The Federal Mandate Report January 2005

Commonwealth of Virginia
Office of the Governor
Virginia Liaison Office

Introduction

The Federal Mandate Report is published semiannually by the Virginia Liaison Office using information provided by the Congressional Budget Office (CBO), the National Governors Association, and federal agency contacts. The Liaison office has relied on the CBO's interpretations of the Federal Unfunded Mandate Reform Act (UMRA) to determine what legislation should be identified as containing an intergovernmental mandate, and descriptions of the mandates provided in this analysis are based upon or excerpted from CBO documents. The bills contained in this report, between the dates July 16, 2004 through January 15, 2005, were reviewed by CBO.

The Liaison Office has relied on the recommendations of the Regulatory Information Service Center (RISC) of the General Services Administration to determine which federal regulatory actions may affect the states.

This edition of the **Federal Mandate Report** is intended to provide an overview of the legislative and regulatory requirements imposed upon the Commonwealth for the period from July 16, 2004 through January 15, 2005.

In this report the Liaison Office provides reviews of the legislation containing mandates that have become public law (Part I), or passed in at least one chamber of Congress (Part II) during the period from July 16, 2004 through January 15, 2005. The report also provides reviews of federal regulatory action completed during the same period that may have an effect on the Commonwealth (Part III).

Of the bills reviewed by the CBO that have become public law during the period from July 16, 2004 through January 15, 2005, twelve (12) contain mandates.

For the same period between July 16, 2004 through January 15, 2005, the RISC identified a total fifty-seven (57) completed federal regulations that may affect the States; forty-nine (49) may affect the Commonwealth.

Special thanks to Marcia Price for her assistance.

Part I – Mandates in Public Laws

Title I of the Unfunded Mandate Reform Act (UMRA) of 1995 requires the Congressional Budget Office (CBO) to prepare mandate statements for bills approved by authorizing committees. In those statements, CBO must address whether a bill contains federal mandates and, if so, whether the direct costs of those mandates would be greater than the thresholds established in the law. Those thresholds, which are stated in 1996 dollars and are adjusted annually for inflation, are $50 million or more per year for the public sector (state, local, or tribal governments) and $100 million or more per year for the private sector. (In 2004, those thresholds are $60 million for intergovernmental mandates and $120 million for private-sector mandates.)

Bill Number	Bill Title	Unfunded Mandate on the State	Bill Status (Including Congressional Vote)
H.R. 1417	**Copyright Royalty and Distribution Reform Act of 2004**	Under current law, the Copyright Office (within the Library of Congress) collects and distributes royalties for use of certain copyrighted material. H.R. 1417 would change the process for determining the rates and distribution of these royalties. CBO estimates that implementing H.R. 1417 would cost $1 million in 2005 and $5 million over the 2005-2009 period, assuming appropriation of the necessary amounts. H.R. 1417 also would have an insignificant effect on direct spending. Enacting the legislation would have no effect on revenues. H.R. 1417 contains an intergovernmental and private-sector mandate as defined in the Unfunded Mandates Reform Act (UMRA), but CBO estimates that the cost of complying with the mandate would be small and well below the relevant thresholds established by UMRA ($60 million for intergovernmental mandates and $120 million for private-sector mandates in 2004, adjusted annually for inflation). H.R. 1417 would impose an intergovernmental and private-sector mandate, as defined in UMRA, because it would require state, local or tribal	**11/30/2004:** Became Public Law No: 108-419. **11/17/2004:** Passed House on motion that the House suspend the rules and agree to the Senate amendment Agreed to by the Yeas and Nays: 407-0 Entire Virginia House delegation voted in favor. **10/6/2004:** Passed Senate with an amendment by Unanimous Consent.

		governments and entities in the private sector, if subpoenaed by the Copyright Royalty Judges, to appear or provide evidence. Based on information from affected entities, CBO expects that the judges would likely exercise their subpoena power sparingly and that the costs to comply with a subpoena would not be significant. Consequently, CBO estimates that the cost of complying with the mandate would be small and well below the relevant thresholds established by UMRA ($60 million for intergovernmental mandates and $120 million for private-sector mandates in 2004, adjusted annually for inflation).	
H.R. 5149	**Welfare Reform Extension Act, Part VIII**	H.R. 5149, enacted as Public Law 108-308, extends several provisions of law through March 31, 2005, including the Temporary Assistance for Needy Families (TANF), childcare entitlement, and abstinence education programs, and eligibility for transitional medical assistance (TMA) under Medicaid. Funding for the basic state grants for TANF and childcare entitlement programs for the six-month period will total $12 billion. However, CBO already assumes that level of funding in its baseline for those programs, as specified in section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (Deficit Control Act.) Therefore, the extension of those programs--with the exception of TANF supplemental grants and increased transfer authority--has no cost relative to the baseline. CBO estimates that H.R. 5149 will increase direct spending, relative to the baseline, by $379 million in 2005, by $493 million over the 2005-2009 period, and by $494 million over the 2005-2014 period.	**9/30/2004:** Became Public Law No: 108-308. **9/30/2004:** Passed House on motion to suspend the rules and pass the bill Agreed to by the Yeas and Nays: 416-0 Entire Virginia House delegation voted in favor. **9/30/2004:** Received in the Senate, read twice, considered, read the third time, and passed without amendment by Unanimous Consent.
H.R. 5107	**Justice for All Act of 2004**	CBO estimates that H.R. 5107 would authorize the appropriation of about $2 billion over the 2005-2009 period to expand the use of DNA analysis in the criminal justice system and to assist victims of crimes. (Most of that total is	**10/30/2004:** Became Public Law No: 108-405. **10/9/2004:**

		specifically authorized in the bill.) The bill would establish six new grant programs and extend the authority for two current grant programs that provide funding for states to improve forensic analysis of crime-scene evidence, collect DNA samples from offenders, and train law enforcement personnel. The bill would authorize appropriations for the Federal Bureau of Investigation (FBI) to carry out its programs concerning DNA evidence, including the Combined DNA Index System (CODIS), and would establish the National Forensic Science Commission. The legislation also would provide funding for several Department of Justice (DOJ) programs to assist victims of crimes. Finally, H.R. 5107 would require the collection of DNA samples from persons convicted of felonies. Assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 5107 would cost about $1.4 billion over the 2005-2009 period. Over $1 billion of this total would be for the grant programs mentioned above. Enacting this legislation could affect direct spending, but CBO estimates that any such effects would not be significant. H.R. 5107 contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA). CBO estimates however, that state, local, and tribal governments would incur no additional costs to comply with that mandate; therefore, the threshold established in that act would not be exceeded ($60 million in 2004, adjusted annually for inflation). Other provisions in the bill would benefit those governments.	Passed Senate without amendment by Unanimous Consent. **10/6/2004:** Passed by the House: Yeas and Nays: 393 - 14 Entire Virginia House delegation voted in favor.
H.R. 3463	**State Unemployment Tax Acts (SUTA) Dumping Prevention Act**	H.R. 3463, enacted as Public Law 108-295, amends the Social Security Act with respect to administration of unemployment taxes and benefits under state unemployment tax acts (SUTA*)*. Section 2 requires, as a condition of state eligibility for grants for unemployment compensation administration, changes to state unemployment compensation laws to provide	**8/9/2004:** Became Public Law No: 108-295. **7/22/2004:** Passed Senate without amendment by Unanimous Consent.

		for transfer of unemployment experience upon transfer or acquisition of a business. It also requires the Secretary of Labor to study and report to the Congress no later than July 15, 2007, on the status and appropriateness of state actions to meet the requirements. Section 3 of the act directs the Secretary of Health and Human Services to disclose information on individuals and their employers in the National Directory of New Hires to a state agency for purposes of administering a state or federal unemployment compensation law. The state agency shall reimburse the Secretary for the costs incurred in supplying that information. The Congressional Budget Office estimates that H.R. 3463 will increase revenues by $432 million over the 2005-2009 period, and by $342 million over the 2005-2014 period, net of income and payroll tax offsets. In addition, CBO estimates it will reduce direct spending by about $7 million in 2005, $50 million over the 2005-2009 period, and $116 million over the 2005-2014 period.	**7/14/2004:** Passed House on motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.
H.R. 4731	**A bill to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program**	H.R. 4731 would extend the authorization of appropriations for the Environmental Protection Agency's (EPA's) National Estuary Program from fiscal year 2005 to 2010. Under current law, $35 million is authorized to be appropriated each year through 2005, and enacting this legislation would maintain the same authorized annual funding level for subsequent years. Such funding would be used to coordinate federal, state, and local efforts to protect estuaries. CBO estimates that implementing H.R. 4731 would cost $112 million over the 2006-2010 period, assuming appropriation of the authorized amounts. Enacting the bill would not affect direct spending or revenues. H.R. 4731 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.	**10/30/2004:** Became Public Law No: 108-399. **10/11/2004:** Passed Senate without amendment by Unanimous Consent. **9/29/2004:** Passed House on motion to suspend the rules and pass the bill Agreed to by voice vote.

		State and local governments would benefit from the bill's extension of grants, technical assistance, monitoring, and restoration activities for estuaries. Any expenditures made by those governments to satisfy the matching requirements of the grants would be incurred voluntarily.	
H.R. 4520	**Jumpstart Our Business Strength (JOBS) Act**	H.R. 4520, as passed by the Senate on July 15, incorporates S. 1637--as passed by the Senate on May 11, 2004, with an additional amendment related to tobacco. The act would repeal the exclusion for a portion of income earned by exporters (so-called extraterritorial income), allow a deduction for income attributable to production in the United States, extend various expiring tax provisions, and make numerous other changes to tax law. The act would provide new authority to the Food and Drug Administration (FDA) to regulate tobacco products, and would make other changes to the federal tobacco production quota program. In addition, H.R. 4520, as agreed to by the Senate, would extend Internal Revenue Service (IRS) and customs user fees. The provisions of the act have various effective and sunset dates. CBO has reviewed the non-tax provisions of H.R. 4520 and determined they contain intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). *Those provisions would*: • Prohibit states from using offshore contracts; • Require state and local governments to pay overtime to certain workers; • Impose requirements on tobacco manufacturers and distributors, including tribal governments that produce and sell tobacco products; and, • Preempt state laws governing tobacco. In total, the cost of complying with those mandates would likely exceed the threshold established in UMRA ($60 million in 2004,	**10/22/2004:** Became Public Law No: 108-357. **10/11/2004:** Senate agreed to conference report by Yea-Nay Vote. 69 – 17 Senator Warner and Allen voted in favor. **10/7/2004:** Passed House on agreeing to the conference report Agreed to by the Yeas and Nays: 280 – 141 Representative Boucher, Cantor, J. Davis, T. Davis, Forbes, Goode, Goodlatte, and Schrock voted in favor. Representative Moran, Scott, and Wolf voted against.

		adjusted annually for inflation). Most of those costs would result from compliance with the overtime provisions. The remaining non-tax provisions of H.R. 4520 contain no intergovernmental mandates but would have impacts on state, local, and tribal governments.	
H.R. 2023	**Asthmatic Schoolchildren's Treatment and Health Management Act of 2004**	H.R. 2023 would modify the Public Health Service Act by directing the Secretary of Health and Human Services, in making any asthma-related grant to a state, to give preference to states that require schools to permit students to self-administer medication for asthma and anaphylaxis. The bill would not change the purposes for which the Secretary makes asthma-related grants. CBO estimates that enacting H.R. 2023 would not have a significant effect on the federal budget. Enacting H.R. 2023 would not affect direct spending or revenues. H.R. 2023 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act, but it would alter conditions for the Children's Asthma Treatment Grants Program and other asthma-related grants, giving preferences to states who allow schoolchildren to self-administer asthma medication. While the bill would not alter the total amount of grants available, the new preferences could change the distribution of funds among states.	**10/30/2004:** Became Public Law No: 108-377. **10/11/2004:** Passed Senate without amendment by Unanimous Consent. **10/5/2004:** Passed House on motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.
S. 741	**An act to amend the Federal Food, Drug, and Cosmetic Act with regard to new animals drugs, and for the other purposes**	S. 741 aims to increase the market availability of new animal drugs for minor species and for minor uses in major species of animals. It would amend the Federal Food, Drug, and Cosmetic Act (FFDCA) to authorize the Food and Drug Administration (FDA) to establish a conditional approval process for such drugs and to create an index of legally marketed unapproved drugs to treat certain minor species. It also would authorize grants to help defray a portion of the cost associated with the development of designated drugs and would award seven years of marketing exclusivity to	**8/2/2004:** Became Public Law No: 108-282. **7/20/2004:** Passed the House on a motion to suspend the rules and pass the bill Agreed to by voice vote. **3/8/2004:** Passed Senate with an amendment by Unanimous

		products meeting certain criteria. S. 741 also would require that labels for food products indicate in plain English the presence of any of the eight major food allergens, and would direct the Secretary of Health and Human Services to engage in a number of activities to increase scientific and public understanding of issues related to food allergies. S. 741 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). The act's provisions would increase the availability and broaden the potential uses of certain drugs used to treat minor species animals and also to treat minor conditions in major species. State and local conservation programs, zoos, and animal shelters could take advantage of those new drugs or uses, and the impact on their budgets would likely be positive.	Consent.
H.R. 1914	**Jamestown 400th Anniversary Commemorative Coin Act of 2003**	H.R. 1914 would direct the U.S. Mint to produce a $5 gold coin and a $1 silver coin in calendar year 2007 to commemorate the 400th anniversary of the founding of Jamestown, Virginia. The bill would specify a surcharge on the sales price of $35 for the gold coin and $10 for the silver coin and would designate the Jamestown-Yorktown Foundation (an educational institution of the Commonwealth of Virginia), the National Park Service, and the Association for the Preservation of Virginia Antiquities (a private nonprofit association), as recipients of the income from those surcharges. CBO estimates that enacting H.R. 1914 would have no significant net impact on direct spending over the 2004-2009 period. H.R. 1914 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA), and would likely benefit the Commonwealth of Virginia.	**8/6/2004:** Became Public Law No: 108-289. **7/20/2004:** Passed Senate without amendment by Unanimous Consent. **7/14/2004:** Passed the House on a motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.

