



**COMMONWEALTH OF VIRGINIA**  
*Office of the Governor*  
*Virginia Liaison Office*

**July 2009 Federal Mandate Report – January 9<sup>th</sup> 2009 to July 1<sup>st</sup>, 2009**

**The Federal Mandate Report** is published semiannually by the Virginia Liaison Office (VLO). This report provides reviews of federal legislation containing unfunded mandates that have become public law (Part I), or passed at least one chamber of Congress (Part II). The report also provides reviews of federal regulatory action completed that may affect the Commonwealth (Part III). The VLO relies on the Congressional Budget Office's (CBO) interpretations of the Federal Unfunded Mandate Reform Act (UMRA) to determine what legislation contains intergovernmental mandates. Descriptions of the mandates provided in this analysis are based upon, or excerpted from, these CBO documents. Likewise the VLO relies on the recommendations of the Regulatory Information Service Center (RISC) of the General Services Administration to determine which federal regulatory actions may affect the states.

This edition of the Federal Mandate Report is intended to provide an overview of the legislative and regulatory requirements imposed upon the Commonwealth for the period from January 9<sup>th</sup>, 2009 to July 1<sup>st</sup>, 2009

Of the bills reviewed by the CBO three (3) have become public law, while eleven (11) have passed at least one chamber of congress.

Likewise, the RISC identified a total of fifty-five (55) completed federal regulations affecting States, all of which may impact the Commonwealth.

We would especially like to thank Melissa Zinder for all of her hard work on this report.

**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. The thresholds for 2009, which are adjusted annually for inflation, are \$69 million for intergovernmental mandates (state, local, or tribal governments) and \$139 million or more per year for the private sector.

<b>Bill Number</b>	<b>Bill Title</b>	<b>Unfunded Mandate on State</b>	<b>Bill Status</b>
H.R. 1	American Recovery and Reinvestment Act of 2009	<p>CBO and JCT have determined that the provisions of the legislation contain both private sector and intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). In total, the costs to private entities of those mandates would exceed the annual threshold established in UMRA for such mandates. The costs of intergovernmental mandates, however, would be well below the annual threshold established for state, local, and</p> <p>The proposed Senate amendment to H.R. 1 would specify appropriations for a wide range of federal programs and would increase or extend certain benefits payable under the Medicaid, unemployment compensation, and nutrition assistance programs. The legislation also would reduce individual and corporate income tax collections through a variety of changes to tax laws; those changes include instituting a tax credit of up to \$500 for each worker in both 2009 and 2010, and raising the exemption amount allowed against an individual’s income for the alternative minimum tax (AMT) for tax year 2009. Assuming enactment in mid-February, CBO estimates that H.R. 1, as amended, would increase outlays by \$132 billion during the remaining</p>	<p>1/26/2009 Introduced in House</p> <p>1/28/2009 Passed/agreed to in House: 244 - 188 (<a href="#">Roll no. 46</a>).</p> <p>Ayes: Nye, Scott, Perriello, Moran, Boucher, Connolly</p> <p>Noes: Wittman, Forbes, Goodlatte, Cantor, Wolf</p> <p>2/10/2009 Passed Senate with an amendment by Yea-Nay Vote. 61 - 37. <a href="#">Record Vote Number: 61</a>.</p>

		<p>several months of fiscal year 2009, by \$242 billion in fiscal year 2010 (which begins on October 1), by \$145 billion in 2011, and by a total of \$632 billion over the 2009-2019 period. That spending includes outlays from discretionary appropriations in Division A and direct spending resulting from Division B..</p> <p>In addition, CBO and the Joint Committee on Taxation (JCT) estimate that enacting the provisions in Division B would reduce revenues by \$101 billion in fiscal year 2009, by \$219 billion in fiscal year 2010, and by a net amount of \$253 billion over the 2009-2019 period. Approximately \$96 billion of the estimated revenue change is attributable to the proposed tax credit for workers and \$70 billion to the proposed changes in the AMT. Combining the spending and revenue effects summarized above, CBO estimates that enacting the Inouye-Baucus substitute for H.R. 1 would increase federal budget deficits by \$233 billion over the remaining months of fiscal year 2009, by \$461 billion in 2010, by \$142 billion in 2011, and by \$884 billion over the 2009-2019 period.</p> <p>CBO anticipates that implementing this legislation would have a noticeable impact on conomic growth and employment in the next few years. Following longstanding congressional budget procedures, however, this estimate does not address the potential budgetary effects of such changes in the economic outlook.</p>	<p>Ayes: Webb, Warner</p> <p>2/13/2009 On agreeing to the conference report Agreed to by the Yeas and Nays: 246 - 183, 1 Present (<a href="#">Roll no. 70</a>).</p> <p>Ayes: Nye, Scott, Perriello, Moran, Boucher, Connolly</p> <p>Noes: Wittman, Forbes, Goodlatte, Cantor, Wolf</p> <p>2/13/2009 Senate agreed to conference report by Yea-Nay Vote. 60 - 38. <a href="#">Record Vote Number: 64</a>.</p> <p>Ayes: Webb, Warner</p> <p>2/17/2009 Became Public Law No: 111-005</p>
S. 407	Veterans' Compensation Cost-of-Living Adjustment Act of 2009	<p>S. 407 would increase the amounts paid to veterans for disability compensation and to their survivors for dependency and indemnity compensation by the same cost-of-living adjustment (COLA) payable to Social Security recipients. The increase would take effect on December 1, 2009, and the resulting adjustment would be rounded to the next lower dollar. The COLA that would be authorized by this bill is assumed in CBO's baseline, consistent with section 257 of the Balanced Budget and Emergency Deficit Control Act, and savings from rounding it down were achieved by the</p>	<p>2/10/2009: Introduced in the Senate</p> <p>6/10/2009:Passed unanimously in the Senate</p> <p>6/11/2009: Received in the House.</p>

		<p>Balanced Budget Act of 1997 (Public Law 105-33) and extended to 2013 by the Veterans Benefits Act of 2003 (Public Law 108-183). Furthermore, based on its current economic forecast, CBO does not anticipate a cost-of-living increase in 2010 for Social Security; thus, CBO estimates that enacting this bill would have no impact on spending for those programs. S. 407 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments. On March 25, 2009, CBO transmitted a cost estimate for H.R. 1513, the Veterans' Compensation Cost-of-Living Adjustment Act of 2009, as ordered reported by the House Committee on Veterans' Affairs on March 25, 2009. The two versions of the legislation are similar and their estimated costs are identical. The CBO staff contact for this estimate is Dwayne M. Wright. This estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.</p>	<p>6/23/2009: Passed unanimously in the House</p> <p>6/25/2009: Presented to President.</p>
<p>H.R. 1256</p>	<p>Family Smoking Prevention and Tobacco Control Act</p>	<p>H.R. 1256 contains intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) because it would preempt certain state laws governing tobacco products and require tribal governments that manufacture or distribute tobacco products to comply with new federal regulations. CBO estimates that the costs to state, local, and tribal governments to comply with the mandates in the bill would not exceed the threshold established in UMRA (\$69 million in 2009, adjusted annually for inflation). CBO also expects that the federal regulations authorized by this bill would result in lower consumption of tobacco products and thus would reduce the amount of tax revenues and settlement funds collected by state and local governments. However, those declines in revenues, estimated to total over \$1 billion during the 2010-2014 period, would not result from intergovernmental mandates.</p> <p>H.R 1256 would impose a number of mandates on private-sector entities. Among other things, the bill would assess a fee on companies that manufacture or import tobacco products, impose new restrictions on the sale, distribution and marketing of tobacco products, mandate disclosure of</p>	<p>3/3/2009 Introduced in House</p> <p>4/2/2009 Passed/agreed to in House: 298 - 112 (<a href="#">Roll no. 187</a>).</p> <p>Ayes: Wittman, Nye, Scott, Cantor, Moran, Boucher, Wolf, Connolly</p> <p>Noes: Forbes, Perriello, Goodlatte</p> <p>6/11/2009 Passed/agreed to in Senate: Passed Senate with an amendment by Yea-</p>

