

Federal Mandate Report**July 2005****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 January 17, 2005 through July 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 January 17, 2005 through July 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 January 17, 2005 through July 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 January 17, 2005 through July 15, 2005, three (3) contain mandates.

For the same period between January 17, 2005 through July 15, 2005 the RISC identified a total seventy-two (72) completed federal regulations that may affect the States; forty (40) 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	Bill Status (Including Congressional Vote)
S. 256	Bankruptcy Abuse Prevention and Consumer Protection Act of 2005	<p>The bill would slightly increase the fees charged for filing a bankruptcy case and would change how some of these fees are currently recorded in the budget. Enactment of S. 256 would result in filling additional judgeships, and we estimate that their mandatory pay and benefits would cost \$26 million over the next five years and \$45 million over the 2006-2015 period. S. 256 contains two intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA), but CBO estimates the costs would be insignificant and would not exceed the threshold established in UMRA (\$62 million in 2005, adjusted annually for inflation). Overall, CBO expects that enacting this bill would benefit state and local governments by enhancing their ability to collect outstanding obligations in bankruptcy cases.</p> <p>Section 227 of the bill would preempt state laws governing contracts between a debt relief agency and a debtor but only to the extent that those state laws are inconsistent with the federal requirements set forth in this bill. Such preemptions are mandates as defined in UMRA. Because the preemption would not require states to take any action, CBO estimates that the costs to comply with</p>	<p>4/20/2005: Became Public Law No: 109-008.</p> <p>4/20/2005: Signed by President.</p> <p>4/14/2005: On House passage. Passed by the Yeas and Nays: 302 – 126. Representatives Boucher, Cantor, J. Davis, T. Davis, Drake, Forbes, Goode, Goodlatte, Moran, and Wolf voted in favor of this legislation. Representative Scott voted against this bill.</p> <p>3/10/2005: Passed Senate with amendments by Yea-Nay. 74 - 25. Senators Allen and Warner voted for this legislation.</p>

		<p>this mandate would not be significant.</p> <p>Section 719 would require state and local income tax procedures to conform to the Internal Revenue Code with regard to dividing tax liabilities and responsibilities between the estate and the debtor, the tax consequences of partnerships and transfers of property, and the taxable period of the debtor. CBO estimates that this provision would increase costs for the administration of state and local tax laws but would not require state and local tax rates to conform to the federal rates. Such administrative costs would not be significant and would likely be offset by increased collections by state and local governments.</p>	
H.R. 1160	Welfare Reform Extension Act of 2005	<p>H.R. 1160, enacted as Public Law 109-4, extends several provisions of law through June 30, 2005, including the Temporary Assistance for Needy Families (TANF), child care entitlement, and abstinence education programs, and eligibility for transitional medical assistance (TMA) under Medicaid.</p> <p>Those programs were scheduled to expire on March 31, 2005. Funding for the basic state grants for TANF and childcare entitlement programs for the three-month period will total \$3.7 billion. The extension of those programs--with the exception of TANF supplemental grants--has no cost relative to the baseline. H.R. 1160 will increase direct spending, relative to the baseline, by \$83 million in 2005 and by \$237 million over the 2005-2015 period, mostly for the TANF supplemental grants and transitional medical assistance. The act will not affect federal revenues.</p> <p>H.R. 1160 also funds TANF supplemental grants at their 2004 level through June 30, 2005. The additional funding will total \$64 million. Seventeen states that had lower-than-average TANF grants per poor person or had rapidly increasing populations are eligible for the supplemental grants. Prior law specified</p>	<p>3/25/2005: Became Public Law No: 109-4.</p> <p>3/25/2005: Signed by President.</p> <p>3/15/2005: Passed Senate without amendment by Unanimous Consent.</p> <p>3/14/2005: On House Passage, motion to suspend the rules and pass the bill Agreed to by voice vote.</p>

		<p>that supplemental grants should not be assumed to continue in baseline projections after March 31, 2005, overriding the continuation rules in the Deficit Control Act. CBO estimates that states will spend \$51 million in 2005 and \$64 million over the 2005-2007 period. The act also extends through June 30, 2005, the requirement that state Medicaid programs provide transitional medical assistance to certain beneficiaries--usually former TANF recipients--who would otherwise lose eligibility because of increased earnings.</p> <p>The extension also will decrease spending in the State Children's Health Insurance Program (SCHIP) by an estimated \$2 million over the 2005-2015 period. Without TMA, CBO anticipates that some families leaving welfare between March 31, 2005, and June 30, 2005, would have had incomes high enough to make their children ineligible for Medicaid, and that some of the children in those families would have enrolled in SCHIP instead. The extension of TMA will make those children eligible for Medicaid and (because children who are eligible for Medicaid cannot enroll in SCHIP) lead to savings in SCHIP. Because states generally have three years to spend their SCHIP allotments, those initial savings will free up funds that can be spent on benefits in later years.</p>	
H.R. 3021	TANF Extension Act of 2005	<p>H.R. 3021, enacted as Public Law 109-19, extends several provisions of law through September 30, 2005, including the Temporary Assistance for Needy Families (TANF), child care entitlement, and abstinence education programs, and eligibility for transitional medical assistance (TMA) under Medicaid. By extending the TANF and child care entitlement programs for the three-month period, this act provides a total of \$4.0 billion in additional funding for those programs in 2005. However, CBO already assumes that level of funding in its baseline, as required by section 257 of the Balanced Budget and</p>	<p>7/1/2005: Became Public Law No: 109-19.</p> <p>7/1/2005: Signed by President.</p> <p>7/1/2005: Presented to President.</p> <p>6/30/2005: Cleared for White House.</p> <p>6/30/2005: Message on Senate action sent to the House.</p>

		<p>Emergency Deficit Control Act of 1985 (Deficit Control Act.) Therefore, the extension of those programs—with the exception of TANF supplemental grants—has no cost relative to the baseline.</p> <p>The act also extends through September 30, 2005, the requirement that state Medicaid programs provide transitional medical assistance to certain beneficiaries—usually former TANF recipients—who would otherwise lose eligibility because of increased earnings. This requirement had been set to expire on June 30, 2005. CBO estimates that the extension of TMA will have no budgetary effect in 2005, but will increase federal Medicaid spending by \$161 million over the 2005-2015 period. The extension will not affect spending in 2005 because families who qualify for TMA are already eligible for four months of additional eligibility under a separate provision of Medicaid law. The budgetary effects of the provision will occur after September 30, 2005, because qualifying families will be entitled to up to 12 months of additional eligibility, even if their eligibility runs beyond that date. Some states provide more than 12 months of TMA through Medicaid waivers; families living in those states could remain eligible into 2007.</p> <p>The extension also will decrease spending in the State Children’s Health Insurance Program (SCHIP) by an estimated \$1 million over the 2005-2015 period. Without TMA, CBO anticipates that some families leaving welfare between June 30, 2005, and September 30, 2005, would have had incomes high enough to make their children ineligible for Medicaid, and that some of the children in those families would have enrolled in SCHIP instead. The extension of TMA will make those children eligible for Medicaid and (because children who are eligible for Medicaid cannot enroll in SCHIP) lead to savings in SCHIP. Because states generally</p>	<p>6/30/2005: Passed Senate without amendment by Unanimous Consent.</p> <p>6/29/2005: Received in the Senate.</p> <p>6/29/2005: Motion to reconsider laid on the table Agreed to without objection.</p> <p>6/29/2005: On House Passage. On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.</p>
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		have three years to spend their SCHIP allotments, those initial savings will free up funds that can be spent on benefits in later years.	
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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 State	Bill Status (Including Congressional Vote)
H.R. 418	REAL ID Act of 2005	<p>H.R. 418 would authorize the appropriation of such sums as necessary for fiscal years 2005 through 2009 for the Department of Homeland Security (DHS) to make grants to states to cover the costs of improving the security of driver's licenses as required by the bill. The legislation also would make changes to current immigration law that aim to prevent the entry of suspected terrorists into the United States. Enacting the bill would not affect direct spending or receipts.</p> <p>H.R. 418 contains several intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). CBO estimates that those mandates would impose incremental costs on state, local, and some tribal governments above what they will likely spend under current law. CBO estimates that costs to those governments will total more than \$100 million over the 2005-2009 period under current law.</p> <p>By comparison, we estimate that such costs would total about \$120 million (over the 2006-2010 period) under H.R. 418. As a result, the additional costs that would be imposed by H.R. 418 would not exceed the annual threshold established in UMRA (\$62 million</p>	<p>5/11/25: Pursuant to H. Res. 151, the text of H.R. 418, as passed by the House, was appended as Division B to the end of H.R. 1268- The Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005.</p> <p>Division B was further modified in conference. H.R. 1268 became P.L. 109-13 on 5/11/2005. CBO has not yet scored H.R. 1268.</p> <p><u>Previous Actions on H.R. 418</u></p> <p>2/17/2005: Referred to the Committee on the Judiciary.</p> <p>2/14/2005: Received in the Senate.</p> <p>2/10/2005: On House Passage, passed by the Yeas and Nays: 261 – 161. Reps. Boucher, Cantor, J. Davis,</p>

