



**COMMONWEALTH of VIRGINIA**  
**Office of the Governor**

January 30, 2015

The Honorable Terence R. McAuliffe  
Office of the Governor  
Patrick Henry Building, 3<sup>rd</sup> Floor  
Richmond, Virginia 23219

Dear Governor McAuliffe:

Pursuant to the requirements of § 2.2 – 302(9) of the *Code of Virginia*, I am submitting the Federal Mandates and Regulations Report due on January 31, 2015, that may have an effect on the Commonwealth.

Sincerely,

A handwritten signature in black ink that reads "Maribel Ramos".

Maribel E. Ramos  
Director of the Virginia Office of Intergovernmental  
Affairs

Cc: The Honorable Walter A. Stosch, Co-Chair of the Senate Finance Committee  
The Honorable Charles J. Colgan, Co-Chair of the Senate Finance Committee  
The Honorable S. Chris Jones, Chairman of the House Appropriations Committee

**REPORT OF THE  
Director of the Virginia Office of Intergovernmental Affairs**

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

**TO THE GOVERNOR OF VIRGINIA**



**COMMONWEALTH OF VIRGINIA  
2015**

**January 31, 2015**

**Federal Mandate Report**

July 1, 2014

To

December 31, 2014



**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, 2014 to December 31, 2014. Of the bills reviewed by the CBO, two federally unfunded mandates as defined by UMRA have been made public law.

## Part I - Mandates in Public Law

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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 2014, which are adjusted annually for inflation, are \$76 million or more a year for intergovernmental mandates (state, local, or tribal governments) and \$152 million or more per year for the private sector.

NOTE: Of the bills reviewed by the CBO and identified to have met UMRA thresholds, two bills have become law during the period July 1, 2014 – December 31, 2014. It is important to take note that the CBO does not review appropriation bills for UMRA thresholds.

Bill Number	Bill Title	Unfunded Mandate on State	Bill Status
<b>H.R. 4007</b>	<b>Protecting and Securing Chemical Facilities from Terrorist Attacks of 2014</b>	<p>H.R. 4007 would extend the Department of Homeland Security’s (DHS’s) authority to regulate security at certain chemical facilities in the United States. Under the Chemical Facility Anti-Terrorism Standards (CFATS) program, DHS collects and reviews information from chemical facilities in the United States to determine which facilities present security risks. Facilities determined to present a high level of security risk are then required to develop a Site Security Plan (SSP). DHS in turn conducts inspections to validate the adequacy of a facility’s SSP and their compliance with it. The program is set to end on October 4, 2014.</p> <p>H.R. 4007 would authorize CFATS for an additional four years and would create an expedited review procedure for facilities in</p>	<p>02/06/2014: Introduced in House</p> <p>06/23/2014: Reported (Amended) by the Committee on Homeland Security. H. Rept. 113-491, Part I.</p> <p>06/23/2014: Committee on Energy and Commerce discharged.</p> <p>07/08/2014: Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.</p>

