



Commonwealth of Virginia
Office of the Governor

J. Jasen Eige
Counselor and Senior Policy Advisor
to the Governor

January 10, 2014

The Honorable Robert F. McDonnell
Office of the Governor
Patrick Henry Building, 3rd Floor
Richmond, Virginia 23219

Dear Governor McDonnell:

Pursuant to the requirements of § 2.2-302(9) of the *Code of Virginia*, I am pleased to submit the report of the Assistant to the Governor for Intergovernmental Affairs of all federal mandates and regulations that may have an effect on the Commonwealth.

I would like to acknowledge the work of Kristi Craig of your Washington, D.C., Office in compiling this report.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Jasen Eige".

J. Jasen Eige
Counselor and Senior Policy Advisor to the Governor

cc: The Honorable Walter A. Stosch, Chairman of the Senate Finance Committee
The Honorable S. Chris Jones, Chairman of the House Appropriations Committee

**REPORT OF THE
Assistant to the Governor for
Intergovernmental Affairs**

**Federal Mandates and Regulations that
may have an Effect on the Commonwealth**

TO THE GOVERNOR OF VIRGINIA



**COMMONWEALTH OF VIRGINIA
RICHMOND
2014**

**January 2014
Federal Mandate Report**

July 1, 2013

To

December 31, 2013



**Commonwealth of Virginia
Office of the Governor**

Each year, on a semiannual basis, **The Federal Mandate Report** is prepared pursuant to the requirements of § 2.2-302(9) of the *Code of Virginia*. 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 Congressional Budget Office's (CBO) interpretations of the Federal Unfunded Mandate Reform Act (UMRA) are used to determine what legislation contains intergovernmental mandates. Descriptions of the mandates provided in this analysis are based upon or excerpted from these CBO documents and Congressional Research Service (CRS) reports.

The semiannual report also provides reviews of federal regulatory action completed that may impact the Commonwealth (Part III). Recommendations from the Regulatory Information Service Center (RISC) of the General Services Administration (GSA) are used 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 requirements imposed upon the Commonwealth for the period of July 1, 2013 to December 31st, 2013. Of the bills reviewed by the CBO, no bills have become public law, while six have passed at least one chamber of Congress.

*Additional information can be obtained by contacting:
444 N. Capitol St. NW, Suite 214, Washington, DC 20001
202-783-1769*

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 2013, which are adjusted annually for inflation, are \$75 million for intergovernmental mandates (state, local, or tribal governments) and \$150 million or more per year for the private sector.

NOTE: Of the bills reviewed by the Congressional Budget Office and identified to have met UMRA thresholds, no bills have become law during the period July 1, 2013 – December 31, 2013.

Bill Number	Bill Title	Unfunded Mandate on the State	Bill Status

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. The thresholds for 2013, which are adjusted annually for inflation, are \$75 million for intergovernmental mandates (state, local, or tribal governments) and \$150 million or more per year for the private sector.

Bill Number	Bill Title	Unfunded Mandate on the State	Bill Status
H.R. 3309	Innovation Act	<p>H.R. 3309 would change administrative and judicial processes that support the protection of intellectual property rights. CBO expects that, by requiring inventors to be more specific in pleadings to the court, awarding attorney fees to the prevailing party, and limiting discovery early in an infringement proceeding, the bill would affect the decisions of inventors to initiate lawsuits for patent infringement.</p> <p>H.R. 3309 would impose a mandate as defined in the Unfunded Mandates Reform Act (UMRA) on both public and private entities because the Patent and Trademark Office (PTO) would charge fees to offset the costs incurred to collect and make some information related to patents publicly available.</p> <p>Other provisions in the bill also would result in increased patent fees. The requirement to pay those fees would be a mandate because the federal government controls the patent and trademark system, and no reasonable alternatives to that system exist.</p> <p>Based on information from PTO, CBO estimates that the annual cost to comply with the mandate would be about \$30 million, with less than \$1 million of those costs accruing to public entities and the rest accruing to private entities. Therefore, the cost for public and</p>	<p>10/23/2013: Referred to the House Committee on the Judiciary.</p> <p>11/20/2013: Committee Consideration and Mark-up Session Held.</p> <p>11/20/2013: Ordered to be Reported by the Yeas and Nays: 33 - 5.</p> <p>12/2/2013 Placed on the Union Calendar, Calendar No. 200.</p> <p>12/5/2013: On passage Passed by recorded vote: 325 – 91</p> <p>Congressional Delegation votes:</p> <p>AYE: Cantor, Connolly, Forbes, Goodlatte, Griffith, Hurt, Moran, Rigell, Wittman</p> <p>NAY: Scott, Wolf</p> <p>12/9/2013: Received in the Senate and referred to the Committee on the Judiciary.</p>

