Federal Mandate Report **January 2006**

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 15, 2005 through January 10, 2006, 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 15, 2005 through January 10, 2006.

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 15, 2005 through January 10, 2006. 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 15, 2005 through January 10, 2006, seven (7) contain mandates.

For the same period between July 15, 2005 through January 10, 2006 the RISC identified a total of sixty-eight (68) completed federal regulations that may affect the States; fifty (50) may affect the Commonwealth.

Special thanks to Marcia Price for her assistance.

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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 2005, those thresholds are $62 million for intergovernmental mandates and $123 million for private-sector mandates.)

Bill Number	Bill Title	Unfunded Mandate	Bill Status (Including Congressional Vote)
H.R. 3672	**TANF Emergency Response and Recovery Act of 2005**	H.R. 3672, enacted as Public Law 109-68, extends the Temporary Assistance for Needy Families (TANF) and child care entitlement programs through December 31, 2005, makes those funds available to states immediately, and provides additional funds to states that were damaged by Hurricane Katrina or that are hosting evacuees from the hurricane. In extending the TANF and child care entitlement programs for three months, this act provides a total of $6 billion in additional funding for those programs. However, CBO already assumes that level of funding in its baseline, as required by 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—has no cost relative to the baseline. CBO estimates that H.R. 3672 will increase direct spending, relative to the baseline, by an insignificant amount in 2005, $350 million in 2006, and $396 million over the 2006-2010 period. H.R. 3672 designates that amounts provided by the act, other than by section 2 (the extension of the TANF program), are an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress). The amounts designated as emergency funding total $245 million in 2006 and $294 million over the 2006-2010 period. The designation is significant for the purpose of enforcement under the Congressional Budget Act. The act will not affect federal revenues.	**9/21/2005:** Signed by President and became Public Law No: 109-68. **9/19/2005:** Presented to President. **9/15/2005:** Passed Senate without amendment by Unanimous Consent. **9/8/2005:** Received in the Senate. **9/8/2005:** On House Passage - On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.

		Extension of TANF and Child Care Programs: The act also allows states to continue to transfer up to 10 percent of TANF funds to the Social Services Block Grant (SSBG) during the first quarter of 2006. That percentage was assumed to fall to 4.25 percent for 2006 and subsequent years. Maintaining the transfer authority at the higher level makes it easier for states to spend their TANF grants and will accelerate spending relative to baseline. Based on recent state transfers, CBO expects that states will transfer an additional $125 million in the first quarter of fiscal year 2006 under the provision; because some of this money would have been spent within the TANF program anyway, CBO estimates that only $26 million of additional spending will occur in 2006. This increased spending will be entirely offset by lower spending in later years. **Reimbursement of States for TANF Benefits Paid to Evacuees:** Section 3 allows states that are hosting evacuees from states affected by Hurricane Katrina to receive federal reimbursement for short-term, nonrecurring cash benefits provided to those evacuees. It provides the reimbursement through the Contingency Fund for State Welfare Programs. Under that program, monthly funding for a state is capped at 1/12 of 20 percent of the state's family assistance grant. The act allows states to draw funds for a total of 12 months—September 2005 though August 2006. It also waives the requirement that states meet a higher maintenance-of-effort requirement or provide matching funds in order to access the Contingency Fund for these purposes. Based on FEMA reports and newspaper accounts on the number evacuees, CBO estimates that about one-half a million people are displaced and living in a different state. Because of the nature of the crisis and the 100 percent federal financing provided, CBO expects that participation in the program will be significantly higher than participation in the regular TANF program and that average benefits will be more generous. We expect states will draw down $225 million to provide cash benefits to evacuee families; section 8 of the act designates those amounts as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).	**9/7/2005:** Referred to House Committee on the Budget **9/7/2005:** Referred to House Committee on Ways and Means
H.R. 804	**An act to exclude from consideration as income certain payments under**	With H.R. 804, payments made under the National Flood Insurance Program for flood mitigation activities will not be counted as income or resources when determining eligibility for any federal means-tested program. The Federal Emergency Management Agency (FEMA) awards grants to	**9/20/2005:** Signed by the President and became Public Law No: 109-64.

	the National Flood Insurance Program	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 $75,000. CBO expects that H.R. 804 will increase the number of persons eligible for certain means-tested programs, including Food Stamps and Medicaid. Currently, flood mitigation grants are counted as income or resources by these programs and make some people ineligible for benefits or reduce the amount of their benefit. (Certain other FEMA grants are already excluded from income for benefit-eligibility purposes.) Based on data from FEMA on the number of flood mitigation grants awarded since fiscal year 1997, CBO estimates that the increase in the number of people newly eligible for these programs as a result of this legislation would be small and that any increase in direct spending for them would not be significant. Enacting this legislation would not affect revenues. H.R. 804 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act, and any increased spending by states for public benefits would be minimal.	**9/15/2005:** Presented to President. **9/8/2005:** Cleared for White House. **9/8/2005:** Passed Senate without amendment by Unanimous Consent. **7/13/2005:** Received in the Senate and referred to the Committee on Banking, Housing, and Urban Affairs. **7/12/2005:** On House Passage - On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote. **2/15/2005:** Referred to the House Committee on Financial Services.
H.R. 6	**Energy Policy Act of 2005**	Based on a preliminary review of the July 27, 2005, conference agreement for H.R. 6, the Energy Policy Act of 2005, CBO estimates that the bill will increase direct spending by $2.2 billion over the 2006-2010 period and by $1.6 billion over the 2006-2015 period. CBO and the Joint Committee on Taxation estimate that the legislation will reduce revenues by $7.9 billion over the 2005-2010 period and by $12.3 billion over the 2005-2015 period. The conference agreement for H.R. 6 contains several preemptions of state authority, which are defined as intergovernmental mandates by the Unfunded Mandates	**8/8/2005:** Signed by President and became Public Law No: 109-58. **7/29/2005:** Cleared for White House. **7/29/2005:** Senate agreed to

		Reform Act (UMRA). CBO estimates, however, that the total cost of complying with the intergovernmental mandates will not exceed the annual threshold established in that act ($62 million in 2005, adjusted annually for inflation).	conference report by Yea-Nay Vote. **7/28/2005:** On House agreeing to the conference report Agreed to by the Yeas and Nays. **7/24/2005:** Conference held. **7/1/2005:** Senate insists on its amendment, asks for a conference. **4/26/2005:** Received in the 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 in favor of this legislation. Representatives Moran and Scott voted against this legislation.
H.R. 1132	**National All Schedules Prescription Electronic Reporting Act of 2005**	H.R. 1132 authorizes 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 controlled substances. The bill also	**8/11/2005:** Signed by President and became Public Law No: 109-60. **8/4/2005:**

		requires the Secretary to conduct several studies related to monitoring programs for controlled substances. The bill authorizes the appropriation of $15 million in each of fiscal years 2006 and 2007, and $10 million a year for fiscal years 2008 through 2010. Assuming appropriation of those amounts, and based on spending patterns for similar programs, CBO estimates H.R. 1132 will cost $52 million over the 2006-2010 period. Enacting H.R. 1132 would have no effect on direct spending or revenues. H.R. 1132 contains no intergovernmental or private-sector mandates as defined by the Unfunded Mandates Reform Act. The bill would benefit state, local, and tribal governments; any costs they incur would result from complying with conditions of receiving federal assistance.	Presented to President. **8/2/2005:** Message on Senate action sent to the House. **7/29/2005:** Cleared for White House. **7/29/2005:** Passed Senate without amendment by Unanimous Consent. **7/27/2005:** On House passage motion to suspend the rules and pass the bill, as amended Agreed to by voice vote. **3/3/2005:** Referred to the House Committee on Energy and Commerce.
S. 467	**Terrorism Risk Insurance Extension Act of 2005**	S. 467 extends the Terrorism Risk Insurance Act (TRIA) through calendar year 2007 but excludes certain lines of insurance coverage currently 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 certain conditions. Under current law, TRIA will expire at the end of calendar year 2005. There is no reliable way to predict how much insured damage terrorists might cause in any specific year. Rather, CBO's estimate of the cost of financial assistance provided under S. 467 represents an expected value of payments from the program—a weighted average that reflects the	**12/22/2005:** Signed by President and became Public Law No: 109-144. **12/19/2005:** Presented to President. **12/17/2005:** Cleared for White House.

		probabilities of various outcomes from zero damages up to very large damages due to possible future terrorist attacks. The expected value can be thought of as the amount of an insurance premium that would be necessary to just offset the government's losses from providing this insurance, although firms do not pay any premium for the federal assistance offered by TRIA. On this basis, CBO estimates that S. 467 will increase direct spending by about $1.4 billion over the 2006-2010 period and by $1.5 billion over the next 10 years. Under TRIA, the Department of the Treasury would recoup some or all of the costs of providing financial assistance through charges imposed on insurance firms (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 of the Treasury would not impose any surcharges until two years after federal assistance is provided and that those amounts would be collected over several years. Thus, CBO estimates that S. 467 will increase governmental receipts by about $200 million over the 2006-2010 period and by $910 million over the next 10 years. S. 467 extends or expands several intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). CBO estimates that the aggregate costs of complying with those mandates will not exceed the annual thresholds established by UMRA ($62 million for intergovernmental mandates and $123 million for private-sector mandates in 2005, adjusted annually for inflation).	**12/17/2005:** On motion that the House suspend the rules and agree to the Senate amendment to the House amendment Agreed to by voice vote. **12/16/2005:** Message on Senate action sent to the House. **12/16/2005:** Senate concurred in House amendment with an amendment by Unanimous Consent. **12/12/2005:** Message on House action received in Senate and at desk: House amendment to Senate bill. **12/7/2005:** The Speaker appointed conferees - from the Committee on Financial Services, Committee on the Judiciary, for consideration of the Senate bill and the House amendment, and modifications committed to conference.