		<p>product information and grant FDA authority to regulate tobacco products. CBO estimates that the aggregate direct cost of complying with those mandates would exceed the threshold established by UMRA for private-sector mandates in each year, beginning with 2010.</p> <p>H.R. 1256 would authorize the Food and Drug Administration (FDA) to regulate tobacco products, and would require the agency to assess fees on manufacturers and importers of tobacco products to cover the cost of FDA’s new regulatory activities authorized by the bill. Such fees could be collected and made available for obligation only to the extent and in the amounts provided in advance in appropriation acts. The bill also contains provisions that affect direct spending and revenues associated with the retirement benefits of federal employees.</p> <p>CBO estimates that:</p> <ul style="list-style-type: none"> <li>• Implementing the bill would increase spending subject to appropriation, on net, by about \$0.1 billion over the 2010-2014 period and by \$0.8 billion over the 2010- 2019 period, assuming annual appropriation actions consistent with the bill;</li> <li>• Enacting H.R. 1256 would increase direct spending by \$0.2 billion over the 2010- 2014 period and by \$0.6 billion over the 2010-2019 period;</li> <li>• Federal revenues would increase by \$0.3 billion over the 2010-2014 period and by \$1.3 billion over the 2010-2019 period; and</li> <li>• Considering both the revenue and direct spending effects, enacting the bill would reduce budget deficits by a total of \$0.1 billion over the 2010-2014 period and by \$0.7 billion over the 2010-2019 period. (Those amounts exclude the effects that are subject to appropriation action.)</li> </ul>	<p>Nay Vote. 79 - 17. <a href="#">Record Vote Number: 207</a>.</p> <p>Yeas: Webb, Warner</p> <p>6/12/2009 On motion that the House agree to the Senate amendment Agreed to by the Yeas and Nays: 307 - 97 (<a href="#">Roll no. 335</a>).</p> <p>Ayes: Wittman, Nye, Scott, Cantor, Moran, Boucher, Wolf, Connolly</p> <p>Noes: Forbes, Perriello, Goodlatte</p> <p>6/22/2009 Became Public Law No: 111-031</p>
--	--	---	---

### Part II-Mandates in Pending Legislation

Title II 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. The thresholds for 2009, which are adjusted annually for inflation, are \$69 million for intergovernmental mandates (state, local, or tribal governments) and \$139 million or more per year for the private sector.

Bill Number	Bill Title	Unfunded Mandate on State	Bill Status
H.R. 384	TARP Reform and Accountability Act	<p>H.R. 384 contains intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). The bill would prevent governmental and private-sector entities that invest in pooled residential mortgages from seeking damages from servicers of those mortgages on grounds that they violated their duty to maximize the value of the loans. The bill also could prevent private entities from seeking damages under certain antitrust laws for negotiations authorized under the bill. In addition, the bill would preempt some state laws.</p> <p>CBO estimates that the costs of the intergovernmental and private-sector mandates would be small and would fall below the annual thresholds established in UMRA.</p> <p>H.R. 384 would establish new requirements and provide additional guidance for administering the Troubled Asset Relief Program (TARP) established by the Emergency Economic Stabilization Act of 2008 (EESA). It also would modify the Hope for Homeowners loan guarantee program authorized by the Housing and Economic Recovery Act of 2008. In addition, the bill would permanently increase the amount of deposits insured by the Federal Deposit Insurance Corporation (FDIC) and National Credit Union Administration (NCUA) from \$100,000 to</p>	<p>1/9/2009 Introduced in House</p> <p>1/21/2009 Passed/agreed to in House: 260 - 166 (<a href="#">Roll no. 26</a>).</p> <p>Ayes: Nye, Scott, Perriello, Moran, Connolly</p> <p>Noes: Wittman, Forbes, Goodlatte, Cantor, Wolf</p> <p>Not Voting: Boucher</p> <p>1/22/2009 Referred to Senate Committee on Finance.</p>

		<p>\$250,000 and modify other terms of the FDIC’s deposit insurance program.</p> <p>The effects on direct spending and revenues over the 2009-2013 and 2009-2018 periods are relevant for enforcing pay-as-you-go rules under the current budget resolution. CBO estimates that enacting this legislation would increase deficits by \$14.8 billion over the five-year period from 2009 through 2013, but would reduce deficits by \$13.3 billion over the 2009-2018 period. (In total, CBO estimates that the legislation would reduce deficits by \$13.9 billion through 2019.) Implementing H.R. 384 would not affect spending subject to appropriation.</p>	
H.R. 466	Wounded Veteran Job Security Act	<p>The requirements on employers to retain veterans as employees and to provide certain benefits would be intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). CBO estimates that the costs of complying with the mandates would fall below the annual thresholds established in UMRA for both intergovernmental and private-sector mandates.</p> <p>H.R. 466 would protect veterans from losing their jobs when they are absent from work in order to receive medical treatment for service-connected disabilities and would allow them to retain seniority, health, pension, and other benefits. CBO estimates that implementing the bill would cost \$6 million over the 2010-2014 period, assuming the appropriation of the necessary amounts. In addition, CBO estimates that enacting H.R. 466 would reduce revenues by \$15 million over the 2010-2019 period and would have an insignificant effect on direct spending.</p>	<p>1/13/2009 Introduced in House</p> <p>6/8/2009 Passed/agreed to in House by voice vote.</p> <p>6/9/2009 Referred to Senate committee: Received in the Senate and Read twice and referred to the Committee on Veterans' Affairs.</p>
H.R. 915	FAA Reauthorization Act of 2009	<p>H.R. 915 contains intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) because it would impose new safety standards on both public and private airports. The bill also contains several other mandates that only affect public airports or state and local governments. CBO estimates that the</p>	<p>2/9/2009 Introduced in House</p> <p>5/21/2009 Passed/agreed to in House: 277 - 136 (<a href="#">Roll</a>)</p>

		<p>aggregate cost of the intergovernmental mandates in the bill would exceed the annual threshold established in UMRA (\$69 million in 2009, adjusted annually for inflation). In addition to new safety standards, the bill would impose private sector mandates on operators of certain aircraft, entities registering or obtaining certification with the FAA, and commercial air carriers. Based on information from the FAA and industry sources, CBO estimates that the aggregate cost of complying with the private-sector mandates also would exceed the annual threshold established in UMRA..</p> <p>H.R. 915 would authorize appropriations, mainly over the 2009-2012 period, for activities of the Federal Aviation Administration (FAA) and other federal programs related to aviation. Provisions of the legislation also would affect direct spending and revenues. CBO and the Joint Committee on Taxation (JCT) estimate that implementing</p> <p>H.R. 915 would:</p> <ul style="list-style-type: none"> <li>• Increase discretionary spending by \$44 billion over the 2009-2014 period;</li> <li>• Increase net direct spending by \$46 million over the 2009-2014 period and \$357 million over the 2009-2019 period;</li> <li>• Reduce revenues by \$14 million over the 2009-2014 period and \$231 million over the 2009-2019 period.</li> </ul> <p>Enacting those provisions that would affect direct spending and revenues would increase future deficits by \$60 million over the 2009-2014 period and \$588 million over the 2009-2019 period.</p> <p>The legislation’s effects on direct spending and revenues over the 2009-2013 and 2009-2018 periods are relevant for enforcing pay as-you-go rules under the current budget resolution. CBO and JCT estimate that enacting H.R. 915 would:</p> <ul style="list-style-type: none"> <li>• Increase net direct spending by \$113 million over the 2009-2013</li> </ul>	<p><a href="#">no. 291</a>).</p> <p>Ayes: Wittman, Nye, Scott, Perriello, Moran, Boucher, Wolf, Connolly</p> <p>Noes: Forbes, Goodlatte, Cantor</p> <p>6/1/2009 Referred to Senate Committee on Commerce, Science, and Transportation.</p>
--	--	---	--



