

CONGRESS OF THE UNITED STATES
CONGRESSIONAL BUDGET OFFICE

CBO

**A Review of CBO's
Activities in 2011
Under the
Unfunded Mandates
Reform Act**



MARCH 2012

Notes

The Congressional Budget Office reviews bills approved by authorizing committees and other legislative proposals for intergovernmental and private-sector mandates. Other legislative proposals include joint resolutions, amendments, acts passed by the House or Senate, and conference reports. For simplicity, this report refers to those pieces of legislation collectively as “bills.”

In this report, thresholds related to mandate estimates are calculated on a fiscal year basis; tables show information on a calendar year basis.

Cover photograph by Maureen Costantino.



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A Review of CBO's Activities in 2011 Under the Unfunded Mandates Reform Act

The federal government, through laws and regulations, sometimes imposes requirements—known as federal mandates—on state, local, and tribal governments and entities in the private sector in order to achieve national goals. In 1995, lawmakers enacted the Unfunded Mandates Reform Act (UMRA) in part to ensure that, during the legislative process, the Congress receives information about proposed federal mandates and their costs before enacting a piece of legislation.

UMRA defines a mandate as any provision in legislation that, when enacted, would do one of the following:

- Impose an enforceable duty on state, local, or tribal governments or on private-sector entities;¹
- Reduce or eliminate funding authorized to cover the costs of complying with existing mandates;
- Increase the stringency of conditions that apply to the provision of funds to state, local, or tribal governments through certain large mandatory programs or make cuts in federal funding for those mandatory programs if the affected governments lack the flexibility to alter the programs.

Duties that are imposed as conditions of federal assistance or that are tied to participating in voluntary federal programs generally are not considered mandates as defined in UMRA.

The law requires the Congressional Budget Office (CBO) to prepare mandate statements for bills that are approved by authorizing committees;² when requested, the agency

also reviews other legislative proposals for intergovernmental and private-sector mandates.³ CBO found that most of the legislation the Congress considered in 2011 contained no mandates as defined in UMRA. Of the 434 bills CBO reviewed in 2011, 56 (13 percent) contained intergovernmental mandates and 67 (15 percent) contained private-sector mandates. Of the 81 public laws enacted in 2011, 12 contained intergovernmental mandates and 16 contained private-sector mandates. Many of those mandates were temporary extensions of existing mandates and were included in continuing resolutions that provided funding for federal programs until full-year appropriations were enacted.

As a part of its review of legislation, CBO must determine whether the aggregate direct costs of the mandates would be greater than the statutory thresholds established in UMRA and identify any funding that the bill would provide to cover those costs.⁴ (See Appendix A on page 41 for details about CBO's responsibilities under UMRA and for an overview of the law's other provisions.) In 2011, the thresholds, which are adjusted annually for inflation, were \$71 million for intergovernmental mandates and \$142 million for private-sector mandates.⁵

1. UMRA does not define the term "enforceable duty," but the Congressional Budget Office has interpreted it to mean actions by public and private entities that would be either required or prohibited.

2. Authorizing committees have legislative jurisdiction over the establishment, continuation, and operation of federal programs or agencies and the authorization of appropriations for them.

3. Other legislative proposals include joint resolutions, amendments, acts passed by the House or Senate, and conference reports. For simplicity, this report refers to those pieces of legislation collectively as "bills."

4. The staff of the Joint Committee on Taxation examines tax provisions of legislation to identify federal mandates and estimates their costs. CBO's mandate statements incorporate such information.

5. The intergovernmental and private-sector thresholds established in UMRA were \$50 million and \$100 million, respectively, in 1996.

Most of the mandates that CBO identified in 2011 would not have imposed costs that exceeded those thresholds. Only two bills (fewer than 1 percent) included intergovernmental mandates with costs above the threshold, and two (fewer than 1 percent) contained such mandates with costs that could not be determined. Of the bills reviewed in 2011, CBO estimated that 26 (6 percent) contained private-sector mandates that would have imposed costs exceeding the annual threshold. For 17 bills (4 percent), CBO could not determine the costs of the private-sector mandates.

No public laws enacted in 2011 contain intergovernmental mandates with costs that will exceed the statutory threshold, CBO estimated. In the 16 years since the enactment of UMRA, only 13 new laws have contained intergovernmental mandates with such costs.

Legislation enacted by the Congress generally contains more private-sector mandates than intergovernmental mandates. Six laws enacted in 2011 contain at least one private-sector mandate with costs estimated to exceed the statutory threshold. Those laws include extensions of or increases in government fees and provisions that will increase taxes for individuals and families. Since 1996, CBO has identified private-sector mandates with costs estimated to exceed the threshold in 81 public laws.

About this Report

The tables in this report provide a tally of mandates enacted or reviewed in legislation between 2007 and 2011, and identify mandates in public laws enacted and in other legislation considered by the Congress in 2011:

- Table 1 on page 3 is a tally of mandates in public laws enacted between 2007 and 2011.

- Table 2 on page 4 is a tally of the mandate statements CBO transmitted between 2007 and 2011.
- Tables 3 and 4 (on pages 5 and 8) list laws enacted in 2011 that contain intergovernmental and private-sector mandates, respectively.
- Tables 5 and 6 (on pages 14 and 15) list intergovernmental and private-sector mandates, respectively, that CBO identified in 2011 whose costs would exceed UMRA's thresholds or could not be determined.
- Tables 7 and 8 (on pages 19 and 27) list the bills and proposals CBO reviewed in 2011 that contained intergovernmental and private-sector mandates, respectively.

All of the data in this report are for calendar years. Although data for spending and receipts in the budget are presented for fiscal years, which run from October 1 through September 30, Congressional sessions generally follow the calendar year; thus, data on CBO's cost estimates and mandate statements are presented as calendar year totals.

As indicated in the tables, the number of bills and other legislative proposals that contain mandates and the number of individual mandates that appear in proposed legislation generally differ. Because the House and the Senate may consider the same or similar mandates in more than one piece of legislation, the number of bills that contain mandates can be greater than the number of individual mandates considered by the Congress in any given year. Conversely, because one bill may contain several mandates, the number of mandates identified can be greater than the number bills reviewed.

Table 1.**Laws Enacted Between 2007 and 2011 That Contain Mandates**

In 2011, 81 public laws were enacted. Twelve of those laws contain at least one intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA), and 16 contain one or more private-sector mandates. A total of 23 intergovernmental mandates and 51 private-sector mandates were enacted. Those totals are generally lower than in previous years. The Congressional Budget Office (CBO) determined that none of the intergovernmental mandates enacted in 2011 have costs that will exceed the statutory threshold established in UMRA (\$71 million in 2011) or have costs that could not be determined.

The public laws enacted in 2011 contain 7 private-sector mandates with annual costs that, in CBO's estimation, will exceed the statutory threshold established in UMRA (\$142 million in 2011). CBO could not determine whether costs for 1 of the private-sector mandates enacted in 2011 would be above or below the statutory threshold.

	2007	2008	2009	2010	2011
Intergovernmental Mandates					
Laws That Contain Mandates	14	19	18	29	12
Total Mandates Enacted	20	40	30	86	23
Mandates with costs that exceed the statutory threshold	3	1	0	7	0
Mandates with costs that could not be determined	0	0	3	7	0
Mandates with costs that fall below the statutory threshold	17	39	27	72	23
Private-Sector Mandates					
Laws That Contain Mandates	20	29	26	50	16
Total Mandates Enacted	47	64	60	129	51
Mandates with costs that exceed the statutory threshold	10	15	17	25	7
Mandates with costs that could not be determined	8	13	11	21	1
Mandates with costs that fall below the statutory threshold	29	36	32	83	43

Source: Congressional Budget Office.

Note: The thresholds established in UMRA for intergovernmental and private-sector mandates were \$50 million and \$100 million, respectively, in 1996. UMRA specifies that the statutory thresholds be adjusted each year for inflation. In 2011, the statutory thresholds for intergovernmental and private-sector mandates were \$71 million and \$142 million, respectively.

Table 2.

Mandate Statements Transmitted by CBO, 2007 to 2011

The Congressional Budget Office (CBO) provides mandate statements to the Congress for most of the bills that are reported by authorizing committees. CBO also prepares mandate statements for proposed amendments and other bills, as requested. Most of that legislation is never enacted; of the proposals that are enacted, most contain no federal mandates as defined in the Unfunded Mandates Reform Act (UMRA).

In 2011, CBO reviewed 434 bills and other legislative proposals, of which 56 (13 percent) contained intergovernmental mandates and 67 (15 percent) contained private-sector mandates. By comparison, the averages for the 2007–2010 period were 13 percent (intergovernmental) and 20 percent (private sector).

Of the bills and proposals CBO analyzed that year, 2—fewer than 1 percent—included intergovernmental mandates with costs estimated to exceed the threshold and 26—about 6 percent—contained private-sector mandates with such costs. In 2011, the statutory thresholds established in UMRA for intergovernmental and private-sector mandates were \$71 million and \$142 million, respectively. In some cases, CBO identified mandates in bills but could not determine whether the costs would exceed the thresholds. That was the case for intergovernmental mandates in 2 bills and for private-sector mandates in 17 bills. (Tables 7 and 8 on pages 19 and 27 list all of the bills and proposals containing mandates that CBO reviewed in 2011.)

	2007	2008	2009	2010	2011
Intergovernmental Mandates					
Number of Statements Transmitted	703	679	419	474	434
Number of Statements That Identified Mandates	111	57	70	64	56
Mandate costs of the legislation would exceed the threshold	5	2	8	3	2
CBO could not determine whether mandate costs of the legislation would exceed the threshold	4	2	12	7	2
Mandate costs of the legislation would fall below the threshold	102	53	50	54	52
Private-Sector Mandates					
Number of Statements Transmitted	703	679	419	474	434
Number of Statements That Identified Mandates	160	96	105	85	67
Mandate costs of the legislation would exceed the threshold	44	23	27	14	26
CBO could not determine whether mandate costs of the legislation would exceed the threshold	32	17	27	23	17
Mandate costs of the legislation would fall below the threshold	84	56	51	48	24

Source: Congressional Budget Office.

Notes: CBO also completed preliminary reviews and informal estimates for other legislative proposals that are not included in this table.

A mandate statement may cover more than one mandate; because the same mandate sometimes appears in multiple bills, a single mandate may be addressed in more than one CBO mandate statement.

Table 3.**Laws Enacted in 2011 That Contain Intergovernmental Mandates**

Of the 81 laws enacted last year, 12 contain intergovernmental mandates. None of those laws include intergovernmental mandates with costs that the Congressional Budget Office (CBO) estimates will exceed the statutory threshold (\$71 million in 2011) established in the Unfunded Mandates Reform Act (UMRA). Only 13 laws containing intergovernmental mandates with costs estimated to exceed the statutory threshold have been enacted since UMRA became effective in 1996; those laws are listed in Appendix B.

Not all mandates are reviewed by CBO before enactment. In some cases, legislation is enacted without being considered by a committee. Some mandates are included in amendments made on the House or Senate floor or in conference after CBO's review. Others are included in appropriation bills, which UMRA does not direct CBO to review.

Of the 23 intergovernmental mandates enacted in 2011, CBO reviewed 5 before enactment. All of the mandates not reviewed by CBO were enacted as provisions of appropriation acts, and most were temporary extensions of existing mandates.

Public Law Number	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment?
Laws Containing Intergovernmental Mandates with Aggregate Costs That Exceed the Statutory Threshold			
None			
Laws Containing Intergovernmental Mandates with Aggregate Costs That Fall Below the Statutory Threshold			
112-4	Further Continuing Appropriations Amendments, 2011	Extends some patent and trademark fees until March 18, 2011	No
		Extends until March 18, 2011, existing standards for the security of chemical facilities that require vulnerability assessments and the development and implementation of site security plans	No
112-6	Additional Continuing Appropriations Amendments, 2011	Extends some patent and trademark fees until April 8, 2011	No
		Extends until April 8, 2011, existing standards for the security of chemical facilities that require vulnerability assessments and the development and implementation of site security plans	No
112-8	Further Additional Continuing Appropriations Amendments, 2011	Extends some patent and trademark fees until April 15, 2011	No
		Extends until April 15, 2011, existing standards for the security of chemical facilities that require vulnerability assessments and the development and implementation of site security plans	No

Continued

Table 3.

