

CONGRESS OF THE UNITED STATES
CONGRESSIONAL BUDGET OFFICE

CBO

**A Review of CBO's
Activities in 2013
Under the
Unfunded Mandates
Reform Act**



MARCH 2014

© Corbis

Notes

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



Contents

A Review of CBO's Activities in 2013 Under the Unfunded Mandates Reform Act	1
Appendix A: Overview of Key Provisions in the Unfunded Mandates Reform Act	27
Appendix B: Mandates Enacted Between 1996 and 2013 With Estimated Costs That Exceed the Statutory Threshold	31
About This Document	38
Tables	
1. Laws Enacted Between 2009 and 2013 That Contain Mandates	3
2. Mandate Statements Transmitted by CBO, 2009 to 2013	4
3. Laws Enacted in 2013 That Contain Intergovernmental Mandates	5
4. Laws Enacted in 2013 That Contain Private-Sector Mandates	6
5. Intergovernmental Mandates Reviewed by CBO in 2013 With Costs That Would Exceed the Statutory Threshold	9
6. Private-Sector Mandates Reviewed by CBO in 2013 With Costs That Would Exceed the Statutory Threshold or That Could Not Be Determined	10
7. Bills Reviewed by CBO in 2013 That Contained Intergovernmental Mandates	12
8. Bills Reviewed by CBO in 2013 That Contained Private-Sector Mandates	18
B-1. Enacted Intergovernmental Mandates With Estimated Costs That Exceed the Statutory Threshold, 1996 to 2013	32
B-2. Enacted Private-Sector Mandates With Estimated Costs That Exceed the Statutory Threshold, 1996 to 2013	33



A Review of CBO's Activities in 2013 Under the Unfunded Mandates Reform Act

The federal government, through laws and regulations, sometimes imposes requirements—known as federal mandates—on state, local, and tribal governments and entities in the private sector to achieve national goals. In 1995, lawmakers enacted the Unfunded Mandates Reform Act (UMRA) in part to ensure that, during the legislative process, the Congress receives information about the potential effects of mandates as it considers proposed legislation. To that end, UMRA requires the Congressional Budget Office (CBO), at certain stages in the legislative process, to assess the cost of mandates that would apply to state, local, and tribal governments or to the private sector. This report, which is part of an annual series that began in 1997, summarizes CBO's activities in 2013 under UMRA.

How Is a Mandate Defined in UMRA?

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

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

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

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

What Does UMRA Require of CBO?

The law requires CBO to prepare mandate statements for bills and joint resolutions that are approved by authorizing committees.² When requested, the agency also reviews legislation at other stages in the legislative process for intergovernmental and private-sector mandates.³ As a part of its review of legislation, CBO must determine whether the aggregate direct costs of the mandates would be greater than the statutory thresholds established in UMRA and identify any funding that the bill would provide to cover those costs.⁴ (See Appendix A for details about CBO's responsibilities under UMRA and for an overview of the law's other provisions.) In 2013, the thresholds, which are adjusted annually for inflation, were \$75 million for intergovernmental mandates and \$150 million for private-sector mandates.⁵ Thresholds related to mandate estimates are calculated on a fiscal year basis; tables in this report show information on a calendar year basis.

-
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. Legislation includes amendments, bills introduced in or acts passed by the House or Senate, and conference reports. For simplicity, this report refers to legislation reviewed by CBO during the legislative process collectively as bills.
 4. The staff of the Joint Committee on Taxation examines tax provisions of legislation to identify federal mandates and estimates their costs. CBO's mandate statements incorporate such information.
 5. The intergovernmental and private-sector thresholds established in UMRA were \$50 million and \$100 million, respectively, in 1996.

How Many Bills Reviewed by CBO in 2013 Contained Mandates?

CBO found that most of the legislation the Congress considered in 2013 contained no mandates as defined in UMRA. Of the 437 bills CBO reviewed in 2013, 39 (9 percent) contained intergovernmental mandates and 53 (12 percent) contained private-sector mandates. Both percentages are lower than the averages for the 2009–2012 period, which were 15 percent for intergovernmental mandates and 19 percent for private-sector mandates. Most of the mandates that CBO identified in 2013 would not have imposed costs that exceeded the thresholds. Only one bill included an intergovernmental mandate with estimated costs above the threshold, and 10 bills contained private-sector mandates that would have imposed costs that were estimated to exceed the threshold.