		<p>period and \$184 million over the 2009-2018 period;</p> <ul style="list-style-type: none"> <li>• Increase revenues by \$10 million over the 2009-2013 period and reduce them by \$174 million over the 2009-2018 period; and thus</li> <li>• Increase future deficits by \$103 million over the 2009-2013 period and \$358 million over the 2009-2018 period.</li> </ul>	
H.R. 911	Stop Child Abuse in Residential Programs for Teens Act of 2009	<p>H.R. 911 contains both intergovernmental and private-sector mandates, as defined in the Unfunded Mandates Reform Act (UMRA), but CBO estimates that the costs of the mandates would be below the annual thresholds established by UMRA</p> <p>H.R. 911 would authorize the appropriation of \$250 million per year for fiscal years 2010 through 2014 for child abuse prevention programs. CBO estimates that implementing the bill would cost \$786 million over the 2010-2014 period, assuming appropriation of the authorized amounts.</p>	<p>2/9/2009 Introduced in House</p> <p>2/23/2009 Passed/agreed to in House: On motion to suspend the rules and pass the bill Agreed to by the Yeas and Nays: (2/3 required): 295 - 102 (<a href="#">Roll no. 72</a>).</p> <p>Ayes: Nye, Scott, Boucher, Connolly</p> <p>Noes: Wittman, Forbes, Goodlatte, Cantor, Wolf</p> <p>Not Voting: Perriello, Moran</p> <p>2/24/2009 Referred to Senate Committee on Health, Education, Labor, and Pensions.</p>
H.R. 1106	To prevent mortgage	H.R.1106 is intended to prevent mortgage foreclosures and enhance mortgage credit availability.	2/23/2009 Introduced in House

	foreclosures and enhance mortgage credit availability	<p>H.R. 1106 includes a number of intergovernmental and private-sector mandates that CBO identified in H.R. 200, H.R. 786, and H.R.788, but also would impose an additional intergovernmental and private-sector mandate by preventing certain investors from seeking damages for violations of contracts between those investors and servicers of mortgages. The cost of that mandate would equal the net value of the forgone awards, but CBO has no basis for estimating that value. In aggregate, the total costs of the private-sector mandates in the bill would exceed the annual threshold established in the Unfunded Mandates Reform Act CBO cannot determine, however, whether the costs to comply with the intergovernmental mandates in the bill would exceed the annual threshold for intergovernmental mandates.</p>	<p>3/5/2009 Passed/agreed to in House: 234 - 191 (<a href="#">Roll no. 104</a>).</p> <p>Ayes: Nye, Scott, Moran, Connolly</p> <p>Noes: Wittman, Forbes, Goodlatte, Cantor, Boucher, Wolf</p> <p>Not Voting: Perriello</p> <p>3/11/2009 Referred to Senate Committee on Banking, Housing, and Urban Affairs.</p>
H.R. 1262	Water Quality Investment Act of 2009	<p>H.R. 1262 contains several intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA), including monitoring, reporting, and public notification requirements for publicly owned treatment systems. The bill also includes an additional reporting requirement for states. CBO estimates that the annual cost of complying with those mandates would likely exceed the threshold established in UMRA</p> <p>H.R. 1262 would impose private-sector mandates, as defined in UMRA, on operators of vessels entering the United States by increasing vessel tonnage duties over the 2010-2019 period. CBO estimates that the direct costs of complying with those mandates would fall below the annual threshold established in UMRA for private-sector mandates.</p> <p>CBO estimates that implementing this legislation would cost about</p>	<p>3/3/2009 Introduced in House</p> <p>3/12/2009 Passed/agreed to in House: 317 - 101 (<a href="#">Roll no. 123</a>).</p> <p>Ayes: Wittman, Nye, Scott, Forbes, Perriello, Goodlatte, Moran, Boucher, Connolly</p> <p>Noes: Cantor, Wolf</p> <p>3/16/2009 Referred to Senate Committee on</p>

		<p>\$10.6 billion over the next five years and \$17.7 billion over the next 10 years, assuming the appropriation of the necessary amounts, for the Environmental Protection Agency (EPA) to provide various types of grants to states and nonprofit organizations to support water quality projects and programs.</p> <p>In addition to the effects on discretionary spending, enacting H.R. 1262 would affect both federal revenues and offsetting receipts. The Joint Committee on Taxation (JCT) estimates that enacting H.R. 1262 would reduce revenues by \$85 million over the 2010-2014 period and by \$700 million over the 2010-2019 period. CBO estimates that enacting this legislation also would increase tonnage charges on vessels entering the United States, effective for fiscal years 2010 through 2019. Those charges would increase offsetting receipts, which are credits against direct spending, by \$700 million over that period.</p> <p>The legislation’s effects on direct spending and revenues over the 2009-2013 and 2009 2018 periods are relevant for enforcing pay-as-you-go rules under the current budget resolution. CBO estimates that enacting this legislation would reduce revenues by about \$36 million over that five-year period and by \$547 million over the 2009-2018 period. Enacting the bill also would reduce direct spending by about \$266 million over the 2009 2013 period and about \$625 million over the 2009-2018 period. Together, those changes would yield net pay-as-you-go savings of \$230 million over five years and about \$78 million over 10 years.</p>	<p>Environment and Public Works.</p>
<p>H.R. 1676</p>	<p>Prevent All Cigarette Trafficking Act of 2009</p>	<p>CBO estimates that implementing H.R. 1676 would cost about \$160 million over the 2010-2014 period, assuming appropriation of the necessary amounts. Enacting the bill could affect direct spending and receipts, but we estimate that any such effects would not be significant. H.R. 1676 would impose both intergovernmental and private-sector mandates, as defined in the Unfunded Mandates Reform Act (UMRA), on certain tobacco sellers, common carriers, and individuals. The bill</p>	<p>3/23/2009 Introduced in House</p> <p>5/21/2009 Passed/agreed to in House: 397 - 11 (<a href="#">Roll no. 287</a>).</p>

		<p>also would preempt certain state, local, and tribal laws regulating the delivery of tobacco products.</p> <p>CBO expects that the direct costs to comply with those mandates would not be significant and would not exceed the annual thresholds established in UMRA for intergovernmental or private-sector mandates.</p> <p>H.R. 1676 would require individuals and businesses that make interstate sales of cigarettes or smokeless tobacco to comply with state tax laws and register with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATFE). The bill would authorize the appropriation of \$8.5 million annually over five fiscal years for ATFE to improve the enforcement of laws governing the sale of tobacco. In addition, the bill would permit ATFE to inspect the premises of anyone who distributes or sells more than 10,000 cigarettes or 500 cans or packages of smokeless tobacco in a month via telephone, the mail, or the Internet. H.R. 1676 also would increase penalties, including criminal and civil fines, for violations of the laws relating to taxation of cigarettes and smokeless tobacco. Finally, the bill would prohibit the use of the United States Postal Service (USPS) to mail certain tobacco products.</p>	<p>Ayes: Wittman, Nye, Scott, Forbes, Perriello, Goodlatte, Cantor, Moran, Boucher, Wolf, Connolly</p> <p>6/1/2009 Referred to Senate committee: Received in the Senate and Read twice and referred to the Committee on the Judiciary.</p>
<p>H.R. 1728</p>	<p>Mortgage Reform and Anti-Predatory Lending Act</p>	<p>H.R. 1728 would impose intergovernmental and private-sector mandates, as defined in the Unfunded Mandates Reform Act (UMRA), on participants in the mortgage industry. While the costs of some of the mandates are likely to be small, the costs to comply with other mandates are uncertain. Consequently, CBO cannot determine whether the 2 aggregate costs to comply with the mandates in the bill would exceed the annual thresholds established in UMRA for intergovernmental or private-sector mandates.</p> <p>H.R. 1728 would amend the Truth in Lending Act to reform consumer mortgage practices, establish minimum standards for consumer mortgage loans, and provide other protections to borrowers and investors. The bill also would broaden the oversight of professional</p>	<p>3/26/2009 Introduced in House</p> <p>5/7/2009 Passed/agreed to in House: 300 - 114 (<a href="#">Roll no. 242</a>).</p> <p>Ayes: Wittman, Nye, Scott, Forbes, Perriello, Goodlatte, Moran, Boucher, Wolf, Connolly</p> <p>Noes: Cantor</p>

		<p>appraisers and require the Government Accountability Office to conduct a study on the effects of H.R. 1728 on the availability of credit for homebuyers. The bill would require the Board of Governors of the Federal Reserve (Federal Reserve), in consultation with other agencies that regulate the financial industry, to prescribe regulations and forms to implement the new requirements.</p> <p>H.R. 1728 would authorize the appropriation of \$323 million over the 2009-2014 period for the Department of Housing and Urban Development (HUD) to support efforts to provide homeownership counseling and legal assistance to certain homeowners and tenants. In addition, CBO estimates that \$80 million would be required over the 2009-2014 period for HUD to establish an Office of Housing Counseling. In total, CBO estimates that implementing H.R. 1728 would cost \$403 million over the 2009-2014 period, subject to appropriation of the necessary amounts.</p> <p>CBO estimates that enacting H.R. 1728 would increase revenues by \$13 million over the 2009-2014 period and by \$28 million over the 2009-2019 period. We estimate that direct spending would increase by corresponding amounts over the same time periods.</p>	<p>5/12/2009 Referred to Senate committee: Received in the Senate and Read twice and referred to the Committee on Banking, Housing, and Urban Affairs.</p>
<p>H.R. 2200</p>	<p>Transportation Security Administration Authorization Act</p>	<p>H.R. 2200, the Transportation Security Administration Authorization Act, authorizes appropriations to the Secretary of Homeland Security (Secretary) for the Transportation Security Administration (TSA) for FY2010 and FY2011.</p> <p>H.R. 2200 contains intergovernmental and private-sector mandates as defined in UMRA because it would impose new planning requirements on both public and private airports. The bill also would impose private-sector mandates on U.S. air carriers and motor vehicle operators that transport certain materials. Based on information from industry sources, CBO estimates that the aggregate cost of complying with the mandates would fall below</p>	<p>4/30/2009 Introduced in House</p> <p>6/4/2009 Passed/agreed to in House: 397 - 25 (<a href="#">Roll no. 307</a>).</p> <p>6/8/2009 Referred to Senate committee: Received in the Senate and Read twice and referred to the Committee on Commerce, Science, and</p>