Continued

Laws Enacted in 2011 That Contain Intergovernmental Mandates

Public Law Number	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment?
Laws Containing Intergovernmental Mandates with Aggregate Costs That Fall Below the Statutory Threshold (Continued)			
112-10	Department of Defense and Full-Year Continuing Appropriations Act, 2011	Extends until October 4, 2011, existing standards for the security of chemical facilities that require vulnerability assessments and the development and implementation of site security plans	No
		Extends some patent and trademark fees until September 30, 2011	No
112-29	Leahy-Smith America Invents Act	Makes permanent the requirement to pay patent and trademark fees	Yes
		Prohibits public entities from using the prior-use defense in patent infringement claims for business processes brought by a university or technology-transfer organization	Yes
		Prohibits state courts from hearing some patent cases	Yes
112-34	Child and Family Services Improvement and Innovation Act	Requires states to comply with new standards for administering the Foster Care and Adoption Assistance programs	Yes
112-36	Continuing Appropriations Act, 2012	Extends until November 18, 2011, existing standards for the security of chemical facilities that require vulnerability assessments and the development and implementation of site security plans	No
112-55	Consolidated and Further Continuing Appropriations Act, 2012	Extends until December 16, 2011, existing standards for the security of chemical facilities that require vulnerability assessments and the development and implementation of site security plans	No
112-67	Joint resolution making further continuing appropriations for fiscal year 2012, and for other purposes	Extends until December 17, 2011, existing standards for the security of chemical facilities that require vulnerability assessments and the development and implementation of site security plans	No
112-68	Joint resolution making further continuing appropriations for fiscal year 2012, and for other purposes	Extends until December 23, 2011, existing standards for the security of chemical facilities that require vulnerability assessments and the development and implementation of site security plans	No

Continued

Table 3.

Continued

Laws Enacted in 2011 That Contain Intergovernmental Mandates

Public Law Number	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment?
Laws Containing Intergovernmental Mandates with Aggregate Costs That Fall Below the Statutory Threshold (Continued)			
112-74	Consolidated Appropriations Act, 2012	Extends until October 4, 2012, existing standards for the security of chemical facilities that require vulnerability assessments and the development and implementation of site security plans	No
		Preempts state laws governing the freedom of information	No
		Requires state courts to file reports with the Treasury's Financial Crimes Enforcement Network	No
		Requires officials of the District of Columbia to submit reports to the Congress	No
		Requires operators of nuclear power plants to conduct a risk assessment, confirm that plants meet license requirements, and update their reactor design, if necessary	No
		Requires airports to post signs near security areas to notify passengers of civil penalties	No
112-81	National Defense Authorization Act for Fiscal Year 2012	Preempts state licensing laws governing health care professionals	Yes

Source: Congressional Budget Office.

Table 4.

Laws Enacted in 2011 That Contain Private-Sector Mandates

Of the 81 public laws enacted last year, 16 contain one or more private-sector mandates, for a total of 51 such mandates enacted in 2011. Six of those laws contain a total of 7 mandates that the Congressional Budget Office (CBO) estimated will impose costs on the private sector that exceed the annual threshold established in the Unfunded Mandates Reform Act (\$142 million in 2011). Those 7 mandates are shown in the table in **bold type**. CBO has identified 116 private-sector mandates enacted since 1996 with costs estimated to exceed the annual threshold (see Appendix B).

The laws enacted in 2011 also contain 1 private-sector mandate whose costs could not be determined. In that case, the costs may or may not be above the threshold. (That mandate, shown in the table in *italic type*, was enacted in Public Law 112-29, which contained another mandate with costs that exceed the threshold.) CBO estimated that the other 43 private-sector mandates enacted in 2011 will impose costs below the annual threshold. Those mandates are shown in regular type.

Not all mandates are reviewed by CBO before enactment. In some cases, legislation is enacted without being considered by a committee. Some mandates are included in amendments made on the House or Senate floor or in conference after CBO's review. In still other cases, mandates are included in appropriation bills, which the Unfunded Mandates Reform Act does not direct CBO to review.

Of the 51 private-sector mandates enacted in 2011, CBO reviewed 20 before enactment. The remaining 31 mandates not reviewed by CBO were enacted as provisions of appropriation acts. Of the mandates not reviewed, most temporarily extended existing mandates and none are estimated to have a cost above the private-sector threshold.

Public Law Number	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment?
Laws Containing Private-Sector Mandates with Aggregate Costs That Exceed the Statutory Threshold			
112-9	Comprehensive 1099 Taxpayer Protection and Repayment of Exchange Subsidy Overpayments Act of 2011	Changes limits on the amounts taxpayers would be required to repay, in the event of an overpayment, for advance premium assistance tax credits associated with health insurance exchanges	Yes
112-29	Leahy-Smith America Invents Act	Makes permanent the authority to require entities to pay patent and trademark fees	Yes
		<i>Prohibits certain tax strategies from being patented</i>	Yes
		Prohibits private entities from using the prior-use defense in patent infringement claims for business processes brought by a university or technology-transfer organization	Yes

Continued

Table 4.

Continued

Laws Enacted in 2011 That Contain Private-Sector Mandates

Public Law Number	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment?
Laws Containing Private-Sector Mandates with Aggregate Costs That Exceed the Statutory Threshold (Continued)			
112-40	An act to extend the Generalized System of Preferences, and for other purposes	Increases the merchandise processing fee collected on most imported goods from October 1, 2011, to June 30, 2014	Yes
		Requires employers to continue to provide health insurance coverage to certain individuals who are separated from employment	Yes
112-41	United States-Korea Free Trade Agreement Implementation Act	Extends customs user fees: Consolidated Omnibus Budget Reconciliation Act (COBRA) fees through December 8, 2020, and merchandise processing fees through August 2, 2021	Yes
		Increases the merchandise processing fee collected on most imported goods from December 1, 2015, to June 30, 2021	Yes
		Imposes new recordkeeping requirements	Yes
112-42	United States-Colombia Trade Promotion Agreement Implementation Act	Extends customs user fees: Consolidated Omnibus Budget Reconciliation Act (COBRA) fees through August 31, 2021 and merchandise processing fees through September 30, 2021	Yes
		Eliminates an exemption from customs user fees for travelers to the United States from Mexico, Canada, and certain Caribbean countries	Yes
		Imposes new recordkeeping requirements	Yes
112-74	Consolidated Appropriations Act, 2012	Extends the authority of the Secretary of State to collect a surcharge on passport applications until September 30, 2012	Yes
		Extends until October 4, 2012, existing standards for the security of chemical facilities that require vulnerability assessments and the development and implementation of site security plans	No
		Requires operators of nuclear power plants to conduct a risk assessment, confirm that plants meet license requirements, and update their reactor design, if necessary	No

Continued

Table 4.

Continued

Laws Enacted in 2011 That Contain Private-Sector Mandates

Public Law Number	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment?
Laws Containing Private-Sector Mandates with Aggregate Costs That Exceed the Statutory Threshold (Continued)			
112-74 (Continued)	Consolidated Appropriations Act, 2012	Requires private entities to comply with new reporting requirements concerning financial activities	No
		Requires companies that collect or retain personal information from individuals who participate in the Registered Traveler program to safeguard and dispose of such information in a specific manner	No
		Extends the restriction on sales of cluster munitions until September 30, 2012	No
Laws Containing Private-Sector Mandates with Aggregate Costs That Fall Below the Statutory Threshold			
112-4	Further Continuing Appropriations Amendments, 2011	Extends until March 18, 2011, existing standards for the security of chemical facilities that require vulnerability assessments and the development and implementation of site security plans	No
		Extends the authority of the Secretary of State to collect a surcharge on passport applications until March 18, 2011	No
		Extends some patent and trademark fees until March 18, 2011	No
		Extends the restriction on sales of cluster munitions until March 18, 2011	No
112-6	Additional Continuing Appropriations Amendments, 2011	Extends until April 8, 2011, existing standards for the security of chemical facilities that require vulnerability assessments and the development and implementation of site security plans	No
		Extends the authority of the Secretary of State to collect a surcharge on passport applications until April 8, 2011	No

Continued

Table 4. **Continued**
Laws Enacted in 2011 That Contain Private-Sector Mandates

Public Law Number	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment?
Laws Containing Private-Sector Mandates with Aggregate Costs That Fall Below the Statutory Threshold (Continued)			
112-6 (Continued)	Additional Continuing Appropriations Amendments, 2011	Extends some patent and trademark fees until April 8, 2011	No
		Extends the restriction on sales of cluster munitions until April 8, 2011	No
112-8	Further Additional Continuing Appropriations Amendments, 2011	Extends until April 15, 2011, existing standards for the security of chemical facilities that require vulnerability assessments and the development and implementation of site security plans	No
		Extends the authority of the Secretary of State to collect a surcharge on passport applications until April 15, 2011	No
		Extends some patent and trademark fees until April 15, 2011	No
		Extends the restriction on sales of cluster munitions until April 15, 2011	No
112-10	Department of Defense and Full-Year Continuing Appropriations Act, 2011	Extends until October 4, 2011, existing standards for the security of chemical facilities that require vulnerability assessments and the development and implementation of site security plans	No
		Extends the authority of the Secretary of State to collect a surcharge on passport applications until September 30, 2011	No
		Extends some patent and trademark fees until September 30, 2011	No
		Extends the restriction on sales of cluster munitions until September 30, 2011	No
112-33	Continuing Appropriations Act, 2012	Extends the authority of the Secretary of State to collect a surcharge on passport applications until October 4, 2011	Yes
		Renews the ban on imports from Burma	No
		Extends the restriction on sales of cluster munitions until October 4, 2011	No

Continued

Table 4. **Continued**
Laws Enacted in 2011 That Contain Private-Sector Mandates

Public Law Number	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment?
Laws Containing Private-Sector Mandates with Aggregate Costs That Fall Below the Statutory Threshold (Continued)			
112-36	Continuing Appropriations Act, 2012	Extends until November 18, 2011, existing standards for the security of chemical facilities that require vulnerability assessments and the development and implementation of site security plans	No
		Extends the authority of the Secretary of State to collect a surcharge on passport applications until November 18, 2011	Yes
		Extends the restriction on sales of cluster munitions until November 18, 2011	No
112-43	United States-Panama Trade Promotion Agreement Implementation Act	Extends customs user fees: Consolidated Omnibus Budget Reconciliation Act (COBRA) fees through September 30, 2021	Yes
		Imposes new recordkeeping requirements	Yes
112-55	Consolidated and Further Continuing Appropriations Act, 2012	Extends until December 16, 2011, existing standards for the security of chemical facilities that require vulnerability assessments and the development and implementation of site security plans	No
		Extends the authority of the Secretary of State to collect a surcharge on passport applications until December 16, 2011	Yes
		Extends the restriction on sales of cluster munitions until December 16, 2011	No
112-67	Joint resolution making further continuing appropriations for fiscal year 2012, and for other purposes	Extends until December 17, 2011, existing standards for the security of chemical facilities that require vulnerability assessments and the development and implementation of site security plans	No
		Extends the authority of the Secretary of State to collect a surcharge on passport applications until December 17, 2011	Yes
		Extends the restriction on sales of cluster munitions until December 17, 2011	No

Continued

Table 4.

Continued

Laws Enacted in 2011 That Contain Private-Sector Mandates

Public Law Number	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment?
Laws Containing Private-Sector Mandates with Aggregate Costs That Fall Below the Statutory Threshold (Continued)			
112-68	Joint resolution making further continuing appropriations for fiscal year 2012, and for other purposes	Extends until December 23, 2011, existing standards for the security of chemical facilities that require vulnerability assessments and the development and implementation of site security plans	No
		Extends the authority of the Secretary of State to collect a surcharge on passport applications until December 23, 2011	Yes
		Extends the restriction on sales of cluster munitions until December 23, 2011	No

Source: Congressional Budget Office.

Note: Under the Unfunded Mandates Reform Act, the staff of the Joint Committee on Taxation (JCT) examines tax provisions of legislation to identify federal mandates and estimates their costs. Such information is incorporated into CBO's mandate statements and in this table.

Table 5.

Intergovernmental Mandates Reviewed by CBO in 2011 with Costs That Would Exceed the Statutory Threshold or That Could Not Be Determined

In its review of legislation in 2011, the Congressional Budget Office identified 2 intergovernmental mandates whose costs would exceed the statutory threshold established in the Unfunded Mandates Reform Act (\$71 million in 2011) and 2 whose costs could not be determined. Those mandates are listed below, with related bill numbers given in parentheses. None of those mandates were enacted in 2011.