		private entities to comply with the mandate would fall below the annual thresholds established in UMRA for intergovernmental and private-sector mandates (\$75 million and \$150 million in 2013, respectively, adjusted annually for inflation).	
H.R. 2061	Digital Accountability and Transparency Act of 2013	<p>H.R. 2061 aims to make information on federal expenditures more easily available, accessible, and transparent. The bill would require the U.S. Department of the Treasury to establish common standards for financial data provided by all government agencies and to expand the amount of data that agencies must provide to the government website, USASpending. H.R. 2061 also would authorize the Recovery Accountability and Transparency Board to continue to operate through 2017 and would direct the board to conduct a three-year pilot program to make it easier for federal contractors and grant recipients to comply with reporting requirements. Finally, the legislation would require the Office of Management and Budget (OMB), the Government Accountability Office (GAO), and agency Inspectors General (IGs) to submit additional reports to the Congress.</p> <p>H.R. 2061 contains no intergovernmental or private-sector mandates as defined in UMRA. The bill would change the way state, local, and tribal governments report on their use of federal funds. Some of those changes could increase and others could decrease the costs that such governments would incur to comply with conditions of federal assistance. However, conditions of assistance (and their costs) are not intergovernmental mandates as defined in UMRA.</p>	<p>5/21/2013: Referred to the House Committee on Oversight and Government Reform. 5/22/2013: Committee Consideration and Mark-up Session Held. Ordered to be Reported (Amended) by Voice Vote. 11/18/2013: Reported (Amended) by the Committee on Oversight and Government Reform. H. Rept. <u>113-270</u>. 11/18/2013 Placed on the Union Calendar, Calendar No. 193. 11/18/2013 On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 388 - 1</p> <p>Congressional Delegation votes:</p> <p>AYE: Cantor Connolly, Goodlatte, Griffith, Hurt, Rigell, Scott, Wittman Wolf</p> <p>DID NOT VOTE: Forbes. Moran</p> <p>11/19/2013: Received in the Senate and referred to the Committee on Homeland Security and Governmental Affairs.</p>
H.R. 2189	To improve the processing of disability claims by the Department of Veterans Affairs, and for other	H.R. 2189 would modify several programs administered by the Department of Veterans Affairs (VA) including those providing disability compensation and pensions to veterans. Also, the bill would require VA to establish a commission to review the backlog of claims for disability compensation and the process for appealing the denial of such claims, and would require the commission to submit a number of reports to the Congress.	<p>5/23/2013: Referred to the House Committee on Veterans' Affairs. 8/1/2013: Committee Consideration and Mark-up Session Held. 9/27/2013 Reported (Amended) by the Committee on Veterans' Affairs. 9/27/2013: Placed on the Union Calendar,</p>

	<p>purposes.</p>	<p>H.R. 2189 would impose an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA) by preempting state licensing laws governing health care professionals in some circumstances. CBO estimates that the costs of the intergovernmental mandate would be small and would not exceed the threshold established in UMRA (\$75 million in 2013, adjusted annually for inflation). The bill contains no private-sector mandates as defined in UMRA.</p>	<p>Calendar No. 171. 10/28/2013: On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 404 - 1</p> <p>Congressional Delegation votes:</p> <p>AYE: Cantor, Forbes, Goodlatte, Griffith, Hurt, Rigell, Scott, Wittman, Wolf</p> <p>DID NOT VOTE: Connolly, Moran</p> <p>10/29/2013: Received in the Senate and referred to the Committee on Veterans' Affairs.</p>
<p>H.R. 1526</p>	<p>Restoring Healthy Forests for Healthy Communities Act</p>	<p>H.R. 1526 would substantially increase the amount of timber harvested on federal lands. The bill also would require the Secretaries of Agriculture and the Interior to make payments in 2014 to certain counties that contain federal lands. Finally, the bill would authorize the Forest Service and the Bureau of Land Management (BLM) to enter into contracts with non-federal entities to carry out activities related to forest management.</p> <p>H.R. 1526 would impose intergovernmental and private-sector mandates, as defined in the Unfunded Mandates Reform Act (UMRA), on plaintiffs, including public and private entities, seeking judicial review of some activities on federal lands. CBO estimates that the cost of the mandates would fall below the annual thresholds established in UMRA for intergovernmental and private-sector mandates (\$75 million and \$150 million in 2013, respectively, adjusted annually for inflation)</p>	<p>4/12/2013: Referred to the Committee on Agriculture, and in addition to the Committee on Natural Resources. 7/31/2013: Committee Consideration and Mark-up Session Held. 9/17/2013 Reported (Amended) by the Committee on Natural Resources. 9/20/2013 :On passage Passed by recorded vote: 244 - 173</p> <p>Congressional Delegation votes:</p> <p>AYE: Cantor, Forbes, Goodlatte, Griffith, Hurt, Rigell, Wittman, Wolf</p> <p>NAY: Connolly, Moran, Scott</p> <p>9/23/2013: Received in the Senate and referred to the Committee on Energy and Natural Resources.</p>

