

CONGRESS OF THE UNITED STATES  
CONGRESSIONAL BUDGET OFFICE

# CBO

**A Review of CBO's  
Activities in 2010  
Under the  
Unfunded Mandates  
Reform Act**



**MARCH 2011**





# **A Review of CBO's Activities in 2010 Under the Unfunded Mandates Reform Act**

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## Notes

The Congressional Budget Office reviews bills 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 are calculated on a fiscal year basis; tables reflect calendar years.

Cover photograph by Maureen Costantino.

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# Preface

In this report, which is part of an annual series that began in 1997, the Congressional Budget Office (CBO) reviews its activities under the Unfunded Mandates Reform Act of 1995. The report covers public laws enacted and legislation considered by the Congress in calendar year 2010 that would impose federal mandates on state, local, or tribal governments or on the private sector.

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

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.

Sherry Snyder edited the report, and Kate Kelly proofread it. Jeanine Rees prepared the report for publication, and Maureen Costantino took the cover photograph. Monte Ruffin printed the report, and Linda Schimmel handled the print distribution. An electronic version is available on CBO's Web site ([www.cbo.gov](http://www.cbo.gov)).



Douglas W. Elmendorf  
Director

March 2011





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# A Review of CBO's Activities in 2010 Under the Unfunded Mandates Reform Act

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

UMRA defines a legislative provision as a mandate if that provision, when enacted, would

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

Duties imposed as conditions of federal assistance or requirements tied to participating in voluntary federal programs, such as programs that require entities to have licenses for grazing livestock on federal land, generally are not considered mandates as defined in UMRA.

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

UMRA established procedures for providing information to the Congress about proposed federal mandates. The law requires the Congressional Budget Office (CBO) to prepare mandate statements for bills that are approved by authorizing committees.<sup>2</sup> In those statements, CBO must state whether the bill contains any mandates, address whether the direct costs of such mandates would be greater than the statutory thresholds established in UMRA, and identify any funding that the bill would provide to cover those costs.<sup>3</sup> In 2010, the thresholds, which are adjusted annually for inflation, were \$70 million for intergovernmental mandates and \$141 million for private-sector mandates.<sup>4</sup> If the total direct costs of all mandates in the bill would exceed the statutory threshold in any of the first five fiscal years in which the mandates would be in effect, CBO must provide an estimate of those costs (if feasible) and the basis of its estimate. In some cases, CBO cannot estimate the cost of a mandate—particularly when much of its impact would depend on the nature of the implementing regulations that would be promulgated by federal agencies. If CBO cannot estimate the cost of a mandate, its statement must indicate that such an estimate is not feasible and explain why.

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

Direct costs are defined in UMRA as amounts that the private sector or state, local, and 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.” Direct costs exclude amounts that those entities would spend to comply with applicable laws, regulations, or professional standards in effect when the federal mandate is adopted. In addition, 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.

Not all legislation is subject to UMRA’s requirements. In enacting that 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. Thus, 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. (For further details, see Appendix A, which outlines UMRA’s key provisions as they apply to CBO.)

In addition to the procedures UMRA established for providing information to the Congress, the law also lays out procedural rules for the House of Representatives and the Senate to encourage Members to take information about mandates into account when they consider legislation. Those rules are enforced through the use of points of order. A point of order can be raised in the House or Senate against the consideration of legislation if the committee reporting a bill has not published a statement by CBO on intergovernmental and private-sector mandates. In addition, Members of Congress may raise a point of order against legislation that seeks to impose an intergovernmental mandate whose costs exceed the threshold, unless the legislation authorizes or provides funding to cover those costs. If a point of order is raised under UMRA, each chamber resolves the issue according to its established rules and procedures.

CBO prepares a mandate statement for most of the legislation considered by the Congress. In most cases, that statement is prepared after a committee has approved legislation but before the legislation has been considered on the floor of the House or the Senate. Upon request,

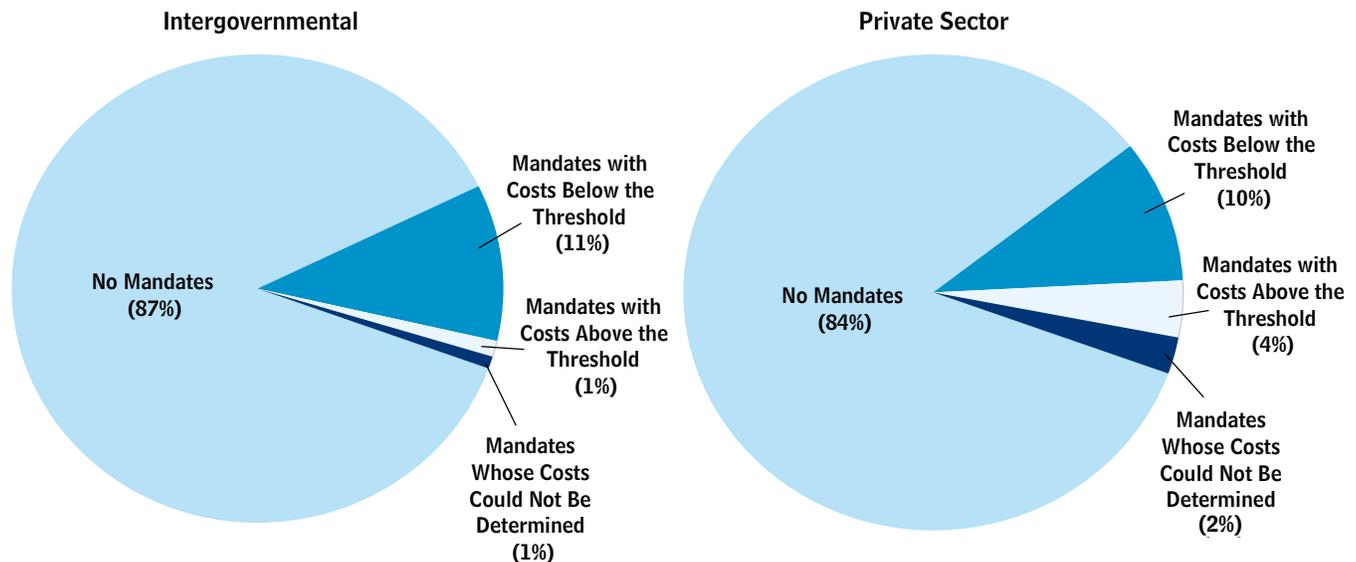
the agency also provides mandate statements for proposed floor amendments and some conference reports. In some instances, though, as noted in the tables in this report, CBO does not review a mandate before its enactment. That situation may occur when legislation is passed without being considered by 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 one of the appropriation bills, which CBO does not routinely review for mandates because UMRA does not apply to such bills.

The number of bills or 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 exceed 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 can exceed the number of bills.

The tables in this report identify mandates in public laws enacted during calendar year 2010 and in other legislation considered by the Congress in 2010:

- Table 1 on page 5 is a tally of mandates in public laws enacted between 2006 and 2010.
- Table 2 on page 6 is a tally of the mandate statements CBO transmitted between 2006 and 2010.
- Tables 3 and 4 (on pages 7 and 16) list laws enacted in 2010 that contain intergovernmental and private-sector mandates, respectively.
- Tables 5 and 6 (on pages 29 and 31) list intergovernmental and private-sector mandates, respectively, that CBO reviewed in 2010 whose costs would exceed UMRA’s thresholds or could not be determined.
- Tables 7 and 8 (on pages 37 and 47) list the bills and proposals CBO reviewed in 2010 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

**Figure 1.****Bills Reviewed by CBO for Intergovernmental or Private-Sector Mandates, 1996 to 2010**

Source: Congressional Budget Office.

Note: CBO prepared about 8,500 formal mandate statements over the 1996–2010 period. The agency also completed a number of preliminary reviews and informal estimates for other legislative proposals, which are not included in this figure. Mandate statements may cover more than one mandate. Also, because a mandate sometimes appears in multiple bills, a single mandate may be addressed in more than one CBO statement.

are presented for fiscal years, which run from October 1 through September 30, Congressional legislative sessions generally follow the calendar year; thus, data on CBO's cost estimates and mandate statements are presented as calendar year totals.)

Most of the legislation considered by the Congress in 2010 contained no mandates as defined in UMRA. Of the 474 bills and other legislative proposals reviewed by CBO, 14 percent (64 bills) contained intergovernmental mandates and 18 percent (85 bills) contained private-sector mandates (see Table 2 on page 6).<sup>5</sup> Moreover, most of the mandates that CBO examined in 2010 would not have imposed costs that exceeded the annual thresholds set by UMRA. Less than 1 percent (3 bills) had intergovernmental mandates with costs higher than the

\$70 million annual threshold, and 1 percent (7 bills) had mandates whose costs could not be determined. Similarly, CBO estimated that only about 3 percent (14) of the bills reviewed by CBO in 2010 contained private-sector mandates that would have imposed costs greater than the \$141 million annual threshold. For 5 percent (23 bills), CBO could not determine whether the costs of their mandates would have exceeded the private-sector threshold.

Similarly, in the 15 years since the enactment of UMRA, most of the legislation considered by the Congress contained no mandates. Of the roughly 8,500 bills and other legislative proposals that CBO reviewed between 1996 and 2010, about 13 percent contained intergovernmental mandates, and about 16 percent contained private-sector mandates (see Figure 1). Also during that period, about 1 percent of the bills contained intergovernmental mandates whose aggregate costs exceeded the annual threshold established in UMRA, and less than 1 percent had aggregate costs that could not be estimated. For private-sector mandates, about 4 percent of the bills

5. CBO reviews bills 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."

contained mandates with aggregate costs above the annual threshold, and 2 percent contained mandates whose aggregate costs to the private sector could not be estimated.

Two public laws enacted in 2010 contained intergovernmental mandates—a total of 7 mandates—with costs that CBO estimates will exceed the statutory threshold: the Patient Protection and Affordable Care Act (Public Law 111-148) and the Healthy, Hunger-Free Kids Act of 2010 (Public Law 111-296). In the 15 years since the enactment of UMRA, only 13 new laws have contained

intergovernmental mandates with costs estimated to exceed the threshold.

Over the 15-year period, legislation enacted by the Congress generally contained more private-sector mandates than intergovernmental mandates. Eleven public laws enacted in 2010 contained private-sector mandates—a total of 25 mandates—with costs estimated to exceed the statutory threshold. Those laws included changes to the health care system and regulation of financial institutions, among others. Since 1996, CBO has identified private-sector mandates with costs estimated to exceed the threshold in 75 public laws.

**Table 1.****Laws Enacted That Contain Mandates, 2006 to 2010**

In 2010, 258 public laws were enacted. Twenty-nine of those laws contain at least one intergovernmental mandate as defined in the Unfunded Mandates Reform Act, and 50 contain one or more private-sector mandates. A total of 86 intergovernmental mandates and 129 private-sector mandates were enacted. Both totals are significantly higher than in previous years. The Congressional Budget Office determined that 7 of the intergovernmental mandates in those laws have costs that will exceed the statutory threshold under UMRA (\$70 million in 2010). CBO could not determine the costs of 7 intergovernmental mandates.

The public laws enacted in 2010 also contain 25 private-sector mandates with annual costs that, in CBO's estimation, will exceed the statutory threshold (\$141 million in 2010). CBO could not determine whether costs for 21 private-sector mandates would be above or below the statutory threshold in UMRA.

	2006	2007	2008	2009	2010
	<b>Intergovernmental Mandates</b>				
Laws That Contain Mandates	30	14	19	18	29
Total Mandates Enacted	37	20	40	30	86
Mandates whose costs exceed the statutory threshold	2	3	1	0	7
Mandates whose costs could not be determined	2	0	0	3	7
	<b>Private-Sector Mandates</b>				
Laws That Contain Mandates	39	20	29	26	50
Total Mandates Enacted	66	47	64	60	129
Mandates whose costs exceed the statutory threshold	11	10	15	17	25
Mandates whose costs could not be determined	11	8	13	11	21

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 2010, the statutory thresholds for intergovernmental and private-sector mandates were \$70 million and \$141 million, respectively.

**Table 2.****Mandate Statements Transmitted by CBO, 2006 to 2010**

The Congressional Budget Office provides mandate statements to the Congress for most of the bills that are reported by authorizing committees and for many other bills and proposed amendments. 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.

In 2010, CBO reviewed 474 bills and other legislative proposals, of which 64 (about 14 percent) contained intergovernmental mandates and 85 (about 18 percent) contained private-sector mandates. By comparison, the averages for the 2006–2009 period were 15 percent (intergovernmental) and 20 percent (private sector).

Of the bills and proposals CBO analyzed in 2010, 3 (less than 1 percent) had intergovernmental mandates with costs estimated to exceed the threshold (\$70 million in 2010), and 14 (about 3 percent) had private-sector mandates with estimated costs above the threshold (\$141 million in 2010). Both figures are lower than the average percentage over the preceding four years. In some cases, CBO identified mandates in bills but could not determine whether costs would exceed the thresholds. That was the case for intergovernmental mandates in 7 bills and for private-sector mandates in 23 bills. (Tables 7 and 8 on pages 37 and 47 list all of the bills and proposals containing mandates that CBO reviewed in 2010.)

	2006	2007	2008	2009	2010
<b>Intergovernmental Mandates</b>					
Number of Statements Transmitted	478	703	679	419	474
Number of Statements That Identified Mandates	88	111	57	70	64
Mandate costs of the legislation would exceed the threshold	12	5	2	8	3
CBO could not determine whether mandate costs of the legislation would exceed the threshold	3	4	2	12	7
<b>Private-Sector Mandates</b>					
Number of Statements Transmitted	474	703	679	419	474
Number of Statements That Identified Mandates	93	160	96	105	85
Mandate costs of the legislation would exceed the threshold	23	44	23	27	14
CBO could not determine whether mandate costs of the legislation would exceed the threshold	21	32	17	27	23

Source: Congressional Budget Office.

Notes: Although not required by law to do so, CBO completed preliminary reviews and informal estimates for other legislative proposals that are not included in this table.

In 2006, CBO prepared more intergovernmental mandate statements than private-sector statements because sometimes the agency was asked to review a specific bill, amendment, or conference report solely for intergovernmental mandates. (In those cases, no private-sector analysis was transmitted to the requesting Member or committee.)

A mandate statement may cover more than one mandate; and 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 2010 That Contain Intergovernmental Mandates**

Of the 258 laws enacted last year, 29 contain intergovernmental mandates. Two of those 29 laws contain intergovernmental mandates with costs that the Congressional Budget Office estimates will exceed the statutory threshold (\$70 million in 2010): the Patient Protection and Affordable Care Act, and the Healthy, Hunger-Free Kids Act of 2010. (Those mandates are shown in **bold** type.) Before the enactment of those two laws, only 11 laws containing intergovernmental mandates with costs estimated to exceed the statutory threshold had been enacted since the Unfunded Mandates Reform Act became effective in 1996. All enacted mandates with costs estimated to exceed the statutory threshold are listed in Appendix B.

Two other laws, the Dodd–Frank Wall Street Reform and Consumer Protection Act and the Social Security Number Protection Act of 2010, contain mandates that could impose significant costs, but because of uncertainty about the scope of regulations or other implementation issues, CBO could not estimate whether the costs of those mandates will exceed the statutory threshold. Those mandates are shown in *italic* type. All of the other intergovernmental mandates enacted in 2010, CBO estimated, 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 floor or in conference after CBO's review. In still other cases, mandates can be included in appropriation bills, which CBO generally does not examine for mandates.

Of the 86 intergovernmental mandates enacted in 2010, CBO reviewed all but 12 of them before enactment, including all that have estimated costs above the threshold.