		<p>the lower risk tiers of the CFATS program.</p> <p>Based on amounts requested for the CFATS in fiscal year 2015 as well as information from DHS, CBO estimates that continued implementation of CFATS would require appropriations of \$87 million in 2015 and slightly higher amounts in fiscal years 2016 through 2018 after accounting for the effects of inflation. Assuming appropriation of the estimated amounts, CBO estimates that implementing H.R. 4007 would result in outlays of \$349 million over the 2015-2019 period.</p> <p>Enacting H.R. 4007 could result in the collection of additional civil penalties, which are recorded as revenues and deposited in the Treasury; therefore, pay-as-you-go procedures apply. However, CBO estimates that such collections would be insignificant. Enacting the bill would not affect direct spending.</p> <p>H.R. 4007 would extend intergovernmental and private-sector mandates, as defined in the Unfunded Mandates Reform Act (UMRA), on owners and operators of public and private facilities where certain chemicals are present. Current law requires owners and operators to assess the vulnerability of their facilities to a terrorist incident and to prepare and implement facility security plans. This bill would extend, for four years, the authority of DHS to regulate those facilities through minimum standards designed to protect facilities from acts of terrorism and other security risks. The requirement to meet those standards would be a mandate on public and private entities.</p> <p>The bill would impose an additional mandate on public and private employers by prohibiting them from discharging or discriminating</p>	<p>09/18/2014: Committee on Homeland Security and Governmental Affairs. Reported by Senator Carper with an amendment in the nature of a substitute.</p> <p>12/10/2014: Passed/agreed to in Senate: Passed Senate with an amendment by Voice Vote.</p> <p>12/11/2014: Resolving differences -- House actions: On motion that the House suspend the rules and agree to the Senate amendment Agreed to by voice vote.</p> <p>12/12/2014: Presented to President.</p> <p>12/18/2014: Signed by President.</p> <p>12/18/2014: Became Public Law No: 113-254.</p>
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		<p>against employees who report security problems at a covered chemical facility.</p> <p>Information from DHS indicates that owners and operators of chemical facilities already meet the existing security standards and that they would only need to make small changes to administrative procedures to comply with the new whistleblower protections for their employees. Therefore, CBO estimates that the aggregate additional costs of complying with the mandates would be small and would fall below the annual thresholds established in UMRA for intergovernmental and private-sector mandates (\$76 million and \$152 million, respectively, in 2014, adjusted annually for inflation).</p> <p>On May 30, 2014, CBO transmitted a cost estimate for H.R. 4007 as ordered reported by the House Committee on Homeland Security on April 30, 2014. The difference in CBO's estimates reflects differences in the two versions of the bill. The version reported by the House Committee on Homeland Security would permanently authorize CFATS and would authorize the appropriation of \$87 million for each of fiscal years 2015 through 2017. The Senate version of H.R. 4007 would extend CFATS for four years and would not specify an authorization level for any fiscal year. Based on those differences, CBO estimates that implementing this version of the bill would cost approximately \$80 million less than the House version over the 2015-2019 period, assuming the appropriation of the estimated amounts.</p>	
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<p><b>H.R. 5404</b></p>	<p><b>Department of Veterans Affairs Expiring Authorities Act of 2014</b></p>	<p>H.R. 5404 would extend a number of requirements and authorities related to providing benefits to veterans. In total, CBO estimates that implementing the bill would cost \$1.3 billion over the 2015-2019 period, subject to appropriation of the necessary amounts.</p> <p>In addition, CBO estimates that enacting the bill would increase direct spending by \$2 million over the 2015-2024 period; therefore, pay-as-you-go procedures apply to the bill. Enacting H.R. 5404 would not affect revenues.</p> <p>H.R. 5404 would impose an intergovernmental and private-sector mandate as defined in the Unfunded Mandates Reform Act (UMRA) by extending the period during which insurers would have to cover certain care provided by the Department of Veterans Affairs (VA) to veterans with conditions related to military service. CBO estimates that the cost of the mandate would exceed the threshold established in UMRA for private-sector mandates in fiscal year 2015, but that the cost to state and local governments would not exceed the threshold established for intergovernmental mandates in that year. (The thresholds in 2014 are \$76 million for intergovernmental mandates and \$152 million for private-sector mandates; both thresholds are adjusted annually for inflation.)</p>	<p>09/08/2014: Introduced in House</p> <p>09/16/2014: Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.</p> <p>09/18/2014: Passed/agreed to in Senate: Passed Senate without amendment by Unanimous Consent.</p> <p>09/23/2014: Presented to President.</p> <p>09/26/2014: Signed by President.</p> <p>09/26/2014: Became Public Law No: 113-175.</p>

## Part II – Unfunded Mandates that have Passed One Chamber of Congress

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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 2014, which are adjusted annually for inflation, are \$76 million or more a year for intergovernmental mandates (state, local, or tribal governments) and \$152 million or more per year for the private sector.

Bill Number	Bill Title	Unfunded Mandate on State	Bill Status
<b>H.R. 4200</b>	<b>SBIC Advisors Relief Act of 2014</b>	<p>H.R. 4200 would direct the Securities and Exchange Commission (SEC) to exempt certain investment advisors who advise Small Business Investment Companies (SBICs) from requirements to register with the agency. Specifically, advisors to venture capital funds that also advise SBICs would be exempt from registration requirements under the bill. Further, advisors to private funds would not be required to count the value of SBICs they advise in the calculation used to determine whether an advisor is large enough to require such registration.</p> <p>Based on information from the SEC, CBO estimates that implementing H.R. 4200 would not have a significant effect on the number of registered investment advisors, and as a result, CBO estimates that implementing H.R. 4200 would not significantly affect discretionary spending.</p>	<p>03/11/2014: Introduced in House</p> <p>12/02/2014: Reported by the Committee on Financial Services. H. Rept. 113-641.</p> <p>12/02/2014: Passed/agreed to in House: On motion to suspend the rules and pass the bill Agreed to by voice vote.</p>



		<p>Further, under current law, the SEC is authorized to collect fees sufficient to offset its appropriation each year; therefore, we estimate that the net cost to the SEC would be negligible, assuming appropriation action consistent with that authority. Enacting H.R. 4200 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.</p> <p>H.R. 4200 would impose intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) by prohibiting state governments from requiring some advisers of SBICs to comply with registration, licensing, or other qualification requirements. Some states require those advisers to pay a fee for registration. The cost of the mandate would be the forgone revenue that states could no longer collect. Information from organizations representing state security commissioners and SBICs indicates that both the number of SBIC advisers and the registration fee that states currently charge is small. Therefore, CBO estimates the annual cost for states to comply with the mandate would total less than \$1 million and would thus fall well below the threshold established in UMRA (\$76 million in 2014, adjusted annually for inflation). This bill contains no private-sector mandates as defined in UMRA.</p>	
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## Part III- Federal Regulatory Mandates

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The Regulatory Information Service Center of the General Services Administration identified 41 completed federal regulatory actions published within the time period of July 1, 2014 - December 31, 2014 that may affect many states, many of which may impact the Commonwealth of Virginia.