Occasionally, CBO cannot determine whether the cost of the mandates in a bill would exceed the annual cost thresholds. In most cases, the reason for that conclusion is uncertainty about the scope of a mandate—the number of people or entities affected, the extent of the requirements they would face, or both. Such uncertainty generally arises because of insufficient information about the contents of regulations that a bill might require. Legislation might give a federal agency broad discretion in issuing regulations, and without information on the scope of the regulations to be issued, CBO cannot estimate with any confidence the cost of the bill's requirements at such an early stage. In 2013, CBO could not determine the annual costs of private-sector mandates in 4 bills (1 percent of the bills reviewed).

How Many Public Laws Enacted in 2013 Contain Mandates?

In addition to examining bills during the legislative process, CBO reviews public laws enacted each year for intergovernmental and private-sector mandates. Of the 72 public laws enacted in 2013, 3 (4 percent) contain intergovernmental mandates and 8 (11 percent) contain private-sector mandates.

Public laws generally contain fewer intergovernmental mandates than private-sector mandates. In the 17 years since UMRA became effective, CBO has identified 13 laws with intergovernmental mandates that have costs estimated to exceed the statutory threshold. The last such law was enacted in 2010; none of the public laws enacted in 2013 contain intergovernmental mandates with costs estimated to exceed the statutory threshold. Since 1996, CBO has identified private-sector mandates with costs

estimated to exceed the threshold in 92 public laws, including 3 laws enacted in 2013. Those 3 laws contain 5 private-sector mandates, three of which extended government fees, one that increased premiums for mandatory federal insurance, and one that regulated dispensers of pharmaceuticals.

How Is This Report Organized?

The tables in this report provide information about mandates that were enacted between 2009 and 2013 or that CBO reviewed in legislation considered during that period, with a particular focus on legislation enacted or considered in 2013:

- Table 1 on page 3 is a tally of mandates in public laws enacted between 2009 and 2013;
- Table 2 on page 4 shows the number of mandate statements CBO transmitted between 2009 and 2013;
- Tables 3 and 4 (on pages 5 and 6) list laws enacted in 2013 that contain intergovernmental and private-sector mandates, respectively;
- Tables 5 and 6 (on pages 9 and 10) list intergovernmental and private-sector mandates, respectively, that CBO identified in 2013 as having costs that would exceed UMRA's thresholds or that could not be determined; and
- Tables 7 and 8 (on pages 12 and 18) list legislation CBO reviewed in 2013 that contained intergovernmental and private-sector mandates, respectively.

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

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

Table 1.**Laws Enacted Between 2009 and 2013 That Contain Mandates**

In 2013, 72 public laws were enacted. Three of those laws contain at least one intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA), and 8 contain one or more private-sector mandates. A total of 4 intergovernmental mandates and 18 private-sector mandates were enacted. Those totals are significantly lower than in previous years.

The Congressional Budget Office (CBO) determined that none of the intergovernmental mandates enacted in 2013 have costs that will exceed the statutory threshold established in UMRA (\$75 million in 2013) or have costs that could not be determined.

The public laws enacted in 2013 contain 5 private-sector mandates with annual costs that, in CBO's estimation, will exceed the statutory threshold established in UMRA (\$150 million in 2013). CBO could not determine whether the costs for 1 of the private-sector mandates enacted in 2013 would be above or below the statutory threshold.

	2009	2010	2011	2012	2013
	Intergovernmental Mandates				
Laws That Contain Mandates	18	29	12	16	3
Total Mandates Enacted	30	86	23	44	4
Mandates with costs that exceed the statutory threshold	0	7	0	0	0
Mandates with costs that could not be determined	3	7	0	1	0
Mandates with costs that fall below the statutory threshold	27	72	23	43	4
	Private-Sector Mandates				
Laws That Contain Mandates	26	50	16	23	8
Total Mandates Enacted	60	129	51	75	18
Mandates with costs that exceed the statutory threshold	17	25	7	12	5
Mandates with costs that could not be determined	11	21	1	16	1
Mandates with costs that fall below the statutory threshold	32	83	43	47	12

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 2013, the statutory thresholds for intergovernmental and private-sector mandates were \$75 million and \$150 million, respectively.

Table 2.**Mandate Statements Transmitted by CBO, 2009 to 2013**

The Congressional Budget Office (CBO) provides mandate statements to the Congress for most of the bills that are reported by authorizing committees. CBO also prepares mandate statements for proposed amendments and other bills, as requested and to the extent practicable. Most of that legislation is never enacted.