<p>S. 815</p>	<p>Employment Non-Discrimination Act of 2013</p>	<p>S. 815 would prohibit employment discrimination based on sexual orientation or gender identity. Assuming appropriation of the necessary amounts, CBO estimates that implementing S. 815 would cost \$47 million over the 2014-2018 period mostly for the Equal Employment Opportunity Commission (EEOC) to handle additional discrimination cases.</p> <p>S. 815 would prohibit public and private employers, employment agencies, and labor organizations from discriminating against any employee, member, and applicant on the basis of sexual orientation or gender identity. The bill also would require those public and private entities to post notices displaying the federal laws that prohibit such discrimination. Those prohibitions and requirements would be intergovernmental and private-sector mandates as defined in UMRA.</p> <p>The costs of the mandates would include the costs of modifying employment procedures and posting notices to avoid discriminatory practices. CBO assumes that changes to employment procedures would likely build on ongoing training and updates to personnel manuals. Similarly, the costs of notices would probably be relatively minor and would be made in the course of other routine updates. Therefore, CBO estimates that the costs of complying with these mandates would not exceed the annual thresholds specified in the UMRA for intergovernmental or private-sector mandates (\$75 million and \$150 million in 2013, respectively, adjusted annually for inflation).</p>	<p>4/25/2013: Referred to the Committee on Health, Education, Labor, and Pensions. 9/12/2013: Committee on Health, Education, Labor, and Pensions. Reported by Senator Harkin with an amendment in the nature of a substitute. 9/12/2013: Placed on Senate Legislative Calendar under General Orders. Calendar No. 184. 11/7/2013: Passed Senate with an amendment by Yea-Nay Vote. 64 - 32.</p> <p>Congressional Delegation votes:</p> <p>AYE: Kaine, Warner</p> <p>11/12/2013 Received in the House. 11/12/2013: Referred to the Committee on Education and the Workforce, and in addition to the Committees on House Administration, Oversight and Government Reform, and the Judiciary.</p>
<p>HR 2481</p>	<p>Veterans Economic Opportunity Act of 2013</p>	<p>H.R. 2481 would decrease direct spending by increasing the fees charged to certain veterans who obtain loans guaranteed by the Department of Veterans Affairs (VA). In addition, the bill would increase direct spending by enhancing certain protections for servicemembers and veterans with home mortgages, and by expanding eligibility for education scholarships. On net, the bill</p>	<p>6/25/2013: Referred to the House Committee on Veterans' Affairs. 7/18/2013: Subcommittee Consideration and Mark-up Session Held. Forwarded by Subcommittee to Full Committee by Voice Vote. 8/1/2013: Committee Consideration and</p>

		<p>would decrease direct spending by \$149 million over the 2014-2018 period and by \$120 million over the 2014-2023 period, CBO estimates. Pay-as-you-go procedures apply because enacting the legislation would affect direct spending and revenues. (The effect on revenues would be insignificant.)</p> <p>The bill would impose a number of mandates, as defined in UMRA, on public and private lending institutions. In aggregate, CBO estimates that the costs of complying with the mandates in H.R. 2481 would fall below the annual thresholds established in UMRA for both intergovernmental and private-sector mandates (\$75 million and \$150 million in 2013, respectively, adjusted annually for inflation).</p> <p>The subsidy rate for that program is negative, resulting in net receipts to the federal government. Discretionary credit programs with negative subsidy rates do not require a subsidy appropriation, but an appropriations act must specify the maximum amount of loans that an agency can commit to guarantee. 10 Under the bill, public and private lending institutions that are subject to SCRA would have to:</p> <ul style="list-style-type: none"><input type="checkbox"/> Extend the length of stay of civil proceedings relating to real or personal property, mortgages, evictions, and foreclosures for servicemembers, veterans, and surviving spouses (as those groups are defined in the bill);<input type="checkbox"/> Designate an employee who would ensure compliance with the act;<input type="checkbox"/> Consider active-duty servicemembers who have been relocated to be occupying the residence that secures a mortgage for refinancing inquiries or applications; and<input type="checkbox"/> Maintain a toll-free telephone number to provide assistance to servicemembers if the institution has over \$10 billion in annual assets.	<p>Mark-up Session Held. 9/11/2013 Reported (Amended) by the Committee on Veterans' Affairs. H. Rept. <u>113-207</u>. 9/11/2013: Placed on the Union Calendar, Calendar No. 152. 10/28/2013 On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.</p> <p>10/29/2013: Received in the Senate and Read twice and referred to the Committee on Veterans' Affairs.</p>
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		<p>CBO expects the cost of complying with the stay of civil proceedings would be small because relatively few servicemembers, retirees, and surviving spouses of servicemembers who die on active duty are likely to face foreclosure within the periods specified in the bill. Some of those costs would be offset by claim payments from VA and FHA.</p> <p>Lending institutions currently employ compliance officers, and all large institutions maintain toll-free numbers. For that reason, CBO estimates that the extra training for employees and the maintenance of toll-free numbers would not impose significant costs on private entities. Because few lending institutions are public entities, CBO estimates that the intergovernmental costs of the mandates also would be small.</p> <p>The bill also would preempt state laws, applicable to child custody protection, that provide less protection to servicemembers than the federal standard. The preemption would be an intergovernmental mandate as defined in UMRA because it would limit the application of state law; however, it would impose no duty on states that would result in additional spending</p>	

Part III - Federal Regulatory Mandates

The Regulatory Information Service Center of the General Services Administration identified 38 completed federal regulatory actions published within the time period July 1 2013 to December 31, 2013 that may affect states, many which may impact the Commonwealth of Virginia.