		in 2005, adjusted annually for inflation). The bill would authorize appropriations for grants to states to cover their costs.	T. Davis, Drake, Forbes, Goode, Goodlatte, and Wolf voted in favor of this legislation. Reps. Scott and Moran voted against this legislation.
S. 306	Genetic Information Nondiscrimination Act of 2005	<p>S. 306 would prohibit the use of genetic information (including results of genetic tests and family history of disease) by employers in employment decisions and by health insurers and health plans in making enrollment determinations and setting insurance premiums. CBO estimates that enacting the bill would increase the number of individuals who obtain insurance by about 1,000 people per year, nearly all of whom would obtain insurance in the individual market.</p> <p>The bill would affect federal revenues because some of the premiums paid by those newly insured individuals would be tax-deductible. CBO estimates that enacting S. 306 would decrease revenues by less than \$500,000 in each year from 2006 through 2015. The bill would require the Secretaries of Health and Human Services (HHS), Labor, and the Treasury to issue regulations to carry out the provisions of this bill, and would require the Secretaries of HHS and Labor to enforce those provisions. In addition, the bill would establish a commission to review the science of genetics and to make recommendations to the Congress on the need to establish a disparate impact standard for genetic discrimination. The bill would authorize the appropriation of such sums as necessary to establish the commission and to carry out the other provisions of the bill.</p> <p>Assuming the appropriation of the necessary amounts, CBO estimates that implementing S. 306 would cost less than \$500,000 in 2006 and about \$2 million over the 2006-2015 period. We estimate that the bill would have no significant effect on direct spending. S. 306</p>	<p>3/1/2005: Message on Senate action sent to the House.</p> <p>3/1/2005: Received in the House.</p> <p>2/17/2005: Passed Senate with an amendment by Yea-Nay. 98 - 0. Both Senators Allen and Warner voted in favor of this legislation</p>

		<p>would preempt some state laws that establish confidentiality standards for genetic information, and would restrict how state and local governments use such information in employment practices and in the provision of health care to employees.</p> <p>The preemption and the limitations on state and local actions would be intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA), but there is little indication that state, local, or tribal governments currently engage in or are likely to engage in the activities that would be prohibited by the bill. Consequently, CBO estimates that the costs of the mandates would not be significant and would not exceed the threshold established in UMRA (\$62 million in 2005, adjusted annually for inflation).</p>	
H.R. 841	Continuity in Representation Act of 2005	<p>H.R.841 would provide for the continuity of the House of Representatives in the wake of a catastrophic event. The legislation would require states to hold special elections to fill vacancies in the House of Representatives within 45 days after an announcement by the Speaker of the House of "extraordinary circumstances"--effectively 100 or more vacancies in the House of Representatives. The bill also would provide for judicial review of challenges to the announcement of extraordinary circumstances. CBO estimates that enacting H.R.841 would have no significant impact on the federal budget.</p> <p>Section 4 of the Unfunded Mandates Reform Act (UMRA) excludes from the application of that act any legislative provisions that enforce the constitutional rights of individuals. CBO has determined that certain provisions of H.R. 841 would fall within that exclusion because it would protect the rights of overseas and military voters to cast a ballot. Other provisions of the bill contain no private-sector mandates as defined in UMRA. However, by requiring states to hold elections within 45</p>	<p>3/19/2005: Placed on Senate Legislative Calendar.</p> <p>3/8/2005: Received in the Senate.</p> <p>3/3/2005: The title of the measure was amended. Agreed to without objection.</p> <p>3/3/2005: Motion to reconsider laid on the table Agreed to without objection.</p> <p>3/3/2005: On passage Passed by recorded vote: 329 – 68. Representatives Boucher, Cantor, J. Davis, T. Davis, Drake, Forbes, Goode, Goodlatte, and Wolf voted in favor of this legislation. Representatives Moran and Scott voted against this bill.</p>

		<p>days of an announcement of "extraordinary circumstances," H.R. 841 would contain an intergovernmental mandate as defined in UMRA. CBO estimates that the annual cost of the mandate over the next five years would not exceed the threshold established in that act (\$62 million in 2005, adjusted annually for inflation).</p>	
H.R. 27	Job Training Improvement Act of 2005	<p>H.R. 27 would make numerous changes to the Workforce Investment Act of 1998 (WIA), amend the Wagner-Peyser Act and the Adult Education and Family Literacy Act, and extend the authorization for programs under the Rehabilitation Act of 1973 (RA). These programs, which received discretionary funding of \$7.3 billion and mandatory funding of \$2.6 billion for fiscal year 2005, provide a framework for adult education, job training, and employment service assistance. Some of the affected programs are permanently authorized (most of Wagner-Peyser), but others are currently authorized through 2005.</p> <p>H.R. 27 would extend, through 2011, the existing mandatory program of state grants for vocational rehabilitation services, which is currently authorized through 2005 (including automatic extensions for two years provided by law). By law, that program is assumed to be extended indefinitely in CBO's baseline, so its extension would add no costs relative to the baseline.</p> <p>CBO estimates that outlays for that program over the 2006-2011 period would total about \$16.5 billion. The bill would affect discretionary spending. However, CBO estimates that implementing H.R. 27 would cost \$251 million in 2006 and \$31.6 billion over the 2006-2011 period, assuming appropriation of the necessary amounts. H.R. 27 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). Any costs incurred by state, local, or tribal governments</p>	<p>3/3/2005: Received in the Senate and referred to the Committee on Health, Education, Labor, and Pensions.</p> <p>3/2/2005: Passed by recorded vote: 224 – 200. Reps. Boucher, Moran, and Scott voted against this legislation. Reps. Cantor, J. Davis, T. Davis, Drake, Forbes, Goode, Goodlatte, and Wolf voted for this legislation.</p> <p>2/25/2005: Placed on the House Legislative Calendar.</p>

		would result from complying with conditions of federal aid.	
H.R. 3	Transportation Equity Act: A Legacy for Users	<p>H.R. 3 would provide contract authority for most of the highway and some transit programs, establish obligation limitations for the major highway programs, and authorize appropriations for other programs for fiscal years 2004 through 2009. The sum of new spending authority under the bill for those core programs is approximately \$284 billion over that six-year period. Funding for 2004 and much of 2005 has already been enacted; thus, some of the spending from that total has already occurred or will occur under current law. Similarly, some of the discretionary spending from the new funding will occur after the 2006-2010 period covered by this cost estimate.</p> <p>Section 4131 of H.R. 3 contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA) because it would preempt certain state laws restricting the use of utility service vehicles. CBO estimates that this mandate would impose no costs on state, local, or tribal governments, and so the threshold established by that act (\$62 million in 2005, adjusted annually for inflation) would not be exceeded. Section 4117 of H.R. 3 would eliminate an existing mandate by repealing the single state registration system, which limits how states may regulate interstate motor carriers. At this time, CBO cannot estimate the impact of this change on the administrative burden or revenue of state transportation agencies.</p>	<p>6/9/2005: Conference held.</p> <p>5/26/2005: Message on House action received in Senate and at desk: House requests a conference.</p> <p>5/25/2005: Message on Senate action sent to the House.</p> <p>5/18/2005: Senate ordered measure printed as passed.</p> <p>5/17/2005: Passed Senate with an amendment by Yea-Nay. 89 - 11. Both Senators Allen and Warner voted in favor of this legislation.</p> <p>4/6/2005: Placed on Senate Legislative Calendar.</p> <p>3/20/2005: Received in the Senate.</p> <p>3/10/2005: Passed by the Yeas and Nays: 417 – 9. Reps Boucher, Cantor, J. Davis, T. Davis, Drake, Forbes, Goode, Goodlatte, Moran, Scott, and Wolf voted in favor of this legislation.</p>
H.R. 29	SPY Act	<p>H.R. 29 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</p>	<p>5/24/2005: Received in the Senate and referred to the Committee on Commerce, Science, and Transportation.</p> <p>5/23/2005: Motion to reconsider laid on the table Agreed to without objection.</p>

