory Threshold (Continued)		
H.R. 2830 (Judiciary)	Coast Guard Authorization Act of 2007	Requires certain vessels equipped to carry ballast water and manufacturers of such vessels to comply with treatment requirements for that water; requires owners and operators of commercial vessels to carry survival craft; requires owners and operators of passenger vessels and commercial fishing vessels to follow safety requirements; imposes new requirements on businesses and employees in the maritime industry
H.R. 2830 (Transportation and Infrastructure)	Coast Guard Authorization Act of 2007	Requires certain vessels equipped to carry ballast water and manufacturers of such vessels to comply with treatment requirements for that water; requires owners and operators of commercial vessels to carry survival craft; requires owners and operators of passenger vessels and commercial fishing vessels to follow safety requirements; imposes new requirements on businesses and employees in the maritime industry
H.R. 2881	Federal Aviation Administration Reauthorization Act of 2007	Prohibits the operation of certain aircraft not in compliance with low-noise criteria; revises the schedule of fees for certain services and activities of the FAA; imposes requirements on air carriers related to airline service
H.R. 2900	Food and Drug Administration Amendments of 2007	Requires manufacturers of prescription drugs and medical devices to pay user fees to the FDA; renews the Secretary's ability to award brand-name drug manufacturers six months of market exclusivity for the completion of FDA-requested pediatric studies; requires manufacturers to conduct studies and to submit information to the FDA
H.R. 3058	Public Land Communities Transition Assistance Act of 2007	Imposes new "conservation of resources" fees on producing and nonproducing oil and gas leases on the Outer Continental Shelf
H.R. 3162	Children's Health and Medicare Protection Act of 2007	Increases the federal excise tax on tobacco products; extends the number of months that Medicare would be a secondary payer for patients with end-stage renal disease; places further restrictions on the types of plans that Medigap issuers could sell to Medicare beneficiaries

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Table B-2.

Continued

Bills Reviewed by CBO in 2007 That Contained Private-Sector Mandates

Bill (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates with Costs Above the Statutory Threshold (Continued)		
H.R. 3221	New Direction for Energy Independence, National Security, and Consumer Protection Act	Denies the tax deduction for income attributable to domestic production of oil, natural gas, or primary products thereof^a; clarifies the determination of foreign oil and gas extraction income^a; establishes energy-efficiency standards for appliances and other products; imposes a fee on nonproducing federal onshore oil, gas, and coal leases; requires certain electric utilities to meet specified targets for electricity generated from renewable energy resources
H.R. 3539	Airport and Airway Trust Fund Financing Act of 2007	Increases the tax on noncommercial aviation-grade kerosene (jet fuel)^a
H.R. 3648	Mortgage Forgiveness Debt Relief Act of 2007	Reduces the exclusion for capital gains on principal residences for nonqualified use^a
H.R. 3688	United States–Peru Trade Promotion Agreement Implementation Act	Extends customs user fees; imposes record-keeping requirements on exporters
H.R. 3920	Trade and Globalization Assistance Act of 2007	Delays implementation of worldwide allocation of interest expense^a; extends the Federal Unemployment Tax Act surtax on employers; phases out the health coverage tax credit ^a
H.R. 3996	Temporary Tax Relief Act of 2007	Limits the applicability of the exclusion of gains on the sale of a principal residence; requires that income of partners for performing investment management services be treated as ordinary income; delays implementation of worldwide allocation of interest expense until 2018; requires that brokers report customers' basis in securities transactions^a
S. 349	Small Business Work Opportunity Act of 2007	Accelerates the effective date for the application of the American Jobs Creation Act leasing provision that applies loss limitation to leases with foreign entities regardless of when the lease was entered into; accelerates the tax treatment of corporate inversion transactions ^a
S. 357	Ten-in-Ten Fuel Economy Act	Sets new CAFE standards; imposes new safety standards and labeling requirements on manufacturers of vehicles; imposes new requirements related to consumer information on manufacturers and retailers of motor vehicle tires; prohibits certain pricing practices during a declared energy emergency

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Table B-2.

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Bills Reviewed by CBO in 2007 That Contained Private-Sector Mandates