TITLE: Citrus Canker, Citrus Greening, and Asian Citrus Psyllid; Interstate Movement of Regulated Nursery Stock

AGENCY: U.S. Department of Agriculture
RIN: 0579-AD29

ABSTRACT: This rulemaking will amend the regulations governing the interstate movement of regulated articles from areas quarantined for citrus canker, citrus greening, and/or Asian citrus psyllid (ACP) to allow the movement of regulated nursery stock under a certificate to any area within the United States. In order to be eligible to move regulated nursery stock, a nursery must enter into a compliance agreement with APHIS that specifies the conditions under which the nursery stock must be grown, maintained, and shipped. It will also amend the regulations that allow the movement of regulated nursery stock from an area quarantined for ACP, but not for citrus greening, to amend the existing regulatory requirements for the issuance of limited permits for the interstate movement of the nursery stock. We made these changes on an immediate basis in order to provide nursery stock producers in areas quarantined for citrus canker, citrus greening, or ACP with the ability to ship regulated nursery stock to markets within the United States that would otherwise be unavailable to them due to the prohibitions and restrictions contained in the regulations while continuing to provide adequate safeguards to prevent the spread of the three pests into currently unaffected areas of the United States.

TITLE: Cotton Futures Classification: Registration Option, CN-13-0043

RIN: 0581-AD33

AGENCY: U.S. Department of Agriculture
ABSTRACT: The U.S. cotton industry and the Intercontinental Exchange (ICE) formally requested that the AMS, Cotton and Tobacco Programs use Smith-Doxey data to verify that

submitted bales meet minimum quality requirements and age parameters established by ICE and, therefore, qualify to be registered for cotton futures trading. AMS, Cotton and Tobacco Programs proposes to amend existing regulatory language in 7 CFR part 27 to add a cotton futures registration option to current cotton futures classification procedures. This option would use the Smith-Doxey data. Bales meeting these parameters would be registered in the futures database for the purpose of that exchange's cotton futures contracts. The established user fee for cotton futures classification services is \$3.50 per bale (7 CFR section 27.80). Customers choosing the registration option would incur no additional charges.

TITLE: Supplemental Nutrition Assistance Program: Privacy Protections of Information From Applicant Households

RIN: 0584-AD91

AGENCY: U.S. Department of Agriculture
ABSTRACT: This rule is to codify existing provisions of SNAP regulations at 7 CFR 272.1(c) governing the disclosure of information from applicants to persons directly connected with the administration or enforcement of SNAP, other Federal assistance programs or Federally-assisted State programs.

TITLE: Food Distribution Program on Indian Reservations (FDPIR): Income Deductions and Resource Eligibility

RIN: 0584-AE05

AGENCY: U.S. Department of Agriculture
ABSTRACT: This rule amends regulations for the Food Distribution Program on Indian Reservations (FDPIR) at 7 CFR 253.6 to further conform FDPIR and SNAP regulations.

TITLE: Food Labeling; Gluten-Free Labeling of Foods

RIN: 0910-AG84

AGENCY: Department of Health and Human Services

ABSTRACT: FDA is amending its regulations to define the term "gluten-free" for voluntary use in the labeling of foods. FDA is taking this action to assist persons who have celiac disease to more easily identify foods that they can eat while following a "gluten-free" diet.

TITLE: Home and Community-Based Services Waivers (CMS-2296-F)

RIN: 0938-AP61

AGENCY: Department of Health and Human Services

ABSTRACT: This final rule revises the regulations implementing Medicaid home and community-based services (HCBS) waivers under section 1915(c) of the Social Security Act by providing States the option to combine the existing three waiver targeting groups. Merged With 0938-AO53

TITLE: Enrollment Requirement to Disclose Affiliation With Suspended, Revoked, or Excluded Providers (CMS-6038-P) Department of Health and Human Services (HHS)

RIN: 0938-AQ64

AGENCY: Department of Health and Human Services (HHS)

ABSTRACT: This regulation would implement sections of the Affordable Care Act that require providers or suppliers seeking to enroll in Medicare, Medicaid, or CHIP to disclose any current or previous, direct or indirect affiliation with a provider that has uncollected debt, is subject to a payment suspension under a Federal health care program, has been excluded from Medicare, Medicaid or CHIP or has had its billing privileges denied or revoked. The Secretary may deny enrollment if it has been determined that a previous affiliation poses an undue risk of fraud to the program.

TITLE: Medicaid, Exchanges, and Children's Health Insurance Programs: Eligibility, Appeals, and Other Provisions Under the Affordable Care Act (CMS-2334-F)

RIN: 0938-AR04

AGENCY: Department of Health and Human Services (HHS)

ABSTRACT: The Affordable Care Act expands access to health insurance through improvements in Medicaid, the establishment of Affordable Insurance Exchanges (Exchanges), and coordination between Medicaid, the Children's Health Insurance Program (CHIP), and Exchanges. This rule continues CMS efforts to assist States in implementing Medicaid eligibility, appeals, enrollment changes, and other State health subsidy programs.

TITLE: Disproportionate Share Hospital Payment Reduction (CMS-2367-F)

RIN: 0938-AR31

AGENCY: Department of Health and Human Services (HHS)

ABSTRACT: This final rule implements the Affordable Care Act by requiring aggregate reductions to state Medicaid Disproportionate Share Hospital (DSH) allotments from FY 2014 through 2015. The annual reduction amounts must be implemented using a DSH Health Reform methodology determined by the Secretary.

