

Report of the Office of Intergovernmental Affairs  
Federal Mandates and Regulations that may have an effect on the Commonwealth

The Code of Virginia (§ 2.2-302) requires the Assistant to the Governor for Intergovernmental Affairs to report “twice yearly to the members of the Senate Committee on Finance, the House Committee on Appropriations, and the Governor on all federal mandates and regulations that may have an effect on the Commonwealth.”

This report provides information regarding legislation containing intergovernmental mandates that has become law or passed one house of Congress. The Federal Unfunded Mandate Reform Act (UMRA), as interpreted by the Congressional Budget Office (CBO), is used to determine what legislation contains intergovernmental mandates. Descriptions of the mandates in this report are based upon or excerpted from CBO documents and Congressional Research Service (CRS) reports.

This report also provides a list of federal regulatory actions that may impact the Commonwealth. The Regulatory Information Service Center (RISC) of the General Services Administration (GSA) is 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 legislative requirements imposed upon the Commonwealth for the period of July 1, 2017 through December 31, 2017. This report was due on January 31, 2018, before any staff had started working in the Office of Intergovernmental Affairs.

## I. Mandates in Public Law

Title I of the Unfunded Mandate Reform Act (UMRA) of 1995 requires the Congressional Budget Office 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 2017, which are adjusted annually for inflation, are \$78 million and \$156 million for intergovernmental mandates (state, local, or tribal governments) and private sector, respectively.

Of legislation enacted during the period from July 1, 2017 through December 31, 2017 that was reviewed by CBO, two bills impose an intergovernmental mandate. The total cost of the mandate fell below the annual threshold established in UMRA. It is important to note that CBO does not review appropriation bills for UMRA thresholds.

**Bill: Fair Access to Investment Research Act of 2017, S. 327**

**Summary:** S. 327 would expand an existing safe harbor to allow brokers and dealers to issue or distribute a broader set of research reports about certain investment funds or securities without such reports being considered as an offering for the sale of shares of those funds or securities. Under current law, such reports would be considered an offering for sale and the broker or dealer would be required to file a registration statement with the Securities and Exchange Commission (SEC) for that offering.

**Mandate:** The bill would impose intergovernmental and private-sector mandates as defined in UMRA to the extent that it would eliminate an existing right of action that allows plaintiffs (public and private investors) to pursue damage claims against broker-dealers who issue research reports on exchange-traded funds. If enacted, the bill could cause investors to lose the ability to sue broker-dealers who provide their own research about such funds on grounds other than fraud. To date, CBO has found no cases that successfully establish liability for information contained in or missing from such research reports and expects few, if any, in the future. Therefore, CBO estimates the total cost of the mandates on public and private entities would fall well below the annual thresholds established in UMRA for intergovernmental and private-sector mandates (\$78 million and \$156 million in fiscal year 2017, respectively, adjusted annually for inflation).

**Became Law:** October 6, 2017

**VA Vote:** Passed Senate by Unanimous Consent and House by Voice Vote

**Bill: FDA Reauthorization Act of 2017, H.R. 2430**

**Summary:** H.R. 2430 would reauthorize the Prescription Drug User Fee Act (PDUFA) for the fifth time, the Medical Device User Fee Amendments (MDUFA) for the third

time, and both the Generic Drug User Fee Amendments (GDUFA) and the Biosimilar User Fee Act (BsUFA) for the first time – allowing FDA to continue to collect medical product user fees through fiscal year 2022. The law would provide FDA with increased flexibility to inspect medical device facilities and to approve of drugs and biologics for rare diseases. It would establish a flexible path to market for certain new medical device accessories and create a new category of over-the-counter hearing aids.

**Mandate:** H.R. 2430 would impose intergovernmental and private-sector mandates, as defined in the Unfunded Mandates Reform Act (UMRA), on public and private manufacturers of prescription drugs and medical devices. In addition, the bill would preempt state and local laws that interfere with the distribution of over-the-counter hearing aids. CBO estimates that the cost of the mandates on public entities would be small and fall well below the annual threshold established in UMRA for intergovernmental mandates (\$78 million in 2017, adjusted annually for inflation). However, in aggregate, CBO estimates that the cost of the mandates on private entities would well exceed the annual threshold established in UMRA for private-sector mandates (\$156 million in 2017, adjusted annually for inflation) in east of the first five years the mandates are in effect, primarily because of the requirement to pay fees.