In 2013, CBO reviewed 437 bills, of which 39 (9 percent) contained intergovernmental mandates and 53 (12 percent) contained private-sector mandates. By comparison, the averages for the 2009–2012 period were 15 percent (for intergovernmental mandates) and 19 percent (for private-sector mandates).

In 2013, the statutory thresholds established in the Unfunded Mandates Reform Act (UMRA) for intergovernmental and private-sector mandates were \$75 million and \$150 million, respectively. Of the legislation CBO analyzed last year, only 1 (less than 1 percent) included intergovernmental mandates with costs estimated to exceed the threshold, and 10 (about 2 percent) contained private-sector mandates with such costs. Unlike in previous years, none of the legislation analyzed in 2013 contained intergovernmental mandates with costs that could not be determined. In four cases, CBO identified private-sector mandates in bills but could not determine whether the costs would exceed the threshold. (Tables 7 and 8 on pages 12 and 18 list all of the legislation containing mandates that CBO reviewed in 2013.)

	2009	2010	2011	2012	2013
Intergovernmental Mandates					
Number of Statements Transmitted	419	474	434	428	437
Number of Statements That Identified Mandates	70	64	56	68	39
Mandate costs of the legislation would exceed the threshold	8	3	2	2	1
CBO could not determine whether mandate costs of the legislation would exceed the threshold	12	7	2	6	0
Mandate costs of the legislation would fall below the threshold	50	54	52	60	38
Private-Sector Mandates					
Number of Statements Transmitted	419	474	434	428	437
Number of Statements That Identified Mandates	105	85	67	80	53
Mandate costs of the legislation would exceed the threshold	27	14	26	14	10
CBO could not determine whether mandate costs of the legislation would exceed the threshold	27	23	17	18	4
Mandate costs of the legislation would fall below the threshold	51	48	24	48	39

Source: Congressional Budget Office.

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

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

Table 3.

Laws Enacted in 2013 That Contain Intergovernmental Mandates

Of the 72 laws enacted in 2013, 3 contain a total of 4 intergovernmental mandates. None of those laws include intergovernmental mandates with costs that the Congressional Budget Office (CBO) estimates will exceed the statutory threshold (\$75 million in 2013) established in the Unfunded Mandates Reform Act (UMRA). Only 13 laws containing intergovernmental mandates with costs estimated to exceed the statutory threshold have been enacted since UMRA became effective in 1996; those laws are listed in Appendix B.

Not all mandates are reviewed by CBO before enactment. In some cases, legislation is enacted without being considered by a committee. Some mandates are included in amendments made on the House or Senate floor or in conference after CBO's review. Others are included in appropriation bills, which UMRA does not direct CBO to review. Of the 4 intergovernmental mandates enacted in 2013, CBO reviewed 2 before enactment. The 2 mandates not reviewed by CBO were enacted as provisions of appropriation acts, and both were temporary extensions of an existing mandate on chemical facilities with costs below the statutory threshold.

Public Law Number	Title of Legislation	Description of Mandate	Was the Mandate Reviewed by CBO Before Enactment? ^a
Laws Containing Intergovernmental Mandates With Aggregate Costs That Exceed the Statutory Threshold			
None			
Laws Containing Intergovernmental Mandates With Aggregate Costs That Could Not Be Determined			
None			
Laws Containing Intergovernmental Mandates With Aggregate Costs That Fall Below the Statutory Threshold			
113-6	Consolidated and Further Continuing Appropriations Act, 2013	Extends until October 4, 2013, existing standards for the security of chemical facilities that require vulnerability assessments and the development and implementation of site security plans	No
113-46	Continuing Appropriations Act, 2014	Extends until January 15, 2014, existing standards for the security of chemical facilities that require vulnerability assessments and the development and implementation of site security plans	No
113-54	Drug Quality and Security Act	Requires dispensers (primarily pharmacies) to monitor the movement of prescription drugs through the drug distribution system	Yes
		Preempts state laws that require the tracing of prescription drugs through the distribution system and that govern wholesale drug distributors and third parties that provide logistic services	Yes

Source: Congressional Budget Office.

Note: Under the Unfunded Mandates Reform Act, 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 in CBO's mandate statements.

a. A response of "Yes" indicates that CBO reviewed legislation containing a version of the mandate prior to enactment and issued a cost estimate during the first half of the 113th Congress, which was in session in calendar year 2013.