Public Law Number	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment?
<b>Laws Containing Intergovernmental Mandates with Aggregate Costs Above the Statutory Threshold</b>			
111-148	Patient Protection and Affordable Care Act	<b>Requires health insurance plans (including self-insured plans) to comply with new standards for extending coverage to beneficiaries and their dependents</b>	Yes
		<b>Imposes notice and reporting requirements on health insurance plans (including self-insured plans), employers, and other public and private entities</b>	Yes
		<b>Requires public and private employers to pay an excise tax on employer-sponsored health coverage defined as having high costs</b>	Yes
		<b>Requires health insurance plans (including self-insured plans) to pay an annual fee based on the average number of people covered by the policy</b>	Yes
		<b>Requires public and private entities that handle health information to comply with new regulations</b>	Yes

Continued

**Table 3.** **Continued**  
**Laws Enacted in 2010 That Contain Intergovernmental Mandates**

Public Law Number	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment?
<b>Laws Containing Intergovernmental Mandates with Aggregate Costs Above the Statutory Threshold (Continued)</b>			
111-148 (Continued)		Requires states to adopt uniform rating standards for all health plans in each insurance market	Yes
		Requires states to enact laws if they wish to prohibit coverage of abortion services in qualified health plans offered through a health exchange in their state	Yes
		Requires states to ensure that health plans comply with requirements for segregating funds that cover abortion services	Yes
		Requires states to defray the costs of any benefit requirements that are in addition to the benefits required of a multistate qualified health plan	Yes
		Requires states to assess a charge on or provide payments to health plans and health insurance issuers if the actuarial risk of the enrollees of such plans does not meet standards established under the act	Yes
		Requires states to participate in data-matching arrangements and to develop electronic interfaces that allow for the exchange of data for determining eligibility for states' health subsidy programs	Yes
		Requires public and private employers to comply with labor standards that provide new benefits and protections to employees	Yes
		Requires public and private owners and operators of vending machines to comply with nutrition labeling standards	Yes
		Preempts state laws that govern risk pools for individual or small-group markets as they pertain to health plans grandfathered by the Patient Protection and Affordable Care Act	Yes
		Preempts state laws, and the regulatory authority of states, to the extent that those laws and authority prevent the application of the provisions in title I of the Patient Protection and Affordable Care Act	Yes
	Preempts state laws governing health insurance, risk pools, and payroll standards	Yes	

Continued

Table 3.

Continued

## Laws Enacted in 2010 That Contain Intergovernmental Mandates

Public Law Number	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment?
<b>Laws Containing Intergovernmental Mandates with Aggregate Costs Above the Statutory Threshold (Continued)</b>			
111-148 (Continued)		Preempts state or local laws that require the disclosure of nutrients in food offered for sale by restaurants, retail food establishments, and vending machine operators if those laws are not similar to the federal requirements included in the act	Yes
		Preempts state and local laws that require manufacturers of a covered drug, device, biological product, or medical supply to disclose or report a payment or other transfer of value provided to a physician or teaching hospital	Yes
		Preempts state licensing laws in cases in which a health care professional is licensed in one state but provides services in another state under a contract or compact with a tribal health program	Yes
111-296	Healthy, Hunger-Free Kids Act of 2010	<b>Requires schools to provide meals that comply with new standards for menu planning and nutrition</b>	Yes
		<b>Requires schools to comply with nutrition standards for all food sold in schools</b>	Yes
		Requires schools to comply with food safety standards that apply to any facility that stores, prepares, or serves food	Yes
		Requires schools to make potable water available free of charge to children at meal time	Yes
		Requires schools to comply with federal standards for pricing school meals that are provided to children who are not approved for federal benefits	Yes
		Requires states to comply with new regulations for approving children for free meals and for overseeing schools that operate school meal programs	Yes
<b>Laws Containing Intergovernmental Mandates Whose Aggregate Costs Could Not Be Determined</b>			
111-203	Dodd–Frank Wall Street Reform and Consumer Protection Act	<i>Imposes limits on the number of contracts that can be held, transaction fees, and other requirements on public entities that participate in the derivatives market</i>	Yes

Continued

**Table 3.** **Continued**  
**Laws Enacted in 2010 That Contain Intergovernmental Mandates**

Public Law Number	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment?
<b>Laws Containing Intergovernmental Mandates Whose Aggregate Costs Could Not Be Determined (Continued)</b>			
111-203 (Continued)		<i>Requires entities (including public finance authorities) that sell products such as mortgage-backed securities to hold at least 5 percent of the credit risk of each asset that they securitize and disclose information about those assets</i>	Yes
		<i>Prohibits loan originators from receiving compensation that is based on the terms of the loan for certain consumer credit transactions secured by real property</i>	Yes
		<i>Requires creditors to ensure that mortgage debtors are able to make their mortgage payments</i>	Yes
		<i>Prohibits public entities that invest between \$25 million and \$50 million from entering into swaps with entities that are not federally regulated</i>	Yes
		<i>Requires creditors to provide additional disclosures to mortgage debtors, establish escrow accounts for some mortgages, and get an appraisal of a property that would secure a subprime loan</i>	Yes
		Limits states' authority to impose certain taxes and licensing fees on brokers, increase fees on depository institutions, and regulate reinsurers in other states	Yes
		Limits the way states regulate insurers that purchase reinsurance	Yes
		Requires housing finance and student loan agencies to register with the Bureau of Consumer Financial Protection, provide whistle-blower protection for their employees, meet standards for sales practices and examinations, and comply with reporting requirements	Yes
		Imposes requirements for prudential standards, reporting, and planning on entities that engage in financial activities	Yes
		Prohibits mortgage servicers, under some circumstances, from obtaining hazard insurance on behalf of debtors and charging them for the costs of the insurance and other fees	Yes
		Preempts state laws that affect swaps, consumer protection, and insurance	Yes

Continued

**Table 3.** **Continued**

**Laws Enacted in 2010 That Contain Intergovernmental Mandates**

Public Law Number	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment?
<b>Laws Containing Intergovernmental Mandates Whose Aggregate Costs Could Not Be Determined (Continued)</b>			
111-318	Social Security Number Protection Act of 2010	<i>Prohibits state and local governments from displaying the Social Security account number of any individual, or any derivative of such number, on any check issued for any payment by the state or local government</i>	Yes
		Prohibits state and local governments from employing, or entering into a contract for the use or employment of, prisoners in any capacity that would allow such prisoners access to the Social Security account numbers of other individuals	Yes
<b>Laws Containing Intergovernmental Mandates with Aggregate Costs Below the Statutory Threshold</b>			
111-144	Temporary Extension Act of 2010	Requires copyright holders and satellite providers to participate in a process to set royalty rates for certain types of transmissions through March 28, 2010	Yes
		Requires broadcasters and copyright holders to allow satellite providers to retransmit network signals of certain stations without paying royalties through March 28, 2010	Yes
		Modifies reporting requirements under the Consolidated Omnibus Budget Reconciliation Act (COBRA) for certain employers who offer group health insurance	No
111-151	Satellite Television Extension Act of 2010	Requires copyright holders and satellite providers to participate in a process to set royalty rates for certain types of transmissions through April 30, 2010	Yes
		Requires broadcasters and copyright holders to allow satellite providers to retransmit network signals of certain stations without paying royalties through April 30, 2010	Yes
111-152	Health Care and Education Reconciliation Act of 2010	Requires grandfathered health care plans to comply with new standards for extending health insurance coverage to beneficiaries and their dependents	Yes
111-154	Prevent All Cigarette Trafficking Act of 2009	Preempts state, local, and tribal laws that require common carriers to verify the age of individuals who accept a tobacco delivery	Yes

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**Continued**

**Table 3.** **Continued**  
**Laws Enacted in 2010 That Contain Intergovernmental Mandates**

Public Law Number	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment?
<b>Laws Containing Intergovernmental Mandates with Aggregate Costs Below the Statutory Threshold (Continued)</b>			
111-154 (Continued)		Requires certain sellers to comply with requirements regarding reporting, shipping, recordkeeping, and collecting taxes	Yes
		Prohibits the mailing of tobacco products through the U.S. Postal Service	Yes
111-157	Continuing Extension Act of 2010	Requires copyright holders and satellite providers to participate in a process to set royalty rates for certain types of transmissions through May 31, 2010	Yes
		Requires broadcasters and copyright holders to allow satellite providers to retransmit network signals of certain stations without paying royalties through May 31, 2010	Yes
		Modifies reporting requirements under the Consolidated Omnibus Budget Reconciliation Act (COBRA) for certain employers who offer group health insurance	No
111-175	Satellite Television Extension and Localism Act of 2010	Requires copyright holders to participate in a process to set royalty rates for certain types of transmissions through December 31, 2014	Yes
		Requires broadcasters and copyright holders to allow satellite providers to retransmit network signals of certain stations without paying royalties through December 31, 2014	Yes
		Increases the royalties that cable carriers pay for retransmitting the signals of distant network stations	Yes
		Requires cable carriers to pay filing fees to the Copyright Office for any royalty payments incurred from retransmitting distant network signals and to allow copyright holders to audit their subscriber lists	Yes
111-177	Extending Immunities to the Office of the High Representative in Bosnia and Herzegovina and the International Civilian Office in Kosovo Act of 2010	Limits a legal right of action by extending privileges and immunities to employees of the two international organizations named in the act	Yes
		Preempts state laws governing search and seizure	Yes
		Limits taxing authority in the District of Columbia	Yes

**Continued**

Table 3.

Continued

## Laws Enacted in 2010 That Contain Intergovernmental Mandates

Public Law Number	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment?
<b>Laws Containing Intergovernmental Mandates with Aggregate Costs Below the Statutory Threshold (Continued)</b>			
111-216	Airline Safety and Federal Aviation Administration Extension Act of 2010	Requires public entities that employ pilots to evaluate information about pilots, submit flight histories for them, and possibly limit the number of hours the pilot it employs can be on duty	Yes
111-223	Securing the Protection of Our Enduring and Established Constitutional Heritage Act	Preempts state laws related to foreign judgments	Yes
111-239	Mandatory Price Reporting Act of 2010	Preempts state and local laws that are in addition to, or inconsistent with, any requirements of the Department of Agriculture's program for reporting prices	Yes
111-242	Continuing Appropriations Act, 2011	Extends until December 3, 2010, 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 December 3, 2010	No
111-259	Intelligence Authorization Act for Fiscal Year 2010	Requires public entities, if subpoenaed, to provide evidence or testimony	Yes
111-272	Law Enforcement Officers Safety Act Improvements Act of 2010	Expands an existing mandate that preempts state or local laws prohibiting the carrying of concealed weapons	No
111-281	Coast Guard Authorization Act of 2010	Raises the costs of complying with existing intergovernmental mandates by increasing the number of Coast Guard personnel eligible for protection under the Servicemembers Civil Relief Act	Yes
		Preempts state and local laws governing vessels that transfer oil	Yes
		Imposes safety and reporting requirements on public entities that operate vessels and ports	Yes
111-290	A joint resolution making further continuing appropriations for fiscal year 2011, and for other purposes	Extends until December 18, 2010, 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 2010 That Contain Intergovernmental Mandates**

Public Law Number	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment?
<b>Laws Containing Intergovernmental Mandates with Aggregate Costs Below the Statutory Threshold (Continued)</b>			
111-290 (Continued)		Extends some patent and trademark fees until December 18, 2010	No
111-291	Claims Resolution Act of 2010	Requires public and private employers to report an employee's first date of earnings to the Directory of New Hires of the state in which a newly hired employee works	Yes
		Requires the White Mountain Apache Tribe and the Crow Tribe to enact tribal water codes	No
111-307	Asian Carp Prevention and Control Act	Prohibits the importation and interstate transport of bighead carp without a permit	Yes
111-311	CALM [Commercial Advertisement Loudness Mitigation] Act	Requires television broadcast stations, cable operators, and other distributors of television programming to equalize the volume of commercials and television programming	Yes
111-317	A joint resolution making further continuing appropriations for fiscal year 2011, and for other purposes	Extends until December 21, 2010, 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 December 21, 2010	No
111-322	Continuing Appropriations and Surface Transportation Extensions Act, 2011	Extends until March 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 March 4, 2011	No
111-353	FDA [Food and Drug Administration] Food Safety Modernization Act	Requires facilities that manufacture, process, pack, receive, or hold food for consumption in the United States to register every two years with the Secretary of Health and Human Services, comply with more frequent inspections, and pay any fees associated with reinspection or recall	Yes

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**Continued**

Table 3.

Continued

## Laws Enacted in 2010 That Contain Intergovernmental Mandates

Public Law Number	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment?
<b>Laws Containing Intergovernmental Mandates with Aggregate Costs Below the Statutory Threshold (Continued)</b>			
111-353 (Continued)		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 standards that protect employees	Yes
		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 of contamination	Yes
111-354	Indian Pueblo Cultural Center Clarification Act	Prohibits gaming on some land held in trust for the Pueblos in New Mexico	Yes
111-373	Pedestrian Safety Enhancement Act of 2010	Preempts state laws relating to safety standards for motor vehicles, specifically requirements that hybrid and electric vehicles generate sounds that alert pedestrians when such a vehicle is operating nearby	Yes
111-380	Reduction of Lead in Drinking Water Act	Prohibits the use of plumbing fixtures that do not meet lead-free requirements	Yes
111-383	Ike Skelton National Defense Authorization Act for Fiscal Year 2011	Increases the costs of complying with existing intergovernmental mandates by increasing the number of service members and reservists covered by the Servicemembers Civil Relief Act	Yes
		Preempts state licensing laws related to the ability of National Guard health professionals to practice during emergencies or disasters	Yes

Source: Congressional Budget Office.

**Table 4.**

**Laws Enacted in 2010 That Contain Private-Sector Mandates**

Of the 258 public laws enacted last year, 50 contain one or more private-sector mandates, for a total of 129 such mandates enacted in 2010. Eleven of those 50 laws contain a total of 25 mandates that the Congressional Budget Office estimated will impose costs on the private sector that exceed the annual threshold established in the Unfunded Mandates Reform Act (\$141 million in 2010). (Those 25 mandates are shown in the table in **bold type**.) CBO has identified 109 private-sector mandates enacted since 1996 with costs estimated to exceed the annual threshold (see Appendix B).

The laws enacted in 2010 also contain 21 private-sector mandates whose costs may or may not be above the threshold; CBO could not make a clear determination in those cases. (Those mandates are shown in the table in *italic type*.) All of the other 83 private-sector mandates enacted in 2010, CBO estimates, 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 floor or in conference after CBO's review. In still other cases, mandates can be included in appropriation bills, which CBO generally does not review for mandates.

Of the 129 private-sector mandates enacted in 2010, CBO reviewed 100 before enactment. Of the mandates not reviewed, only 4 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?
<b>Laws Containing Private-Sector Mandates with Aggregate Costs Above the Statutory Threshold</b>			
111-147	Hiring Incentives to Restore Employment Act	<b>Delays implementing the worldwide allocation of interest expenses</b>	Yes
		<b>Increases reporting requirements and taxes regarding foreign income</b>	Yes
111-148	Patient Protection and Affordable Care Act	<b>Requires health insurance plans (including self-insured plans) to comply with new standards for extending coverage to beneficiaries and their dependents</b>	Yes
		<b>Imposes notice and reporting requirements on health insurance plans (including self-insured plans), employers, and other private entities</b>	Yes
		<b>Requires employers to pay an excise tax on employer-sponsored health coverage defined as having high costs</b>	Yes
		<b>Requires health insurance plans (including self-insured plans) to pay an annual fee based on the average number of people covered by the policy</b>	Yes
		<b>Requires individuals to obtain acceptable coverage</b>	Yes

Continued

Table 4.

Continued

## Laws Enacted in 2010 That Contain Private-Sector Mandates

Public Law Number	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment?
<b>Laws Containing Private-Sector Mandates with Aggregate Costs Above the Statutory Threshold (Continued)</b>			
111-148 (Continued)		<b>Imposes additional fees on health insurance providers and on manufacturers and importers of brand-name drugs and certain medical devices</b>	Yes
		<b>Imposes an excise tax on indoor tanning services</b>	Yes
		<b>Requires private entities that handle health information to comply with new regulations</b>	Yes
		Requires employers to comply with labor standards that provide new benefits and protection to employees	Yes
		Requires owners and operators of vending machines to comply with nutrition labeling standards	Yes
111-152	Health Care and Education Reconciliation Act of 2010	<b>Requires grandfathered health care plans to comply with new standards for extending health insurance coverage to beneficiaries and their dependents</b>	Yes
		<b>Levies a new tax on investment income of individuals whose adjusted gross income is above specified amounts</b>	Yes
		<b>Imposes additional fees on health insurance providers and manufacturers and importers of brand-name drugs and taxes the sales of certain medical devices</b>	Yes
		<b>Penalizes transactions made by taxpayers that violate the economic substance doctrine</b>	Yes
111-171	Haiti Economic Lift Program Act of 2010	<b>Extends customs user fees: Consolidated Omnibus Budget Reconciliation Act (COBRA) fees through August 17, 2018, and merchandise-processing fees through November 10, 2018</b>	No
111-203	Dodd–Frank Wall Street Reform and Consumer Protection Act	<b>Requires financial institutions to pay fees to the Federal Deposit Insurance Corporation to cover the cost of liquidating financial institutions that are in default or in danger of default</b>	Yes
		<b>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</b>	Yes

Continued

**Table 4.** **Continued**  
**Laws Enacted in 2010 That Contain Private-Sector Mandates**

Public Law Number	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment?
<b>Laws Containing Private-Sector Mandates with Aggregate Costs Above the Statutory Threshold (Continued)</b>			
111-203 (Continued)		<i>Subjects some banks, all mortgage-related businesses, and all large nonbank financial companies to regulations issued by the Bureau of Consumer Financial Protection</i>	Yes
		<i>Imposes limits on the number of contracts that can be held, transaction fees, and other requirements on participants in derivatives markets</i>	Yes
		<i>Requires entities that sell products such as mortgage-backed securities to hold at least 5 percent of the credit risk of each asset that they securitize and to disclose information about those assets</i>	Yes
		<i>Prohibits a loan originator from receiving compensation that is based on the terms of the loan for certain consumer credit transactions secured by real property</i>	Yes
		<i>Requires creditors to ensure that mortgage debtors are able to make their mortgage payments</i>	Yes
		<i>Requires creditors to provide additional disclosures to mortgage debtors, establish escrow accounts for some mortgages, and get an appraisal of a property that would secure a subprime loan</i>	Yes
		<i>Requires nonbank and large bank holding companies that may pose risks to the financial stability of the United States to comply with new conditions authorized by the Financial Stability Council and new standards issued by the Federal Reserve regarding capital, available cash, credit exposure, and remediation</i>	Yes
		<i>Prohibits banks, their affiliates and bank holding companies, and other financial companies from proprietary trading, sponsoring, investing, and limiting relationships with hedge funds and private equity funds</i>	Yes
		<i>Requires any fee that certain issuers or payment card networks charge merchants to be "reasonable and proportional" to the actual cost incurred with respect to an electronic debit transaction</i>	Yes

Continued

Table 4.