TITLE: Certain Preventive Services Under the Affordable Care Act (CMS-9968-F)

RIN: 0938-AR42

AGENCY: Department of Health and Human Services (HHS)

ABSTRACT: This final rule amends to regulations regarding certain preventive health services under provisions of the Affordable Care Act. The amendments establish alternative ways to fulfill the requirements of the Public Health Service Act and corresponding provisions under the Employee Retirement Income Security Act and the Internal Revenue Code.

TITLE: Exchange Functions: Eligibility for Exemptions; Miscellaneous Minimum Essential Coverage Provisions (CMS-9958-F)

RIN: 0938-AR68

AGENCY: Department of Health and Human Services (HHS)

ABSTRACT: This final rule implements provisions of the Affordable Care Act concerning verifications of employer-sponsored coverage eligibility for the purpose of

determining an individual's eligibility for advanced premium tax credits (APTCs).

TITLE: Amendments to the Notice of Benefit and Payment Parameters; Cost-Sharing Reductions and Risk Corridors (CMS-9964-F3)

RIN: 0938-AR74

AGENCY: Department of Health and Human Services (HHS)

ABSTRACT: This rule finalizes standards implemented in the March 11, 2013 interim final rule. This rule adjusts risk corridor calculations to align with the single risk pool provision and sets standards permitting issuers of qualified health plans the option of using an alternate methodology for calculating the value of cost-sharing reductions provided for the purpose of reconciliation of advance payments of cost-sharing reductions.

TITLE: Patient Protection and Affordable Care Act; Exchange Functions: Standards for Navigators and Non-Navigator Assistance Personnel (CMS-9955-F)

RIN: 0938-AR75

AGENCY: Department of Health and Human Services (HHS)

ABSTRACT: This final rule would establish standards for navigators providing in-person assistance through an Exchange Navigator Program and non-navigator assistance personnel in Federally Facilitated Exchanges (FFE) and State Partnership Exchanges (SPE) and non-navigator assistance personnel in State-based exchanges that are funded through Federal Exchange Establishment grants. The Affordable Care Act requires each exchange to develop and implement navigator grant programs, which will help consumers understand new programs, avail themselves of new protections, and navigate the system to find the most affordable coverage that meets their needs.

RIN: 0938-AR78

TITLE: State Allotments for Payment of Medicare Part B Premiums for Qualifying Individuals (QIs): FYs 2012 and 2013 (CMS-2387-N)

AGENCY: Department of Health and Human Services (HHS)

ABSTRACT: This notice sets forth the States' final allotments available to pay the Medicare Part B premiums for QIs for FY 2012 and the preliminary QI allotments for FY 2013. The amounts of these QI allotments were determined in accordance with the methodology set forth in regulations and reflect funding for the QI program made available under recent legislation as described in this notice.

TITLE: Children's Health Insurance Program (CHIP); Final Allotments to States, the District of Columbia, and U.S. Territories and Commonwealths for FY 2013 (CMS-2388-N)

RIN: 0938-AR79

AGENCY: Department of Health and Human Services (HHS)

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 FY 2013. The Social Security Act authorizes payment of Federal matching funds to initiate and expand health insurance coverage to uninsured, low-income children under CHIP.

RIN: 0938-AR81

TITLE: HIPAA Mental Health Parity and Addiction Equity Act of 2008 Amendments (CMS-4140-F)

ABSTRACT: This rule implements the Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA), which requires parity between mental health or substance use disorder benefits and medical/surgical benefits with respect to financial requirements and treatment limitations under group health plans and health insurance coverage offered in connection with a group health plan.

TITLE: Disproportionate Share Hospital (DSH) Allotments and Institutions for Mental Diseases (IMDs) DSH Limits for FY 2012, and Preliminary FY 2013 DSH Allotments and Limits (CMS-2342-N)

AGENCY: Department of Health and Human Services (HHS)

RIN: 0938-AR91

ABSTRACT: This non-economically significant notice announces the final Federal DSH allotments for FY 2012 and the preliminary

Federal share DSH allotments for FY 2013. This notice also announces the final FY 2012 and the preliminary FY 2013 limits on aggregate DSH payments that States may make to IMDs and other mental health facilities. This notice also includes background information describing the methodology for determining the amounts of States' FY DSH allotments and IMD DSH limits.

TITLE: Migratory Bird Hunting; 2013-2014 Migratory Game Bird Hunting Regulations

RIN: 1018-AY87

AGENCY: Department of the Interior (DOI)

ABSTRACT: We will issue annual hunting regulations for certain migratory game birds for the 2013-14 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 and proposals for the 2013-14 spring/summer migratory bird subsistence season in Alaska. 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.

TITLE: Certification Process for State Capital Counsel Systems

RIN: 1121-AA77

AGENCY: Department of Justice (DOJ)

ABSTRACT: Pursuant to the USA PATRIOT Improvement and Reauthorization Act of 2005, on December 11, 2008, the Department promulgated a final rule to implement certification procedures for States seeking to qualify for the expedited Federal habeas corpus review procedures in capital cases under chapter 154 of title 28 of the United States Code. On February 5, 2009, the Department published in the Federal Register a notice soliciting further public comment on all aspects of the December 2008 final rule. As the Department reviewed the comments submitted in response to the February 2009 notice, it considered further the statutory

requirements governing the regulatory implementation of the chapter 154 certification procedures. The Attorney General determined that chapter 154 reasonably could be construed to allow the Attorney General greater discretion in making certification determinations than the December 2008 regulations allowed.