	<p>the annual thresholds established in UMRA (\$69 million for intergovernmental mandates and \$139 million for private-sector mandates in 2009, adjusted annually for inflation).</p> <p><b>Mandates that Apply to Both Public and Private Entities</b>                  Sections 208 and 221 would require airports to update their security plans. Specifically, section 208 would require airport security plans to include procedures to notify federal officials whenever law enforcement personnel are responding to a security matter involving an aircraft. Section 221 would require airports to incorporate certain TSA recommendations on the security of airport perimeters into their security plans. Those mandates would affect both public and private airports. Information from industry sources indicate that airports generally have perimeter security plans in place, and additional requirements would most likely be incremental in nature. Therefore, CBO estimates that the costs to airports in both sectors would be small.</p> <p><b>Mandates that Apply to Public Entities Only</b>                  Section 432 would preempt state and local laws governing background checks on individuals seeking to transport hazardous materials. That preemption would be an intergovernmental mandate as defined in UMRA. While the preemption would limit the application of state and local laws, CBO estimates that it would not impose significant costs on state or local governments.</p> <p><b>Mandates that Apply to Private Entities Only Requirements on Air Carriers.</b> Section 211 would require all cabin crew members of U.S. air carriers to take five hours of training in advanced self-defense methods biannually. TSA would establish the goals and standards for the training. According to industry sources, most U.S. air carriers currently require their cabin crews to attend selfdefense and security training on a recurring basis. According to information from industry experts, only minor changes in current practice would be needed to comply with the</p>	<p>Transportation.</p>
--	--	------------------------

		new training requirements. Therefore, CBO expects that the costs to comply with the mandate would be small relative to the annual threshold established in UMRA.	
H.R. 2410	Foreign Relations Authorization Act, Fiscal Years 2010 and 2011	<p>H.R. 2410 would impose a private-sector mandate as defined in UMRA on individuals who apply for a passport. Based on information from the Department of State, CBO estimates that the aggregate cost of complying with the mandate would exceed the annual threshold established in UMRA for private-sector mandates (\$139 million in 2009, adjusted annually for inflation). H.R. 2410 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. By making permanent the authority of the Secretary of State to collect certain passport fees,</p> <p>H.R. 2410 would authorize appropriations for the Department of State, international broadcasting activities, international assistance programs, and related agencies. CBO estimates that implementing the bill would cost \$40.6 billion over the 2010-2014 period, assuming appropriation of the specified and estimated amounts. The bill also contains provisions that would both increase and decrease direct spending, primarily from making permanent the department's authority to collect and spend certain passport fees. In total, CBO estimates that enacting the bill would reduce direct spending by \$49 million in 2011 and \$52 million over the 2011 2019 period. In addition, enacting the bill would increase governmental receipts (revenues) by raising criminal penalties; however, CBO estimates those effects would be insignificant..</p>	<p>5/14/2009 Introduced in the House</p> <p>6/10/2009 Passed/Agreed to in the House: 235-187)</p> <p>Ayes: Wittman, Scott, Moran, Boucher, Connolly</p> <p>Noes: Nye, Forbes, Perriello, Goodlatte, Cantor. Wolf</p> <p>6/22/2009 Received in the Senate and Read twice and referred to the Committee on Foreign Relations.</p>
H.R. 2454	American Clean Energy and Security Act of 2009	CBO has determined that the non-tax provisions of H.R. 2454 contain intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). Several of those mandates would require utilities, manufacturers, and other entities to reduce greenhouse gas emissions through cap-and-trade programs and performance standards. CBO estimates that the cost of mandates in the	<p>5/15/2009 Introduced</p> <p>6/26/2009 On passage Passed/Agreed to by recorded vote: 219 - 212 (<a href="#">Roll no. 477</a>).</p>

		<p>bill would well exceed the annual thresholds established in UMRA for intergovernmental and private-sector mandates.</p> <p>H.R. 2454 would make a number of changes in energy and environmental policies largely aimed at reducing emissions of gases that contribute to global warming. The bill would limit or cap the quantity of certain greenhouse gases (GHGs) emitted from facilities that generate electricity and from other industrial activities over the 2012-2050 period. The Environmental Protection Agency (EPA) would establish two separate regulatory initiatives known as cap-and-trade programs—one covering emissions of most types of GHGs and one covering hydrofluorocarbons (HFCs). EPA would issue allowances to emit those gases under the cap-and-trade programs. Some of those allowances would be auctioned by the federal government, and the remainder would be distributed at no charge.</p>	<p>Ayes: Moran, Connolly, Perriello, Scott, Boucher</p> <p>Noes: Wittman, Forbes, Nye, Cantor, Goodlatte, Wolf</p> <p>7/7/2009 Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 97.</p>
--	--	---	---



### Part III - Federal Regulatory Mandates

The Regulatory Information Service Center of the General Services Administration identified fifty-five (55) completed federal regulatory actions that may affect the states all of which may mandate specific requirements on the Commonwealth.

**TITLE: Interstate Movement of Sheep and Goats; Approved Livestock Facilities, Identification, and Recordkeeping Requirements**

RIN: 0579-AB84

ABSTRACT: This rulemaking will amend the regulations regarding the interstate movement of animals to require livestock facilities that handle sheep or goats in interstate commerce to be approved by APHIS (Animal and Plant Health Inspection Service). These will include stockyards, livestock markets, buying stations, concentration points, or any other premises where sheep or goats in interstate commerce are assembled. APHIS' approval will be contingent on the facility operator meeting certain minimum standards and other conditions relating to the receipt, handling, and release of sheep and goats at the facility, as well as complying with certain animal identification and recordkeeping requirements. The standards and other conditions will be based, in part, on recently implemented regulations relating to the interstate movement of sheep and goats in order to control the spread of scrapie, a serious disease of sheep and goats. This rule will provide for the establishment of standards for the approval of livestock facilities that handle sheep or goats in interstate commerce.

**TITLE: Importation of Ash Plants**

RIN: 0579-AC87

ABSTRACT: This rulemaking will amend the regulations governing the importation of nursery stock to prohibit or restrict the importation of ash (*Fraxinus* spp.) plants for

planting, except seed, from all foreign countries except for certain areas in Canada that are not regulated areas for emerald ash borer. This action was necessary to prevent further introductions of emerald ash borer into the United States and to prevent the artificial spread of this destructive plant pest.

**TITLE: Mandatory Country of Origin Labeling of Beef, Pork, Lamb, Fish, Perishable Agricultural Commodities, and Peanuts (LS-07-0081)**

RIN: 0581-AC26

ABSTRACT: The Farm Security and Rural Investment Act of 2002 (Farm Bill) (Pub. L. 107-171) and the 2002 Supplemental Appropriations Act (2002 Appropriations) (Pub. L. 107-206) amended the Agricultural Marketing Act of 1946 (Act) (7 U.S.C. 1621 et seq.) to require retailers to notify their customers of the country of origin of covered commodities beginning September 30, 2004. Covered commodities include muscle cuts of beef (including veal), lamb, and pork; ground beef, ground lamb, and ground pork; farm-raised fish and shellfish; wild fish and shellfish; perishable agricultural

commodities; and peanuts. The FY 2004 Consolidated Appropriations bill (2004 Appropriations) (Pub. L. 108-199) delayed implementation of mandatory Country of Origin Labeling (COOL) for all covered commodities except wild and farm-raised fish and shellfish until September 30, 2006. The FY 2006 Agriculture Appropriations Bill further delayed the implementation date for other covered commodities until September 30, 2008.

**TITLE: Requirements for the Disposition of Cattle that Become Non-Ambulatory Disabled Following Ante-Mortem Inspection**

RIN: 0583-AD35

ABSTRACT: Food Safety & Inspection Service (FSIS) is proposing to remove the provision in 309.3(e) that allows FSIS inspection personnel to determine the disposition of cattle that become non-ambulatory disabled after they have passed ante-mortem inspection on a case-by-case basis. If FSIS finalizes this proposed rule, cattle that become non-ambulatory disabled from an acute injury after ante-mortem inspection will no longer be eligible to proceed to slaughter as "U.S. Suspects." Instead, FSIS inspectors will tag these cattle as "U.S. condemned" and prohibit these animals from proceeding to slaughter.