Continued

## Laws Enacted in 2010 That Contain Private-Sector Mandates

Public Law Number	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment?
<b>Laws Containing Private-Sector Mandates with Aggregate Costs Above the Statutory Threshold (Continued)</b>			
111-203 (Continued)		<i>Requires people who manage or carry out payment, clearing, and settlement activities among financial institutions to meet uniform standards to be established by the Federal Reserve regarding the management of risks and clearing and settlement activities</i>	Yes
		<i>Prohibits brokers, dealers, municipal financial advisers, and investment advisers from requiring predispute arbitration agreements with their clients</i>	Yes
		<i>Requires the Securities and Exchange Commission (SEC) to establish regulations to address any deficiencies it finds in the regulation of brokers, dealers, and investment advisers</i>	Yes
		<i>Places new requirements on nationally recognized statistical rating organizations regarding disclosures, controls, policies, procedures, and corporate governance</i>	Yes
		Prohibits mortgage servicers, under some circumstances, from obtaining hazard insurance on behalf of debtors and charging them for the costs of the insurance and other fees	Yes
		Requires companies registered with the SEC to pay additional fees	Yes
		Requires hedge funds and private equity firms to register with the SEC and requires private fund advisers to submit information to the SEC upon request	Yes
		Requires certain bank holding companies and nonbank financial companies supervised by the Federal Reserve to pay an assessment to cover certain expenses	Yes
		Imposes reporting and registration requirements on entities regulated by the SEC and on financial companies, and provides whistle-blower protections	Yes
		Requires insurance companies to provide data and information to the Office of National Insurance and requires private entities, if subpoenaed, to provide evidence or testimony	Yes

Continued

**Table 4.** **Continued**  
**Laws Enacted in 2010 That Contain Private-Sector Mandates**

Public Law Number	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment?
<b>Laws Containing Private-Sector Mandates with Aggregate Costs Above the Statutory Threshold (Continued)</b>			
111-227	United States Manufacturing Enhancement Act of 2010	<b>Extends customs user fees: Consolidated Omnibus Budget Reconciliation Act (COBRA) fees through November 30, 2018, and merchandise-processing fees through December 10, 2018</b>  Increases the customs duty for certain products	No  No
111-240	Small Business Jobs Act of 2010	<b>Requires property owners to provide information about expense payments for rental property</b>	Yes
111-291	Claims Resolution Act of 2010	<b>Extends customs user fees—Consolidated Omnibus Budget Reconciliation Act (COBRA) fees and merchandise-processing fees—through September 30, 2019</b>  Imposes a mandate on property owners if the Secretary of the Interior condemns their property to implement a water settlement  Requires employers to report an employee’s first date of earnings to the Directory of New Hires of the state in which a newly hired employee works	No  Yes  No
111-344	Omnibus Trade Act of 2010	<b>Extends customs user fees: Consolidated Omnibus Budget Reconciliation Act (COBRA) fees through January 14, 2020, and merchandise-processing fees through January 7, 2020</b>  Increases the cost of an existing mandate requiring employers to provide continued health insurance coverage by increasing the number of covered workers	No  No
111-345	Restore Online Shoppers’ Confidence Act	<b>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</b>	Yes
111-353	FDA [Food and Drug Administration] Food Safety Modernization Act	<b>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, comply with more frequent inspections, and pay any fees associated with reinspection or recall</b>	Yes

Continued

**Table 4.** **Continued**

**Laws Enacted in 2010 That Contain Private-Sector Mandates**

Public Law Number	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment?
<b>Laws Containing Private-Sector Mandates with Aggregate Costs Above the Statutory Threshold (Continued)</b>			
111-353 (Continued)		<b>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 standards that protect employees</b>	Yes
		<b>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 of contamination</b>	Yes
<b>Laws Containing Private-Sector Mandates Whose Aggregate Costs Could Not Be Determined</b>			
111-195	Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010	<i>Eliminates an existing right of action against asset managers that divest from Iranian and Sudanese entities</i>	No
		Requires government contractors to certify that they are not engaging in activities with Iran that are subject to sanctions	No
		Prohibits exports to and imports from Iran	No
111-199	Formaldehyde Standards for Composite Wood Products Act	<i>Requires manufacturers, sellers, suppliers, and importers of composite wood products to meet a national standard for formaldehyde emissions</i>	Yes
111-216	Airline Safety and Federal Aviation Administration Extension Act of 2010	<i>Requires air carriers to hire pilots who have a certain level of experience and to develop safety programs for pilots, including training and a mentoring program</i>	Yes
		Requires air carriers to evaluate information about pilots, submit flight histories for them, and possibly limit the number of hours the pilots it employs can be on duty	Yes
		Requires sellers of tickets for air carriers to provide information for each leg of the flight before the sale	Yes
111-281	Coast Guard Authorization Act of 2010	<i>Establishes new safety requirements for commercial and recreational vessels</i>	Yes
		Requires businesses in the maritime industry to comply with requirements for security and recordkeeping and to protect whistle-blowers	Yes

Continued

**Table 4.** **Continued**  
**Laws Enacted in 2010 That Contain Private-Sector Mandates**

Public Law Number	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment?
<b>Laws Containing Private-Sector Mandates Whose Aggregate Costs Could Not Be Determined (Continued)</b>			
111-281 (Continued)		Raises the costs of complying with existing private-sector mandates by increasing the number of Coast Guard personnel eligible for protection under the Servicemembers Civil Relief Act	Yes
111-296	Healthy, Hunger-Free Kids Act of 2010	<i>Requires entities selling food on a school campus or at any time during the school day to comply with science-based standards established by the Secretary of Agriculture</i>	Yes
111-347	James Zadroga 9/11 Health and Compensation Act of 2010	<i>Limits the ability of individuals to seek compensatory damages or other relief arising from or related to removal of debris from sites of the 2001 terrorist attacks by limiting the liability of entities from which individuals might win compensation</i>	Yes
		Extends the fee for nonimmigrant applicants that large employers who use primarily nonimmigrant labor must pay	No
111-380	Reduction of Lead in Drinking Water Act	<i>Prohibits the manufacture and use of plumbing fixtures that do not meet lead-free requirements</i>	Yes
111-383	Ike Skelton National Defense Authorization Act for Fiscal Year 2011	<i>Raises the costs of complying with existing private-sector mandates by increasing the number of service members and reservists covered by the Servicemembers Civil Relief Act</i>	Yes
<b>Laws Containing Private-Sector Mandates with Aggregate Costs Below the Statutory Threshold</b>			
111-142	Social Security Disability Applicants' Access to Professional Representation Act of 2010	Requires representatives of successful Social Security disability applicants to pay a fee if those representatives are paid out of the claimant's past-due benefits	No
111-144	Temporary Extension Act of 2010	Requires copyright holders and satellite providers to participate in a process to set royalty rates for certain types of transmissions through March 28, 2010	Yes
		Requires broadcasters and copyright holders to allow satellite providers to retransmit network signals of certain stations without paying royalties through March 28, 2010	Yes

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**Continued**

Table 4.

Continued

## Laws Enacted in 2010 That Contain Private-Sector Mandates

Public Law Number	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment?
<b>Laws Containing Private-Sector Mandates with Aggregate Costs Below the Statutory Threshold (Continued)</b>			
		Prohibits broadcasters from entering into certain exclusive contracts for the rights to retransmit their programs until March 29, 2010	Yes
		Modifies reporting requirements under the Consolidated Omnibus Budget Reconciliation Act (COBRA) for certain employers who offer group health insurance	No
111-145	United States Capitol Police Administrative Technical Corrections Act of 2009	Requires members of the travel and tourist industry to pay an annual assessment if those members approve the assessment in a referendum	Yes
111-151	Satellite Television Extension Act of 2010	Requires copyright holders and satellite providers to participate in a process to set royalty rates for certain types of transmissions through April 30, 2010	Yes
		Requires broadcasters and copyright holders to allow satellite providers to retransmit network signals of certain stations without paying royalties through April 30, 2010	Yes
		Prohibits broadcasters from entering into certain exclusive contracts for the rights to retransmit their programs until May 1, 2010	Yes
111-154	Prevent All Cigarette Trafficking Act of 2009	Requires certain sellers to comply with requirements regarding reporting, shipping, recordkeeping, and collecting taxes	Yes
		Requires common carriers to comply with recordkeeping requirements	Yes
		Prohibits the mailing of tobacco products through the U.S. Postal Service	Yes
111-155	Prevent Deceptive Census Look Alike Mailings Act	Limits the use of the term "census" on mail delivered by the U.S. Postal Service	Yes
111-157	Continuing Extension Act of 2010	Requires copyright holders and satellite providers to participate in a process to set royalty rates for certain types of transmissions through May 31, 2010	Yes
		Requires broadcasters and copyright holders to allow satellite providers to retransmit network signals of certain stations without paying royalties through May 31, 2010	Yes

Continued

**Table 4.** **Continued**  
**Laws Enacted in 2010 That Contain Private-Sector Mandates**

Public Law Number	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment?
<b>Laws Containing Private-Sector Mandates with Aggregate Costs Below the Statutory Threshold (Continued)</b>			
111-157 (Continued)		Prohibits broadcasters from entering into certain exclusive contracts for the rights to retransmit their programs until June 1, 2010	Yes
		Modifies reporting requirements under the Consolidated Omnibus Budget Reconciliation Act (COBRA) for certain employers who offer group health insurance	No
111-175	Satellite Television Extension and Localism Act of 2010	Requires satellite carriers that provide local high-definition channels to also provide high-definition signals for local noncommercial, educational stations	Yes
		Requires satellite carriers and copyright holders to participate in a process to set royalty rates for certain types of transmissions through December 31, 2014	Yes
		Requires broadcasters and copyright holders to allow satellite providers to retransmit network signals of certain stations without paying royalties through December 31, 2014	Yes
		Increases the royalties that cable carriers pay for retransmitting the signals of distant network stations	Yes
		Requires satellite and cable carriers to pay filing fees to the Copyright Office for any royalty payments incurred from retransmitting distant network signals and to allow copyright holders to audit their subscriber lists	Yes
		Requires satellite carriers to report additional information	Yes
		Prohibits broadcasters from entering into certain exclusive contracts for the rights to retransmit their programs until January 1, 2015	Yes
		Limits a right of action by broadcasters and copyright holders by retroactively authorizing satellite providers to retransmit network signals without permission	No
111-177	Extending Immunities to the Office of the High Representative in Bosnia and Herzegovina and the International Civilian Office in Kosovo Act of 2010	Limits a legal right of action by extending privileges and immunities to employees of the two international organizations named in the law	Yes

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**Continued**

Table 4.

Continued

## Laws Enacted in 2010 That Contain Private-Sector Mandates

Public Law Number	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment?
<b>Laws Containing Private-Sector Mandates with Aggregate Costs Below the Statutory Threshold (Continued)</b>			
111-190	An act to amend the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such Act, and for other purposes	Limits compensation in antitrust cases if the defendant qualifies for leniency with the Department of Justice	No
111-207	Cruise Vessel Security and Safety Act of 2010	Requires certain cruise vessels to meet safety standards, comply with disclosure and recordkeeping requirements, limit the access of crew members to passengers' cabins, adhere to procedures for assisting victims of assault, carry medical supplies, and have at least one crew member trained in crime scene investigation	Yes
111-210	A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes	Renews the ban on imports from Burma for one year	Yes
		Extends Consolidated Omnibus Budget Reconciliation Act (COBRA) customs user fees through August 24, 2018	No
111-212	Supplemental Appropriations Act, 2010	Requires certain foreign commercial air carriers to check the list of individuals who are prohibited from flying and to do so within 30 minutes after the list has been modified	No
		Requires Amtrak to inspect all checked luggage that contains firearms	No
111-223	Securing the Protection of Our Enduring and Established Constitutional Heritage Act	Limits an existing right to recover damages from foreign defamation judgments	Yes
		Requires the reimbursement of attorneys' fees if a foreign defamation judgment is not upheld by a domestic court	Yes
111-230	An act making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes	Increases the fee for nonimmigrant applicants that large employers who use primarily nonimmigrant labor must pay	No
111-239	Mandatory Price Reporting Act of 2010	Extends reporting requirements for certain meat packers and establishes new reporting requirements for packers and exporters of pork	Yes

Continued

**Table 4.** **Continued**  
**Laws Enacted in 2010 That Contain Private-Sector Mandates**

Public Law Number	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment?
<b>Laws Containing Private-Sector Mandates with Aggregate Costs Below the Statutory Threshold (Continued)</b>			
111-242	Continuing Appropriations Act, 2011	Extends until December 3, 2010, existing standards for the security of chemical facilities that require vulnerability assessments and the development and implementation of site security plans	Yes
		Extends the authority of the Secretary of State to collect a surcharge on passport applications until December 3, 2010	Yes
		Extends some patent and trademark fees until December 3, 2010	No
		Extends the restriction on sales of cluster munitions until December 3, 2010	No
111-259	Intelligence Authorization Act for Fiscal Year 2010	Requires private entities, if subpoenaed, to provide evidence or testimony	Yes
111-268	Combat Methamphetamine Enhancement Act of 2010	Requires distributors and retailers of certain mail-order products to submit self-certification documents	Yes
		Prohibits anyone from supplying certain mail-order products to a retailer unless the retailer has completed the self-certification or has registered with the Drug Enforcement Agency	Yes
111-290	A joint resolution making further continuing appropriations for fiscal year 2011, and for other purposes	Extends until December 18, 2010, existing standards for the security of chemical facilities that require vulnerability assessments and the development and implementation of site security plans	Yes
		Extends the authority of the Secretary of State to collect a surcharge on passport applications until December 18, 2010	Yes
		Extends some patent and trademark fees until December 18, 2010	No
		Extends the restriction on sales of cluster munitions until December 18, 2010	No
111-294	Animal Crush Video Prohibition Act of 2010	Prohibits the sale or distribution of photographs, videos, or other electronic images that depict individuals conducting illegal acts of cruelty against animals	Yes

Continued

**Table 4.** **Continued**  
**Laws Enacted in 2010 That Contain Private-Sector Mandates**

Public Law Number	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment?
<b>Laws Containing Private-Sector Mandates with Aggregate Costs Below the Statutory Threshold (Continued)</b>			
111-307	Asian Carp Prevention and Control Act	Prohibits the import and interstate transport of bighead carp without a permit	Yes
111-311	CALM [Commercial Advertisement Loudness Mitigation] Act	Requires television broadcast stations, cable operators, and other distributors of television programming to equalize the volume of commercials and television programming	Yes
111-312	Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010	Extends for one year the temporary tariff on ethanol and ethyl tertiary-butyl ether	No
111-313	Truth in Fur Labeling Act of 2010	Requires manufacturers of products that contain a small quantity of fur to comply with labeling requirements	Yes
111-317	A joint resolution making further continuing appropriations for fiscal year 2011, and for other purposes	Extends until December 21, 2010, existing standards for the security of chemical facilities that require vulnerability assessments and the development and implementation of site security plans	Yes
		Extends the authority of the Secretary of State to collect a surcharge on passport applications until December 21, 2010	Yes
		Extends some patent and trademark fees until December 21, 2010	No
		Extends the restriction on sales of cluster munitions until December 21, 2010	No
111-322	Continuing Appropriations and Surface Transportation Extensions Act, 2011	Extends until March 4, 2011, existing standards for the security of chemical facilities that require vulnerability assessments and the development and implementation of site security plans	Yes
		Extends the authority of the Secretary of State to collect a surcharge on passport applications until March 4, 2011	Yes
		Extends some patent and trademark fees until March 4, 2011	No
		Extends the restriction on sales of cluster munitions until March 4, 2011	No

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**Continued**

Table 4.