S. 1194	**Mentally Ill Offender Treatment and Crime Reduction Act of 2004**	S. 1194 would authorize the appropriation of $50 million for fiscal year 2005 and such sums as may be necessary for the 2006-2009 period for the Department of Justice to make grants to state and local governments to improve the treatment of criminal offenders with mental illnesses or substance abuse disorders. CBO estimates that implementing the bill would cost $172 million over the 2005-2009 period, assuming the appropriation of the necessary amounts. Enacting S. 1194 would not affect direct spending or revenues. S. 1194 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). The creation of a new grant for mental health programs in the state, local, or tribal justice systems would benefit those governments.	**10/30/2004:** Became Public Law No: 108-414. **10/30/2004:** Signed by President. **10/21/2004:** Presented to President. **10/18/2004:** Message on Senate action sent to the House. **10/11/2004:** Cleared for White House. **10/11/2004:** Senate agreed to House amendment by Unanimous Consent
H.R. 3242	**Specialty Crops Competitiveness Act of 2004**	H.R. 3242 would authorize the appropriation of $45 million a year over the 2005-2009 period to make grants to states to enhance the competitiveness of specialty crops (including fruits, vegetables, tree nuts, dried fruits, and nursery products). The bill also would authorize the appropriation of $2 million a year to provide technical assistance for growers of those crops, and $5 million a year to research certain pesticides over the 2005-2009 period. H.R. 3242 also would authorize the appropriation of $2.5 million a year over this period to respond to threats posed by pests and diseases affecting agricultural commodities, and to maintain a crop inspection center in Virginia. In addition, CBO estimates implementing the bill would cost $10 million a year to establish a federal research program for specialty crops, subject to appropriation of the necessary amounts. Assuming appropriation of the amounts specifically authorized by the bill and estimated to be necessary, CBO estimates that implementing H.R. 3242 would cost $60	**12/21/2004:** Became Public Law No: 108-465. **12/21/2004:** Signed by President. **12/10/2004:** Presented to President. **12/7/2004:** Cleared for White House. **12/7/2004:** Passed the Senate without amendment by Unanimous Consent. **10/7/2004:** Passed the House by voice vote.

		million in fiscal year 2005 and $320 million over the 2005-2009 period. Enacting this legislation would not affect revenues or direct spending. H.R. 3242 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. The grant funds authorized by this bill would benefit state governments, and any costs they might incur to comply with the conditions of this assistance would be incurred voluntarily.	
S. 2657	**Federal Employee Dental and Vision Benefits Enhancement Act of 2004**	S. 2657 would establish a voluntary program under which federal civilian employees and annuitants would be able to purchase supplemental insurance coverage for vision and dental care. The coverage authorized under the bill would be available regardless of whether eligible individuals are enrolled in the Federal Employees Health Benefits (FEHB) program. (Plans currently participating in the FEHB program may offer enrollees coverage for dental or vision services, although such coverage is often limited.) The bill would require companies providing the vision and dental benefit to reimburse OPM for its future administrative expenses after the first contract year begins. Assuming enactment of the bill in the fall of 2004, CBO expects that contracts would be awarded during the last quarter of fiscal year 2005 in anticipation of coverage beginning at the start of calendar year 2006. We assume that companies would begin to reimburse OPM for its administrative costs once contracts are signed. CBO anticipates that establishing a new supplemental dental and vision benefit program for federal civilian employees would increase the administrative workload of federal agencies by a negligible amount. The bill also would require OPM to conduct a feasibility study on options to expand FEHB coverage to certain dependents of federal employees. We estimate	**12/23/2004:** Became Public Law No: 108-496. **12/23/2004:** Signed by President. **12/15/2004:** Presented to President. **12/6/2004:** Cleared for White House. **12/6/2004:** Motion to reconsider laid on the table Agreed to without objection. **12/6/2004:** Passed in the House on a motion to suspend the rules and pass the bill Agreed to by voice vote. **11/20/2004:** Passed in the Senate with an amendment by Unanimous Consent.

		that preparing and issuing the report would cost less than $500,000 in 2005. Federal spending for such activities would be subject to the availability of appropriated funds. S. 2657 would preempt state and local laws that establish coverage levels or benefit requirements that would otherwise apply to vision or dental benefits offered under the new benefit programs authorized by the bill. Such preemptions are intergovernmental mandates as defined in the Unfunded Mandates Reform Act, but CBO estimates that they would not affect the budgets of state, local, or tribal governments. While the preemptions would limit the application of state laws, they would not preempt state taxing authority and would impose no duties on states that would result in additional spending.	

Part II-Mandates in Pending Legislation

Title I of the Unfunded Mandate Reform Act (UMRA) of 1995 requires the Congressional Budget Office (CBO) to prepare mandate statements for bills approved by authorizing committees. In those statements, CBO must address whether a bill contains federal mandates and, if so, whether the direct costs of those mandates would be greater than the thresholds established in the law. Those thresholds, which are stated in 1996 dollars and are adjusted annually for inflation, are $50 million or more per year for the public sector (state, local, or tribal governments) and $100 million or more per year for the private sector. (In 2004, those thresholds are $60 million for intergovernmental mandates and $120 million for private-sector mandates.)

Bill Number	Bill Title	Unfunded Mandate on the State	Bill Status (Including Congressional Vote)
H.R. 2440	**Indian Health Care Improvement Act Amendments of 2004**	H.R. 2440 would authorize the appropriation of such sums as necessary through 2015 for the Indian Health Care Improvement Act, the primary authorizing legislation for the Indian Health Service (IHS). The bill also contains specific authorizations for loans and loan guarantees for urban Indian organizations and a commission on Indian health care. In addition, the bill also would affect direct spending, primarily through provisions that would make it easier for IHS to enter into capital leases and make changes to the Medicaid program. H.R. 2440 would preempt state licensing laws in certain cases, and this preemption would be an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA); however, CBO estimates that the costs of that mandate would be small and would not approach the threshold established in UMRA ($60 million in 2004, adjusted annually for inflation). Other provisions of the bill would establish new or expand existing programs for Indian health care. It also would place new requirements on Medicaid and the State Children's Health Insurance Program (SCHIP) that would	**11/22/2004:** House Committee on Energy and Commerce Granted an extension for further consideration ending not later than Dec. 10, 2004. **11/22/2004:** House Committee on Ways and Means Granted an extension for further consideration ending not later than Dec. 10, 2004.

		result in additional spending of about $35 million over the 2005-2009 period. This bill contains no private-sector mandates as defined in UMRA.	
S. 556	**Indian Health Care Improvement Act Amendments of 2004**	S. 556 would authorize the appropriation of such sums as necessary through 2015 for the Indian Health Care Improvement Act, the primary authorizing legislation for the Indian Health Service (IHS). The bill also contains specific authorizations for loans and loan guarantees for urban Indian organizations and a commission on Indian health care. In addition, the bill also would affect direct spending, primarily through provisions that would make it easier for IHS to enter into capital leases and make changes to the Medicaid program. S. 556 would preempt state licensing laws in certain cases, and this preemption would be an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA); however, CBO estimates that the costs of that mandate would be small and would not approach the threshold established in UMRA ($60 million in 2004, adjusted annually for inflation). Other provisions of the bill would establish new or expand existing programs for Indian health care. It also would place new requirements on Medicaid and the State Children's Health Insurance Program (SCHIP) that would result in additional spending of about $35 million over the 2005-2009 period. This bill contains no private-sector mandates as defined in UMRA.	**12/08/2004:** Introductory remarks on measure. **11/16/2004:** Placed on the Senate Legislative Calendar.
S. 2089	**A bill to allow aliens who are eligible for diversity visas to be eligible beyond the fiscal year in**	S. 2089 would allow certain aliens to remain eligible to receive a diversity visa beyond the end of the fiscal year for which they applied for one. S. 2089 contains no intergovernmental or private-sector mandates as defined in the	**10/4/2004:** Placed on the Senate Legislative Calendar.

	which they applied	Unfunded Mandate Reform Act (UMRA). However, CBO estimates that as a result of the additional number of individuals eligible for Medicaid assistance, state spending would increase by about $8 million over the 2005-2014 period.	
H.R. 4634	**Terrorism Insurance Backstop Extension Act of 2004**	H.R. 4634 would extend the Terrorism Risk Insurance Act (TRIA) through calendar year 2007 and would add group life insurance to the lines of coverage offered under TRIA. Enacted in 2002, TRIA requires insurance firms that sell commercial property and casualty insurance to offer clients insurance coverage for damages caused by terrorist attacks. Under the act, the government would help insurers cover losses in the event of a terrorist attack. Under current law, TRIA will expire at the end of calendar year 2005. On this basis, CBO estimates that enacting H.R. 4634 would increase direct spending by about $1.1 billion over the 2005-2009 period and by $1.3 billion over the next 10 years. Under TRIA, the Treasury Department would recoup some or all of the costs of providing financial assistance through surcharges; hence, over many years, CBO expects that an increase in spending for financial assistance would be nearly offset (on a cash basis) by a corresponding increase in governmental receipts (i.e., revenues). We assume, however, that the Secretary would not impose any surcharges until one year after federal assistance is provided and that those amounts would be collected over several years. Thus, CBO estimates that enacting H.R. 4634 would increase governmental receipts by about $70 million over the 2005-2009 period and by $480 million over the next 10 years. H.R. 4634 would extend or expand several intergovernmental and private-	**11/18/2004:** Placed on the House Legislative Calendar.

		sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). CBO estimates that the aggregate costs of complying with those mandates would not exceed the annual thresholds established by UMRA ($60 million for intergovernmental mandates and $120 million for private-sector mandates in 2004, adjusted annually for inflation).	
H.R. 5121	A bill to further protect the United States aviation system from terrorist attacks	H.R. 5121 would authorize funding for aviation security programs administered by the Department of Homeland Security (DHS). CBO estimates that enacting H.R. 5121 would increase direct spending by $298 million in 2005 and about $4.1 billion over the next 10 years. Assuming appropriation of the necessary amounts, we also estimate that implementing H.R. 5121 would add $212 million in 2005 and almost $4.5 billion to discretionary spending over the next five years. Those amounts assume that future appropriations to pay salaries and expenses of baggage screeners would be reduced following installation of new baggage screening equipment at airports. Enacting the bill also could increase revenues, but we estimate that any such increase would not exceed $500,000 a year. H.R. 5121 contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA) because it would require all armed law enforcement officers, including state, local, and tribal personnel, to identify themselves with a special, standardized credential when traveling on aircraft. CBO estimates that the costs to law enforcement agencies would be minimal and thus would not exceed the threshold established by UMRA ($60 million in 2004, adjusted annually for inflation).	**9/29/2004:** Ordered to be Reported (Amended) by Voice Vote. **9/23/2004:** Referred to the Subcommittee on Aviation. **9/22/2004**: Referred to the House International Relations Committee
S. 1380	**Rural Universal Service Equity**	S. 1380 would make changes to the formula used by the Universal Service	**12/7/2004:** By Senator McCain from

	Act of 2003	Fund (USF) program to calculate funding levels for states with high-cost telecommunications services. As a result, more states would be eligible for funding; however, USF funds collected for high-cost services would not change, so total expenditures under this program would not change. Universal Service is a program intended to promote the availability of telecommunications services at affordable rates. Charges imposed by the federal government on telecommunications services to support Universal Service are recorded in the federal budget as revenues. Because the bill would not make any changes to the total amount of funding collected and distributed for high-cost services, CBO estimates that enacting S. 1380 would not affect revenues or direct spending. The bill would not have a significant effect on spending subject to appropriation. S. 1380 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA), but the change in the formula for part of the Universal Service Fund would alter the distribution of money among the states. The bill contains no new private-sector mandates as defined in UMRA.	Committee on Commerce, Science, and Transportation filed written report. Report No. 108-422. **11/19/2004:** Placed on the Senate Legislative Calendar.
H.R. 3143	**International Consumer Protection Act of 2004**	H.R. 3143 would expand the authority of the Federal Trade Commission (FTC) to work with foreign law enforcement agencies to enforce laws prohibiting fraudulent and deceptive commercial practices. The bill would allow temporary staff exchanges between foreign government agencies and the FTC and would authorize the agency to accept payment in-kind or reimbursement for costs associated with such exchanges. It also would authorize the appropriation of up to $100,000 a year for the FTC to support activities of certain international	**11/22/2004:** House Committee on International Relations Granted an extension for further consideration ending not later than Dec. 10, 2004.

		law enforcement groups. H.R. 3143 would authorize the FTC to request that a judge order the recipient of a summons, subpoena, or other compulsory process to delay giving notice to anyone that they have been required to appear as a witness before, or to produce documents in, an FTC proceeding. The order could be issued, notwithstanding any state or local laws or regulations, if there is reason to believe that notification would cause certain adverse results. Further, the recipient would not be liable under any state or local laws or regulations for disclosing information or for failure to provide notice. The bill also would protect certain entities that voluntarily provide specified material to the FTC from liability under any state or local law or regulation that precludes disclosure of information or requires notification to the interested third party. To the extent that state and local governments have laws that contradict these provisions, the legislation would preempt those laws and thereby impose mandates under the Unfunded Mandates Reform Act (UMRA). CBO estimates that the cost of those mandates would be minimal and would not exceed the threshold established in UMRA ($60 million in 2004, adjusted annually for inflation).	
S. 2283	**State High Risk Pool Funding Extension Act of 2004**	S. 2283 would amend the Public Health Service Act to extend the funding for the creation and operation of a state high-risk health insurance pool. The high-risk pools offer health insurance to individuals who cannot obtain coverage in the marketplace. Under an authorization that expired in 2004, the Department of Health and Human Services (HHS) provided seed grants to states to create a high-risk health	**12/1/2004:** Referred to the House Subcommittee on Health. **11/19/2004:** Message on Senate action sent to the House. **11/16/2004:** Passed in the Senate without amendment by Unanimous Consent.

		insurance pool and operational grants for the losses incurred in connection with the operation of a pool. S. 2283 would extend the funding for the seed grants through 2005 and would increase and extend the funding for the operational grants through 2009. In addition, the bill would alter how grants are allotted to states. CBO estimates that enacting S. 2283 would increase direct spending by $30 million in 2005 and $332 million over the 2005-2009 period. Enacting S. 2283 would not affect revenues. S. 2283 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would extend and expand appropriations for grants to states that operate high-risk insurance pools. Any costs associated with the requirements of those grants would be incurred voluntarily. This bill contains no private-sector mandates as defined in UMRA.	**11/16/2004:** Message on Senate action sent to the House.
H.R. 2699	**The National Uniformity for Food Act of 2004**	The National Uniformity for Food Act of 2004 would amend the Federal Food, Drug, and Cosmetic Act (FDCA) to prohibit states or local governments from establishing or continuing in effect requirements that are not identical to specified FDCA provisions concerning the definition of food adulteration or the issuance of warning notifications concerning the safety of food. Regulation of food sanitation would remain primarily a state responsibility. H.R. 2699 would establish a petition process by which state, local, and national requirements would be set regarding food safety and warning notifications. The bill would allow a state or local government to establish a requirement that would be in conflict with national uniformity standards if the state requirement is needed to prevent imminent hazard to public health.	**10/8/2004:** Placed on the House Legislative Calendar.

		Assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 2699 would cost $11 million in 2005 and $106 million over the 2005-2009 period. Those costs would be incurred by the Food and Drug Administration (FDA). Enacting the bill would not affect direct spending or receipts. H.R. 2699 would preempt state laws governing the labeling of food products and the issuance of warning notifications. Those preemptions would be intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). The costs of complying with those mandates, however, would be minimal and would not exceed the threshold established in UMRA ($60 million in 2004, adjusted annually for inflation). If states chose to seek exemptions from the federal prohibition, they might incur costs depending on the type of labeling requirement involved and subsequent legal actions. However, those activities, and any costs, would not be associated with complying with the mandate itself.	
S. 333	**Act for Elder Justice**	This legislation would authorize an Office on Elder Abuse Prevention and Services within the Administration on Aging in the Department of Health and Human Services (HHS). In addition, the bill would authorize grants to states for the purpose of strengthening long-term care and providing assistance for elder justice programs. CBO estimates that the bill would authorize appropriations of $210 million for fiscal year 2005 and $877 million over the 2005-2009 period, including adjustments for inflation. S. 333 would authorize various elements of a coordinated federal, state, and local	**12/8/2004:** Introductory remarks on measure. **9/28/2004:** Placed on the Senate Legislative Calendar.

		government system designed to help detect and prevent the abuse and exploitation of the elderly. Appropriations of the authorized amounts would result in additional outlays of $124 million in 2006 and $763 million over the 2006-2009 period. Enacting the bill would not affect direct spending; CBO estimates that the collections of civil monetary penalties authorized by the bill would have a negligible effect on revenues. Assuming appropriation of the estimated amounts, CBO estimates that the implementing the bill would cost $27 million in fiscal year 2005 and $768 million over the 2005-2009 period. Enacting the bill would not affect direct spending or receipts. The bill contains no intergovernmental or private-sector mandates as defined by the Unfunded Mandates Reform Act (UMRA). State, local, and tribal governments would be eligible for grants authorized by the bill, and the costs of any requirements tied to those grants would be incurred voluntarily.	
S. 1963	**Wireless 411 Privacy Act**	S. 1963 would prohibit wireless telephone providers from listing subscribers' numbers in a directory unless the subscribers have authorized such services. Wireless telephone providers also would be required to remove a subscriber's number from any wireless directory assistance database if requested by a subscriber and without any charge to that subscriber. Enacting S. 1963 could affect direct spending and receipts because providers who violate the provisions of the bill could be subject to civil or criminal penalties. Based on information from the Federal Communications Commission, CBO expects that there would be few violations of the bill's provisions. Thus, CBO estimates that any collections for civil or criminal penalties	**12/7/2004:** By Senator McCain from Committee on Commerce, Science, and Transportation filed written report. Report No. 108-423. Minority views filed. **11/19/2004:** Placed on the Senate Legislative Calendar.

		would not be significant. In addition, because the agency expects a relatively high degree of compliance with the bill's provisions, CBO estimates that any costs associated with enforcing the bill's requirements, which would be subject to the availability of appropriated funds, would not be significant. S. 1963 contains intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA), but CBO estimates that the resulting costs for state, local, and tribal governments would be minimal and would not exceed the threshold established in UMRA ($60 million in 2004, adjusted annually for inflation). Section 3 (F) would specifically preempt state and local laws that require wireless telephone providers to publish directories of the numbers they serve. CBO is not aware of any such laws--based on conversations with state and local officials--and states generally are moving toward the standard that would be established in S. 1963. Therefore, CBO estimates that any associated costs would be minimal.	
H.R. 5082	**Public Transportation Terrorism Prevention and Response Act of 2004**	H.R. 5082 would authorize the Secretary of Transportation to provide grants to transit agencies to improve the security of transit systems and grants to operators of over-the-road buses to improve the security of buses and bus terminals. (Over-the-road buses are characterized by an elevated passenger deck above a baggage compartment.) The bill also would authorize the Secretary to cover the costs of the Information Sharing and Analysis Center (ISAC) for Public Transportation. For these activities, H.R. 5082 would authorize the appropriation of $3.5 billion over the 2005-2007 period. Assuming appropriation of the authorized amounts, CBO estimates that	**10/6/2004:** Placed on the House Legislative Calendar.

		implementing H.R. 5082 would cost almost $3 billion over the 2005-2009 period and about $500 million after 2009. In addition to authorizing appropriations for grants and for the ISAC, the bill would require the Department of Transportation to assess the security of transit systems and over-the-road bus facilities, report to the Congress on the use of the grants for transit security, and issue guidelines for training transit employees to respond to threat conditions. Assuming appropriation of the necessary amounts, CBO estimates that implementing these provisions would cost about $1 million each year over the 2005-2007 period. H.R. 5082 contains intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA), because it would require certain public transportation agencies to participate in an information clearinghouse and to conduct security training of employees. CBO cannot estimate the aggregate costs of these requirements, but based on government and industry sources, we expect that they would exceed the threshold established in that act ($60 million in 2004, adjusted annually for inflation) in at least one of the first five years after enactment. The bill would authorize appropriations of funds to cover these costs. The legislation contains no private-sector mandates.	
S. 2145	**Spy Block Act**	S. 2145 would prohibit the use of computer software (known as spy ware) to collect personal information and to monitor the behavior of computer users without permission. Enacting S. 2145 could affect direct spending and receipts because those individuals who violate the provisions under this legislation could be subject to civil and criminal penalties. Based on information provided by the	**12/7/2004:** By Senator McCain from Committee on Commerce, Science, and Transportation filed written report. Report No. 108-424. **11/19/2004:** Placed on the Senate Legislative Calendar.

		Federal Trade Commission (FTC), CBO estimates that implementing S. 2145 would not have a significant effect on revenues, direct spending, or spending subject to appropriation. S. 2145 contains intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA), but CBO estimates that the resulting costs for state, local, and tribal governments would be minimal and would not exceed the threshold established in UMRA ($60 million in 2004, adjusted annually for inflation).	
H.R. 10	**9/11 Recommendations Implementation Act**	H.R. 10 would affect the intelligence community, terrorism prevention and prosecution, and border security, as well as international cooperation and coordination. Title I would establish an Office of the National Intelligence Director (NID) to manage and oversee intelligence activities of the U.S. government, including foreign intelligence and counterintelligence activities. The legislation would transfer some existing intelligence organizations to that office and would establish a National Counterterrorism Center and one or more national intelligence centers within the Office of the NID. Title II would authorize funding for law enforcement, counterterrorism activities, and programs related to aviation safety. Title III would increase the number of agents performing border security and immigration functions, improve the security of identity documents such as driver's licenses, and increase the number of consular officers within the Department of State. Title IV would authorize funds for a number of international cooperation programs. Finally, title V would reauthorize and restructure several	**11/16/2004:** Supplemental report filed by the Committee on Judiciary, H. Rept. 108-724, Part VI. **10/8/2004:** Mr. Hostettler asked unanimous consent that the Committee on Judiciary have until Nov. 19 to file a supplemental report on H.R. 10. Agreed to without objection. **10/8/2004:** Motion to reconsider laid on the table. Agreed to without objection. **10/8/2004:** Passed the House by recorded vote: 282 - 134. Representative J. Davis, Schrock, Forbes, Goode, Goodlatte, Cantor, Boucher, Wolf, and T. Davis voted for. Representative Scott and Moran voted against.

		homeland security programs. In addition, title II of H.R. 10 as reported by the House Committee on Financial Services would impose new restrictions on internet gambling, address the treatment of certain financial transactions when a party to such transactions can no longer meet its financial obligations, and impose post-employment restrictions on individuals who serve as principal bank examiners at federal banking agencies. It also would expand the Department of Treasury's reporting and regulatory responsibilities. The bill also contains provisions that would decrease direct spending. In particular, it would establish a fund within the Department of Homeland Security (DHS) to enhance efforts to detect explosives at security checkpoints in airports; authorize the collection and spending of $30 million a year of fees from airline passengers in 2005 and 2006 for that purpose; allow the Director of the FBI to waive the mandatory retirement requirement for agents until age 65; and extend indefinitely the authority of the Central Intelligence Agency (CIA) to offer incentive payments to employees who voluntarily retire or resign. CBO estimates that enacting those provisions would decrease direct spending by about $25 million in 2005, $4 million over the 2005-2009 period, and $2 million over the 2005-2014 period. The estimate of direct spending does not include the effects of extending the authority of the CIA to offer incentive payments to employees who voluntarily retire or resign because the data needed to prepare such an estimate are classified. Enacting H.R. 10 would affect receipts, but CBO estimates that any such impacts would not be significant.	

		H.R. 10 contains several intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). CBO estimates that those mandates, in aggregate, would impose costs on state, local, and tribal governments totaling more than $600 million over fiscal years 2005 through 2009. CBO estimates that the costs in at least one of those years would exceed the threshold established in UMRA ($60 million in 2004, adjusted annually for inflation). The bill would authorize appropriations for grants to states to cover such costs.	
H.R. 3015	**A bill to provide for the establishment of a controlled substance monitoring program in each state**	H.R. 3015 would authorize the Secretary of Health and Human Services to make grants to states to establish electronic database systems for monitoring the dispensing of controlled substances. The database would be used to identify, and report to appropriate authorities, the potential unlawful diversion or misuse of a controlled substance. Beginning in 2007, the Secretary would be responsible for such monitoring and reporting in states that do not establish such an electronic database system. The bill would authorize appropriation of $25 million in each of fiscal years 2006 and 2007, and $15 million for each fiscal year 2008 through 2010. Assuming appropriation of those amounts, and based on spending patterns for similar programs, CBO estimates that implementing H.R. 3015 would cost $68 million over the 2005-2009 period. H.R. 3015 would have no effect on direct spending or revenues. H.R. 3015 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. It would establish a grant program for states to monitor controlled substances and to notify authorities when they suspect that controlled substances are being	**10/6/2004:** Received in the Senate. **10/5/2004:** Passed the House on a motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.

		improperly dispensed or used.	
H.R. 918	**Patient Navigator Outreach and Chronic Disease Prevention Act of 2004**	H.R. 918 would amend the Public Health Service Act to authorize the Secretary of Health and Human Services to make grants for the development and operation of programs that provide "patient navigator" services. Patient navigators assist patients in overcoming obstacles to the prompt diagnosis and treatment of health problems, in part by identifying sources of care and insurance, coordinating referrals, and facilitating enrollment in clinical trials. The bill also would require the Secretary to conduct a study and report to the Congress within six months of completion of the grant program. The bill would authorize the appropriation of $2 million in 2006, $5 million in 2007, $8 million in 2008, $6.5 million in 2009, and $3.5 million in 2010. Based on spending patterns for similar programs, and assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 918 would cost $18 million from 2005 through 2009. The legislation would not affect direct spending or receipts. H.R. 918 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act**;** state, local, and tribal governments would be eligible to apply for grants authorized by the bill.	**10/6/2004:** Received in the Senate. **10/5/2004:** Passed the House on a motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.
H.R. 5011	**Military Personnel Financial Services Protection Act**	H.R. 5011 would ban the sale of mutual funds sold though contractual plans. The bill also would require insurance companies to provide certain notices about insurance policies offered by the U.S. government when selling an insurance policy to servicemembers or while marketing on military installations. The bill would require the Department of Defense to maintain a list of agents and advisors barred from doing business on military installations. Finally, the bill	**10/6/2004:** Received in the Senate and referred to the Committee on Banking, Housing, and Urban Affairs. **10/5/2004:** Passed the House on a motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: 396 - 2

		would amend securities law to require registered securities associations to provide public access to certain consumer information and to file certain financial information with the Securities and Exchange Commission. CBO estimates that implementing H.R. 5011 would not result in a significant cost to the federal government and would not affect direct spending or revenues. H.R. 5011 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA), and any costs to state, local, or tribal governments would be voluntary. The bill would encourage state insurance regulators to coordinate with the Department of Defense in order to protect military personnel from predatory life insurance schemes. Based on information from state insurance commissioners, CBO estimates that the costs of such cooperation would not be significant.	Representative J. Davis, T. Davis, Boucher, Cantor, Goode, Goddlatte, Shrock, Scott, and Wolf voted in favor. Representative Forbes and Moran did not vote.
S. 2773	**Water Resources Development Act of 2004**	S. 2773 would authorize the Army Corps of Engineers (Corps) to conduct water resource studies and undertake specified projects and programs for flood control, inland navigation, shoreline protection, and environmental restoration. The bill would authorize the agency to conduct studies on water resource needs and feasibility studies for specified projects and to convey ownership of certain federal properties. Finally, the bill would extend, terminate, or modify existing authorizations for various water projects and would authorize new programs to develop water resources and protect the environment. Assuming appropriation of the necessary amounts, including adjustments for increases in anticipated inflation, CBO estimates that implementing S. 2773	**8/25/2004:** Placed on the Senate Legislative Calendar.

		would cost about $2.9 billion over the 2005-2009 period and an additional $4 billion over the 10 years after 2009. (Some construction costs and operations and maintenance would continue or occur after this period.) S. 2773 also would allow for the spending of certain receipts from hydroelectricity sales associated with Army Corps of Engineers projects for facility planning, operation, maintenance, and upgrades, without further appropriation. Most of the receipts would come from electricity sold by the government's power marketing administrations (PMAs), including the Bonneville Power Administration (BPA). This provision also would direct the PMAs to reduce the maintenance component of the electricity rate charged to customers. The bill would convey parcels of land to various nonfederal entities and would forgive the obligation of some local government agencies to pay certain project costs. Finally, the bill would allow the Corps to collect and spend fees related to training courses and permit processing. CBO estimates that enacting those provisions would increase direct spending by $803 million in 2005, $5.3 billion over the 2005-2009 period, and $10.8 billion over the 2005-2014 period. Enacting the bill would not affect revenues. S. 2773 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). Federal participation in water resources projects and programs authorized by this bill would benefit state, local, and tribal governments, and any costs to those governments to comply with the conditions of this federal assistance would be incurred voluntarily.	
S. 480	**Training for**	CBO estimates that implementing this	**11/20/2004:**

	Realtime Writers Act of 2003	legislation would cost $40 million over the next five years, assuming the appropriation of the authorized amounts. The funds would be used by the National Telecommunications and Information Administration (NTIA) to provide grants to entities that train court reports, including court reporters who have completed training programs for realtime writers. The grants would be used to promote training and job placement for such individuals. Enacting this bill would not affect direct spending or revenues. S. 480 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA); any costs to state, local, or tribal governments would result from complying with conditions of federal assistance.	Received in the House. **11/19/2004:** Passed the Senate without amendment by Unanimous Consent.
S. 2686	**Carl D. Perkins Career and Technical Education Improvement Act of 2004**	S. 2686 would amend the Carl D. Perkins Vocational and Technical Education Act of 1998 and reauthorize secondary and postsecondary vocational education programs through fiscal year 2011. These programs currently are authorized through 2004 by the General Education Provisions Act (GEPA). The bill would authorize appropriations of an estimated $1.4 billion for these purposes for fiscal year 2005 and an estimated $10.1 billion for fiscal years 2005 through 2011, assuming adjustments for inflation. Assuming the appropriation of the necessary funds, the resulting outlays would total $41 million for 2005 and $8.2 billion for the seven-year period. Enacting bill would not affect direct spending or revenues. S. 2686 contains no private-sector or intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA); any costs to state, local, or tribal governments would result from complying with conditions of federal assistance.	**10/4/2004:** Placed on the Senate Legislative Calendar.
S. 2815	**Asthmatic Schoolchildren's**	S. 2815 would modify the Public Health Service Act by directing the Secretary of	**10/8/2004:** Placed on the Senate Legislative