Bill (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates with Costs Above the Statutory Threshold (Continued)		
S. 558	Mental Health Parity Act of 2007	Prohibits group health plans and group health insurance issuers from imposing treatment limitations or financial requirements for mental health benefits that differ from those placed on medical and surgical benefits
S. 694	Cameron Gulbransen Kids Transportation Safety Act of 2007	Requires automobiles to have reversible power windows and to comply with a rearward visibility performance standard; requires automobiles with automatic transmissions to have an antirollaway system
S. 910	Healthy Families Act	Requires most private-sector employers to provide employees with paid leave for an illness or to care for an ill family member; requires employers to post notices about the availability of such benefits and to implement procedures for safeguarding certain health information
S. 1082	Prescription Drug User Fee Amendments of 2007	Requires manufacturers of prescription drugs and medical devices to pay user fees to the FDA; renews the Secretary's ability to award brand-name drug manufacturers six months of market exclusivity for the completion of FDA-requested pediatric studies; requires manufacturers to conduct studies and to submit information to the FDA
S. 1300	Aviation Investment and Modernization Act of 2007	Imposes a new surcharge on flights in airspace controlled by the FAA; prohibits the operation of certain aircraft not in compliance with low-noise criteria; imposes new requirements on helicopters used in emergency medical service and on air carriers related to airline service and cabin crews
S. 1321	Energy Savings Act of 2007	Increases the renewable-fuel standard; increases the energy-efficiency standards for various commercial and residential appliances and products; issues new energy-efficiency and motor-fuel-labeling requirements
S. 1348, S.A. 1150	S.A. 1150, in the nature of a substitute for S. 1348, the Comprehensive Immigration Reform Act of 2007	Requires employers petitioning for H-1B visa workers to pay a supplemental fee of \$3,500 per temporary worker; requires certain employers to verify the work eligibility of employees; places additional requirements on employers seeking to employ nonimmigrant temporary foreign workers

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Table B-2.

Continued

Bills Reviewed by CBO in 2007 That Contained Private-Sector Mandates

Bill (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates with Costs Above the Statutory Threshold (Continued)		
S. 1348, S.A. 1150 (Letter dated May 23, 2007, to Senate Budget)	S.A. 1150, in the nature of a substitute for S. 1348, the Comprehensive Immigration Reform Act of 2007 (preliminary information)	Requires employers petitioning for H-1B visa workers to pay a supplemental fee of \$3,500 per temporary worker; requires certain employers to verify the work eligibility of employees; places additional requirements on employers seeking to employ nonimmigrant temporary foreign workers
S. 1419	Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007	Increases the renewable-fuel standard; sets new CAFE standards; increases energy-efficiency standards for various commercial and residential appliances and products; issues new energy-efficiency and motor-fuel-labeling requirements; imposes new safety standards and labeling requirements on manufacturers of those vehicles; imposes new requirements related to consumer information on manufacturers and retailers of motor vehicle tires; prohibits certain pricing practices during a declared energy emergency
S. 1578	Ballast Water Management Act of 2007	Requires manufacturers and owners of vessels equipped to carry ballast water to comply with treatment requirements for that water; requires owners and operators of those vessels to keep a ballast water record book; requires private-sector entities, if subpoenaed, to provide information to an investigation related to ballast water requirements
S. 2045	Consumer Product Safety Commission (CPSC) Reform Act of 2007	Imposes requirements related to consumer product safety; mandates third-party testing and certification; bans certain lead-containing products; mandates industry standards for several children's products^b
S. 2113	United States–Peru Trade Promotion Agreement Implementation Act	Extends customs user fees; imposes record-keeping requirements on exporters
S. 2223	Habitat and Land Conservation Act of 2007	Accelerates the effective date for the application of the American Jobs Creation Act leasing provision that applies loss limitation to leases with foreign entities regardless of when the lease was entered into^a
S. 2242	Heartland, Habitat, Harvest, and Horticulture Act of 2007	Accelerates the effective date for the application of the leasing provision of the American Jobs Creation Act that applies loss limitation to leases with foreign entities regardless of when the lease was entered into^a; clarifies the economic substance doctrine and related penalties^a; extends the temporary tariff on ethanol and limits refunds of that duty

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Table B-2.

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Bills Reviewed by CBO in 2007 That Contained Private-Sector Mandates

Bill (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates with Costs Above the Statutory Threshold (Continued)		
S. 2345	American Infrastructure Investment and Improvement Act of 2007	Increases the tax on noncommercial aviation-grade kerosene; increases the international arrival and departure tax and indexes it for inflation; increases the excise tax rate per barrel of oil for the Oil Spill Liability Trust Fund; imposes tax on finished gasoline upon removal from the refinery ^a
S.—	Children's Health Insurance Program Reauthorization Act of 2007 (as provided to CBO by the Committee on Finance on July 26, 2007)	Increases the excise tax rate on cigarettes and other tobacco products ^a
Bills Containing Private-Sector Mandates Whose Costs Might or Might Not Exceed the Statutory Threshold		
H.R. 275	Global Online Freedom Act of 2007	Prohibits U.S. businesses that host Internet content in countries that restrict the use of the Internet from cooperating with the governments of those sources to block certain Web sites and online content and from providing those countries with the personal information of certain Internet users
H.R. 518	International Solid Waste Importation and Management Act of 2007	Imposes requirements on companies involved in the importation, exportation, and disposal of solid waste
H.R. 698	Industrial Bank Holding Company Act of 2007	Subjects industrial bank holding companies to a new regulatory framework; prohibits commercial firms from acquiring or establishing an industrial bank and limits activities of certain existing commercial firms with industrial banks; prohibits foreign banks from acquiring an industrial bank without approval from federal banking authorities
H.R. 948	Social Security Number Protection Act of 2007	Prohibits the use of Social Security numbers in certain activities and prohibits the purchase or sale of Social Security numbers
H.R. 964	Securely Protect Yourself Against Cyber Trespass Act	Places requirements on persons who operate information collection programs and eliminates any existing private right of action under the state laws preempted by the bill
H.R. 1497	Legal Timber Protection Act	Prohibits entities from importing illegally harvested timber or timber products
H.R. 2347	Iran Sanctions Enabling Act of 2007	Provides liability protection for fiduciaries and other responsible parties of employee benefit plans eliminating an existing right of action

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Table B-2.