Continued

## Laws Enacted in 2010 That Contain Private-Sector Mandates

Public Law Number	Title of Legislation	Description of Mandate	Was Mandate Reviewed by CBO Before Enactment?
<b>Laws Containing Private-Sector Mandates with Aggregate Costs Below the Statutory Threshold (Continued)</b>			
111-346	Helping Heroes Keep Their Homes Act of 2010	Requires mortgage holders and other creditors to provide protections to service members under the Servicemembers Civil Relief Act	Yes
111-348	Shark Conservation Act of 2010	Prohibits the possession, transfer, or landing of shark fins unless the carcass is naturally attached	Yes
111-372	Section 202 Supportive Housing for the Elderly Act of 2010	Requires owners of property who receive funding under the Supportive Housing for the Elderly program to comply with additional reporting requirements	Yes
111-373	Pedestrian Safety Enhancement Act of 2010	Requires hybrid and electric vehicles to generate sounds that alert pedestrians when such a vehicle is operating nearby	Yes

Source: Congressional Budget Office.

Note: Under UMRA, 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. This table only lists mandates in tax provisions that the JCT staff identified in legislative provisions during the 111th Congress.

**Table 5.**

**Intergovernmental Mandates Reviewed by CBO in 2010 Whose Costs Would Exceed the Statutory Threshold or Could Not Be Determined**

In its review of legislation in 2010, the Congressional Budget Office identified 3 intergovernmental mandates whose costs would exceed the statutory threshold (\$70 million in 2010) and 12 whose costs could not be determined. Two of the mandates with costs above the threshold were enacted, as were 7 of those whose costs could not be determined. (As shown in Table 1 on page 5, a total of 7 mandates with costs above the threshold were enacted in 2010. CBO reviewed 5 of those mandates in 2009 as part of its analyses of early versions of the Patient Protection and Affordable Care Act. Only the mandates reviewed in 2010 are shown here.)

In some cases, intergovernmental mandates were identified in more than one bill or piece of legislation, as detailed in Table 7 on page 37. Those mandates or related groups of mandates are listed below; related bill numbers are given in parentheses.

Topic	Description of Mandate	Was a Version Enacted Into Law in 2010?
<b>Proposed Intergovernmental Mandates with Costs Above the Statutory Threshold</b>		
Child Nutrition Standards	Requires schools to provide meals that comply with new standards for menu planning and nutrition (H.R. 5504; S. 3307)	Yes (Public Law 111-296) <sup>a</sup>
	Requires schools to comply with nutrition standards for all food sold in schools (H.R. 5504; S. 3307)	Yes (P.L. 111-296) <sup>a</sup>
Cybersecurity	Requires owners and operators of critical infrastructure to train employees in cybersecurity, comply with risk-management techniques and best practices, conduct audits, and report audit information to the federal government (S. 773)	No
<b>Proposed Intergovernmental Mandates Whose Costs Might or Might Not Exceed the Statutory Threshold</b>		
Chemical Security	Requires public and private laboratories to comply with new security standards in addition to new standards for conducting background checks, training personnel, and performing vulnerability assessments (H.R. 5498; S. 1649)	No
Cybersecurity	Requires owners and operators of electric infrastructure to comply with rules that address cybersecurity and other vulnerabilities (H.R. 5026, House Energy and Commerce)	No
	Requires owners and operators of critical information systems to meet cybersecurity standards (S. 3480)	No
Financial Regulation	Subjects some banks, all mortgage-related businesses (including housing finance agencies), and all large nonbank financial companies to regulations issued by the Bureau of Consumer Financial Protection (H.R. 4173; S. 3217)	Yes (P.L. 111-203) <sup>a</sup>
	Requires issuers of asset-backed securities that seek credit ratings to use a rating agency assigned by the Credit Rating Agency Board and vests the board with the authority to set fees for such ratings (H.R. 4173)	Yes (P.L. 111-203) <sup>a</sup>

Continued

Table 5.

Continued

### Intergovernmental Mandates Reviewed by CBO in 2010 Whose Costs Would Exceed the Statutory Threshold or Could Not Be Determined

Topic	Description of Mandate	Was a Version Enacted Into Law in 2010?
<b>Proposed Intergovernmental Mandates Whose Costs Might or Might Not Exceed the Statutory Threshold (Continued)</b>		
Financial Regulation (Continued)	Imposes limits on the number of contracts that can be held, transaction fees, and other requirements on public entities that participate in the derivatives market (H.R. 4173; S. 3217)	Yes (P.L. 111-203) <sup>a</sup>
	Prevents public or private investors from seeking damages from investment managers on grounds that the manager made investment decisions based on a corporation's political activities (H.R. 4790)	No
	Prohibits loan originators from receiving compensation that is based on the terms of the loan for certain consumer credit transactions secured by real property (H.R. 4173)	Yes (P.L. 111-203) <sup>a</sup>
	Requires creditors to ensure that mortgage debtors are able to make their mortgage payments (H.R. 4173)	Yes (P.L. 111-203) <sup>a</sup>
	Requires entities (including public finance authorities) that sell products such as mortgage-backed securities to hold at least 5 percent of the credit risk of each asset that they securitize and disclose information about those assets (H.R. 4173; S. 3217)	Yes (P.L. 111-203) <sup>a</sup>
	Prohibits public entities that invest between \$25 million and \$50 million from entering into swaps with entities that are not federally regulated (H.R. 4173; S. 3217)	Yes (P.L. 111-203) <sup>a</sup>
Liability Limits	Limits damages that may be recovered from owners and operators of critical information systems related to cybersecurity incidents (S. 3480)	No

Source: Congressional Budget Office.

Notes: 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. In some cases, CBO issued more than one formal mandate statement for a topic.

a. The full names of the public laws referred to in this table (ordered by law number) are as follows:

- Public Law 111-203, Dodd–Frank Wall Street Reform and Consumer Protection Act
- Public Law 111-296, Healthy, Hunger-Free Kids Act of 2010

**Table 6.**

## Private-Sector Mandates Reviewed by CBO in 2010 Whose Costs Would Exceed the Statutory Threshold or Could Not Be Determined

In its review of legislation in 2010, the Congressional Budget Office identified 19 private-sector mandates whose costs would exceed the statutory threshold (\$141 million in 2010). Twelve of those mandates were enacted. CBO identified another 38 private-sector mandates whose costs could not be determined. Of those 38 mandates, 19 were enacted. (As shown in Table 1 on page 5, a total of 25 mandates with costs above the threshold and 21 mandates whose costs could not be determined were enacted in 2010. CBO reviewed some of those mandates in 2009. Only the mandates reviewed in 2010 are shown here.)

In some cases, private-sector mandates are identified in more than one bill or piece of legislation, as detailed in Table 8 on page 47. Those mandates are listed below; related bill numbers are given in parentheses.

Topic	Description of Mandate	Was a Version Enacted Into Law in 2010?
<b>Proposed Private-Sector Mandates with Costs Above the Statutory Threshold</b>		
Cybersecurity	Requires owners and operators of critical information systems to train employees in cybersecurity, comply with risk-management techniques and best practices, conduct audits, and report audit information to the federal government (S. 773)	No
Financial Regulation	Requires financial institutions to pay fees to the Federal Deposit Insurance Corporation to cover the cost of liquidating financial institutions that are in default or in danger of default (H.R. 4173; S. 3217)	Yes (Public Law 111-203) <sup>a</sup>
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, comply with more frequent inspections, and pay any fees associated with reinspection or recall (S. 510)	Yes (P.L. 111-353) <sup>a</sup>
	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 employee protections (S. 510)	Yes (P.L. 111-353) <sup>a</sup>
	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 of contamination (S. 510)	Yes (P.L. 111-353) <sup>a</sup>
Health Care	Requires grandfathered health care plans to comply with new standards for extending health insurance coverage to beneficiaries and their dependents (H.R. 4872)	Yes (P.L. 111-152) <sup>a</sup>
	Levies a new tax on investment income of individuals with adjusted gross income above specified amounts (H.R. 4872)	Yes (P.L. 111-152) <sup>a</sup>
	Imposes additional fees on health insurance providers and on manufacturers and importers of brand-name drugs and taxes the sales of certain medical devices (H.R. 4872)	Yes (P.L. 111-152) <sup>a</sup>

Continued

**Table 6.**

**Continued**

**Private-Sector Mandates Reviewed by CBO in 2010 Whose Costs Would Exceed the Statutory Threshold or Could Not Be Determined**

Topic	Description of Mandate	Was a Version Enacted Into Law in 2010?
<b>Proposed Private-Sector Mandates with Costs Above the Statutory Threshold (Continued)</b>		
Import Restrictions	Prohibits importers and manufacturers from importing certain products or components of those products if those imports come from a foreign manufacturer that does not have a registered agent in the United States (H.R. 4678)	No
Motor Vehicle Safety Requirements	Requires manufacturers to pay a user fee for each motor vehicle certified and delivered for sale in the United States (H.R. 5381)	No
	Requires manufacturers of passenger vehicles to comply with more stringent safety standards (H.R. 5381; S. 3302)	No
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 (S. 3386)	Yes (P.L. 111-345) <sup>a</sup>
Patent Infringement Claims	Places limits on certain agreements between drug manufacturers for settling claims of patent infringement (S. 369)	No
Revenue-Raising Provisions	Delays implementing worldwide allocation of interest expense (H.R. 2847)	Yes (P.L. 111-147) <sup>a</sup>
	Increases reporting requirements and taxes regarding foreign income (H.R. 2847)	Yes (P.L. 111-147) <sup>a</sup>
	Penalizes taxpayers who make transactions that violate the economic substance doctrine (H.R. 4872)	Yes (P.L. 111-152) <sup>a</sup>
	Limits tax treaty benefits for subsidiaries of foreign companies in the United States (H.R. 4849)	No
	Requires grantor-retained annuity trusts to have a minimum 10-year term (H.R. 4849)	No
	Requires property owners to provide information about expense payments for rental property (H.R. 4849)	Yes (P.L. 111-240) <sup>a</sup>
<b>Proposed Private-Sector Mandates Whose Costs Could Not Be Determined</b>		
Agreements for Discount Pricing	Prohibits agreements between manufacturers and wholesalers, distributors, or retailers to set minimum prices for a product or service (H.R. 3190; S. 148)	No

**Continued**

Table 6.

Continued

### Private-Sector Mandates Reviewed by CBO in 2010 Whose Costs Would Exceed the Statutory Threshold or Could Not Be Determined

Topic	Description of Mandate	Was a Version Enacted Into Law in 2010?
<b>Proposed Private-Sector Mandates Whose Costs Could Not Be Determined (Continued)</b>		
Chemical Security	Requires laboratories to comply with new security standards in addition to new standards for conducting background checks, training personnel, and performing vulnerability assessments (H.R. 5498; S. 1649)	No
Child Nutrition Standards	Requires entities selling food on a school campus or at any time during the school day to comply with science-based standards established by the Secretary of Agriculture (H.R. 5504; S. 3307)	Yes (P.L. 111-296) <sup>a</sup>
Commodity Investment Limits and Transaction Requirements	Imposes limits on the number of contracts that can be held, transaction fees, and other requirements on participants in derivatives markets (H.R. 4173; S. 3217)	Yes (P.L. 111-203) <sup>a</sup>
Conflict Minerals	Requires manufacturers that use certain minerals to disclose where they obtained such minerals and the measures taken to ensure that obtaining the minerals did not benefit any armed groups in the Democratic Republic of Congo or an adjoining country (H.R. 4173)	Yes (P.L. 111-203) <sup>a,b</sup>
Cybersecurity	Requires owners and operators of electric infrastructure to comply with rules that address cybersecurity and other vulnerabilities (H.R. 5026, House Energy and Commerce; H.R. 5026, Senate Energy and Natural Resources)	No
	Requires owners and operators of critical information systems to meet cybersecurity standards (S. 3480)	No
Financial Regulation	Subjects some banks, all mortgage-related businesses, and all large nonbank financial companies to regulations issued by the Bureau of Consumer Financial Protection (H.R. 4173; S. 3217)	Yes (P.L. 111-203) <sup>a</sup>
	Requires entities that sell products such as mortgage-backed securities to hold at least 5 percent of the credit risk of each asset that they securitize and disclose information about those assets (H.R. 4173; S. 3217)	Yes (P.L. 111-203) <sup>a</sup>
	Prohibits loan originators from receiving compensation that is based on the terms of the loan for certain consumer credit transactions secured by real property (H.R. 4173)	Yes (P.L. 111-203) <sup>a</sup>
	Requires creditors to ensure that mortgage debtors are able to make their mortgage payments (H.R. 4173)	Yes (P.L. 111-203) <sup>a</sup>
	Requires issuers of asset-backed securities that seek credit ratings to use a rating agency assigned by the Credit Rating Agency Board and pay fees for such ratings (H.R. 4173)	Yes (P.L. 111-203) <sup>a</sup>

Continued

Table 6.

Continued

**Private-Sector Mandates Reviewed by CBO in 2010 Whose Costs Would Exceed the Statutory Threshold or Could Not Be Determined**

Topic	Description of Mandate	Was a Version Enacted Into Law in 2010?
<b>Proposed Private-Sector Mandates Whose Costs Could Not Be Determined (Continued)</b>		
Financial Regulation (Continued)	Requires credit-rating agencies to register with the Credit Rating Agency Board and provide credit ratings on new issues of certain asset-backed securities (H.R. 4173)	Yes (P.L. 111-203) <sup>a</sup>
	Requires nonbank and large bank holding companies that may pose risks to the financial stability of the United States to comply with new conditions authorized by the Financial Stability Council and new standards issued by the Federal Reserve regarding capital, available cash, credit exposure, and remediation (H.R. 4173; S. 3217)	Yes (P.L. 111-203) <sup>a</sup>
	Prohibits banks, their affiliates and bank holding companies, and other financial companies from proprietary trading, sponsoring, investing, and limiting relationships with hedge funds and private equity funds (H.R. 4173; S. 3217)	Yes (P.L. 111-203) <sup>a</sup>
	Requires any fee that certain issuers or payment card networks charge merchants to be “reasonable and proportional” to the actual cost incurred with respect to an electronic debit transaction (H.R. 4173)	Yes (P.L. 111-203) <sup>a</sup>
	Requires people who manage or carry out payment, clearing, and settlement activities among financial institutions to meet uniform standards regarding the management of risks and clearing and settlement activities (H.R. 4173; S. 3217)	Yes (P.L. 111-203) <sup>a</sup>
Formaldehyde Standard for Composite Wood Products	Requires manufacturers, sellers, suppliers, and importers of composite wood products to meet a national standard for formaldehyde emissions (H.R. 4805; S. 1660)	Yes (P.L. 111-199) <sup>a</sup>
Lead-Free Plumbing Requirements	Prohibits the manufacture and use of plumbing fixtures that do not meet lead-free requirements (H.R. 5320 <sup>c</sup> ; S. 3874)	Yes (P.L. 111-380) <sup>a</sup>
Liability Limits	Limits the ability of individuals to seek compensatory damages or other relief arising from or related to the removal of debris from sites of the 2001 terrorist attacks by limiting the liability of entities from which individuals might obtain compensation (H.R. 847)	Yes (P.L. 111-347) <sup>a</sup>
	Prevents investors from seeking damages from investment managers on grounds that the manager made investment decisions on the basis of a corporation’s political activities (H.R. 4790)	No
	Limits damages that may be recovered from owners and operators of critical information systems related to cybersecurity incidents (S. 3480)	No
Motor Vehicle Safety Requirements	Prohibits drivers of commercial vehicles and school buses from using electronic or wireless devices in some circumstances (S. 1938)	No

Continued

Table 6.