Accordingly, the Department published a notice in the Federal Register on May 25, 2010, proposing to remove the December 2008 regulations pending the completion of a new rulemaking process and finalized the removal of the December 2008 regulations on November 23, 2010. The Department published a notice in the Federal Register on March 3, 2011, proposing a new rule and seeking public input on the certification procedure for chapter 154 and the standards the Attorney General will apply in making certification decisions. The comment period for the proposed new rule closed on June 1, 2011. On February 13, 2012, the Department published a supplemental notice of proposed rulemaking on this subject requesting public comment concerning five changes that the Department is considering to the previously published proposed rule for the chapter 154 certification procedure. The Department is in the process of reviewing the comments it received before the comment period closed on March 14, 2012.

TITLE: Wage Methodology for the Temporary Nonagricultural Employment H-2B Program

RIN: 1205-AB61

AGENCY: Department of Labor (DOL)

ABSTRACT: The Immigration and Nationality Act, as amended, requires the Department of Homeland Security, before the approval of H-2B visa petitions to consult with other agencies. DHS' regulation at 8 CFR 214.2(h)(6) requires that an intending employer first apply for a temporary labor certification from the Department of Labor. Specifically, DOL certifies that there is not sufficient U.S. worker(s) able, available, willing and qualified at the time of an application for a visa, and that the employment of the alien will not adversely affect the wages and working conditions of similarly employed U.S. workers. In order to ensure that there is no adverse effect, the

Department requires employers to pay the prevailing wage to H-2B workers and U.S. workers hired in response to the required recruitment. The prevailing wage calculation methodology under the current H-2B regulation became the subject of litigation, and as a result, on January 19, 2011, DOL published a Final Rule (the Wage Rule) which established a new prevailing wage methodology for the H-2B labor certification program. The Wage Rule had an effective date of January 1, 2012, which was invalidated by the U.S. District Court for the Eastern District of Pennsylvania on June 15, 2011. The Department initially amended the effective date of the Wage Final Rule to September 30, 2011 but, due to a subsequent series of judicial and legislative actions, further amended the effective date of the Wage Final Rule to October 1, 2013. However, the Final Rule published on August 30, 2013, postpones the effective date indefinitely.

TITLE: Group Health Plans and Health Insurance Issuers Relating to Coverage of Preventive Services Under the Patient Protection and Affordable Care Act

RIN: 1210-AB44

Agency: Department of Labor(DOL)

ABSTRACT: The Patient Protection and Affordable Care Act of 2010 (the Affordable Care Act) amended title I of the Employee Retirement Income Security Act (ERISA), by adding a new section 715 which encompasses various health reform provisions of the Public Health Service Act. These regulations provide guidance on the rules relating to coverage of preventive services without cost sharing under the Affordable Care Act.

As mentioned in previous requests, RIN 1210-AB41 was split into additional RINs due to the breadth of issues covered, and this is the fourth request in a series relating to the Affordable Care Act.

TITLE: Incentives for Nondiscriminatory Wellness Programs in Group Health Plans

RIN: 1210-AB55

Agency: Department of Labor(DOL)

ABSTRACT: The Patient Protection and Affordable Care Act of 2010 (the Affordable Care Act) amended title I of ERISA, by adding a

new section 715 which encompasses various health reform provisions of the Public Health Service Act. These regulations provide guidance on wellness programs.

TITLE: Application of the Fair Labor Standards Act to Domestic Service

RIN: 1235-AA05

Agency: Department of Labor(DOL)

ABSTRACT: Fair Labor Standards Act (FLSA) section 13(a)(15) provides an exemption from minimum wage and overtime compensation for domestic employees engaged in providing companionship services. FLSA section 13(b)(21) provides an exemption from overtime compensation for live-in domestic service employees. In light of significant changes in the home care industry, the DOL has finalized updating regulations at 29 CFR part 552, Application of the FLSA to Domestic Service, including examination of the definition of "companionship services," the criteria used to judge whether employees qualify as trained personnel who are not exempt companions, and the applicability of the exemption to third-party employers.

TITLE: Visas: Documentation of Immigrants Under the Immigration and Nationality Act, as Amended

RIN: 1400-AC86

Agency: Department of State(STATE)

ABSTRACT: This is a rule finalizing an interim final rule. This rulemaking amended the Department of State's regulations relating to adoptions in countries party to The Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption, to include new adoption provisions from the International Adoption Simplification Act. This legislation provides for sibling adoption to include certain children who are under the age of 18 at the time the petition is filed on their behalf, and also certain children who attained the age of 18 on or after April 1, 2008, and who are the beneficiaries of a petition filed on or before November 30, 2012.

TITLE: Housing Assistance Due to Structural Damage

RIN: 1660-AA68

Agency: Department of Homeland Security(DHS)

ABSTRACT: Under the authority of section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), the Federal Emergency Management Agency (FEMA) provides financial assistance to individuals and households to repair or replace their homes after a Presidentially-declared major disaster or emergency. This rule finalizes revisions to FEMA's repair, replacement, and housing construction assistance regulations that clarify the eligibility criteria for assistance and implement changes to section 408 of the Stafford Act that were made by the Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA).