		<p>collecting civil penalties for unfair or deceptive business practices. (Civil penalties are recorded in the federal budget as revenues.)</p> <p>H.R. 29 would preempt state laws in at least one state that prohibit the use of spyware and establish penalties for violators. This preemption constitutes a mandate as defined in the Unfunded Mandates Reform Act (UMRA). Although states may incur some costs from enactment of this provision, CBO estimates that such costs would fall significantly below the threshold established in UMRA (\$62 million in 2005, adjusted annually for inflation). The bill also would preserve the rights of states to enforce their own consumer protection laws.</p>	<p>5/23/2005: On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays (2/3 required): 393 – 4. Reps. Boucher, Cantor, J. Davis, T. Davis, Drake, Forbes, Goode, Goodlatte, Moran, Scott, and Wolf voted in favor of this legislation.</p>
S. 50	Tsunami Preparedness Act	<p>S. 50 would direct the National Oceanic and Atmospheric Administration to establish and implement new programs to research, detect, monitor, and mitigate the effects of tsunamis in the Pacific and Atlantic oceans. The bill would direct the agency to upgrade and improve existing systems and data management efforts and would authorize it to provide technical and financial aid to those affected by tsunamis, including local and international entities.</p> <p>CBO estimates that implementing S. 50 would cost a total of \$124 million over the 2006-2010 period, assuming appropriation of the amounts authorized. We estimate that about \$156 million would be spent after 2010, including \$80 million authorized to be appropriated for 2011 and 2012. Enacting S. 50 could affect direct spending, but CBO estimates any offsetting receipts and subsequent spending would not exceed \$500,000 in any year. Enacting the bill would not affect revenues.</p> <p>S. 50 contains no intergovernmental or private-sector mandates as defined in the</p>	<p>7/11/2005: Referred to the House Committee on Science, Resources, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.</p> <p>7/11/2005: Message on Senate action sent to the House.</p> <p>7/11/2005: Received in the House.</p> <p>7/1/2005: Passed Senate with an amendment by Unanimous Consent.</p> <p>4/19/2005: Placed on Senate Legislative Calendar.</p>

		Unfunded Mandates Reform Act (UMRA). Coastal states and local communities would benefit from the programs and grants authorized in this bill. Any costs they face to participate in those programs would be incurred voluntarily.	
S. 250	Carl D. Perkins Career and Technical Education Improvement Act of 2005	<p>S. 250 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. S. 250 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. Section 5 of S. 250 would authorize the appropriation of such sums as may be necessary for state grants for fiscal years 2006 through 2012. CBO estimates that this provision would authorize \$1.2 billion for fiscal year 2006 and \$9 billion for fiscal years 2006 through 2012.</p> <p>Assuming appropriation of the authorized amounts, the resulting outlays would total \$7.3 billion over the same period. These formula grants would be used to support vocational programs in high schools, technical schools, and community colleges. (Appropriations for state grants totaled \$1.2 billion in 2005.)</p>	<p>5/10/2005: Written report filed by Senator Enzi from Committee on Health, Education, Labor, and Pensions.</p> <p>3/14/2005: Message on Senate action sent to the House.</p> <p>3/14/2005: Received in the House.</p> <p>3/10/2005: Passed Senate with an amendment by Yeay-Nay Vote. 99 - 0. Both Senators Allen and Warner voted in favor of this legislation.</p>
S. 362	Marine Debris Research Prevention and Reduction Act	S. 362 would establish a program to reduce the amount of marine debris (such as plastic and lost fishing gear) in oceans and coastal areas and to mitigate its effects on health and navigation safety. Under the bill, the National Oceanic and Atmospheric Administration (NOAA) would conduct projects to identify and catalogue debris hazards and determine its sources, and to develop methods of removing existing debris and preventing further occurrences. The bill would authorize NOAA to provide grants to nonfederal entities such as state or local governments and universities involved with those activities. S. 362 also	<p>7/11/2005: Referred to the House Committees on Transportation and Infrastructure and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.</p> <p>7/11/2005: Message on Senate action sent to the</p>

		<p>would direct the U.S. Coast Guard (USCG) to improve enforcement and reduce violations of existing laws and treaties that address ocean pollution waste disposal at sea and would require the USCG to develop new regulations on disposal of plastics and fishing gear.</p> <p>S. 362 contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA). It would require the Coast Guard to issue regulations that improve the disposal of plastics and other garbage by public and private ports. In addition, the bill would impose requirements on the owners and operators of small commercial vessels. Based on information from the Coast Guard, CBO expects that the aggregate costs of the mandates in the bill would fall well below the thresholds (\$62 million for intergovernmental mandates, in 2005, adjusted annually for inflation) established by the act.</p> <p>By requiring the Coast Guard to issue new regulations addressing the processing of marine waste, S. 362 would likely lead to new requirements on port terminals for the handling of such materials. Current law requires ports to either provide disposal facilities on-site or provide vessels with a list of vendors to collect the waste. Owners and operators of the vessels that dock at ports generally pay vendors directly for the disposal of their solid wastes.</p> <p>In issuing the new regulations, the Coast Guard does not intend to reduce ports' flexibility. CBO assumes, therefore, that additional costs to port terminals would not be significant.</p>	<p>House.</p> <p>7/11/2005: Received in the House.</p> <p>7/1/2005: Passed Senate with amendments by Unanimous Consent.</p> <p>4/13/2005: Placed on Senate Legislative Calendar.</p> <p>4/13/2005: Senate Committee on Commerce, Science, and Transportation. Reported by Senator Stevens with an amendment.</p> <p>3/10/2005: Senate Committee on Commerce, Science, and Transportation ordered to be reported with an amendment favorably.</p> <p>2/10/2005: Referred to the Senate Committee on Commerce, Science, and Transportation.</p>
H.R. 804	A bill to exclude from consideration as income certain payments under the national flood insurance	<p>If H.R. 804 were enacted, payments made under the National Flood Insurance Program for flood mitigation activities would not be counted as income or resources when determining eligibility for any federal means-tested program. The Federal Emergency Management Agency (FEMA) awards grants</p>	<p>7/13/2005: Received in the Senate and referred to the Committee on Banking, Housing, and Urban Affairs.</p> <p>7/12/2005: On motion to suspend the rules and pass</p>

	program	<p>to states and communities, which in turn distribute funds to individuals and businesses, for activities that reduce the risk of repetitive flood damage to buildings. Data from FEMA show that the average approved award is about \$53,000.</p> <p>H.R. 804 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). The increase in the number of people eligible for Medicaid benefits would result in additional spending by states totaling about \$4 million over the 2006- 2015 period.</p>	<p>the bill, as amended Agreed to by voice vote.</p> <p>7/12/2005: Considered under suspension of the rules.</p> <p>7/12/2005: Mr. Baker moved to suspend the rules and pass the bill, as amended.</p> <p>4/14/2005: Placed on the House Calendar.</p>
S. 148	Professional Boxing Amendments Act of 2005	<p>S. 148 would establish the United States Boxing Commission (USBC) within the Department of Commerce. The commission would protect the safety and interests of boxers and would govern the business of professional boxing by regulating boxing contracts, licensing and registering boxing participants, and issuing guidelines for ranking boxers. S. 148 also would make violations of certain provisions of the Professional Boxing Safety Act of 1996 federal crimes. CBO estimates that this provision would not have a significant effect on direct spending or revenues.</p> <p>S. 148 contains intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) because state and tribal boxing commissions would be required to meet certain health and safety standards and reporting requirements. Currently, most boxing commissions maintain various levels of health and safety standards. This bill would make those standards uniform. It would require boxers to be tested for infectious disease and require commissions to make health and safety disclosures to boxers when they are registered as well as expand safety requirements for boxing matches. Boxing</p>	<p>5/23/2005: Referred to the House Subcommittee on Commerce, Trade and Consumer Protection.</p> <p>5/10/2005: Referred to the House Committees on Education and the Workforce and Energy and Commerce.</p> <p>5/10/2005: Message on Senate action sent to the House.</p> <p>5/10/2005: Received in the House.</p> <p>5/9/2005: Passed Senate without amendment by Unanimous Consent.</p>