**VA Vote:** Passed House by Voice Vote

Senate

Yeas: Kaine, Warner

Nays: N/A

**Bill:** **National Defense Authorization Act for Fiscal Year 2018, H.R. 2810**

**Summary:** H.R. 2810 would authorize FY2018 appropriations and set forth policies for Department of Defense (DOD) programs and activities, including military personnel strengths. It does not provide budget authority, which would be provided in subsequent appropriations legislation.

The bill would authorize appropriations to DOD for: (1) Procurement, including aircraft, missiles, weapons and tracked combat vehicles, ammunition, shipbuilding and conversion, space procurement, and other procurement; (2) Research, Development, Test, and Evaluation; (3) Operation and Maintenance; (4) Working Capital Funds; (5) the Joint Urgent Operational Needs Fund; (6) Chemical Agents and Munitions Destruction; (7) Drug Interdiction and Counter-Drug Activities; (8) the Defense Inspector General; (9) the Defense Health Program; (10) the Armed Forces Retirement Home; (11) Overseas Contingency Operations; and (12) Military Construction.

The bill also would authorize the FY2018 personnel strength for active duty and reserve forces and set forth policies regarding compensation and other personnel benefits, the Ready Reserve Force and Military Sealift Command surge fleet, and matters relating to foreign nations.

Mandate: H.R. 2810 contains intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). CBO estimates that the aggregate cost of the mandates would fall below the annual thresholds established in UMRA for intergovernmental and private-sector mandates (\$78 million and \$156 million respectively in 2017, adjusted annually for inflation).

VA Vote: House  
Yeas: Beyer, Comstock, Connolly, Goodlatte, McEachin, Scott, Taylor, Wittman  
Nays: Garrett, Griffith,

Senate  
Yeas: Kaine, Warner  
Nays: N/A

## II. Mandates that Passed One Chamber of Congress

Of the bills reviewed by CBO, the following passed at least one chamber of Congress during the period from July 1, 2017 through December 31, 2017 and included intergovernmental mandates. Most do not meet the threshold established in UMRA, but they are included for reference.

**Bill: DHS Authorization Act of 2017, H.R. 2825**

**Summary:** H.R. 2825 would authorize the appropriation of nearly \$11 billion over the 2018-2022 period for programs in the Department of Homeland Security (DHS), mostly for activities carried out by the Federal Emergency Management Agency (FEMA), but also for programs of the Transportation Security Administration (TSA) and the DHS Office of the Inspector General. In addition, CBO estimates that the bill would authorize the appropriation of \$154 million over the five-year period for other DHS activities, including programs to increase security at airports.

**Mandate:** H.R. 2825 would impose intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) on airport operators and air carriers. Based on information from the TSA and airport officials, CBO estimates that the total costs of the mandates on public and private entities would fall well below the annual thresholds established in UMRA for intergovernmental and private-sector mandates (\$78 million and \$156 million in fiscal year 2017, respectively, adjusted annually for inflation).

**Actions:** Introduced in House: 6/8/2017; Reported by House Committee on Homeland Security: 6/28/2017; Passed House: 7/20/2017

**VA Vote:** Yeas – Beyer, Comstock, Connolly, Garrett, Goodlatte, Griffith, McEachin, Scott, Taylor, Wittman  
Nays - Brat

**Bill: Pesticide Registration Improvement Extension Act of 2017, H.R. 1029**

**Summary:** H.R. 1029 would modify the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the law that regulates the distribution, sale, and use of pesticides. Under FIFRA, the Environmental Protection Agency (EPA) is required to evaluate the safety of new pesticides entering the market (known as pesticide registration) by conducting risk assessments and must periodically re-evaluate the health and environmental effects of pesticides (known as reregistration). The EPA charges fees to pesticide manufacturers and distributors to cover the agency's costs of performing those registration and reregistration activities.

**Mandate:** H.R. 1029 would impose intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). CBO estimates that the cost of those mandates would fall below the annual thresholds for

intergovernmental and private-sector mandates established in UMRA (\$78 million and \$156 million in 2017, respectively, adjusted annually for inflation).