	Treatment and Health Management Act of 2004	Health and Human Services, in making any asthma-related grant to a state, to give preference to states that require schools to permit students to self-administer medication for asthma and anaphylaxis. The bill would not change the purposes for which the Secretary makes asthma-related grants. CBO estimates that enacting S. 2815 would not have a significant effect on the federal budget. Enacting S. 2815 would not affect direct spending or revenues. S. 2815 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act, but it would alter conditions for the Children's Asthma Treatment Grants Program and other asthma-related grants, giving preferences to states who allow schoolchildren to self-administer asthma medication. While the bill would not alter the total amount of grants available, the new preferences could change the distribution of funds among states.	Calendar.
S. 2488	**Marine Debris Research and Reduction Act**	S. 2488 contains both intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) because it would impose requirements on all public and private owners and operators of port terminals and small commercial vessels. Because of uncertainty about how regulators would implement one of the mandates, CBO cannot determine the aggregate cost of private-sector mandates in the bill. Based on information from government and industry sources, CBO estimates that the aggregate cost of intergovernmental mandates in the bill would fall below the annual threshold ($60 million in 2004, adjusted annually for inflation) established by the act. S. 2488 would impose requirements on all public and private owners and operators	**11/24/2004:** Message on Senate action sent to the House. **11/24/2004:** Received in the House. **11/21/2004:** Passed the Senate with an amendment and an amendment to the Title by Unanimous Consent.

		of port terminals. In addition, the bill would impose requirements on the owners and operators of small commercial vessels. Mandates on Port Terminals: Port terminals are facilities within the waters of a port consisting of one or more docks. The bill would require operators of terminals to maintain on-site receptacles for receiving plastic waste from docked vessels. Terminal operators also would be required to maintain a log of waste received to help track and verify proper garbage disposal from vessels. Because port authorities include public and private-sector entities, such requirements would be both intergovernmental and private-sector mandates as defined in UMRA. Mandates on Vessels: S. 2488 also would broaden to smaller vessels two existing mandates that currently apply to large vessels. In addition, the bill would require certain small vessels to maintain receptacles on board for collecting solid waste. The bill would distinguish between two categories of small vessels: commercial vessels that are less than 40 feet in length, and those weighing less than 400 gross tons. Under current law, vessels 40 feet or longer are required to maintain a waste management plan. This requirement is a part of the regulations that implement Annex V of MARPOL, an international agreement governing the transportation of oil and noxious liquid and garbage disposal practices aimed at controlling levels of chemical and waste pollution of the oceans. The bill also would require certain smaller vessels--those shorter than 40 feet--to comply with these regulations; however, the bill would authorize the U.S. Coast Guard (USCG) to take into account the potential economic impacts and technical feasibility of these requirements as it implements the regulations for smaller vessels. Finally, the bill would expand to all vessels	

		entering U.S. ports the current requirement that vessels weighing 400 hundred gross tons or greater keep records of the garbage that they dispose.	
S. 2840	**National Intelligence Reform Act of 2004**	S. 2840 would establish the National Intelligence Authority (NIA) to unify and strengthen intelligence activities of the U.S. government, including foreign intelligence and counterintelligence activities. The legislation would transfer some existing organizations, specifically the Office of the Deputy Director of Central Intelligence for Community Management and the Terrorist Threat Integration Center, to the NIA. S. 2840 also would establish a National Counterterrorism Center and one or more national intelligence centers within the NIA. Finally, the legislation would direct the President to establish a "trusted information network" to promote sharing of intelligence and homeland security information among all relevant federal departments, state and local authorities, and relevant private-sector entities, and to establish a national intelligence reserve corps. CBO estimates that implementing S. 2840 would cost about $700 million over the 2005-2009 period, assuming appropriation of the necessary amounts. That total does not include the costs associated with implementing provisions dealing with the national intelligence reserve corps. CBO cannot predict when a national emergency would occur, but costs for the proposed reserve corps would likely be insignificant in most years. Enacting S. 2840 would not affect direct spending or receipts. S. 2840 contains intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA), but CBO expects the cost of complying with those mandates would be	**9/27/2004:** By Senator Collins from Committee on Governmental Affairs filed written report. Report No. 108-359. Additional views filed. **9/23/2004:** Placed on the Senate Legislative Calendar.

		small and well below the thresholds established in that act ($60 million for intergovernmental mandates and $120 million for private-sector mandates in 2004, adjusted annually for inflation).	
H.R. 4984	**Potash Royalty Reduction Act of 2004**	H.R. 4984 would temporarily reduce the federal royalty rate charged to producers of potassium and potassium compounds (potash) on federal land. The bill would direct the Secretary of the Treasury, without further appropriation, to return the federal share of potash royalties to producers to support projects to reclaim federal land where potash is mined. CBO estimates that enacting H.R. 4984 would increase direct spending by $2 million in 2005 and $10 million over the 2005-2009 period. Enacting the bill would not affect revenues. H.R. 4984 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). Enacting this legislation would, however, result in a reduction in payments to the states where potash is mined totaling $1.3 million annually over the 2005-2009 period. The bill would impose no other costs on state, local, or tribal governments.	**10/6/2004:** Placed on the House Legislative Calendar.
H.R. 4838	**Healthy Forest Youth Conservation Corps Act of 2004**	H.R. 4838 would authorize the appropriation of $125 million over the 2005-2009 period to support projects aimed at preventing forest fires and restoring certain federal land. CBO estimates that implementing H.R. 4838 would cost $4 million in 2005 and $106 million over the 2005-2009 period, assuming appropriation of the specified amounts. Enacting the bill would not affect direct spending or revenues. H.R. 4838 contains no intergovernmental or private-sector mandates as defined in	**9/29/2004:** Received in the Senate. **9/28/2004:** Passed the House on a motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.

		the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. Appropriations authorized by this bill would benefit those governments that choose to participate in funded projects.	
H.R. 4893	**A bill to authorize additional appropriations for the Reclamation Safety of Damns Act of 1978**	H.R. 4893 would increase the ceiling on amounts authorized to be appropriated for the Reclamation Safety of Dams Act by $540 million (excluding adjustments for inflation). Assuming appropriation of the necessary amounts, CBO estimates that implementing the bill would cost $135 million over the 2005-2009 period and an additional $465 million after 2009 (including costs to cover anticipated inflation). Enacting H.R. 4893 would not affect direct spending or revenues. In addition, the bill would increase the cost threshold from $750,000 to $1.25 million that causes the Bureau of Reclamation to prepare a safety of dams modification report for the Congress and would make other administrative changes to the program. Based on information from the bureau, CBO expects that these provisions would have no significant cost. H.R. 4893 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. Any costs incurred by state or local governments to match or reimburse the federal funds authorized by this legislation would result from participating in a voluntary federal program.	**10/7/2004:** Placed on the House Legislative Calendar.
S. 511	**Payment in Lieu of Taxes (PILT) and Refuge Revenue-Sharing Permanent Funding Act**	S. 511 would provide new direct spending authority for the Secretary of the Interior to make payments to states and counties under the payment in lieu of taxes (PILT) program and the refuge revenue-sharing program. CBO estimates that enacting S.	**9/28/2004:** Placed on the Senate Legislative Calendar.

		511 would increase direct spending by $376 million in 2005, by about $2 billion over the 2005-2009 period, and by about $4.2 billion over the 2005-2014 period. Enacting the bill would not affect revenues. By making PILT and refuge revenue-sharing payments fully available without further appropriation action, S. 511 could lead to savings in discretionary spending. Assuming that annual appropriations are reduced accordingly, CBO estimates that discretionary spending could be reduced by $243 million in fiscal year 2005 and about $1.3 billion over the 2005-2009 period. S. 511 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. Enacting this legislation probably would benefit local governments that receive payments under these two programs. PILT is a payment program that compensates local governments for losses in their tax bases due to the presence of certain federal lands within their jurisdictions, which are exempt from state and local taxation.	
H.R. 4661	**Internet Spyware (I-SPY) Prevention Act of 2004**	H.R. 4661 would establish new federal crimes for the use of certain computer software--known as spyware--to collect personal information or to commit a federal criminal offense. The bill would authorize the appropriation of $40 million over the 2005-2008 period for the Attorney General to prosecute violations of the new law. Assuming appropriation of the authorized amounts, CBO estimates that implementing the bill would cost $9 million in 2005 and $40 million over the 2005-2009 period. CBO expects that enacting the bill would have an insignificant effect on federal revenues	**10/8/2004:** **Received in the Senate.** 10/7/2004: Passed the House on motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays. The entire VA delegation voted in favor of the motion to suspend the rules and pass the bill.

		and direct spending. H.R. 4661 contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA), but CBO estimates that the resulting costs for state, local, and tribal governments would be minimal and would not exceed the threshold established in UMRA ($60 million in 2004, adjusted annually for inflation). The bill contains no new private-sector mandates as defined in UMRA. Section 1030A (c) of H.R. 4661 would prohibit states from creating civil penalties that specifically reference the statute. This prohibition would constitute a mandate as defined in UMRA, but it is narrow and would not prohibit states from passing similar criminal and civil statutes. Therefore, CBO estimates that any costs to state, local, or tribal governments would be minimal and would fall significantly below the threshold established in UMRA ($60 million in 2004, adjusted annually for inflation).	
S. 2281	**Voice-over-Internet-Protocol (VOIP) Regulatory Freedom Act of 2004**	S. 2281 generally would reserve the authority to regulate a form of telephone service known as Voice-over-Internet-Protocol (VOIP) to the federal government for three years. States would retain jurisdiction over the regulation of state Universal Service Funds--programs to ensure all citizens have access to phone service--emergency 911 services, and compensation among phone companies. Within 180 days after enactment of the bill, the Federal Communications Commission (FCC) would be required to develop rules to ensure that all VOIP carriers provide 911 service, to the extent possible. S. 2281 also would require both the Comptroller General and the FCC to complete studies of the effect of the legislation. Assuming appropriation of the necessary amounts, CBO estimates that	**12/7/2004:** Senator McCain from Committee on Commerce, Science, and Transportation filed written report. **11/19/2004:** Placed on the Senate Legislative Calendar.

		implementing the bill would cost the federal government about $1 million a year over the 2005-2009 period. Enacting the bill would not affect direct spending or revenues. By prohibiting most state and local regulation of VOIP, S. 2281 would impose an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA). CBO estimates, however, that the costs to comply with this mandate would be small and would not exceed the threshold established in UMRA ($60 million in 2004, adjusted annually for inflation).	
H.R. 1084	**Volunteer Pilot Organization Protection Act of 2004**	H.R. 1084 would provide immunity to volunteer pilot organizations, their employees, officers, and volunteer pilots from liability in certain civil suits alleging harm resulting from such individuals acting within the scope of the organization's mission. Such organizations typically provide wilderness rescue or medical evacuation services. CBO estimates that enacting the legislation would result in no significant costs to the federal government. H.R. 1084 would not affect direct spending or revenues. H.R. 1084 contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act, but CBO estimates that the resulting costs, if any, would not be significant and would be well below the threshold established in that act ($60 million in 2004, adjusted annually for inflation). Specifically, the bill would exempt volunteer pilots and volunteer pilot organizations from liability under state tort laws for injuries that may occur during the course of their volunteer activities. The bill contains no new private-sector mandates.	**9/29/2004:** Placed on Senate Legislative Calendar. **9/14/2004:** Passed the House on a motion to suspend the rules and pass the bill. Representative J. Davis, Scott, Forbes, Goode, Goodlatte, Cantor, Moran, Boucher, Wolf and T. Davis voted in favor of the motion to suspend the rules and pass the bill. Representative Schrock did not vote.

H.R. 1787	**Good Samaritan Volunteer Firefighter Assistance Act of 2004**	H.R. 1787 would provide immunity to persons who donate fire control or fire rescue equipment to volunteer fire departments from liability in certain civil suits alleging harm from the use of the donated equipment. CBO estimates that enacting the legislation would result in no costs to the federal government. H.R. 1787 would not affect direct spending or revenues. H.R. 1787 contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act, but CBO estimates that the costs, if any, would not be significant and would be well below the threshold established in that act ($60 million in 2004, adjusted annually for inflation). Specifically, the bill would exempt certain individuals who donate fire control or rescue equipment from liability under state tort laws for injuries and damages that equipment may cause. In addition, some state and local fire departments that donate used equipment would benefit from this liability exemption.	**9/29/2004:** Placed on the Senate Legislative Calendar. **9/14/2004:** Passed the House on a motion to suspend the rules and pass the bill. Representative J. Davis, Forbes, Goode, Goodlatte, Cantor, Moran, Boucher, Wolf, and T. Davis voted in favor of the motion to suspend the rules and pass the bill. Representative Scott voted against the motion to suspend the rules and pass the bill. Representative Schrock did not vote.
H.R. 3369	**Nonprofit Athletic Organization Protection Act of 2003**	H.R. 3369 would provide immunity to nonprofit athletic organizations such as Little League and school sports programs from liability in certain civil suits alleging harm from an act or omission of such an organization in the adoption of rules for athletic competitions or practices. CBO estimates that enacting the legislation would result in no costs to the federal government. H.R. 3369 would not affect direct spending or revenues. H.R. 3369 contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act, but CBO estimates that the costs, if any, would not be significant and would be well below the threshold established in that act ($60	**9/14/2004:** Passed the House on a motion to suspend the rules and pass the bill Failed by the Yeas and Nays. Representative J. Davis, Forbes, Goode, Goodlatte, Wolf, Cantor, and T. Davis voted in favor of the motion to suspend the rules and pass the bill. Representative Scott, Moran, and Boucher voted against the motion to suspend the rules and pass the bill. Representative Schrock did not vote.

		million in 2004, adjusted annually for inflation). Specifically, the bill would exempt nonprofit athletic organizations from liability under state tort laws for certain injuries that may occur during practice or competitions.	**9/13/2004:** Placed on the House Legislative Calendar.
H.R. 4571	**Lawsuit Abuse Reduction Act of 2004**	H.R. 4571 would amend Rule 11 of the Federal Rules of Civil Procedure to require courts to impose appropriate sanctions on attorneys, law firms, or parties who file frivolous lawsuits and to require them to compensate parties injured by such conduct. (Courts currently may, but are not required to, impose such sanctions.) In addition, the bill would require certain personal injury claims to be filed in a court where the person bringing the claim lives, where the alleged injury occurred, or where the defendant's business is located. Under the legislation, any monetary sanction imposed under Rule 11 would be between the parties to the suit. Thus, CBO estimates that enacting the legislation would result in no cost or savings to the federal government. H.R. 4571 would not affect direct spending or revenues. H.R. 4571 contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act because it would preempt certain state laws governing court procedures. Specifically, it would require state judges to determine whether certain liability lawsuits affect interstate commerce and apply federal civil procedures for frivolous lawsuits to those cases. CBO estimates that the cost of complying with that mandate would be minimal and well below the threshold established in that act ($60 million in 2004, adjusted annually for inflation).	**9/15/2004:** Received in the Senate and referred to the Committee on the Judiciary. **9/14/2004:** Passed the House by the Yeas and Nays:229-174. Representative J. Davis, Forbes, Goode, Goodlatte, Cantor, Moran, Wolf, and T. Davis voted in favor of the bill. Representative Scott and Boucher voted against the bill. Representative Schrock did not vote.
S. 1529	**Indian Gaming Regulatory Act Amendments of**	S. 1529 would amend the Indian Gaming Regulatory Act (IGRA) to change the operations of the National Indian Gaming	**9/28/2004:** Placed on the Senate Legislative Calendar.