Continued

### Private-Sector Mandates Reviewed by CBO in 2010 Whose Costs Would Exceed the Statutory Threshold or Could Not Be Determined

Topic	Description of Mandate	Was a Version Enacted Into Law in 2010?
<b>Proposed Private-Sector Mandates Whose Costs Could Not Be Determined (Continued)</b>		
Motorcoach Safety Requirements	Requires motor coach carriers to comply with more stringent safety standards (S. 554)	No
Oil and Natural Gas Regulation	Requires operators of oil and gas wells located on nonfederal offshore and onshore lands to comply with new safety standards (H.R. 5626)	No
	Requires owners and operators of facilities and large vessels that could discharge oil or hazardous materials into waters of the United States to include additional information in their plans for responding to spills (S. 3305)	No
Protections for Service Members	Raises the costs of complying with existing private-sector mandates by increasing the number of service members and reservists eligible for protection under the Servicemembers Civil Relief Act (H.R. 5136; S. 3454) <sup>d</sup>	Yes (P.L. 111-383) <sup>a</sup>
Regulation of Rail Carriers	Requires large rail carriers to offer reasonable rates for shipments on noncompetitive segments of track (S. 2889)	No
	Requires large rail carriers to make their terminal facilities available to competing carriers (S. 2889)	No
	Requires the Surface Transportation Board (STB) to modify or discontinue existing regulatory exemptions for small rail carriers on the basis of the results of a study of the impact of those exemptions (S. 2889)	No
	Requires rail carriers to rewrite agreements or terminate certain lease agreements if the STB invalidates the agreement (S. 2889)	No
	Restricts the ability of rail carriers to set rates (S. 2889)	No
Regulation of Securities Markets	Prohibits brokers, dealers, municipal financial advisers, and investment advisers from requiring predispute arbitration agreements with their clients (H.R. 3817; H.R. 4173; S. 3217)	Yes (P.L. 111-203) <sup>a</sup>
	Requires brokers that provide investment advice to comply with the same fiduciary standard that applies to investment advisers (H.R. 3817)	No
	Requires companies to comply with new regulations for securities lending (H.R. 3817)	No
	Imposes new recordkeeping requirements on custodians or others who have custody or use of investments, deposits, or credits of an investment company or of an investment adviser's clients (H.R. 3817)	No

Continued

**Table 6.** **Continued**  
**Private-Sector Mandates Reviewed by CBO in 2010 Whose Costs Would Exceed the Statutory Threshold or Could Not Be Determined**

Topic	Description of Mandate	Was a Version Enacted Into Law in 2010?
<b>Proposed Private-Sector Mandates Whose Costs Could Not Be Determined (Continued)</b>		
Regulation of Securities Markets (Continued)	Requires brokers, dealers, and investment advisers to comply with regulations to address any deficiencies (H.R. 4173; S. 3217)	Yes (P.L. 111-203) <sup>a</sup>
Royalties for Performances	Requires over-the-air broadcasters to pay new royalty fees to holders of copyrights on sound recordings (S. 379)	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 tax provisions of legislation to identify federal mandates and estimates 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 111-147, Hiring Incentives to Restore Employment Act
  - Public Law 111-152, Health Care and Education Reconciliation Act of 2010
  - Public Law 111-199, Formaldehyde Standards for Composite Wood Products Act
  - Public Law 111-203, Dodd–Frank Wall Street Reform and Consumer Protection Act
  - Public Law 111-240, Small Business Jobs Act of 2010
  - Public Law 111-296, Healthy, Hunger-Free Kids Act of 2010
  - Public Law 111-345, Restore Online Shoppers' Confidence Act
  - Public Law 111-347, James Zadroga 9/11 Health and Compensation Act of 2010
  - Public Law 111-353, FDA [Food and Drug Administration] Food Safety Modernization Act
  - Public Law 111-380, Reduction of Lead in Drinking Water Act
  - Public Law 111-383, Ike Skelton National Defense Authorization Act for Fiscal Year 2011
- b. Because of uncertainty about the information that manufacturers would need to collect, CBO could not determine whether the cost of the mandate in H.R. 4173 would exceed the annual threshold. The same mandate was enacted in P.L. 111-203. The mandate, as enacted, contains more detailed information about the information that would be collected. In light of the additional information, CBO determined that the cost of the mandate enacted in P.L. 111-203 would exceed the annual threshold.
- c. CBO determined that the cost of the prohibition in H.R. 5320 would probably exceed the annual threshold. CBO reviewed the same prohibition in S. 3874 and, on the basis of updated information from industry sources, could not determine whether the cost of the prohibition would exceed the annual threshold.
- d. The Servicemembers Civil Relief Act provides benefits and protection to active-duty service members and reservists, including the right to maintain a single state of residence for purposes of state and local personal income taxes and the right to request a deferral in the payment of certain state and local taxes and fees. The act also requires creditors to reduce the interest rate on service members' loan obligations when the acquisition of such obligations predates active-duty service; allows courts to temporarily stay certain civil proceedings, such as evictions, foreclosures, and repossessions; and precludes the use of a service member's personal assets to satisfy the member's trade or business liability while he or she is in military service.

**Table 7.****Bills Reviewed by CBO in 2010 That Contained Intergovernmental Mandates**

Of the 474 bills or legislative proposals that the Congressional Budget Office reviewed for mandates as defined in the Unfunded Mandates Reform Act, 64 contained intergovernmental mandates. Of those 64 bills, 3 contained mandates with costs that, in CBO's estimation, would exceed the statutory threshold in UMRA (\$70 million in 2010). Some bills were considered by more than one committee; in those cases, the table lists the various versions of those bills.

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 or status)	Title of Legislation	Description of Mandate
<b>Bills Containing Intergovernmental Mandates with Aggregate Costs Above the Statutory Threshold<sup>a</sup></b>		
H.R. 5504	Improving Nutrition for America's Children Act	<p><b>Requires schools to provide meals that comply with new standards for menu planning and nutrition</b></p> <p><b>Requires schools to comply with nutrition standards for all food sold in schools</b></p> <p>Requires schools to make potable water available free of charge to children at meal time</p> <p>Requires schools to comply with food safety standards that apply to any facility that stores, prepares, or serves food</p> <p>Requires schools to comply with federal standards for pricing school meals that are provided to children who are not approved for federal benefits</p> <p>Requires states to comply with new regulations for approving children for free meals and for overseeing schools that operate school meal programs</p>
S. 773	Cybersecurity Act of 2010	<b>Requires owners and operators of critical information systems to train employees in cybersecurity, comply with risk-management techniques and best practices, conduct audits, and report audit information to the federal government</b>
S. 3307	Healthy, Hunger-Free Kids Act of 2010	<p><b>Requires schools to provide meals that comply with new standards for menu planning and nutrition</b></p> <p><b>Requires schools to comply with nutrition standards for all food sold in schools</b></p> <p>Requires schools to make potable water available free of charge to children at meal time</p> <p>Requires schools to comply with food safety standards that apply to any facility that stores, prepares, or serves food</p>

Continued

**Table 7.** **Continued**  
**Bills Reviewed by CBO in 2010 That Contained Intergovernmental Mandates**

Bill Number (Committee or status)	Title of Legislation	Description of Mandate
<b>Bills Containing Intergovernmental Mandates with Aggregate Costs Above the Statutory Threshold<sup>a</sup> (Continued)</b>		
S. 3307 (Continued)		<p>Requires schools to comply with federal standards for pricing school meals that are provided to children who are not approved for federal benefits</p> <p>Requires states to comply with new regulations for approving children for free meals and for overseeing schools that operate school meal programs</p>
<b>Bills Containing Intergovernmental Mandates Whose Aggregate Costs Could Not Be Determined</b>		
H.R. 4173	Restoring American Financial Stability Act of 2010	<p><i>Imposes limits on the number of contracts that can be held, transaction fees, and other requirements on public entities that participate in the derivatives market</i></p> <p><i>Requires entities (including public finance authorities) that sell products such as mortgage-backed securities to hold at least 5 percent of the credit risk of each asset that they securitize and disclose information about those assets</i></p> <p><i>Prohibits loan originators from receiving compensation that is based on the terms of the loan for certain consumer credit transactions secured by real property</i></p> <p><i>Requires creditors to ensure that mortgage debtors are able to make their mortgage payments</i></p> <p><i>Prohibits public entities that invest between \$25 million and \$50 million from entering into swaps with entities that are not federally regulated</i></p> <p><i>Subjects some banks, all mortgage-related businesses (including housing finance agencies), and all large nonbank financial companies to regulations issued by the Bureau of Consumer Financial Protection</i></p> <p><i>Requires issuers of asset-backed securities that seek credit ratings to use a rating agency assigned by the Credit Rating Agency Board and vests the board with the authority to set fees for such ratings</i></p> <p>Requires banks and other users of credit scores to provide consumers, upon request, with the credit score used to deny them a loan or employment or to charge them a higher interest rate</p> <p>Subjects states to national standards limiting the ability of states to tax insurance that covers unique or atypical risks (known as surplus lines or nonadmitted insurance)</p>

Continued

Table 7.

Continued

## Bills Reviewed by CBO in 2010 That Contained Intergovernmental Mandates

Bill Number (Committee or status)	Title of Legislation	Description of Mandate
<b>Bills Containing Intergovernmental Mandates Whose Aggregate Costs Could Not Be Determined (Continued)</b>		
H.R. 4173 (Continued)		Limits the way states regulate insurers that purchase reinsurance  Prohibits states from imposing certain licensing fees on brokers and regulating reinsurers in other states  Preempts state laws that affect swaps, consumer protection, and insurance
H.R. 4790	Shareholder Protection Act of 2010	<i>Prevents public or private investors from seeking damages from investment managers on grounds that the manager made investment decisions on the basis of a corporation's political activities</i>  Requires investment managers to report information annually  Preempts state securities laws that would allow lawsuits against investment managers on the basis of a corporation's political activities
H.R. 5026 (House Energy and Commerce)	Grid Reliability and Infrastructure Defense Act	<i>Requires owners and operators of electric infrastructure to comply with rules that address cybersecurity and other vulnerabilities</i>  Preempts state, local, and tribal laws relating to the disclosure of information or records related to electric infrastructure
H.R. 5498	WMD [Weapons of Mass Destruction] Prevention and Preparedness Act of 2010	<i>Requires public and private laboratories to comply with new security standards in addition to new standards for conducting background checks, training personnel, and performing vulnerability assessments</i>
S. 1649	WMD [Weapons of Mass Destruction] Prevention and Preparedness Act of 2009	<i>Requires public and private laboratories to comply with new security standards in addition to new standards for conducting background checks, training personnel, and performing vulnerability assessments</i>  Requires all individuals, laboratories, or other facilities that possess, use, or transfer certain biological agents or toxins to register with the Secretary of the Department of Homeland Security  Requires entities that currently receive, synthesize, or handle DNA from the variola virus to meet new requirements determined by the Secretary of the Department of Homeland Security

Continued

Table 7.

Continued

## Bills Reviewed by CBO in 2010 That Contained Intergovernmental Mandates

Bill Number (Committee or status)	Title of Legislation	Description of Mandate
<b>Bills Containing Intergovernmental Mandates Whose Aggregate Costs Could Not Be Determined (Continued)</b>		
S. 3217	Restoring American Financial Stability Act of 2010	<p><i>Subjects some banks, all mortgage-related businesses (including housing finance agencies), and all large nonbank financial companies to regulations issued by the Bureau of Consumer Financial Protection</i></p> <p><i>Imposes limits on the number of contracts that can be held, transaction fees, and other requirements on public entities that participate in the derivatives market</i></p> <p><i>Requires entities (including public finance authorities) that sell products such as mortgage-backed securities to hold at least 5 percent of the credit risk of each asset that they securitize and disclose information about those assets</i></p> <p><i>Prohibits public entities that invest between \$25 million and \$50 million from entering into swaps with entities that are not federally regulated</i></p> <p>Subjects states to national standards limiting the ability of states to tax insurance that covers unique or atypical risks (known as surplus lines or nonadmitted insurance)</p> <p>Limits the way states regulate insurers that purchase reinsurance</p> <p>Prohibits states from imposing certain licensing fees on brokers and regulating reinsurers in other states</p> <p>Preempts state laws that affect swaps, consumer protection, and insurance</p>
S. 3480	Protecting Cyberspace as a National Asset Act of 2010	<p><i>Requires owners and operators of critical information systems to meet cybersecurity standards and reporting requirements</i></p> <p><i>Limits damages that may be recovered from owners and operators of critical information systems related to cybersecurity incidents</i></p>
<b>Bills Containing Intergovernmental Mandates with Aggregate Costs Below the Statutory Threshold</b>		
H.R. 1258	Truth in Caller ID Act of 2010	Prohibits entities, including domestic violence shelters, from providing false caller-ID information
H.R. 1879	National Guard Employment Protection Act of 2010	Requires public and private employers to reemploy members of the National Guard who have served more than five years
H.R. 2336	GREEN [Green Resources for Energy Efficient Neighborhoods] Act of 2010	Preempts state and local laws that limit the amount of funds that may be distributed to certain borrowers of federal housing funds

Continued

Table 7.

Continued

## Bills Reviewed by CBO in 2010 That Contained Intergovernmental Mandates

Bill Number (Committee or status)	Title of Legislation	Description of Mandate
<b>Bills Containing Intergovernmental Mandates with Aggregate Costs Below the Statutory Threshold (Continued)</b>		
H.R. 2609	Federal Insurance Office Act of 2009	Preempts state insurance laws pertaining to foreign insurers
H.R. 2765	Securing the Protection of Our Enduring and Established Constitutional Heritage Act	Preempts state laws related to foreign judgments
H.R. 2868	Continuing Chemical Facilities Antiterrorism Security Act of 2010	Extends through fiscal year 2013 existing standards for the security of chemical facilities that require vulnerability assessments and the development and implementation of site security plans
H.R. 3377	Disaster Response, Recovery, and Mitigation Enhancement Act of 2009	Eliminates an existing right to seek compensation for damages Requires employers to allow members of search-and-rescue teams to reclaim their jobs after completing a deployment to a disaster
H.R. 3655	Bereaved Consumer's Bill of Rights Act of 2009	Requires cemeteries and other funeral service providers to maintain records and respond to requests for information as well as issue disclosures to consumers
H.R. 3695	Help Find the Missing Act	Expands an existing mandate that requires state and local law enforcement agencies to share information about missing persons under the age of 21
H.R. 3817	Investor Protection Act of 2009	Requires directors, officers, and principal stockholders (including managers of public pension funds) to report changes in status quickly
H.R. 3913	Major General David F. Wherley, Jr. District of Columbia National Guard Retention and College Access Act	Requires the District of Columbia to develop policies and procedures for a financial assistance program for members of the District's National Guard
H.R. 3993	Calling Card Consumer Protection Act	Preempts state laws that impose requirements on providers of calling cards  Imposes notification requirements on and limits the authority of state attorneys general, utility commissions, and consumer protection agencies
H.R. 4445 (House Natural Resources)	Indian Pueblo Cultural Center Clarification Act	Prohibits gaming on some land held in trust for the Pueblos in New Mexico
H.R. 4445 (Senate Indian Affairs)	Indian Pueblo Cultural Center Clarification Act	Prohibits gaming on some land held in trust for the Pueblos in New Mexico
H.R. 4868	Housing Preservation and Tenant Protection Act of 2010	Preempts state and local laws that govern how surplus funds from housing projects are distributed to owners of those projects in some cases

Continued

Table 7.

Continued

## Bills Reviewed by CBO in 2010 That Contained Intergovernmental Mandates

Bill Number (Committee or status)	Title of Legislation	Description of Mandate
<b>Bills Containing Intergovernmental Mandates with Aggregate Costs Below the Statutory Threshold (Continued)</b>		
H.R. 4872	Reconciliation Act of 2010	Requires grandfathered health care plans to comply with new standards for extending health insurance coverage to beneficiaries and their dependents
H.R. 5026 (Senate Energy and Natural Resources)	An act to amend the Federal Power Act to protect the bulk-power system and electric infrastructure critical to the defense of the United States against cybersecurity and other threats and vulnerabilities	Requires owners and operators of electric infrastructure to comply with rules that address cybersecurity
H.R. 5114	Flood Insurance Reform Priorities Act of 2010	Requires state agencies that are mortgage lenders to provide more information to borrowers
H.R. 5136	National Defense Authorization Act for Fiscal Year 2011	Preempts state licensing laws related to the ability of National Guard health professionals to practice during emergency disasters  Preempts child custody laws in some circumstances  Raises the costs of complying with existing intergovernmental mandates by increasing the number of service members and reservists eligible for protection under the Servicemembers Civil Relief Act
H.R. 5138	International Megan's Law of 2010	Requires state and local governments to collect fees and travel information from registered sex offenders and provide the information to federal officials
H.R. 5139	Extending Immunities to the Office of the High Representative and the International Civilian Office in Kosovo Act of 2010	Preempts state laws governing search and seizure in some cases  Limits a legal right of action by extending privileges and immunities to employees of the two international organizations named in the law  Limits some taxing authority of the District of Columbia
H.R. 5320	Assistance, Quality, and Affordability Act of 2010	Prohibits the use of plumbing fixtures that do not meet lead-free requirements  Requires public water systems to submit monitoring data electronically
H.R. 5381	Motor Vehicle Safety Act of 2010	Preempts state laws relating to safety standards for motor vehicles
H.R. 5626	Blowout Prevention Act of 2010	Provides whistle-blower protections to employees who report an alleged violation of safety regulations

Continued

Table 7.