Table 4.**Laws Enacted in 2013 That Contain Private-Sector Mandates**

Of the 72 laws enacted last year, 8 contain one or more private-sector mandates, for a total of 18 such mandates enacted in 2013. Those laws contain a total of 5 mandates that the Congressional Budget Office (CBO) estimated will impose costs on the private sector that exceed the annual threshold established in the Unfunded Mandates Reform Act (\$150 million in 2013). Those 5 mandates are shown in the table in **bold type**. CBO has identified 136 private-sector mandates enacted since 1996 with costs estimated to exceed the annual threshold. Those mandates and the 92 public laws containing them are listed in Appendix B.

The laws enacted in 2013 also contain 1 private-sector mandate whose costs could not be determined. In that case, the costs may or may not be above the threshold. That mandate is shown in the table in *italic type*. CBO estimated that the other 12 private-sector mandates enacted in 2013 will impose costs below the annual threshold. Those mandates are shown in regular type.

Not all mandates are reviewed by CBO before enactment. In some cases, legislation is enacted without being considered by a committee. Some mandates are included in amendments made on the House or Senate floor or in conference after CBO's review. Others are included in appropriation bills, which the Unfunded Mandates Reform Act does not direct CBO to review. Of the 18 private-sector mandates enacted in 2013, CBO reviewed 9 before enactment. Of the remaining 9 mandates not reviewed by CBO, 7 were enacted as provisions of appropriation acts. Most of the mandates not reviewed temporarily extended existing mandates, and only 1 such mandate is estimated to have a cost above the private-sector threshold.

Public Law Number	Title of Legislation	Description of Mandate	Was the Mandate Reviewed by CBO Before Enactment? ^a
Laws Containing Private-Sector Mandates With Aggregate Costs That Exceed the Statutory Threshold			
113-6	Consolidated and Further Continuing Appropriations Act, 2013	Extends the authority of the Secretary of State to collect a surcharge on passport applications until September 30, 2013	No
		Extends until October 4, 2013, existing standards for the security of chemical facilities that require vulnerability assessments and the development and implementation of site security plans	No
		Extends until September 30, 2013, existing requirements on companies to safeguard and properly dispose of information collected from individuals who participate in the federal pre-screening program for air passengers	No
		Extends the restriction on sales of cluster munitions until September 30, 2013	No

Continued

Table 4.

Continued

Laws Enacted in 2013 That Contain Private-Sector Mandates

Public Law Number	Title of Legislation	Description of Mandate	Was the Mandate Reviewed by CBO Before Enactment? ^a
Laws Containing Private-Sector Mandates With Aggregate Costs That Exceed the Statutory Threshold (Continued)			
113-54	Drug Quality and Security Act	Requires dispensers (primarily pharmacies) to monitor the movement of prescription drugs through the drug distribution system	Yes
		Requires drug manufacturers, repackagers, and wholesale distributors to monitor the movement of prescription drugs through the drug distribution system	Yes
		Requires wholesale distributors and third parties that provide logistic services to pay licensing fees	Yes
113-67	Joint resolution making continuing appropriations for fiscal year 2014, and for other purposes	Increases the fee paid by airline passengers for security services	Yes
		Increases insurance premiums paid by sponsors of defined benefit pension plans to the Pension Benefit Guaranty Corporation	Yes
		Extends customs user fees through fiscal year 2023	Yes
Laws Containing Private-Sector Mandates With Aggregate Costs That Could Not Be Determined			
113-57	An act to extend the Undetectable Firearms Act of 1988 for 10 years	<i>Extends the prohibition of the manufacture or possession of firearms that are not detectable by walk-through metal detectors or X-ray machines</i>	No
Laws Containing Private-Sector Mandates With Aggregate Costs That Fall Below the Statutory Threshold			
113-4	Violence Against Women Reauthorization Act of 2013	Increases reporting requirements for international marriage brokers	No
113-12	Stolen Valor Act of 2013	Prohibits individuals from claiming to have received a military medal or decoration with the intent to obtain money, property, or other tangible benefits	Yes
113-14	Animal Drug and Animal Generic Drug User Fee Reauthorization Act of 2013	Requires manufacturers of drugs for use in the treatment of animals to pay specified fees to the Food and Drug Administration	Yes

Continued

Table 4.**Continued****Laws Enacted in 2013 That Contain Private-Sector Mandates**

Public Law Number	Title of Legislation	Description of Mandate	Was the Mandate Reviewed by CBO Before Enactment?^a
Laws Containing Private-Sector Mandates With Aggregate Costs That Fall Below the Statutory Threshold (Continued)			
113-46	Continuing Appropriations Act, 2014	Extends the authority of the Secretary of State to collect a surcharge on passport applications until January 15, 2014	Yes
		Extends until January 15, 2014, existing standards for the security of chemical facilities that require vulnerability assessments and the development and implementation of site security plans	No
		Extends until January 15, 2014, existing requirements on companies to safeguard and properly dispose of information collected from individuals who participate in the federal prescreening program for air passengers	No
		Extends the restriction on sales of cluster munitions until January 15, 2014	No

Source: Congressional Budget Office.