			12/7/2005: On motion that the House insist upon its amendment, and request a conference Agreed to without objection. **12/7/2005:** On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 371 – 49. Representatives Boucher, Cantor, T. Davis, Drake, Goode, Goodlatte, Moran, Scott, and Wolf voted in favor of this legislation. Representatives J. Davis and Forbes voted against this legislation. **11/18/2005:** Message on Senate action sent to the House. **11/18/2005:** Received in the House. **11/18/2005:** Passed Senate with an amendment by Unanimous

			Consent.
H.R. 3402	**Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009**	H.R. 3402 authorizes the appropriation of funds for fiscal years 2006 through 2009 for many programs and agencies in the Department of Justice (DOJ), including the Federal Bureau of Investigation, the Drug Enforcement Administration, the United States Attorneys, and the Bureau of Prisons. The bill authorizes funding for a few programs through 2010. H.R. 3402 specifically authorizes the appropriation of about $95 billion over the 2006-2010 period for almost all agencies and programs described in the bill. For a few programs, CBO estimated the funding levels necessary to implement those programs because the bill would authorize the appropriation of such sums as necessary. Assuming appropriation of the specified and estimated amounts, CBO estimates that implementing H.R. 3402 will cost about $94 billion over the 2006-2010 period. Spending by the four agencies mentioned above would account for about $59 billion of that total. The bill could affect direct spending and receipts, but CBO estimates that any such effects would not be significant. H.R. 3402 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). The bill would benefit state, local, and tribal governments by authorizing the appropriation of more than $12 billion over fiscal years 2006 through 2010 for a variety of programs to assist law enforcement agencies. Any costs to those governments would be incurred voluntarily as a condition of receiving federal assistance.	**1/5/2006:** Signed by President and became Public Law No: 109-162. **1/3/2006:** Presented to President. **12/17/2005:** Cleared for White House. **12/17/2005:** On motion that the House suspend the rules and agree to the Senate amendment Agreed to by voice vote. **12/16/2005:** Message on Senate action sent to the House. **12/16/2005:** Passed Senate with an amendment by Unanimous Consent. **12/16/2005:** Measure laid before Senate by unanimous consent. **10/7/2005:** Referred to the Senate Committee on the Judiciary.

			9/30/2005: Received in the Senate. **9/28/2005:** On passage Passed by the Yeas and Nays: 415 - 4. All Virginia Representatives voted in favor of this legislation. **9/22/2005:** Placed on the House Legislative Calendar.
S. 1197	**Violence Against Women Act of 2005**	S. 1197 authorizes the appropriation of about $3.9 billion over the 2006-2010 period, or nearly $800 million annually, for various programs in the Department of Justice (DOJ) and the Department of Health and Human Services (HHS) that aim to reduce violent crimes against women and assist the victims of such crimes. In addition, the bill permits DOJ to collect DNA samples from certain individuals who commit federal offenses. CBO estimates that S. 1197 will cost about $2.7 billion over the 2006-2010 period, assuming appropriation of the authorized amounts. In addition, the bill could affect direct spending and receipts, but we estimate that any such effects would be less than $500,000 annually. S. 1197 contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA) because it increases the number of protection orders that state, tribal, and territorial governments must enforce. Under current law, state and tribal governments must enforce protection orders issued by other state and tribal governments. This bill expands that mandate to include U.S. territories. Based on information from state representatives, CBO estimates that the number of additional protection orders would be small and that the cost for state, tribal, and territorial governments to enforce those orders also would be small and well below the threshold established in that act ($62 million in 2005, adjusted annually for inflation). The bill would benefit state, local, and tribal governments by authorizing the	Included in H.R. 3402, Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009 <u>Latest Action on H.R. 3402:</u> **1/5/2006:** Signed by President and became Public Law No: 109-162. **1/3/2006:** Presented to President. **12/17/2005:** Cleared for White House. **12/17/2005:** On motion that the House suspend the rules and agree to

		appropriation of more than $3 billion over fiscal years 2006-2010 for a variety of new and existing programs to assist law enforcement and housing agencies. Any costs to those governments would be incurred voluntarily as a condition of receiving federal assistance.	the Senate amendment Agreed to by voice vote. **12/16/2005:** Message on Senate action sent to the House. **12/16/2005:** Passed Senate with an amendment by Unanimous Consent. <u>Latest Action on S.1197:</u> **10/6/2005:** Message on Senate action sent to the House. Received in the House and held at the desk. **10/4/2005:** On Senate Passage, passed Senate with an amendment by Unanimous Consent. **10/4/2005:** The committee substitute as amended agreed to by Unanimous Consent. **10/4/2005:** Measure laid before Senate by unanimous

			consent. **9/12/2005:** Senate Committee on the Judiciary. Reported by Senator Specter with an amendment in the nature of a substitute. Without written report. **7/19/2005:** Senate Committee on the Judiciary. Hearings held.

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 2005, those thresholds are $62 million for intergovernmental mandates and $123 million for private-sector mandates, adjusted annually for inflation.)

Bill Number	Bill Title	Unfunded Mandate on State	Bill Status (Including Congressional Vote)
H.R. 972	**Trafficking Victims Protection Reauthorization Act of 2005**	H.R. 972 would reauthorize several programs within the Departments of State, Labor, Justice, and Health and Human Services, and within other agencies that combat trafficking in persons. The bill would authorize the appropriation of $188 million in 2006 and $173 million in 2007. In total, CBO estimates that implementing the bill would cost $68 million in 2006 and $342 million over the 2006-2010 period, assuming appropriation of the authorized amounts. (A portion of the authorized funding would be spent after 2010.) In total, CBO estimates that implementing the bill would cost $59 million in 2006 and $313 million over the 2006-2010 period, assuming appropriation of the necessary amounts. The bill also contains provisions that would affect direct spending and revenues, but CBO estimates these provisions would not have a significant effect. H.R. 972 contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA) because it would require courts to order the property of convicted traffickers be forfeited to the federal government. This provision would preempt state laws and could result in the loss of forfeited properties for those governments. Because the number of trafficking cases prosecuted under state law is small, however, CBO estimates any such loss to state governments would not be significant and would be well below the threshold established in that act ($62 million in 2005, adjusted for inflation). Other provisions of the bill	**1/3/2006:** Presented to President. **12/22/2005:** Cleared for White House. **12/22/2005:** Message on Senate action sent to the House. **12/22/2005:** Passed Senate without amendment by Unanimous Consent. **12/15/2005:** Received in the Senate. **12/14/2005:** On motion to suspend the rules and pass the bill, as amended Agreed

		would provide grant assistance to state, local, and tribal governments for programs benefiting victims of trafficking crimes.	to by the Yeas and Nays: (2/3 required): 426 – 0. All Virginia Representatives voted in favor of this legislation. **12/8/2005:** Placed on the House Legislative Calendar. **12/8/2005:** Reported (Amended) by the House Committee on Judiciary. **11/18/2005:** Reported (Amended) by the House Committee on International Relations. **2/17/2005:** Referred to the House Committees on International Relations, Armed Services, the Judiciary, and Energy and Commerce.
H.R. 3824	**Threatened and Endangered Species Recovery Act of 2005**	H.R. 3824 would amend the Endangered Species Act (ESA) and authorize appropriations to the Department of the Interior (DOI) and the Department of Agriculture of whatever amounts are necessary to carry out the act through 2010. The bill also would create new financial assistance programs and provide statutory authority for certain other grants and cooperative agreements administered by DOI. The legislation also would increase direct spending by requiring the Secretary of the Interior to	**9/30/2005:** Received in the Senate and referred to the Committee on Environment and Public Works. **9/29/2005:** Motion

		pay aid to private landowners who are prohibited from using their property under certain circumstances. CBO estimates that the U.S. Fish and Wildlife Service (USFWS) and the Animal and Plant Health Inspection Service (APHIS) would spend a total of about $2.7 billion over the 2006-2010 period to carry out and enforce the ESA as amended by this legislation, assuming appropriation of the necessary amounts. (That total includes spending from funds already appropriated for 2006 and prior years.) H.R. 3824 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA), and would impose no significant additional costs on state, local, or tribal governments. Some provisions in this bill would give state or local governments a greater role in carrying out the Endangered Species Act. Any costs they might incur in response would be incurred voluntarily. H.R. 3824 would authorize the USFWS to provide nonfederal entities with several forms of financial assistance, subject to the availability of appropriated funds. The assistance programs authorized by the bill would provide annual payments to states, local governments, nonprofit organizations, and private landowners who assume conservation and planning responsibilities under the ESA. The bill also would expand the purposes for which state grants from the Cooperative Endangered Species Fund (CESF) may be used.	to reconsider laid on the table Agreed to without objection. **9/29/2005:** On House passage, passed by recorded vote: 229 - 193. Representatives Cantor, J. Davis, Drake, Forbes, Goode, and Goodlatte voted in favor of the legislation. Representatives Boucher, T. Davis, Moran, Scott, and Wolf voted against this legislation. **9/27/2005:** Placed on the House Legislative Calendar. **9/27/2005:** Reported (Amended) by the House Committee on Resources. **9/19/2005:** Referred to the House Committee on Resources.
H.R. 3204	**State High Risk Pool Funding Extension Act of 2005**	H.R. 3204 would amend the Public Health Service Act to authorize appropriation 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	**10/20/2005:** Message on Senate action sent to the House.

		expired in 2004, the Department of Health and Human Services (HHS) provided seed grants to states to create a high-risk health insurance pool and operational grants for the losses incurred in connection with the operation of a pool. H.R. 3204 would authorize the appropriation of $15 million for the seed grants and $50 million a year for the operational grants over the 2005-2009 period. In addition, the act would alter how grants are allotted to states. CBO estimates that implementing H.R. 3204 would cost $30 million in 2006 and $230 million over the 2006-2010 period, assuming appropriation of the specified amounts. Enacting H.R. 3204 would not affect direct spending or revenues. H.R. 3204 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would extend and expand authorized funding for grants to states that operate high-risk insurance pools. This bill benefits states by authorizing funding to establish and continue operations of high-risk pools for health insurance.	**10/19/2005:** Passed Senate with an amendment by Unanimous Consent. **10/19/2005:** Measure laid before Senate by unanimous consent. **7/28/2005:** Received in the Senate and placed on Senate Legislative Calendar. **7/27/2005:** On House Passage: Motion to reconsider laid on the table Agreed to without objection. **7/27/2005:** On House motion to suspend the rules and pass the bill, as amended Agreed to by voice vote. **7/27/2005:** Placed on the House Legislative Calendar.
H.R. 3893	**Gasoline for America's Security Act of 2005**	H.R. 3893 would authorize new programs and spending related to the supply and use of petroleum and other energy products. It would provide subsidies to small refiners, make certain federal lands available for siting new refineries, and revise the terms and procedures for approving these and other energy projects. The bill also	**10/24/2005:** Referred to the Senate Committee on Energy and Natural Resources.