Continued

## Bills Reviewed by CBO in 2010 That Contained Intergovernmental Mandates

Bill Number (Committee or status)	Title of Legislation	Description of Mandate
<b>Bills Containing Intergovernmental Mandates with Aggregate Costs Below the Statutory Threshold (Continued)</b>		
H.R. 5663 (As ordered reported on July 21, 2010)	Robert C. Byrd Miner Safety and Health Act of 2010	Requires public and private entities, if subpoenaed, to provide evidence or testimony
H.R. 5663 (As reported on July 29, 2010)	Robert C. Byrd Miner Safety and Health Act of 2010	Requires public and private entities, if subpoenaed, to provide evidence or testimony
H.R. 5702	A bill to amend the District of Columbia Home Rule Act to reduce the waiting period for holding special elections to fill vacancies in the membership of the Council of the District of Columbia	Requires the government of the District of Columbia to hold special elections within 70 days of when a vacancy occurs
H.R. 5852	Mandatory Price Reporting Act of 2010	Preempts state and local laws that are in addition to or inconsistent with any requirements of the Department of Agriculture's program for price reporting
S. 373	A bill to amend title 18, United States Code, to include constrictor snakes of the species Python genera as an injurious animal	Prohibits the importation and interstate transport of several species of snakes without a permit
S. 379	Performance Rights Act	Requires publicly owned over-the-air radio broadcasters to pay new royalty fees to copyright holders of sound recordings
S. 510	Food Safety Modernization Act	Requires facilities that manufacture, process, pack, receive, or hold food for consumption in the United States to register every two years with the Secretary of Health and Human Services, comply with more frequent inspections, and pay any fees associated with reinspection or recall  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 standards that protect employees  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 of contamination
S. 554	Motorcoach Enhanced Safety Act of 2009	Requires states to conduct annual inspections of commercial motor vehicles used to transport passengers

Continued

Table 7.

Continued

**Bills Reviewed by CBO in 2010 That Contained Intergovernmental Mandates**

Bill Number (Committee or status)	Title of Legislation	Description of Mandate
<b>Bills Containing Intergovernmental Mandates with Aggregate Costs Below the Statutory Threshold (Continued)</b>		
S. 554 (Continued)		Requires states to ensure that training certificates received from applicants for commercial driver's licenses and training schools are identical  Requires states to refuse driving tests to applicants whose certificate does not match that of the driving school
S. 1132	Law Enforcement Officers Safety Act Improvements Act of 2010	Expands an existing mandate that preempts state and local laws that prohibit the carrying of concealed weapons
S. 1147	Prevent All Cigarette Trafficking Act of 2009	Preempts state and local laws that require common carriers to verify the age of individuals who accept tobacco deliveries  Requires certain sellers to comply with requirements regarding reporting, shipping, recordkeeping, and collecting taxes  Prohibits the mailing of tobacco products through the U.S. Postal Service
S. 1421	Asian Carp Prevention and Control Act	Prohibits the importation and interstate transport of bighead carp without a permit
S. 1684	Managing Arson Through Criminal History Act of 2010	Requires states and territories to collect information about arsonists and bombers and provide that information to the federal government  Requires Indian tribes that choose not to establish registries to enter into agreements with nearby states to provide such services
S. 1703	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	Expands an existing mandate that exempts from state and local taxes any land taken into trust  Limits the ability of public and private entities to file claims in court related to lands taken into trust
S. 1816	Chesapeake Clean Water and Ecosystem Restoration Act	Requires Delaware, New York, and West Virginia to develop and implement plans for improving water quality in the Chesapeake Basin  Requires entities that discharge water into the Chesapeake Basin to comply with management plans
S. 2724	Lake Tahoe Restoration Act of 2010	Requires owners and operators of watercraft to have their watercraft inspected for invasive species, document those inspections, have their watercraft decontaminated, and pay decontamination fees
S. 2802	Blackfoot River Land Settlement Act of 2009	Requires an exchange of land between private and tribal land owners and extinguishes existing claims to those lands

Continued

Table 7.

Continued

## Bills Reviewed by CBO in 2010 That Contained Intergovernmental Mandates

Bill Number (Committee or status)	Title of Legislation	Description of Mandate
<b>Bills Containing Intergovernmental Mandates with Aggregate Costs Below the Statutory Threshold (Continued)</b>		
S. 2847	CALM [ Commercial Advertisement Loudness Mitigation ] Act	Requires television broadcast stations, cable operators, and other distributors of television programming to equalize the volume of commercials and television programming
S. 2859	Coral Reef Conservation Amendments Act of 2009	Requires public entities to obtain permits for activities that could affect coral reefs
S. 2870	International Fisheries Stewardship and Enforcement Act	Requires public entities, if subpoenaed, to provide evidence or testimony
S. 2889	Surface Transportation Board Reauthorization Act of 2009	Imposes regulatory and reporting requirements on publicly owned railroad carriers  Expands an existing mandate that prohibits states from interfering with National Transportation Safety Board investigations and counseling services for families of victims of passenger rail accidents
S. 2925	Domestic Minor Sex Trafficking Deterrence and Victims Support Act of 2010	Requires state and local governments to report additional information about missing children to federal authorities
S. 2971	Foreign Relations Authorization Act, Fiscal Years 2010 and 2011	Eliminates an existing right of action  Requires public entities, if subpoenaed, to provide evidence or testimony  Preempts state liability laws in some cases
S. 3302	Motor Vehicle Safety Act of 2010	Preempts state laws relating to safety standards for motor vehicles
S. 3305	Big Oil Bailout Prevention Unlimited Liability Act of 2010	Requires owners and operators of large ferries to include additional information in their plans for responding to oil spills
S. 3325	Veterans Telehealth and Other Care Improvements Act of 2010	Preempts state laws that prohibit certain transitional housing programs from offering preferential treatment to veterans
S. 3378	Examination of Exposures to Environmental Hazards During Military Service and Health Care for Camp Lejeune and Atsugi Naval Air Facility Veterans and Their Families Act of 2010	Requires public and private entities, if subpoenaed, to provide evidence or testimony
S. 3454	National Defense Authorization Act for Fiscal Year 2011	Preempts state licensing laws related to the ability of National Guard health professionals to practice during emergencies or disasters  Increases the costs of complying with existing intergovernmental mandates by increasing the number of service members and reservists eligible for protection under the Servicemembers Civil Relief Act

Continued

Table 7.

Continued

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**Bills Reviewed by CBO in 2010 That Contained Intergovernmental Mandates**


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Bill Number (Committee or status)	Title of Legislation	Description of Mandate
<b>Bills Containing Intergovernmental Mandates with Aggregate Costs Below the Statutory Threshold (Continued)</b>		
S. 3495	Promoting Electric Vehicles Act of 2010	Requires state regulatory authorities and publicly owned electric utilities to consider a standard for developing plans to support electric vehicles
S. 3638	Public Transportation Safety Act of 2010	Preempts state laws relating to public transportation safety
S. 3874	Reduction of Lead in Drinking Water Act	Prohibits the use of plumbing fixtures that do not meet lead-free requirements

Source: Congressional Budget Office.

- a. In certain cases, proposed legislation reviewed by CBO contained multiple mandates, some of which did not have costs exceeding the statutory threshold.
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**Table 8.****Bills Reviewed by CBO in 2010 That Contained Private-Sector Mandates**

Of the 474 bills or legislative proposals that the Congressional Budget Office reviewed for mandates as defined in the Unfunded Mandates Reform Act, 85 contained private-sector mandates. Of those 85 bills, 14 contained mandates with costs that, in CBO's estimation, would exceed the statutory threshold in UMRA—\$141 million in 2010. 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 or status)	Title of Legislation	Description of Mandate
<b>Bills Containing Private-Sector Mandates with Aggregate Costs Above the Statutory Threshold<sup>a</sup></b>		
H.R. 2847	Hiring Incentives to Restore Employment Act	<b>Delays implementing worldwide allocation of interest expense</b> <b>Increases reporting requirements and taxes regarding foreign income</b>
H.R. 3817	Investor Protection Act of 2009 <sup>b</sup>	<i>Prohibits brokers, dealers, municipal financial advisers, and investment advisers from requiring predispute arbitration agreements with their clients</i> <i>Requires brokers that provide investment advice to comply with the same fiduciary standard that applies to investment advisers</i> <i>Expands the authority of the Securities and Exchange Commission (SEC) to regulate securities lending</i> <i>Expands the scope of records to be maintained and subject to examination by the SEC to include the records of custodians or others who have custody or use of investments, deposits, or credits of an investment company or of an investment adviser's clients</i> Prohibits custodial investment advisers registered with the SEC from having custody of more than \$10 million of a client's funds Requires investment advisers, members of the Securities Investor Protection Corporation, and certain auditors to pay a user fee Imposes reporting and registration requirements, provides whistle-blower protections, and prevents an investment company from using certain individuals as independent directors
H.R. 4173	Restoring American Financial Stability Act of 2010	<b>Requires financial institutions to pay fees to the Federal Deposit Insurance Corporation to cover the cost of liquidating financial institutions that are in default or in danger of default</b> <i>Subjects some banks, all mortgage-related businesses, and all large nonbank financial companies to regulations issued by the Bureau of Consumer Financial Protection</i>

Continued

**Table 8.**

**Continued**

**Bills Reviewed by CBO in 2010 That Contained Private-Sector Mandates**

Bill Number (Committee or status)	Title of Legislation	Description of Mandate
H.R. 4173 (Continued)	<b>Bills Containing Private-Sector Mandates with Aggregate Costs Above the Statutory Threshold<sup>a</sup> (Continued)</b>	<i>Imposes limits on the number of contracts that can be held, transaction fees, and other requirements on participants in derivatives markets</i>
		<i>Requires entities that sell products such as mortgage-backed securities to hold at least 5 percent of the credit risk of each asset that they securitize and disclose information about those assets</i>
		<i>Prohibits loan originators from receiving compensation that is based on the terms of the loan for certain consumer credit transactions secured by real property</i>
		<i>Requires creditors to ensure that mortgage debtors are able to make their mortgage payments</i>
		<i>Requires issuers of asset-backed securities that seek credit ratings to use a rating agency assigned by the Credit Rating Agency Board and vests the board with the authority to set fees for such ratings</i>
		<i>Requires credit-rating agencies to register with the Credit Rating Agency Board and provide credit ratings on new issues of certain asset-backed securities</i>
		<i>Requires nonbank and large bank holding companies that may pose risks to the financial stability of the United States to comply with new conditions authorized by the Financial Stability Council and new standards issued by the Federal Reserve regarding capital, available cash, credit exposure, and remediation</i>
		<i>Prohibits banks, their affiliates and bank holding companies, and other financial companies from proprietary trading, sponsoring, investing, and limiting relationships with hedge funds and private equity funds</i>
		<i>Requires any fee that certain issuers or payment card networks charge merchants to be “reasonable and proportional” to the actual cost incurred with respect to an electronic debit transaction</i>
		<i>Requires people who manage or carry out payment, clearing, and settlement activities among financial institutions to meet uniform standards to be established by the Federal Reserve regarding the management of risks and clearing and settlement activities</i>

**Continued**

Table 8.

Continued

## Bills Reviewed by CBO in 2010 That Contained Private-Sector Mandates

Bill Number (Committee or status)	Title of Legislation	Description of Mandate
H.R. 4173 (Continued)	<b>Bills Containing Private-Sector Mandates with Aggregate Costs Above the Statutory Threshold<sup>a</sup> (Continued)</b>	<i>Requires manufacturers that use certain minerals to disclose where they obtained such minerals and the measures taken to ensure that obtaining the minerals did not benefit any armed groups in the Democratic Republic of Congo or an adjoining country</i>
		<i>Prohibits brokers, dealers, municipal financial advisers, and investment advisers from requiring predispute arbitration agreements with their clients</i>
		<i>Requires the Securities and Exchange Commission (SEC) to establish regulations to address any deficiencies it finds in the regulation of brokers, dealers, and investment advisers</i>
		Requires companies registered with the SEC to pay additional fees
		Requires hedge funds and private equity firms to register with the SEC and requires private fund advisers to submit information to the SEC upon request
		Requires certain bank holding companies and nonbank financial companies supervised by the Federal Reserve to pay an assessment to cover certain expenses
		Imposes reporting and registration requirements on entities regulated by the SEC and on financial companies and provides whistle-blower protections
H.R. 4678	Foreign Manufacturers Legal Accountability Act of 2010	<b>Prohibits importers and manufacturers from importing certain products or components if those imports come from a foreign manufacturer that does not have a registered agent in the United States</b>
		Requires manufacturers in the United States with foreign locations or subsidiaries to register agents in the United States and to report on any safety campaigns resulting from the recall of products
H.R. 4849	Small Business and Infrastructure Jobs Tax Act of 2010	<b>Limits tax treaty benefits for subsidiaries of foreign companies within the United States</b>
		Requires grantor-retained annuity trusts to have a minimum 10-year term
		Requires property owners to provide information about expense payments for rental property

Continued

**Table 8.** **Continued**  
**Bills Reviewed by CBO in 2010 That Contained Private-Sector Mandates**

Bill Number (Committee or status)	Title of Legislation	Description of Mandate
<b>Bills Containing Private-Sector Mandates with Aggregate Costs Above the Statutory Threshold<sup>a</sup> (Continued)</b>		
H.R. 4872	Reconciliation Act of 2010	<p><b>Requires grandfathered health care plans to comply with new standards for extending health insurance coverage to beneficiaries and their dependents</b></p> <p><b>Levies a new tax on investment income of individuals with adjusted gross income above specified amounts</b></p> <p><b>Imposes additional fees on health insurance providers and on manufacturers and importers of brand-name drugs and taxes the sales of certain medical devices</b></p> <p><b>Penalizes transactions made by taxpayers that violate the economic substance doctrine</b></p>
H.R. 5320	Assistance, Quality, and Affordability Act of 2010	<p><b>Prohibits the manufacture and use of plumbing fixtures that do not meet lead-free requirements<sup>c</sup></b></p> <p>Requires public water systems to submit monitoring data electronically</p>
H.R. 5381	Motor Vehicle Safety Act of 2010	<p><b>Requires manufacturers to pay a user fee for each motor vehicle certified and delivered for sale in the United States</b></p> <p><b>Requires manufacturers of passenger vehicles to comply with more stringent safety standards</b></p> <p>Requires manufacturers of large commercial motor vehicles to comply with new performance standards</p> <p>Requires hybrid and electric vehicles to generate sounds that alert pedestrians when such a vehicle is operating nearby</p> <p>Requires manufacturers of motor vehicles to make certain information available</p>
S. 369	Preserve Access to Affordable Generics Act	<b>Limits agreements between manufacturers of brand-name and generic drugs to settle a claim of patent infringement</b>
S. 510	Food Safety Modernization Act	<p><b>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, comply with more frequent inspections, and pay any fees associated with reinspection or recall</b></p> <p><b>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 employee protections</b></p>

Continued

Table 8.

Continued

## Bills Reviewed by CBO in 2010 That Contained Private-Sector Mandates

Bill Number (Committee or status)	Title of Legislation	Description of Mandate
<b>Bills Containing Private-Sector Mandates with Aggregate Costs Above the Statutory Threshold<sup>a</sup> (Continued)</b>		
S. 510 (Continued)		<b>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 of contamination</b>
S. 773	Cybersecurity Act of 2010	<b>Requires owners and operators of critical information systems to train employees in cybersecurity, comply with risk-management techniques and best practices, conduct audits, and report audit information to the federal government</b>
S. 3217	Restoring American Financial Stability Act of 2010	<p><b>Requires financial institutions to pay fees to the Federal Deposit Insurance Corporation to cover the cost of liquidating financial institutions that are in default or in danger of default</b></p> <p><i>Subjects some banks, all mortgage-related businesses, and all large nonbank financial companies to regulations issued by the Bureau of Consumer Financial Protection</i></p> <p><i>Imposes limits on the number of contracts that can be held, transaction fees, and other requirements on participants in derivatives markets</i></p> <p><i>Requires entities that sell products such as mortgage-backed securities to hold at least 5 percent of the credit risk of each asset that they securitize and disclose information about those assets</i></p> <p><i>Requires nonbank and large bank holding companies that may pose risks to the financial stability of the United States to comply with new conditions authorized by the Financial Stability Council and new standards issued by the Federal Reserve regarding capital, available cash, credit exposure, and remediation</i></p> <p><i>Prohibits banks, their affiliates and bank holding companies, and other financial companies from proprietary trading, sponsoring, investing, and limiting relationships with hedge funds and private equity funds</i></p> <p><i>Requires people who manage or carry out payment, clearing, and settlement activities among financial institutions to meet uniform standards to be established by the Federal Reserve regarding the management of risks and clearing and settlement activities</i></p>

Continued

Table 8.