**TITLE:** **Brucellosis Class Free States and Certified Brucellosis-Free Herds; Revisions to Testing and Certification Requirements**

**RIN:** 0579-AD22

**AGENCY:** Department of Agriculture (USDA)

**ABSTRACT:** This action adopts as a final rule, with changes, an interim rule that amended the brucellosis regulations to, among other things, reduce the amount of testing required to maintain Class Free status for States that have been Class Free for five or more years and have no *Brucella abortus* in wildlife. This document amends the interim rule to change the age at which cattle and domestic bison are included in herd blood tests from 6 months to 18 months of age for all sexually intact cattle and domestic bison, except when conducting herd blood tests as part of affected herd investigations or other epidemiological investigations. In addition, the rule allows certain States the option of either conducting brucellosis ring tests and participating in the slaughter surveillance program or developing an alternative surveillance plan that would have to meet or exceed the level of disease detection provided by combined brucellosis ring testing and slaughter surveillance testing. The rule also makes several minor changes in order to clarify the regulations. These changes are necessary to create flexibility in the brucellosis program, to refocus resources to control and prevent the spread of brucellosis, and to protect and maintain the economic viability of the domestic livestock industry.

**TITLE:** **Importation of Jackfruit, Pineapple, and Starfruit From Malaysia Into the Continental United States**

**RIN:** 0579-AD46

**AGENCY:** Department of Agriculture (USDA)

**ABSTRACT:** This rulemaking amends the fruits and vegetables regulations to allow the importation of fresh jackfruit, pineapple, and starfruit from Malaysia into the continental United States. As a condition of entry, all three commodities must be irradiated for insect pests, inspected, and imported in commercial consignments. There will also be additional, commodity-specific requirements for other pests associated with jackfruit, pineapple, and starfruit from Malaysia. This action provides for the importation of jackfruit, pineapple, and starfruit from Malaysia while continuing to provide protection against the introduction of quarantine pests.

**TITLE: National Organic Program, Crops and Processing Regulations, (Biodegradable Biobased Mulch Film), NOP-13-0028**

**RIN: 0581-AD32**

**AGENCY: Department of Agriculture (USDA)**

**ABSTRACT:** This action is in response to and consistent with recommendations submitted to the Secretary by the National Organic Standards Board (NOSB). This action is necessary to amend the National List of Allowed and Prohibited Substances for the following reasons: (1) adding biodegradable biobased mulch film provides an opportunity for crop producers to reduce landfilling of traditional plastic mulches and (2) adding nonorganic curry leaves and fruit broadens the options for ingredients allowed for use in organic processed products. The removal of the expired listings for hops and unmodified rice starch has no new regulatory effect since the allowances for these substances have previously expired.

**TITLE: Commodity Supplemental Food Program (CSFP): Implementation of the Agricultural Act of 2014**

**RIN: 0584-AE31**

**AGENCY: Department of Agriculture (USDA)**

**ABSTRACT:** This final rule amends the regulations for the Commodity Supplemental Food Program (CSFP) to phase out the eligibility of women, infants, and children, in accordance with the amendments made by the Agricultural Act of 2014 (the 2014 Farm Bill). Under amendments made to the Agriculture and Consumer Protection Act of 1973 by section 4102 of the 2014 Farm Bill, women, infants, and children who apply to participate in CSFP on February 7, 2014, or later cannot be certified to participate in the program. Under these amendments the population served by CSFP will only be low-income elderly persons at least 60 years of age. However, section 4102 also included amendments for a phase-out provision, which requires State and local agencies to continue providing assistance to all women, infants, and children who were certified and receiving CSFP benefits as of February 6, 2014. Those individuals can continue to receive assistance until they are no longer eligible under the program rules in effect on February 6, 2014. (14-001).

**TITLE: Final Policy Interpreting the Phrase 'significant portion of its range' in the Endangered Species Act's Definitions**

**RIN: 0648-BA78**

**AGENCY: Department of Commerce (DOC)**

**ABSTRACT:** The National Marine Fisheries Service and U.S. Fish and Wildlife Service proposed a policy for interpreting "significant portion of its range" under the Endangered Species Act on December 9, 2011. This policy details how the agencies

propose to analyze whether a species is likely to become endangered, or is in danger of extinction throughout all or a "significant portion of its range," a key element in determining whether a species meets the definitions of threatened or endangered in the Endangered Species Act species listing process. The purpose of the policy is to provide a consistent standard that is a permissible reading of the statute and legislative history, while minimizing undesirable policy outcomes, and fulfilling the purpose of the Endangered Species Act. The two agencies are working together to address and incorporate comments as appropriate.