		<p>commissions would be required to report all registries of boxers to the USBC and to meet uniform standards to be set by the USBC. By placing requirements on boxing commissions run by state and tribal governments, S. 148 would impose intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA).</p> <p>CBO estimates that the cost of those mandates would not be significant and would not exceed the threshold established in UMRA (\$62 million in 2005, adjusted annually for inflation).</p>	
H.R. 6	Energy Policy Act of 2005	<p>Based on a preliminary review of H.R. 6, the Energy Policy Act of 2005, as introduced in the House of Representatives on April 18, 2005, CBO estimates that enacting this legislation would reduce direct spending by \$1.1 billion over the 2006-2010 period and by \$0.4 billion over the 2006-2015 period. CBO and the Joint Committee on Taxation estimate that the legislation would reduce revenues by \$4.0 billion over the 2006-2010 period and by \$7.9 billion over the 2006-2015 period.</p> <p>H.R. 6 contains numerous mandates as defined in the Unfunded Mandates Reform Act (UMRA) that would affect both intergovernmental and private-sector entities. Based on our review of the bill, CBO expects that the mandates (new requirements, limits on existing rights, and preemptions) contained in the bill's titles on motor fuels (title XV), nuclear energy (title VI), electricity (title XII) and energy efficiency (title I) would have the greatest impact on state and local governments and private-sector entities. CBO estimates that the cost of complying with intergovernmental mandates, in aggregate, could be significant and likely would exceed the threshold established in UMRA (\$62 million in 2005, adjusted annually for inflation) at some point over the next five years because we expect that future damage</p>	<p>7/14/2005: Senate ordered measure printed as passed.</p> <p>7/14/2005: Conference held.</p> <p>7/14/2005: The Speaker appointed conferees.</p> <p>7/11/2005: Message on Senate action sent to the House.</p> <p>7/1/2005: Senate insists on its amendment, asks for a conference, appoints conferees.</p> <p>6/28/2005: On Senate Passage, passed Senate with an amendment by Yea-Nay Vote. 85 - 12. Both Senators Allen and Warner voted in favor of this legislation. The bill as passed by the Senate has not been scored by CBO.</p> <p>6/9/2005: Placed on Senate Legislative Calendar</p> <p>4/26/2005: Received in the</p>

		awards for state and local governments under the bill's safe harbor provision (title XI) would likely be reduced. That provision would shield the motor fuels industry from liability under certain conditions.	Senate. 4/21/2005: On House passage, passed by recorded vote: 249 – 183. Representatives Boucher, Cantor, J. Davis, T. Davis, Drake, Forbes, Goode, Goodlatte, and Wolf voted for this legislation. Representatives Moran and Scott voted against this legislation.
H.R. 748	Child Interstate Abortion Notification Act	<p>CBO estimates that implementing H.R. 748 would not result in any significant cost to the federal government. Enacting H.R. 748 could affect direct spending and revenues; however, CBO estimates that any such impact would not be significant.</p> <p>H.R. 748 contains both an intergovernmental and a private-sector mandate as defined in the Unfunded Mandates Reform Act (UMRA) by requiring doctors, in certain cases, to provide parental notification before performing an abortion on a minor. CBO estimates the costs for public and private doctors to comply with those mandates would be minimal and well below the annual thresholds established in UMRA (\$62 million for intergovernmental mandates and \$123 million for private-sector mandates in 2005, adjusted for inflation).</p>	<p>7/11/2005: Placed on Senate Legislative Calendar under General Orders.</p> <p>7/1/2005: Placed on Senate Legislative Calendar under Read the First Time.</p> <p>4/28/2005: Received in the Senate.</p> <p>4/27/2005: On passage Passed by recorded vote: 270 - 157. Representatives Cantor, J. Davis, T. Davis, Drake, Forbes, Goode, Goodlatte, and Wolf voted for this legislation. Representatives Boucher, Moran, and Scott voted against this legislation.</p>
	Surface Transportation Safety Improvement Act of 2005	The bill would extend the authority for programs administered by the National Highway Traffic Safety Administration (NHTSA), the Federal Motor Carrier Safety Administration and certain hazardous material transportation programs. For such programs, the bill would authorize the appropriation of \$927 million over the 2006-2010 period. The bill also would provide about \$2.9 billion in contract authority (the authority to incur	The Senate Committee on Commerce, Science, and Transportation has included this measure with the larger Highway Bill H.R. 3. This score is specific to the Safety aspects.

		<p>obligations in advance of appropriations) over the 2006-2009 period for highway traffic safety programs and \$2 billion in contract authority over the same period for motor carrier safety programs.</p> <p>This bill contains intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA), but CBO estimates that the costs of those mandates would fall significantly below the threshold established by that act (\$62 million in 2005, adjusted annually for inflation). The remaining provisions of the bill would benefit states by reauthorizing existing grant programs and creating new grant programs. Any costs to states to participate in those programs would be incurred voluntarily.</p> <p>This bill would terminate the Single State Registration System (SSRS) and replace it with the Unified Carrier Registration System (UCR), an online system under which states would continue to collect information required by the federal government and in turn collect fees from covered motor carriers. While this change would not be a new mandate, it would affect the cost of complying with the existing mandate. The costs incurred by states to administer and enforce federal registration systems would increase somewhat because the UCR would encompass private and agricultural carriers—classes of carriers now exempt from federal registration and financial responsibility standards. On balance, though, CBO expects that states would incur little additional costs and would benefit from efficiencies generated by the online system, particularly after the initial years. The proposed system would preempt states' authority to require commercial vehicles to display certain forms of identification in addition to those required by DOT. This bill would expand an existing mandate that requires states' commercial driver's license programs to comply with federal standards.</p>	
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		The section would require states to issue learner's permits for commercial drivers. The bill would also impose a new intergovernmental mandate by prohibiting schools from purchasing, renting, or leasing 15-passenger vehicles to transport students unless those vehicles comply with standards prescribed for school buses.	
H.R. 1279	Gang Deterrence and Community Protection Act of 2005	<p>H.R. 1279 would authorize the appropriation of nearly \$80 million annually over the 2006-2010 period for Department of Justice (DOJ) programs to investigate and prosecute criminal street gangs and to protect witnesses and victims of gang-related crimes. The bill also would establish mandatory minimum prison sentences for certain crimes committed by members of criminal street gangs.</p> <p>H.R. 1279 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). Assuming appropriation of the authorized amounts, state and local law enforcement and prosecutors could receive up to \$100 million in federal assistance over the next five years to combat gang activity; any costs to those governments would be incurred voluntarily. Those governments also would benefit from expanded programs of the Federal Bureau of Investigation and the United States Attorneys to identify and prosecute criminal street gangs.</p>	<p>5/12/2005: Received in the Senate and referred to the Committee on the Judiciary.</p> <p>5/11/2005: Motion to reconsider laid on the table Agreed to without objection.</p> <p>5/11/2005: On passage Passed by the Yeas and Nays: 279 – 144. Representatives Boucher, Cantor, J. Davis, T. Davis, Drake, Forbes, Goode, Goodlatte, and Wolf voted in favor of this legislation. Representative Scott voted against this legislation. Representative Moran did not vote.</p>
H.R. 1817	Department of Homeland Security Authorization Act for Fiscal Year 2006	<p>H.R. 1817 would authorize the appropriation of \$34.2 billion for fiscal year 2006 to fund the major operations of the Department of Homeland Security (DHS). Enacting the bill would not affect direct spending or receipts.</p> <p>H.R. 1817 contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA) by exempting certain information related to critical infrastructure from state and local laws that provide public access to information. CBO estimates that the costs, if any, to state and local governments</p>	<p>5/19/2005: Received in the Senate and referred to the Committee on Homeland Security and Governmental Affairs.</p> <p>5/18/2005: Motion to reconsider laid on the table Agreed to without objection.</p> <p>5/18/2005: On passage Passed by recorded vote: 424 – 4. Representatives</p>

		<p>would be minimal and well below the annual threshold established in that act (\$62 million in 2005, adjusted annually for inflation).</p> <p>Section 306 would require the Secretary of the Department of Homeland Security to issue regulations for the security of maritime cargo moving within the intermodal transportation system. Those regulations would relate to the securing, recording, and verifying of seals on maritime cargo containers in the hauling of cargo from one mode of transportation to another. According to DHS, a notice of proposed rulemaking that incorporates the recommendations referred to in the bill has been drafted and is pending review. Based on information from DHS, CBO anticipates that the Secretary will issue those regulations. Thus, CBO expects that the provisions in this section would impose no additional mandates on public or private sector entities. State and local governments would benefit from programs to improve interoperable communications and to reimburse costs for having law enforcement officers trained to enforce immigration laws. Any costs incurred by those governments would be incurred voluntarily.</p>	<p>Boucher, Cantor, J. Davis, T. Davis, Drake, Forbes, Goode, Goodlatte, Moran, Scott, and Wolf voted in favor of this legislation.</p> <p>5/18/2005: The House adopted the amendment in the nature of a substitute as agreed to by the Committee of the Whole House on the state of the Union.</p> <p>5/13/2005: Placed on the House Calendar.</p>
H.R. 2046	 Servicemembers' Health Insurance Protection Act of 2005	<p>H.R. 2046 would limit premium increases on health insurance for reservists who return to their civilian jobs after serving on active duty and ensure that reservists whose activation is cancelled before they report for duty can reinstate their health care coverage. It also would allow disabled servicemembers to qualify for a housing grant provided by the Department of Veterans Affairs (VA) before being discharged from active duty. Finally, the bill would modify a requirement in the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief Act, 2005 (Public Law 109-13) regarding elections of servicemembers to reduce or decline insurance.</p> <p>H.R. 2046 contains an intergovernmental</p>	<p>5/24/2005: Received in the Senate and referred to the Committee on Veterans' Affairs.</p> <p>5/23/2005: Motion to reconsider laid on the table Agreed to without objection.</p> <p>5/23/2005: On House Passage, on motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.</p> <p>5/23/2005: Considered under suspension of the rules.</p>