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Bills Reviewed by CBO in 2007 That Contained Private-Sector Mandates

Bill (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates Whose Costs Might or Might Not Exceed the Statutory Threshold (Continued)		
H.R. 2693	Popcorn Workers Lung Disease Prevention Act	Requires facilities that use, handle, or produce diacetyl to comply with new worker safety standards
H.R. 3046	Social Security Number Privacy and Identity Theft Prevention Act of 2007	Prohibits the use of Social Security numbers for certain activities and prohibits the purchase or sale of Social Security numbers
H.R. 3079	Northern Mariana Islands Immigration, Security, and Labor Act	Reduces the number of permits issued to employers in the Commonwealth of the Northern Mariana Islands for temporary alien workers; requires some aliens to exit the country before their visas expire
H.R. 3403	911 Modernization and Public Safety Act of 2007	Eliminates an existing right to seek compensation for injury caused by negligent acts; requires entities that own 911 components to allow VoIP providers to transmit emergency 911 services over their networks
H.R. 3773 (Intelligence)	Responsible Electronic Surveillance That Is Overseen, Reviewed, and Effective (RESTORE) Act of 2007	Requires certain entities to assist the government with electronic surveillance
H.R. 3773 (Judiciary)	Responsible Electronic Surveillance That Is Overseen, Reviewed, and Effective (RESTORE) Act of 2007	Requires certain entities to assist the government with electronic surveillance
H.R. 3890	Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2007	Extends and expands the one-year ban on imports from Burma
H.R. 3915	Mortgage Reform and Anti-Predatory Lending Act of 2007	Imposes mandates on the mortgage finance industry by creating a licensing and registration system for mortgage loan originators, setting new mortgage origination standards, and establishing requirements for high-cost mortgages
S. 184	Surface Transportation and Rail Security Act of 2007	Requires rail and motor carriers to comply with certain security procedures and reporting requirements
S. 239	Notification of Risk to Personal Data Act of 2007	Requires entities to notify individuals and other entities if a security breach occurs in which sensitive personally identifiable information is compromised; requires consumer reporting agencies to include a fraud alert in a consumer's file if requested by a consumer

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Table B-2.

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Bills Reviewed by CBO in 2007 That Contained Private-Sector Mandates

Bill (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates Whose Costs Might or Might Not Exceed the Statutory Threshold (Continued)		
S. 294	Passenger Rail Investment and Improvement Act of 2007	Requires Amtrak to make reforms related to financial reporting; requires rail carriers to train certain workers in security procedures and grants whistle-blower protections to their employees; places new requirements on carriers that transport high-hazard materials
S. 428	Internet Protocol (IP)-Enabled Voice Communications and Public Safety Act of 2007	Eliminates an existing right to seek compensation for injury caused by negligent acts; requires entities that own 911 components to allow VoIP providers to transmit emergency 911 services over their networks
S. 495	Personal Data Privacy and Security Act of 2007	Requires businesses that use or maintain sensitive personally identifiable information to implement data security programs to prevent identity theft and to notify U.S. residents in the event of a security breach; requires data brokers to provide individuals with their personally identifiable information if requested and to change the information if it is incorrect; requires any entity taking an adverse action against an individual on the basis of information maintained by a data broker to notify the individual of that action
S. 509	Aviation Security Improvement Act	Requires DHS to establish a system to screen all cargo transported on passenger aircraft, which could impose mandates on entities that send cargo on passenger aircraft or certain air carriers
S. 772	Railroad Antitrust Enforcement Act of 2007	Subjects railroad carriers to certain antitrust statutes
S. 1178	Identity Theft Prevention Act	Requires credit-reporting agencies and other entities that handle sensitive personal information to implement a security program and to notify the Federal Trade Commission and all consumer reporting agencies in the case of a security breach; restricts the use of Social Security numbers
S. 1769	Same Number Act of 2007	Requires providers of voice services to make number portability available in accordance with requirements prescribed by the FCC and to submit reports to the FCC
S. 1771	Virginia Graeme Baker Pool and Spa Safety Act	Requires public pools and spas to install equipment to comply with new federal standards; requires all commercial swimming pool and spa drain covers to meet certain antientrapment standards

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Table B-2.