Actions: Introduced in House: 2/14/2017; Reported by House Committee on Agriculture: 3/20/2017; Passed House: 3/20/2017; Reported by Senate Committee on Agriculture: 6/29/2017

VA Vote: Voice Vote

Bill: **Hydropower Policy Modernization Act of 2017, H.R. 3043**

Summary: H.R. 3043 would specify a variety of timeframes and procedures for FERC and other affected agencies to follow in carrying out regulatory functions related to nonfederal hydropower projects. Based on information from FERC and other affected federal agencies, CBO estimates that implementing the bill would have no significant net effect on the federal budget. The bill would not significantly affect the scope of federal agencies' regulatory responsibilities, though CBO expects that meeting the timeframes specified in the bill might require additional funding, particularly for FERC. However, because FERC recovers 100 percent of its costs through fees, any change in that agency's costs (which are controlled through annual appropriation acts) would be offset by an equal change in fees that the commission charges, resulting in no net change in federal spending.

Mandate: H.R. 3043 would impose intergovernmental and private-sector mandates, as defined in the Unfunded Mandates Reform Act (UMRA). If FERC increases fees to offset the costs of implementing the bill, the cost of an existing mandate to pay those fees would increase for public and private entities. Based on information from FERC about the potential costs of implementing the bill, CBO estimates that any incremental change in fees collected would be small. The bill would impose another mandate on state, local, and tribal agencies by requiring them to respond to FERC and acknowledge receipt of an invitation to participate in the review of a federal authorization for a hydropower project. Based on information from FERC, CBO estimates that the cost of the notification mandate would be small. In total, CBO estimates that the cost of complying with all mandates in the bill would fall below the annual thresholds established in UMRA for intergovernmental and private-sector mandates (\$78 million and \$156 million in 2017, respectively, adjusted annually for inflation).

Actions: Introduced in House: 6/23/2017; Reported by House Committee on Energy and Commerce: 10/31/2017; Passed House: 11/8/2017

VA Vote: Yeas – Brat, Comstock, Garrett, Goodlatte, Griffith, Taylor, Wittman  
Nays – Beyer, Connolly, McEachin, Scott

**Bill: Military Residency Choice Act, H.R. 282**

**Summary:** Military personnel can retain their residences or domiciles for purposes of state and local taxation and voter registration when they leave a state if that move, and any subsequent moves, are made in compliance with military orders. Under the Military Spouses Residency Relief Act, spouses of service members can retain their states of residency if they move and reside with the service member; they cannot use the service members' states of residency for taxation or voting purposes unless they can independently establish entitlement according to state laws. H.R. 282 would allow spouses of service members to claim the same state of residence as the service member for those purposes, regardless of whether the spouse had ever resided in that state.

**Mandate:** H.R. 282 contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA). CBO considers the residency benefit conferred on military spouses under the Military Spouses Residency Relief Act to be a preemption of taxing authority of state and local governments. H.R. 282 would marginally expand this preemption by allowing the spouses of service members to elect the residency of a service member that is not the residence in which the couple was married. CBO expects that some military spouses would elect new states of residency if income tax rates in those states are lower. Although the effect on revenue collections by individual state and local governments would vary, depending on the number and income of these individuals and where they reside or are legal residents, CBO estimates the net effect to be below the annual threshold established in UMRA (\$78 million in 2017, adjusted annually for inflation).

**Actions:** Introduced in House: 1/4/2017; Reported by House Committee on Veterans Affairs: 7/24/2017; Passed House: 7/24/2017

**VA Vote:** Voice Vote

**Bill: SELF DRIVE Act, H.R. 3388**

**Summary:** H.R. 3388 would clarify the federal role in regulating vehicles that can drive without a person controlling the vehicle. Those vehicles are defined in the bill as Highly Automated Vehicles (HAVs). The bill would require the National Highway Traffic Safety Administration (NHTSA) to complete several rulemakings, establish an advisory council on HAVs, and create a publicly available database about manufacturers that receive exemptions from current law. The bill would require vehicle manufacturers to comply with cybersecurity plans and would make manufacturers that fail to comply subject to civil penalties.