Topic	Description of Mandate	Was a Version Enacted into Law in 2011?
Proposed Intergovernmental Mandates with Costs That Would Exceed the Statutory Threshold		
Business Activity Taxes	Prohibits states from imposing some business taxes (H.R. 1439)	No
Postal Payments	Requires the state of Alaska to make a payment to the U. S. Postal Service (H.R. 2309)	No
Proposed Intergovernmental Mandates with Costs That Could Not Be Determined		
Investment Restrictions	Prohibits some public and private entities from investing in or aiding companies engaged in activities overseas that would violate the Controlled Substances Act if carried out in the United States (H.R. 313)	No
Motorcoach Safety Requirements	Establishes standards for motorcoach safety (S. 453)	No

Source: Congressional Budget Office.

Note: The mandates in this table were identified by the Congressional Budget Office when a bill was reported by an authorizing committee or when CBO was asked to formally review a bill.

Table 6.

Private-Sector Mandates Reviewed by CBO in 2011 with Costs That Would Exceed the Statutory Threshold or That Could Not Be Determined

In its review of legislation in 2011, the Congressional Budget Office (CBO) identified 16 private-sector mandates whose costs would exceed the statutory threshold established in the Unfunded Mandates Reform Act (\$142 million in 2011). Five of those mandates were enacted. Two of those mandates—an extension of customs user fees and an increase of the fee for processing merchandise—were enacted in two different laws covering different time periods. CBO identified another 26 private-sector mandates whose costs could not be determined. Of those 26 mandates, only 1 was enacted.

Mandates with costs that would exceed the threshold or that could not be determined are listed below; related bill numbers are given in parentheses. In some cases, private-sector mandates are identified in more than one bill or piece of legislation, as detailed in Table 8 on page 27.

Topic	Description of Mandate	Was a Version Enacted Into Law in 2011?
Proposed Private-Sector Mandates with Costs That Would Exceed the Statutory Threshold		
Customs Fees	Increases the merchandise processing fee collected on most imported goods (H.R. 2832; H.R. 3080; S. 1642)	Yes (Public Law 112-40; P.L. 112-41) ^a
	Extends customs user fees: Consolidated Omnibus Budget Reconciliation Act (COBRA) fees and merchandise processing fees (H.R. 3078; H.R. 3080; S. 1641; S. 1642)	Yes (P.L. 112-41; P.L. 112-42) ^a
Data Security	Requires certain business entities that handle personally identifiable information for 10,000 or more individuals to establish and maintain a data privacy and security program (S. 1151; S. 1535)	No
Liability Limits	Limits compensatory damages related to medical malpractice (H.R. 5, House Energy and Commerce; H.R. 5, House Judiciary)	No
Oil and Natural Gas Regulation	Requires operators of offshore oil and gas facilities to locate a standby vessel within 3 nautical miles when certain activities are being performed and within 12 nautical miles of facilities at all other times (H.R. 2838)	No
Passport Fees	Extends the surcharge on the filing fee for passport applications through September 30, 2015 (H.R. 2583)	Yes (P.L. 112-33, P.L. 112-36, P.L. 112-55, P.L. 112-67, P.L. 112-68, P.L. 112-74) ^{a,b}
Patent Fees	Makes permanent the requirement to pay patent and trademark fees (H.R. 1249; S. 23)	Yes (P.L. 112-29) ^a
Patent Infringement Claims	Limits agreements used to settle a claim of patent infringement between brand-name and generic drug manufacturers (S. 27)	No

Continued

Table 6. **Continued**
Private-Sector Mandates Reviewed by CBO in 2011 with Costs That Would Exceed the Statutory Threshold or That Could Not Be Determined

Topic	Description of Mandate	Was a Version Enacted Into Law in 2011?
Proposed Private-Sector Mandates with Costs That Would Exceed the Statutory Threshold (Continued)		
Pipeline Safety Requirements	Requires operators of transmission pipelines for natural gas in areas at risk of significant damage from spills to confirm safe operating pressures for pipelines (H.R. 2937; S. 275)	No
Regulation of Aircraft	Requires owners of aircraft operating in congested airspace or at congested airports to install new communications equipment (H.R. 658)	No
	Prohibits the operation of certain aircraft that are not in compliance with low-noise standards (H.R. 658)	No
Regulation of Communication Services	Requires providers of electronic communication services to retain for one year a detailed log of all electronic addresses assigned to each of their customers (H.R. 1981)	No
	Requires broadcasters to move channels within the broadcasting spectrum and requires cable companies to carry channels (S. 911; S. 1549)	No
Regulation of Synthetic Stimulants	Prohibits the sale, distribution, or use of selected synthetic stimulants (S. 409; S. 839)	No
Repayment of Premium Assistance Tax Credits	Changes limits on the amounts taxpayers would be required to repay, in the event of an overpayment, for advance premium assistance tax credits associated with health insurance exchanges (H.R. 705)	Yes (P.L. 112-9) ^a
Restrictions on Chemical Sales	Prohibits the sale, distribution, or use of selected chemicals without a permit issued by the Drug Enforcement Administration (H.R. 1254, House Energy and Commerce; H.R. 1254, House Judiciary; S. 605)	No
Proposed Private-Sector Mandates With Costs That Could Not Be Determined		
Agreements for Discount Pricing	Prohibits agreements between manufacturers and wholesalers, distributors, or retailers to set minimum prices for a product or service (S. 75)	No
Cybersecurity	Requires facilities that transmit electric power to comply with standards to protect the electric power system from cyber threats (Grid Cyber Security Act)	No
Energy Conservation Standards	Establishes new energy-efficiency standards for appliances and other products (S. 398)	No
Investment Restrictions	Prohibits some private entities from investing in or aiding companies engaged in activities overseas that would violate the Controlled Substances Act if carried out in the United States (H.R. 313)	No
Liability Limits	Eliminates an existing right to seek compensation by expanding protections against civil liability claims for individuals who report suspicious terrorist-related activities to an authorized official (H.R. 963)	No

Continued

Table 6.

Continued

Private-Sector Mandates Reviewed by CBO in 2011 with Costs That Would Exceed the Statutory Threshold or That Could Not Be Determined

Topic	Description of Mandate	Was a Version Enacted Into Law in 2011?
	Proposed Private-Sector Mandates With Costs That Could Not Be Determined (Continued)	
Liability Limits (Continued)	Limits an existing right of action by extending civil and criminal liability protection to entities and cybersecurity providers that share or use cyber threat information (H.R. 3523)	No
	Retroactively removes various limits on the liability that owners and operators of vessels face as a result of the Deepwater Horizon explosion (S. 183)	No
	Eliminates an existing right of action against entities that voluntarily cease interactions with Internet sites suspected of infringing on copyrights (S. 968)	No
	Limits civil actions against providers of electronic communication services that furnish information to the federal government (S. 1458)	No
Motorcoach Safety Requirements	Establishes standards for motorcoach safety (S. 453)	No
Patent Restrictions	Prohibits certain tax strategies from being patented (H.R. 1249; S. 23)	Yes (P.L. 112-29) ^a
Pipeline Safety Requirements	Extends to additional pipelines existing planning, testing, and safety requirements (H.R. 2845; H.R. 2937; S. 275)	No
	Requires operators of transmission pipelines to install shutoff valves (H.R. 2845; H.R. 2937; S. 275)	No
	Requires operators of hazardous liquid pipelines to use leak detection technologies where feasible (H.R. 2845; H.R. 2937; S. 275)	No
	Requires operators of pipelines that transport oil to report data on oil flow lines (H.R. 2845; H.R. 2937; S. 275)	No
	Requires operators of pipelines used to gather hazardous liquids to follow additional safety requirements (H.R. 2937; S. 275)	No
Railroad Antitrust Regulation	Subjects railroads to some antitrust laws (S. 49)	No
Regulation of Aircraft	Prohibits U.S. air carriers from participating in the European Union Emissions Trading Scheme if it is unilaterally imposed (H.R. 2594)	No
Regulation of Ballast Water	Requires vessel owners and operators to comply with standards for the discharge of ballast water by installing certified treatment systems or implementing best management practices (H.R. 2840)	No
Regulation of Communication Services	Requires providers of cellular phone services to allow public safety officials to roam onto their networks and gain priority access in an emergency (S. 911; S. 1549)	No

Continued

Table 6.

Continued

Private-Sector Mandates Reviewed by CBO in 2011 with Costs That Would Exceed the Statutory Threshold or That Could Not Be Determined

Topic	Description of Mandate	Was a Version Enacted Into Law in 2011?
Proposed Private-Sector Mandates With Costs That Could Not Be Determined (Continued)		
Regulation of Communication Services (Continued)	Requires companies that engage in certain activities with Internet sites that infringe on the copyrights of others to block access to or terminate business with those sites (S. 968)	No
	Extends the authority of federal law enforcement to compel providers of communication services to release information about consumers and users (S. 1458)	No
Regulation of International Trade and Assistance	Prohibits suppliers in the United States from exporting some items and services that are sent as nonhumanitarian assistance to any country that withdraws from the Treaty on the Non-Proliferation of Nuclear Weapons (H.R. 1280; H.R. 2583)	No
	Imposes new prohibitions on financial transactions and other activities that could help Iran produce or transport refined oil products; increases the number of entities responsible for complying with new and existing sanctions (H.R. 1905)	No
	Prohibits certain financial transactions and nonhumanitarian assistance related to sanctions against Iran, North Korea, or Syria (H.R. 2105)	No
Regulation of Vessels from Foreign Ports	Requires owners and operators of vessels (including aircraft) that land in U.S. ports to comply with new certification and inspection measures (H.R. 2105)	No

Source: Congressional Budget Office.

Notes: The mandates in this table were identified by the Congressional Budget Office and the staff of the Joint Committee on Taxation when a bill was reported by an authorizing committee or when CBO was asked to formally review a bill. In some cases, CBO issued more than one formal mandate statement for a topic.

The staff of the Joint Committee on Taxation examines the tax provisions of legislation to identify federal mandates and estimate their costs. Such information is incorporated into CBO's mandate statements.

- a. The full names of the public laws referred to in this table, ordered by law number, are as follows:
 - Public Law 112-9, Comprehensive 1099 Taxpayer Protection and Repayment of Exchange Subsidy Overpayments Act of 2011
 - Public Law 112-29, Leahy-Smith America Invents Act
 - Public Law 112-33, Continuing Appropriations Act, 2012
 - Public Law 112-36, Continuing Appropriations Act, 2012
 - Public Law 112-40, An act to extend the Generalized System of Preferences, and for other purposes
 - Public Law 112-41, United States-Korea Free Trade Agreement Implementation Act
 - Public Law 112-42, United States-Colombia Trade Promotion Agreement Implementation Act
 - Public Law 112-55, Consolidated and Further Continuing Appropriations Act, 2012
 - Public Law 112-67, Joint resolution making further continuing appropriations for fiscal year 2012, and for other purposes
 - Public Law 112-68, Joint resolution making further continuing appropriations for fiscal year 2012, and for other purposes
 - Public Law 112-74, Consolidated Appropriations Act, 2012
- b. Several shorter extensions of the surcharge on the filing fee for passport applications were enacted in appropriation acts.
- c. Both H.R. 2937 and S. 275 contain mandates that would require operators of transmission pipelines for natural gas in areas at risk of significant damage from spills to confirm safe operating pressures for pipelines. The mandate in H.R. 2937 would apply only to transmission pipelines constructed before July 1, 1970; the mandate in S. 275 would apply to all transmission lines.

Table 7.**Bills Reviewed by CBO in 2011 That Contained Intergovernmental Mandates**

Of the 434 bills or legislative proposals that the Congressional Budget Office (CBO) reviewed for mandates as defined in the Unfunded Mandates Reform Act (UMRA), 56 contained intergovernmental mandates. Of those 56 bills, 2 contained mandates with costs that, in CBO's estimation, would exceed the statutory threshold established in UMRA (\$71 million in 2011). For 2 of those 56 bills, CBO could not determine whether the aggregate cost of the mandates would exceed or fall below the statutory threshold. Some bills were considered by more than one committee; in those cases, the table lists the various versions of that bill.

Bills containing intergovernmental mandates whose aggregate costs were estimated to exceed the statutory threshold are listed first in the table. Mandates whose costs would exceed the statutory threshold are in **bold type**, mandates with uncertain costs are in *italic type*, and mandates with costs below the threshold are in regular type.