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

a. A response of "Yes" indicates that CBO reviewed legislation containing a version of the mandate prior to enactment and issued a cost estimate during the first half of the 113th Congress, which was in session in calendar year 2013

Table 5.

Intergovernmental Mandates Reviewed by CBO in 2013 With Costs That Would Exceed the Statutory Threshold

In its review of legislation in 2013, the Congressional Budget Office (CBO) identified 1 intergovernmental mandate with costs that would exceed the statutory threshold established in the Unfunded Mandates Reform Act (\$75 million in 2013). That mandate is identified below, with the related bill number given in parentheses.

Topic	Description of Mandate	Was a Version Enacted into Law?
Proposed Intergovernmental Mandate With Costs That Would Exceed the Statutory Threshold		
Immigration	Requires employers and other entities that hire, recruit, or refer individuals for employment to verify work eligibility of future employees and some current employees (H.R. 1772)	No

Source: Congressional Budget Office.

Note: The mandate in this table was identified by the Congressional Budget Office when the bill was reported by an authorizing committee.

Table 6.**Private-Sector Mandates Reviewed by CBO in 2013 With Costs That Would Exceed the Statutory Threshold or That Could Not Be Determined**

In its review of legislation in 2013, the Congressional Budget Office (CBO) identified 12 private-sector mandates (in 10 different bills) whose costs would exceed the statutory threshold established in the Unfunded Mandates Reform Act (\$150 million in 2013). Five of those mandates were enacted. Three of the enacted mandates involve government fees. CBO identified another 4 private-sector mandates whose costs could not be determined. None of those 4 mandates were enacted.

Mandates with costs that would exceed the threshold or that could not be determined are listed below; related bill numbers are given in parentheses. In some cases, the same or similar private-sector mandate was identified in more than one bill (see Table 8 on page 18).

Topic	Description of Mandate	Was a Version Enacted Into Law?
Proposed Private-Sector Mandates With Costs That Would Exceed the Statutory Threshold		
Air Transportation	Increases the fee paid by airline passengers for security services (Bipartisan Budget Act of 2013)	Yes (Public Law 113-67) ^a
Environment	Requires private entities to comply with regulations for the disposal of coal ash (H.R. 2218)	No
Immigration	Requires employers and other entities that hire, recruit, or refer individuals for employment to verify the work eligibility of future employees and some current employees (H.R. 1772; S. 744, Senate Judiciary; S. 744, passed Senate)	No
	Requires employers to pay an additional fee for each worker hired under the H-1B visa program (S. 744, Senate Judiciary; S. 744, passed Senate)	No
	Requires employers that hire foreign workers who are transferring within a company or who possess specialized knowledge (L-1 visa workers) to pay an additional fee and to make certifications about their operations and financial circumstances (S. 744, Senate Judiciary; S. 744, passed Senate)	No
Passports	Extends the authority of the Secretary of State to collect a surcharge on the filing fee for passport and passcard applications through the end of fiscal year 2016 (H.R. 2848)	Yes (P.L. 113-46) ^{a,b}
Pensions	Increases insurance premiums paid by sponsors of defined benefit pension plans to the Pension Benefit Guaranty Corporation (Bipartisan Budget Act of 2013)	Yes (P.L. 113-67) ^a
Pharmaceuticals	Requires dispensers (primarily pharmacies) to monitor the movement of prescription drugs through the drug distribution system (H.R. 1919; S. 959)	Yes (P.L. 113-54) ^a
Revenue-Raising Provisions	Imposes a minimum tax on taxpayers with high incomes (S. 388)	No
	Expands a per-barrel tax on oil production to include oil produced from tar sands (S. 388)	No

Continued

Table 6. **Continued**

Private-Sector Mandates Reviewed by CBO in 2013 With Costs That Would Exceed the Statutory Threshold or That Could Not Be Determined