		<p>mandate as defined in the Unfunded Mandates Reform Act (UMRA). Current law imposes a mandate on public and private-sector entities that provide health insurance by requiring them to allow servicemembers and reservists on active duty to continue policies or reinstate those policies without delay when they return from service.</p> <p>Section 2 would prohibit those entities that provide insurance from raising premiums for servicemembers when they return from active duty service and choose to reinstate or continue previously held policies. Section 3 of this bill would expand current law to require that certain reservists whose notice for active duty is later cancelled are also eligible to continue or reinstate health policies without delay. That expansion would increase the cost for both public and private-sector providers to comply with an existing mandate. Based on information from the Department of Defense and industry representatives, CBO estimates that only a small number of servicemembers would benefit from those provisions. The total direct cost for providers to comply with those mandates, thus would be minimal and well below the annual thresholds established by UMRA (\$62 million in 2005 and \$123 million in 2005, respectively, adjusted annually for inflation).</p>	<p>5/23/2005: Mr. Boozman moved to suspend the rules and pass the bill, as amended.</p> <p>5/19/2005: Placed on the House Calendar.</p>
H.R. 744	Internet Spyware (I-SPY) Prevention Act of 2005	<p>H.R. 744 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 2006-2009 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 2006 and \$40 million over the 2006-2010 period. CBO expects that enacting the bill would have an insignificant effect on federal revenues and direct spending.</p>	<p>5/24/2005: Received in the Senate and referred to the Committee on the Judiciary.</p> <p>5/23/2005: On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 395 – 1. Representatives Boucher, Cantor, J. Davis, T. Davis, Drake, Forbes, Goode, Goodlatte, Moran, Scott, and Wolf voted in favor of</p>

		<p>H.R. 744 contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA). Section 1030A (c) of H.R. 744 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 (\$62 million in 2005, adjusted annually for inflation).</p>	<p>this legislation.</p> <p>5/18/2005: Committee Consideration and Mark-up Session Held.</p> <p>2/10/2005: Referred to the House Committee on the Judiciary.</p>
H.R. 1815	National Defense Authorization Act for Fiscal Year 2006	<p>H.R. 1815 would authorize appropriations totaling \$485 billion for fiscal year 2006 for the military functions of the Department of Defense (DoD), for activities of the Department of Energy (DOE), and for other purposes. That total includes \$49 billion for military operations in Iraq and Afghanistan. In addition, the bill would prescribe personnel strengths for each active-duty and selected reserve component of the U.S. armed forces.</p> <p>The remaining provisions of the bill contain both intergovernmental and private-sector mandates as defined by the Unfunded Mandates Reform Act (UMRA) but CBO estimates that the annual cost of those mandates would not exceed the thresholds established in UMRA (\$62 million for intergovernmental mandates in 2005 and \$123 million for private-sector mandates in 2005, adjusted annually for inflation).</p> <p>In general, H.R. 1815 would benefit state, local, and tribal governments by authorizing aid for certain local schools with dependents of defense personnel, expanding the authority of State governors to order their state's National Guard to support counter-terrorism activities, and conveying certain parcels of land to state and local governments. Any costs</p>	<p>6/6/2005: Received in the Senate and referred to the Committee on Armed Services.</p> <p>5/25/2005: Passed by the Yeas and Nays: 390 – 39. Representatives Boucher, Cantor, J. Davis, T. Davis, Drake, Forbes, Goode, Goodlatte, Moran, Scott, and Wolf voted in favor of this legislation.</p> <p>5/20/2005: Placed on the House Calendar.</p> <p>5/20/2005: Reported (Amended) by the Committee on Armed Services.</p> <p>4/26/2005: Referred to the House Committee on Armed Services.</p>

		to those governments would be incurred voluntarily.	
H.R. 2864	Water Resources Development Act of 2005	<p>H.R. 2864 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, to complete 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.</p> <p>H.R. 2864 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. Governments that choose to participate in those projects would incur costs to comply with the conditions of the federal assistance, including cost-sharing requirements, but such costs would be incurred voluntarily. In addition, some state and local governments participating in ongoing water resources projects would benefit from provisions in the bill that would alter existing cost-sharing obligations. Many of those provisions would make it easier for nonfederal participants to meet their obligations by giving them credit for expenses they have already incurred or by expanding the types of expenditures counted towards the nonfederal share.</p>	<p>7/14/2005: On House passage Passed by the Yeas and Nays: 406 – 14. Representatives Boucher, Cantor, Drake, Forbes, Goode, Goodlatte, Moran, Scott, and Wolf voted in favor of this legislation. Representatives J. Davis and T. Davis voted against this bill.</p> <p>6/24/2005: Placed on the House Calendar</p> <p>6/24/2005: Reported (Amended) by the Committee on Transportation.</p> <p>6/13/2005: Referred to the House Committee on Transportation and Infrastructure.</p>

Part III - Federal Regulatory Mandates

The Regulatory Information Service Center of the General Services Administration identified seventy-two (72) completed federal regulatory actions that may affect the states. The following forty (40) may mandate specific requirements on the Commonwealth.

Agricultural Bioterrorism Protection Act of 2002; Possession, Use, and Transfer of Biological Agents and Toxins

Regulatory Identification Number (RIN): 0579-AB47

Abstract: In accordance with the Agricultural Bioterrorism Protection Act of 2002, the Animal and Plant Health Inspection Service (APHIS) has established, by regulation, a list of biological agents and toxins determined to have the potential to pose a severe threat to animal or plant health or to animal or plant products, as well as regulations concerning the possession, use, and transfer of listed biological agents and toxins.

Mexican Hass Avocado Import Program

Regulatory Identification Number (RIN):0579-AB81

Abstract: This final rule amended the regulations governing the importation of fruits and vegetables to expand the number of States in which fresh Hass avocado fruit grown in approved orchards in approved municipalities in Michoacan, Mexico, may be distributed. The final rule allows the distribution of the avocados during all months of the year. To reflect these changes, we also made other changes in the regulations, such as removing restrictions on the ports through which the avocados may enter the United States and the corridor through which the avocados must transit the United States. We took this action in response to a request from the Government of Mexico and based on our finding that the phytosanitary measures described in this final rule will reduce the risk of introducing plant pests associated with Mexican Hass avocados into the United States.

Food Stamp Program (FSP): High Performance Bonuses

Regulatory Identification Number (RIN): 0584-AD29

Abstract: This action will finalize amendments to the FSP regulations originally proposed on December 17, 2003, titled FSP High Performance Bonuses. These amendments were provided for in the Farm Security and Rural Investment Act of 2002 for States that demonstrate high or improved performance in administration of the Food Stamp Program. This action will finalize the measurement criteria for fiscal year 2005 and beyond.

National School Lunch and School Breakfast Programs: Fluid Milk Requirement

Regulatory Identification Number (RIN): 0584-AD55

Abstract: Currently, reimbursable school meals must offer types of fluid milk consistent with prior year preferences, unless the prior year preference for a particular type of milk was less than 1 percent of the total milk consumed. In response to Public Law 108-265, which amended the Richard B. Russell National School Lunch Act, the National School Lunch Program and School Breakfast Program regulations will be

revised to require that school meals offer fluid milk in a variety of fat contents, regardless of the prior year preferences.

Waiver of the Requirement To Use Weighted Averages in the National School Lunch and School Breakfast Programs

Regulatory Identification Number (RIN): 0584-AD63

Abstract: Effective October 1, 2004, regulations for the school nutrition programs require school food authorities, that use nutrient standard menu planning, apply "weighted averages." Weighted averages reflect production, with menus "weighted" based on their relative contributions. Public Law 108-265 extended the waiver of this requirement until September 30, 2009. This final regulation would revise the regulations to incorporate this provision.

Implementing Provision From the Child Nutrition and WIC Reauthorization Act of 2004: Increasing the Duration of Tiering Status of Day Care Homes in the Child and Adult Care Food Program (CACFP)

Regulatory Identification Number (RIN): 0584-AD67

Abstract: This rule will amend the CACFP regulations to implement a provision from the Child Nutrition and WIC Reauthorization Act of 2004 that increased the duration of tiering status determinations to 5 years for participating family day care homes when based on school data. This provision constitutes a reduction in both administrative workload and paperwork burden for State agencies and sponsoring organizations since they only have to perform redeterminations every 5 years instead of every 3 years.

Annual Specifications for Fishing Year 2005 for the Summer Flounder, Scup, and Black Sea Bass Fishery

Regulatory Identification Number (RIN): 0648-AR51

Abstract: This action would establish annual specifications for the summer flounder, scup, and black sea bass fishery for fishing year 2005.