**TITLE: Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Discretionary WIC Vendor Provisions in the Child Nutrition and WIC Reauthorization Act of 2004, Public Law 108-265**

RIN: 0584-AD47

ABSTRACT: This final rule amends regulations for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) by adding three requirements mandated by the Child Nutrition and WIC Reauthorization Act of 2004 (Pub. L.

108-265), concerning retail vendors authorized by WIC State agencies to provide supplemental foods to WIC participants in exchange for WIC food instruments. First, this rulemaking requires WIC State agencies to notify WIC-authorized retail vendors of an initial violation, for violations requiring a pattern of occurrences in order to impose a sanction, before documenting a subsequent violation unless such notification would compromise an investigation. Second, State agencies are required to maintain a list of State-licensed wholesalers, distributors, and retailers, as well as infant formula manufacturers registered with the Food and Drug Administration; WIC-authorized retail vendors are required to purchase infant formula only from sources on the list. Third, State agencies are prohibited from authorizing or making payments to WIC-authorized vendors that derive more than 50 percent of their annual food sales revenue (?above-50-percent vendors?) and that provide incentive items or other free merchandise except food or merchandise of nominal value to program participant customers unless the vendor provides the State agency with proof that the vendor obtained the incentive items or merchandise at no cost. The intent of these provisions is, respectively, to enhance the due process for vendors, to prevent defective infant formula from being consumed by infant WIC participants, and to prevent increased WIC food costs caused by above-50-percent vendors who provide incentive items to participants which ultimately are derived from the proceeds of WIC purchases. Unrelated to Public Law 108-265, this final rule will also provide inflation adjustments for vendor civil money penalties. (04-007)

**TITLE: Authorize Observer Coverage of Fisheries To Monitor Sea Turtle Interactions**

RIN: 0648-AU81

**ABSTRACT:** The National Marine Fisheries Service (NMFS) amends its regulations to establish a requirement for state and federal fisheries that operate in areas where sea turtles may be present and likely to interact with such fishing operations to take an observer on board when requested to do so by NMFS. All sea turtles that occur in U.S. waters are listed as either endangered or threatened under the Endangered Species Act. Therefore, measures are necessary both to monitor the level of takes occurring as well as to reduce takes to recover sea turtle species. This measure is necessary to adequately document sea turtle interactions with fishing operations, to evaluate existing measures to reduce sea turtle takes, and to determine whether additional measures to address sea turtle takes may be necessary.

**TITLE: Obstetrical and Gynecological Devices; Designation of Special Controls for Male Condoms Made of Natural Rubber Latex**

RIN: 0910-AF21

**ABSTRACT:** The classification regulation for condoms would be amended to specify a labeling guidance document as a special control for condoms made from natural rubber latex. The new special control guidance document would identify issues presented by these devices, and would provide detailed recommendations for labeling to address these issues. FDA believes that addressing the issues identified in the guidance, either by following the recommendations in the guidance or by some other means that provide equivalent assurances of safety and effectiveness, together with the general controls, will provide a reasonable assurance of the safety and effectiveness of these devices. These labeling recommendations are also consistent with the labeling requirements of 21 CFR (Code of Federal Regulations) part 801. The rule will demonstrate how the Agency is addressing the congressional directive of Public

Law 106-554 that FDA review condom labeling to assure that the information regarding the overall effectiveness or lack of effectiveness of condoms in preventing sexually transmitted diseases is medically accurate.

**TITLE: Updates to Electronic Transactions (Version 5010) (CMS-0009-F)**

RIN: 0938-AM50

**ABSTRACT:** This rule adopts new versions of the X12 suite of HIPAA transactions and allows the industry to use the most up-to-date versions of the HIPAA transactions for claims and remittance advice. The rule will also adopt an updated pharmacy transactions standard for retail pharmacy claims.

**TITLE: Medicaid Disproportionate Share Hospital Payments--Auditing and Reporting Requirements (CMS-2198-F)**

RIN: 0938-AN09

**ABSTRACT:** This rule implements section 1001(d) of the Medicare Prescription Drug Improvement and Modernization Act of 2003, which requires States to report additional information about their disproportionate share hospital (DSH) programs in their annual report. This section also requires States to independently audit and submit these certified audits annually to the Secretary.

**TITLE: Revisions to HIPAA Code Sets (CMS-0013-F)**

RIN: 0938-AN25

**ABSTRACT:** This rule revises some of the adopted transaction and code set standards detailed in regulations published by HHS on August 17, 2000, and February 20, 2003.

**TITLE: State Option To Establish Non-Emergency Medical Transportation Program (CMS-2234-F)**

RIN: 0938-AO45

ABSTRACT: Enactment of section 6083 of the Deficit Reduction Act of 2005 (DRA) amends section 1902(a) of the Social Security Act (the Act) by adding a new section 1902(a)(70) that provides States with the ability to establish, under the State plan, a non-emergency medical transportation (NEMT) brokerage program. Such a program may be managed through a contract with a broker(s) as a method of assuring NEMT services for beneficiaries who need access to medical care but have no other means of transportation.

**TITLE: Premiums and Cost Sharing (CMS-2244-F)**

RIN: 0938-AO47

ABSTRACT: This rule incorporates sections 6041, 6042, and 6043 of the Deficit Reduction Act of 2005 (DRA), which provide State Medicaid agencies with increased flexibility to implement premium and cost sharing requirements for certain Medicaid recipients. This authority is in addition to the current authority States already had under section 1916 of the Social Security Act to implement premiums and cost sharing.

**TITLE: State Flexibility for Medicaid Benefit Packages (CMS-2232-F)**

RIN: 0938-AO48

ABSTRACT: This rule implements provisions of section 6044 of the Deficit Reduction Act of 2005, which amends the Social Security Act by adding a new section related to the coverage of medical assistance under approved State plans. Under this new section, States have increased flexibility under an approved State plan to define the scope of covered medical assistance by offering coverage of benchmark or benchmark-equivalent benefit packages to certain Medicaid recipients.

**TITLE: Fiscal Year Disproportionate Share Hospital Allotments and Disproportionate Share Hospital Institutions for Mental Disease Limits (CMS-2274-N)**

RIN: 0938-AP09

ABSTRACT: This notice sets forth the States' final fiscal year (FY) 2007, preliminary FY 2008, and preliminary FY 2009 disproportionate share hospital (DSH) payment allotments and States' institutions for mental disease (IMD) DSH limits in the Medicaid program.

**TITLE: State Allotments for Payment of Medicare Part B Premiums for Qualifying Individuals Federal Fiscal Year 2008 (CMS-2290-IFC)**

RIN: 0938-AP38

ABSTRACT: This interim final rule with comment period sets forth the methodology and process used to compute and issue each State's preliminary allotment for the first three quarters of fiscal year FY 2008, that is available to pay the Medicare part B premiums for qualifying individuals; it revises the existing regulations to conform them with the continued funding of this program; and, finally, it provides the preliminary allotments for the first three quarters of FY 2008, determined in accordance with the methodology and process.

**TITLE: Safeguarding Child Support and Expanded Federal Parent Locator Services (FPLS) Information**

RIN: 0970-AC01

ABSTRACT: The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 made far-reaching amendments to title IV-D of the Social Security Act, which governs the child support enforcement program. The Balanced Budget Act of 1997, the Adoption and Safe Families Act of 1997, and the Child Support Performance and Incentive Act of 1998 further amended title IV-D. A significant result of this

legislation is an expansion in the scope of information available to State IV-D child support enforcement agencies. The legislation has rendered obsolete or inconsistent several regulations at 45 CFR chapter III, Office of Child Support Enforcement, including the regulations on the Federal Parent Locator Service, the State Parent Locator Services, the offset of Federal payments for purposes of collecting child support, and the safeguarding of information. This regulation would update various sections in 45 CFR chapter III to reflect the statutory changes.

**TITLE: Adoption and Foster Care Analysis and Reporting System**

RIN: 0970-AC23

ABSTRACT: This rule will amend the Adoption and Foster Care Analysis and Reporting System (AFCARS) regulations at 45 CFR part 1355.40 and the appendices to part 1355 to modify the requirements for States to collect and report data to ACF on children in foster care and in subsidized adoption or guardianship arrangements with the State. The rule also implements the AFCARS penalty requirements of the Adoption Promotion Act of 2003 (Pub. L. 108-145).