	2004	Commission (NIGC) and the regulation of gambling on Indian reservations. The legislation would increase the fees paid to the commission by tribal gambling operators; require the commission to prepare a strategic planning report; revise the salary schedules, procedures, and authorities of the commission; expand the use of background checks for personnel involved in tribal gambling; and require manufacturers and dealers of electronic gambling aids to register with the NIGC. The legislation also would impose new requirements on certain tribal and state compacts. CBO estimates that implementing S. 1529 would cost $10 million over the 2005-2009 period, assuming appropriation of the amounts authorized by the bill. In addition, S. 1529 would increase the current limitation ($8 million) on the NIGC's annual assessment on Indian gambling operations. Because the NIGC has authority to spend such assessments without further appropriation, however, any increase in fee collections would not have a significant net impact on the federal budget. S. 1529 contains intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA), but CBO cannot determine whether the total cost of these mandates would exceed the annual threshold established in that act ($60 million in 2004, adjusted annually for inflation). *The bill would impose* new requirements for compacts between tribes and states, which must be approved by the Department of the Interior (DOI) before tribes can open casinos. CBO has no basis for estimating the impact of this mandate on state, local, and tribal governments. The bill also would place some additional administrative duties on tribes with gaming operations and would increase the fees they must pay to the NIGC, and CBO	

		estimates that the cost of those mandates would be about $5 million per year.	
H.R. 4768	**Veterans Health Programs and Facilities Enhancement Act of 2004**	H.R. 4768 would authorize the Department of Veterans Affairs (VA) to lease 16 facilities, most of which would be for outpatient clinics. It also would create a new fund, the Department of Veterans Affairs Capital Asset Fund, that VA could use to pay for certain construction projects, subject to appropriation of the necessary amounts. The bill also would extend, through the end of calendar year 2005, the authority for VA to provide long-term care for veterans already enrolled in certain pilot programs. Finally, the bill would require VA to establish four medical preparedness centers and would authorize the appropriation of funds for those centers. CBO estimates that implementing H.R. 4768 would cost $25 million in 2005 and $168 million over the 2005-2009 period, assuming appropriation of the necessary amounts. Enacting the bill would not affect direct spending or receipts. H.R. 4768 contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA), but CBO estimates the cost, if any, for state and local governments to comply with that mandate would be well below the threshold established by UMRA ($60 million in 2004, adjusted annually for inflation). H.R. 4768 would not impose any private-sector mandates as defined in UMRA. H.R. 4768 contains an intergovernmental mandate as defined in UMRA because it would preempt state and local authority to regulate land use of property leased by VA. Under current law, that land is exempt from some state and local laws regulating building codes, permits, and inspections. This bill would expand those	**9/30/2004:** Received in the Senate. **9/29/2004:** Passed the House on a motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.

		exemptions to include laws regulating land use. CBO estimates that the costs, is any, for state, local, and tribal governments to comply with that mandate would be well below the threshold established by UMRA ($60 million in 2004, adjusted annually for inflation).	
H.R. 4658	**Servicemembers and Veterans Legal Protections Act of 2004**	H.R. 4658 would affect several veterans programs, including education, health care, disability compensation, and pensions. CBO estimates that enacting this legislation would raise direct spending for veterans programs by $11 million over the 2005-2009 period and by $16 million over the 2005-2014 period. In addition, CBO estimates that discretionary spending resulting from H.R. 4658 would total almost $28 million over the 2005-2009 period, assuming appropriation of the necessary amounts. H.R. 4658 contains both intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA), but CBO estimates that the costs for state, local, and tribal governments and the private sector to comply with those mandates would be well below the thresholds established by UMRA ($60 million in 2004 and $120 million in 2004, respectively, adjusted annually for inflation). H.R. 4658 contains both intergovernmental and private-sector mandates as defined in UMRA, but CBO estimates that the costs for state, local, and tribal governments and the private sector to comply with those mandates would be well below the thresholds established by UMRA ($60 million in 2004 and $120 million in 2004, respectively, adjusted annually for inflation). Current law imposes a mandate on public and private-sector employers by requiring them to continue to provide health insurance coverage to certain workers, including	**10/7/2004:** Received in the Senate. **10/7/2004:** Passed the House on a motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.

		those who are absent from work because of military service. Although those workers can be required to pay the employer 102 percent of the average cost of the insurance, research suggests that the actual cost of providing that coverage generally is greater than that amount. H.R. 4658 also contains an intergovernmental mandate as defined by UMRA because it would prohibit state and local jurisdictions from collecting certain taxes from servicemembers. Specifically, the bill would prohibit those governments from collecting sales, use, and excise taxes from nonresident servicemembers unless they provided a credit for fees paid on the same property in other jurisdictions.	
S.2386	**Intelligence Authorization Act for Fiscal Year 2005**	S. 2386 would authorize appropriations for fiscal year 2005 for intelligence activities of the U.S. government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System (CIARDS). This estimate addresses only the unclassified portion of the bill. On that limited basis, CBO estimates that implementing certain provisions of the bill would cost $340 million over the 2005-2008 period, assuming appropriation of the necessary funds. S. 2386 would affect direct spending, but CBO cannot estimate those effects because the data needed to prepare such an estimate are classified. S. 2386 contains no private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). S. 2386 contains an intergovernmental mandate as defined in UMRA because it would preempt certain state laws related to income taxes and might result in lost revenue for the states. However, CBO estimates that those lost revenues would	**10/11/2004:** Senate incorporated this measure in H.R. 4548 as an amendment. **10/11/2004:** Passed in the Senate with amendments by Unanimous Consent.

		be well below the annual threshold established in that act ($60 million in 2004, adjusted annually for inflation).	
H.R. 2971	**Social Security and Identity Theft Prevention Act of 2004**	H.R. 2971 would provide new safeguards for the use of Social Security numbers (SSNs) and penalties for SSN misuse. The bill would: • Bar the sale, purchase, or display of the SSN in both the public and private sectors, with certain exceptions; • Prohibit the display of SSNs (including magnetic strips or bar codes that contain them) on government checks, drivers' licenses, and motor vehicle registrations, employer-issued identification cards or tags, and cards used to gain access to employee benefits or services; • Require government and private entities to limit access to SSNs and assure that they have safeguards to prevent breaches of confidentiality; • Tighten some procedures that the Social Security Administration (SSA) follows when issuing new or replacement SSNs, and require SSA to study further improvements; and • Create or expand civil and criminal penalties for SSN misuse. Implementing H.R. 2971 could affect direct spending and revenues, but CBO estimates that any such effects would not be significant. Complying with the bill's standards would also cause federal agencies to incur additional administrative expenses. Those costs--which CBO	**11/22/2004:** House Committee on Financial Services Granted an extension for further consideration ending not later than Dec. 10, 2004. **11/22/2004:** House Committee on Energy and Commerce Granted an extension for further consideration ending not later than Dec. 10, 2004. **11/22/2004:** House Committee on Judiciary Granted an extension for further consideration ending not later than Dec. 10, 2004.

		estimates at $3 million over the 2005-2009 period--would generally come from agencies' salary and expense budgets, which are subject to annual appropriation. H.R. 2971 contains a number of intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA), including limitations on the sale, display, and use of SSNs by state, local, and tribal governments. While there is some uncertainty about the aggregate costs of complying with those mandates on those governments, CBO estimates that they likely would exceed the intergovernmental threshold established in UMRA ($60 million in 2004, adjusted annually for inflation) in at least one of the first five years following the date the mandates go into effect. H.R. 2971 contains a number of intergovernmental mandates as defined in UMRA. Specifically, the bill would restrict or prohibit governmental agencies from: • Selling or displaying Social Security numbers that have been disclosed to the agency because of a mandatory requirement (applicable only to documents issued after the requirements become effective); • Displaying SSNs on checks or check stubs; • Placing SSNs on drivers licenses, identification cards, vehicle registrations, or employee identification cards, or coding them into magnetic strips or bar codes on those documents; and, • Allowing prisoners access to SSNs	

		of other individuals. The bill also would require state and local governments to restrict access to SSNs and their derivatives to employees whose access is essential to effective administration of programs. In addition, the governments must implement safeguards to preclude unauthorized access to SSNs and their derivatives and to protect individual confidentiality. While state and local governments have, in recent years, taken steps to reduce the use of SSNs, many continue to use them for a variety of purposes. Based on information from the GAO and discussions with state and local officials, CBO estimates that the costs of complying with the mandates in the bill likely would exceed the intergovernmental threshold established in UMRA ($60 million in 2004, adjusted annually for inflation) in at least one of the first five years following the date the mandates go into effect. Exceptions and Requirements: The bill would allow exceptions for the display or sale of SSNs when such use or display is authorized by the Social Security Act; necessary for law enforcement, national security, or tax law purposes; done in compliance with certain motor vehicle laws or consumer reporting practices; or for non-market research for advancing the public good. The bill's restrictions on the sale or display (which includes Internet transmissions that are not encrypted or otherwise secured) of SSNs would be prospective, and would not require state and local	

		governments to redact SSNs from existing publicly available documents. However, if state and local governments do not currently have a system in place to safeguard SSNs, they would have to implement a new system for any documents issued when the regulations become effective (up to two and a half years following enactment). If state or local governments use SSNs on checks and check-stubs as part of their recordkeeping and tracking procedures, they would have to alter those systems and remove the SSNs. They also would have to implement systems for removing SSNs from many documents that include SSNs and that are available to the public. Likewise, some states may have to alter their document systems for driver licenses and vehicle registrations to remove SSNs that are coded electronically onto a magnetic strip or digitized as part of a bar code. Finally, any government agency that uses SSNs would have to implement safeguards to preclude unauthorized access to SSNs and their derivatives and to protect confidentiality. Potential Costs to State, County, and Municipal Governments: Because of the large number of governments affected by these provisions (particularly municipal governments), even small changes to existing systems would result in costs that exceed the threshold established in UMRA. There are over 75,000 municipal governments, so even small one-time costs--for example, as little as $5,000--would add up to costs over $60 million in a given year. Counties and states, on the other hand, while fewer in number (there are about 3,600 counties in the United States) are more dependent on SSNs for various recordkeeping and identification purposes and are thus likely to face	

		significantly higher costs because of the complexity and scope of their recordkeeping systems. (Some counties estimate that altering their systems to use identifiers other than SSNs or to eliminate display of SSNs would result in one-time costs ranging from $40,000 to over $1 million, depending on the scope of the changes that would need to be made).	
H.R. 3551	**Surface Transportation Research and Development Act of 2004**	CBO estimates that implementing H.R. 3551 would cost $2.7 billion over the 2005-2009 period and about $1 billion after 2009. Enacting the legislation would not affect direct spending or revenues. H.R. 3551 would extend the authority for transportation research programs administered by the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the National Highway Traffic Safety Administration (NHTSA), and the Federal Motor Carrier Safety Administration (FMCSA). For those programs, CBO estimates that the bill would authorize the appropriation of $2.8 billion and provide $865 million in contract authority (the authority to incur obligations in advance of appropriations) over the 2005-2009 period. Consistent with the Balanced Budget and Emergency Deficit Control Act, CBO assumes that the contract authority for those research programs would continue at the same rate provided immediately before the authority for the programs would expire in 2010. Hence, this estimate includes an additional $177 million in contract authority in each year over the 2010-2014 period. H.R. 3551 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). As conditions for receiving federal assistance, state and local governments would have to provide	**11/22/2004:** House Committee on Transportation Granted an extension for further consideration ending not later than Dec. 10, 2004

		matching funds and comply with various planning and reporting requirements.	
H.R. 4496	**Vocational and Technical Education for the Future Act**	H.R. 4496 would amend the Carl D. Perkins Vocational and Technical Education Act of 1998 and reauthorize secondary and postsecondary vocational education programs through fiscal year 2011. These programs are currently authorized through 2004 by the General Education Provisions Act (GEPA). The bill would authorize appropriations of $1.3 billion for these purposes for fiscal year 2005 and an estimated $10 billion for fiscal years 2005 through 2011, assuming adjustments for inflation. Assuming the appropriation of the necessary funds, the resulting outlays would total $67 million for 2005 and $7.4 billion for the seven-year period. The bill would not affect direct spending or revenues. H.R. 4496 would repeal Title II, the Tech-Prep Education Act, of the Carl D. Perkins Vocational and Technical Education Act of 1998, and merge funding for Tech-Prep programs with the state grant program. A "hold harmless" provision would ensure that states receive the same amount of funding for Tech-Prep programs in fiscal year 2005 as they did in the previous year, and Tech-Prep would be added to the list of local uses for the reserve fund. H.R. 4496 contains no private-sector or intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA), and any costs to state, local, or tribal governments would result from complying with conditions of federal assistance.	**9/7/2004:** Placed on the House Legislative Calendar.
S. 2275	**High Risk Nonprofit Security Enhancement Act of 2004**	Assuming appropriation of the necessary amounts, CBO estimates that implementing S. 2275 would cost $504 million over the 2005-2009 period. Enacting this bill would not affect direct	**11/10/2004:** Placed on the Senate Legislative Calendar.

		spending or revenues. S. 2275 would authorize the Department of Homeland Security (DHS) to contract with appropriate companies to improve security at those 501(c)3 nonprofit organizations that are determined to be most vulnerable to potential terrorist attacks. In addition, the bill would establish a new loan guarantee program for all nonprofit organizations that might need additional security enhancements to protect them from terrorist attacks. The bill also would establish a grant program for local law enforcement agencies to offset costs associated with increased security in areas with a high concentration of nonprofit organizations. Finally, the bill would establish a new Office of Community Relations and Civic Affairs to administer the new security program for nonprofit organizations, among other duties. S. 2275 contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA). CBO estimates the cost for state governments to comply with that mandate would be well below the threshold established in that act ($60 million in 2004, adjusted annually for inflation). State and local law enforcement agencies would benefit from the assistance grants authorized by the bill; any costs to those governments in connection with those grants would be incurred voluntarily. The bill contains no new private-sector mandates as defined in UMRA.	
S. 2645	**Public Broadcasting Reauthorization Act of 2004**	S. 2645 would authorize grants to the Corporation for Public Broadcasting (CPB) through 2011. These reauthorizations would extend the Public Broadcasting Fund and public telecommunications facilities grant program through 2011, as well as	**10/8/2004:** Placed on the Senate Legislative Calendar.

		authorize funding for the transition to digital technology through 2009 and the Satellite Interconnection Fund for 2005. Appropriations of the authorized amounts would result in additional outlays of $350 million in 2005 and $3.1 billion over the 2005-2011 period. Enacting the bill would not affect direct spending or revenues. S. 2645 contains no intergovernmental or private-sector mandates as defined by the Unfunded Mandates Reform Act (UMRA). To the extent that the CPB provides grants to publicly owned stations, CBO estimates the bill would provide significant benefits to state, local, and tribal governments.	
H.R. 2449	**Civil War Sesquicentennial Commission Act**	H.R. 2449 would require the Department of the Interior (DOI) to establish a commission to develop and plan activities to commemorate the 150th anniversary of the Civil War during the 2011-2015 period. The commission, consisting of 25 members, would have about 11 years to report on its finding and recommendations. Members would serve without pay but would be reimbursed for travel expenses. In addition, the commission could hire staff or use personnel from other federal agencies. The commission would terminate 90 days after submitting its final report. H.R. 2449 would direct DOI to perform an annual audit of the commission. The bill would authorize the appropriation of $200,000 annually from 2005 through 2016 for administrative expenses of the commission and a total of $3.5 million over that period for the National Endowment for the Humanities to provide grants for activities related to the sesquicentennial. Assuming the appropriation of the necessary amounts, CBO estimates that the commission would spend about $500,000 annually over the	**9/23/2004:** Received in the Senate and referred to the Committee on Energy and Natural Resources. **9/22/2004:** Passed the House on a motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.