		would modify various standards in the Clean Air Act, direct the Federal Trade Commission (FTC) to issue and enforce regulations regarding gasoline price gouging, and create two new funds to cover certain costs incurred by energy firms. Other provisions would authorize appropriations for the construction of a refinery for the Armed Services, for several energy studies and conservation initiatives, and for a Commission for the Deployment of the Hydrogen Economy. Finally, H.R. 3893 would authorize the Department of Energy (DOE) to increase the capacity of the Northeast Home Heating Oil Reserve and allow oil in the Strategic Petroleum Reserve (SPR) to be sold for new purposes. H.R. 3893 contains numerous mandates, as defined in the Unfunded Mandates Reform Act (UMRA) that would affect intergovernmental entities. CBO estimates that the aggregate cost of those mandates would be below the annual thresholds established in UMRA ($62 million in 2005, adjusted annually for inflation). The bill would preempt the authority of state and local governments to implement their own clean fuel programs and to authorize the siting of refineries within their borders. Those preemptions constitute intergovernmental mandates as defined in UMRA. Section 101 would preempt the authority of state and local governments that receive a Presidential designation for the purposes of siting a refinery on federal lands within their borders. A Governor of a state receiving such a designation would be able to object to the designation, but the Congress would be authorized to override such an objection. Section 107 would authorize the President, in consultation with the EPA and DOE, to waive —for a period not more than 90 days—state or local statutes or regulations related to fuel or fuel-additive requirements. This provision also would preempt state authority to address local or regional concerns with air quality. CBO estimates that this preemption would not impose significant additional costs on governmental entities. Section 108 would preempt state authority to implement their own clean fuel programs. The Clean Air Act allows individual states to implement their own clean fuel programs to address local or regional concerns about air quality. The Energy Policy Act of 2005 (EPACT) requires the EPA to (1) determine the total number of fuels approved by the federal government in all state implementation plans and (2) publish a list of those	**10/17/2005:** Received in the Senate. **10/7/2005:** Motion to reconsider laid on the table Agreed to without objection. **10/7/2005:** On House passage, Passed by recorded vote: 212 - 210. Representatives Cantor, J. Davis, T. Davis, Drake, Forbes, Goode, Goodlatte, and Wolf voted in favor of this legislation. Representatives Boucher, Moran, and Scott voted against this legislation. **10/6/2005:** Placed on the House Legislative Calendar. **9/26/2005:** Referred to the House Committees on Energy and Commerce, on Transportation and Infrastructure, on Armed Services, and on Resources.

		fuels in the Federal Register for public review and comment no later than November 6, 2005. The federal list of fuels would supersede any list currently allowed under state implementation plans.	
H.R. 3408	**A bill to reauthorize the Livestock Mandatory Reporting Act of 1999 and to amend the swine reporting provisions of that act**	The legislation would extend the requirement for certain meat packers to report on business activities to the U.S. Department of Agriculture (USDA) through September 30, 2010. That requirement would otherwise expire on September 30, 2005. The information reported includes price, quantity, and terms of sale for domestic cattle, swine, lambs, and the meat products of such livestock. The bill would expand the information collected for certain types of pork products. CBO estimates that implementing this bill would cost USDA $43 million over the 2006-2010 period, assuming appropriation of the necessary amounts. Enacting the bill would not affect direct spending and would have no significant impact on federal revenues. H.R. 3408 contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA) because it would extend an existing mandate that otherwise will expire at the end of September 2005—a provision in the Livestock Mandatory Reporting Act of 1999 that prohibits state and local governments from imposing additional or conflicting requirements for livestock price reporting. CBO estimates that the mandate would impose no significant costs on state, local, or tribal governments. CBO estimates that this preemption currently imposes no significant costs on those governments. Therefore, any costs imposed by H.R. 3408 also would not be significant and would be well below the threshold established in UMRA ($62 million in 2005, adjusted annually for inflation). The bill would have no other significant impacts on the budgets of state, local, or tribal governments.	**10/7/2005:** Referred to the Senate Committee on Agriculture, Nutrition, and Forestry. **9/15/2005:** Received in the Senate. **9/14/2005:** Motion to reconsider laid on the table Agreed to without objection. **9/14/2005:** On House passage, motion to suspend the rules and pass the bill, as amended Agreed to by voice vote. **7/27/2005:** House Committee Consideration and Mark-up Session Held. **7/22/2005:** Referred to the House Committee on Agriculture.
H.R. 4128	**Private Property Rights Protection Act of 2005**	H.R. 4128 would deny federal economic development assistance to any state or local entity that uses the power of eminent domain for economic development and would prohibit federal agencies from engaging in this practice. The bill would specifically prohibit state and local governments from taking private property and conveying	**11/4/2005:** Received in the Senate and referred to the Committee on the Judiciary.

		or leasing that property to another private entity, either for a commercial purpose or to generate additional taxes, employment, or general economic health. A state or local government found to have violated this prohibition would be ineligible for certain federal economic development funds for two years, but could become eligible by returning or replacing the property. The bill would give private property owners the right to bring legal actions seeking enforcement of these provisions and would waive states' constitutional immunity to such suits. H.R. 4128 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA), but it would impose significant new conditions on the receipt of federal economic development assistance by state and local governments. (Such conditions are not considered mandates under UMRA.) Because these conditions would apply to a large pool of funds, the bill would effectively restrict the use of eminent domain, and would have a significant impact on local governments' powers to manage land use in their jurisdictions. Further, state and local governments could incur significant additional legal expense to respond to private legal actions authorized by the bill.	**11/3/2005:** Motion to reconsider laid on the table Agreed to without objection. **11/3/2005:** On House passage Passed by the Yeas and Nays: 376 - 38. Representatives Cantor, J. Davis, T. Davis, Drake, Forbes, Goode, and Goodlatte voted for this legislation. Representatives Moran and Scott voted against this legislation. Representatives Boucher and Wolf did not vote. **10/31/2005:** Placed on the House Legislative Calendar. **10/31/2005:** Reported (Amended) by the House Committee on Judiciary. **10/25/2005:** Referred to the House Committee on the Judiciary.
S. 895	**Rural Water Supply Act of 2005**	S. 895 would authorize appropriations for the Bureau of Reclamation to fund studies of rural water supply projects and provide loan guarantees for rural water projects that	**11/17/2005:** Referred to the House Committee

		meet the eligibility criteria in the bill. Assuming appropriation of the necessary sums, CBO estimates that implementing S. 895 would cost $14 million over the 2006-2010 period. Enacting this bill would have no effect on direct spending or revenues. S. 895 contains no intergovernmental mandates as defined by the Unfunded Mandates Reform Act (UMRA). The bill would benefit states and local and tribal governments within states eligible for Bureau of Reclamation programs by authorizing funding for water projects in rural areas. Any costs incurred by governmental entities, including matching funds, would result from complying with conditions for receiving federal assistance.	on Resources. **11/17/2005:** Message on Senate action sent to the House. **11/17/2005:** Received in the House. **11/16/2005:** Passed Senate with an amendment by Unanimous Consent. **10/19/2005:** Placed on Senate Legislative Calendar.
S. 1418	**Wired for Health Care Quality Act**	On April 27, 2004, the President issued Executive Order 13335, which established within the Office of the Secretary of Health and Human Services (HHS) the position of National Health Information Technology Coordinator. The Secretary subsequently established the Office of the National Coordinator of Health Information Technology (ONCHIT) and the American Health Information Community (AHIC) to support the adoption of health information technology. S. 1418 would amend the Public Health Service Act (PHSA) to codify the establishment and responsibilities of those entities. In addition, the bill would authorize appropriation of funding for grants to facilitate the widespread adoption of certain health information technology. S. 1418 would authorize the appropriation of $125 million in 2006, $155 million in 2007, and such sums as necessary for 2008 through 2010 for those activities. S. 1418 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). The bill would not require any action on the part of state, local, or tribal governments, but it would provide grant money to public health entities that wish to implement health record transfer systems. Therefore, CBO assumes that any costs to those entities as a result of participating in the grant	**12/16/2005:** Referred to the House Subcommittee on Health. **11/18/2005:** Referred to the House Committee on Energy and Commerce. **11/18/2005:** Message on Senate action sent to the House. **11/18/2005:** Received in the House. **11/18/2005:** Passed Senate with an

		programs would be incurred voluntarily.	amendment by Unanimous Consent. **7/27/2005:** Placed on Senate Legislative Calendar.
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 legislation, 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. S. 362 would authorize NOAA to provide grants to nonfederal entities such as state or local governments and universities involved with those activities. The act also would direct the U.S. Coast Guard (USCG) to improve enforcement of existing laws and treaties that address ocean pollution waste disposal at sea. For these purposes, the act would authorize the appropriation of $12 million ($10 million to NOAA and $2 million to the USCG) for each of fiscal years 2006 through 2010. Assuming appropriation of the authorized amounts, CBO estimates that implementing S. 362 would cost $2 million in fiscal year 2006 and $60 million over the 2006-2010 period. Enacting this legislation would have no effect on revenues or direct spending. S. 362 contains no 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.	**12/8/2005:** Reported (Amended) by the House Committee on Resources. **11/16/2005:** Ordered to be Reported (Amended) by Unanimous Consent. **7/11/2005:** Referred to the House Committee on Transportation and Infrastructure and the Committee on Resources. **7/11/2005:** Message on Senate action sent to the House. **7/11/2005:** Received in the House. **7/1/2005:** Passed Senate with amendments by Unanimous Consent.

			7/1/2005: Measure laid before Senate by unanimous consent. **4/13/2005:** Placed on Senate Legislative Calendar. **2/10/2005:** Referred to the Senate Committee on Commerce, Science, and Transportation. **2/10/2005:** Introductory remarks on measure.
H.R. 1721	**A bill to amend the Federal Water Pollution Control Act to reauthorize programs to improve the quality of coastal recreation waters, and for other purposes**	H.R. 1721 would authorize appropriations through fiscal year 2011 for the water quality program that benefits coastal states under the Clean Water Act. Under this program, the Environmental Protection Agency (EPA) provides grants to state or local governments to support their efforts to monitor the quality of coastal waters and notify the public of any conditions where beach water does not meet established standards. Under current law, EPA was authorized to receive annual appropriations of $30 million for grants and such sums as may be necessary to manage this water quality program through 2005. Assuming the appropriation of necessary funds, CBO estimates that implementing this legislation would cost $10 million in 2006 and $121 million over the 2006-2010 period, with additional spending occurring in later years. Enacting the bill would not affect direct spending or revenues. H.R. 1721 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). The bill would reauthorize water quality programs that benefit coastal states. Much of the funding authorized in the bill would be directed in the form of grants to public or	**12/12/2005:** Received in the Senate and referred to the Committee on Environment and Public Works. **12/7/2005:** Motion to reconsider laid on the table Agreed to without objection. **12/7/2005:** On House Passage, motion to suspend the rules and pass the bill Agreed to by voice vote. **12/7/2005:** Considered under