Continued

## Bills Reviewed by CBO in 2010 That Contained Private-Sector Mandates

Bill Number (Committee or status)	Title of Legislation	Description of Mandate
<b>Bills Containing Private-Sector Mandates with Aggregate Costs Above the Statutory Threshold<sup>a</sup> (Continued)</b>		
S. 3217 (Continued)		<p><i>Prohibits brokers, dealers, municipal financial advisers, and investment advisers from requiring predispute arbitration agreements with their clients</i></p> <p><i>Requires the Securities and Exchange Commission (SEC) to establish regulations to address any deficiencies it finds in the regulation of brokers, dealers, and investment advisers</i></p> <p>Requires companies registered with the SEC to pay additional fees</p> <p>Requires hedge funds to register with the SEC and requires private fund advisers to submit information to the SEC upon request</p> <p>Requires certain bank holding companies and nonbank financial companies supervised by the Federal Reserve to pay an assessment to cover certain expenses</p> <p>Imposes reporting and registration requirements on entities regulated by the SEC and financial companies and provides whistle-blower protections</p> <p>Requires insurance companies to provide data and information to the Office of National Insurance and requires private entities, if subpoenaed, to provide evidence or testimony</p>
S. 3302	Motor Vehicle Safety Act of 2010	<p><b>Requires manufacturers of passenger vehicles to comply with more stringent safety standards</b></p> <p>Requires used-car dealers to notify each customer in writing of any recalls on a vehicle that have not been remedied before completing a sale or lease transaction</p> <p>Requires hybrid and electric vehicles to generate sounds that alert blind pedestrians when such a vehicle is operating nearby</p> <p>Requires manufacturers of motor vehicles to make certain information available, provide whistle-blower protections for employees, and delay hiring of certain federal employees</p>
S. 3386	Restore Online Shoppers' Confidence Act	<p><b>Requires Internet sellers of goods or services that require consumers to opt out of receiving certain information 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</b></p>

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Table 8.

Continued

## Bills Reviewed by CBO in 2010 That Contained Private-Sector Mandates

Bill Number (Committee or status)	Title of Legislation	Description of Mandate
<b>Bills Containing Private-Sector Mandates Whose Aggregate Costs Could Not Be Determined</b>		
H.R. 847	James Zadroga 9/11 Health and Compensation Act of 2010	<i>Limits the ability of individuals to seek compensatory damages or other relief arising from or related to the removal of debris from sites of the 2001 terrorist attacks by limiting the liability of entities from which individuals might obtain compensation</i>
H.R. 3190	Discount Pricing Consumer Protection Act of 2009	<i>Prohibits agreements between manufacturers and wholesalers, distributors, or retailers to set minimum prices for a product or service</i>
H.R. 4790	Shareholder Protection Act of 2010	<i>Prevents investors from seeking damages from investment managers on grounds that the manager made investment decisions on the basis of a corporation's political activities</i>  Requires corporations to allow shareholders to vote to authorize annual spending on political activities and to disclose political expenditures and the outcomes of votes  Requires investment managers to report information annually  Requires the board of directors of some corporations to vote on each expenditure of \$50,000 or more for political activities
H.R. 4805	Formaldehyde Standards for Composite Wood Products Act	<i>Requires manufacturers, sellers, suppliers, and importers of composite wood products to meet a national standard for formaldehyde emissions</i>
H.R. 5026 (House Energy and Commerce)	Grid Reliability and Infrastructure Defense Act	<i>Requires owners and operators of electric infrastructure to comply with rules that address cybersecurity and other vulnerabilities</i>  Requires the Electric Reliability Organization to accelerate the development of standards
H.R. 5026 (Senate Energy and Natural Resources)	An act to amend the Federal Power Act to protect the bulk-power system and electric infrastructure critical to the defense of the United States against cybersecurity and other threats and vulnerabilities	<i>Requires owners and operators of electric infrastructure to comply with rules that address cybersecurity</i>
H.R. 5136	National Defense Authorization Act for Fiscal Year 2011	<i>Raises the costs of complying with existing private-sector mandates by increasing the number of service members and reservists eligible for protection under the Servicemembers Civil Relief Act</i>

Continued

**Table 8.** **Continued**  
**Bills Reviewed by CBO in 2010 That Contained Private-Sector Mandates**

Bill Number (Committee or status)	Title of Legislation	Description of Mandate
<b>Bills Containing Private-Sector Mandates Whose Aggregate Costs Could Not Be Determined (Continued)</b>		
H.R. 5498	WMD [ Weapons of Mass Destruction ] Prevention and Preparedness Act of 2010	<i>Requires laboratories to comply with new security standards in addition to new standards for conducting background checks, training personnel, and performing vulnerability assessments</i>
H.R. 5504	Improving Nutrition for America’s Children Act	<i>Requires entities selling food on a school campus or at any time during the school day to comply with science-based standards established by the Secretary of Agriculture</i>
H.R. 5626	Blowout Prevention Act of 2010	<i>Requires operators of oil and gas wells located on nonfederal offshore and onshore lands to comply with new safety standards</i>  Provides whistle-blower protections to employees who report an alleged violation of safety regulations
H.R. 5663 (As ordered reported on July 21, 2010)	Robert C. Byrd Miner Safety and Health Act of 2010	<i>Requires operators of mines to comply with standards for health, safety, and protection of workers<sup>d</sup></i>  Requires operators of underground mines to comply with reporting requirements and prohibits attorneys for such operators from representing both the operator and any other individual unless the individual waives all conflicts of interest  Requires private entities, if subpoenaed, to provide evidence or testimony
S. 148	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. 379	Performance Rights Act	<i>Requires over-the-air radio broadcasters to pay new royalty fees to copyright holders of sound recordings</i>
S. 554	Motorcoach Enhanced Safety Act of 2009	<i>Requires motor coach carriers to comply with more stringent safety standards</i>  Subjects entities that train entry-level drivers of motor coaches to new requirements  Requires motor coaches to install electronic onboard recorders, undergo audits, and submit to safety reviews and annual inspections  Requires owners of companies that rent or lease motor coaches to register with the Federal Motor Carrier Safety Administration  Requires medical examiners to file paperwork with state licensing agencies

Continued

Table 8.

Continued

## Bills Reviewed by CBO in 2010 That Contained Private-Sector Mandates

Bill Number (Committee or status)	Title of Legislation	Description of Mandate
<b>Bills Containing Private-Sector Mandates Whose Aggregate Costs Could Not Be Determined (Continued)</b>		
S. 554 (Continued)		Prohibits motor coach operators from using some electronic devices
S. 1649	WMD [Weapons of Mass Destruction] Prevention and Preparedness Act of 2009	<p><i>Requires laboratories to comply with new security standards in addition to new standards for conducting background checks, training personnel, and performing vulnerability assessments</i></p> <p>Requires all individuals, laboratories, or other facilities that possess, use, or transfer certain biological agents or toxins to register with the Secretary of the Department of Homeland Security</p> <p>Requires entities that currently receive, synthesize, or handle DNA from the variola virus to meet new requirements determined by the Secretary of the Department of Homeland Security</p>
S. 1660	Formaldehyde Standards for Composite Wood Products Act	<i>Requires manufacturers, sellers, suppliers, and importers of composite wood products to meet a national standard for formaldehyde emissions</i>
S. 1938	Distracted Driving Prevention Act of 2010	<p><i>Prohibits drivers of commercial vehicles and school buses from using electronic or wireless devices in some circumstances</i></p> <p>Prohibits electronic screens from displaying broadcast television, movies, video games, and other visual entertainment that is visible to the driver while driving</p>
S. 2889	Surface Transportation Board Reauthorization Act of 2009	<p><i>Requires large rail carriers to offer reasonable rates for shipments on noncompetitive segments of track</i></p> <p><i>Requires large rail carriers to make their terminal facilities available to competing carriers</i></p> <p><i>Requires the Surface Transportation Board (STB) to modify or discontinue existing regulatory exemptions for small rail carriers on the basis of the results of a study of the impact of those exemptions</i></p> <p><i>Requires rail carriers to rewrite agreements or terminate certain lease agreements if the STB invalidates the agreement</i></p> <p><i>Restricts the ability of rail carriers to set rates</i></p> <p>Requires rail carriers to submit information to the STB regarding service metrics and to publish figures that reflect expected ranges of transit time and other data for reasonable service</p> <p>Limits the rights of first refusal of previous owners of rail lines if the new owner proposes to sell or abandon the line</p>

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Table 8.

Continued

## Bills Reviewed by CBO in 2010 That Contained Private-Sector Mandates

Bill Number (Committee or status)	Title of Legislation	Description of Mandate
<b>Bills Containing Private-Sector Mandates Whose Aggregate Costs Could Not Be Determined (Continued)</b>		
S. 2889 (Continued)		Expands existing mandates related to rail accidents  Imposes a mandate on rail carriers if the STB updates its system for establishing shipping rates so that the system decreases the reasonable rate a rail carrier could charge
S. 3305	Big Oil Bailout Prevention Unlimited Liability Act of 2010	<i>Requires owners and operators of facilities and large vessels that could discharge oil or hazardous materials into the waters of the United States to include additional information in their plans for responding to spills</i>  Retroactively eliminates the liability limit for oil spills from offshore facilities
S. 3307	Healthy, Hunger-Free Kids Act of 2010	<i>Requires entities selling food on a school campus or at any time during the school day to comply with science-based standards established by the Secretary of Agriculture</i>
S. 3454	National Defense Authorization Act for Fiscal Year 2011	<i>Raises the costs of complying with existing private-sector mandates by increasing the number of service members and reservists eligible for protection under the Servicemembers Civil Relief Act</i>
S. 3480	Protecting Cyberspace as a National Asset Act of 2010	<i>Requires owners and operators of critical information systems to meet cybersecurity standards and reporting requirements</i>  <i>Limits damages that may be recovered from owners and operators of critical information systems related to cybersecurity incidents</i>
S. 3874	Reduction of Lead in Drinking Water Act	<i>Prohibits the manufacture and use of plumbing fixtures that do not meet lead-free requirements<sup>c</sup></i>
<b>Bills Containing Private-Sector Mandates with Aggregate Costs Below the Statutory Threshold</b>		
H.R. 305	Horse Transportation Safety Act of 2009	Prohibits the interstate transportation of horses in motor vehicles containing two or more levels
H.R. 1258	Truth in Caller ID Act of 2010	Prohibits entities from providing caller ID information that is deceptive
H.R. 1796	Residential Carbon Monoxide Poisoning Prevention Act	Prohibits the manufacture, distribution, or sale of carbon monoxide gas and vapor detection units that do not meet industry standards
H.R. 1879	National Guard Employment Protection Act of 2010	Requires employers to reemploy members of the National Guard who have served more than five years

Continued

Table 8.

Continued

## Bills Reviewed by CBO in 2010 That Contained Private-Sector Mandates

Bill Number (Committee or status)	Title of Legislation	Description of Mandate
<b>Bills Containing Private-Sector Mandates with Aggregate Costs Below the Statutory Threshold (Continued)</b>		
H.R. 2267	Internet Gambling Regulation, Consumer Protection, and Enforcement Act	Requires Internet gambling sites to be licensed by the federal government
H.R. 2336	GREEN [Green Resources for Energy Efficient Neighborhoods] Act of 2010	Increases reporting requirements on mortgage lenders for certain loans
H.R. 2378	Currency Reform for Fair Trade Act	Subjects importers of certain goods to higher tariffs
H.R. 2480	Truth in Fur Labeling Act of 2010	Requires manufacturers of products that contain a small quantity of fur to comply with labeling requirements
H.R. 2609	Federal Insurance Office Act of 2009	Requires insurance companies and their affiliates to comply with reporting requirements
H.R. 2765	Securing the Protection of Our Enduring and Established Constitutional Heritage Act	Limits an existing right to recover damages from foreign defamation judgments  Requires the reimbursement of attorneys' fees if a foreign defamation judgment is not upheld by a domestic court
H.R. 2868	Continuing Chemical Facilities Antiterrorism Security Act of 2010	Extends through fiscal year 2013 existing standards for the security of chemical facilities that require vulnerability assessments and the development and implementation of site security plans
H.R. 2923	Combat Methamphetamine Enhancement Act of 2009	Requires distributors and retailers of certain mail-order products to submit self-certification documents  Prohibits anyone from supplying certain mail-order products to a retailer unless the retailer has completed the self-certification or has registered with the Drug Enforcement Agency
H.R. 3377	Disaster Response, Recovery, and Mitigation Enhancement Act of 2009	Eliminates an existing right to seek compensation for damages  Requires employers to allow members of search-and-rescue teams to reclaim their jobs after completing a deployment to a disaster
H.R. 3421	Medical Debt Relief Act of 2009	Requires consumer credit-reporting agencies to exclude certain debts from credit reports
H.R. 3655	Bereaved Consumer's Bill of Rights Act of 2009	Requires cemeteries and other funeral service providers to maintain records and respond to requests for information as well as issue disclosures to consumers  Requires providers and retailers of funeral goods or services to provide clear and accurate information about pricing and fees to purchasers

Continued

Table 8.

Continued

**Bills Reviewed by CBO in 2010 That Contained Private-Sector Mandates**

Bill Number (Committee or status)	Title of Legislation	Description of Mandate
<b>Bills Containing Private-Sector Mandates with Aggregate Costs Below the Statutory Threshold (Continued)</b>		
H.R. 3655 (Continued)		Prohibits providers and retailers from conditioning the provision of any funeral good or service on the purchase of any other
H.R. 3976	Veterans Employment and Home Preservation Act of 2010	Requires mortgage holders and other creditors to provide protections to service members under the Servicemembers Civil Relief Act
H.R. 3993	Calling Card Consumer Protection Act	Requires providers of prepaid calling cards to disclose information about the provider and the terms and conditions of the service
H.R. 4098	Secure Federal File Sharing Act	Requires existing government contractors to comply with new restrictions on downloading, installing, or using peer-to-peer software on computers used for federal work
H.R. 4501	Guarantee of a Legitimate Deal Act of 2010	Prohibits purchasers of precious metals from selling or refining an item of jewelry or precious metal until the seller has accepted the purchaser's offer to buy the item for a specific price  Requires purchasers to return the jewelry or precious metal to the seller if the purchaser's offer is declined and to insure the shipment of returned items
H.R. 4621	Prevent Deceptive Census Look Alike Mailings Act	Limits the use of the term "census" on mail delivered by the U.S. Postal Service
H.R. 4714	National Transportation Safety Board Reauthorization Act of 2010	Prohibits the use of the insignia of the National Transportation Safety Board without written permission  Requires air carriers to make a reasonable attempt to notify the family of each passenger within 60 days before any planned destruction of unclaimed possessions after an accident
H.R. 4868	Housing Preservation and Tenant Protection Act of 2010	Requires owners of private property who offer low-income housing under a number of programs administered by the Department of Housing and Urban Development to comply with new rules for firearms, tenants, and notification
H.R. 5114	Flood Insurance Reform Priorities Act of 2010	Requires mortgage lenders to provide more information to borrowers
H.R. 5138	International Megan's Law of 2010	Requires individuals convicted of a sex offense to file a notice of intent to travel into or out of the United States and to pay a processing fee
H.R. 5139	Extending Immunities to the Office of the High Representative and the International Civilian Office in Kosovo Act of 2010	Limits a legal right of action by extending privileges and immunities to employees of two international organizations named in the law

Continued

Table 8.

Continued

## Bills Reviewed by CBO in 2010 That Contained Private-Sector Mandates

Bill Number (Committee or status)	Title of Legislation	Description of Mandate
<b>Bills Containing Private-Sector Mandates with Aggregate Costs Below the Statutory Threshold (Continued)</b>		
H.R. 5175	DISCLOSE [Democracy Is Strengthened by Casting Light on Spending in Elections] Act	Expands reporting requirements for entities and individuals who make certain political expenditures; requires new disclosures in political ads, mass mailings, and automated political calls; and expands the ban on contributions and other political expenditures by foreign nationals
H.R. 5503	Securing Protections for the Injured from Limitations on Liability Act	Limits the ability of parties connected with spills of oil or other contaminants to prevent their employees, or others with whom they have agreements, from providing information about matters related to a spill
H.R. 5566	Prevention of Interstate Commerce in Animal Crush Videos Act of 2010	Prohibits the sale or distribution of photographs, videos, or other electronic images that depict individuals conducting illegal acts of cruelty against animals
H.R. 5663 (As reported on July 29, 2010)	Robert C. Byrd Miner Safety and Health Act of 2010	Requires operators of mines to comply with standards for the health, safety, and protection of workers <sup>d</sup>  Requires operators of underground mines to comply with reporting requirements and prohibits attorneys for such operators from representing both the operator and any other individual unless the individual waives all conflicts of interest  Requires private entities, if subpoenaed, to provide evidence or testimony
H.R. 5823	United States Covered Bond Act of 2010	Requires financial institutions to pay additional fees or deposit insurance premiums
H.R. 5852	Mandatory Price Reporting Act of 2010	Extends reporting requirements for certain meat packers and establishes new reporting requirements for packers and exporters of pork
H.R. 5892	Water Resources Development Act of 2010	Imposes a mandate on property owners if the Secretary of the Army condemns their property
S. 118	Section 202 Supportive Housing for the Elderly Act of 2010	Requires existing owners of properties, projects, or facilities who receive funding under the Supportive Housing for the Elderly program to provide information about those properties, projects, or facilities
S. 373	A bill to amend title 18, United States Code, to include constrictor snakes of the species Python genera as an injurious animal	Prohibits the importation and interstate transport of several species of snakes without a permit
S. 1147	Prevent All Cigarette Trafficking Act of 2009	Requires certain sellers to comply with requirements regarding reporting, shipping, recordkeeping, and collecting taxes

Continued

Table 8.