		2005-2016 period. Because H.R. 2449 would authorize the commission to accept and use gifts, the legislation could affect revenues and direct spending. CBO estimates, however, that any revenues from contributions and subsequent direct spending would be less than $500,000 annually and would offset each other over the 11 years of the commission's activities. H.R. 2449 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act; to the extent that the grants are awarded to public institutions, the bill would benefit state, local, and tribal governments.	
S. 931	**Federal Land Recreational Visitor Protection Act of 2004**	S. 931 would direct the Secretary of Agriculture, in consultation with the Secretary of the Interior, to establish a program to reduce the risk of avalanches on certain federal land used for recreation. The bill would require the secretaries to establish an advisory committee to assist in developing and carrying out the proposed program and would authorize the appropriation of $15 million a year over the 2005-2009 period for grants to nonfederal parties to support that program. CBO estimates that implementing S. 931 would cost $4 million in 2005 and $65 million over the next five years, assuming appropriation of the authorized amounts. Enacting the bill would not affect direct spending or receipts. S. 931 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. States may benefit from grants authorized by this bill.	**10/14/2004:** Referred to the Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census. **9/17/2004:** Referred to House Government Reform. **9/17/2004:** Received in the House. **9/15/2004:** Passed the Senate with an amendment and an amendment to the Title by Unanimous Consent.
S. 1735	**Gang Prevention and Effectiveness Deterrence Act of**	S. 1735 would authorize the appropriation of $763 million over the 2005-2009 period, mostly for the Department of	**7/6/2004:** Placed on the Senate Legislative Calendar.

	2004	Justice (DOJ) to investigate and prosecute criminal street gangs and to make grants to state and local governments to combat gang activity. Assuming appropriation of the authorized amounts, CBO estimates that implementing S. 1735 would cost about $640 million over the 2005-2009 period. S. 1735 also would establish new and increased criminal penalties for crimes relating to participation in criminal street gangs. The bill could affect direct spending and receipts, but CBO estimates that any such effects would not be significant. S. 1735 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). State and local governments would benefit from the authorization of funds for certain programs to reduce participation in criminal street gangs; any costs to those governments would be incurred voluntarily.	
H.R. 2929	**Securely Protect Yourself Against Cyber Trespass Act**	H.R. 2929 would prohibit the use of computer software (known as spyware) to collect personal information and to monitor the behavior of computer users without a user's consent. The Federal Trade Commission (FTC) would be directed to enforce this bill's provisions relating to spyware, including assessing and collecting civil penalties for unfair or deceptive business practices. (Civil penalties are recorded in the federal budget as revenues.) Based on information provided by the FTC, CBO estimates that implementing H.R. 2929 would not have a significant effect on revenues or spending subject to appropriation. Enacting the bill would not affect direct spending. H.R. 2929 contains both an intergovernmental mandate and private-sector mandates, as defined in the Unfunded Mandates	**10/6/2004:** Received in the Senate. **10/5/2004:** Passed the House on a motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: 399 - 1. Representative J. Davis, Schrock, Scott, Goode, Goodlatte, Cantor, Boucher, Wolf and T. Davis voted in favor of the motion to suspend the rules and pass the bill. Representative Forbes and Moran did not vote.

		Reform Act (UMRA). CBO estimates that the cost of the mandates would fall below the annual thresholds established by UMRA: $60 million in 2004 for intergovernmental mandates, and $120 million in 2004 for private-sector mandates. (Both thresholds are adjusted annually for inflation.) Section 6 would preempt state laws that prohibit the use of certain types of computer software and establish penalties for violators. This preemption constitutes a mandate as defined in UMRA. Utah has already passed legislation that this bill would preempt, and California, Iowa, and New York have bills pending before their state legislatures. However, the preemption is narrow and the bill would specifically preserve state authority to pursue fraud, trespass, contract, and tort cases under state law. CBO estimates that any costs to state, local, or tribal governments would be minimal and would fall significantly below the threshold established in UMRA ($60 million in 2004, adjusted annually for inflation).	
H.R. 4501	**Satellite Home Viewer Extension and Reauthorization Act of 2004**	H.R. 4501 would amend current law relating to satellite retransmission of television broadcasting. CBO estimates that enacting only the provisions of H.R. 4501 would not affect direct spending or revenues. However, if the authority to collect and distribute copyright royalties for satellite retransmissions were extended by subsequent legislation, CBO estimates that enacting the bill (together with that extension) would decrease revenues by about $1 million over the five-year period beginning in calendar year 2005 and also would decrease direct spending by about $1 million over the 10-year period beginning in calendar year 2005. The bill would not have a significant effect on	**7/22/2004:** Placed on the House Legislative Calendar.

		spending subject to appropriation. H.R. 4501 contains an intergovernmental mandate as defined in UMRA because it would establish procedures for appeal of FCC orders, by satellite carriers, that would supersede any other appeal rights under state law. CBO estimates that the resulting costs to states of this preemption would be minimal and would not exceed the threshold established in UMRA ($60 million in 2004, adjusted annually for inflation).	

Part III - Federal Regulatory Mandates

The Regulatory Information Service Center of the General Services Administration identified fifty-seven (57) completed federal regulatory actions that may affect the states. The following forty-nine (49) may mandate specific requirements on the Commonwealth.

Livestock Mandatory Reporting Program--Lamb Amendment (LS-01-08)
Regulatory Identification Number (RIN): 0581-AB98
Abstract: This final rule amended the Livestock Mandatory Reporting regulations to modify the requirements for the submission of information on domestic and imported boxed lamb cuts sales and amended the definition of "carlot-based" by inserting language to limit carlot-based sales of boxed lamb cuts to transactions between a buyer and a seller consisting of 1,000 pounds or more of one or more individual boxed lamb items. This rule also amended the definition of an "importer." The revised definition reduces the volume level of annual lamb imports establishing a person as an importer from 5,000 metric tons of lamb meat products per year to 2,500 metric tons. This amendment will improve the accuracy of domestic boxed lamb cuts sales by ensuring that the bulk of data being reported is representative of the market, thus enabling producers to evaluate market conditions and make more informed marketing decisions. This amendment will also increase the volume of imported products that will be reported to the Agricultural Marketing Service (AMS), which will permit AMS to publish reports on the sales of imported lamb cuts.

Food Stamp Program: Vehicle and Maximum Excess Shelter Expense Deduction Provisions of Public Law 106-387
Regulatory Identification Number (RIN): 0584-AD13
Abstract: This final rule (1) implements a revision of the Food Stamp Program's resource eligibility standards regarding vehicle ownership and (2) sets the maximum excess shelter expense deduction for fiscal year 2001 and, for future years, indexes it to the Consumer Price Index.

Recreational Measures for the Summer Flounder, Scup, and Black Sea Bass Fishery for Fishing Year 2004
Regulatory Identification Number (RIN): 0648-AQ82
Abstract: This action would implement recreational measures for the 2004-fishing year for the summer flounder, scup, and black sea bass fishery.

Sea Turtle Conservation; Restrictions to Fishing Activities
Regulatory Identification Number (RIN): 0648-AR81
Abstract: The National Marine Fisheries Service (NMFS) is revising the seasonally-adjusted gear restriction on large-mesh gillnet fishing in the mid-Atlantic (67 FR 71895, published December 3, 2002) to include state waters from the International Regulations for Avoiding Collisions at Sea (COLREGS) lines to the Mid-Atlantic Exclusive Economic Zone

(EEZ) waters, in addition to the EEZ waters specified in the prior rule. In addition, this action would change the gear restriction to include fishing with gillnets with a mesh size 7-inch (17.8 cm) stretched mesh or greater, instead of greater than 8-inch (20.3 cm) stretched mesh. The purpose of this action is to close an unintentional loophole left in the original regulation when state waters were not included in the closure areas. Changing the mesh size limitation will bring the regulation in line with the definitions used by the North Carolina Department of Marine Fisheries (NCDMF), the Harbor Porpoise Take Reduction Plan, and the Bottlenose Dolphin Take Reduction Team for "large-mesh" gillnets and will ensure that other large-mesh gillnet fisheries with the potential for taking sea turtles will fall under the purview of this regulation. The striped bass gillnet fishery in State waters will be exempted from the closure requirements, if fishers follow specified gear-length and tending requirements that are based on the fishing methodology currently used in portions of the striped bass fishery which limit the likelihood of interactions with sea turtles.

International Services Surveys: BE-22, Annual Survey of Selected Services Transactions With Unaffiliated Foreign Persons

Regulatory Identification Number (RIN): 0691-AA56

Abstract: This action would revise the reporting requirements for the BE-22, Annual Survey of Selected Services Transactions with Unaffiliated Foreign Persons. This action would change the services covered by the survey. Specifically, the BE–22 annual survey will no longer cover the services that are covered by the new BE–25, Quarterly Survey of Transactions Between U.S. and Unaffiliated Foreign Persons in Selected Services and in Intangible Assets.

Clean Water Act Regulatory Definition of "Waters of the United States"

Regulatory Identification Number (RIN): 0710-AA50

Abstract: An Advance Notice of Proposed Rulemaking (ANPRM) on the Clean Water Act regulatory definition of "Waters of the United States" was published jointly by EPA and the Department of the Army on January 15, 2003. In response to the ANPRM, approximately 150,000 comments were received. On December 16, 2003, the Corps and EPA announced that a new rule on Federal regulatory jurisdiction over isolated waters would not be proposed.

Title I: Non-Federal Governmental Plans Exempt From HIPAA (CMS-2033-F)

Regulatory Identification Number (RIN): 0938-AM71

Abstract: This final rule adopts as final the exemption election requirements that apply to self-funded non-Federal governmental plans. Since we received no public comments on the July 26, 2002, interim final with comment period, this rule finalizes the circumstances under which plan sponsors may exempt these plans from most of the requirements of title XXVII of the Public Health Service Act and provides guidance on the procedures, limitations, and documentation associated with exemption elections.

Payment Error Rate Measurement (PERM) Program (CMS-6026-P)
Regulatory Identification Number (RIN): 0938-AM86
Abstract: Sections 1902(a)(6) and 2107(b)(1) of the Act, governing Medicaid and State Children's Health Insurance Program, respectively, require States to provide to the Secretary information to monitor program performance. This rule would require States under the current statutory provisions and the Improper Payments Information Act of 2002 and through this regulation to estimate improper payments using the CMS PERM methodology for the reporting year in the Medicaid and State Children's Health Insurance Program. The States are further required to submit payment error rates to CMS for the purpose of calculating a national level payment error rate as required by the Improper Payments Information Act of 2002.

Revisions to Cost Sharing Regulations (CMS-2144-P)
Regulatory Identification Number (RIN): 0938-AM94
Abstract: This proposed rule would revise the cost sharing requirements in our current regulation to allow for the imposition of higher levels of cost sharing and more flexibility in the way in which cost sharing is imposed and administered under current statutory requirements. (The cost sharing requirements have remained unchanged since 1974. States have requested that we update the cost sharing requirements.)

Extended Availability of Unexpended State Children's Health Insurance Program (SCHIP) Funds From the Appropriation for FYs 1998 Through 2004; Authority To Use a Portion of SCHIP Funds for Medicaid Expenditures (CMS-2187-N)
Regulatory Identification Number (RIN): 0938-AN03
Abstract: This notice extends availability of unexpended SCHIP funds from the appropriation for fiscal years 1998 through 2004 and provides the authority for qualifying States to use a portion of SCHIP funds for Medicaid expenditures.

FY 2005 State Children's Health Insurance Program (SCHIP) Allotments (CMS-2201-N)
Regulatory Identification Number (RIN): 0938-AN11
Abstract: This notice sets forth the final allotments of Federal funding available to each State, the District of Columbia, and each U.S. Territory and Commonwealth for fiscal year 2005. (The notice must be published as soon as possible so that the funds can be distributed to the States before September 30, 2004, as required by the statute.)

Representative Payment Under Titles II, VIII, and XVI of the Social Security Act (949F)
Regulatory Identification Number (RIN): 0960-AF83
Abstract: Effective stewardship of SSA programs requires mechanisms to assure that benefits are used to meet the needs of beneficiaries judged incapable of managing or directing someone else to manage their benefits. Congress determined that improvements to the representative payment procedures were needed to assure program integrity. These regulations are required to further our program integrity efforts.

Evidence Requirement for Assignment of Social Security Numbers (SSNs); Assignment of SSNs to Foreign Students (960F)
Regulatory Identification Number (RIN): 0960-AF87
Abstract: We revised our rules for assigning Social Security Numbers (SSNs) to foreign academic students in Department of Homeland Security (DHS) classification status F-1. Specifically, we added additional evidentiary requirements for F-1 students who apply for SSNs. In addition to meeting SSA's requirement to provide evidence of age, identity, legal alien status, and work authorization, an F-1 student who does not have a valid DHS issued Employment Authorization Document (EAD) will be required to present evidence that on-campus employment has been secured before we will assign an SSN.

Child Support Enforcement Program; Federal Tax Refund Offset
Regulatory Identification Number (RIN): 0970-AC09
Abstract: This final rule will revise existing regulations on collecting child support arrears through the Federal Tax Refund Offset process. The revisions are needed to reflect changes in data processing protocols with the Department of the Treasury. We are also updating the regulation to reflect current business practices and requests from the State child support agencies.

Accounting Relief for Marginal Properties
Regulatory Identification Number (RIN): 1010-AC30
Abstract: This rule allows reporters to seek accounting, reporting, and auditing relief for their marginal properties in accordance with section 117(c) of the Federal Oil and Gas Royalty Management Act of 1982 as amended by the Federal Oil and Gas Royalty Simplification and Fairness Act of 1996.

Endangered and Threatened Wildlife and Plants; Revisions to the Regulations Applicable to Permits Issued Under the Endangered Species Act
Regulatory Identification Number (RIN): 1018-AH93
Abstract: Presently, Safe Harbor Agreements and Candidate Conservation Agreements with Assurances only allow incidental take of species. The Service is proposing to clarify the range of activities permittable under section 10(a)(1)(A) of the Endangered Species Act. In addition, the Service is proposing to amend the policies to allow for intentional take of species in association with Safe Harbor Agreements.