		private entities such as qualified state and local governments. Any costs to these governments from the requirements of the program, including matching funds, would be incurred voluntarily and would be the result of complying with grant conditions.	suspension of the rules. **12/7/2005:** Mr. Duncan moved to suspend the rules and pass the bill. **11/14/2005:** Placed on the House Legislative Calendar. **10/26/2005:** House Committee Consideration and Mark-up Session Held. **4/20/2005:** Referred to the House Committee on Transportation and Infrastructure.
S. 1496	**Electronic Duck Stamp Act of 2005**	S. 1496 would authorize the U.S. Fish and Wildlife Service (USFWS) to conduct a three-year pilot program to distribute federal duck stamps electronically. CBO estimates that implementing the legislation would cost the federal government $750,000 over the next three years, assuming the availability of appropriated funds. The bill would authorize the USFWS to allow up to 15 states to sell electronic versions of federal duck stamps, which serve as annual hunting permits for federal lands. Nearly all states use their own versions of duck stamps as hunting permits, and most of these states also have electronic licensing or online sales systems. The pilot program authorized by S. 1496 would help to coordinate the sale of federal and state permits using the state systems. CBO estimates that the USFWS would spend about $250,000 annually to carry out the three-year project, assuming the availability of appropriated funds. We expect that such amounts would be used by the agency to process applications from states who wish to participate in the program, to collect duck stamp revenues from those states,	**12/17/2005:** Referred to the House Committee on Resources. **12/17/2005:** Message on Senate action sent to the House. **12/17/2005:** Received in the House. **12/16/2005:** Passed Senate with amendments by Unanimous Consent. **12/8/2005:** Placed

		and to evaluate program results. Because S. 1496 would not change the current $15 price of the federal duck stamp, enacting the legislation would not affect revenues. The bill would allow the states to collect a surcharge for each electronic duck stamp sold. A portion of such fees would be transferred to the USFWS (along with the sales proceeds from the electronic duck stamp revenues) and would be credited to the agency's operating account. CBO estimates that such offsetting collections would have a minimal effect on annual discretionary spending. Enacting S. 1496 would not affect direct spending. The legislation contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments. Any state that chooses to participate in this pilot program would do so voluntarily. The bill would allow states to charge fees to cover any costs that they might incur.	on Senate Legislative Calendar. **12/8/2005:** Senate Committee on Environment and Public Works. Reported with written report by Senator Inhofe under authority of the order of the Senate of 11/18/2005 with amendments. **11/17/2005:** Senate Committee on Environment and Public Works. Ordered to be reported with an amendment favorably. **7/26/2005:** Referred to the Senate Committee on Environment and Public Works.
S. 1295	**National Indian Gaming Commission Accountability Act of 2005**	S. 1295 would amend the Indian Gaming Regulatory Act (IGRA) to increase the fees paid to the National Indian Gaming Commission (NIGC) by tribal gaming operators. The legislation would also require the NIGC to comply with the requirements of the Government Performance and Results Act of 1993. CBO estimates that implementing S. 1295 would increase direct spending by $7 million in 2006 and about $230 million over the 2006-2015 period. CBO also estimates that enacting the legislation would increase revenues by $7 million in 2006 and about $230 million over the 2006-2015 period. S. 1295 contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA) because it	**12/13/2005:** Referred to the House Committee on Resources. **12/13/2005:** Message on Senate action sent to the House. **12/13/2005:** Received in the House.

		would increase the amount of fees that gaming tribes must pay to the NIGC. Under an existing mandate, tribes must pay fees that are capped at $12 million in each of fiscal years 2005 and 2006. CBO estimates that enacting this bill would increase the cost of that mandate by less than $10 million in 2006. Because the bill would replace a fixed dollar cap with a cap set as a percent of gaming revenues, these incremental costs would increase as tribal gaming revenues increase, but we expect that they would remain well below the threshold established in UMRA ($62 million in 2005, adjusted annually for inflation) for at least the next five years. The bill would impose no other costs on state, local, or tribal governments.	**12/12/2005:** Passed Senate without amendment by Unanimous Consent. **8/31/2005:** Placed on Senate Legislative Calendar. **8/31/2005:** Senate Committee on Indian Affairs. Reported by Senator McCain under authority of the order of the Senate of 07/29/2005 without amendment. **6/29/2005:** Senate Committee on Indian Affairs. Ordered to be reported without amendment favorably. **6/23/2005:** Referred to the Senate Committee on Indian Affairs.
H.R. 4437	**Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005**	H.R. 4437 would direct the Department of Homeland Security (DHS) and the Social Security Administration (SSA) to extend and expand a system to verify the eligibility of certain people for employment in the United States. The bill also would require DHS to reimburse counties along the southern U.S. border for costs relating to the detention of illegal aliens, increase the number of border inspection personnel, deploy radiation portal monitors at ports of entry, and establish an Office of Air	**12/17/2005:** Received in the Senate. **12/16/2005:** Motion to reconsider laid on the table Agreed to without

		and Marine Operations within DHS. The bill would establish mandatory minimum prison sentences for a number of offenses relating to illegal entry into the United States and would establish civil and criminal penalties for such crimes. Finally, H.R. 4437 would make many other amendments to current law and changes to existing DHS procedures that aim to increase the security of U.S. borders. CBO estimates that implementing H.R. 4437 would cost about $1.9 billion over the 2006-2010 period, assuming appropriation of the necessary amounts. Such costs would continue and grow significantly after 2010 as additional requirements of the bill would be implemented. Enacting the bill could affect direct spending and revenues, but we estimate that any such effects would not be significant. H.R. 4437 would impose intergovernmental mandates, as defined in the Unfunded Mandates Reform Act (UMRA), on employers and other entities that hire, recruit, or refer individuals for employment. CBO expects that the aggregate direct costs to comply with those mandates would exceed the annual threshold for intergovernmental mandates ($62 million for intergovernmental mandates in 2005 and $123 million for private-sector mandates in 2005, adjusted annually for inflation) in at least one of the first five years the bill is in effect. Other provisions of the bill contain no intergovernmental mandates; some would benefit local governments. **Verification When Hiring, Recruiting, or Referring Individuals:** The bill would require state and local governments and other entities that recruit or refer employees, to submit names, Social Security numbers, and other identifying information of the individuals they hire, recruit, or refer to the employee verification system administered by DHS. Verification information would have to be submitted by the end of three working days after the date of hire or before recruiting or referring a potential employee. Such employers and entities also would be required to maintain a record of the verification for a specific amount of time in a form that would be available for government inspection. The bill would require that the mandatory inquiry about employment eligibility and recordkeeping for new employees begin two years after the date of enactment of this bill.	objection. **12/16/2005:** On House passage Passed by recorded vote: 239 – 182. Representatives Boucher, Cantor, T. Davis, Drake, Forbes, Goode, Goodlatte, and Wolf voted in favor of this legislation. Representatives Moran and Scott voted against this legislation. Representative J. Davis did not vote. **12/14/2005:** Placed on the House Legislative Calendar. **12/14/2005:** Committees on Education and the Workforce and on Ways and Means discharged. **12/13/2005:** Referred jointly and sequentially to the House Committees on Education and the Workforce and on Ways and Means for a period ending not later than Dec. 14, 2005

		Verification of Previously Hired Employees: All government employers and entities that employ persons in government buildings, would be required within three years after the date of enactment to verify the identity and employment eligibility of all individuals employed by that entity who have not been previously subject to such an inquiry. A record of the verification for those previously hired employees also would have to be maintained by the employers for a specific amount of time in a form that would be available for government inspection. Current law requires employers to attest that they have verified that the individual they are hiring, recruiting, or referring for employment in the United States is not an unauthorized alien by examining certain documents. Some employers voluntarily use the employment verification system to confirm the name and Social Security number of individuals. Requiring all employers and other entities to do such inquiries would impose new intergovernmental mandates on employers. The direct cost of the mandates would be the incremental cost to prepare and verify the employment eligibility of an individual through a toll-free telephone number or Web-based system and to maintain records. Based on information from state and local employers and representatives from personnel offices, the requirement to verify previously hired employees would be costly. Some employers with modern personnel systems would need to purchase software patches to enable their computer systems to compile and transmit the data. Smaller employers would need to manually submit the data through a toll-free phone number or Web-based system. Because of the large number of entities that would be required to prepare and submit information on previously hired individuals, however, CBO expects that the aggregate direct costs to comply with those mandates would exceed the annual threshold for intergovernmental mandates in at least one of the first five years the bill is in effect. This bill would create a new program to reimburse the costs incurred by some county sheriffs' offices to detain and transport aliens who are not lawfully present in the United States. Those governments would benefit from up to $100 million annually for this program and any costs would be incurred voluntarily as conditions of receiving federal assistance. **Manager's Amendment** CBO also scored the Manager's amendment, which was	for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(t), rule X. **12/6/2005:** Referred to the House Committees on the Judiciary and Homeland Security.

		passed and made part of H.R. 4437. The manager's amendment also contains an intergovernmental mandate not included in the bill as reported by the committee. That new mandate would preempt the authority of state and local governments to require private entities, as a condition of conducting business, to provide, build, fund, or maintain day labor sites, or to facilitate the employment of day laborers. CBO estimates that this provision would result in the loss of revenue for some state or local governments where day labor sites are currently located, but the magnitude of that loss would be small.	

Part III - Federal Regulatory Mandates

The Regulatory Information Service Center of the General Services Administration identified sixty-eight (68) completed federal regulatory actions that may affect the states. The following fifty (50) may mandate specific requirements on the Commonwealth.

Intermediary Relending Program
Regulatory Identification Number (RIN): 0570-AA42
Abstract: This regulatory action is to effectively clarify, simplify, and strengthen the existing regulations.

Commodity Supplemental Food Program: Plain Language, Program Accountability, and Program Flexibility
Regulatory Identification Number (RIN): 0584-AC84
Abstract: This rule rewrites regulations pertaining to the Commodity Supplemental Food Program (7 CFR part 247) in "plain language." It also amends regulatory provisions in this part to increase program accountability, impose more rigorous performance measures on State and local agencies, increase flexibility for program operators, and incorporate legislative provisions that have been implemented through program policy.

Food Safety Inspections, Audits, and Reports
Regulatory Identification Number (RIN): 0584-AD64
Abstract: Current regulations governing the National School Lunch and School Breakfast Programs require one food safety inspection in schools during the school year unless such inspection is required by the State or local agency responsible for food safety inspections. Public Law 101-265 revised the requirement in the Richard B. Russell National School Lunch Act on food safety inspections to: (1) Increase the number of required inspections to at least two during the school year; (2) remove the exemption if there are State or local requirements for schools; and (3) require that reports on the most recent inspection be posted in a publicly visible location and be provided, on request, to the public. In addition, the regulations will be revised to include the requirement in Public Law 101-265 that, for fiscal years 2006 through 2009, States annually audit food safety inspections in schools and submit a report to the United States Department of Agriculture (USDA) on the results of that audit.