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills Containing Intergovernmental Mandates with Aggregate Costs That Exceed the Statutory Threshold^a		
H.R. 1439	Business Activity Tax Simplification Act of 2011	Prohibits states from imposing some business taxes
H.R. 2309	Postal Reform Act of 2011	Requires the State of Alaska to make a payment to the U.S. Postal Service Increases postage rates for some state and local
Bills Containing Intergovernmental Mandates with Aggregate Costs That Could Not Be Determined		
H.R. 313	Drug Trafficking Safe Harbor Elimination Act	<i>Prohibits some public and private entities from investing in or aiding companies engaged in activities overseas that would violate the Controlled Substances Act if carried out in the United States</i>
S. 453	Motorcoach Enhanced Safety Act of 2011	<i>Establishes standards for motorcoach safety</i> Establishes new requirements for entities that train entry-level drivers of motorcoaches Requires states to conduct annual inspections of commercial motor vehicles used to transport passengers Prohibits state agencies that issue commercial driver's licenses from issuing a passenger endorsement to a driver unless the agency verifies that the driver has completed a training course Preempts state and local laws and regulations relating to training requirements for motorcoach drivers
Bills Containing Intergovernmental Mandates with Aggregate Costs That Fall Below the Statutory Threshold		
H.R. 5 (House Judiciary)	Help Efficient, Accessible, Low-Cost, Timely Healthcare (HEALTH) Act of 2011	Preempts state laws governing medical liability if those laws prevent the application of the bill
H.R. 5 (House Energy and Commerce)	Help Efficient, Accessible, Low-Cost, Timely Healthcare (HEALTH) Act of 2011	Preempts state laws governing medical liability if those laws prevent the application of the bill

Continued

Table 7.

Continued

Bills Reviewed by CBO in 2011 That Contained Intergovernmental Mandates

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills Containing Intergovernmental Mandates with Aggregate Costs That Fall Below the Statutory Threshold (Continued)		
H.R. 658	FAA Reauthorization and Reform Act of 2011	Requires owners of public aircraft operating in congested airspace or at congested airports to install new communications equipment Requires large and medium-sized airports and airports that accept diversion flights from those airports to submit and update contingency plans for emergency circumstances Requires large airports to publish a telephone number on the Internet where the public can make noise complaints and report such complaints to the Federal Aviation Administration (FAA) Requires operators of air ambulance services to submit annual reports Requires state governments to allow the FAA access to criminal history records
H.R. 822	National Right-to-Carry Reciprocity Act of 2011	Preempts state laws that limit the ability of nonresidents to carry concealed weapons
H.R. 901	Chemical Facility Anti-Terrorism Standards Act of 2011	Extends existing standards for the security of chemical facilities that require vulnerability assessments and the development and implementation of site security plans
H.R. 908	Full Implementation of the Chemical Facility Anti-Terrorism Standards Act	Extends existing standards for the security of chemical facilities that require vulnerability assessments and the development and implementation of site security plans
H.R. 910	Energy Tax Prevention Act of 2011	Expands an existing preemption of state laws that regulate greenhouse gas emissions from motor vehicles
H.R. 963	See Something, Say Something Act of 2011	Preempts state and local liability laws
H.R. 1002	Wireless Tax Fairness Act of 2011	Preempts authority of state and local governments to impose new taxes on wireless services
H.R. 1070	Small Company Capital Formation Act of 2011	Prohibits states from requiring some companies to register their securities with the state and to pay fees
H.R. 1249	America Invents Act	Makes permanent the requirement to pay patent and trademark fees Prohibits state courts from hearing some patent cases Prohibits public entities from using the prior-use defense in patent infringement claims for business processes brought by a university or technology-transfer organization

Continued

Table 7.

Continued

Bills Reviewed by CBO in 2011 That Contained Intergovernmental Mandates

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills Containing Intergovernmental Mandates with Aggregate Costs That Fall Below the Statutory Threshold (Continued)		
H.R. 1263	A bill to amend the Servicemembers Civil Relief Act to provide surviving spouses with certain protections relating to mortgages and mortgage foreclosures	Requires public and private lending institutions to comply with new protections for servicemembers, as authorized under the Servicemembers Civil Relief Act
H.R. 1280	A bill to amend the Atomic Energy Act of 1954 to require Congressional approval of agreements for peaceful nuclear cooperation with foreign countries, and for other purposes	Prohibits some entities in the United States from exporting some items and services that are sent as nonhumanitarian assistance to any country that withdraws from the Treaty on the Non-Proliferation of Nuclear Weapons Prohibits suppliers in the United States from exporting nuclear materials and technologies to a country designated by the Central Intelligence Agency as posing a proliferation concern
H.R. 1309	Flood Insurance Reform Act of 2011	Requires lenders to accept private flood insurance Requires lenders to cancel policies purchased for the mortgage holder and to refund premiums Requires lenders to provide more information in good-faith estimates
H.R. 1539	Asset-Backed Market Stabilization Act of 2011	Eliminates a right of action that allows investors to sue rating agencies if the information in an offering statement is untrue
H.R. 1540	National Defense Authorization Act for Fiscal Year 2012	Preempts state laws governing child custody if they are inconsistent with federal law or if they provide less protection to the rights of a parent who is a servicemember
H.R. 1751	CJ's Home Protection Act of 2011	Preempts state and local laws governing the safety of manufactured homes if those standards are not identical to federal standards
H.R. 1905	Iran Threat Reduction Act of 2011	Imposes new prohibitions on financial transactions and other activities that could help Iran produce or transport refined oil products; increases the number of entities responsible for complying with new and existing sanctions
H.R. 2105	Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011	Prohibits certain financial transactions and nonhumanitarian assistance related to sanctions against Iran, North Korea, and Syria Requires owners and operators of vessels that land in U.S. ports to comply with new certification and inspection measures
H.R. 2273	Coal Residuals Reuse and Management Act	Requires states to notify the Environmental Protection Agency (EPA) whether they will adopt and implement a permit program regulating coal ash

Continued

Table 7.

Continued

Bills Reviewed by CBO in 2011 That Contained Intergovernmental Mandates

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills Containing Intergovernmental Mandates with Aggregate Costs That Fall Below the Statutory Threshold (Continued)		
H.R. 2417	Better Use of Light Bulbs Act	Preempts state and local regulations governing the energy efficiency of light bulbs
H.R. 2583	Foreign Relations Authorization Act, Fiscal Year 2012	Prohibits some entities in the United States from exporting some items and services that are sent as nonhumanitarian assistance to any country that withdraws from the Treaty on the Non-Proliferation of Nuclear Weapons Limits an existing right of action against members of the Broadcasting Board of Governors Preempts state liability laws Preempts the ability of states to participate in, comply with, implement, or furnish information governing restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries
H.R. 2779	A bill to exempt inter-affiliate swaps from certain regulatory requirements put in place by the Dodd-Frank Wall Street Reform and Consumer Protection Act	Prohibits state regulators from requiring insurance companies to report their holdings of inter-affiliate swaps on their annual statements
H.R. 2830	Trafficking Victims Protection Reauthorization Act of 2011	Increases the stringency of grant conditions associated with the Foster Care and Adoption Assistance programs
H.R. 2840	Commercial Vessel Discharges Reform Act of 2011	Requires vessel owners and operators to comply with standards for the discharge of ballast water by installing certified treatment systems or implementing best management practices Requires commercial fishing vessels and nonrecreational vessels under 79 feet to employ best management practices for incidental discharges of ballast water Requires vessel owners and operators to maintain a record book in which each vessel operation involving a discharge of ballast water is recorded Requires vessel owners and operators to retain copies of certificates of their ballast water treatment systems on board their vessels and to make the certificates available for inspection Requires vessel owners and operators to establish a plan for managing ballast water Preempts state and local laws related to vessel discharges

Continued

Table 7.

Continued

Bills Reviewed by CBO in 2011 That Contained Intergovernmental Mandates

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills Containing Intergovernmental Mandates with Aggregate Costs That Fall Below the Statutory Threshold (Continued)		
H.R. 2845	Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011	<p>Extends to additional pipelines existing planning, testing, and safety requirements</p> <p>Requires operators of transmission pipelines to install shutoff valves</p> <p>Requires pipeline operators to notify emergency responders of incidents or accidents within specified time limits and to report information to the Pipeline and Hazardous Materials Safety Administration</p>
H.R. 2883	Child and Family Services Improvement and Innovation Act	Requires states to comply with new standards for administering the Foster Care and Adoption Assistance programs
H.R. 2930	Entrepreneur Access to Capital Act	Prohibits states from requiring some companies to register their securities with the state and pay fees
H.R. 2937	Pipeline Infrastructure and Community Protection Act of 2011	<p>Requires operators of transmission pipelines for natural gas that were constructed before July 1, 1970, and in areas at risk of significant damage from spills to confirm safe operating pressures for pipelines</p> <p>Extends to additional pipelines existing planning, testing, and safety requirements</p> <p>Requires operators of transmission pipelines to install shutoff valves</p> <p>Increases existing user fees submitted to the Pipeline and Hazardous Materials Safety Administration</p> <p>Requires operators of distribution pipelines for natural gas to install valves designed to prevent natural gas leaks</p> <p>Requires pipeline operators to notify emergency responders of incidents or accidents within specified time limits and to report information to the Pipeline and Hazardous Materials Safety Administration</p>
H.R. 3523	Cyber Intelligence Sharing Act	<p>Limits an existing right of action by extending civil and criminal liability protection to entities and cybersecurity providers that share or use cyber threat information</p> <p>Preempts state liability laws</p> <p>Preempts state laws that are more restrictive than federal law concerning the sharing of information about cyber threats</p>

Continued

Table 7. **Continued**
Bills Reviewed by CBO in 2011 That Contained Intergovernmental Mandates

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills Containing Intergovernmental Mandates with Aggregate Costs That Fall Below the Statutory Threshold (Continued)		
S. 23	Patent Reform Act of 2011	Makes permanent the requirement to pay patent and trademark fees Prohibits state courts from hearing some patent cases
S. 46	Coral Reef Conservation Amendments Act of 2011	Requires public entities to obtain permits for activities that could affect coral reefs
S. 275	Pipeline Transportation Safety Improvement Act of 2011	Requires operators of transmission pipelines for natural gas in areas at risk of significant damage from spills to confirm safe operating pressures for pipelines Extends to additional pipelines existing planning, testing, and safety requirements Requires operators of transmission pipelines to install shutoff valves Requires operators of distribution pipelines for natural gas to install valves designed to prevent natural gas leaks Requires pipeline operators to notify state and local governments and emergency responders of incidents or accidents within specified time limits and to report information to the Pipeline and Hazardous Materials Safety Administration
S. 398	Implementation of National Consensus Appliance Agreements Act of 2011	Preempts state and local laws governing energy-efficiency standards
S. 473	Continuing Chemical Facilities Antiterrorism Security Act of 2011	Extends existing standards for the security of chemical facilities that require vulnerability assessments and the development and implementation of site security plans
S. 676	A bill to amend the act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes	Limits the ability of public and private entities or individuals to file in court some types of claims related to lands taken into trust for Indian tribes Expands the authority of the Department of the Interior to take land into trust for some tribes, thereby exempting that land from state and local taxation
S. 703	Helping Expedite and Advance Responsible Tribal Homeownership Act of 2011	Limits the ability of public and private entities or individuals to file in court some types of claims related to lands taken into trust for Indian tribes Expands the authority of the Department of the Interior to take land into trust for some tribes, thereby exempting that land from state and local taxation

Continued

Table 7.

Continued

Bills Reviewed by CBO in 2011 That Contained Intergovernmental Mandates

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills Containing Intergovernmental Mandates with Aggregate Costs That Fall Below the Statutory Threshold (Continued)		
S. 710	Hazardous Waste Electronic Manifest Establishment Act	Requires some waste management facilities that receive hazardous waste to submit copies of shipment manifests to the EPA Requires waste management facilities that use a paper system to submit a copy of the shipment manifest to the EPA's electronic system
S. 911	Public Safety Spectrum and Wireless Innovation Act	Requires broadcasters to move channels within the broadcasting spectrum and requires cable companies to carry channels Preempts state and local laws governing wireless towers
S. 1000	Energy Savings and Industrial Competitiveness Act of 2011	Requires states and Indian tribes to submit certifications concerning building codes to the Secretary of Energy
S. 1014	Emergency Judicial Relief Act of 2011	Increases fees for cases filed in U.S. district courts
S. 1151	Personal Data Privacy and Security Act of 2011	Preempts state laws governing security breaches of data Imposes notification requirements on state attorneys general
S. 1253	National Defense Authorization Act for Fiscal Year 2012	Preempts state licensing laws governing health care professionals
S. 1342	Grid Cyber Security Act	Requires facilities that transmit electric power to comply with standards to protect the electric power system from cyber threats Requires users of the bulk power system to pay additional fees to the Electric Reliability Organization
S. 1343	Energy and Water Integration Act of 2011	Requires public entities to submit to the Energy Information Administration information about the amount of energy used to procure, treat, and deliver water
S. 1408	Data Breach Notification Act of 2011	Preempts state laws governing security breaches of data Imposes notification requirements on state attorneys general
S. 1458	Intelligence Authorization Act for Fiscal Year 2012	Extends the authority of federal law enforcement to compel providers of communication services to release information about consumers and users Limits civil actions against providers of electronic communication services that furnish information to the federal government Preempts state and local liability laws

Continued

Table 7.