Migratory Bird Hunting; Approval of Hevi-Steel as a Nontoxic Shot Material for Waterfowl Hunting
Regulatory Identification Number (RIN): 1018-AT32
Abstract: Environ-Metal has applied to the Service for approval of Hevi-Steel as nontoxic for waterfowl hunting in the United States. The information included in Environ-Metal's application is conclusive as to Hevi-Steel's nontoxicity. We will now evaluate whether we should propose to amend 50 CFR 20.21 by adding Hevi-Steel to the list of approved nontoxic shot types. We seek public comment on whether we should pursue approval of Hevi-Steel as nontoxic shot for waterfowl hunting.

2004-2005 Refuge-Specific Hunting and Sport Fishing Regulations
Regulatory Identification Number (RIN): 1018-AT40
Abstract: We propose to open additional national wildlife refuges to hunting and/or sport fishing and to provide refuge-specific regulations for those activities. This is an annual update for the National Wildlife Refuge System that ensures adequate public notice of openings/changes each fall. We operate hunting/fishing programs on national wildlife refuges in furtherance of the implementation of the National Wildlife Refuge System Improvement Act of 1997 directives to facilitate compatible priority wildlife-dependent recreational opportunities.

Land Conservation Planning (Refuge Manual Chapter 602 FW 2)
Regulatory Identification Number (RIN): 1018-AT41
Abstract: This policy chapter provides the process whereby new lands and waters are approved for addition to the National Wildlife Refuge System. The addition of lands and waters includes such methods as fee title acquisition, easements, donation, and transfers, and may apply to the significant expansion of an existing national wildlife refuge or creation of a new national wildlife refuge.

Migratory Bird Hunting; Proposed 2004-05 Migratory Game Bird Hunting Regulations (Preliminary) With Requests for Indian Tribal Proposals
Regulatory Identification Number (RIN): 1018-AT53
Abstract: This action establishes annual migratory game bird hunting regulations.

Indian Reservation Roads Program
Regulatory Identification Number (RIN): 1076-AE17
Abstract: This establishes policies and procedures governing the Indian Reservation Roads (IRR) Program. It expands transportation activities available to tribes and tribal organizations and provides guidance to tribes and tribal organizations for planning, designing, constructing, and maintaining transportation facilities. This rule also includes a funding formula for allocating IRR Program funds based upon the relative needs of Indian tribes, and reservation or tribal communities, for transportation assistance, and the relative administrative capacities of various tribes.

National Instant Criminal Background Check System (NICS)
Regulatory Identification Number (RIN): 1110-AA07
Abstract: The Department promulgated regulations to govern the National Instant Criminal Background Check System (NICS) in 1998 when the NICS became operational and adopted amendments which became effective on July 3, 2001. In the proposed rule, the Department published for public comment and further consideration five proposals to make additional changes in the NICS regulations. The changes relate to the amount of time that the NICS retains information about approved firearm transfers in the system's chronological log of background check transactions and the manner in which that information may be used to audit the use and performance of the NICS. The proposed changes sought to balance the legitimate privacy interests of law-abiding firearms purchasers and the

Department's obligation to enforce the Brady Act and the Gun Control Act to prevent prohibited persons from purchasing firearms. Since the closing of the comment period, Congress passed, and the President signed into law, a requirement that addresses the time within which the NICS is required to destroy certain information in the records of allowed transactions. Section 617 of H.R. 2673, the Fiscal Year 2004 Consolidated Appropriations bill (or "Omnibus"), requires the NICS to destroy "any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the system advises a Federal Firearms Licensee that possession or receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law." Section 617 of the Omnibus bill became effective on July 21, 2004, 180 days after January 23, 2004, the date the Omnibus bill was signed into law. For this reason, the final rule was revised to conform to the legislative enactment setting a limit on how long the NICS may retain certain information on allowed transactions. The revised rule conformed to the 24-hour record retention provision in the Omnibus.

Nondiscrimination on the Basis of Disability in State and Local Government Services; Public Accommodations and Commercial Facilities; Accessibility Standards; Recreation Facilities

Regulatory Identification Number (RIN): 1190-AA47

Abstract: On September 3, 2002, the U.S. Architectural and Transportation Barriers Compliance Board (Access Board) published Final Guidelines to supplement the Americans With Disabilities Act's Accessibility Guidelines (ADAAG), which form the basis of the Department's Americans with Disabilities Act (ADA) Standards for Accessible Design. The supplement establishes for the first time accessibility guidelines for the design of recreation facilities, such as health clubs, golf courses, and amusement parks. The ADA (sections 204(c) and 306(c)) requires the Department's accessibility standards to be consistent with the Access Board's guidelines. Therefore, the Department expects to publish a Notice of Proposed Rulemaking proposing to adopt the guidelines adopted by the Access Board and proposing related changes to the Department's regulations with respect to the operation of recreation facilities. Individuals with disabilities cannot participate in the social and economic realms of the Nation without being able to access public entities and public accommodations throughout the country. Promulgating this amendment to the Department's ADA regulations will ensure that the regulations are consistent with the ADAAG, thereby preventing the confusion that could develop if the Department's regulations were inconsistent with the Access Board guidelines. In addition, amending the Department's ADA regulations will improve the Department's overarching goal of improving access for persons with disabilities. The proposed rule will ensure that new recreation facilities are readily accessible to and usable by individuals with disabilities. As new recreation facilities are designed and constructed to be accessible, individuals with disabilities will enjoy the benefits

of these facilities. Operators of recreation facilities will experience increased usage and patronage by individuals with disabilities. Designers and manufacturers will have a clear and consistent set of standards with which to work. Establishing uniform standards for accessibility has resulted in innovation and new designs that are cost effective and beneficial to everyone.

Nondiscrimination on the Basis of Disability in State or Local Government Facilities; Public Accommodations and Commercial Facilities; Accessibility Standards; Play Areas

Regulatory Identification Number (RIN): 1190-AA50

Abstract: On October 18, 2000, the U.S. Architectural and Transportation Barriers Compliance Board (Access Board) published a final rule to supplement the Americans with Disabilities Act's Accessibility Guidelines (ADAAG), which form the basis of the Department's ADA Standards for Accessible Design. These guidelines establish for the first time accessibility guidelines for the design of play areas. The ADA (sections 204(c) and 306(c)) requires the Department's accessibility standards to be consistent with the Access Board's guidelines. Therefore, the Department expects to publish a Notice of Proposed Rulemaking proposing to adopt the revisions of the Access Board and proposing related changes to the Department's regulations with respect to the operation of play areas. Persons with disabilities cannot participate in the social and economic realms of the Nation without being able to access public entities and public accommodations throughout the country. Promulgating this amendment to the Department's ADA regulations will ensure that the regulations are consistent with the ADAAG, thereby preventing the confusion that could develop if the Department's regulations were inconsistent with the Access Board Guidelines. In addition, amending the Department's ADA regulations will improve the Department's overarching goal of improving access for persons with disabilities. This rule is designed to ensure that new play areas are readily accessible to and usable by persons with disabilities. As new play areas are designed and constructed to be accessible, persons with disabilities will enjoy the benefits of these areas. Operators of play areas will experience increased usage and patronage by persons with disabilities. Designers and manufacturers will have a clear and consistent set of standards with which to work. Establishing uniform standards for accessibility has resulted in innovation and new designs that are cost effective and beneficial to everyone.

Fire Protection in Shipyard Employment (Part 1915, Subpart P) (Shipyards: Fire Safety)

Regulatory Identification Number (RIN): 1218-AB51

Abstract: The rule updates and revises an important but outdated part of Occupational Safety & Health Administration's (OSHA) shipyard rules. The original rule was adopted by OSHA in 1971 and has remained unchanged since then. A negotiated rulemaking committee was convened on October 15, 1996. Members of the committee included: OSHA, State government, Federal agency, small and large shipyard employers, and maritime and firefighter union representatives.

The committee completed work in February 2002, and recommended proposal requirements to OSHA. The Agency published an NPRM based on their recommendations. Comments were received and reviewed and a final rule has been issued.

Controlled Negative Pressure (CNP) Fit Testing Protocol: Amendment to the Final Rule on Respiratory Protection

Regulatory Identification Number (RIN): 1218-AC05

Abstract: In this rulemaking, OSHA is approving an additional quantitative fit testing protocol, the controlled negative pressure (CNP) REDON fit testing protocol, for inclusion in Appendix A of its Respiratory Protection Standard. The protocol affects, in addition to general industry, OSHA respiratory protection standards for shipyard employment and construction. The Agency is adopting this protocol under the provisions contained in the Respiratory Protection Standard that allow individuals to submit evidence for including additional fit testing protocols in this standard. The (CNP) REDON protocol requires the performance of three different test exercises followed by two redonnings of the respirator, while the CNP protocol approved previously by OSHA specifies eight test exercises, including one redonning of the respirator. In addition to amending the Standard to include the (CNP)REDON protocol, this rulemaking makes several editorial and non-substantive technical revisions to the Standard associated with the (CNP) REDON protocol and the previously approved CNP protocol. When OSHA published the Final Respiratory Protection standard in 1998, it allowed for later rulemaking on new fit test methods. This rulemaking action incorporates the (CNP) REDON fit test method into 1910.134.

Equal Treatment in Department of Labor Programs for Faith-Based and Community Organizations; Protection of Religious Liberty of Department of Labor Social Service Providers and Beneficiaries

Regulatory Identification Number (RIN): 1290-AA21

Abstract: The final rule clarifies, within the framework of constitutional guidelines, that faith-based and community organizations are able to participate in Department Of Labor social service programs without regard to their religious character or affiliation, and are able to apply for and compete on an equal footing with other eligible organizations to receive DOL support. In addition, in order to consolidate in one place the Department's regulations on religious activities, the final rule revises both the Employment and Training Administration (ETA) regulation on religious services at Job Corps centers and the Workforce Investment Act of 1998 (WIA) regulations relating to the use of WIA Title I financial assistance to support employment and training in religious activities. DOL supports the participation of faith-based and community organizations in its programs.

Withholding of District of Columbia, State, City, and County Income, or Employment Taxes by Federal Agencies

Regulatory Identification Number (RIN): 1510-AA90

Abstract: This regulation governs the agreements entered into by the

Department of the Treasury and State and local governments for the withholding of State and local income taxes from the compensation of Federal employees.

Verification of Eligibility for Public Benefits

Regulatory Identification Number (RIN): 1615-AA13

Abstract: This regulatory action requires entities (other than nonprofit charitable organizations) providing Federal public benefits (with certain exceptions) to verify by examining documents and using a DHS-automated verification system that alien applicants are eligible for the benefits under Federal benefit reform legislation. This rule also sets forth provisions by which State or local governments can verify whether aliens applying for State or local public benefits are eligible for such benefits under Federal laws. In addition, the rule establishes procedures for verifying the U.S. nationality of individuals applying for benefits in a fair and nondiscriminatory manner. The Interim Verification Guidelines were published as a notice on November 17, 1997, at 62 FR 61344. The guidelines set forth procedures that benefit-granting agencies can use to verify U.S. citizens, non-citizen nationals, and qualified aliens for eligibility under title IV of the Personal Responsibility and Work Opportunity Reconciliation Act prior to issuance of final regulations. The proposed rule for the Verification of Eligibility for Public Benefits was published on August 4, 1998, at 63 FR 41662. The changes made in response to the comments received on the proposed rule were significant enough and dealt with complex and important issues that another opportunity to comment is warranted. The next version of the rule will be issued as an interim rule, rather than a final rule, in order to implement the statutory directive to promulgate verification regulations and start the subsequent two-year period in which Federal public benefit-granting agencies must come into compliance. The interim rule is in the concurrence process and has not yet been published.

Disaster Assistance Definitions; Statutory Change

Regulatory Identification Number (RIN):1660-AA19

Abstract: This rule amends the definitions of "Local government," "State," and "United States," as set forth in the Code of Federal Regulations, to coincide with those definitions established by the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Hydroelectric Licensing Regulations Under the Federal Power Act

Regulatory Identification Number (RIN): 1902-AC30

Abstract: The Commission amended its regulations to establish a new hydroelectric licensing process that integrates pre-filing consultation with preparation of the Commission's National Environmental Policy Act document and improves coordination of the licensing process with other Federal and state regulatory processes. The final rule retained the existing traditional licensing process and the alternative licensing procedures, and established rule for selection of a licensing process. The final rule also modifies some aspects of the traditional licensing process. (Docket No. RM02-16-000.)

Test Procedures: Revisions to Method Detection and Quantitation for the Clean Water Act

Regulatory Identification Number (RIN): 2040-AD53

Abstract: The Environmental Protection Agency (EPA) is to take final action on a reassessment of the Agency's procedures for determining the sensitivity of analytic test methods for aqueous samples. The current method detection limit (MDL) procedure is set forth at 40 CFR part 136, appendix B. EPA has not promulgated a generic procedure for quantification but it uses the minimum level of quantitation (ML) in its wastewater program. The ML is defined in analytical methods and is generally set at 3.18 times the MDL. In 2003, EPA proposed revisions to the MDL procedure and to codify the ML procedure. EPA has been reviewing comments received on the proposal and the reassessment document and plans to take final action on both by November 1, 2004.

Effluent Guidelines and Standards for the Concentrated Aquatic Animal Production Industry

Regulatory Identification Number (RIN): 2040-AD55

Abstract: Currently, there are no federal technology-based standards for aquatic animal production facilities, which are part of the aquaculture industry. This action is a new effort to develop pollutant controls in the form of nationally applicable discharge standards for commercial and public aquaculture operations. In assessments of surface water quality, States most frequently cite siltation, nutrients, and pathogens as the major cause of water quality impairment. With the growth of the aquaculture industry, and inconsistent state of regulatory oversight, the Environmental Protection Agency (EPA) will examine available technologies for the control of solids which in turn control other pollutants, primarily nutrients. This action was formerly titled Aquaculture.

Effluent Guidelines and Standards for the Meat and Poultry Products Point Source Category (Revisions)

Regulatory Identification Number (RIN): 2040-AD56

Abstract: The Agency proposed revisions to the effluent limitations guidelines and standards for the Meat and Poultry Products Point Source Category in February 2002. The current regulations, at 40 CFR 432, are more than 20 years old and establish limitations and standards for only conventional pollutants. The current regulations do not establish national regulations for ammonia nitrogen discharges associated with slaughterhouses/packinghouses (Subparts A-D). Nutrients like ammonia may pose a water quality problem for impaired streams. Revisions to the current regulations may also include effluent limitations for poultry processing, which is not currently covered by any effluent guideline.

Minimizing Adverse Environmental Impact From Cooling Water Intake Structures at Existing Facilities Under Section 316(b) of the Clean Water Act, Phase 2

Regulatory Identification Number (RIN): 2040-AD62

Abstract: This rulemaking affects large existing electricity generating facilities that employ cooling water intake structures. Section 316(b) of the Clean Water Act provides that any standard established pursuant to sections

301 or 306 of the Clean Water Act and applicable to a point source shall require that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact. A primary purpose of the rulemaking is to minimize any adverse environmental impact that may be associated with the impingement and entrainment of fish and other aquatic organisms by cooling water intake structures. Impingement refers to trapping fish and other aquatic life on intake screens or similar devices where they may be injured or killed. Entrainment occurs when smaller aquatic organisms, eggs, and larvae are drawn into a cooling system, and then pumped back out, often with significant injury or mortality due to heat, physical stress or exposure to chemicals.