Implementing Provisions From the Child Nutrition and Women, Infants, & Children (WIC) Reauthorization Act of 2004: For-Profit Center Participation in the Child and Adult Care Food Program
Regulatory Identification Number (RIN): 0584-AD66
Abstract: This rule will implement a provision of the Child Nutrition and WIC Reauthorization Act of 2004 that permanently establishes the eligibility of private for-profit child care centers to participate in the Child and Adult Care Food Program (CACFP) if at least 25 percent of participating children are eligible for free or reduced price meals. This provision was first added as a temporary 1-year measure to the National School Lunch Act in FY 2001 appropriations. Since that time, the provision had been extended with each

subsequent appropriation. Prior to FY 2001, for-profit centers could only participate in the Program if they receive title XX funds for 25 percent of the enrolled children or 25 percent of licensed capacity, whichever is less. Thus, since December 2000, private for-profit centers have been able to participate in the CACFP in two ways--based either on receipt of title XX funds on behalf of enrolled children or on the children's eligibility for free or reduced price meals.

Implementing Provisions From the Child Nutrition and WIC Reauthorization Act of 2004: Permanent Agreements for Day Care Home Providers in the Child and Adult Care Food Program

Regulatory Identification Number (RIN): 0584-AD69

Abstract: This rule will amend the Child and Adult Care Food Program (CACFP) regulations to implement a provision from the Child Nutrition and Women, Infants, & Children (WIC) Reauthorization Act of 2004 that authorized the use of permanent agreements between sponsoring organizations and family or group day care homes participating in the CACFP. These agreements record specific rights and responsibilities of both sponsoring organizations and the family or group day care homes. The rule will stipulate that while the agreement is permanent, it does not remove the right of the sponsoring organization to terminate a family or group day care home for cause or convenience, nor does it remove the right of a day care home provider to change sponsors in accordance with current regulations. This rule will also permit sponsoring organizations to amend the permanent agreement when there is a change in program policy or meal services.

State Petitions for Inventoried Roadless Area Management

Regulatory Identification Number (RIN): 0596-AC10

Abstract: On January 12, 2001, the Forest Service published the Roadless Area Conservation final rule (the "roadless rule") in the Federal Register establishing prohibitions on road construction, road reconstruction, and timber harvesting in inventoried roadless areas at 36 CFR part 294, subpart B (66 FR 3244). Since publication, the roadless rule has been challenged by nine lawsuits filed in six judicial districts and in four Federal circuits. On July 14, 2003, the U.S. District Court for the District of Wyoming issued a permanent injunction order enjoining the Department from implementing the roadless rule. That ruling has been appealed. Due to the continued legal uncertainty of providing protection for roadless areas through the application of the roadless rule, the Agency is proposing to amend the roadless rule by replacing the prohibitions of the January 2001 rule with a procedural rule that would set out an administrative process for State Governors to petition the Secretary of Agriculture to establish or adjust management direction for roadless areas within their State. Such petitions would be evaluated and, if agreed to, addressed by the Secretary in subsequent rulemaking on a State-by-State basis.

Specifications for the Spiny Dogfish Fishery for Fishing Year 2005

Regulatory Identification Number (RIN): 0648-AS24

Abstract: This action would establish specifications for the Spiny Dogfish Fishery for fishing year 2005 (May 1, 2005-April 30, 2006).

Sea Turtle Conservation; Exceptions to Taking Prohibitions for Endangered Sea Turtles

Regulatory Identification Number (RIN): 0648-AS57

Abstract: The National Marine Fisheries Service (NMFS) proposes to allow any agent or employee of NMFS, the U.S. Fish and Wildlife Service (FWS), the U.S. Coast Guard, or any other Federal land or water management agency, or any agent or employee of a State agency responsible for fish and wildlife who is designated by his or her agency for such purposes, when acting in the course of his or her official duties, to take endangered sea turtles if such taking is necessary to aid a sick, injured, entangled or stranded endangered sea turtle or dispose of such specimen or salvage such specimen which may be useful for scientific and educational purposes. This action is necessary to provide equal conservation and protection measures to sick, injured, entangled and stranded endangered sea turtles as is afforded for threatened sea turtles under 50 CFR 223.206.

International Services Surveys: Cancellation of Five Annual Surveys

Regulatory Identification Number (RIN): 0691-AA59

Abstract: This action amends 15 CFR part 801 by revising section 801.9(b) to remove the reporting requirements for five annual surveys that collect data covering international trade in services. These surveys have been replaced by quarterly surveys that collect essentially the same information.

Quality Standard Regulation Establishing an Allowable Level for Arsenic in Bottled Water

Regulatory Identification Number (RIN): 0910-AF10

Abstract: Under section 410 of the Federal Food, Drug, and Cosmetic Act (the Act), not later than 180 days before the effective date of a National Primary Drinking Water Regulation (NPDWR) issued by the Environmental Protection Agency (EPA) for a contaminant under section 1412 of the Safe Drinking Water Act, the Food and Drug Administration (FDA) is required to issue a standard of quality regulation for that contaminant in bottled water or make a finding that such a regulation is not necessary to protect the public health because the contaminant is contained in water in public water systems but not in water used for bottled water. The effective date for any such standard of quality regulation is to be the same as the effective date of the NPDWR. On January 22, 2001, EPA published a final rule revising the existing 0.05 mg/L maximum contaminant level (MCL) for arsenic in public drinking water to 0.01 mg/L (10 ppb). The effective date for this rule was temporarily delayed for 60 days from March 23, 2001, to a new effective date of May 22, 2001, in accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled "Regulatory Review Plan" (66 FR 7701; January 24, 2001). On May 22, 2001, EPA announced that it would further delay the effective date for the rule until February 22, 2002, to allow time to complete a reassessment of the information on which the revised arsenic standard is based. On February 22, 2002, the arsenic MCL of 0.01 mg/L in

public drinking water rule became effective and water systems must comply with the new standard for arsenic in public drinking water by January 23, 2006. On March 25, 2003 (68 FR 14501 at 14503), EPA revised the rule text in its January 2001 final rule that established the 10 parts per billion arsenic drinking water standard to express the standard as 0.010 mg/L, in order to clarify the implementation of the original rule. In accordance with section 410 of the Act, FDA was required to issue a standard of quality regulation for arsenic in bottled drinking water by July 27, 2005, with an effective date of January 23, 2006, or make a finding that such a regulation was not necessary to protect the public health. FDA evaluated the MCL for arsenic established by EPA for drinking water and concluded that, as a standard of quality level for bottled water, it is adequate for the protection of public health. Certain waters used for bottled water may be expected to contain arsenic; thus, FDA believes that adopting EPA's MCL for arsenic will ensure that the quality of bottled water is equivalent to the quality of public drinking water that meets EPA standards. Therefore, on June 9, 2005, FDA issued a final rule setting an allowable level for arsenic in bottled water of 0.010 mg/L (10 ppb).

Fiscal Year 2006 SCHIP Allotments
Regulatory Identification Number (RIN): 0938-AN56
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 2006.

State Children's Health Insurance Program (SCHIP); Redistribution of Unexpended SCHIP Funds From the Appropriation for Fiscal Year (FY) 2002
Regulatory Identification Number (RIN): 0938-AN78
Abstract: This notice responds to comments from the notice with comment published January 19, 2005, announcing the procedure for redistribution of States' unexpended FY 2002 allotments that remained at the end of FY 2004 to those States that fully expended the FY 2002 SCHIP allotment. These redistributed allotments will be available through the end of FY 2005 (September 30, 2005).

Inpatient Rehabilitation Facility Classification Rule Compliance
Regulatory Identification Number (RIN): 0938-AN92
Abstract: In accordance with the provisions of the Consolidated Appropriations Act of 2005, the notice announces the Secretary's determination that the requirements for classification as an inpatient rehabilitation facility (IRF) specified in section 412.23(b)(2) were inconsistent with a report that the Government Accountability Office (GAO) issued concerning classification of a facility as an IRF.

Continuation of Benefit Payments to Certain Individuals Who Are Participating in a Program of Vocational Rehabilitation Services, Employment Services, or Other Support Services
Regulatory Identification Number (RIN): 0960-AF86
Abstract: These final rules revise the regulations that provide for the continuation of benefit payments to

certain individuals who recover medically while participating in a vocational rehabilitation program with a State vocational rehabilitation agency. We are revising these regulations because of statutory amendments, which extend eligibility for these continued benefit payments to certain individuals who recover medically while participating in another appropriate program of vocational rehabilitation services. These include individuals participating in the Ticket to Work and Self-Sufficiency Program or another program of vocational rehabilitation services, employment services, or other support services approved by the Commissioner of Social Security. Prior to November 1991, the Social Security Act provided for the continuation of payment of Social Security Disability Insurance and Supplemental Security Income disability and blindness benefits to individuals whose disability or blindness ended for medical reasons while they were participating in an approved State vocational rehabilitation program under title I of the Rehabilitation Act of 1973, if the Commissioner of Social Security determined that completion or continuation of the program would increase the likelihood of the individual's permanent removal from the disability benefit rolls. The Omnibus Budget Reconciliation Act of 1987 extended eligibility for continued benefits to individuals who receive Supplemental Security Income benefits based on blindness. (We implemented this change by issuing operating instructions effective April 1, 1988, the effective date of the amendment.) The Omnibus Budget Reconciliation Act of 1990 extended eligibility for continued benefits to individuals participating in an approved non-State vocational rehabilitation program at the time their disability ended. (We implemented this change by issuing operating instructions effective November 1991, the effective date of the amendments.) The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 requires the redetermination of eligibility based on disability of individuals who attain age 18, based on the rules for determining initial eligibility for adults. These redeterminations are not continuing disability reviews, however, we are revising our regulations to provide that an individual whose disability has ended as a result of an age-18 redetermination may qualify for continued benefits based on participation in an approved program and increased likelihood of permanent removal from the disability rolls, if the individual meets all other requirements for continued benefits. The Ticket to Work and Work Incentives Improvement Act of 1999 authorizes continued benefits for a person who medically recovers while participating in a program consisting of the Ticket to Work program or another program of vocational rehabilitation services, employment services, or other support services approved by the Commissioner of Social Security, provided that the other requirements for benefit continuation are met. These final rules will also explain what we mean by "an appropriate program of vocational rehabilitation services, employment services, or other support services." They will explain when an individual will be considered to be "participating" in the program. They will explain how we will determine whether an individual's completion of or continuation in an appropriate program of vocational rehabilitation services,

employment services, or other support services will increase the likelihood that the individual will not have to return to the disability rolls. They will also explain that, for students age 18 through 21, "an appropriate program of vocational rehabilitation services, employment services, or other support services" includes an individualized education plan developed under policies and procedures approved by the Secretary of Education for assistance to States for the education of children under the Individuals with Disabilities Education Act, as amended.