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Bills Reviewed by CBO in 2007 That Contained Private-Sector Mandates

Bill (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates Whose Costs Might or Might Not Exceed the Statutory Threshold (Continued)		
S. 1889	Railroad Safety Enhancement Act of 2007	Requires railroads to limit the number of hours worked by employees, certify and train employees, carry out safety procedures, and report information
S. 1892	Coast Guard Authorization Act for Fiscal Year 2008	Imposes new requirements on owners and operators of certain vessels and ports; requires private entities to respond to subpoenas
S. 2248 (Intelligence)	Foreign Intelligence Surveillance Act (FISA) Amendments Act of 2007	Requires certain communication service providers to assist the government with electronic surveillance
S. 2248 (Judiciary)	Foreign Intelligence Surveillance Act (FISA) Amendments Act of 2007	Requires certain communication service providers to assist the government with surveillance; provides for the dismissal of civil action against those electronic communication service providers
S. 2302	Food and Energy Security Act of 2007	Expands the country-of-origin labeling requirements; prohibits certain packers from owning livestock; requires certain processors, poultry dealers, and financial institutions to comply with reporting or inspection requirements; places requirements on poultry and livestock agreements
S.A. 3500 to H.R. 2419	Food and Energy Security Act of 2007 (Cost estimate for S.A. 3500, in the nature of a substitute for H.R. 2419)	Expands country-of-origin labeling requirements; prohibits certain packers from owning livestock; requires certain processors, poultry dealers, and financial institutions to comply with reporting or inspection requirements; places requirements on poultry and livestock agreements; extends the temporary duty on ethanol and limits refunds of that duty
S.J. Res. 16	A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003	Renews the ban on imports from Burma
Bills Containing Private-Sector Mandates with Costs Below the Statutory Threshold		
H.R. 24	San Joaquin River Restoration Settlement Act	Imposes a mandate on private land owners if the Secretary of the Interior uses eminent domain to acquire property
H.R. 137	Animal Fighting Prohibition Enforcement Act of 2007	Prohibits the sale or purchase of sharp instruments for use with birds in animal-fighting ventures; prohibits any person from using certain forms of communication to promote animal-fighting ventures

Continued

Table B-2.

Continued

Bills Reviewed by CBO in 2007 That Contained Private-Sector Mandates

Bill (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates With Costs Below the Statutory Threshold (Continued)		
H.R. 493 (Education and Labor)	Genetic Information Nondiscrimination Act of 2007	Prohibits certain uses of genetic information
H.R. 493 (Energy and Commerce)	Genetic Information Nondiscrimination Act of 2007	Prohibits certain uses of genetic information
H.R. 493 (Ways and Means)	Genetic Information Nondiscrimination Act of 2007	Prohibits certain uses of genetic information
H.R. 513	National Heroes Credit Protection Act	Requires consumer reporting agencies to provide an explanation of military service deployment to each person requesting the credit score or consumer report of an eligible service member
H.R. 720	Water Quality Financing Act of 2007	Increases certain vessel tonnage duties on operators of vessels entering the United States
H.R. 800	Employee Free Choice Act of 2007	Requires employers to begin an initial agreement for collective bargaining no later than 10 days after receiving a request
H.R. 814	Children's Gasoline Burn Prevention Act	Requires all portable gasoline containers manufactured or sold in the United States for use by consumers to meet child-resistance standards
H.R. 865	Copper Valley Native Allotment Resolution Act of 2007	Imposes a mandate on owners of certain Native allotments in Alaska by granting the Copper Valley Electric Association rights-of-way
H.R. 970	Dextromethorphan Distribution Act of 2007	Requires persons handling unfinished dextromethorphan to register with the Secretary of Health and Human Services
H.R. 976	Small Business Tax Relief Act	Denies certain dependents under the age of 24 (those who do not provide more than half of their own support with earned income) to use the lowest capital gains and dividend tax rates ^a
H.R. 980	Public Safety Employer–Employee Cooperation Act of 2007	Requires public safety officers or other private-sector entities, if subpoenaed, to provide testimony and evidence; prohibits certain labor organizations from engaging in strikes

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Table B-2.