**TITLE: Child Support Provisions of the Deficit Reduction Act**

RIN: 0970-AC24

ABSTRACT: The rule would implement provisions of the Deficit Reduction Act of 2005 related to review and adjustment of child support orders, Federal financial participation in the program, and fees for program services.

**TITLE: National Wildlife Refuge System; Wilderness Stewardship**

RIN: 1018-AU27

ABSTRACT: This policy (FWS Manual) modifies existing policy for implementing the Wilderness Act of 1964 and the Administration Act, as amended. This policy updates guidance on administrative and public activities on wilderness within the Refuge System.

**TITLE: Migratory Bird Permits; Extension of Double-Crested Cormorant Depredation Orders**

RIN: 1018-AW11

ABSTRACT: We are extending two existing double-crested cormorant depredation orders: The aquaculture depredation order (50 CFR 21.47) authorizes take of double-crested cormorants at commercial freshwater fish farms in 13 States, and the public resource depredation order (50 CFR 21.48) authorizes States, Wildlife Services (U.S. Department of Agriculture), and Tribes to take double-crested cormorants to reduce adverse impacts to fish, wildlife, plants, and their habitats in 24 States. Both these regulations will expired on April 30, 2009. Due to a continuing need to allow management of this abundant species, we wish to extend both of these orders by 5 years.

**TITLE: Placement of Excess Spoil**

RIN: 1029-AC04

ABSTRACT: This rule will establish permit application requirements and review procedures for applications that propose to place excess spoil or coal mine waste from surface coal mining operations into waters of the United States. Among other things, it will require that mine operators minimize the creation of excess spoil and the adverse environmental impacts resulting from the construction of excess spoil fills. In addition, it will clearly specify the activities to which that requirement does and does not apply, and revise the findings

required for a variance from the buffer requirement to more closely track the underlying statutory provisions.

**TITLE: Abandoned Mine Land Program**

RIN: 1029-AC56

ABSTRACT: This rule would align Office of Surface Mining Reclamation and Enforcement (OSM) regulations with the provisions of the Surface Mining Control and Reclamation Act Amendments of 2006 that revised and extended the abandoned mine land program.

**TITLE: Class III Tribal-State Gaming Compact Process**

RIN: 1076-AE99

ABSTRACT: This rule would establish procedures for submission and review of tribal-state compacts and compact amendments. It applies to tribal-state compacts submitted to the Secretary for review and approval under 25 U.S.C. 2710(d)(8)(C).

**TITLE: Protecting Privacy of Workers on Payroll Report Forms Under the Davis-Bacon and Related Act**

RIN: 1215-AB67

ABSTRACT: The Department of Labor revised the regulations issued under the Davis-Bacon and Related Acts and the Copeland ?Anti-Kickback? Act to better safeguard personally identifiable information by removing employees? Social Security numbers and home addresses from the information that contractors and subcontractors submit each week to contracting agencies in certified payroll reports covering laborers and mechanics working on construction contracts subject to the labor standards of the Davis-Bacon and Related Acts.

**TITLE: Veterans Priority of Service for Employment and Training Programs**

RIN: 1293-AA15

ABSTRACT: The Department will promulgate the Veterans Priority of Service for Employment and Training Programs regulations in response to the Veterans Benefits, Health Care, and Information Technology Act of 2006. Section 605 of this Act requires the Secretary of Labor to prescribe regulations to implement 38 U.S.C. 4215, which describes priority of services for Veterans for certain employment and training programs.

**TITLE: Rules and Procedures for Efficient Federal-State Funds Transfers**

RIN: 1510-AB12

ABSTRACT: The Department of the Treasury, Financial Management Service, is proposing to amend its regulation prescribing rules for transferring funds between the Federal government and States for Federal assistance programs. The proposed amendments clarify the circumstances under which Federal interest liabilities accrue for certain Federal assistance programs and make other clarifications.

**TITLE: Security Threat Assessment for Individuals Applying for a Hazardous Materials Endorsement for a Commercial Driver's License**

RIN: 1652-AA17

ABSTRACT: The Transportation Security Administration (TSA) took final action on the this November 24, 2004, interim final rule by responding to comments received through the publication of a final rule on January 25, 2007 (72 FR 3492), titled "Transportation Worker Identification Credential (TWIC) Implementation in the Maritime Sector; Hazardous Materials Endorsement for a Commercial Driver?s License."

This action, initiated with a rule published on May 5, 2003, implements requirements in the Safe Explosives Act and the USA Patriot Act, relating to security threat assessments of commercial truck drivers who are authorized to transport hazardous materials.

This rule amends the May 5th rule by providing additional guidance to the States and industry on the process for collecting fingerprints and information from commercial drivers who apply to obtain or renew a hazardous materials endorsement. In addition, the rule requires the States to formally decide whether they will collect this information or whether TSA will complete the collection. TSA has added definitions and made organizational and substantive changes to the current standards codified at 49 CFR part 1572.

**TITLE: Energy Conservation Standards for Residential Electric and Gas Ranges and Ovens and Microwave Ovens, and Commercial Clothes Washers**

RIN: 1904-AB49

ABSTRACT: The Energy Policy and Conservation Act (EPCA), as amended, establishes initial energy efficiency standard levels for many types of major residential appliances and generally requires DOE to undertake two subsequent rulemakings, at specified times, to determine whether the extant standard for a covered product should be amended. Through this combined rulemaking, the Department is evaluating potential amendments to update the current energy efficiency standards for residential electric and gas ranges and ovens (including a new provision specific to microwave ovens) and is also considering establishing energy efficiency standards for commercial clothes washers, as required by the Energy Policy Act of 2005, which further amended EPCA. Previously, this rulemaking also included dishwashers and dehumidifiers. Because the Energy Independence Act of 2007 (EISA 2007)

prescribed standards for dishwashers and dehumidifiers, they have been removed from the rulemaking.

**TITLE: Energy Efficiency Standards for Commercial Refrigeration Equipment**

RIN: 1904-AB59

ABSTRACT: The Energy Policy Act of 2005 (EPACT 2005) amendments to the Energy Policy and Conservation Act (EPCA) require that DOE establish standards for ice cream freezers; self-contained commercial refrigerators, freezers, and refrigerator-freezers without doors; and remote-condensing commercial refrigerators, freezers, and refrigerator-freezers.

**TITLE: Amendment To Codify Energy Conservation Standards and Related Definitions Prescribed in the Energy Independence and Security Act of 2007**

RIN: 1904-AB74

ABSTRACT: The rulemaking codifies the Energy Independence and Security Act of 2007 amendments to the Energy Policy and Conservation Act, which prescribe efficiency standards and related definitions for certain consumer products and commercial industrial equipment.

**TITLE: Test Procedures for Battery Chargers and External Power Supplies (Standby and Off Mode) and Multiple Simultaneous Output External Power Supplies**

RIN: 1904-AB75

ABSTRACT: The Energy Independence and Security Act of 2007 amends the Energy Policy and Conservation Act to require that the test procedures for battery chargers and external power supplies be amended to include standby mode and off mode energy consumption. In addition, DOE is developing a test procedure for measuring the efficiency of

external power supplies that have multiple, simultaneous output voltages.

**TITLE: Cross-Media Electronic Reporting Regulation (CROMERR) Technical Amendment**

RIN: 2025-AA23

ABSTRACT: EPA published the final Cross-Media Electronic Reporting Rule (CROMERR) on October 13, 2005. The rule establishes a legal framework for electronic reporting by regulated entities to EPA and states, tribes, and local governments that are authorized to administer EPA programs. CROMERR applies to any document submissions required by or permitted under EPA or any authorized program governed by EPA's regulations in title 40 of the Code of Federal Regulations (CFR), if it is submitted electronically. State, tribal and local government applicants that have an existing electronic document receiving system (as defined in section 3.3 of the regulation), originally had until October 13, 2007, to submit their applications to apply for EPA approval of their system under CROMERR. On October 2, 2007, a direct final rulemaking to extend the October 13, 2007, Cross-Media Electronic Reporting Regulation (CROMERR) deadline for authorized programs (states, tribes, or local governments) with existing electronic document receiving systems became effective. Under section 3.1000(a)(3) of CROMERR, authorized program applicants that have an existing electronic document receiving system had until October 13, 2008, to submit their applications for EPA approval of their system under CROMERR.

This action extended the October 13, 2008, deadline for existing systems by fifteen (15) months, to January 13, 2010, to provide additional time for authorized programs to develop their applications and upgrade their systems, if required.