Amending the Regulations Governing Nondiscrimination on the Basis of Race, Color, National Origin, Handicap, Sex, and Age To Conform to the Civil Rights Restoration Act of 1987

Regulatory Identification Number (RIN): 0991-AB10

Abstract: The Secretary proposes to amend the Department's regulations implementing title VI of the Civil Rights Act of 1964, as amended, section 504 of the Rehabilitation Act of 1973, as amended, title IX of the Education Amendments of 1972, and the Age Discrimination Act of 1975, as amended. The principal proposed conforming change is to amend the regulations to add the definitions of "program or activity" or "program" that correspond to the statutory definitions enacted under the Civil Rights Restoration Act of 1987.

Migratory Bird Hunting; 2005-2006 Migratory Game Bird Hunting Regulations

Regulatory Identification Number (RIN): 1018-AT76

Abstract: We plan to propose to establish annual hunting regulations for certain migratory game birds for the 2005-06 hunting season. We annually prescribe outside limits (frameworks), within which States may select hunting seasons. We also request proposals from Indian tribes that wish to establish special migratory bird hunting regulations on Federal Indian reservations and ceded lands. Migratory game bird hunting seasons provide hunting opportunities for recreation and sustenance; aid Federal, State, and tribal governments in the management of migratory game birds; and permit harvests at levels compatible with migratory bird population status and habitat conditions.

Migratory Bird Hunting; Approval of 62 Percent Iron/25 Percent Tungsten/13 Percent Nickel Shot as Nontoxic for Hunting Waterfowl and Coots

Regulatory Identification Number (RIN): 1018-AT87

Abstract: On August 26, 2004, we received an application from Environ-Metal Inc. for approval of "Hevi-Steel with Nickel" for use in waterfowl hunting. We are obligated under regulations at 50 CFR 20.134 to consider all such applications.

2005-2006 Refuge-Specific Hunting and Sport Fishing Regulations

Regulatory Identification Number (RIN): 1018-AU14

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 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.

Migratory Bird Hunting; Approval of Tungsten-Iron-Copper-Nickel, Iron-Tungsten-Nickel, Tungsten-Bronze (Additional Formulation), Tungsten-Tin-Iron Shot Types/Alloys as Nontoxic

Regulatory Identification Number (RIN): 1018-AU04

Abstract: We received applications for approval of tungsten-iron-copper-nickel shot, iron-tungsten-nickel alloy, tungsten-bronze (additional formulation) shot, and tungsten-tin-iron shot as nontoxic for waterfowl hunting. We are obligated under regulations at 50 CFR 20.134 to consider all such applications.

Jobs for Veterans Act of 2002: State Grant Funding Formula FY 2005 and Beyond

Regulatory Identification Number (RIN): 1293-AA11

Abstract: Public Law 107-288, the Jobs for Veterans Act, enacted November 7, 2002 requires establishment of a new grant allocation formula for Disabled Veterans Outreach Program (DVOP) and Local Veterans Employment Representative (LVER) that reflects the ratio of the total number of veterans seeking employment residing in the State to the total number of veterans seeking employment in all States. Congress allowed for the phasing-in of this funding formula requirement "over the three fiscal-year period" beginning October 1, 2002. Because funding for fiscal year 2003 had already been established before enactment of the law, this effectively meant the phase-in of this new funding formula would actually take place over a two-year period--fiscal years 2004 and 2005. To help minimize States' annual funding reductions, allocations will be limited to no more than eighty percent of the prior year's funding allocation, during the two-year phase-in period and ninety percent, after the funding formula is fully implemented.

Guarantee Fees Under Section 143(g)

Regulatory Identification Number (RIN): 1545-BC59

Abstract: The regulation will allow issues of qualified mortgage revenue bonds under section 143 to exclude certain fees paid to guarantee pools of mortgages (including mortgage backed securities) from the calculation of the effective interest rate on the mortgages for purposes of section 143(g).

Abbreviation or Waiver of Training for State or Local Law Enforcement Officers Authorized to Enforce Immigration Law During a Mass Influx of Aliens

Regulatory Identification Number (RIN): 1651-AA67

Abstract: This rule would amend the Department of Homeland Security (DHS) regulations to authorize the Secretary to waive normally required training requirements in the event that the number of State or local law enforcement officers available to respond in an expeditious manner to urgent and quickly developing events during a declared mass influx of aliens is insufficient to protect public safety, public health, and national security.

Energy Efficiency Standards for Commercial Packaged Terminal Air Conditioners and Heat Pumps; Commercial Oil- and Gas-Fired Package Boilers; and Tankless Gas-Fired Instantaneous Water Heaters

Regulatory Identification Number (RIN): 1904-AB17 or 1904-AB44

Abstract: The efficiency requirements in the Energy Policy and Conservation Act (EPCA) correspond to the levels in ASHRAE/IESNA Standard 90.1 as in effect on October 24, 1992. EPCA further provides that if the efficiency levels in ASHRAE/IESNA Standard 90.1 are amended after that date for any of the covered equipment, as recently occurred, the Secretary of Energy must establish an amended uniform national standard for such equipment at the new minimum level for each effective date specified in ASHRAE/IESNA Standard 90.1, unless the Department of Energy (DOE) determines that a more stringent standard is technologically feasible and economically justified and would result in significant additional energy conservation. Additionally, the Secretary may not prescribe any amended standard that increases the maximum allowable energy use or decreases the minimum required energy efficiency of a covered product. DOE is considering whether to adopt the new ASHRAE/IESNA Standard for commercial 3-phase air conditioners and heat pumps less than 65kbtu/h; commercial packaged terminal air conditioners and heat pumps; commercial single packaged vertical air conditioners and heat pumps; commercial oil and gas fired packaged boilers; and tankless gas fired instantaneous water heaters.

Rulemaking To Codify Energy Efficiency Standards Prescribed in The 2005 Energy Policy Act (EPACT 2005)

Regulatory Identification Number (RIN): 1904-AB54

Abstract: EPACT 2005 establishes energy conservation standards for numerous consumer products and items of commercial equipment. In order to maintain the consistency and completeness of the Department of Energy (DOE)'s appliance standards regulations codified in 10 CFR 430 and 431 and to aid interested parties in locating and using the new regulatory information, DOE is promulgating all non-discretionary energy standards contained in EPACT 2005 into the Code of Federal Regulations. This rulemaking encompasses the following products and equipment: Commercial refrigerators, freezers, and refrigerator-freezers; remote condensing commercial refrigerators, refrigerator-freezers, and freezers; commercial ice makers; residential dehumidifiers; commercial clothes washers; ceiling fans; fluorescent lamp ballasts; illuminated exit signs; medium base compact fluorescent lamps; mercury vapor lamp ballasts; torchieres; traffic signal modules and pedestrian modules; (commercial) unit heaters; small commercial package air-conditioning and heating equipment; large commercial package air-conditioning and heating equipment; very large commercial package air-conditioning and heating equipment; commercial prerinse spray valve; and low-voltage dry-type distribution transformers.

Streamlining the General Pretreatment Regulations for Existing and New Sources of Pollution

Regulatory Identification Number (RIN): 2040-AC58

Abstract: The final rule will be promulgated as a program streamlining activity. The rule will revise certain provisions in the General Pretreatment Regulations (40 CFR Part 403) that address restrictions on and oversight of industrial discharges into Publicly Owned Treatment Works (POTWs). The final rule would clarify requirements for implementing Pretreatment Standards, and provide more flexible permitting reporting, inspection and sampling requirements. The revisions should provide greater flexibility, reduce burden, and achieve improved environmental results at less cost for regulatory authorities and the regulated community.

National Emission Standards for Hazardous Air Pollutants (NESHAPS): Standards for Hazardous Air Pollutants for Hazardous Waste Combustors (Phase I Final Replacement Standards and Phase II)

Regulatory Identification Number (RIN): 2050-AE01

Abstract: On September 30, 1999, the Environmental Protection Agency (EPA) promulgated standards to control emissions of hazardous air pollutants from incinerators, cement kilns, and lightweight aggregate kilns that burn hazardous waste (referred to as the Phase I Rule). A number of parties, representing interests of both industry and the environmental community, sought judicial review of the rule. The Court ruled against EPA and vacated the Phase I rule. On October 19, 2001, EPA, together with all petitioners, filed a joint motion asking the Court to stay the issuance of its mandate to allow them time to develop interim standards. These stop-gap interim standards were promulgated on February 13 and 14, 2002. They replace the vacated standards temporarily, until revised replacement standards are promulgated by September 14, 2005. Also, EPA is developing emission standards for hazardous waste burning industrial, institutional, commercial boilers, process heaters, and hydrochloric acid production furnaces. These sources are referred to as Phase II Sources because the standards were originally scheduled to be promulgated after Phase I source standards were finalized; however, a separate consent decree now requires us to finish developing emission standards for the Phase II sources by the same date as those for Phase I (September 14, 2005). EPA has developed options for calculating the emission standards that are considered to be consistent with both the statutory requirements and the opinion of the Court. EPA has proposed emission standards and compliance provisions for both the Phase I and Phase II sources.

Hazardous Waste Manifest Regulation

Regulatory Identification Number (RIN): 2050-AE21

Abstract: The Uniform Hazardous Waste Manifest (Form 8700-22) is a multi-copy form used to identify the quantity, composition, origin, routing, and destination of hazardous waste during its transportation. Waste handlers (e.g., generators and transporters) are required to use the manifest, and States may not require a different manifest in its place. However,

the manifest has State blocks, which allow States, at their option, to require the entry of additional specific information to serve their State's regulatory needs. More than 20 states print the manifest form in accordance with the format specified in Federal regulations. However, the variability among State manifest programs associated with State optional blocks, different copy distribution schemes, and the manifest hierarchical acquisition scheme drew complaints from the regulated community. Variability among States' manifest programs and the manifest system's reliance on paper resulted in significant paperwork and cost burden to waste handlers and States who choose to collect manifest information. The Environmental Protection Agency (EPA) has standardized further the manifest form elements and specified one format for the manifests that may be used in all States. In addition, EPA announced standard requirements for tracking rejected wastes, container residues, and international shipments of hazardous wastes. Finally, EPA intends to pursue an optional approach that would use information technologies to conduct the manifest process electronically, thereby reducing paperwork burden, and improving the speed and accuracy of preparing, transmitting, and recordkeeping the manifest form. However, EPA bifurcated the manifest rule so that the form revisions may be expedited, while additional analysis on the e-manifest continues.