Continued

Bills Reviewed by CBO in 2007 That Contained Private-Sector Mandates

Bill (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates With Costs Below the Statutory Threshold (Continued)		
H.R. 984	Executive Branch Reform Act of 2007	Restricts lobbying activities of certain former executive branch officials
H.R. 1205	Coral Reef Conservation Amendments Act of 2007	Makes private-sector entities liable for damage to coral reefs within the jurisdiction of the United States
H.R. 1254 (Oversight and Government Reform)	Presidential Library Donation Reform Act of 2007	Imposes reporting requirements on Presidential Library fundraising organizations
H.R. 1254 (Senate Homeland Security and Governmental Affairs)	Presidential Library Donation Reform Act of 2007	Imposes reporting requirements on Presidential Library fundraising organizations
H.R. 1255 (Oversight and Government Reform)	Presidential Records Act Amendments of 2007	Changes the procedure for or eliminates the ability of former Presidents, their designees, families, and former Vice Presidents to claim constitutionally based privileges related to the disclosure of Presidential or Vice Presidential records
H.R. 1255 (Senate Homeland Security and Governmental Affairs)	Presidential Records Act Amendments of 2007	Changes the procedure for or eliminates the ability of former Presidents, their designees, families, and former Vice Presidents to claim constitutionally based privileges related to the disclosure of Presidential or Vice Presidential records
H.R. 1257	Shareholder Vote on Executive Compensation Act	Requires publicly traded companies that make certain proposals by proxy solicitation to allow a nonbinding vote by shareholders on certain executive compensation and to make certain disclosures related to such compensation
H.R. 1315	Veterans' Benefits Improvement Act of 2007	Imposes mandates on mortgage collectors by extending protections under the Servicemembers Civil Relief Act
H.R. 1362	Accountability in Contracting Act	Restricts certain former federal officials from accepting compensation from a contractor if they participated substantially in awarding a contract to that contractor
H.R. 1400	Iran Counter-Proliferation Act of 2007	Requires sanctions on certain imports from and exports to Iran

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Table B-2.

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Bills Reviewed by CBO in 2007 That Contained Private-Sector Mandates

Bill (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates With Costs Below the Statutory Threshold (Continued)		
H.R. 1441	Stop Arming Iran Act	Prohibits U.S. persons or entities that purchased F-14 parts legally from DoD from exporting the parts
H.R. 1534	Mercury Export Ban Act of 2007	Prohibits the export of elemental mercury
H.R. 1585 (Armed Services)	National Defense Authorization Act for Fiscal Year 2008	Increases the number of active-duty service members, increasing the cost of an existing mandate; prohibits U.S. persons or entities that purchased F-14 parts legally from DoD from exporting the parts
H.R. 1585 (As passed by the House)	National Defense Authorization Act for Fiscal Year 2008	Increases the number of active-duty service members, increasing the cost of an existing mandate; prohibits U.S. persons or entities that purchased F-14 parts legally from DoD from exporting the parts
H.R. 1595	Guam World War II Loyalty Recognition Act	Limits fees for representational services to not more than 1 percent of the amount that the claimant is paid
H.R. 1644	Re-Empowerment of Skilled and Professional Employees and Construction Tradesworkers (RESPECT) Act	Increases the number of employees covered by various provisions of the National Labor Relations Act
H.R. 1677	Taxpayer Protection Act of 2007	Limits the use of words, abbreviations, titles, or symbols associated with the Department of the Treasury
H.R. 1680	Secure Handling of Ammonium Nitrate Act of 2007	Imposes reporting and record-keeping requirements on owners of ammonium nitrate facilities and persons who handle ammonium nitrate
H.R. 1684 (Homeland Security)	Department of Homeland Security Authorization Act for Fiscal Year 2008	Requires schools and sponsors of exchange visitors that accept international students to ensure those students are active participants in programs and are observed at least every 60 days; prohibits the use of specific words, initials, titles, or the insignia of DHS without written permission
H.R. 1684 (As passed by the House)	Department of Homeland Security Authorization Act for Fiscal Year 2008	Prohibits employers from firing, demoting, or discriminating against emergency personnel providing services in certain emergencies or major disasters
H.R. 1699	Danny Keysar Child Product Safety Notification Act	Requires manufacturers of durable infant or toddler products to provide registration cards, maintain a database, and label their products

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Table B-2.

Continued

Bills Reviewed by CBO in 2007 That Contained Private-Sector Mandates

Bill (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates With Costs Below the Statutory Threshold (Continued)		
H.R. 1721	Virginia Graeme Baker Pool and Spa Safety Act	Requires public swimming pool and spa drain covers to meet certain antientrapment standards
H.R. 2082	Intelligence Authorization Act for Fiscal Year 2008	Extends authorization of an existing commission that has the power to subpoena information
H.R. 2262	Hardrock Mining and Reclamation Act of 2007	Imposes a royalty on production of hardrock minerals from existing mining claims
H.R. 2316	Honest Leadership and Open Government Act of 2007	Requires lobbyists and lobbying organizations to provide additional information in lobbying disclosure reports and to submit those reports electronically and more frequently
H.R. 2317	Lobbying Transparency Act of 2007	Requires registered lobbyists who bundle contributions to report them if multiple contributions in large sums are made and to send notices of intent to recipients of those contributions
H.R. 2337	Energy Policy Reform and Revitalization Act of 2007	Imposes a fee on nonproducing federal onshore oil, gas, and coal leases
H.R. 2419	Farm, Nutrition, and Bioenergy Act of 2007	Requires inspection of imported clementines and avocados
H.R. 2419 (As passed by the House)	Farm, Nutrition, and Bioenergy Act of 2007	Requires inspection of imported clementines and avocados; requires financial institutions to disclose financial records; prohibits the use of live animals for certain uses; prohibits certain persons from providing dogs or cats to research facilities
H.R. 2601	Do-Not-Call Registry Fee Extension Act of 2007	Permanently extends the authority of the FTC to charge for use of the Do-Not-Call list
H.R. 2761	Terrorism Risk Insurance Revision and Extension Act of 2007	Requires certain insurers to offer terrorism insurance; requires certain insurers and their policyholders to repay the federal government for the cost of assistance
H.R. 2787	CJ's Home Protection Act of 2007	Requires manufacturers of manufactured housing to supply weather radios in all manufactured homes delivered for sale
H.R. 3096	Vietnam Human Rights Act of 2007	Prohibits an increase in sales to Vietnam (including exports of defense-related items) by the private sector under the Arms Export Controls Act

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Table B-2.