TITLE: Dispute Resolution Pilot Program for Public Assistance Appeals

Agency: Department of Homeland Security(DHS)

RIN: 1660-AA79

ABSTRACT: Section 1105 of the Sandy Recovery Improvement Act of 2013 directs FEMA to establish a nationwide Dispute Resolution Pilot Program (DRPP) in order to facilitate an efficient recovery from major disasters, including arbitration by an independent review panel, to resolve disputes relating to Public Assistance projects. This final rule establishes an option for arbitration under the Public Assistance Program administered by the Federal Emergency Management Agency (FEMA). The option allows applicants to file for arbitration, instead of a second appeal under FEMA's current Public Assistance Program. The requests for review under the DRPP must be submitted by December 31, 2015. This final rule provides the procedures and the standard of review that FEMA will apply under the arbitration option.

TITLE: Race to the Top--District

RIN: 1810-AB17

AGENCY: U.S. Department of Education

ABSTRACT: The Secretary announces priorities, requirements, definitions, and selection criteria under the Race to the Top--District program. The Race to the Top--District program builds on the experience of States and

districts in implementing reforms in the four core educational assurance areas--(1) adopting college and career-ready standards, (2) building data systems, (3) developing, placing, and supporting effective teachers and principals, and (4) turning around the lowest-achieving schools--and supports applicants that demonstrate how they can personalize education for all students in their schools. The Department conducted one competition under the Race to the Top--District program in FY 2012, and we maintain the overall purpose and structure of that competition in these regulations.

TITLE: Race to the Top--Early Learning Challenge

RIN: 1810-AB18

AGENCY: U.S. Department of Education

ABSTRACT: The priorities, requirements, definitions, and selection criteria for the Race to the Top--Early Learning Challenge program are intended to enable effective grantmaking and result in high-quality proposals. The program focuses Federal financial resources on improving early learning and development for young children by supporting States' efforts to increase the number and percentage of low-income and disadvantaged children in each age group of infants, toddlers, and preschoolers who are enrolled in high-quality early learning and development programs; design and implement an integrated system of high-quality early learning and development programs and services directly resulting in more children, especially those with high needs, entering kindergarten ready to succeed in school and in life; and ensure that any use of assessments conforms with the recommendations of the National Research Council reports on early childhood.

TITLE: Modifications to RCRA Rules Associated With Solvent-Contaminated Industrial Wipes

RIN: 2050-AE51

Agency: Environmental Protection Agency(EPA)

ABSTRACT: EPA published a final rule that modified its hazardous waste management regulations for solvent-contaminated wipes under the Resource Conservation and Recovery Act. Specifically, this rule revised (1) the

definition of solid waste to conditionally exclude solvent-contaminated wipes that are cleaned and reused, and (2) the definition of hazardous waste to conditionally exclude solvent-contaminated wipes that are disposed. The final rule provides a consistent regulatory framework that is appropriate to the level of risk posed by solvent-contaminated wipes in a way that maintains protection of human health and the environment, while reducing overall compliance costs for industry, many of which are small businesses.

TITLE: Federal Reference Method for Lead in Total Suspended Particulate Matter

RIN: 2060-AP89

Agency: Environmental Protection Agency(EPA)

ABSTRACT: On November 12, 2008, EPA substantially strengthened the national ambient air quality standards (NAAQS) for lead. EPA revised the level of the primary (health-based) standard from 1.5 micrograms per cubic meter (g/m³) to 0.15 g/m³, measured as total suspended particles (TSP) and revised the secondary (welfare-based) standard to be identical in all respects to the primary standard. In conjunction with strengthening the lead (Pb) NAAQS, EPA identified the need for States to improve existing lead monitoring networks. Depending on specific circumstances, States may have the option of using monitoring for either lead in TSP (Pb-TSP) or lead in PM₁₀ (Pb-PM₁₀) using approved Federal Reference Methods (FRMs) or Federal Equivalent Methods (FEMs) to meet monitoring requirements. To support new monitoring requirements, an FRM for Pb-PM₁₀ was developed with the November 8, 2008 rulemaking. The FRM for Pb-TSP was left unchanged. The Pb-TSP FRM was promulgated in 1978. EPA recognizes that significant advances in measurement technology have been made since the promulgation of the original FRM. In order to support new monitoring requirements for Pb-TSP and update the FRM to improve it based on advanced measurement technology, a new FRM must be developed.

TITLE: Air Quality Designations for the 2010 Sulfur Dioxide Primary National Ambient Air Quality Standard

RIN: 2060-AR18

Agency: Environmental Protection Agency(EPA)

ABSTRACT: This rule established air quality designations for certain areas in the United States for the 2010 primary Sulfur Dioxide (SO₂) National Ambient Air Quality Standard (NAAQS). The EPA issued this rule to identify areas that, based on recorded air quality monitoring data showing violations of the NAAQS, do not meet the 2010 SO₂ NAAQS and areas that contribute to SO₂ air pollution in a nearby area that does not meet the SO₂ NAAQS. At this time, the EPA designated as nonattainment most areas in locations where existing monitoring data from 2009-2011 indicate violations of the 1-hour SO₂ standard. The EPA intends to address in separate future actions the designations for all other areas for which the agency is not yet prepared to issue designations and that are consequently not addressed in this final rule. The Clean Air Act (CAA) directs areas designated nonattainment by this rule to undertake certain planning and pollution control activities to attain the NAAQS as expeditiously as practicable.