**TITLE: Framework Adjustment 8 to the Monkfish Fishery Management Plan**

**RIN: 0648-BD56**

**AGENCY: Department of Commerce (DOC)**

**ABSTRACT:** Framework Adjustment 8 would specify acceptable biological catch amounts, and annual catch limits, for the monkfish fishery during fishing years 2014-2016, based on an updated stock assessment completed in April 2013. This action would also set monkfish days-at-sea allocations and trip limits for both the Northern and Southern Fishery Management Areas to achieve recommended annual catch targets. In addition, this action would allow vessels issued a limited access monkfish Category H permit to fish throughout the Southern Fishery Management Area. Both the directed and incidental monkfish fisheries would be affected by this action. Specifically, Category H vessels would be provided with greater flexibility to fish for monkfish in a broader geographical area. Since the fishery has not fully harvested available quotas in recent years, it is not expected that potential increases or decreases in catch allowances are likely to have a substantial economic effect.

**TITLE: List of Fisheries for 2014**

**RIN: 0648-BD72**

**AGENCY: Department of Commerce (DOC)**

**ABSTRACT:** NMFS proposes changes to the list of marine mammals involved in fishery interactions, the number of vessels/persons currently in each fishery, and other administrative changes for the 2014 List of Fisheries, pursuant to section 118 of the Marine Mammal Protection Act. The proposed changes would help NOAA Fisheries compile data on incidental mortality and serious injury in several fisheries as well as to work with fishers to develop strategies to reduce takes of marine mammals in fishing gear.

**TITLE: Pacific Halibut Fisheries; Catch Sharing Plan**

**RIN: 0648-BD82**

**AGENCY: Department of Commerce (DOC)**

**ABSTRACT:** Each year, the Pacific Fishery Management Council (Council) reviews and receives public comment on its Pacific Halibut Catch Sharing Plan (Plan) to determine whether revisions are needed to achieve management objectives for any of the West Coast halibut fisheries. For 2014 and beyond, the Council has recommended minor changes to the portion of the Plan covering the allocations and sport fisheries. For the Washington north coast subarea sport fishery the recommended changes clarify the season structure and remove the provisions for a nearshore fishery. For the Columbia River subarea sport fishery the recommended changes revise the days of the week the fishery is open and modify the subarea allocation to provide for a new nearshore fishery within the subarea. For the Oregon central coast subarea sport fishery the changes include modifying the nearshore fishery. For the South of Humbug Mountain subarea, the recommended changes include breaking the subarea into separate subareas for Southern Oregon and California, and allocating catch to these subareas from existing allocations. These recommended changes to the Plan are implemented through the annual regulations. The annual regulations will also include the 2014 halibut quota for the West Coast fisheries as recommended by the International Pacific Halibut Commission.

**TITLE: Extension and Expansion of Paralytic Shellfish Poisoning Closed Areas**

**RIN: 0648-BD84**

**AGENCY: Department of Commerce (DOC)**

**ABSTRACT:** This emergency action closed waters to the harvest and possession of gastropods due to the presence of the toxin that causes paralytic shellfish poisoning. In addition, this action also extended paralytic shellfish poisoning closure areas that were initially implemented in 2005 for another year, through December 31, 2014, and may need to be extended in future actions. The closure was initially implemented in response to a request from the U.S. Food and Drug Administration due to the presence of toxins that cause paralytic shellfish poisoning. Shellfish contaminated with the toxin, if eaten in large enough quantity, can cause illness or death.

**TITLE: Prospective Payment System for Federally Qualified Health Centers; Changes to Contracting Policies for Rural Health Clinics and CLIA Enforcement Actions for Proficiency Testing Referral (CMS-1443-FC)**

**RIN: 0938-AR62**

**AGENCY: Department of Health and Human Services (HHS)**

**ABSTRACT:** This final rule establishes methodology and payment rates for a prospective payment system (PPS) for Federally qualified health center (FQHC) services under Medicare Part B beginning on October 1, 2014, in compliance with the statutory requirement of the Affordable Care Act. This rule also establishes a policy which would allow rural health clinics (RHCs) to contract

with nonphysician practitioners when statutory requirements for employment of nurse practitioners and physician assistants are met, and makes other technical and conforming changes to the RHC and FQHC regulations. Finally, this rule makes changes to the Clinical Laboratory Improvement Amendments (CLIA) regulations regarding enforcement actions for proficiency testing referral.