**Mandate:** H.R. 3388 would impose an intergovernmental mandate, as defined in the Unfunded Mandates Reform Act (UMRA), by preempting the authority of state and local governments to regulate the design, construction, and performance of

HAVs, unless such regulations are at least protective as federal regulations. Although it would limit the application of state and local regulations, the bill would impose no duty on state or local governments that would result in additional spending or a loss of revenues.

Actions: Introduced in House: 7/25/2017; Reported by House Committee on Energy and Commerce: 9/5/2017; Passed House: 9/6/2017

VA Vote: Voice Vote

Bill: **Resilient Federal Forests Act of 2017, H.R. 2936**

Summary: H.R. 2936 would increase the share of proceeds from timber sales that the Bureau of Land Management (BLM) pays to certain counties in Oregon. CBO estimates that enacting the bill would increase the amounts the federal government pays to certain counties in Oregon by \$6 million over the 2019-2027 period. Those payments are considered direct spending; therefore, pay-as-you-go procedures apply. Enacting the legislation would not affect revenues.

The bill also would change the way the Forest Service conducts various activities related to forest management. Finally, the bill would exempt lawsuits challenging certain forest management activities from the Equal Access to Justice Act (EAJA). Based on information provided by the Forest Service, CBO estimates that implementing the bill would cost \$10 million over the 2017-2022 period, assuming appropriation of the necessary amounts.

Mandate: H.R. 2936 would impose intergovernmental and private-sector mandates, as defined in the Unfunded Mandates Reform Act (UMRA) on plaintiffs, including public and private entities, that seek judicial review of some forest management projects on federal lands. CBO estimates that the cost of the mandate would fall below the annual thresholds established in UMRA for intergovernmental and private-sector mandates (\$78 million and \$156 million in 2017, respectively, adjusted annually for inflation).

Actions: Introduced in House: 6/20/2017; Reported by House Committee on Agriculture: 10/25/2017; Reported by House Committee on Natural Resources: 10/25/2017; Passed House: 11/1/2017

VA Vote: Yeas – Brat, Comstock, Garrett, Goodlatte, Griffith, Taylor, Wittman  
Nays – Beyer, Connolly, McEachin, Scott



**Bill: Pain-Capable Unborn Child Protection Act, H.R. 36**

**Summary:** H.R. 36 would ban abortions from being performed 20 weeks or more after fertilization, except when the pregnancy is a result of reported rape or reported incest against a minor, or is necessary to save the life of the mother. Violators of the act's provisions would be subject to a criminal fine or imprisonment, or both.

**Mandate:** H.R. 36 would impose both intergovernmental and private-sector mandates on physicians who perform abortions and would preempt state and local laws that regulate abortions. The bill also would impose a mandate on women seeking abortions. CBO estimates that the direct costs of the mandates would fall below the annual thresholds established in UMRA for intergovernmental and private-sector mandates. (Adjusted for inflation, those thresholds are \$78 million and \$156 million in 2017, respectively.)

**Actions:** Introduced in House: 1/3/2017; Passed House: 10/3/2017

**VA Vote:** Yeas – Brat, Comstock, Garrett, Goodlatte, Griffith, Taylor, Wittman  
Nays – Beyer, Connolly, McEachin, Scott

**Bill: Strengthening Cybersecurity Information Sharing and Coordination in Our Ports Act of 2017, H.R. 3101**

**Summary:** H.R. 3101 would require the Department of Homeland Security (DHS) to expand efforts to enhance the cybersecurity of U.S. ports. The bill also would clarify that the Coast Guard, the agency within DHS primarily responsible for activities related to maritime security, is authorized to pursue efforts related to cybersecurity. Based on information from DHS, CBO estimates that implementing H.R. 3101 would cost \$38 million over the 2018-2022 period, assuming appropriation of the necessary amounts.

**Mandate:** H.R. 3101 would impose intergovernmental and private-sector mandates, as defined in the Unfunded Mandates Reform Act (UMRA), on owners and operators of port facilities and vessels. Based on an analysis of information from the Coast Guard about current practices related to cybersecurity among maritime facilities and vessels, CBO estimates that the cost of complying with the mandates for public and private entities would fall below the annual thresholds established in UMRA for intergovernmental and private-sector mandates (\$78 million and \$156 million in 2017, respectively, adjusted annually for inflation).