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Bills Reviewed by CBO in 2007 That Contained Private-Sector Mandates

Bill (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates With Costs Below the Statutory Threshold (Continued)		
H.R. 3121	Flood Insurance Reform and Modernization Act of 2007	Requires mortgage lenders to notify customers that flood insurance is available to all homeowners
H.R. 3685	Employment Non-Discrimination Act of 2007	Prohibits employers from discriminating against any worker on the basis of sexual orientation in hiring, firing, pay, and other aspects of employment
H.R. 3796	Early Warning and Health Care for Workers Affected by Globalization Act	Requires additional private employers to notify their employees before closing a plant or taking a mass layoff action
H.R. 3887	William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007	Requires foreign labor contractors to register with the Department of Labor and to disclose information to workers about the employment opportunity in writing; requires employers to use only registered foreign labor contractors
H.R. 4137	Higher Education Amendments of 2007	Requires certain institutions of higher education to submit reports and to create a task force; requires publishers of college textbooks to provide certain information to universities and to make supplemental materials available for purchase; increases the disclosure requirements for certain lenders
S. 4	Improving America's Security Act of 2007	Requires private-sector entities to provide information if subpoenaed by the privacy officer of DHS
S. 84	Professional Boxing Amendments Act of 2007	Requires individuals and organizations in the boxing industry to be licensed by the United States Boxing Commission and to comply with safety standards; requires standard clauses for contracts; requires the filing of reports; requires the boxing industry to provide information if subpoenaed by the commission
S. 221	Fair Contracts for Growers Act of 2007	Imposes requirements on arbitration regarding livestock or poultry contracts
S. 223	Senate Campaign Disclosure Parity Act	Requires candidates for the office of U.S. Senator and political committees and other organizations that support such candidates to file certain designations, statements, and reports electronically
S. 261	Animal Fighting Prohibition Enforcement Act of 2007	Prohibits the sale or purchase of sharp instruments for use with birds in animal-fighting ventures; prohibits any person from using certain forms of communication to promote animal-fighting ventures

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Table B-2.

Continued

Bills Reviewed by CBO in 2007 That Contained Private-Sector Mandates

Bill (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates With Costs Below the Statutory Threshold (Continued)		
S. 311	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 the possession of an equine to be slaughtered for human consumption
S. 358	Genetic Information Nondiscrimination Act of 2007	Prohibits the use of genetic information in employment practices and in the provision of health care
S. 372 (Armed Services)	Intelligence Authorization Act for Fiscal Year 2007	Requires private-sector entities to provide information if subpoenaed by the Inspector General of the Intelligence Community
S. 372 (Intelligence)	Intelligence Authorization Act for Fiscal Year 2007	Requires private-sector entities to provide information if subpoenaed by the Inspector General of the Intelligence Community
S. 381	Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act	Requires private-sector entities to provide testimony, documents, or other evidence if subpoenaed by the commission
S. 398	Indian Child Protection and Family Violence Prevention Act Amendments of 2007	Provides for local law enforcement and child protective services to perform forensic examinations of children without parental consent
S. 456	Gang Abatement and Prevention Act of 2007	Prohibits certain persons who have been convicted of misdemeanor gang-related offenses to buy, sell, transport, or possess firearms or ammunition
S. 595	Toxic Right-to-Know Protection Act	Increases reporting requirements for certain facilities following chemical releases
S. 742	Ban Asbestos in America Act of 2007	Prohibits the use of asbestos-containing materials and requires the disposal of such materials left unsold or not otherwise in the possession of an end user
S. 781	Do-Not-Call Registry Fee Extension Act of 2007	Permanently extends the authority of the FTC to charge for use of the Do-Not-Call list
S. 886	Presidential Records Act Amendments of 2007	Changes the procedure for or eliminates the ability of former Presidents, their designees, families, and former Vice Presidents to claim constitutionally based privileges related to the disclosure of Presidential or Vice Presidential records

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Table B-2.