**TITLE: CY 2015 Home Health Prospective Payment System Refinements and Rate Update (CMS-1611-F)**

**RIN: 0938-AS14**

**AGENCY: Department of Health and Human Services (HHS)**

**ABSTRACT:** This final rule updates the Home Health Prospective Payment System (HH PPS) rates, including the national, standardized 60 day episode payment rates, the national per-visit rates, and the non-routine medical supply (NRS) conversion factor under the Medicare prospective payment system for home health agencies (HHAs), effective January 1, 2015. As required by the Affordable Care Act, this rule implements the second year of the 4-year phase-in of the rebasing adjustments to the HH PPS payment rates. This rule provides information on our efforts to monitor the potential impacts of the rebasing adjustments and the Affordable Care Act mandated face-to-face encounter requirement. This rule also finalizes: changes to simplify the face-to-face encounter regulatory requirements; changes to the HH PPS case-mix weights; changes to the home health quality reporting program requirements; changes to simplify the therapy reassessment timeframes; a revision to the Speech-Language Pathology (SLP) personnel qualifications; minor technical regulations text changes; and limitations on the reviewability of the civil monetary penalty provisions. Finally, this rule also discusses Medicare coverage of insulin injections under the HH PPS, the delay in the implementation of ICD-10-CM, and a HH value-based purchasing (HH VBP) model.

**TITLE: Amendments to Excepted Benefits (CMS-9946-F)**

**RIN: 0938-AS16**

**AGENCY: Department of Health and Human Services (HHS)**

**ABSTRACT:** This final rule implements limited excepted benefits under the Employee Retirement Income Security Act of 1974, the Internal Revenue Code, and the Public Health Service Act, as amended by the Affordable Care Act. Excepted benefits are generally exempt from the health reform requirements of those laws. The types of limited excepted benefits addressed by the rule include limited scope vision or dental benefits, and benefits for long-term care, nursing home care, home health care, or community based care. The rule would be effective for plan years starting in 2015 and describes the circumstances under which employers would be permitted to provide wraparound coverage in the form of excepted benefits (limited wraparound coverage) without disqualifying an employee from eligibility for premium tax credits and cost-sharing reductions.

**TITLE: Ninety-Day Waiting Period Limitation (CMS-9952-F2)**

**RIN: 0938-AS22**

**AGENCY: Department of Health and Human Services (HHS)**

**ABSTRACT:** This final rule clarifies the orientation period permitted under the 90-day waiting period limitation set forth in section 2708 of the Public Health Service Act, as added by the Affordable Care Act, as amended and incorporated into the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code.

**TITLE: Patient Protection and Affordable Care Act; Third Party Payment of Qualified Health Plan (QHP) Premiums (CMS-9943-IFC)**

**RIN: 0938-AS28**

**AGENCY: Department of Health and Human Services (HHS)**

**ABSTRACT:** This interim final rule is intended to ensure that QHP issuers accept third party payments from State and Federal Government programs. Some QHP issuers are refusing to accept third party payments, including payments from the Ryan White HIV/AIDS Program, for premiums for Marketplace plans causing clients to lose coverage.

**TITLE: Modifications to the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs for 2014 and Health Information Technology: Revisions to the CEHRT Definition (CMS-0052-F)**

**RIN: 0938-AS30**

**AGENCY: Department of Health and Human Services (HHS)**

**ABSTRACT:** This final rule changes the meaningful use stage timeline and the use of certified electronic health record technology (CEHRT). It also changes the policies for the reporting of clinical quality measures for 2014; and revises the CEHRT definition for 2014.

**TITLE: Administrative Simplification: Change to the Compliance Date for the International Classification of Diseases, 10th Revision Medical Data Code Sets (CMS-0043-F)**

**RIN: 0938-AS31**

**AGENCY: Department of Health and Human Services (HHS)**

**ABSTRACT:** This final rule changes the compliance date for the International Classification of Diseases, 10th Revision, Clinical Modification (ICD-10-CM) for diagnosis coding, including the Official ICD-10-CM Guidelines for Coding and Reporting, and the International Classification of Diseases, 10th Revision, Procedure Coding System (ICD-10-PCS) for inpatient hospital procedure coding, including the Official ICD-10-PCS Guidelines for Coding and Reporting, from October 1, 2014 to October 1, 2015.

**TITLE: Annual Eligibility Determinations for Exchange Participation and Insurance Affordability Programs; Health Insurance Issuer Standards Under the Affordable Care Act (CMS-9941-F)**

**RIN: 0938-AS32**

**AGENCY: Department of Health and Human Services (HHS)**

**ABSTRACT:** This final rule will specify additional options for annual eligibility redeterminations and renewal and re-enrollment notice requirements for qualified health plans offered through the Exchange, beginning with annual redeterminations for coverage for plan year 2015. In particular, this final rule will provide additional flexibility for Marketplaces, including the ability for Marketplaces to propose unique approaches that meet the specific needs of their State, while streamlining the consumer experience.

**TITLE: Policy on Interpretation of the Phrase "Significant Portion of Its Range" in the Endangered Species Act's Definitions of "Endangered Species" and "Threatened Species"**

**RIN: 1018-AX49**

**AGENCY: Department of Interior (DOI)**

**ABSTRACT:** The U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service developed a policy to provide their interpretation of the phrase "significant portion of its range" in the Endangered Species Act's (ESA's) definitions of "endangered species" and "threatened species." The phrase is ambiguous and is not defined in the ESA, and its interpretation and application have been subject to litigation. The FWS's current interpretation has been rejected by the court. The purpose of this policy is to provide an interpretation and application of "significant portion of its range" that reflects a permissible reading of the law and its legislative history and minimizes undesirable policy outcomes, while fulfilling the conservation purposes of the ESA. Our intent was to publish a final policy that will provide a consistent standard for interpretation of the phrase and its role in listing determinations that will be accorded deference by the Federal courts.