TITLE: Air Quality: Revision to Definition of Volatile Organic Compounds--Exclusion of 2,3,3,3-tetrafluoropropene

RIN: 2060-AR70

Agency: Environmental Protection Agency(EPA)

ABSTRACT: This final action will add 2,3,3,3-tetrafluoropropene (also known as HFO-1234yf) to the list of compounds excluded from the definition of volatile organic compounds (VOCs) on the basis that this compound makes a negligible contribution to tropospheric ozone formation. The exemption of this compound from control as a VOC will allow industrial users of refrigerants to use it without the burden of controlling emissions.

TITLE: Unified Registration System

RIN: 2126-AA22

Agency: Department of Transportation(DOT)

ABSTRACT: This rule would establish a new Unified Registration System (URS) to replace four legacy systems in support of FMCSA's safety and commercial oversight responsibilities. It would require all entities subject to FMCSA jurisdiction to comply with a new URS registration and biennial update requirement, disclose the cumulative registration information collected by URS, and provide a cross-reference to all regulatory requirements necessary to obtain permanent registration. It implements statutory provisions in the ICC Termination Act and SAFTEA-LU. URS would serve as a clearinghouse and depository of information on, and identification of, motor carriers, brokers, freight forwarders, and others required to register with the Department of Transportation.

**TITLE: HOME Investment Partnerships--
Improving Performance and Accountability;
Updating Property Standards (FR-5563)**

RIN: 2501-AC94

Agency: Department of Housing and Urban
Development(HUD)

ABSTRACT: The Cranston-Gonzalez National Affordable Housing Act of 1990 authorized the HOME Investment Partnerships (HOME) Program, an affordable housing block grant under which funds are allocated to States and units of local Government by formula. The program has been funded each year since 1992. This rule amends HOME regulations to implement performance standards and require more timely housing production.

**TITLE: Distribution of Source Material To
Exempt Persons and General Licensees and
Revision of General License and Exemptions
[NRC-2009-0084]**

RIN: 3150-AH15

Agency: Nuclear Regulatory Commission(NRC)
ABSTRACT: The final rule amends the Commission's regulations to improve the control over the distribution of source material to exempt persons and to general licensees in order to make part 40 more risk-informed. The final rule also governs the licensing of source material by adding specific requirements for licensing of and reporting by distributors of products and materials used by exempt persons and general licensees. Source material is used under general

license and under various exemptions from licensing requirements in part 40 for which there is no regulatory mechanism for the Commission to obtain information to fully assess the resultant risks to public health and safety. Although estimates of resultant doses have been made, there is a need for ongoing information on the quantities and types of radioactive material distributed for exempt use and use under general license. Obtaining information on the distribution of source material is particularly difficult because many of the distributors of source material to exempt persons and generally licensed persons are not currently required to hold a license from the Commission. Distributors are often unknown to the Commission. No controls are in place to ensure that products and materials distributed are maintained within the applicable constraints of the exemptions. In addition, the amounts of source material allowed under the general license in section 40.22 could result in exposures above 1 mSv/year (100 mrem/year) to workers at facilities that are not required to meet the requirements of parts 19 and 20. Without knowledge of the identity and location of the general licensees, it would be difficult to enforce restrictions on the general licensees. This rule also addresses Petition for Rulemaking, PRM-40-27 submitted by the State of Colorado and Organization of Agreement States.

**TITLE: Revision of Fee Schedules: Fee
Recovery for FY 2013 [NRC-2012-0211]**

RIN: 3150-AJ19

Agency: Nuclear Regulatory Commission(NRC)

ABSTRACT: The final rule amends the Commission's licensing, inspection, and annual fees charged to its applicants and licensees. Based on the FY 2013 NRC budget sent to Congress, the NRC's required fee recovery amount for the FY 2013 budget is approximately \$959.9 million. After accounting for carryover and billing adjustments, the total amount to be recovered through fees is approximately \$859.6 million.

**TITLE: Transitional Registration as a
Municipal Advisor**

RIN: 3235-AK69

Agency: Securities and Exchange
Commission(SEC)

ABSTRACT: The Commission adopted an interim final temporary rule to establish a means for municipal advisors to satisfy temporarily the requirement that they register with the Commission by October 1, 2010, consistent with the Dodd Frank Act. The rule has been amended and is effective through December 31, 2014.

TITLE: Registration of Municipal Advisers

RIN: 3235-AK86

Agency: Securities and Exchange
Commission(SEC)

ABSTRACT: The Commission adopted new Rules 15Ba1-1 through 15Ba1-8 and new Forms MA, MA-1, MA-W, and MA-NR under the Exchange Act. The rules and forms are designed to give effect to provisions of Title IX of the Dodd Frank Act that, among other things, establish a permanent registration regime with the Commission for municipal advisors and impose certain recordkeeping requirements on such advisors