Methods Innovation Rule

Regulatory Identification Number (RIN): 2050-AE41

Abstract: The Environmental Protection Agency (EPA) amended a variety of testing and monitoring requirements in the Resource Conservation and Recovery Act (RCRA) hazardous and non-hazardous solid waste regulations and for certain Clean Air Act (CAA) regulations that relate to hazardous waste combustors. These amendments allowed more flexibility when conducting RCRA-related sampling and analysis by removing from the regulations a requirement to use the methods found in ``Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," also known as ``SW-846," in conducting various testing and monitoring and by limiting required uses of an SW-846 method to circumstances where the method is the only one capable of measuring the particular property (i.e., the method is used to measure a required method-defined parameter). This action is an important step forward in implementing the use of a performance-based approach, which is part of EPA's efforts toward Innovating for Better Environmental Results. Additionally, EPA made certain other clarifications and technical amendments. These changes make it easier and more cost effective to comply with the affected regulations, without compromising human health or environmental protection.

Standardized Permit for Resource Conservation and Recovery Act (RCRA) Hazardous Waste Management Facilities

Regulatory Identification Number (RIN): 2050-AE44

Abstract: The Environmental Protection Agency (EPA) is creating a new type of general permit, called a standardized permit, for facilities that generate waste and routinely manage the

waste on-site in tanks, containers, and containment buildings. Under the standardized permit, facility owners and operators would certify compliance with generic design and operating conditions set on a national basis. The permitting agency would review the certifications submitted by the facility owners and operators. The permitting agency would impose additional site-specific terms and conditions for corrective action or other purposes, as called for by RCRA. Ensuring compliance with the standardized permit's terms and conditions would occur during inspection of the facility after the permit has been issued. The standardized permit should streamline the permit process by allowing facilities to obtain and modify permits more easily while maintaining the protectiveness currently existing in the individual RCRA permit process.

Revision of Wastewater Treatment Exemptions for Hazardous Waste Mixtures

Regulatory Identification Number (RIN): 2050-AE84

Abstract: This revision to the wastewater treatment exemptions for hazardous waste mixtures has been proposed to address inconsistencies in the regulations, as well as provide regulatory relief. Current Environmental Protection Agency (EPA) mixture rule exemptions have not kept up with more recent additions to solvent listings, Clean Air Act regulations, wastewater treatment technology, and policies affecting other hazardous wastes. Therefore, the need exists for a Federal deregulatory solution to resolve these inconsistencies. It is estimated that this rule, if finalized, will save $11 to 49 million in compliance costs. EPA proposed to add two solvents (benzene and 2-ethoxyethanol) to the hazardous waste exemptions for mixtures of spent solvents in wastewater treatment plants (headworks rule) at 40 CFR 261.3(a)(2)(iv)(A) - (B). EPA did not take action on two other solvents, 2-nitropropane and 1,1,2-trichloroethane. In addition, EPA has proposed (1) changing the implementation of the rule from using mass balance only, to providing the option of using direct monitoring; (2) revising the types of facilities and the types of wastes eligible for the de minimis exemption under sec 261.3(a)(2)(iv)(D); and clarifying the applicability of the exemption to scrubber waters from the incineration of spent solvents. Facilities affected by this action include industrial facilities with on-site wastewater treatment plants, commercial wastewater treatment facilities, and certain Federal facilities.

Hazardous Waste Management System; Modification of the Hazardous Waste Program: Mercury-Containing Equipment

Regulatory Identification Number (RIN): 2050-AG21

Abstract: Mercury-containing equipment (MCE) consists of devices, items, or articles that contain varying amounts of elemental mercury that is integral to their functions, including several types of instruments that are used throughout the electric utility industry and other industries, municipalities, and households. Some commonly recognized devises are thermostats, barometers, manometers, and mercury switches, such as light switches in automobiles. This definition does not include mercury waste that is generated as a by-product through the process of manufacturing or treatment. This action will add mercury-containing equipment to the Federal list

of universal wastes regulated under the Resource Conservation and Recovery Act (RCRA) hazardous waste regulations. Handlers of universal wastes are subject to less stringent standards for storing, transporting, and collecting these wastes. EPA believes that regulating spent mercury-containing equipment as a universal waste will lead to better management of this equipment and will facilitate compliance with hazardous waste requirements.

Clean Air Visibility Rule
Regulatory Identification Number (RIN): 2060-AJ31
Abstract: To meet the Clean Air Act's requirements, the Environmental Protection Agency (EPA) published the regional haze rule on July 1, 1999 (64 FR 35714). On May 24, 2002, the DC Circuit vacated certain provisions of the regional haze rule related to best available retrofit technology (BART). Because of this court decision, we need to propose and publish revised BART provisions in the regional haze rule. The purpose of this effort is to provide the appropriate changes to the BART requirements and guidelines, and to address additional issues related to reasonable progress goals for the visibility program. On July 20, 2001, we proposed guidelines intended to add further clarifications to the BART requirements in the regional haze rule (66 FR 38108). Due to additional information that came to light after that proposal, we published a supplemental proposal on May 5, 2004 (69 FR 25184). A final action was published on July 6, 2005 (70 FR 39104).

Clean Air Mercury Rule--Electric Utility Steam Generating Unit MACT
Regulatory Identification Number (RIN): 2060-AJ65
Abstract: On May 18, 2005, the Environmental Protection Agency (EPA) promulgated regulations under section 111 of the Clean Air Act regulating mercury emissions from new and existing coal-fired electric utility steam generating units.

Implementation Rule for 8-Hour Ozone National Ambient Air Quality Standard (NAAQS) - Phase 1
Regulatory Identification Number (RIN): 2060-AJ99
Abstract: This rule is a result of the Environmental Protection Agency (EPA)'s reconsideration of the Phase 1 Ozone Implementation Rule as requested by Earthjustice. Specifically, this rule addresses the applicability of the section 185 fees and timing for determining "applicable requirements" once the 1-hour NAAQS is revoked. The Phase 1 rule provided specific requirements for State and local air pollution control agencies and Tribes to prepare State implementation plans (SIPs) and Tribal Implementation Plans (TIPs) under the 8-hour NAAQS for ozone, published by EPA on July 18, 1997. The Clean Air Act (CAA) requires EPA to set ambient air quality standards and requires States to submit SIPs to implement those standards. The 1997 standards were challenged in court, but in February 2001, the Supreme Court determined that EPA has authority to implement a revised ozone standard, but ruled that EPA must reconsider its implementation plan for moving from the 1-hour standard to the revised standard. The Supreme Court identified conflicts between different parts of the CAA related to implementation of a revised NAAQS, provided some direction to

EPA for resolving the conflicts, and left it to EPA to develop a reasonable approach for implementation. Thus, the Phase 1 Rule addressed the requirements of the CAA and the Supreme Court's ruling.

Clean Air Interstate Rule (Formerly Titled: Interstate Air Quality Rule)
Regulatory Identification Number (RIN): 2060-AL76
Abstract: The Clean Air Act's "good neighbor" provisions require that a State take steps to prevent emissions from sources located within its boundaries from interfering with a downwind State's ability to meet national ambient air quality standards (NAAQS). On March 10, 2005, the Environmental Protection Agency (EPA) signed the Clean Air Interstate Rule (CAIR) to address the interstate transport of sulfur dioxide (SO2) and nitrogen oxides (NOx) emissions that contribute significantly to nonattainment, or interfere with maintenance, of the fine particle (PM2.5) and/or 8-hour ozone NAAQS in downwind States. SO2 and NOx are precursors to fine particle formation and NOx is a precursor to ground-level ozone formation. Fine particles and ozone are associated with thousands of premature deaths and illnesses each year. The CAIR covers 23 States and the District of Columbia with respect to the PM2.5 NAAQS, and 25 States and the District of Columbia with respect to the 8-hour ozone NAAQS. Each upwind jurisdiction must revise its State implementation plan to include control measures to reduce emissions of SO2 and/or NOx. Reducing these upwind precursor emissions will assist downwind areas in achieving the NAAQS. The emissions reductions are to be implemented in 2 phases. The CAIR includes model cap and trade rules for power plants that States can choose to adopt to meet the CAIR requirements in a flexible, highly cost-effective manner.

Clean Air Fine Particle Designations
Regulatory Identification Number (RIN): 2060-AM04
Abstract: This rule sets out final air quality designations and classifications for all areas of the United States as required by section 107 of the Clean Air Act (CAA). The air quality status of an area is represented by the designation of the area. Designations are objectively based upon air quality monitoring data and other relevant information pertaining to the air quality in the affected area. Area designations of attainment/unclassifiable mean that the area has sufficient data to determine that the area is meeting the PM-2.5 national ambient air quality standard (NAAQS), or that due to no data being available for the area, or insufficient data being available, the Environmental Protection Agency (EPA) can not make a determination for the area. States and Tribes were requested to make their designation recommendations to EPA by February 2004. EPA reviewed the designation recommendations submitted by the States and Tribes and made modifications as deemed appropriate. EPA is required by the CAA to notify States and Tribes of any modifications that they intend to make to their recommendations no later than 120 days prior to promulgation of the designations. This time period is meant to provide States and Tribes an opportunity to make a case for why EPA's modifications may be inappropriate. EPA notified States and

Tribes of the intended changes to their recommendations on June 29, 2004. The final date for promulgating designations for PM-2.5 is November 17, 2004. The effective date of the designations will be 60 days following the promulgation of the designations in the Federal Register.

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

Regulatory Identification Number (RIN): 2060-AM58

Abstract: This rulemaking is a follow up to SAN 4676, which is a final rule that specifies 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 (40 CFR Parts 51 and 52). SAN 4676's final action -- referred to as the "equipment replacement provision" (ERP) -- was promulgated in the Federal Register on 10/27/03. (The rule was subsequently stayed by the US Court of Appeals (DC Circuit) on 12/24/03; see SAN 4676.1, RIN 2060-AM57, elsewhere in this Regulatory Agenda.) The Environmental Protection Agency (EPA) received petitions for reconsideration from a number of environmental and public interest groups and a group of states on several issues in the ERP. This action, SAN 4676.2, granted reconsideration on three issues contained in those petitions: our legal basis for the ERP, the 20 percent cost threshold for replacements under the ERP, and the modification made to the approach for state plans to automatically update each time EPA revises the FIP. We received over 350 comments for the ERP Reconsideration, through both written comments and oral testimony at the 8/2/04 public hearing. On June 6, 2005, the Administrator signed the EPA's final response to the reconsideration. Our final response did not change any rule provision, but clarified our positions with respect to the legal basis and the selection of the 20% cost threshold. It also responded to the petitioned issues on which we did not grant reconsideration. Now that the reconsideration notice is signed and published (on 6/10/05), the schedule for the judicial review of the ERP can now be established.