Clean Water State Revolving Fund Regulation Revisions Re: Use as Matching Funds

Regulatory Identification Number (RIN): 2040-AD68

Abstract: This regulation will revise the Clean Water State Revolving Fund (CWSRF) Regulations to allow the use of loans from the non-Federal and non-State match share of CWSRF funds as a match for infrastructure grants. In 1990, the Environmental Protection Agency (EPA) issued regulations implementing the CWSRF program, established as Title VI of the Clean Water Act (CWA) in 1987. Section 603(h) of the CWA prohibits use of the CWSRF loan as matching funds with respect to the non-Federal share of the cost of a treatment works project for which a municipality or agency is receiving assistance from the Administrator under any other authority. In issuing its regulations at 40 CFR 35.3125(b)(1), EPA interpreted this prohibition broadly, applying the restriction to all treatment works construction. At that time, EPA believed the replacement of the construction grants program authorized by Title II of the CWA by the CWSRF would result in a significant decrease in the use of other Federal grant funds for treatment works construction. However, from FY 1995 onward, Congress has authorized and appropriated funds for infrastructure construction grants in various Appropriations Acts. There are currently over 1500 projects totaling over $4.1 billion dollars. In several cases, EPA has been asked to allow CWSRF funds to be used as a match for these grants, but 40 CFR 35.3125(b)(1) prohibits such action. Upon reconsideration, EPA has decided its initial reading in 1990 was too broad, and the intent of Congress was only to prohibit use of CWSRF loans as a match for Title II construction grants. This action will revise the regulations to allow a State, in its operation of the CWSRF, to permit a CWSRF loan for non-Title II infrastructure construction grant projects to be used as a non-Federal match in certain circumstances. The prohibition on the use of CWSRF as a match for a Title II construction grant will continue.

Uniform National Discharge Standards for Armed Forces Vessels--Phase II

Regulatory Identification Number (RIN): 2040-AE64

Abstract: This action is Phase II of implementing regulations for Uniform National Discharge Standards for Vessels of the Armed Forces. In 1996, the Clean Water Act was amended to create section 312(n), Uniform National

Discharge Standards for Vessels of the Armed Forces (UNDS). Section 312(n) directs the Environmental Protection Agency (EPA) and the Department of Defense (DOD) to jointly develop a nationally uniform set of discharge standards for Armed Forces vessels, preempting existing and future State and local standards for these discharges. The purpose of the statute is to allow DOD to plan, design, and build environmentally sound vessels, to encourage the development and use of innovative pollution control technology, and to improve operational flexibility. EPA and DOD jointly promulgated Phase I of these regulations, 40 CFR part 1700, on May 10, 1999 (64 FR 25126). The Phase I rulemaking concluded that 25 discharges from Armed Forces vessels would require control because they have the potential to adversely impact the aquatic environment. Phase II will establish the performance standards for these 25 discharges. Due to the complicated task of developing standards for so many complex waste streams simultaneously, DOD and EPA modified the rulemaking approach to ensure that the benefits of the UNDS program accrue in a more timely manner. The modification consists of promulgating the Phase II discharges in groups or "batches." The first batch, consisting of seven discharges, would be proposed in January of 2005. Once DOD implements rules for achieving the standards set in Phase II, covered discharges from Armed Forces vessels will be required to meet these standards, and will not be subject to discharge standards established by States.

NESHAP: Reciprocating Internal Combustion Engine

Regulatory Identification Number (RIN): 2060-AG63

Abstract: The stationary reciprocating internal combustion engine source category is listed as a major source of hazardous air pollutants (HAPs) under section 112 of the Clean Air Act (CAA). A major source is one which emits more than 10 tons/yr of one HAP or more than 25 tons/yr of a combination of 189 HAPs. The reciprocating internal combustion engine (RICE) MACT was published in the Federal Register on December 19, 2002. A public hearing was held on January 21, 2003 and the public comment period closed on February 18, 2003. Comments and data received during the comment period are being evaluated. The anticipated date of the final RICE rule being signed by the Administrator is February 27, 2004.

NESHAP: Industrial, Commercial and Institutional Boilers and Process Heaters

Regulatory Identification Number (RIN): 2060-AG69

Abstract: The Clean Air Act, as amended in 1990, requires EPA to develop emission standards for sources of hazardous air pollutants (HAPs). Industrial boilers, institutional/ commercial boilers and process heaters are among the potential source categories to be regulated under section 112 of the CAA. Emissions of HAPs will be addressed by this rulemaking for both new and existing sources. EPA promulgated an NSPS for these source categories in 1987 and 1990. The standards for the NESHAP are to be technology-based and are to require the maximum achievable control technology (MACT) as described in section 112 of the CAA.

NESHAP: Asphalt/Coal Tar Application on Metal Pipes

Regulatory Identification Number (RIN): 2060-AH78

Abstract: The Clean Air Act (CAA), as amended in 1990, requires the EPA to (1) publish an initial list of all categories of major and area sources of the hazardous air pollutants (HAPs) listed in section 112(b) of the CAA, (2) promulgate a schedule establishing a date for the promulgation of emission standards for each of the listed categories of HAPs emission sources, and (3) develop emission standards for each source of HAPs. These standards are to be technology-based and are to require the maximum degree of emission reduction determined to be achievable by the Administrator. The Agency has determined that the application of asphalt or coal tar to metal pipes may reasonably be anticipated to emit several of the 189 HAPs listed in section 112(b) of the CAA. As a consequence, a regulatory development program is being pursued for the asphalt/coal tar application on metal pipes industry to promulgate emission standards.

Transportation Conformity Amendments: Response to March 2, 1999, Court Decision

Regulatory Identification Number (RIN): 2060-AI56

Abstract: The Clean Air Act requires the Environmental Protection Agency (EPA) to promulgate rules that establish the criteria and procedures for determining whether highway and transit plans, programs, and projects conform to state air quality plans. Conformity means that the transportation actions will not cause or worsen violations of air quality standards or delay timely attainment of the standards. The original conformity rule was finalized on November 24, 1993, and most recently amended on August 15, 1997. On March 2, 1999, the U.S. Court of Appeals overturned certain provisions of the 1997 conformity amendments. This rulemaking will amend the conformity rule in compliance with the court decision. The rulemaking will formalize the May 14, 1999 EPA guidance and the June 18, 1999 Department of Transportation (DOT) guidance that was issued to guide action on this issue until a rulemaking could be issued. Specifically, the rulemaking will clarify the types of projects that can be implemented in the absence of a conforming transportation plan. It will also explain EPA's process for reviewing newly submitted air quality plans and when those submissions can be used for conformity purposes.

Control of Emissions of Air Pollution from Nonroad Diesel Engines and Fuel

Regulatory Identification Number (RIN): 2060-AK27

Abstract: On May 23, 2003, the Environmental Protection Agency (EPA) proposed new emission controls for nonroad diesel engines, which are generally used in industrial, mining, and agricultural applications. The control strategies proposed focused around the use of advanced exhaust after-treatment technologies for the first time in these applications. This technology reduces emissions of NOx, NMHC, and PM of over 90 percent. The standards would phase-in between 2008 and 2014, with different implementation schedules applicable to each of the five engine horsepower categories. Less stringent standards would apply to the smallest

horsepower category. Coupled with these proposed engine standards is a two-step reduction in fuel sulfur levels, going from uncontrolled levels to 500 ppm in 2007 and then to 15 ppm in 2010. All nonroad diesel fuel, including that used in locomotive and marine applications, is covered in the first step while locomotive and marine fuel is not involved in the second step. This overall program builds on the successful 2007 highway diesel program the Agency completed in 2000.

Revision of Combustion Turbines New Source Performance Standards (NSPS)-- Part 60, Subpart GG

Regulatory Identification Number (RIN): 2060-AK35

Abstract: The NSPS for Combustion Turbines has not been revised since 1980. Revisions are needed to reduce the burden on the Environmental Protection Agency (EPA) and State/local agencies, of approving, on a case by case basis, alternate testing and monitoring protocols due to advances in emission control technologies. The revisions are also intended to bring consistency between the monitoring and testing requirements in the Combustion Turbines NSPS (part 60) and the Acid Rain Program (part 75) so that the same data can be used to comply with both regulations.

Clean Air Ozone Designations

Regulatory Identification Number (RIN): 2060-AM03

Abstract: In 1997, EPA promulgated the revised National Ambient Air Quality Standards (NAAQS) for ozone. This action is intended to promulgate designations and classifications for areas across the country as attainment/unclassifiable or nonattainment. The Clean Air Act (CAA) defines a nonattainment area to include the area that is violating the NAAQS and any nearby areas that are contributing to the violation of the NAAQS. The process for designations following promulgation of a NAAQS is contained in section 107(d)(1) of the CAA. The Environmental Protection Agency (EPA) requested States and tribes to make recommendations regarding attainment of their areas by July 15, 2003. EPA reviewed the recommended designations and made modifications as deemed necessary to these recommendations on December 3, 2003. EPA's December 3rd letters provided an opportunity for States and Tribes to defend their recommended positions. In cases where the States or Tribes do not submit recommendations, EPA will promulgate the designations for areas it deems appropriate. Final ozone designations will be promulgated on April 15, 2004. At that time EPA will designate all areas either "attainment" or "nonattainment" for the 8-hour ozone NAAQS. This notice is also intended to take final action to defer on a rolling basis the effective date of nonattainment designations for certain areas of the country that do not meet the 8-hour ozone NAAQS. Early Action Compact areas (EACs) have agreed to reduce ground-level ozone pollution earlier than the CAA requires and to attain the standard by December 31, 2007. This final rule establishes the first of three dates by which EPA will defer the effective date of nonattainment designation for compact areas or portions of compact areas, so long as these areas meet agreed-upon milestones. The impact of the nonattainment designation for these areas will be deferred first until

September 30, 2005. Prior to the time the first deferral expires, EPA intends to take further action to propose and promulgate a second deferred effective date of nonattainment designation until December 31, 2006 for those areas that continue to fulfill all compact obligations. Prior to the time the second deferral expires, EPA intends to propose and promulgate a third and final deferral until April 15, 2008, for those areas that continue to meet all compact milestones. Chattanooga got EAC approval and deferral date of September 30, 2005. Clark Co., NV got deferred until September 13, 2004. EPA will decide on final boundaries at that time.

Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Routine Maintenance, Repair and Replacement (RMRR) Equipment Replacement Provision (ERP); Stay Notice

Regulatory Identification Number (RIN): 2060-AM57

Abstract: This rulemaking is a follow up action to SAN 4676, which is a rule to specify categories of equipment replacement activities that would qualify as "routine maintenance, repair, and replacement" (RMRR) under the Clean Air Act's New Source Review (NSR) Program. SAN 4676's final action -- referred to as the "equipment replacement provision" (ERP) -- was promulgated in the Federal Register on 10/27/03 and was stayed by the US Court of Appeals (DC Circuit) on 12/24/03. This regulatory action (SAN 4676.1) reflects that court action in the Code of Federal Regulations and also sets out EPA's interpretation of the effect of the stay on the PSD Federal Implementation Plans in various state plans. In a separate action, EPA is reconsidering the 10/27/03 rule in response to petitions -- see SAN 4676.2, RIN 2060-AM58, elsewhere in this Regulatory Agenda.

Clean Air Ozone Designations: 5 Percent Reclassifications

Regulatory Identification Number (RIN): 2060-AM66

Abstract: According to section 181(a)(4) , an ozone nonattainment area may be reclassified to a different category, if the design value were 5 percent greater or 5 percent less than the design value on which the designation/classification was made. Any requests for reclassification were to be submitted by July 15, 2004. The Administrator has 90 days to make reclassifications after the original classifications were made, i.e., September 15, 2004. Signature date by the Administrator is to be no later than September 15, 2004. As of July 15, 2004, the Agency had received requests to bump down from moderate to marginal for Cass County, Detroit, & Muskegon, MI; Greensboro, NC; Memphis, TN-AR; LaPorte, IN; and Richmond, VA. A few other requests are expected. As of this update 8/6/04 in the interim, the Agency has received additional requests from Kent & Queen Anne's MD; Lancaster, PA. This rule was published on September 22, 2004 (69 FR 56697).

Pipeline Safety: Pipeline Integrity Management in High Consequence Areas (Gas Transmission Pipeline Operators)

Regulatory Identification Number (RIN): 2137-AD54

Abstract: This rulemaking would address gas transmission lines in high

consequence areas, direct assessment, and an overall integrity management program. An October 21, 1999, notice announced a public meeting to consider the need for additional safety and environmental regulations for gas transmission lines, hazardous liquid pipelines, and distribution pipelines in high-density population areas, commercially navigable waterways, and areas unusually sensitive to environmental damage. The public meeting was held on November 18-19, 1999, in Herndon, Virginia. The meeting was to determine the extent to which operators now have integrity management programs, to explore effective ways to promote their development and implementation by all operators, and to discuss mechanisms to confirm the adequacy of such operator-developed programs. Participants in the meeting discussed a practical definition of high-consequence areas, as well as the need, if any, for increased inspection, enhanced damage prevention, improved emergency response, and other measures to prevent and mitigate pipeline leaks and ruptures in these areas. Comments from the public were due by January 17, 2000. A final rule was published to require validation/testing of the integrity of certain hazardous liquid pipelines in high-consequence areas (RIN 2137-AD45). Work on a similar gas rule is almost complete. A final rule defining high consequence areas for gas transmission pipelines was issued on August 6, 2002 (67 FR 50824). A notice of proposed rulemaking proposing integrity management requirements for transmission pipelines in the high consequence areas was issued on January 28, 2003 (68 FR 4278).

VA Homeless Providers Grant and Per Diem Program; Religious Organizations

Regulatory Identification Number (RIN): 2900-AL63

Abstract: The Department of Veterans Affairs (VA) is amending its regulations concerning the VA Homeless Providers Grant and Per Diem Program. This document revises provisions that apply to religious organizations that receive VA funds under 38 CFR part 61 to ensure that VA activities under this program are open to all qualified organizations, regardless of their religious character, and to clearly establish the proper uses to which funds may be put and the conditions for the receipt of such funding.

Protection of Historic Properties

Regulatory Identification Number (RIN): 3010-AA06

Abstract: The Advisory Council on Historic Preservation has amended the regulations that implement section 106 of the National Historic Preservation Act. These few amendments make the regulations comport with the court decision of National Mining Association v. Nau, and allow the Advisory Council to pursue section 106 exemptions on its own initiative.

Americans With Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities

Regulatory Identification Number (RIN): 3014-AA20

Abstract: This regulation will revise and update the accessibility guidelines for the Americans With Disabilities Act (ADA) and the Architectural Barriers Act.