BE-80, Benchmark Survey of Financial Services Transactions Between U.S. Financial Services Providers and Unaffiliated Foreign Persons

Regulatory Identification Number (RIN): 0691-AA51

Abstract: This action would amend existing rule 15 CFR 801.11 to provide for the conduct of the BE-80, Benchmark Survey of Financial Services Transactions Between U.S. Financial Services Providers and Unaffiliated Foreign Persons - 2004, as required in the International Investment and Trade in Services Survey Act, 22 USC 3101 to 3108 (see especially section 4(b) of the Act). The existing rule covers a similar survey for 1999, which has been completed and which the new survey will update.

Current Good Tissue Practice for Human Cell, Tissue, and Cellular and Tissue-Based Product Establishments; Inspection and Enforcement

Regulatory Identification Number (RIN): 0910-AB28

Abstract: The Food and Drug Administration (FDA) is requiring certain human cell, tissue, and cellular and tissue-based product (HCT/P) establishments to follow current good tissue practice (CGTP), which governs the methods used in, and the facilities and controls used for, the manufacture of HCT/Ps, recordkeeping, and the establishment of a quality program. FDA is also issuing regulations pertaining to labeling, reporting, inspections, and enforcement.

Use of Ozone-Depleting Substances: Removal of Essential Use Designation;

Albuterol

Regulatory Identification Number (RIN): 0910-AF18

Abstract: Under the Clean Air Act, the Food and Drug Administration (FDA) within the U.S. Department of Health and Human Services, in consultation with the Environmental Protection Agency, is required to determine whether an FDA-regulated product that releases an ozone-depleting substance (ODS) is essential. The two agencies have tentatively determined that the two currently marketed non-ODS metered-dose inhalers (MDIs) will be satisfactory alternatives to albuterol MDIs that contain ODS, and have proposed to remove the essential use designations for albuterol MDIs. If the essential use designation is removed, albuterol MDIs that contain an ODS could not be marketed after a suitable transition period. The proposed rule specifically asked for comments on which phase-out period length will best ensure a smooth transition and minimize any adverse affects on the public health.

Health Coverage Portability for Group Health Plans and Group Health Insurance Issuers

Regulatory Identification Number (RIN): 0938-AL43

Abstract: This final rule provides portability requirements for group health plans and issuers of health insurance coverage offered in connection with a group health plan under the Health Insurance Portability and Accountability Act of 1996. This regulation addresses limitations or preexisting exclusion periods on requests for special enrollments.

Prospective Payment System for Inpatient Psychiatric Facilities for FY 2004

Regulatory Identification Number (RIN): 0938-AL50

Abstract: This final rule establishes a prospective payment system (PPS) for Inpatient hospital services furnished by psychiatric hospitals and psychiatric units that will be effective January 1, 2005 (to establish the new system).

Medicare Drug Benefit Effective Calendar Year 2006--Title I

Regulatory Identification Number (RIN): 0938-AN08

Abstract: This final rule implements title I of the Medicare Modernization Act, which establishes a new voluntary outpatient prescription drug benefit under a new Medicare part D, beginning January 1, 2006. Coverage for the drug benefit will be provided by private prescription drug plans (PDPs) that offer drug only coverage, or through Medicare Advantage plans or preferred provider plans (PPOs) that will offer prescription drug and non-drug coverage. Plans will offer a standard drug benefit but have the flexibility to vary the drug benefit within actuarial equivalency parameters.

Assistance with premiums and cost sharing will be provided to eligible low-income beneficiaries.

Time Limitation on Recordkeeping Requirements Under the Drug Rebate Program

Regulatory Identification Number (RIN): 0938-AN55

Abstract: This final rule finalizes the 10-year recordkeeping requirements. Manufacturers must retain records for 10 years from the date the manufacturer reports data to us for a rebate period. This final rule also finalizes the requirement that manufacturers must retain records beyond the 10-year period if the records are known by the manufacturer to be the subject of an audit or a government investigation. Furthermore, it responds to public comments on the January 6, 2004, interim final rule with comment period and the proposed rule pertaining to the 10-year recordkeeping comments, respectively.

Land Use Planning

Regulatory Identification Number (RIN): 1004-AD57

Abstract: This rule will revise procedures relating to resource management planning. The rule is needed to emphasize the importance of working with Federal and State agencies and local and tribal governments through cooperating agency relationships in developing, amending, and revising the Bureau of Land Management's (BLM) resource management plans.

Federal Oil Valuation

Regulatory Identification Number (RIN): 1010-AD04

Abstract: This rule would amend the existing rule governing valuation for royalty purposes of crude oil produced from Federal leases. These changes would refine several technical aspects of this rule relating to which published market prices are most appropriate to value crude oil not sold at arm's length and what transportation deductions should be allowed.

Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)

Regulatory Identification Number (RIN): 1121-AA57

Abstract: The Department of Justice will be adopting the proposed common rule on debarment and suspension. The rule, as adopted, would limit the mandatory lower-tier application of an exclusion to the first procurement level under a nonprocurement covered transaction. Second, this proposed common rule on debarment and suspension would set the dollar threshold on prohibited lower-tier procurement transactions with excluded persons at \$25,000. Third, both this proposed rule on debarment and suspension and the proposed rule on drug-free workplace requirements would eliminate the mandate for agencies and participants to obtain written certifications from awardees or persons with whom they propose to enter into covered transactions. Fourth, the proposed rule on drug-free workplace requirements would be separated from this proposed rule on debarment and suspension.

Labor Certification Process for the Permanent Employment of Aliens in the United States

Regulatory Identification Number (RIN): 1893-AA66

Abstract: The Employment and Training Administration (ETA) has published a final regulation, effective March 28, 2005, reengineering the permanent labor certification process. The regulation makes fundamental changes and refinements that will streamline the process, save resources, improve the effectiveness of the program and better serve the Department of Labor's (DOL) customer.

Davis Bacon Volunteers Under the Federal Acquisition Streamlining Act

Regulatory Identification Number (RIN): 1881-AA96

Abstract: The Federal Acquisition Streamlining Act of 1994, P.L. 103-355, amended several acts administered by the Department of Labor: (1) The Contract Work Hours and Safety Standards Act (CWHSSA) to limit its applicability to contracts in an amount of \$100,000 or greater; (2) the Davis-Bacon Act (DB) to provide waivers from that Act's prevailing wage requirements under six selected laws for volunteers performing services to a State or local government or agency or performing services to a public or private nonprofit recipient of Federal assistance; and (3) the Walsh-Healey Public Contracts Act (PCA) to eliminate the requirements that contractors on covered contracts be either manufacturers or regular dealers in the items to be supplied under the contract but retains the Secretary of Labor's authority to define the terms "regular dealer" and "manufacturer." A final rule implementing the CWHSSA and PCA changes was published on August 5, 1996 (61 FR 40714). Although regulations were planned to implement waivers of DB prevailing wages for volunteers, 3 of the 6 affected provisions have since been repealed. Those remaining can be addressed through operating guidance and compliance assistance materials without regulations. This proposed action is, therefore, permanently withdrawn from the regulatory agenda.

Offset of Tax Refund Payment To Collect State Income Tax Obligations

Regulatory Identification Number (RIN): 1510-AA78

Abstract: This rule governs the offset of Federal tax refund payments to collect delinquent State income taxes.

Salary Reduction Agreement Under Section 312(a)(5)(D) (Temporary)

Regulatory Identification Number (RIN): 1545-BD50

Abstract: The temporary regulation defines the term "salary reduction agreement" within the meaning of section 3121(a)(5)(D) as a plan or arrangement whereby payment will be made by an employer to an annuity described in section 403(b) if an employee elects to reduce his compensation or if an employee agrees as a condition of employment to make a mandatory contribution that reduces his compensation.

Hazmat Fee Rule: Fees for Security Threat Assessments on Hazmat Drivers

Regulatory Identification Number (RIN): 1652-AA33

Abstract: In response to recent statutory requirements, the Transportation Security Administration (TSA) is establishing a fee for security threat assessments that TSA is required to perform on individuals who apply for or renew a hazardous materials

endorsement for a commercial driver's license. TSA also is establishing a fee for collection and transmission of fingerprints and biographical information, which is necessary to perform the security threat assessments. TSA intends to use fees collected under this rule to pay for the costs of the security threat assessments and the costs of collection and transmission of fingerprints and biographical information.