**TITLE: Migratory Bird Permits; Removal of Expiration Dates and Other Changes to Double-Crested Cormorant Depredation Orders**

**RIN: 1018-AX82**

**AGENCY: Department of Interior (DOI)**

**ABSTRACT:** We revised the two depredation orders for double-crested cormorants (*Phalacrocorax auritus*, DCCOs). We extended the expiration dates for the orders for 5 years to allow State and Tribal resource management agencies to continue to manage DCCO problems and gather data on the effects of DCCO control actions. We prepared a final environmental assessment to analyze the environmental impacts associated with this extension. We changed the annual reporting date for the depredation order to protect



public resources, remove requirements for DCCO control activities around bald eagles and bald eagle nests for both orders, and require use of the National Bald Eagle Management Guidelines for both orders. We also added a requirement for the use of nontoxic rifle bullets for anyone using centerfire rifles to control DCCOs under the orders, beginning on January 1, 2017.

**TITLE: Migratory Bird Permits; Removal of Yellow-Billed Magpie and Other Changes to Depredation Regulations**

**RIN: 1018-AY60**

**AGENCY: Department of the Interior (DOI)**

**ABSTRACT:** We will finalize a proposed rule to change the regulations governing control of depredating blackbirds, cowbirds, grackles, crows, and magpies. We proposed to remove the yellow-billed magpie (*Pica nuttalli*) from the order. This species is endemic to California and has suffered substantial population declines. It is a species of conservation concern, and a depredation permit would be necessary to control it. Among other changes, we also proposed to narrow the application of the regulation to cover only protection of threatened or endangered species and not all wildlife.

**TITLE: Migratory Bird Hunting; 2014-2015 Migratory Game Bird Hunting Regulations**

**RIN: 1018-AZ80**

**AGENCY: Department of the Interior (DOI)**

**ABSTRACT:** We will issue annual hunting regulations for certain migratory game birds for the 2014-15 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 2014-15 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: Amendments to Excepted Benefits**

**RIN: 1210-AB60**

**AGENCY: Department of Labor (DOL)**

**ABSTRACT:** This document contains proposed rules that would amend the regulations regarding excepted benefits under the Employee Retirement Income Security Act of 1974, the Internal Revenue Code, and the Public Health Service Act, as amended by the Health Insurance Portability and Accountability Act (HIPAA), and the Patient Protection and Affordable Care Act (Affordable Care Act).

**TITLE: Ninety-Day Waiting Period Limitation Under the Affordable Care Act**

**RIN: 1210-AB61**

**AGENCY: Department of Labor (DOL)**

**ABSTRACT:** The Patient Protection and Affordable Care Act of 2010 (the Affordable Care Act) amended title I of the Employment Retirement Income Security Act (ERISA), by adding a new section 715 which encompasses various health reform provisions of the Public Health Service (PHS) Act. These regulations provide guidance on a discrete issue related to the 90-day waiting period limitation under section 2708 of the PHS Act.

**TITLE: Offset of Tax Refund Payments to Collect State Income Tax Obligations and Unemployment Debts Owed to States**

**RIN: 1530-AA02**

**AGENCY: Department of the Treasury (TREAS)**

**ABSTRACT:** The Department of the Treasury (Treasury), Bureau of the Fiscal Service is amending its regulation governing the offset of Federal tax refunds to collect delinquent State income tax obligations. The SSI Extension for Elderly and Disabled Refugees Act of 2008, amended section 6402 of the Internal Revenue Code to authorize the offset of overpayments of Federal taxes (referred to as Federal tax refunds) to collect certain delinquent unemployment compensation debts owed to States by taxpayers. Treasury will incorporate the procedures necessary to collect State unemployment compensation debts reported by States as part of the Treasury Offset Program (TOP), a centralized offset program operated by FMS.

**TITLE: Medical and Accident Insurance Benefits Under Qualified Plans**

**RIN: 1545-BG12**

**AGENCY: Department of the Treasury (TREAS)**

**ABSTRACT:** These are final regulations under section 402(a) of the Internal Revenue Code regarding the tax treatment of payments by qualified plans for medical or accident insurance. The regulations also contain proposed conforming amendments to the regulations. These regulations affect administrators of, and participants and beneficiaries in, qualified plans.