Continued

Bills Reviewed by CBO in 2011 That Contained Intergovernmental Mandates

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills Containing Intergovernmental Mandates with Aggregate Costs That Fall Below the Statutory Threshold (Continued)		
S. 1535	Personal Data protection and Breach Accountability Act of 2011	Preempts state laws governing security breaches of data Imposes notification requirements on state attorneys general
S. 1542	Child and Family Services Improvement and Innovation Act	Requires states to comply with new standards for administering the Foster Care Program and the Adoption Assistance Program
S. 1549	American Jobs Act of 2011	Prohibits public and private employers from excluding unemployed persons from consideration for jobs Requires broadcasters to move channels within the broadcasting spectrum and requires cable companies to carry channels
S. 1867	National Defense Authorization Act for Fiscal Year 2012	Preempts state licensing laws governing health care professionals
S. 1940	Flood Insurance Reform and Modernization Act of 2011	Directs state regulatory agencies to require and state lenders to provide information about flood risks to more mortgage borrowers

Source: Congressional Budget Office.

- a. In certain cases, proposed legislation reviewed by CBO contained multiple mandates, some of which did not have costs that exceed the statutory threshold.

Table 8.

Bills Reviewed by CBO in 2011 That Contained Private-Sector Mandates

Of the 434 bills or legislative proposals that the Congressional Budget Office (CBO) reviewed for mandates as defined in the Unfunded Mandates Reform Act (UMRA), 67 contained private-sector mandates. Of those 67 bills, 26 contained mandates with costs that, in CBO's estimation, would exceed the statutory threshold established in UMRA—\$142 million in 2011. For 17 of those 67 bills, CBO could not determine whether the aggregate cost of the mandates would exceed or fall below the statutory threshold. Some bills were considered by more than one committee; in those cases, the table lists the various versions of those bills.

Bills containing private-sector mandates whose aggregate costs are estimated to exceed the statutory threshold are listed first in the table. Mandates whose costs would exceed the statutory threshold are in **bold type**, mandates with uncertain costs are in *italic type*, and mandates with costs below the threshold are in regular type.

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates with Aggregate Costs That Exceed the Statutory Threshold^a		
H.R. 5 (House Energy and Commerce)	Help Efficient, Accessible, Low-Cost, Timely Healthcare (HEALTH) Act of 2011	Limits compensatory damages related to medical malpractice Establishes a three-year statute of limitations for medical malpractice claims Establishes a fair-share rule for liability Limits attorney fees
H.R. 5 (House Judiciary)	Help Efficient, Accessible, Low-Cost, Timely Healthcare (HEALTH) Act of 2011	Limits compensatory damages related to medical malpractice Establishes a three-year statute of limitations for medical malpractice claims Establishes a fair-share rule for liability Limits attorney fees
H.R. 658	FAA Reauthorization and Reform Act of 2011	Requires owners of aircraft operating in congested airspace or at congested airports to install new communications equipment Prohibits the operation of certain aircraft that are not in compliance with low-noise standards Requires air carriers to submit and update contingency plans for emergency circumstances Requires operators of air ambulance services to submit annual reports Requires aircraft owners and pilots to pay higher registration and certification fees to the Federal Aviation Administration

Continued

Table 8.

Continued

Bills Reviewed by CBO in 2011 That Contained Private-Sector Mandates

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates with Aggregate Costs That Exceed the Statutory Threshold^a (Continued)		
H.R. 658 (Continued)	FAA Reauthorization and Reform Act of 2011	Establishes new requirements for air and rail employee unions Imposes several new requirements on air carriers related to airline employees and passenger service
H.R. 705	Comprehensive 1099 Taxpayer Protection and Repayment of Exchange Subsidy Overpayments Act of 2011	Changes limits on the amounts taxpayers would be required to repay, in the event of an overpayment, for advance premium assistance tax credits associated with health insurance exchanges
H.R. 1249	America Invents Act	Makes permanent the requirement to pay patent and trademark fees <i>Prohibits certain tax strategies from being patented</i> Prohibits private entities from using the prior-use defense in patent infringement claims for business processes brought by a university or technology-transfer organization
H.R. 1254 (House Energy and Commerce)	Synthetic Drug Control Act of 2011	Prohibits the sale, distribution, or use of selected chemicals without a permit issued by the Drug Enforcement Administration (DEA) Prohibits the unregistered possession of banned chemicals; requires individuals and facilities wishing to use or handle banned chemicals to register with the DEA
H.R. 1254 (House Judiciary)	Synthetic Drug Control Act of 2011	Prohibits the sale, distribution, or use of selected chemicals without a permit issued by the DEA Prohibits the unregistered possession of banned chemicals; requires individuals and facilities wishing to use or handle banned chemicals to register with the DEA
H.R. 1981	Protecting Children from Internet Pornographers Act	Requires providers of electronic communication services to retain for one year a detailed log of all electronic addresses assigned to each of their customers Eliminates an existing right to file claims against providers of electronic communication services for retaining records of assigned electronic addresses
H.R. 2583	Foreign Relations Authorization Act, Fiscal Year 2012	Extends the surcharge on the filing fee for passport applications through September 30, 2015

Continued

Table 8.

Continued

Bills Reviewed by CBO in 2011 That Contained Private-Sector Mandates

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates with Aggregate Costs That Exceed the Statutory Threshold^a (Continued)		
H.R. 2583 (Continued)	Foreign Relations Authorization Act, Fiscal Year 2012	<i>Prohibits suppliers in the United States from exporting some items and services that are sent as nonhumanitarian assistance to any country that withdraws from the Treaty on the Non-Proliferation of Nuclear Weapons</i> Limits an existing right of action against members of the Broadcasting Board of Governors
H.R. 2832	An act to extend the Generalized System of Preferences, and for other purposes	Increases the merchandise processing fee collected on most imported goods Requires employers to continue to provide health insurance coverage to certain individuals who are separated from employment
H.R. 2838	Coast Guard and Maritime Transportation Act of 2011	Requires operators of offshore oil and gas facilities to locate a standby vessel within 3 nautical miles when certain activities are being performed and within 12 nautical miles of facilities at all other times
H.R. 2937	Pipeline Infrastructure and Community Protection Act of 2011	Requires operators of transmission pipelines for natural gas that were constructed before July 1, 1970, and in areas at risk of significant damage from spills to confirm safe operating pressures for pipelines <i>Extends to additional pipelines existing planning, testing, and safety requirements</i> <i>Requires operators of transmission pipelines to install shutoff valves</i> <i>Requires operators of hazardous liquid pipelines to use leak detection technologies where feasible</i> <i>Requires operators of pipelines that transport oil to report data on oil flow lines</i> <i>Requires operators of pipelines used to gather hazardous liquids to follow additional safety requirements</i> Increases existing user fees submitted to the Pipeline and Hazardous Materials Safety Administration Imposes new fees on some construction projects Requires operators of distribution pipelines for natural gas to install valves designed to prevent natural gas leaks

Continued

Table 8.

Continued

Bills Reviewed by CBO in 2011 That Contained Private-Sector Mandates

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates with Aggregate Costs That Exceed the Statutory Threshold^a (Continued)		
H.R. 2937 (Continued)	Pipeline Infrastructure and Community Protection Act of 2011	<p>Requires pipeline operators to notify emergency responders of incidents or accidents within specified time limits and to report information to the Pipeline and Hazardous Materials Safety Administration</p> <p>Requires operators of pipelines transporting biofuel and carbon dioxide to comply with new safety standards; requires waivers provided to any pipeline operators to be reviewed regularly</p>
H.R. 3078	United States-Colombia Trade Promotion Agreement Implementation Act	<p>Extends customs user fees: Consolidated Omnibus Budget Reconciliation Act (COBRA) fees and merchandise processing fees</p> <p>Eliminates an exemption from customs user fees for travelers to the United States from Mexico, Canada, and certain Caribbean countries</p> <p>Imposes new recordkeeping requirements</p>
H.R. 3080	United States-Korea Free Trade Agreement Implementation Act	<p>Extends customs user fees: Consolidated Omnibus Budget Reconciliation Act (COBRA) fees and merchandise processing fees</p> <p>Increases the merchandise processing fee collected on most imported goods</p> <p>Imposes new recordkeeping requirements</p>
S. 23	Patent Reform Act of 2011	<p>Makes permanent the requirement to pay patent and trademark fees</p> <p><i>Prohibits certain tax strategies from being patented</i></p>
S. 27	Preserve Access to Affordable Generics Act	<p>Limits agreements used to settle a claim of patent infringement between brand-name and generic drug manufacturers</p>
S. 275	Pipeline Transportation Safety Improvement Act of 2011	<p>Requires operators of transmission pipelines for natural gas in areas at risk of significant damage from spills to confirm safe operating pressures for pipelines</p> <p><i>Extends to additional pipelines existing planning, testing, and safety requirements</i></p> <p><i>Requires operators of transmission pipelines to install shutoff valves</i></p>

Continued

Table 8.

Continued

Bills Reviewed by CBO in 2011 That Contained Private-Sector Mandates

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates with Aggregate Costs That Exceed the Statutory Threshold^a (Continued)		
S. 275 (Continued)	Pipeline Transportation Safety Improvement Act of 2011	<p><i>Requires operators of hazardous liquid pipelines to use leak detection technologies where feasible</i></p> <p><i>Requires operators of pipelines that transport oil to report data on oil flow lines</i></p> <p><i>Requires operators of pipelines used to gather hazardous liquids to follow additional safety requirements</i></p> <p>Imposes new fees on construction projects that are large or use new technology</p> <p>Require operators of distribution pipelines for natural gas to install valves designed to prevent natural gas leaks</p> <p>Requires pipeline operators to notify state and local governments and emergency responders of incidents or accidents within specified time limits and to report information to the Pipeline and Hazardous Materials Safety Administration</p> <p>Requires operators of pipelines transporting biofuel and carbon dioxide to comply with new safety standards; requires waivers provided to any pipeline operators to be reviewed regularly</p>
S. 409	Combating Dangerous Synthetic Stimulants Act of 2011	<p>Prohibits the sale, distribution, or use of selected synthetic stimulants</p> <p>Prohibits the unregistered possession of selected synthetic stimulants; requires individuals and facilities wishing to use or handle such chemicals to register with the DEA</p>
S. 605	Dangerous Synthetic Drug Control Act of 2011	<p>Prohibits the sale, distribution, or use of selected chemicals without a permit issued by the DEA</p> <p>Prohibits the unregistered possession of the banned chemicals; requires individuals and facilities wishing to use or handle banned chemicals to register with the DEA</p>
S. 839	Combating Designer Drugs Act of 2011	<p>Prohibits the sale, distribution, or use of selected synthetic stimulants</p> <p>Prohibits the unregistered possession of the selected stimulants; requires individuals and facilities wishing to use or handle such chemicals to register with the DEA</p>

Continued

Table 8.