Continued

## Bills Reviewed by CBO in 2010 That Contained Private-Sector Mandates

Bill Number (Committee or status)	Title of Legislation	Description of Mandate
<b>Bills Containing Private-Sector Mandates with Aggregate Costs Below the Statutory Threshold (Continued)</b>		
S. 1147 (Continued)		Prohibits the mailing of tobacco products through the U.S. Postal Service  Requires common carriers to comply with recordkeeping requirements
S. 1421	Asian Carp Prevention and Control Act	Prohibits the importation and interstate transport of bighead carp without a permit
S. 1672	National Oilheat Research Alliance Reauthorization Act of 2009	Extends the authority of the National Oilheat Research Alliance to collect assessments from retail marketers and wholesale distributors of certain fuels
S. 1703	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 claims in court related to lands taken into trust
S. 1816	Chesapeake Clean Water and Ecosystem Restoration Act	Requires entities that discharge water into the Chesapeake Basin to comply with management plans
S. 2724	Lake Tahoe Restoration Act of 2010	Requires owners and operators of watercraft to have their watercraft inspected for invasive species, document those inspections, have their watercraft decontaminated, and pay decontamination fees
S. 2802	Blackfoot River Land Settlement Act of 2009	Requires an exchange of land between private and tribal land owners and extinguishes existing claims to those lands
S. 2847	CALM [ Commercial Advertisement Loudness Mitigation ] Act	Requires television broadcast stations, cable operators, and other distributors of television programming to equalize the volume of commercials and television programming
S. 2859	Coral Reef Conservation Amendments Act of 2009	Makes private entities liable for damages to coral reefs within the jurisdiction of the United States  Requires private entities to obtain permits for activities that could affect coral reefs
S. 2870	International Fisheries Stewardship and Enforcement Act	Requires private entities, if subpoenaed, to provide evidence or testimony
S. 2971	Foreign Relations Authorization Act, Fiscal Years 2010 and 2011	Eliminates an existing right of action  Requires private entities, if subpoenaed, to provide evidence or testimony

Continued

Table 8.

Continued

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**Bills Reviewed by CBO in 2010 That Contained Private-Sector Mandates**


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Bill Number (Committee or status)	Title of Legislation	Description of Mandate
<b>Bills Containing Private-Sector Mandates with Aggregate Costs Below the Statutory Threshold (Continued)</b>		
S. 3378	Examination of Exposures to Environmental Hazards During Military Service and Health Care for Camp Lejeune and Atsugi Naval Air Facility Veterans and Their Families Act of 2010	Requires private entities, if subpoenaed, to provide evidence or testimony
S. 3495	Promoting Electric Vehicles Act of 2010	Requires electric utilities to consider a standard for developing plans to support electric vehicles
S. 3614	Oil Spill Response Act	Requires organizations that respond to oil spills and operators of facilities regulated by the Coast Guard to be certified by the Coast Guard and inspected at least once a year, report any loss of response equipment, and maintain and submit a current list of their oil spill response equipment

Source: Congressional Budget Office.

Note: The staff of the Joint Committee on Taxation examines tax provisions of legislation to identify federal mandates and estimates 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.
  - b. Although unable to determine whether the cost of one mandate in H.R. 3817 would exceed the annual threshold, CBO estimates that the aggregate cost of all the mandates in the bill would exceed the annual threshold.
  - c. CBO determined that the prohibition in H.R. 5320 would probably exceed the annual threshold. CBO reviewed the same prohibition in S. 3874 and, on the basis of updated information from industry sources, could not determine whether the cost of the prohibition would exceed the annual threshold.
  - d. Because it had insufficient information about the incremental costs of some of the mandates in H.R. 5663 as ordered reported on July 21, 2010, CBO could not determine whether the aggregate cost of the mandates in the bill would exceed the annual threshold. On the basis of information from the Mine Safety and Health Administration and industry experts, CBO was able to determine that the aggregate cost of the mandates in H.R. 5663 as reported on July 29, 2010, would fall below the annual threshold.
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# Appendix A: An Overview of Key Provisions in the Unfunded Mandates Reform Act

**T**he 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. 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.<sup>1</sup>

- 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. Duties that are imposed as a condition of federal assistance or that arise from participation in a voluntary federal program, such as one that requires entities to have licenses to graze on federal land, are not mandates. Under 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

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1. 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.

new costs or the loss of federal funding with reductions elsewhere in the program.

Direct costs are defined in the law 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.” Direct costs exclude amounts that those 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 that affected by the mandate.

Because the term “mandate” is defined narrowly in UMRA, the budgetary impacts that legislation imposes on other governments or the private sector are not all the result of such mandates. For example, any 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 for other 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.

The scope of UMRA is further narrowed by the fact that it excludes certain legislative provisions from its procedures. Such provisions include those that deal with constitutional rights, discrimination, emergency aid, accounting and auditing procedures of grants, national security, treaty ratification, and title II of the Social Security Act (Old-Age, Survivors, and Disability Insurance benefits).

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) is not. In that instance, a bill imposing new requirements on sponsors of immigrants would constitute a mandate under UMRA. In contrast, other federal programs in which participation is voluntary may impose requirements on their participants that, by UMRA’s definition, are not mandates. For example, the National Salvage Motor Vehicle Consumer Protection Act of 1999 (S. 655 in the 105th Congress) contained no intergovernmental mandates, according to CBO. The bill

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. Distinctions between what is voluntary in a piece of legislation and what is mandatory are not always clear. However, state, local, and tribal governments may incur significant costs under a proposed law when they participate voluntarily. CBO identifies those costs whenever possible.

In addition, measuring the costs of extending a mandate that is set to expire has, in the past, presented CBO with difficulty in determining whether the statutory thresholds would be exceeded. UMRA is unclear about whether the incremental costs of such an extension should be measured as if the mandate would expire or as if the mandate would continue. That ambiguity has, in previous years, led CBO to report costs using both comparisons. CBO has concluded that the costs of extending a mandate in such cases should be estimated relative to the costs that would be incurred if the mandate were to expire. That method of measuring costs is consistent with the way that certain federal costs are estimated and allows CBO, in cases in which costs can be estimated, to determine whether a mandate’s direct cost would exceed the threshold.

## **CBO’s Role in Preparing Mandate Cost Statements**

The law requires CBO to give any Congressional authorizing committee that reports a bill a statement about the direct costs of any mandates that CBO identifies in the bill. If the total direct costs of all mandates in the bill are above a specified threshold in any of the first five fiscal years in which the mandate is effective, CBO must provide an estimate of those costs (if feasible) and explain the basis of its estimate. 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 2010 were \$70 million for intergovernmental mandates and \$141 million for private-sector mandates.)

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 committees in the Congress to account for 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. Conference committees must, "to the greatest extent practicable," ensure 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

Section 425 of 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 for 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 specifically require CBO to analyze the cost of mandates in appropriation bills. 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.

Those rules are not automatically enforced, however; a Member must raise a point of order to enforce them. If a point of order is raised in the House, the full House votes on whether to consider the bill regardless of whether there is a violation. If a point of order is raised in the Senate, the bill may not be considered unless the Senate waives the point of order or it is overturned by the chair or the full Senate.<sup>2</sup>

## Appropriation Bills

UMRA does not expressly require CBO to prepare mandate statements for appropriation bills, and CBO has never done so. 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), even if those provisions would increase the direct costs of an intergovernmental mandate without providing funding and do not have a mandate statement.<sup>3</sup>

2. 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](http://democrats.rules.house.gov/POP/pop106_11.htm).
3. 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.





## **Appendix B: Public Laws That Contain Federal Mandates as Defined in the Unfunded Mandates Reform Act, 1996 to 2010**

**O**ver the 1996–2010 period, the Congressional Budget Office has identified intergovernmental mandates with costs estimated to exceed the threshold in less than 1 percent of public laws and private-sector mandates with such costs in less than 5 percent of public laws. This

appendix lists the intergovernmental (Table B-1 on page 68) and private-sector (Table B-2 on page 70) mandates enacted since 1996 with estimated costs that exceed the annual thresholds established in the Unfunded Mandates Reform Act.

**Table B-1.**

## Enacted Intergovernmental Mandates Whose Estimated Costs Exceed the Statutory Threshold, 1996 to 2010

In the 15 years since the Unfunded Mandates Reform Act (UMRA) became law, only 13 laws have been enacted that contained intergovernmental mandates with costs above the threshold. In 1996, the threshold for intergovernmental mandates was \$50 million. That amount has been adjusted annually for inflation, and in 2010 the threshold was \$70 million.

Two of those laws, both enacted in 2010, contained multiple mandates with costs above the threshold: the Patient Protection and Affordable Care Act (Public Law 111-148) contained five dealing with health care; and the Healthy, Hunger-Free Kids Act of 2010 (P.L. 111-296) contained two dealing with child nutrition.

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. States would be required to use more of their own resources to administer the program, and the Congressional Budget Office (CBO) estimated that additional state spending would total more than \$100 million annually, beginning in 2008.	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. CBO estimated that those governments would spend more than \$100 million over the 2005–2009 period to comply and that the costs in at least one of those years would exceed UMRA's threshold. The law authorized the appropriation of funds to provide grants to state and local governments to pay those costs. In fiscal year 2006, the Congress appropriated \$40 million for that purpose.	108-458
Food Stamp Administration	Reduces federal funding for administering the Food Stamp program (now the Supplemental Nutrition Assistance Program). CBO estimated the mandate would cost states between \$200 million and \$300 million a year.	105-185
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	Preempts (temporarily) states' authority to tax certain Internet services and transactions. CBO estimated that the preemption would reduce state and local government revenues by at least \$300 million.	108-435

Continued

**Table B-1.****Continued**

### Enacted Intergovernmental Mandates Whose Estimated Costs Exceed the Statutory Threshold, 1996 to 2010

Topic	Description of Mandate	Public Law Number
Internet Taxation (Continued)	Extends the preemption contained in Public Law 108-435 of states' authority to tax certain Internet services and transactions through most of 2011. CBO estimated that extending the preemption would reduce state and local government revenues by about \$80 million annually.	110-108
Minimum Wage	Increases the minimum wage paid by state and local governments to their employees. CBO estimated the mandate would cost those governments more than \$1 billion during the first five years that P.L. 104-188 was in effect and slightly less than \$1 billion during the first five years that P.L. 110-28 was in effect.	104-188, 110-28
Premium Taxes on Prescription Drug Plans	Preempts state taxes on premiums for certain prescription drug plans. CBO estimated that under the preemption states would lose about \$70 million in revenues in 2006 (the first year in which the mandate was in effect). That drop in revenues was estimated to grow to about \$95 million in 2010.	108-173
Rail and Transit	Requires all public transit and rail carriers to train workers and submit reports to the Department of Homeland Security. CBO estimated that the cost of the requirements would exceed the threshold in at least one of the first five years following enactment.	110-53
	Requires commuter railroads to install train control technology. CBO estimated that the cost of the requirement would exceed the threshold in at least one of the first five years after enactment.	110-432
Tax Withholding	Requires state and local governments to withhold taxes on certain payments for property and services. The staff of the Joint Committee on Taxation estimated that, beginning in 2011, the cost of the requirement would exceed the intergovernmental threshold established in UMRA.	109-222

Source: Congressional Budget Office.

**Table B-2.**

## Enacted Private-Sector Mandates Whose Estimated Costs Exceed the Statutory Threshold, 1996 to 2010

Less than 5 percent of the public laws enacted since the Unfunded Mandates Reform Act (UMRA) became effective in 1996 have contained private-sector mandates with costs estimated to exceed the threshold. In 1996, the threshold established in UMRA for private-sector mandates was \$100 million. That amount has been adjusted annually for inflation, and in 2010 the threshold was \$141 million.

Since 1996, the Congressional Budget Office has identified 109 private-sector mandates in 75 public laws with costs estimated to exceed the threshold. More than 50 percent of those mandates involve taxes or fees.

Topic	Description of Mandate	Public Law Number <sup>a</sup>
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 a user fee 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
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

Continued

Table B-2.

Continued

### Enacted Private-Sector Mandates Whose Estimated Costs Exceed the Statutory Threshold, 1996 to 2010

Topic	Description of Mandate	Public Law Number <sup>a</sup>
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, comply with more frequent inspections, and 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 of 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 of and applicants for patents and trademarks	108-447, 110-161, 111-8, 111-117, 111-145
	Imposes a surcharge on the filing fee for passport applications	109-167
	Extends customs user fees	110-138, 110-246, 110-436, 111-124, 111-171, 111-227, 111-291, 111-344
	Authorizes the Federal Deposit Insurance Corporation to assess fees on the financial industry to recover the cost of liquidating financial institutions	111-203
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

Continued

Table B-2.

Continued

### Enacted Private-Sector Mandates Whose Estimated Costs Exceed the Statutory Threshold, 1996 to 2010

Topic	Description of Mandate	Public Law Number <sup>a</sup>
Health Care (Continued)	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
	Imposes additional fees on health insurance providers and on manufacturers and importers of brand-name drugs and taxes the 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 and 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

Continued

**Table B-2.****Continued**

### Enacted Private-Sector Mandates Whose Estimated Costs Exceed the Statutory Threshold, 1996 to 2010

Topic	Description of Mandate	Public Law Number <sup>a</sup>
Pharmaceuticals and Medical Devices (Continued)	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- and multiemployer defined- benefit pension plans	109-171
	Shortens the schedule for vesting in private retirement funds	109-280
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
Telecommunications	Requires carriers to provide interconnection and universal service and to block certain programs	104-104
	Prohibits the use of a 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. But 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, CBO in 2002 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.





# Appendix C: Primary Contributors to CBO's Analyses of Mandates

**T**he following Congressional Budget Office (CBO) staff members prepare the mandate statements that CBO produces for bills and other legislative proposals.<sup>1</sup>

## Intergovernmental Mandates

### *Budget Analysis Division*

Leo Lex	Unit Chief, State and Local Government Cost Estimates
J'nell Blanco	Agriculture, education, defense, international affairs
Elizabeth Cove Delisle	Commerce, banking, housing, general government
Melissa Merrell	Administration of justice, disaster relief, natural resources, Indian affairs, immigration
Ryan Miller	Energy, environment, general science, space and technology, water resources
Lisa Ramirez-Branum	Health, human resources, income security, Social Security, training, employment
Ernestine McNeil	Administrative support

## Private-Sector Mandates

### *Microeconomic Studies Division*

Patrice Gordon	Unit Chief, Private-Sector Mandates
Amy Petz	Energy, environment, water resources, natural resources, agriculture, Outer Continental Shelf, general science
Paige Piper/Bach	Financial Services, governmental affairs, homeland security, intellectual property
Brian Prest	Environment, financial services
Marin Randall	Administration of justice, consumer and occupational health and safety, international affairs, Indian affairs, international trade
Samuel Wice	Transportation, telecommunications, Coast Guard, commerce
Judith Cromwell	Administrative support

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1. During 2010, the following former CBO staff members also contributed to CBO's mandate analyses: David Auerbach, Colin Baker, Patrick Bernhardt, Burke Doherty, Zachary Epstein, and Keisuke Nakagawa.

*Health and Human Resources Division*

Nabeel Alsalam	Coordinator, education, income security, and labor
Stuart Hagen	Coordinator, health
Sarah Axeen	Health, income security
Anna Cook	Health
Jimmy Jin	Health, income security
Noah Meyerson	Labor, income security

*Financial Analysis Division*

Deborah Lucas	Assistant Director for Financial Analysis
Damien Moore	Financial services

*National Security Division*

Elizabeth Bass	Coordinator, Department of Defense and veterans' issues
Daniel Frisk	Defense, veterans' issues
Cynthia Cleveland	Administrative support

*Tax Analysis Division*

Mark Booth	Unit Chief, Revenue Estimating
Grant Driessen	Revenues
Kalyani Parthasarathy	Revenues

*Office of the General Counsel*

Mark Hadley	General Counsel
T.J. McGrath	Deputy General Counsel
Jennifer Smith	Associate General Counsel
Lindsay Coleman	Intern