**TITLE: Information Reporting and Backup Withholding for Payment Card Transactions**

**RIN: 1545-BG53**

**AGENCY: Department of the Treasury (TREAS)**

**ABSTRACT:** The proposed regulations allow a merchant/payee to opt out of the Qualified Payment Card Agent (QPCA) program by giving notice to a QPCA. However, the QPCA would be required to inform the cardholder that the payee is not a participant in the

QPCA program and is not a qualified payee. In addition, the QPCA must advise the cardholder/payor of the cardholder/payor's obligation to solicit the TIN of a nonparticipating merchant/payee to which it makes a reportable payment. The proposed regulations also provide that QPCA may furnish the required notifications electronically, including by posting on a secure website.

**TITLE: Personal Flotation Devices Labeling and Standards**

**RIN: 1625-AC02**

**AGENCY: Department of Homeland Security (DHS)**

**ABSTRACT:** The rulemaking would remove references to type codes in Coast Guard regulations on the carriage and labeling of Coast Guard-approved personal flotation devices (PFDs). PFD type codes are unique to Coast Guard approval and are not well understood by the public. Removing these type codes from our regulations would facilitate future incorporation by reference of new industry consensus standards for PFD labeling that will more effectively convey safety information, and is a step toward harmonization of our regulations with PFD requirements in Canada and in other countries.

**TITLE: Debris Removal: Eligibility of Force Account Labor Straight-Time Costs Under the Public Assistance Program for Hurricane Sandy**

**RIN: 1660-AA75**

**AGENCY: Department of Homeland Security (DHS)**

**ABSTRACT:** This rule finalizes, without change, an interim final rule that published in the Federal Register on November 9, 2012, authorizing reimbursement of force account labor under the Public Assistance Program for debris removal work related to Hurricane Sandy.

**TITLE: Disaster Assistance; Fire Management Assistance Grant (FMAG) Program Deadline Extensions and Administrative Corrections**

**RIN: 1660-AA78**

**AGENCY: Department of Homeland Security (DHS)**

**ABSTRACT:** Under the authority of section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, the Federal Emergency Management Agency (FEMA) provides grants for the mitigation, management, and control of any fire or fire complex on public or private forest land or grassland that threatens such destruction as would constitute a major disaster. This rule finalizes, without change, a proposed rule to revise the Fire Management Assistance Grant (FMAG) program regulations to lengthen the potential extension for the grantee's submission of its grant application to FEMA from up to 3 months to up to 6 months.

This rule also finalizes, without change, the proposed regulation to lengthen the potential extension for a subgrantee to submit a project worksheet from up to 3 months to up to 6 months. The rule finalizes additional minor administrative changes to the rule.

**TITLE:** Amendments to Compliance Certification Content Requirements for State and Federal Operating Permits Programs

**RIN:** 2060-AQ71

**AGENCY:** Environmental Protection Agency (EPA)

**ABSTRACT:** The final rule amended the compliance certification requirements for state and federal operating permits programs that were published in the Federal Register on June 27, 2003. In that action, one sentence was removed from the rule inadvertently. This action restored the sentence to its original location in the rule.

**TITLE:** National Emission Standards for Hazardous Air Pollutants: Generic Maximum Achievable Control Technology Standards; and Manufacture of Amino/Phenolic Resins

**RIN:** 2060-AR49

**AGENCY:** Environmental Protection Agency (EPA)

**ABSTRACT:** In this action EPA performed risk and technology reviews for the following three National Emission Standards for Hazardous Air Pollutants (NESHAP): Manufacture of Amino/Phenolic Resins; Acrylic and Modacrylic Fibers Production; and Polycarbonate Production. The proposal for these NESHAP was published on January 9, 2014 (79 FR 1675), and the final rule was promulgated on October 8 (79 FR 60898). Clean Air Act (CAA) sections 112(f)(2) and 112(d)(6) required EPA to conduct these reviews. Under the "technology review" provision of CAA section 112, EPA is required to review maximum achievable control technology (MACT) standards and to revise them "as necessary (taking into account developments in practices, processes and control technologies)" no less frequently than every 8 years. Under the "residual risk" provision of CAA section 112, EPA must evaluate the MACT standards within 8 years after promulgation and promulgate standards if required to provide an ample margin of safety to protect public health or prevent an adverse environmental effect. EPA also removed startup, shutdown, and malfunction exemptions for these source categories, as required by recent court decisions.

**TITLE: NESHAP for Reciprocating Internal Combustion Engines; New Source Performance Standards for Stationary Internal Combustion Engines; Notice of Reconsideration**

**RIN: 2060-AR90**

**AGENCY: Environmental Protection Agency (EPA)**

**ABSTRACT:** On January 30, 2013, EPA issued final amendments to the National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines and the New Source Performance Standards for Stationary Internal Combustion Engines. EPA received three petitions for reconsideration of the final amendments. On June 28, 2013, EPA granted reconsideration on three issues raised in the petitions. The petitions for reconsideration indicated that the public lacked an opportunity to comment on these provisions. Although EPA added these provisions in response to public comments on the proposal, EPA granted reconsideration to provide an opportunity for public comment on these three issues. EPA issued a Federal Register notice on September 5, 2013, announcing our decision to grant reconsideration and soliciting public comment on the three issues. This notice announced EPA's final decision on the three issues, based on the public comments received.