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Bills Reviewed by CBO in 2007 That Contained Private-Sector Mandates

Bill (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates With Costs Below the Statutory Threshold (Continued)		
S. 980	Ryan Haight Online Pharmacy Consumer Protection Act of 2007	Requires Internet pharmacies to register with the government, report the controlled substances dispensed, and require valid prescriptions for distributing controlled substances
S. 1027	Prevent All Cigarette Trafficking (PACT) Act of 2007	Imposes new reporting, packaging, and record-keeping requirements on delivery sales of tobacco; prohibits the sale of certain cigarettes that are not in full compliance with the terms of the tobacco settlement agreement
S. 1315	Veterans' Benefits Enhancement Act of 2007	Allows service members to terminate or suspend cell phone contracts without paying penalty fees
S. 1492	Broadband Data Improvement Act	Requires broadband providers to report additional information to the FCC
S. 1498	Captive Primate Safety Act	Requires authorization for selling, possessing, or acquiring nonhuman primates in interstate or foreign commerce
S. 1538 (Armed Services)	Intelligence Authorization Act for Fiscal Year 2008	Requires private-sector entities to provide information if subpoenaed by the Inspector General of the Intelligence Community
S. 1538 (Intelligence)	Intelligence Authorization Act for Fiscal Year 2008	Requires private-sector entities to provide information if subpoenaed by the Inspector General of the Intelligence Community
S. 1547 (Armed Services)	National Defense Authorization Act for Fiscal Year 2008	Increases the number of active-duty service members, increasing the cost of an existing mandate; prohibits U.S. persons or entities that purchased F-14 parts legally from DoD from exporting the parts
S. 1547 (Intelligence)	National Defense Authorization Act for Fiscal Year 2008	Increases the number of active-duty service members, increasing the cost of an existing mandate; prohibits U.S. persons or entities that purchased F-14 parts legally from DoD from exporting the parts
S. 1580	Coral Reef Conservation Amendments Act of 2007	Makes private-sector entities liable for damage to coral reefs within the jurisdiction of the United States
S. 1607	Currency Exchange Rate Oversight Reform Act of 2007	Requires the Department of the Treasury to remedy certain undervalued currency by increasing duties on imported products

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Table B-2.

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Bills Reviewed by CBO in 2007 That Contained Private-Sector Mandates

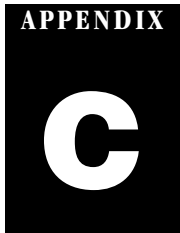
Bill (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates With Costs Below the Statutory Threshold (Continued)		
S. 1661	Travel Promotion Act of 2007	Requires members of the international travel and tourist industry to pay an assessment in the event of a referendum
S. 1965	Protecting Children in the 21st Century Act	Requires Internet service providers to report additional information on child pornography
S. 2087	Native American Omnibus Technical Corrections Act	Limits the right of certain individuals to bid on small fractional property interests at probate without the consent of the heirs
S. 2284	Flood Insurance Reform and Modernization Act of 2007	Requires certain mortgage lenders to provide information about flood insurance coverage and to deposit premiums and fees for flood insurance into escrow accounts on behalf of borrowers
S. 2285	Terrorism Risk Insurance Program Reauthorization Act of 2007	Requires certain insurers to offer terrorism insurance; requires certain insurers and their policyholders to repay the federal government for the cost of assistance
S.—	Private Student Loan Transparency and Improvement Act of 2007	Increases the disclosure requirements for certain lenders; prohibits certain exchanges between lenders and institutions of higher education and their employees

Source: Congressional Budget Office.

Notes: CAFE = corporate average fuel economy; GSE = government-sponsored enterprise; FAA = Federal Aviation Administration; FDA = Food and Drug Administration; S.A. = Senate Amendment; H-1B = visa granted to a skilled foreign worker admitted temporarily to the United States to work for a U.S. company; VoIP = Voice over Internet Protocol; DHS = Department of Homeland Security; FCC = Federal Communications Commission; DoD = Department of Defense; FTC = Federal Trade Commission.

In 2007, the threshold for private-sector mandates, which is adjusted annually for inflation, was \$131 million. In several cases, proposed legislation reviewed by CBO contained multiple mandates, some of which had costs exceeding statutory thresholds. Mandates whose costs exceeded the statutory threshold are shown in bold-faced type.

- a. The Joint Committee on Taxation examines legislative provisions that affect the tax code for federal mandates and estimates their costs. Such information is incorporated into CBO's mandate statements.
 - b. The aggregate costs of all of the mandates in S. 2045 would exceed the threshold.
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Intergovernmental and Private-Sector Mandates Enacted into Law, 1996 to 2007

Intergovernmental Mandates

In the 12 years since the enactment of the Unfunded Mandates Reform Act of 1995 (UMRA), few intergovernmental mandates have been enacted, and only a portion of those have had costs above the threshold.¹

An increase in the minimum wage (Public Law [P.L.] 104-188, enacted in 1996, and P.L. 110-28, enacted in 2007): The Congressional Budget Office (CBO) estimated that the increase required by the bill that became P.L. 104-188 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. In the bill that became P.L. 110-28, state, local, and tribal governments would see increased costs of slightly less than \$1 billion during the first five years after the increase went into 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 was estimated to grow to about \$95 million in 2010.