**Actions:** Introduced in House: 6/28/2017; Reported by House Committee on Homeland Security: 10/19/2017; Passed House: 10/24/2017

**VA Vote:** Voice Vote

**Bill: Micro Offering Safe Harbor Act, H.R. 2201**

**Summary:** Under current law, the Securities and Exchange Commission (SEC) prohibits the sale or delivery of securities that have not been registered with the agency. Some transactions are exempt from this prohibition. H.R. 2201 would expand the exemption to include the sale of securities that meet certain criteria regarding the number of purchasers and aggregate offering amount sold by the issuer in a 12-month period. The bill also would exempt such transactions from state regulation of securities offerings.

**Mandate:** H.R. 2201 would preempt state laws that govern state-level registration of security offerings by exempting some security offerings from state registration and regulation. Issuers would be exempt from registering such securities if each purchaser of the security has a pre-existing relationship with the officer of the issuer, the offering has 35 or fewer purchasers, and the aggregate amount of securities sold by the issuer does not exceed \$500,000 in a 12-month period. The preemption would be a mandate as defined in the Unfunded Mandate Reform Act (UMRA) because it would limit the authority of states to apply their own laws and regulations. However, CBO estimates that the preemption itself would impose no duty on states that would result in additional spending or a loss of revenues.

**Actions:** Introduced in House: 4/27/2017; Reported by House Committee on Financial Services: 11/1/2017; Passed House: 11/9/2017

**VA Vote:** Yeas – Brat, Comstock, Garrett, Goodlatte, Griffith, Taylor, Wittman  
Nays – Beyer, Connolly, McEachin, Scott

**Bill: Concealed Carry Reciprocity Act of 2017, H.R. 38**

**Summary:** H.R. 38 would allow persons who are licensed to carry concealed firearms in their state of residence to carry concealed handguns in other states if those states have a permitting process for individuals seeking to carry a concealed firearm. CBO estimates that implementing the bill would have no significant cost to the federal government.

**Mandate:** H.R. 38 would impose an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA) by preempting some state laws that limit the ability of nonresidents to carry concealed weapons. Laws allowing individuals to carry concealed weapons vary from state to state and range from allowing nonresidents to carry concealed weapons without a permit to requiring residents to complete training and meet other conditions before obtaining a permit, or even prohibiting nonresidents from carrying concealed weapons altogether. Some states recognize permits issued by other states and some do not. If enacted, the bill would require states that currently do not recognize other state permits for nonresidents to do so. The costs for states to comply with that mandate would include the cost to change protocols and train law enforcement officers.

The bill also could result in the loss of revenue for some states. Currently, some states issue permits to nonresidents and charge fees ranging from \$20 to \$300 for those permits. If this bill is enacted and individuals have a permit to carry concealed weapons from their resident state, they would no longer need to purchase nonresident permits in other states they visit.

CBO estimates the total costs for states to comply with the preemption, including the training costs for law enforcement and the lost revenue from the nonresident permit fees, would not exceed the threshold established in UMRA (\$78 million in 2017, adjusted annually for inflation).

Actions: Introduced in House: 1/3/2017; Reported by House Committee on the Judiciary: 12/4/2017; Passed House: 12/6/2017

VA Vote: Yeas – Brat, Comstock, Garrett, Goodlatte, Griffith, Taylor, Wittman  
Nays – Beyer, Connolly, McEachin, Scott

Bill: **Promoting Hydropower Development at Existing Nonpowered Dams Act, H.R. 2872**

Summary: H.R. 2872 would direct the Federal Energy Regulatory Commission (FERC), within 180 days of enactment, to establish an expedited process for issuing permits and licenses for hydropower projects at existing nonfederal dams that do not have hydroelectric facilities. In developing those procedures, the bill would require FERC to consult with other federal and local agencies involved in regulating projects that would qualify for expedited permitting and licensing on the basis of criteria specified by the bill. H.R. 2872 also would require FERC and other federal agencies to develop a list of federal dams with significant potential for developing hydropower and which currently have no hydroelectric facilities.