**TITLE: Concentrated Animal Feeding Operation Rule**

RIN: 2040-AE80

ABSTRACT: This rulemaking responded to the U.S. Court of Appeals for the Second Circuit's February 28, 2005, decision in Waterkeeper Alliance vs. EPA, which remanded and/or vacated certain provisions in the Concentrated Animal Feeding Operations (CAFO) rule found at 40 CFR parts 122 and 412. This 2008 final rule defined the circumstances under which CAFOs must seek permit coverage, and established an optional means for nondischarging CAFOs to certify that they are not required to apply for a permit if they qualify for certification. The final rule also required the terms of NMPs to be incorporated into CAFO permits and established a process to make the terms of the NMP available for public comment, approved by the permitting authority, and incorporated into a general permit. In addition, the final rule included an alternative means for certain new source operations to meet the new source performance standards and addressed issues remanded for further review and explanation.

**TITLE: NPDES General Permits for Discharges Incidental to the Normal Operations of a Vessel**

RIN: 2040-AE93

ABSTRACT: Creation of this permit was necessary to address a District Court ruling which vacated a regulatory exemption at 40 CFR 122.3(a). *Nw. Env'tl. Advocates v. EPA*, 2006 U.S. Dist. LEXIS 69476 (N.D. Cal. Sept. 18, 2006). The regulation excluded discharges incidental to the normal operation of a vessel from NPDES permitting and had existed, essentially unchanged, since 1973. Under the ruling and subsequent extensions, the district court vacated the entire exclusion as of February 6, 2009. Once vacatur took place, discharges of pollutants incidental to the normal operation of a vessel that had formerly been exempted from NPDES permitting by the



regulation became subject to the prohibition in CWA section 301(a) against the discharge of a pollutant without an NPDES permit.

**TITLE: Emergency Planning and Community Right-To-Know Act: Amendments to Parts 355 and 370**

RIN: 2050-AE17

ABSTRACT: EPA finalized changes to the Emergency Planning Notification, Emergency Release Notification and Hazardous Chemical Reporting regulations that were proposed on June 8, 1998. EPA proposed four major revisions and provided draft guidance on various reporting options that States and local agencies may wish to consider in implementing the hazardous chemical reporting requirements. The final rule addressed only those changes proposed under the heading "Other Regulatory Changes" described in the preamble to the 1998 proposed rule. The final rule included minor revisions to the Emergency Planning Notification, Emergency Release Notification and Hazardous Chemical Reporting regulations, codifying statutory requirements, and clarifying certain interpretations and policy statements that EPA has provided to the regulated community. This final rule did not affect public access to any of the information provided under the Emergency Planning Notification, Emergency Release Notification and Hazardous Chemical Reporting regulations. In addition to the regulatory changes, the Agency finalized the plain language format of the regulations. Each section in these regulations were re-numbered and tables were added for further clarification. Improving the clarity of the regulatory requirements made the rule easier to understand and will improve compliance.

**TITLE: Expanding the Comparable Fuels Exclusion Under RCRA**

RIN: 2050-AG24

ABSTRACT: EPA has excluded from being solid wastes under subtitle C of the Resource Conservation and Recovery Act (RCRA) hazardous secondary materials whose emissions are comparable to fuel oil. This exclusion is allowed only when those materials are managed under conditions that assure they will not be discarded either when stored or burned. Such excluded fuel is called emission-comparable fuel (ECF). ECF is subject to the same specifications that currently apply to comparable fuels, except that the specifications for hydrocarbons and oxygenates do not apply. The ECF exclusion is conditioned on requirements including: (1) design and operating conditions for the ECF boiler to ensure that the ECF is burned under the good combustion conditions typical for oil-fired industrial boilers; and (2) conditions for tanks and containers storing ECF for which conditions are typical of those for storage of commercial fuels, and are tailored for the hazards that ECF may pose. EPA has addressed issues raised by commenters and has promulgated the final rule.

**TITLE: CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances From Animal Waste at Farms**

RIN: 2050-AG37

ABSTRACT: The final rule provides an administrative reporting exemption from particular notification requirements under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. In addition, the final rule provides a limited administrative reporting exemption in certain cases from requirements under the Emergency Planning and Community Right-to-Know Act (EPCRA), also known as Title III of the Superfund Amendments and Reauthorization Act. Specifically, the administrative reporting exemption applies to releases of

hazardous substances to the air that meet or exceed their reportable quantity where the source of those hazardous substances is animal waste at farms. Nothing in the final rule changes the notification requirements if hazardous substances are released to the air from any source other than animal waste at farms (e.g., ammonia tanks), or if any hazardous substances from animal waste are released to any other environmental media, (e.g., soil, ground water, or surface water) when the release of those hazardous substances is at or above its reportable quantity. Also, the administrative reporting exemption under CERCLA section 103, does not limit any of the Agency's other authorities under CERCLA sections 104 (response authorities), 106 (abatement actions), 107 (liability), or any other provisions of CERCLA or EPCRA. Accordingly, EPA believes this administrative reporting exemption not only leaves in place important Agency response authorities that can be used to protect human health and the environment if needed, but also is consistent with the Agency's goal to reduce reporting burden.

**TITLE: Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure Rule; Revisions to the Regulatory Definition of "Navigable Waters"**

RIN: 2050-AG48

ABSTRACT: On July 17, 2002, EPA promulgated a final rule that included revisions to the definition of "navigable waters" in the Spill Prevention, Countermeasure and Control (SPCC) regulation. On March 31, 2008, the United States District Court for the District of Columbia (D.D.C.) in *American Petroleum Institute v. Johnson*, 571 F.Supp.2d 165 (D.D.C. 2008), invalidated the revisions to the definition of "navigable waters" and restored the regulatory definition of "navigable waters" promulgated by EPA in 1973. As a result, EPA has amended

the definition of "navigable waters" in part 112 to comply with that decision.

**TITLE: Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions**

RIN: 2060-AM91

ABSTRACT: On July 11, 2003, EPA received a petition for reconsideration on behalf of Newmont USA Limited, dba Newmont Mining Corporation ("Newmont") that stated that the December 31, 2002 (67 FR 80185) final rule included fugitive emissions for the purposes of determining whether a facility had undergone a major modification for the first time. This rule finalizes EPA's reconsideration of this issue arising from our final rules of December 31, 2002. EPA is currently considering a February 17, 2009 petition for reconsideration from the Natural Resources Defense Council.

**TITLE: Revisions to Air Emissions Reporting Requirements**

RIN: 2060-AN20

ABSTRACT: This action updated, consolidated, and harmonized air emission reporting requirements from the Consolidated Emissions Reporting Rule (CERR) and the NOx SIP Call. The purpose of this action was to resolve differences in the reporting requirements in each of these regulations so that the regulated community will have a single location in the Code of Federal Regulations that details air emission reporting requirements. For example, the CERR and the NOx SIP Call use similar but not identical terminology to describe what data must be reported to EPA. The final rule resolved these differences.

**TITLE: Revision to Definition of Volatile Organic Compounds?-Exclusion of Propylene Carbonate and Dimethyl Carbonate**

RIN: 2060-AN75

ABSTRACT: This final action granted volatile organic compounds (VOC) exemption for two compounds (propylene carbonate and dimethyl carbonate). Granting VOC exemption status to these compounds removed a regulatory burden from industries that want to use these compounds and states will be relieved of the burden of controlling these compounds without adversely affecting air quality.

**TITLE: Review of the National Ambient Air Quality Standards for Lead**

RIN: 2060-AN83

ABSTRACT: On October 5, 1978 the EPA promulgated primary and secondary National Ambient Air Quality Standards (NAAQS) for lead under section 109 of the Clean Air Act (43 FR 46258). Both primary (health based) and secondary (welfare) standards were set at a level of 1.5 µg/m<sup>3</sup> as a quarterly average (maximum arithmetic mean averaged over a calendar quarter). Subsequent to this initial standard-setting, the Clean Air Act requires that the standard be reviewed periodically. The last such review occurred during the period 1986-1990. For that review, an Air Quality Criteria Document (AQCD) was completed in 1986 with a supplement in 1990. Based on information contained in the AQCD, an EPA Staff Paper and Exposure Assessment were prepared. Following the completion of these documents, the agency did not propose any revisions to the 1978 Pb NAAQS. The current review of the Pb air-quality criteria was initiated in November 2004 by EPA's National Center for Environmental Assessment (NCEA) with a general call for information published in the Federal Register. In January 2005, NCEA released a work plan

for the review and revision of the Pb AQCD. Workshops were held to provide author feedback on a developing draft of the AQCD in August 2005. The final AQCD was released October 1, 2006. The EPA Office of Air Quality Planning and Standards prepared a draft Staff Paper for the Administrator, which included an initial evaluation of the key studies and scientific information contained in the AQCD and additional preliminary technical analyses. Drafts of the AQCD and the draft Staff Paper were reviewed by the Clean Air Scientific Advisory Committee (CASAC) and the public. A final Staff Paper was completed on November 1, 2007. An ANPRM was published in December 2007 outlining the results of the final risk assessment and giving consideration to the policy assessment. The Administrator's proposal to revise the lead NAAQS was published on May 20, 2008, with a request for public comment. Input received during the public comment period was considered in the Administrator's final decision which was published on November 12, 2008.