Continued

Bills Reviewed by CBO in 2011 That Contained Private-Sector Mandates

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates with Aggregate Costs That Exceed the Statutory Threshold^a (Continued)		
S. 911	Public Safety Spectrum and Wireless Innovation Act	<p>Requires broadcasters to move channels within the broadcasting spectrum and requires cable companies to carry channels</p> <p><i>Requires providers of cellular phone services to allow public safety officials to roam onto their networks and gain priority access in an emergency</i></p>
S. 1151	Personal Data Privacy and Security Act of 2011	<p>Requires certain business entities that handle personally identifiable information for 10,000 or more individuals to establish and maintain a data privacy and security program</p> <p>Requires any business entity engaged in interstate commerce to notify individuals if a security breach occurs in which such individuals' sensitive, personally identifiable information is compromised</p> <p>Requires providers of electronic communication services to inform any user that initiated transmission of data on their network if they become aware of a data breach</p> <p>Limits existing rights to seek damages against a person if the only basis for the suit is the violation of a contractual obligation involving the use of computers or access to personal information</p>
S. 1535	Personal Data Protection and Breach Accountability Act of 2011	<p>Requires certain business entities that handle personally identifiable information for 10,000 or more individuals to establish and maintain a data privacy and security program</p> <p>Requires business entities that handle personally identifiable information to notify individuals if a security breach occurs in which individuals' sensitive, personally identifiable information is compromised</p> <p>Requires business entities that have experienced a data security breach to purchase various credit-monitoring services and provide compensation for damages to the individuals whose personal information was included in the breach</p>
S. 1549	American Jobs Act of 2011	<p>Requires broadcasters to move channels within the broadcasting spectrum and requires cable companies to carry channels</p>

Continued

Table 8.

Continued

Bills Reviewed by CBO in 2011 That Contained Private-Sector Mandates

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates with Aggregate Costs That Exceed the Statutory Threshold^a (Continued)		
S. 1549 (Continued)	American Jobs Act of 2011	<i>Requires providers of cellular phone services to allow public safety officials to roam onto their networks and gain priority access in an emergency</i> Prohibits employers from excluding unemployed persons from consideration for jobs
S. 1641	United States-Colombia Trade Promotion Agreement Implementation Act	Extends customs user fees: Consolidated Omnibus Budget Reconciliation Act (COBRA) fees and merchandise processing fees Eliminates an exemption from customs user fees for travelers to the United States from Mexico, Canada, and certain Caribbean countries Imposes new recordkeeping requirements
S. 1642	United States-Korea Free Trade Agreement Implementation Act	Extends customs user fees: Consolidated Omnibus Budget Reconciliation Act (COBRA) fees and merchandise processing fees Increases the merchandise processing fee collected on most imported goods Imposes new recordkeeping requirements
Bills Containing Private-Sector Mandates with Aggregate Costs That Could Not Be Determined		
H.R. 313	Drug Trafficking Safe Harbor Elimination Act of 2011	<i>Prohibits some private entities from investing in or aiding companies engaged in activities overseas that would violate the Controlled Substances Act if carried out in the United States</i>
H.R. 963	See Something, Say Something Act of 2011	<i>Eliminates an existing right to seek compensation by expanding protections against civil liability claims for individuals who report suspicious terrorist-related activities to an authorized official</i>
H.R. 1280	A bill to amend the Atomic Energy Act of 1954 to require Congressional approval of agreements for peaceful nuclear cooperation with foreign countries, and for other purposes	<i>Prohibits suppliers in the United States from exporting some items and services that are sent as nonhumanitarian assistance to any country that withdraws from the Treaty on the Non-Proliferation of Nuclear Weapons</i> Prohibits suppliers in the United States from exporting nuclear materials and technologies to any country designated by the Director of the Central Intelligence Agency as posing a proliferation concern

Continued

Table 8.

Continued

Bills Reviewed by CBO in 2011 That Contained Private-Sector Mandates

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates with Aggregate Costs That Could Not Be Determined (Continued)		
H.R. 1905	Iran Threat Reduction Act of 2011	<i>Imposes new prohibitions on financial transactions and other activities that could help Iran produce or transport refined oil products; increases the number of entities responsible for complying with new and existing sanctions</i>
H.R. 2105	Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011	<i>Prohibits certain financial transactions and nonhumanitarian assistance related to sanctions against Iran, North Korea, or Syria</i> <i>Requires owners and operators of vessels (including aircraft) that land in U.S. ports to comply with new certification and inspection measures</i>
H.R. 2594	European Union Emissions Trading Scheme Prohibition Act of 2011	<i>Prohibits U.S. air carriers from participating in the European Union Emissions Trading Scheme if it is unilaterally imposed</i>
H.R. 2840	Commercial Vessel Discharges Reform Act of 2011	<i>Requires vessel owners and operators to comply with standards for the discharge of ballast water by installing certified treatment systems or implementing best management practices</i> Requires manufacturers of ballast water treatment systems to obtain certification before selling or importing those systems Requires commercial fishing vessels and nonrecreational vessels under 79 feet to employ best management practices for incidental discharges of ballast water Requires vessel owners and operators to maintain a record book in which each vessel operation involving a discharge of ballast water is recorded Requires vessel owners and operators to retain copies of certificates of their ballast water treatment systems on board their vessels and to make the certificates available for inspection Requires vessel owners and operators to establish a plan for managing ballast water
H.R. 2845	Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011	<i>Extends to additional pipelines existing planning, testing, and safety requirements</i> <i>Requires operators of transmission pipelines to install shutoff valves</i>

Continued

Table 8. **Continued**
Bills Reviewed by CBO in 2011 That Contained Private-Sector Mandates

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates with Aggregate Costs That Could Not Be Determined (Continued)		
H.R. 2845 (Continued)	Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011	<p><i>Requires operators of hazardous liquid pipelines to use leak detection technologies where feasible</i></p> <p><i>Requires operators of pipelines that transport oil to report data on oil flow lines</i></p> <p>Imposes new fees on construction projects that are large or use new technology</p> <p>Requires pipeline operators to notify emergency responders of incidents or accidents within specified time limits and to report information to the Pipeline and Hazardous Materials Safety Administration</p> <p>Requires operators of pipelines transporting biofuel and carbon dioxide to comply with new safety standards</p>
H.R. 3523	Cyber Intelligence Sharing Act	<i>Limits an existing right of action by extending civil and criminal liability protection to entities and cybersecurity providers that share or use cyber threat information</i>
S. 49	Railroad Antitrust Enforcement Act of 2011	<i>Subjects railroads to some antitrust laws</i>
S. 75	Discount Pricing Consumer Protection Act	<i>Prohibits agreements between manufacturers and wholesalers, distributors, or retailers to set minimum prices for a product or service</i>
S. 183	Deepwater Horizon Survivors' Fairness Act	<i>Retroactively removes various limits on the liability that owners and operators of vessels face as a result of the Deepwater Horizon explosion</i>
S. 398	Implementation of National Consensus Appliance Agreements Act of 2011	<i>Establishes new energy-efficiency standards for appliances and other products</i>
S. 453	Motorcoach Enhanced Safety Act of 2011	<p><i>Establishes standards for motorcoach safety</i></p> <p>Establishes new requirements for entities that train entry-level drivers of motorcoaches</p> <p>Requires owners of companies that rent or lease motorcoaches as well as brokers of motorcoach services to register with the government</p> <p>Requires carriers that apply to operate motorcoach services to undergo safety audits</p>

Continued

Table 8.

Continued

Bills Reviewed by CBO in 2011 That Contained Private-Sector Mandates

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates with Aggregate Costs That Could Not Be Determined (Continued)		
S. 453 (Continued)	Motorcoach Enhanced Safety Act of 2011	<p>Increases the frequency with which motorcoach carriers have to submit to periodic safety reviews</p> <p>Requires motorcoach carriers to submit to annual state inspections, depending on the outcome of a rulemaking procedure</p> <p>Requires medical examiners who certify the medical fitness of applicants to be commercial drivers to file paperwork with state licensing agencies</p> <p>Requires applicants seeking authority to operate a new motorcoach service to disclose any ownership, management, or familial relations with other motorcoach operators during the previous three years</p>
S. 968	Preventing Real Online Threats to Economic Creativity and Theft of Intellectual Property Act of 2011	<p><i>Requires companies that engage in certain activities related to Internet sites that infringe on the copyrights of others to block access to or terminate business with those sites</i></p> <p><i>Eliminates an existing right of action against entities that voluntarily cease interactions with Internet sites suspected of infringing on copyrights</i></p>
S. 1342	Grid Cyber Security Act	<p><i>Requires facilities that transmit electric power to comply with standards to protect the electric power system from cyber threats</i></p> <p>Requires users of the bulk power system to pay additional fees to the Electric Reliability Organization</p>
S. 1458	Intelligence Authorization Act for Fiscal Year 2012	<p><i>Extends the authority of federal law enforcement to compel providers of communication services to release information about consumers and users</i></p> <p><i>Limits civil actions against providers of electronic communication services that furnish information to the federal government</i></p>
Bills Containing Private-Sector Mandates with Aggregate Costs That Fall Below the Statutory Threshold		
H.R. 192	Gulf of the Farallones and Cordell Bank National Marine Sanctuaries Boundary Modification and Protection Act	Limits certain commercial and recreational activities in the areas added to the Gulf of the Farallones and Cordell Bank National Marine Sanctuaries

Continued

Table 8. **Continued**
Bills Reviewed by CBO in 2011 That Contained Private-Sector Mandates

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates with Aggregate Costs That Fall Below the Statutory Threshold (Continued)		
H.R. 901	Chemical Facility Anti-Terrorism Standards Act of 2011	Extends existing standards for the security of chemical facilities that require vulnerability assessments and the development and implementation of site security plans
H.R. 908	Full Implementation of the Chemical Facility Anti-Terrorism Standards Act	Extends existing standards for the security of chemical facilities that require vulnerability assessments and the development and implementation of site security plans
H.R. 1263	A bill to amend the Servicemembers Civil Relief Act to provide surviving spouses with certain protections relating to mortgages and mortgage foreclosures	Requires lending institutions to comply with new protections for servicemembers, as authorized under the Servicemembers Civil Relief Act
H.R. 1309	Flood Insurance Reform Act of 2011	Requires lenders to accept private flood insurance Requires lenders to cancel policies purchased for the mortgage holder and to refund premiums Requires lenders to provide more information in good-faith estimates
H.R. 1539	Asset-Backed Market Stabilization Act of 2011	Eliminates a right of action that allows investors to sue rating agencies if the information in an offering statement is untrue
H.R. 1741	Secure Visas Act	Prohibits foreign-born individuals in the United States from seeking judicial review if their visa is revoked
H.R. 1751	CJ's Home Protection Act of 2011	Requires all manufactured homes delivered for sale to be supplied with weather radios that have a tone alarm, that have specific alert message encoding, and that comply with the Consumer Electronics Association's performance standards for public alert receivers
H.R. 2309	Postal Reform Act of 2011	Increases postage rates for some private entities Increases the postage rate paid by national and state political committees by repealing their current discount
H.R. 2471	A bill to amend section 2710 of title 18, United States Code, to clarify that a video tape service provider may obtain a consumer's informed, written consent on an ongoing basis and that consent may be obtained through the Internet	Requires providers of video tape services and other entities to use "distinct and separate" forms when obtaining consent to disclose a consumer's personally identifiable information
H.R. 2830	Trafficking Victims Protection Reauthorization Act of 2011	Restricts the ability of sex offenders to obtain passports

Continued

Table 8.