Topic	Description of Mandate	Was a Version Enacted Into Law?
Proposed Private-Sector Mandates With Costs That Would Exceed the Statutory Threshold (Continued)		
Sanctions	Expands existing prohibitions on transactions with the Assad regime in Syria, or any successor regime that is determined to be an illegitimate or replacement government, and increases the number of entities responsible for complying with those prohibitions (S. 960)	No
Trade	Extends customs user fees through fiscal year 2023 (Bipartisan Budget Act of 2013)	Yes (P.L. 113-67) ^a
Proposed Private-Sector Mandates With Costs That Could Not Be Determined		
Agriculture	Requires dairy handlers that purchase milk from dairy producers participating in the Dairy Market Stabilization Program to report information to the Department of Agriculture (H.R. 1947, House Agriculture; H.R. 1947, House Judiciary; S. 954)	No
Immigration	Requires employers who submit an application for employment certification for an H-2B visa worker (a seasonal nonagricultural worker) to pay a fee and pay certain transportation costs for the H-2B employee (S. 744, Senate Judiciary; S. 744, passed Senate)	No
Liability	Limits an existing right of action by extending civil and criminal liability protection to entities and cyber-security providers that share or use information about cyber threats (H.R. 624)	No
Pharmaceuticals	Requires pharmacies designated as compounding manufacturers to comply with current Good Manufacturing Practices (S. 959)	No

Source: Congressional Budget Office.

Notes: The mandates in this table were identified by the Congressional Budget Office (CBO) and the staff of the Joint Committee on Taxation (JCT) 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.

JCT examines the tax provisions of legislation to identify federal mandates and to estimate their costs. Such information is incorporated in 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 113-46, the Continuing Appropriations Act, 2014
 - Public Law 113-54, the Drug Quality and Security Act
 - Public Law 113-67, a joint resolution making continuing appropriations for fiscal year 2014, and for other purposes
- b. A short extension of the surcharge was enacted in PL. 113-46. CBO estimated that the cost of that extension falls below the annual threshold in the Unfunded Mandates Reform Act. An extension of the surcharge also was enacted in PL. 113-6, the Consolidated and Further Continuing Appropriations Act, 2013. However, CBO had not reviewed the extension of this mandate before its enactment in this appropriation act.

Table 7.**Bills Reviewed by CBO in 2013 That Contained Intergovernmental Mandates**

Of the 437 bills that the Congressional Budget Office (CBO) reviewed for mandates as defined in the Unfunded Mandates Reform Act (UMRA), 39 contained intergovernmental mandates. Of those 39 bills, 1 contained a mandate with costs that, in CBO's estimation, would exceed the statutory threshold established in UMRA (\$75 million in 2013). Some bills were considered by more than one committee; in those cases, the table lists the various versions of that bill.

The bill containing an intergovernmental mandate whose aggregate costs were estimated to exceed the statutory threshold is listed first in the table. Mandates whose costs would exceed the statutory threshold are in **bold type** and mandates with costs below the threshold are in regular type.

Bill Number (Committee or status)	Title of Legislation	Description of Mandate
Bills Containing Intergovernmental Mandates With Aggregate Costs That Exceed the Statutory Threshold^a		
H.R. 1772	Legal Workforce Act	Requires employers and other entities that hire, recruit, or refer individuals for employment to verify work eligibility of potential employees and some current employees Preempts state and local laws related to work verification
Bills Containing Intergovernmental Mandates With Aggregate Costs That Could Not Be Determined		
None		
Bills Containing Intergovernmental Mandates With Aggregate Costs That Fall Below the Statutory Threshold		
H.R. 85	A bill to create the Office of Chief Financial Officer of the Government of the Virgin Islands, and for other purposes	Requires the Governor of the Virgin Islands to appoint a Chief Financial Officer and hold a referendum
H.R. 271	Resolving Environmental and Grid Reliability Conflicts Act of 2013	Preempts state and local environmental and liability laws
H.R. 624	Cyber Intelligence Sharing and Protection Act	Limits an existing right of action by extending civil and criminal liability protection to entities and cybersecurity providers that share or use information about cyber threats Preempts state disclosure and liability laws
H.R. 850	Nuclear Iran Prevention Act of 2013	Expands existing prohibitions on transactions with people or entities associated with the government of Iran and increases the number of entities responsible for complying with those prohibitions
H.R. 899	Unfunded Mandates Information and Transparency Act of 2013	Increases fees assessed by certain independent agencies on public entities
H.R. 1162 (House Oversight and Government Reform)	Government Accountability Office Improvement Act	Requires the District of Columbia to report information to Congressional committees and to the Government Accountability Office (GAO)

Continued

Table 7.