Water Quality Standards for Pathogens and Pathogen Indicators for Coastal Recreation Waters

Regulatory Identification Number (RIN): 2040-AE63

Abstract: The October 2000 Beaches Environmental and Coastal Health Act (BEACH Act) amended the Clean Water Act to require coastal and Great Lake states to adopt criteria: "as protective of human health as" The Environmental Protection Agency's (EPA) criteria for pathogen and pathogen indicators for their coastal recreation waters by April 2004. The BEACH Act defines "coastal recreation waters" as marine coastal waters that are designated under section 303 (c) of the Clean Water Act by a State for swimming, bathing, surfing or similar water contact activities and the Great Lakes. The Act further requires EPA to promptly propose new or revised water quality criteria for coastal or Great Lake States that do not adopt criteria for pathogens or pathogen indicators "as protective of human health as" EPA's criteria. On July 9, 2004, EPA published a proposed rule establishing water quality standards for pathogens and pathogen indicators for states (with coastal recreation waters) that fail to adopt water quality criteria and standards for pathogens for which EPA has developed criteria.

National Pollutant Discharge Elimination System: Modification of Permit Deadline for Storm Water Discharges From Oil and Gas Construction Activity That Disturbs One to Five Acres

Regulatory Identification Number (RIN): 3274-AE71

Abstract: In developing the Phase II storm water regulations, the Environmental Protection Agency (EPA) conducted analysis of the potential impacts of the regulation on the national economy and also analyzed impacts on small businesses. These impacts focused on implementation of sediment and erosion control practices or best management practices to reduce pollutants commonly associated with construction storm water discharges. In performing these analyses, EPA considered affected industrial sectors, including the oil and gas industry. EPA determined that few, if any, oil and gas exploration sites would be affected by Phase II and impacts on Phase II rule cost estimates were unlikely to be significant. Since January 2002, the oil and gas industry has provided information indicating that as many as 30,000 oil and gas sites will be affected annually by the Phase II storm water regulations. In the spirit of Executive Order 13211, which directs EPA to consider the impact of its actions on energy-related production activities, the Agency believes it is important to review the economic analysis of the Phase II rule to determine the impact on the oil and gas industry. In evaluating the impact, the Agency will work with states, industry, and other entities to gather and evaluate data on the development and use of appropriate best management practices for the oil and gas industry. EPA also will continue to review the scope and effect of 33 USC 1342(1)(2), relating to permitting of oil and gas exploration activities, and other provisions of the Clean Water Act. EPA extended the March 10, 2003, permit

authorization deadline for Phase II oil and gas facilities to be covered by a storm water permit. To accomplish all of the necessary analyses, EPA extended the original March 10, 2003, permit authorization deadline for Phase II oil and gas facilities to be covered by a storm water permit until March 10, 2005. This final regulatory action further extends the deadline for oil and gas operators to secure an appropriate storm water permit for an additional fifteen months until June 12, 2006. This extension of the National Pollutant Discharge Elimination System (NPDES) storm water permitting deadline applies to all oil and gas construction activity that disturbs at least one acre, but less than five acres of land and sites disturbing less than one acre that are a part of a larger common plan of development or sale that disturbs between one and five acres. This postponement will allow the Agency additional time to complete analysis and consideration of a number of additional technical and procedural issues raised by stakeholders about storm water runoff associated with construction activities at oil and gas sites.

Loading-Based Listing of Non-Wastewaters From the Production of Selected Organic Dyes, Pigments, and Food, Drug, and Cosmetic Colorants

Regulatory Identification Number (RIN): 2050-AD80

Abstract: This action is mandated by the 1984 Hazardous and Solid Waste Amendments and a consent decree (ED v. Johnson, Civil Action No. 89-0598, D.D.C.). This action addresses the potential human health and environmental risks posed by wastes from the manufacture of organic dyes and pigments, and determines whether these wastes should be listed as hazardous wastes under the Resource Conservation and Recovery Act (RCRA) to control any potentially unacceptable risks. On February 24, 2005, we published a final rule that lists nonwastewaters from the production of dyes and/or pigments. This listing sets annual mass loading levels for constituents of concern, such that wastes would not be hazardous if the constituents are below the regulatory thresholds. If the wastes meet or exceed the regulatory levels for any constituents of concern, the wastes must be managed as listed hazardous wastes, unless the wastes qualify for a conditional exemption. Wastes are exempt if they are either disposed in landfill units that meet liner design criteria, or that are treated in certain combustion units. In addition, this rule establishes Land Disposal Restrictions (LDR) treatment standards for the wastes, and designates these wastes as hazardous substances subject to the Comprehensive Environmental Response, Compensation, and Recovery Act (CERCLA). This rule does not adjust the one-pound statutory reportable quantity (RQ) for the waste. This action provides the benefit of improving groundwater protection and safeguarding human health and the environment. At the same time, we are providing specific risk-reduction goals for industry, which, if met, will significantly reduce the regulatory burden associated with the listing determination. The estimated compliance costs to the dyes and/or pigments industries are in the range of \$0.49 to \$2.4 million per year, depending on total waste quantity managed, mass loading levels, and the number of affected facilities that qualify for an exemption. We expect impacts on small businesses to be minimal. The current action supercedes proposals for dye and pigment wastes published in 1994 and 1999. The 1994 and 1999 proposals were incomplete because they did not contain information claimed to be confidential by industry (the data are subject to an injunction prohibiting their release). The current action does not rely on the contested data. The current action applies to wastes from the manufacture of organic dyes and pigments in

certain product classes (azos, anthraquinones, (triarylmethanes). Manufacturers of these products will need to assess their wastes to determine whether they meet the final listing definitions. However, wastes that are not generated at a dyes and/or pigments manufacturing site, such as wastes from the off-site use, formulation, and packaging of dyes and/or pigments, are not included in the listing.

National Emission Standards for Coke Oven Batteries--Residual Risk Standards

Regulatory Identification Number (RIN): 2060-AJ96

Abstract: The Clean Air Act (CAA) section 112(f), standard to protect health and the environment is the statutory authority for this rulemaking. In accordance with section 112(f)(2), the Environmental Protection Agency (EPA) must promulgate residual risk standards 8 years after promulgation of emission standards. We promulgated emission standards for charging, topside leaks, and door leaks at coke ovens on October 27, 1993. This rule will further reduce coke oven emissions from charging, topside leaks, and door leaks at the affected coke plants.

Transportation Conformity Rule Amendments for New 8-Hour Ozone and PM2.5 National Ambient Air Quality Standards (NAAQS)

Regulatory Identification Number (RIN): 2060-AL73

Abstract: The transportation conformity rule ensures that transportation planning is consistent with a state's plans for achieving the air quality standards. These amendments to the existing transportation conformity rule are necessary as a result of the new 8-hour ozone and PM2.5 air quality standards. The main issues that will be addressed in these amendments are the regional emissions tests that apply before new state implementation plans (SIPs) are submitted and which particulate matter provisions of the rule apply to PM2.5.

Revision of December 2000 Regulatory Finding on the Emissions of Haz. Air Pollutants From Electric Utility Steam Generating Units & Removal of Coal & Oil-Fired Electric Utility Steam Generating Units

Regulatory Identification Number (RIN): 2060-AM96

Abstract: On January 30, 2004, the Environmental Protection Agency (EPA) proposed alternative approaches to regulating mercury emissions from coal-fired electric utility steam generating units and nickel emissions from oil-fired electric utility steam generating units.

Lead; Management and Disposal of Lead-Based Paint Debris

Regulatory Identification Number (RIN): 2070-AC72

Abstract: Currently, waste derived from lead-based paint (LBP) abatements is managed under the Resource Conservation and Recovery Act (RCRA) hazardous waste regulations. Other Federal agencies (Department of Housing and Urban Development, Department of Health and Human Services) and several States and advocacy groups expressed concern that the costs associated with the disposal of large volume architectural components (e.g., doors and windows) may interfere with abatement activities. The Environmental Protection Agency's (EPA) Office of Prevention, Pesticides and Toxic Substances and the Office of Solid Waste initiated a joint

rulemaking to address the disposal of these architectural components. The proposed rule developed disposal standards for these components under the Toxic Substances Control Act (TSCA) title IV, (the definition of abatement under TSCA title IV, section 401(1)(B), includes disposal). The TSCA proposal established appropriate disposal standards for LBP architectural components and identified recycling and incineration activities that would be controlled or prohibited. To minimize duplication of waste management requirements, EPA developed a companion RCRA rule to suspend temporarily hazardous waste management regulations applicable to lead-based paint debris which will be subject to the new TSCA standards. On July 31, 2000, the Office of Solid Waste clarified that any LBP waste generated from LBP abatements or renovation and remodeling activities in households, including single and multiple residences and hotels, qualifies for the household waste exemption from the RCRA hazardous waste requirements of Subtitle C. The primary purpose of these amendments was to create less expensive disposal options for LBP waste. The proposal also indicated that EPA had no plans to finalize the 1998 proposal as it pertained to the RCRA program. On June 18, 2003, the Office of Solid Waste (OSW) issued its final rule entitled "Criteria for Classification of Solid Waste Disposal Facilities." EPA plans to address remaining issues affecting disposal, reuse, and transportation and containerization of LBP debris in the context of another action: Abatement Amendments for Renovation and Remodeling, SAN 3557, RIN 2070-AC83. As such, this entry is now being closed for Regulatory Agenda purposes.