Mandate: H.R. 2872 would impose intergovernmental and private-sector mandates, as defined in the Unfunded Mandates Reform Act (UMRA). If FERC increases fees to offset the costs of implementing the bill, the cost of an existing mandate to pay those fees would increase for public and private licensees. Using information from FERC about the potential costs of implementing the bill, CBO estimates that any incremental change in fees collected would be small and would total far less than the thresholds established in UMRA for intergovernmental and private-sector mandates (\$78 million and \$156 million, respectively, in 2017).

Actions: Introduced in House: 6/12/2017; Reported by House Committee on Energy and Commerce: 12/12/2017; Passed House: 12/12/2017

VA Vote: Voice Vote

**Bill: Promoting Closed-Loop Pumper Storage Hydropower Act, H.R. 2880**

**Summary:** H.R. 2880 would direct the Federal Energy Regulatory Commission (FERC), within 180 days of enactment, to establish an expedited process for issuing permits and licenses for closed-loop pumped storage projects, which move water between two reservoirs without being continuously connected to a naturally flowing water feature. In developing those procedures, the bill would require FERC to consult with other federal and local agencies involved in regulating projects that would qualify for expedited permitting and licensing on the basis of criteria specified by the bill. H.R. 2880 also would require FERC to collect fees from applicants for licenses for closed-loop storage projects to reimburse costs incurred by state and federal fish and wildlife agencies responsible for reviewing such projects. Subject to authority provided in annual appropriation acts, such fees would be available to those agencies to carry out required regulatory activities.

**Mandate:** H.R. 2880 would impose intergovernmental and private-sector mandates, as defined in the Unfunded Mandates Reform Act (UMRA). The bill would require license applicants for closed-loop storage projects to pay fees to offset the costs of studies and reviews conducted by fish and wildlife agencies. If FERC increases fees to offset the costs of implementing the bill, the cost of an existing mandate on licensees to pay those fees would increase for public and private entities. Using information from FERC about the potential costs of implementing the bill, CBO estimates that any incremental change in fees collected would be small and would fall well below the thresholds established in UMRA for intergovernmental and private-sector mandates (\$78 million and \$156 million, respectively, in 2017).

**Actions:** Introduced in House: 6/12/2017; Reported by House Committee on Energy and Commerce: 12/11/2017; Passed House: 12/12/2017

**VA Vote:** Voice Vote

**Bill: Criminal Antitrust Anti-Retaliation Act of 2017, S. 807**

**Summary:** S. 807 would prohibit employers from discriminating against employees or other entities that provide information for, or assist in the investigation of a violation of federal antitrust law. The act also would authorize people who allege such discrimination to seek relief.

**Mandate:** By providing whistleblower protection to public- and private-sector employees, S. 807 would impose intergovernmental and private-sector mandates, as defined in the Unfunded Mandates Reform Act (UMRA), on employers. The act would prohibit public and private employers from terminating or otherwise discriminating against employees who provide information for antitrust investigations. Based on information from OSHA indicating that employers

would need to make only small changes to administrative procedures, CBO estimates that the cost of compliance would be minimal and would fall well below the annual thresholds for intergovernmental and private-sector mandates established in UMRA (\$78 million and \$156 million, respectively, in fiscal year 2017, adjusted annually for inflation).

Actions: Introduced in Senate: 4/4/2017; Reported by Senate Committee on the Judiciary: 11/2/2017; Passed Senate: 11/15/2017

VA Vote: Passed by Unanimous Consent

Bill: **Protecting Consumers' Access to Credit Act of 2017, H.R. 3299**

Summary: H.R. 3299 would overturn a decision of the Second Circuit Court of appeals and permit nonbank financial institutions to charge interest rates that exceed certain state caps if a bank makes a valid loan and then sells or transfers the loan to a nonbank. The bill would not affect the operations or actions of federal financial regulators. As a result, CBO estimates that enacting H.R. 3299 would have no effect on the federal budget.