Continued

Bills Reviewed by CBO in 2013 That Contained Intergovernmental Mandates

Bill Number (Committee or status)	Title of Legislation	Description of Mandate
Bills Containing Intergovernmental Mandates With Aggregate Costs That Fall Below the Statutory Threshold (Continued)		
H.R. 1162 (Senate Homeland Security and Governmental Affairs)	Government Accountability Office Improvement Act	Requires the District of Columbia to report information to Congressional committees and to GAO
H.R. 1410	Keep the Promise Act of 2013	Prohibits gaming on some lands in the Phoenix Metropolitan metro area that have been taken in to trust for the Tohono O'odham Nation
H.R. 1526	Restoring Healthy Forests for Healthy Communities Act	Requires plaintiffs to post a bond when seeking judicial review of some projects carried out by the Forest Service Prohibits plaintiffs from seeking a preliminary injunction to stop activities on federal lands transferred to the State of Oregon for management
H.R. 1548	Native American Energy Act	Requires plaintiffs to post a bond when seeking a preliminary injunction to stop energy projects on tribal land
H.R. 1797	Pain-Capable Unborn Child Protection Act	Prohibits physicians, with some exceptions, from either terminating or attempting to terminate pregnancies 20 weeks or more after fertilization Preempts state and local laws that regulate abortions
H.R. 1919	Safeguarding America's Pharmaceuticals Act of 2013	Requires dispensers (primarily pharmacies) to monitor the movement of prescription drugs through the drug distribution system Preempts state laws that require the tracing of prescription drugs through the distribution system and that govern wholesale drug distributors and third parties that provide logistic services
H.R. 1947	Agriculture Reform and Risk Management Act of 2013	Preempts state laws regulating the production and manufacture of agricultural products
H.R. 1960	National Defense Authorization Act for Fiscal Year 2014	Requires mortgage lenders to consider, for refinancing inquiries or applications, active-duty service members who have been relocated to be occupying the residence that secures a mortgage Preempts state laws governing child custody
H.R. 2189	A bill to improve the processing of disability claims by the Department of Veterans Affairs, and for other purposes	Preempts state licensing laws governing physicians as long as the physician is licensed by another state to practice medicine

Continued

Table 7.

Continued

Bills Reviewed by CBO in 2013 That Contained Intergovernmental Mandates

Bill Number (Committee or status)	Title of Legislation	Description of Mandate
Bills Containing Intergovernmental Mandates With Aggregate Costs That Fall Below the Statutory Threshold (Continued)		
H.R. 2218	Coal Residuals Reuse and Management Act of 2013	<p>Expands an existing preemption of state laws that regulates greenhouse gases from motor vehicles</p> <p>Requires states to notify the Environmental Protection Agency if they plan to adopt and implement a permit program regulating the disposal of coal ash</p> <p>Requires public entities to comply with regulations for the disposal of coal ash</p>
H.R. 2278	Strengthen and Fortify Enforcement Act	<p>Requires educational institutions that participate in the Student and Exchange Visitor Program (SEVP) to conduct background checks and training</p> <p>Requires educational institutions to report any changes to specific information about foreign students within 10 days</p> <p>Requires educational institutions to have at least one school official that handles matters related to foreign students under the SEVP for every 200 such students attending an institution</p>
H.R. 2279	Reducing Excessive Deadline Obligations Act of 2013	Requires some owners or operators of facilities that store flammable or explosive substances to provide state emergency response commissions with information about the amount of such substances at the facility
H.R. 2481	Veterans Economic Opportunity Act of 2013	<p>Requires lending institutions to comply with additional protections for service members to:</p> <ul style="list-style-type: none"> • Extend the length of stay of some civil proceedings; • Designate an employee who would ensure compliance with the act; • Consider, for refinancing applications, active-duty service members who have been relocated to be living in the residence that secures a mortgage; and • Maintain a toll-free number to assist service members <p>Preempts state laws governing child custody if they are inconsistent with federal law or if they provide less protection to the rights of a parent who is a service member</p>

Continued

Table 7.