Transportation Conformity Amendments for the New PM 2.5 National Ambient Air Quality Standard (NAAQS) Standards and PM 2.5 Precursors

Regulatory Identification Number (RIN): 2060-AN03

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 SIPs are submitted and which particulate matter provisions of the rule apply to PM2.5. This amendment adds the following transportation related PM 2.5 precursors to the transportation conformity regulations: Nitrogen oxide, volatile organic compounds, sulfur oxides, and ammonia. The amendment specifies when each of these precursors must be

considered in conformity determinations in PM 2.5 nonattainment and maintenance areas before and after PM 2.5 state air quality implementation plans are submitted.

Extension of the Deferred Effective Date of Nonattainment Designations for 8-Hour Ozone National Ambient Air Quality Standard (NAAQS) for Early Action Compact Areas

Regulatory Identification Number (RIN): 2060-AN04

Abstract: This final rule will defer the effective date of nonattainment designations for 14 areas of the country that have entered into Early Action Compacts (EACs) with the Environmental Protection Agency (EPA). These EAC areas have agreed to reduce ground-level ozone pollution earlier than the Clean Air Act requires and to attain the National Ambient Air Quality Standards (NAAQS) for ozone by December 31, 2007. This rule will establish the second of three dates by which EPA will defer the effective date of nonattainment designations for compact areas or portions of compact areas, so long as these areas meet agreed-upon milestones. The first action deferred the effective date of nonattainment designation until September 30, 2005. This action would defer the effective date of nonattainment designation for these EAC areas until December 31, 2006 for those communities 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, including attainment of the 8-hour ozone NAAQS.

Finding of Failure To Submit Section 110(a) SIP Requirements

Regulatory Identification Number (RIN): 2060-AN07

Abstract: By this action, the Environmental Protection Agency (EPA) will be making a finding that States failed to submit adequate State Implementation Plans (SIPs) to satisfy certain infrastructure and general authority-related elements required under section 110(a)(2) of the Clean Air Act (CAA) for the revised ozone and PM-2.5 National Ambient Air Quality Standards (NAAQS). Section 110(a)(1) of the CAA requires that States submit SIPs that implement, maintain, and enforce a new or revised NAAQS which satisfies the requirements of section 110(a)(2) within three years of promulgation of such standard, or shorter period as EPA may provide. Pursuant to the requirements under section 110(a)(1), States were required to submit SIPs that satisfied the requirements of section 110(a)(2) by July 2000. At present, some States have not submitted SIPs to satisfy this requirement of the Act, and EPA is by this action making a finding of failure to submit which starts a 2 year clock for the promulgation of a Federal Implementation Plan (FIP) if the SIPs are not submitted by States within this time period.

Implementation Rule for 8-Hour Ozone National Ambient Air Quality Standard (NAAQS): Reconsideration of NSR Anti-Backsliding Provisions

Regulatory Identification Number (RIN): 2060-AN25

Abstract: This rule was issued as a result of the Environmental Protection Agency (EPA)'s Reconsideration of the Phase 1 Rule to

Implement the 8-Hour Ozone NAAQS as requested by EarthJustice. Specifically, this rule addressed the NSR anti-backsliding requirements from the Phase 1 Rule. The Phase 1 Rule provided specific requirements for State and local air pollution control agencies and Tribes to prepare State implementation plans (SIPs) and Tribal Implementation Plans (TIPs) under the 8-hour national ambient air quality standard (NAAQS) for ozone, published by EPA on July 18, 1997. The Clean Air Act (CAA) requires EPA to set ambient air quality standards and requires States to submit SIPs to implement those standards. The 1997 standards were challenged in court, but in February 2001, the Supreme Court determined that EPA has authority to implement a revised ozone standard, but ruled that EPA must reconsider its implementation plan for moving from the 1-hour standard to the revised standard. The Supreme Court identified conflicts between different parts of the CAA related to implementation of a revised NAAQS, provided some direction to EPA for resolving the conflicts, and left it to EPA to develop a reasonable approach for implementation. Thus, the Phase 1 Rule addressed the requirements of the CAA and the Supreme Court's ruling.

Implementation Rule for 8-Hour Ozone National Ambient Air Quality Standard (NAAQS); Final Identification of Ozone Areas for Which the 1-Hour Standard Has Been Revoked and Technical Corrections to Phase 1 Rule

Regulatory Identification Number (RIN): 2060-AN27

Abstract: This rule codifies the revocation of the 1-hour standard for those areas with effective 8-hour ozone designations (1-hour ozone NAAQS was revoked on June 15, 2005 for all areas of the country except for 14 Early Action Compact Areas). It identifies in 40 CFR part 81, subpart C the boundaries of 1-hour ozone areas and their designations and classifications that were in place as of the effective date of designation of the area for the 8-hour ozone NAAQS (effective date of 8-hour designations and classifications was June 15, 2004 for most areas of the country). Technical correction to Phase 1 rule: It eliminates subpart E of part 81 reserved in the Phase 1 rule for identification of the above 1-hour areas, since such are readily identified in this rule in subpart C.

Procedures for Participating In and Receiving Data From the National Driver Registration Problem Driver Pointer System

Regulatory Identification Number (RIN): 2127-AI45

Abstract: The Agency is amending the National Driver Register regulations to implement an amendment made by the Motor Carrier Safety Improvement Act of 1999 (Pub. L. 106-159). The amendment requires a State, before issuing or renewing a motor vehicle operator's license to an individual, to query both the National Driver Register and the Commercial Driver's License Information System on the individual's driving record.

Project-Based Voucher Program

Regulatory Identification Number (RIN): 2577-AC25

Abstract: The Project-Based Voucher Program replaces the Project-Based Certificate Program that was

initially implemented in 1989. Under the Project-Based Voucher Program, the Housing and Urban Development (HUD) pays rental assistance for eligible families to live in specific housing developments or units. A public housing agency (PHA) that administers a tenant-based housing choice voucher program may "project-base" up to 20 percent of its authorized budget authority under the tenant-based voucher program. The Project-Based Voucher Program was authorized by law in 1998, as part of the statutory merger of the certificate and voucher tenant-based programs. In 2000, the Congress substantially revised the project-based voucher law. The law made a number of changes including permitting a PHA to pay project-based assistance for a term of up to 10 years, permitting a PHA to provide project-based assistance for existing housing that does not need rehabilitation, as well as for newly constructed or rehabilitated housing, and allowing a family to move from a project-based voucher unit after 1 year and transfer to the PHA's tenant-based voucher program.

Audits of States, Local Governments, and Nonprofit Organizations; Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations

Regulatory Identification Number (RIN): 2900-AJ62

Abstract: This document proposes to amend part 41 of Veterans Affairs (VA)'s regulations to add new subparts to codify revised Office of Management and Budget (OMB) Circular A-133. The Circular provides standards for consistency and uniformity among Federal agencies for the audits of States, local governments, and nonprofit organizations expending Federal awards. Further, this amendment proposes to add a new part 49 to VA's regulations to bring VA in step with other Federal agencies who have already adopted OMB Circular A-110 as a common rule. The Circular provides for uniform administrative requirements for Federal agencies with grants and agreements with institutions of higher education, hospitals, and other nonprofit organizations.

National Senior Service Corps Regulations

Regulatory Identification Number (RIN): 3045-AA39

Abstract: The Corporation for National and Community Service plans to revise regulations governing the National Senior Service Corps--including the Senior Companion Program, the Foster Grandparent Program, and the Retired and Senior Volunteer Program--under the Domestic Volunteer Service Act of 1973 to implement administrative reforms or possible statutory amendments. This regulation may be amended to implement Executive Order 13279, which will enable the Corporation to provide faith-based and other community-based organizations expanded and equal opportunities to increase their respective capacities to better address social issues throughout America. In addition, the regulation may be amended to also implement Executive Order 13331, which will result in an improvement in the overall accountability and efficiency in the administration of the Corporation's national and community service programs.

Amendments to AmeriCorps Regulations

Regulatory Identification Number (RIN): 3045-AA41
Abstract: The Corporation for National and Community Service proposes to amend several provisions relating to the AmeriCorps national service program and to add rules to clarify the Corporation's requirements for program sustainability, performance measures and evaluation, capacity-building activities by AmeriCorps members, qualifications for tutors, and other requirements.

Freedom of Information Act Fee Schedule
Regulatory Identification Number (RIN): 3046-AA75
Abstract: The Commission is revising the fees it charges to persons who make Freedom of Information Act requests. The fees have not been increased since 1983 although the Commission's costs in providing these services have increased. The Commission proposes to increase the fees for search and review time to cover the Commission's increased costs and to charge requesters the actual direct costs of computer searches.

Redesignation of the 17.7-19.7 GHz Band, Blanket Licensing of Satellite Earth Stations, and Allocation of Spectrum for Broadcast Satellite Service
Regulatory Identification Number (RIN): 3060-AI43
Abstract: This item addresses how the 17.7-19.7 GHz band is to be shared among various services, including the Fixed Satellite Service, the Fixed Services, and the Broadcast Satellite Service. The item also addresses the blanket licensing of Fixed Satellite Service Earth Stations in the Ka-band. Finally, it addresses a new allocation for the Broadcast Satellite Service.

Revision of Fee Schedules; Fee Recovery, FY 2005
Regulatory Identification Number (RIN): 3150-AH61
Abstract: The final rule amends the Commission's licensing, inspection, and annual fees charged to Nuclear Regulatory Commission (NRC) licensees and applicants for an NRC license. The rulemaking is necessary to recover, through the assessment of fees, approximately 90 percent of the NRC's budget authority for fiscal year 2005, less the amounts appropriated from the Nuclear Waste Fund and General Fund as required by the Omnibus Budget Reconciliation Act (OBRA) of 1990, as amended. The FY 2001 Energy and Water Development Appropriations Act amended OBRA-90 to decrease the NRC's fee recovery amount by 2 percent per year beginning in FY 2001, until the fee recovery amount is 90 percent for FY 2005. The purpose of this amendment was to address the fairness and equity concerns related to charging NRC license holders for agency expenses that do not provide a direct benefit to the licensee. The dollar amount to be recovered for FY 2005 is approximately $540.7 million. OBRA-90, as amended, requires that the fees for FY 2005 be collected by September 30, 2005.