1. In 1996, the thresholds for intergovernmental and private-sector mandates were \$50 million and \$100 million, respectively. Those amounts are adjusted annually for inflation and in 2007 were \$66 million and \$131 million, respectively.

A temporary preemption of states' authority to tax certain Internet services and transactions (P.L. 108-435, enacted in 2004): In CBO's estimate, that preemption would result in a reduction in state and local government revenues of at least \$300 million. In 2007, that preemption was extended through most of 2011 by P.L. 110-108. CBO estimated that the preemption will result in a reduction in state and local government revenues of about \$80 million annually.

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 estimated 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 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 be required to use more of their own resources to administer 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): The Joint Committee on Taxation estimated that, beginning in 2011, the cost of the requirement would exceed the intergovernmental threshold of \$70 million.

A requirement for all public transit and rail carriers to train workers and submit reports to the Department of Homeland Security (P.L. 110-53, enacted in 2007): CBO estimated that the cost of the requirement would exceed the threshold in at least one of the first five years following enactment.

Private-Sector Mandates

Since UMRA became law, the Congress and the President have enacted more legislation that contains private-sector mandates than that containing intergovernmental mandates. Fifty-three private-sector mandates whose costs CBO determined were higher than the statutory threshold have been enacted since 1996.²

Fourteen revenue-raising provisions in 12 public laws require individuals or businesses to pay more in taxes (Public Laws 104-188, 104-193, 105-2, 105-34, 105-178, 105-206, 105-277, 106-170, 107-147, 108-357, 109-222, 110-28).

Six mandates affect health insurance—requirements for portability of insurance coverage (P.L. 104-191), requirements for minimum maternity stays (P.L. 104-204), requirements for private health insurance providers under the Medicare program (P.L. 105-33), parity in insurance coverage for mental health as well as other medical benefits (P.L. 107-147), various requirements relating to pediatric research that apply to drug manufacturers (P.L. 108-155), 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 (P.L. 109-364).

Nine mandates affect specific industries—changes in the regulation of telecommunications (P.L. 104-104); changes in milk pricing (P.L. 106-113); a requirement for country-of-origin labels for certain foods (P.L. 107-171); a new safety requirement for automobiles (P.L. 107-318); new requirements for credit agencies, lenders, and merchants that handle credit transactions (P.L. 108-159); expanded safety requirements for commercial motor

carriers (P.L. 109-59); an increase in federal deposit insurance premiums for banks and credit unions (P.L. 109-171); requirements on operators of underground coal mines to install equipment to improve accident preparedness (P.L. 109-236); and a requirement for rail carriers and bus services to implement security plans and conduct security training (P.L. 110-53).

Four energy-related mandates have been enacted—two changes to the minimum requirements for renewable fuels in motor fuels (P.L. 109-58, P.L. 110-140), a set of new corporate average fuel economy standards for motor vehicles (P.L. 110-140), and new energy-efficiency standards for appliances and lighting (P.L. 110-140).

Eleven mandates involve fees: a fee on airline travel (P.L. 107-71), a fee on manufacturers and importers of tobacco products (P.L. 108-357), an increase in existing fees and new fees for certain patent and trademark services (P.L. 108-447), fees for H1-B visas (P.L. 108-447), three extensions of mining reclamation fees (P.L. 109-54, P.L. 109-234, P.L. 109-432), a surcharge on the filing fee for passport applications (P.L. 109-167), an extension of user fees for manufacturers of prescription drugs and medical devices (P.L. 110-85), an extension of customs user fees (P.L. 110-138), and an extension of patent and trademark fees (P.L. 110-161).

Three mandates affect workers' take-home pay: Two are increases in the minimum wage (P.L. 104-188, P.L. 110-28) and one is an increase in federal employees' contributions for retirement (P.L. 105-33).

Two mandates affect pension plans: One is an increase in certain premiums paid to the Pension Benefit Guaranty Corporation by sponsors of single-employer and multiemployer defined-benefit pension plans (P.L. 109-171); the other is a shortened schedule for vesting in private retirement funds (P.L. 109-280).

One mandate imposes new requirements on sponsors of immigrants (P.L. 104-208).

One mandate changes procedures for collecting and using campaign contributions (P.L. 107-155).

One mandate changes procedures for administering bankruptcy claims (P.L. 109-8).

One mandate extends the surtax on employers applied to unemployment (P.L. 110-140).

2. From 1996 to 2001, the CBO reviewed public laws to identify private-sector mandates whose costs exceeded the statutory threshold in CBO's initial review of the mandate. Since 2002, CBO has reviewed enacted legislation to identify private-sector mandates whose costs exceed the statutory threshold, regardless of whether CBO reviewed the mandate during the legislative process.



Primary Contributors to CBO's Analyses of Mandates

The following Congressional Budget Office (CBO) staff members prepare the mandate statements that CBO produces for bills and other legislative proposals.

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Private-Sector Mandates (Continued)

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