Mandate: H.R. 3299 would preempt state usury laws that set interest rate caps and that regulate the validity of loans sold, assigned, or transferred to a third party. Such loans would retain their maximum rate of interest as set by the loan's originator regardless of whether the loan is sold, assigned, or transferred to a third party located in a different state. That preemption would be a mandate as defined in the Unfunded Mandates Reform Act (UMRA). CBO estimates that the preemption would impose no costs on state governments. Although it would limit the application of state laws, it would impose no duty on states that would result in additional spending.

Actions: Introduced in House: 7/19/2017; Reported by House Committee on Financial Services: 1/12/2017; Passed House: 12/12/2017

VA Vote: Voice Vote

### III. Federal Regulatory Mandates

The Office of Management and Budget's Office of Information and Regulatory Affairs identified 5 regulations concluded between July 1, 2017 and December 31, 2017 that could have an intergovernmental impact.

**TITLE:** Policy and Technical Changes to the Medicare Advantage and the Medicare Prescription Drug Benefit Programs for Contract Year 2019 (CMS-4182-P)

**RIN:** 0938-AT08

**AGENCY:** Department of Health and Human Services

**ABSTRACT:** This proposed rule would set forth programmatic and operational changes to the Medicare Advantage (MA) and prescription drug benefit programs for contract year 2019.

**TITLE:** CY 2018 Updates to the Quality Payment Program (CMS-5522-FC)

**RIN:** 0938-AT13

**AGENCY:** Department of Health and Human Services

**ABSTRACT:** The Medicare Access and CHIP Reauthorization Act of 2015 (MACRA) established the Quality Payment Program for eligible clinicians. Under the Quality Payment Program, eligible clinicians can participate via one of two tracks: Advanced Alternative Payment Models (APMs); or the Merit-based Incentive Payment System (MIPS). We began implementing the Quality Payment Program through rulemaking for calendar year (CY) 2017. This rule provides updates for the second and future years of the Quality Payment Program.

**TITLE:** Religious Exemptions and Accommodations for Coverage of Certain Preventive Services Under the Affordable Care Act

**RIN:** 0938-AT20

**AGENCY:** Department of Health and Human Services

**ABSTRACT:** The United States has a long history of providing conscience protections in the regulation of health care for entities and individuals with objections based on religious beliefs and moral convictions. These interim final rules expand exemptions to protect religious beliefs for certain entities and individuals whose health plans are subject to a mandate of contraceptive coverage through guidance issued pursuant to the Patient Protection and Affordable Care Act. These rules do not alter the discretion of the Health Resources and Services Administration, a component of the U.S. Department of Health and Human Services, to maintain the guidelines requiring contraceptive coverage where no regulatory recognized objection exists. These rules also leave the accommodation" process in place as an optional process for certain exempt entities that wish to use it voluntarily. These rules do not alter multiple other Federal programs that provide free or subsidized contraceptives for women at risk of unintended pregnancy.

**TITLE:** Moral Exemptions and Accommodations for Coverage of Certain Preventive Services Under the Affordable Care Act (CMS-9925-IFC)

**RIN:** 0938-AT46

**AGENCY:** Department of Health and Human Services

**ABSTRACT:** The United States has a long history of providing conscience protections in the regulation of health care for entities and individuals with objections based on religious beliefs or moral convictions. These interim final rules expand exemptions to protect moral convictions for certain entities and individuals whose health plans are subject to a mandate of contraceptive coverage through guidance issued pursuant to the Patient Protection and Affordable Care Act. These rules do not alter the discretion of the Health Resources and Services Administration, a component of the U.S. Department of Health and Human Services, to maintain the guidelines requiring contraceptive coverage where no regulatory recognized objection exists. These rules also provide certain morally objecting entities access to the voluntary accommodation process regarding such coverage. These rules do not alter multiple other Federal programs that provide free or subsidized contraceptives for women at risk of unintended pregnancy.

**TITLE:** **Borrower Defense; Delayed Effective Date Until 2019**

**RIN:** 1840-AD28

**AGENCY:** Department of Education

**ABSTRACT:** On November 1, 2016, the Department published regulations for determining which acts or omissions of an institution of higher education a borrower may assert as a defense to repayment of a loan made under the Direct Loan Program and identifying the consequences of such borrower defenses for borrowers, institutions, and the Secretary. The Department is issuing this proposed rule to delay the effective date of these regulations until July 1, 2019.