Regulatory Incentives for the National Environmental Performance Track Program

Regulatory Identification Number (RIN): 2090-AA36

Abstract: The Environmental Protection Agency (EPA) is taking direct final action to revise and correct certain provisions in the Resource Conservation and Recovery Act (RCRA) program applicable only to members of the National Environmental Performance Track Program. The revisions concern the proposed rule published on August 13, 2002 (67 FR 52674), and the subsequent final rule published on April 22, 2004 (69 FR 21737). Both the proposal and the final rule contained an inconsistency between the preamble language and regulatory language. The final rule also inadvertently omitted three references to applicable regulatory provisions that were properly referenced in the proposed rule. The proposed and final rules cover provisions under both the Clean Air Act and RCRA. The direct final rule applies only to the RCRA provisions. The Clean Air Act provisions are unchanged.

Participation by Disadvantaged Business Enterprises (DBE) in Department of Transportation Programs

Regulatory Identification Number (RIN): 2105-AC91

Abstract: This rulemaking would update the rule governing the DBE airport concession program. It revises and updates the Department's regulation concerning participation by airport concessionaire disadvantaged business enterprises (ACDBEs) in the concessions activities of airports receiving Federal assistance from the airport improvement program (AIP) of the Federal Aviation Administration (FAA). It makes the ACDBE concessions rule parallel in many important respects to the Department's DBE regulation for Federally assisted contracts. It also addresses issues such as goal-setting,

personal net worth and business size standards, and counting ACDBE participation by car rental companies.

National Bridge Inspection Standards

Regulatory Identification Number (RIN): 2086-AE86

Abstract: This rulemaking would amend and update the regulation on National Bridge Inspection Standards (NBIS). The Federal Highway Administration (FHWA) asked in an advanced notice of proposed rule making (ANPRM) whether there is a need to update the regulations to incorporate current, state-of-the-art bridge inspection practices which public authorities may be using. The primary purpose of the NBIS is to identify bridges that need work to ensure the safety of the traveling public. The FHWA proposed a revision of its regulation on the NBIS to address perceived ambiguities in the NBIS since it was last updated in 1987. The changes would clarify the NBIS language that is vague or ambiguous; reorganize the NBIS into a more logical sequence; and make the regulation easier to read and understand, not only by the inspector in the field, but also by those administering the highway bridge inspection programs at the State and Federal level. This rulemaking is significant because of the public and congressional interest in bridge safety.

Procedures for the Abatement of Highway Traffic Noise and Construction Noise

Regulatory Identification Number (RIN): 2125-AF03

Abstract: This action would amend the regulation that specifies that traffic noise prediction method to be used in highway traffic noise analysis. This revision would require the use of the Federal Highway Administration Traffic Noise Model (FHWA TNM), which was originally released on March 30, 1998. It would update the specific reference to acceptable highway traffic noise prediction methodology and would remove references to a noise measurement report and vehicle noise emission levels.

Whistle Bans at Highway-Rail Grade Crossings

Regulatory Identification Number (RIN): 2130-AA71

Abstract: This action would govern when train whistles at public grade crossings must be sounded. The Federal Railroad Administration (FRA) has found that failing to use the locomotive horn can significantly increase the number of collisions with motorists using the crossing. This action is considered significant because of substantial public interest. This action is being taken pursuant to statutory mandate. Pub. L. 103-440 requires the Secretary to prohibit local whistle bans, except where there is no significant risk of loss of life or serious personal injury, supplementary safety measures fully compensate for the absence of the warning provided by the horn, or where use of the locomotive horn is impractical.

Rail Fixed Guideway Systems: State Safety Oversight

Regulatory Identification Number (RIN): 2132-AA76

Abstract: In 1995, under (RIN) 2132-AA39, the Federal Transit Administration (FTA) issued the final rule entitled, Rail Fixed Guideway Systems; State Safety Oversight. On December 23, 1996, under RIN 2132-AA57, FTA issued technical amendments to the final rule. Then in 2002, under RIN 2132-AA69, FTA issued a direct

final rule amending the definition of accident. Because FTA received an adverse comment, the direct final rule was withdrawn and the next action was listed as undetermined while the next course of action was determined. FTA now intends to amend the rule, and has closed out RIN 2132-AA69, and opened RIN 2132-AA76, for this action. This final rule will revise the State Safety Oversight rule and adds clarifying sections, further specification concerning what the state must require to monitor safety and security of non-Federal Railroad Administration (FRA) rail systems, and incorporates into the body of the regulation material previously incorporated by reference. The revised part will ensure greater compliance of State oversight agencies, and enhance the safety and security of the rail systems governed by this part. FTA has determined that this rule is listed as significant for the purposes of the regulatory agenda but the Office of Management and Budget has determined that further review under Executive Order 12866 is not necessary. While the economic impact of this rulemaking is not anticipated to be significant because the changes are incremental in nature, FTA recognizes that this rule affects State governments and may be of congressional interest.

Applicability of the Hazardous Materials Regulations to Loading, Unloading, and Storage

Regulatory Identification Number (RIN): 2245-AC68

Abstract: This rulemaking makes revisions to better define the applicability of the Federal Hazardous Materials Regulations (HMR) in order to clarify the relationship among Federal, State, local, and tribal agencies in the regulation of hazardous materials. Under circumstances specified in Federal statutes, the regulations of other Federal agencies (the Environmental Protection Agency and the Occupational Safety and Health Administration) and non-Federal governments (States, localities, and Indian tribes) must be consistent with or defer to the Pipeline and Hazardous Materials Safety Administration's (PHMSA) regulation of the transportation of hazardous materials in commerce. However, other Federal and non-Federal requirements are generally not limited where hazardous materials are not in transportation. Activities relating to loading, unloading, and storage of hazardous materials have become areas of particular uncertainty and concern to both industry and non-Federal governments. This action is significant because of the substantial public interest in reducing uncertainty and avoiding conflicting regulations.

Fair Market Rents Programs: Increased Fair Market Rents for Certain Areas and Higher Payment Standards

Regulatory Identification Number (RIN): 2501-AC75

Abstract: Section 8(c)(1) of the United States Housing Act of 1937 requires the Secretary to publish Fair Market Rents (FMRs) annually to be effective on October 1 of each year. FMRs are used to determine payment standard amounts for the Housing Choice Voucher program, to determine initial renewal rents for some expiring project-based Section 8 contracts, and to determine initial rents for housing assistance payments (HAP) contracts in the Moderate Rehabilitation Single Room Occupancy program. The Department of Housing and Urban Development's (HUD) regulations governing FMRs are found in 24 CFR part 888. On October 2, 2000, HUD published an interim rule that

made certain changes to these regulations. The final rule will take into consideration the public comments received on the interim rule.

Implementation of Requirement for Use of Data Universal Numbering System

Identifier

Regulatory Identification Number (RIN): 2501-AD01

Abstract: This rule implements the requirement for grant applicants to provide a Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number when applying for Federal funds through the Department of Housing and Urban Development's (HUD) formula programs or Notices of Funds Availability (NOFAs).

Federal Travel Regulation; Case 2005-302; Relocation Income Tax (RIT) Allowance Tax Tables--2005 Update

Regulatory Identification Number (RIN): 3090-AI05

Abstract: The Federal, State, and Puerto Rico tax tables for calculating the relocation income tax (RIT) allowance must be updated yearly to reflect changes in Federal, State, and Puerto Rico income tax brackets and rates. The Federal, State, and Puerto Rico tax tables contained in this rule are for calculating the 2005 RIT allowance to be paid to relocating Federal employees.

Medical Use of Byproduct Material--Recognition of Specialty Boards

Regulatory Identification Number (RIN): 3150-AH19

Abstract: The proposed rule would amend the Commission's regulations by modifying the training and experience requirements applicable to the medical use of byproduct material based on recommendations submitted by the Advisory Committee on the Medical Uses of Isotopes (ACMUI), contained in SECY-02-0194 (October 30, 2002, "Staff Requirements--SECY-02-0194--Options for Addressing Part 35 Training and Experience Issues Associated with Recognition of Specialty Boards by NRC" (February 12, 2003)). The Commission approved an option that includes posting on the US Nuclear Regulatory Commission's (NRC) web site the names of boards whose certifications are recognized as meeting revised criteria for training and experience rather than including the names in regulations. The Commission directed that the staff develop the proposed rule based on the ACMUI's recommendations, with certain qualifications in SRM-02-0194, including clarifications about the meaning of terms in preceptor statements--the retention of which was required by the Commission.