Continued

Bills Reviewed by CBO in 2011 That Contained Private-Sector Mandates

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates with Aggregate Costs That Fall Below the Statutory Threshold (Continued)		
H.R. 3079	United States-Panama Trade Promotion Agreement Implementation Act	Extends customs user fees and imposes new recordkeeping requirements on exporters of goods to Panama
S. 46	Coral Reef Conservation Amendments Act of 2011	Requires private entities to obtain permits for activities that could affect coral reefs Prohibits the destruction any coral reef that is within the jurisdiction of the United States
S. 179	Gulf of the Farallones and Cordell Bank National Marine Sanctuaries Boundary Modification and Protection Act	Limits certain commercial and recreational activities in the areas added to the Gulf of the Farallones and Cordell Bank National Marine Sanctuaries
S. 473	Continuing Chemical Facilities Antiterrorism Security Act of 2011	Extends existing standards for the security of chemical facilities that require vulnerability assessments and the development and implementation of site security plans
S. 676	A bill to amend the act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes	Limits the ability of private entities or individuals to file in court some types of claims related to lands taken into trust for Indian tribes
S. 703	Helping Expedite and Advance Responsible Tribal Homeownership Act of 2011	Limits the ability of private entities or individuals to file in court some types of claims related to lands taken into trust for Indian tribes
S. 710	Hazardous Waste Electronic Manifest Establishment Act	Requires some waste management facilities that receive hazardous waste to submit copies of shipment manifests to the Environmental Protection Agency (EPA) Requires waste management facilities that use a paper system to submit a copy of the shipment manifest to the EPA's electronic system
S. 914	Veterans Programs Improvement Act of 2011	Expands the time after a servicemember's period of military service in which the member receives enhanced protection relating to mortgages, mortgage foreclosures, and evictions under the Servicemembers Civil Relief Act
S. 1014	Emergency Judicial Relief Act of 2011	Increases fees for cases filed in U.S. district courts
S. 1343	Energy and Water Integration Act of 2011	Requires private entities to submit to the Energy Information Administration information about the amount of energy used to procure, treat, and deliver water
S. 1408	Data Breach Notification Act of 2011	Requires business entities engaged in interstate commerce that use, access, transmit, store, dispose of, or collect sensitive, personally identifiable information to notify any individuals whose information has been or may have been unlawfully accessed as result of a security breach

Continued

Table 8. **Continued**
Bills Reviewed by CBO in 2011 That Contained Private-Sector Mandates

Bill Number (Committee)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates with Aggregate Costs That Fall Below the Statutory Threshold (Continued)		
S. 1408 (Continued)	Data Breach Notification Act of 2011	<p>Requires entities to take steps to notify the general public as well as certain federal agencies in the event of a large security breach</p> <p>Requires consumer reporting agencies to include an extended fraud alert in a consumer's file if that consumer submits evidence that he or she has received notice that his or her financial information has or may have been compromised</p>
S. 1643	United States-Panama Trade Promotion Agreement Implementation Act	Extends customs user fees and imposes new recordkeeping requirements on exporters of goods to Panama
S. 1940	Flood Insurance Reform and Modernization Act of 2011	<p>Requires mortgage lenders, when making, increasing, extending, or renewing any loan secured by property located in an area within the 500-year floodplain, to notify the purchaser or lessee and the servicer of the loan that such property is located in the 500-year floodplain</p> <p>Requires certain mortgage lenders to notify policyholders that insurance coverage may cease with the final mortgage payment and to provide direction on how the homeowner may continue flood insurance coverage after the life of the loan</p> <p>Requires certain mortgage lenders to deposit premiums and fees for flood insurance in an escrow account on behalf of the borrower</p> <p>Requires lenders to provide all purchasers a disclosure of the availability of flood insurance under the Real Estate Settlement Procedures Act</p>

Source: Congressional Budget Office.

Note: The staff of the Joint Committee on Taxation examines tax provisions of legislation to identify federal mandates and estimate their costs. Such information is incorporated into CBO's mandate statements.

- a. In certain cases, proposed legislation reviewed by CBO contained multiple mandates, some of which did not have costs exceeding the statutory threshold.

Overview of Key Provisions in the Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (UMRA) comprises four titles that address how various parts of the federal government should handle proposed and existing mandates imposed on state, local, and tribal governments and on the private sector.

- Title I, Legislative Accountability and Reform, requires the Congressional Budget Office (CBO) and authorizing committees that oversee federal programs and authorize appropriations to develop and report information about the existence and costs of mandates in proposed legislation.¹ It also establishes mechanisms for bringing that information to the attention of the Congress before such legislation is considered on the floor of the House or Senate.
- Title II, Regulatory Accountability and Reform, applies to actions of federal agencies in implementing federal law. It requires most agencies in the executive branch (except some independent regulatory agencies) to assess the effects of their regulatory actions on state, local, and tribal governments and on the private sector. It also requires that statements about such effects accompany certain significant regulations, that agencies seek input from other levels of government in developing regulations, and that agencies consider alternatives that would ease the financial burden of regulations.
- Title III, Review of Federal Mandates, required the now-defunct Advisory Commission on Intergovernmental Relations (ACIR) to prepare three reports: a baseline study of the costs and benefits of federal mandates imposed on state, local, and tribal

governments; a review of the impact of unfunded federal mandates on those governments along with recommendations for easing, consolidating, or terminating mandates; and an annual report identifying federal court rulings that required state, local, or tribal governments to undertake additional responsibilities and activities.²

- Title IV, Judicial Review, allows for limited judicial review of certain actions by agencies and of rules developed under title II of UMRA.

This appendix focuses on title I, which prescribes CBO's responsibilities under the act.

Defining Mandates and Their Costs

Under UMRA, a mandate is any provision in legislation, statute, or regulation that would impose an enforceable duty on state, local, or tribal governments or the private sector or that would reduce or eliminate the amount of funding authorized to cover the direct costs of existing mandates. In addition, for some large entitlement programs—those that provide \$500 million or more annually to state, local, or tribal governments—a new condition on, or a reduction in, federal assistance would be a mandate, but only if those governments lack the flexibility to offset the new costs or the loss of federal funding with reductions elsewhere in the program. Otherwise, duties that are imposed as conditions of federal assistance or that arise from participation in a voluntary federal program are not mandates.

1. Authorizing committees have legislative jurisdiction over the establishment, continuation, and operation of federal programs or agencies and the authorization of appropriations for them.

2. ACIR completed and released the report on judicial mandates in July 1995. In January 1996, the commission published a preliminary report on the impact of federal mandates imposed on state and local governments. ACIR received no appropriations after fiscal year 1996 and was terminated at the end of that year.

Identifying Mandates

Determining what constitutes a mandate under UMRA is not straightforward. Although an activity (such as sponsoring an immigrant's entry into the United States) may be voluntary, the federal program that governs such activity (immigration law) may not be. In that instance, a bill imposing new requirements on sponsors of immigrants would constitute a mandate under UMRA.

In contrast, legislation related to other federal programs in which participation is voluntary might impose requirements on their participants that, by UMRA's definition, are not mandates, even though the participants might incur significant costs as a result of such legislation. (Nevertheless, CBO identifies those costs whenever possible.) For example, the National Salvage Motor Vehicle Consumer Protection Act of 1999 (S. 655 in the 105th Congress) would have imposed additional requirements on states that chose to participate in the National Motor Vehicle Title Information System; it also would have imposed additional costs, including higher annual operating expenses and one-time charges to modify the titles of vehicles and print new forms—which together might have exceeded several million dollars for participating states. Participation in the title information system, however, is voluntary, and so too would be compliance with the additional requirements of the system. Hence, under the guidelines specified by UMRA, that bill contained no intergovernmental mandates.

Estimating the Costs of Mandates

Direct costs of mandates are defined in UMRA as amounts that the private sector or state, local, or tribal governments would be required to spend to comply with the enforceable duty, including amounts that states, localities, or tribes would be prohibited from raising in revenues. CBO estimates direct costs as the total costs of complying with federal mandates regardless of whether those costs may be passed on to other entities such as consumers and workers. Additionally, when the mandate takes the form of a restriction on the price or quantity of an ongoing private-sector activity, CBO measures the cost of the mandate as the direct loss of profits as a direct result of the restriction.

Direct costs exclude amounts that public or private entities would spend to comply with applicable laws, regulations, or professional standards in effect when the federal mandate is adopted. In addition, direct costs are offset by direct savings that would result from complying with the mandate or by savings from other provisions of

the same legislation that govern the same activity as the one affected by the mandate. Moreover, such costs are limited to spending that would result directly from the enforceable duty imposed by the legislation rather than from the legislation's broad effects on the economy. That is, estimates of mandate costs do not include the effects of each bill on gross domestic product, employment, or inflation.

Because the term "mandate" is defined narrowly in UMRA, the budgetary impacts that legislation may have on other governments or the private sector are not solely the result of mandates. For example, costs associated with complying with conditions of receiving grants for most new or existing programs are not considered mandate costs under UMRA. Most of the nonmandate costs to governments or the private sector that CBO identifies when reviewing bills would result from conditions for receiving federal aid or participating in voluntary federal programs.

Exclusions

Not all legislation is subject to UMRA's requirements. In enacting the law, the Congress recognized that instances might arise in which budgetary considerations—such as who would bear the costs that a law might impose—should not be a key part of the debate about a legislative proposal. Therefore, UMRA excludes from its procedures bills and other legislation that, for example, deal with constitutional or statutory rights, implement international treaty obligations, are necessary for national security, or alter provisions of the Social Security Act related to old-age, survivors', or disability benefits.

CBO's Role in Preparing Mandate Cost Statements

UMRA requires CBO to prepare mandate statements for bills that are approved by authorizing committees. In those statements, CBO must specify whether the direct costs of mandates in a bill would exceed the statutory threshold established under UMRA. If the total direct costs of all mandates in the bill are above the threshold in any of the first five fiscal years in which the mandates are effective, CBO must provide an estimate of those costs (if feasible) and explain the basis of the estimate.³ In some

3. The statutory thresholds are \$50 million for intergovernmental mandates and \$100 million for private-sector mandates in 1996 dollars, adjusted annually for inflation. (The thresholds in 2011 were \$71 million for intergovernmental mandates and \$142 million for private-sector mandates.)

cases, CBO cannot estimate the cost of a mandate—for instance, when much of its impact would depend on the nature of the implementing regulations that would be issued by federal agencies. If CBO cannot estimate the cost of a mandate, it must explain why such an estimate is not feasible. The mandate statement that CBO prepares also must include an assessment of whether the bill authorizes or otherwise provides funding to cover the costs of any new federal mandate. In the case of intergovernmental mandates, the cost statement must, under certain circumstances, estimate the appropriations needed to fund such authorizations for up to 10 years after the mandate takes effect.

UMRA also requires Congressional committees to report information about the existence and costs of mandates in proposed legislation. Authorizing committees must publish CBO's mandate statements in their reports or in the *Congressional Record* before a bill is considered on the floor of the House or the Senate.

Because UMRA requires CBO to issue mandate statements when bills are approved by authorizing committees, not all legislative provisions are reviewed for mandates. For example, a mandate statement may not accompany legislation when the legislation is passed without being considered by a committee; when, after CBO's review, a bill is amended on the floor or in conference to include a provision that contains a mandate; or, in some cases, when a mandate is included in an appropriation bill. Still, UMRA requires conference committees to ensure, "to the greatest extent practicable," that CBO prepares statements for conference agreements or amended bills if they contain mandates not previously considered by either the House or the Senate or if they impose direct costs that are greater than those in a version considered earlier.

The Congress may also call on CBO to prepare analyses of federal mandates at other stages of the legislative process. At the request of a Senator, CBO must estimate the costs of intergovernmental mandates contained in an amendment the Senator may wish to offer. At the request of the chairman or ranking member of a committee, CBO will help analyze the impact of proposed legislation, conduct special studies of legislative proposals, or compare a federal agency's estimate of the costs of proposed regulations to implement a federal mandate with CBO's estimate.

Enforcement Mechanisms

UMRA sets out rules for both the House and the Senate that prohibit either chamber from considering legislation unless certain conditions are met. Specifically, UMRA prohibits the consideration of a reported bill unless the committee has published a statement from CBO about the costs of any mandates.

The rules preclude consideration of reported legislation that contains intergovernmental mandates with direct costs above the statutory threshold unless the legislation provides direct spending authority or authorizes appropriations sufficient to cover those costs. An authorization of an appropriation will not be sufficient unless the authorized amounts are specified for each year (up to 10 years) after the effective date and the legislation provides a way to terminate or scale back the mandate if the federal agency determines that the appropriated funds are not sufficient to cover those costs.

UMRA does not expressly require CBO to prepare mandate statements for appropriation bills. In general, UMRA's points of order do not apply to the provisions of bills or resolutions reported by the appropriations committees (except legislative provisions). However, legislative provisions in such bills—or amendments to them—that would increase the direct costs of intergovernmental mandates are not in order for consideration on the House or Senate floor unless an appropriate CBO statement is provided.⁴

The rules are not automatically enforced, however; a Member must raise a point of order to enforce them. If a point of order is raised under UMRA, each chamber resolves the issue according to its established rules and procedures.⁵

4. In many cases, it is not clear what constitutes a legislative provision in an appropriation bill. Therefore, CBO prepares mandate statements for those bills only when requested. On an informal basis, however, CBO reviews all appropriation bills as they move through the legislative process and alerts the appropriation clerks if it identifies any intergovernmental mandates.

5. For more information about points of order, see House Committee on Rules, "The Unfunded Mandate Point of Order," *Parliamentary Outreach Program Newsletter*, vol. 106, no. 11 (June 18, 1999), http://democrats.rules.house.gov/POP/pop106_11.htm.

APPENDIX
B

Mandates Enacted Between 1996 and 2011 with Estimated Costs That Exceed the Statutory Threshold

This appendix lists the intergovernmental (Table B-1) and private-sector (Table B-2) mandates enacted since 1996 that the Congressional Budget Office (CBO) has identified as imposing costs above the annual thresholds established in the Unfunded Mandates

Reform Act. CBO has identified intergovernmental mandates with costs that exceed the annual threshold in fewer than 1 percent of public laws, and private-sector mandates with such costs in fewer than 5 percent of the laws enacted since 1996.