**TITLE: Air Quality: Revisions to Definition of Volatile Organic Compounds--Exclusion of 2-Amino-2Methyl-1-Propanol (AMP)**

**RIN: 2060-AR92**

**AGENCY: Environmental Protection Agency (EPA)**

**ABSTRACT:** The final rule went into effect on June 21, 2014. This action added AMP to the list of compounds excluded from the VOC regulatory Definition on the basis of its negligible contribution to tropospheric ozone formation. AMP will be excluded from further consideration in SIPs preparation to attain the ozone NAAQS among others.

**TITLE: Public Transportation Emergency Relief Program (MAP-21)**

**RIN: 2132-AB13**

**AGENCY: Department of Transportation (DOT)**

**ABSTRACT:** This rulemaking would implement 49 U.S.C. 5324, as amended by MAP-21, the public transportation emergency relief program. The rulemaking would establish eligible activities and ineligible activities, processes, and procedures for applying for grants.

**TITLE: Model Manufactured Home Installation Standards: Ground Anchor Installations (FR-5631)**

**RIN: 2502-AJ15**

**AGENCY: Department of Housing and Urban Development (HUD)**

**ABSTRACT:** This rule amends the Manufactured Home Model Installation Standards by adopting recommendations made by the Manufactured Home Consensus Committee to revise existing requirements for ground anchor installations and establish standardized test methods to determine ground anchor performance and resistance. While HUD's Model Manufactured Home Installation Standards reference a nationally recognized testing protocol for ground anchor assemblies, there is currently no national test method for rating and certifying ground anchor assemblies in different soil classifications. This rule establishes a uniform test method which could be used by all States for rating and certifying the performance of ground anchor assemblies.

**TITLE: American with Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities; Architectural Barriers Act (ABA) Accessibility Guidelines; Emergency Transportable Housing Units**

**RIN: 3014-AA39**

**AGENCY: Architectural and Transportation Barriers Compliance Board (ATBCB)**

**ABSTRACT:** This rulemaking would amend the Americans with Disabilities Act (ADA) and Architectural Barriers Act (ABA) Accessibility Guidelines to specifically address emergency transportable housing units provided by the Federal Emergency Management Agency (FEMA) or other entities on a temporary site in response to an emergency need for temporary housing. The rulemaking seeks to ensure that newly constructed and altered emergency transportable housing units covered by the ADA or ABA are readily accessible to and usable by individuals with disabilities. The U.S. Department of Justice (DOJ) issued enforceable accessibility standards for residential facilities covered by the ADA, and the U.S. Department of Housing and Urban Development (HUD) has issued enforceable accessibility standards for residential facilities covered by the ABA. DOJ and HUD are expected to update their standards in separate rulemakings to be consistent with the amended guidelines.

**TITLE: Development of Operational, Technical, and Spectrum Requirements for Public Safety Communications Requirements**

**RIN: 3060-AG85**

**AGENCY: Federal Communications Commission (FCC)**

**ABSTRACT:** This item takes steps toward developing a flexible regulatory framework to meet vital current and future public safety communications needs.

**TITLE: Revision of Fee Schedules: Fee Recovery for FY 2014 [NRC-2013-0276]**

**RIN: 3150-AJ32**

**AGENCY: Nuclear Regulatory Commission (NRC)**

**ABSTRACT:** The final rule amends the Commission's licensing, inspection, and annual fees charged to its applicants and licensees. These amendments implement the Omnibus Budget Reconciliation Act of 1990 (OBRA-90) as amended, which requires that the NRC recover approximately 90 percent of its budget authority in Fiscal Year (FY) 2014, less the amounts appropriated from the Waste Incidental to Reprocessing, and generic homeland security activities.

**TITLE: Regulation KK--Margin and Capital Requirements for Covered Swap Entities (Docket No: R-1415)**

**RIN: 7100-AD74**

**AGENCY: Federal Reserve System (FRS)**

**ABSTRACT:** The Office of the Comptroller of the Currency, the Federal Reserve Board, the Federal Deposit Insurance Corporation, the Farm Credit Administration, and the Federal Housing Finance Agency (the Agencies) are requesting comment on a proposal to establish minimum margin and capital requirements for registered swap dealers, major swap participants, security-based swap dealers, and major security-based swap participants for which one of the Agencies is the prudential regulator. This proposed rule implements sections 731 and 764 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, which require the Agencies to adopt rules jointly to establish capital requirements and initial and variation margin requirements for such entities on all non-cleared swaps and non-cleared security-based swaps in order to offset the greater risk to such entities and the financial system arising from the use of swaps and security-based swaps that are not cleared.

On September 3, 2014, the Board voted unanimously to propose a rule that builds on the one originally released by the Agencies in 2011. The proposed rule includes some modifications that were made in light of comments received. The Agencies requested comments on the proposed rule no later than 60 days after the date of its publication in the Federal Register.