**TITLE: NESHAP: Ferroalloys Production--Area Source Standards**

RIN: 2060-AO13

ABSTRACT: Section 112 (k) of the Clean Air Act requires the development of standards for area sources that account for 90 percent of the emissions in urban areas of the 33 urban hazardous air pollutants (HAP) listed in the Integrated Urban Air Toxics Strategy. The Integrated Urban Air Toxics Strategy lists ferroalloys production as an area source category.

**TITLE: Performance Specification 16--Specifications and Test Procedures for Predictive Emission Monitoring Systems in Stationary Sources**

RIN: 2060-AO74

ABSTRACT: Performance Specification 16 is being promulgated to provide performance criteria for predictive emission monitoring systems. Predictive systems represent a new technology that uses process information or parameters to predict pollutant emissions instead of directly measuring them. Performance Specification 16 was proposed on August 8, 2005. The comments received from the public have been considered and the performance specification has been edited to reflect those comments that warrant revision. Performance Specification 16 will primarily apply to facilities whose emissions can be predicted from process parameters such as combustion processes (including gas turbines and internal combustion engines).

**TITLE: Lead-Based Paint Activities; Fees for Accreditation of Training Programs and Certification of Lead-Based Paint Activities Contractors**

RIN: 2070-AJ40

ABSTRACT: As specified in section 402(a)(3) of the Toxic Substances Control Act (TSCA), EPA must establish and implement a fee schedule to recover for the U.S. Treasury the Agency's cost of administering and enforcing the standards and requirements applicable to lead-based paint training programs and contractors engaged in lead-based paint activities. Specifically, this rule proposes to establish fees to be charged in those States and Indian country without authorized programs, for training programs seeking accreditation under 40 CFR 745.225 and for individuals or firms engaged in lead-based paint activities seeking certification under 40 CFR 745.226. EPA's Federal lead program will establish fees for training programs and firms covered under the 2008 Renovation, Repair, and Painting rule and the fees will be updated (based on current economics) for training programs,

firms and individuals covered under the accreditation and certification programs for lead-based paint activities.

**TITLE: Environmental Review of Activities That Support the Deployment of ITS Projects**

RIN: 2125-AF15

ABSTRACT: Pursuant to SAFETEA-LU, this rulemaking would establish categorical exclusions from the requirement that an environmental assessment or an environmental impact statement be prepared under section 102 of the National Environmental Policy Act of 1969 (NEPA) for (1) activities that support the deployment of intelligent transportation infrastructure and systems and (2) the purchase of railroad right-of-way. This rulemaking would also seek to resolve inconsistencies between the regulation and the new 23 U.S.C. 139, created by section 6002 of SAFETEA-LU. Finally, this rulemaking would update the regulation to reflect changes in the law and agency practice over the years, and make minor additions and changes to the list of categorical exclusions.

**TITLE: Medical Certification Requirements as Part of the Commercial Driver's License**

RIN: 2126-AA10

ABSTRACT: This rule amends the Federal Motor Carrier Safety Regulations (FMCSRs) to require interstate commercial driver's license (CDL) holders subject to the physical qualification requirements of the FMCSRs to provide a current original or copy of their medical examiner's certificates to their State Driver Licensing Agency (SDLA). The regulations also require the SDLA to record in the Commercial Driver License Information System (CDLIS) driver record the self-certification the driver made regarding applicability of the Federal driver qualification rules and, for drivers subject to those requirements, the medical certification status information

specified in the rule. This action was required by section 215 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA).

**TITLE: Passenger Car and Light Truck Corporate Average Fuel Economy Model Year 2011**

RIN: 2127-AK29

ABSTRACT: This rulemaking would address Corporate Average Fuel Economy (CAFE) Standards for light trucks and for passenger cars for model year 2011. CAFE standards

**TITLE: Resale and Roaming Obligations Pertaining to Commercial Mobile Radio Services**

RIN: 3060-AF58

ABSTRACT: On an interim basis, the First Report and Order extends to broadband PCS and covered SMR providers the cellular rule that prohibits restricting resale of communications services. The new rules sunset five years after the last group of initial licensees for currently allocated broadband PCS spectrum is awarded. The rules also eliminate all exceptions to the rule that allowed cellular licensees to restrict resale by competing with fully operational cellular licensees in the same geographic market. The Commission successfully adopted a Second Report and Order and Third Notice of Proposed Rulemaking in this proceeding. The Second Report and Order extends the Commission's cellular rules on manual roaming by any individual whose handset is capable of accessing the network of a cellular, broadband PCS, or covered SMR provider. The Third NPRM, among other things, sought comment on whether the Commission should adopt rules requiring cellular, broadband PCS, and covered SMR providers to provide automatic roaming in their coverage areas, and whether both automatic and manual roaming requirements should sunset five years after the initial grant of PCS licenses. The Third MO&O generally affirmed the Commission's earlier

decision to extend the cellular resale rule to include certain PCS and SMR providers and to sunset the rule until November 24, 2002. However, it modified the prior decision by removing customer premise equipment (CPE) and CPE in bundled packages from the scope of the resale rule, by revising the scope of the resale rule to exclude all C, D, E, and F block PCS licensees that do not own and control and are not controlled by cellular or A or B block licensees, and by exempting from the rule all SMR and other CMRS providers that do not utilize in-network switching facilities.

**TITLE: Telecommunications Relay Services (TRS) and Speech-to-Speech Services for Individuals With Hearing and Speech Disabilities, Americans With Disabilities Act of 1990 (ADA)**

RIN: 3060-AG76

ABSTRACT: Title IV of the ADA requires the Commission to ensure that TRS is available to the extent possible in the most efficient manner to persons with hearing or speech disabilities in the United States. TRS enables an individual with a hearing or speech disability to communicate by telephone or other assistive communication device. The Commission issued its first order pursuant to title IV of the ADA implementing TRS on July 26, 1991, CC Docket No. 90-571. Since 1991, the Commission has revisited the regulations governing TRS on numerous occasions, in part, to make available to consumers new forms of TRS, and to amend the mandatory minimum standards to improve the quality of TRS, consistent with the goal of functional equivalency set forth in section 225. Through these actions the Commission has broadly defined TRS to include any service that enables persons with hearing or speech disabilities to use the telecommunications network to communicate by wire or radio, and not to be limited to either telecommunications service or services that require a TTY.

This docket and RIN flow from CC Docket No. 90-571 AND RIN 3060-AG75.

**TITLE: Amendment to Licensing Low Power Operations in 450-470 MHz Band**

RIN: 3060-AH84

ABSTRACT: The proposed amendments facilitate the viability of low power operations in the private land mobile radio 450-470 MHz Band.

**TITLE: Hearing Aid-Compatible Telephones (WT Docket Nos. 01-309 & 06-150)**

RIN: 3060-AI57

ABSTRACT: This item modifies exemptions for wireless phones under the Hearing Aid Compatibility Act of 1988 (HAC Act) to require that digital wireless phones be capable of being effectively used with hearing aids. It finds that modifying the exemption will extend the benefits of wireless telecommunications to individuals with hearing disabilities--including emergency, business, and social communications--thereby increasing the value of the wireless network for all Americans.

This proceeding was terminated in 2007 pursuant to Commission decision in 22 FCC Rcd 19670 (2007).

**TITLE: Testimony by NARA Employees and Production of Records in Legal Proceedings**

RIN: 3095-AB32

ABSTRACT: This regulation will establish NARA's policies and procedures with respect to testimony by NARA staff and/or production of information and records in legal proceedings.

**TITLE: Unfair or Deceptive Acts or Practices**

RIN: 3133-AD47

ABSTRACT: The Federal Reserve Board, Office of Thrift Supervision, and NCUA issued amendments to their credit practice rules to prohibit certain consumer credit card practices as unfair or deceptive under section 5(a) of the Federal Trade Commission Act.

**TITLE: Electronic Filing of Municipal Securities Disclosure**

RIN: 3235-AK20

ABSTRACT: The Commission adopted amendments to Rule 15c2-12 under the Exchange Act relating to the electronic filing of municipal securities disclosure.