Table B-1.

Enacted Intergovernmental Mandates with Estimated Costs That Exceed the Statutory Threshold, 1996 to 2011

Since 1996, 13 laws have been enacted that contained intergovernmental mandates with costs that exceed the threshold established in the Unfunded Mandates Reform Act (UMRA). In 1996, the threshold for intergovernmental mandates was \$50 million. That amount has been adjusted annually for inflation; in 2011, the threshold was \$71 million.

No laws enacted in 2011 contained intergovernmental mandates with costs above the threshold.

Topic	Description of Mandate	Public Law Number
Child Nutrition	Requires schools to provide meals that comply with new standards for menu planning and nutrition	111-296
	Requires schools to comply with nutrition standards for all food sold in schools	111-296
Child Support	Eliminates matching federal payments for some spending on child support	109-171
Driver's Licenses, Identification Cards, and Vital Statistics Documents	Requires state and local governments to meet certain standards for issuing driver's licenses, identification cards, and vital statistics documents	108-458
Food Stamp Administration	Reduces federal funding for administering the Food Stamp program (now the Supplemental Nutrition Assistance Program)	105-185

Continued

Table B-1.

Continued

Enacted Intergovernmental Mandates with Estimated Costs That Exceed the Statutory Threshold, 1996 to 2011

Topic	Description of Mandate	Public Law Number
Health Care	Imposes notice and reporting requirements on health insurance plans (including self-insured plans), employers, and other public and private entities	111-148
	Requires health insurance plans (including self-insured plans) to comply with new standards for extending coverage to beneficiaries and their dependents	111-148
	Requires public and private employers to pay an excise tax on employer-sponsored health insurance coverage defined as having high costs	111-148
	Requires health insurance plans (including self-insured plans) to pay an annual fee based on the average number of people covered by the policy	111-148
	Requires public and private entities that handle health information to comply with new regulations	111-148
Internet Taxation	Temporarily preempts states' authority to tax certain Internet services and transactions	108-435
	Extends the preemption contained in Public Law 108-435 of states' authority to tax certain Internet services and transactions through most of 2011	110-108
Minimum Wage	Increases the minimum wage paid by state and local governments to their employees	104-188, 110-28
Premium Taxes on Prescription Drug Plans	Preempts state taxes on premiums for certain prescription drug plans	108-173
Rail and Transit	Requires all public transit and rail carriers to train workers and submit reports to the Department of Homeland Security	110-53
	Requires commuter railroads to install train control technology	110-432
Tax Withholding	Requires state and local governments to withhold taxes on certain payments for property and services	109-222

Source: Congressional Budget Office.

Table B-2.

Enacted Private-Sector Mandates with Estimated Costs That Exceed the Statutory Threshold, 1996 to 2011

Since 1996, the Congressional Budget Office has identified 116 private-sector mandates in 81 public laws with costs estimated to exceed the annual threshold. In 1996, the threshold established in the Unfunded Mandates Reform Act (UMRA) for private-sector mandates was \$100 million. That amount has been adjusted annually for inflation; in 2011, the threshold was \$142 million.

Fewer than 5 percent of the public laws enacted since UMRA became effective in 1996 have contained private-sector mandates with costs estimated to exceed the threshold. Over half of those mandates involve taxes or fees. Many of the mandates temporarily extended existing mandates for a period of time.

Topic	Description of Mandate	Public Law Number ^a
Agriculture	Changes the method by which minimum prices are established for fluid milk in different regions of the country	106-113
	Requires country-of-origin labels for various foods	107-171, 110-246
Aviation	Imposes security procedures and user fees to fund aviation security programs	107-71
Bankruptcy	Changes procedures for administering bankruptcy claims	109-8
Campaign Finance Reform	Changes procedures for the collection and use of campaign contributions	107-155
Coal Mines	Imposes mining reclamation fees on operators of coal mines	109-54, 109-234, 109-432
	Requires operators of underground coal mines to install equipment to improve accident preparedness	109-236
Conflict Minerals	Requires manufacturers that use certain minerals to disclose where they obtained such minerals and take measures to verify whether using such minerals benefits any armed groups in the Democratic Republic of Congo or an adjoining country	111-203
Consumer Product Safety	Requires manufacturers, distributors, retailers, and importers of consumer products to abide by new standards and labeling requirements	110-314
Elimination of Right to Seek Compensation	Limits possible recoveries on terrorism-related lawsuits against Libya	110-301
Energy	Requires motor vehicle fuel to contain a certain volume of fuel from a renewable source	109-58, 110-140
	Establishes new energy-efficiency standards for appliances and lighting products	110-140

Continued

Table B-2.

Continued

Enacted Private-Sector Mandates with Estimated Costs That Exceed the Statutory Threshold, 1996 to 2011

Topic	Description of Mandate	Public Law Number ^a
Finance	Imposes new requirements on credit agencies, lenders, and merchants that handle credit transactions	108-159
	Requires certain depository institutions to pay higher premiums for deposit insurance	109-171, 111-22
	Imposes new requirements on issuers of credit cards and gift cards	111-24
Food Safety	Requires facilities that manufacture, process, pack, receive, or hold food for consumption to register every two years with the Secretary of Health and Human Services, to comply with more frequent inspections, and to pay any fees associated with reinspection or recall	111-353
	Requires entities that manufacture, process, pack, transport, distribute, receive, hold, or import articles of food to comply with new recordkeeping and safety standards, new science-based production and harvesting standards, and new protections for employees	111-353
	Requires owners, operators, and agents of facilities that manufacture, process, pack, or hold food to comply with new recordkeeping and safety standards, particularly in the case of foods determined to pose a high risk for contamination	111-353
Government Fees	Requires companies and other entities to pay certain fees when filing a petition for an H-1B visa	108-447
	Imposes fees on holders and applicants of patents and trademarks	108-447, 110-161, 111-8, 111-117, 111-145, 112-29
	Imposes a surcharge on the filing fee for passport applications	109-167, 112-74
	Extends customs user fees	110-138, 110-246, 110-436, 111-124, 111-171, 111-227, 111-291, 111-344, 112-41, 112-42
	Authorizes the Federal Deposit Insurance Corporation to assess fees on the financial industry to recover the cost of liquidating financial institutions	111-203
	Increases the merchandise processing fee collected on most imported goods	112-40, 112-41

Continued

Table B-2.**Continued**

Enacted Private-Sector Mandates with Estimated Costs That Exceed the Statutory Threshold, 1996 to 2011

Topic	Description of Mandate	Public Law Number ^a
Health Care	Requires health insurers to improve portability and continuity of health insurance coverage	104-191
	Requires certain health plans to provide for minimum-length maternity stays	104-204
	Imposes requirements on private health insurance providers under the Medicare program	105-33
	Requires parity in insurance coverage for mental health and other medical benefits	107-147, 110-343
	Prohibits providers of group health coverage from offering incentives to military retirees to decline enrollment in a group health plan in favor of relying on the military's health care program	109-364
	Modifies requirements and conditions of continued coverage under the Consolidated Omnibus Budget Reconciliation Act (COBRA) for certain employers who offer group health insurance	111-5
	Requires health insurance plans (including self-insured plans) to comply with new standards for extending coverage to beneficiaries and their dependents	111-148
	Imposes notice and reporting requirements on health insurance plans (including self-insured plans), employers, and other private entities	111-148
	Requires employers to pay an excise tax on employer-sponsored health coverage defined as having high costs	111-148
	Requires health insurance plans (including self-insured plans) to pay an annual fee based on the average number of people covered by the policy	111-148
	Requires individuals to obtain acceptable coverage	111-148
	Imposes additional fees on health insurance providers and on manufacturers and importers of brand-name drugs and certain medical devices	111-148
	Requires private entities that handle health information to comply with new regulations	111-148
Requires grandfathered health care plans to comply with new standards for extending health insurance coverage to beneficiaries and their dependents	111-152	

Continued

Table B-2.**Continued****Enacted Private-Sector Mandates with Estimated Costs That Exceed the Statutory Threshold, 1996 to 2011**

Topic	Description of Mandate	Public Law Number^a
Health Care (Continued)	Imposes additional fees on health insurance providers and on manufacturers and importers of brand-name drugs; taxes sales of certain medical devices	111-152
Housing	Requires Fannie Mae and Freddie Mac to contribute to a fund for affordable housing programs	110-289
Immigration	Imposes requirements on sponsors of immigrants	104-208
Minimum Wage	Increases the minimum wage paid by employers	104-188, 110-28
Motor Vehicles	Imposes new safety requirements on manufacturers of automobiles	107-318, 110-189
	Expands safety requirements for commercial motor carriers	109-59
	Establishes new standards for corporate average fuel economy (CAFE) standards for motor vehicles	110-140
Online Shopping Security	Requires Internet sellers of goods or services that require consumers to opt out of receiving additional goods or services to provide new and more detailed information about those options to the consumer; prohibits Internet sellers from disclosing the financial information of their customers to any third party	111-345
Pharmaceuticals and Medical Devices	Requires drug manufacturers, at the request of the Food and Drug Administration, to conduct studies to determine the safety and efficacy of drugs and biological products for use in children and to develop appropriate formulations	108-155
	Extends user fees for manufacturers of prescription drugs and medical devices	110-85
Rail Transportation	Requires rail carriers and bus services to implement security plans and conduct security training	110-53
	Requires railroad carriers to develop and install train control technology	110-432
Retirement	Increases required contributions for retirement	105-33
	Increases certain premiums to be paid to the Pension Benefit Guaranty Corporation by sponsors of single-employer and multiemployer defined-benefit pension plans	109-171
	Shortens the schedule for vesting in private retirement funds	109-280

Continued

Table B-2.**Continued**

Enacted Private-Sector Mandates with Estimated Costs That Exceed the Statutory Threshold, 1996 to 2011

Topic	Description of Mandate	Public Law Number ^a
Revenue-Raising Provisions	Requires individuals or businesses to pay more in taxes	104-188, 104-193, 105-2, 105-34, 105-178, 105-206, 105-277, 106-170, 107-147, 108-357, 109-222 (3 mandates), 110-28, 110-140, 110-343 (6 mandates), 111-3, 111-5, 111-12; 111-69, 111-92 (2 mandates), 111-116, 111-147 (2 mandates), 111-148, 111-152 (2 mandates), 111-240, 112-9
Telecommunications	Requires carriers to provide interconnection and universal service and to block certain programs	104-104
	Prohibits some uses of the spectrum by extending the deadline for the transition to digital television	111-4
Tobacco Products	Imposes fees on manufacturers and importers of tobacco products	108-357, 111-31

Source: Congressional Budget Office.

Note: The list of enacted private-sector mandates with costs exceeding the threshold is not necessarily comprehensive for the 1996–2001 period. Each year during that time, CBO analyzed the status of mandates in legislation that it had reviewed during the previous year to determine whether those mandates had been enacted. Some mandates that were enacted were not considered by a committee during the legislative process and thus might not have been reviewed by CBO. To address that issue, in 2002, CBO began to review all public laws enacted each year to determine whether they contained private-sector mandates. The table shows the mandates identified by CBO at the time they were considered or enacted.

a. Each public law contains one mandate unless noted otherwise.



Primary Contributors to CBO's Analyses of Mandates

The following Congressional Budget Office (CBO) staff members prepare the mandate statements that CBO produces for bills and other legislative proposals.¹

Intergovernmental Mandates

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Private-Sector Mandates

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1. During 2011, the following former CBO staff members also contributed to CBO's mandate analyses: Sarah Axen, Lindsay Coleman, Elias Leight, Grant Driessen, Deborah Lucas, Ryan Miller, Brian Prest, Jennifer Smith, and Samuel Wice; in addition, Judith Cromwell provided administrative support for the mandates unit in the Microeconomic Studies Division.

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About This Document

This report was prepared by Amy Petz of CBO's Microeconomic Studies Division, under the supervision of Patrice Gordon and Joseph Kile; and by Leo Lex, chief of the State and Local Government Cost Estimates Unit of CBO's Budget Analysis Division, with J'nell Blanco, under the supervision of Theresa Gullo and Peter Fontaine.

The CBO staff members who prepare the analyses of federal mandates in legislative proposals are listed in Appendix C. Those individuals also assisted in the preparation of this report.

Jeanine Rees edited the report. Maureen Costantino prepared the report for publication and took the cover photograph. An electronic version is available on CBO's Web site (www.cbo.gov).



Douglas W. Elmendorf
Director

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