Continued

Bills Reviewed by CBO in 2013 That Contained Intergovernmental Mandates

Bill Number (Committee or status)	Title of Legislation	Description of Mandate
Bills Containing Intergovernmental Mandates With Aggregate Costs That Fall Below the Statutory Threshold (Continued)		
H.R. 2767	Protecting American Taxpayers and Homeowners Act of 2013	Prohibits the servicer (and any affiliate of the servicer) of a residential mortgage from owning or holding any other security interest on the same dwelling Requires the creditor of a junior mortgage to notify the servicer of the senior mortgage on the property of the existence of any new mortgage or lien Preempts some state laws that establish specific requirements for demonstrating ownership of a mortgage
H.R. 2810	Medicare Patient Access and Quality Improvement Act of 2013	Preempts state laws relating to medical malpractice claims that allow for the use of federal guidelines or standards developed, recognized, or implemented under any health care provision of the Affordable Care Act
H.R. 3300	Federal Emergency Management Agency Reauthorization Act of 2013	Eliminates an existing right of action for some plaintiffs to seek damages related to training exercises of urban search-and-rescue teams Requires employers to allow members of urban search-and-rescue teams to reclaim their jobs on completion of service
H.R. 3309	Innovation Act	Increases patent fees
S. 6	Putting Our Veterans Back to Work Act of 2013	Requires public and private entities to produce documents for review and duplication and to respond to questioning in civil orders issued by the Attorney General
S. 394	Metal Theft Prevention Act of 2013	Requires buyers of certain scrap metals (primarily recycling agents) to collect and maintain information about each purchase Prohibits buyers of certain scrap metals from paying more than \$100 in cash over a two-day period to any one seller of scrap metals Requires sellers of scrap metals to provide documentation proving that they are authorized to do so
S. 534	National Association of Registered Agents and Brokers Reform Act of 2013	Prohibits states from imposing registration requirements and collecting fees Requires state insurance regulators to provide to the National Association of Registered Agents and Brokers the results of complaint investigations

Continued

Table 7.

Continued

Bills Reviewed by CBO in 2013 That Contained Intergovernmental Mandates

Bill Number (Committee or status)	Title of Legislation	Description of Mandate
Bills Containing Intergovernmental Mandates With Aggregate Costs That Fall Below the Statutory Threshold (Continued)		
S. 601	Water Resources Development Act of 2013	Requires public entities to comply with watercraft inspections or other measures to prevent the spread of invasive species
S. 601 (As provided by the Senate Committee on Environment and Public Works on April 12, 2013)	Water Resources Development Act of 2013	Requires public entities to comply with watercraft inspections or other measures to prevent the spread of invasive species
S. 607	Electronic Communications Privacy Act Amendments Act of 2013	Changes the procedures that governmental entities must follow when they obtain electronic communications
S. 744 (Senate Judiciary)	Border Security, Economic Opportunity, and Immigration Modernization Act	Requires employers to pay an additional fee for each worker hired under the H-1B visa program Requires employers and other entities that hire, recruit, or refer individuals for employment to verify the work eligibility of future employees and some current employees Increases fees for entities that file a civil action, suit, or proceeding in a U.S. district court Prohibits state and local governments from denying professional, commercial, or business licenses based on immigration status Preempts state and local laws related to work verification
S. 744 (Passed Senate)	Border Security, Economic Opportunity, and Immigration Modernization Act	Requires employers to pay an additional fee for each worker hired under the H-1B visa program Requires employers and other entities that hire, recruit, or refer individuals for employment to verify the work eligibility of future employees and some current employees Increases fees for entities that file a civil action, suit, or proceeding in a U.S. district court Prohibits state and local governments from denying professional, commercial, or business licenses based on immigration status Preempts state and local laws related to work verification Requires employers who apply for employment-based visas to pay a \$10 surcharge per application
S. 761	Energy Savings and Industrial Competitiveness Act of 2013	Requires state, local, and tribal governments to provide certification to the Department of Energy on updated building codes

Continued

Table 7.

Continued

Bills Reviewed by CBO in 2013 That Contained Intergovernmental Mandates

Bill Number (Committee or status)	Title of Legislation	Description of Mandate
Bills Containing Intergovernmental Mandates With Aggregate Costs That Fall Below the Statutory Threshold (Continued)		
S. 815	Employment Non-Discrimination Act of 2013	Prohibits employers, employment agencies, and labor organizations from discriminating against any employee, member, or applicant on the basis of sexual orientation or gender identity Requires employers to post notices displaying federal laws that prohibit such discrimination
S. 839	Coral Reef Conservation Amendments Act of 2013	Requires public and private entities to obtain a permit for activities that could affect coral reefs
S. 959	Pharmaceutical Quality, Security, and Accountability Act	Requires dispensers (primarily pharmacies) to monitor the movement of prescription drugs through the drug distribution system Preempts state laws that require the tracing of prescription drugs through the distribution system and that govern wholesale drug distributors and third parties that provide logistic services
S. 960	Syria Transition Support Act of 2013	Expands existing prohibitions on transactions with the Assad regime in Syria, or any successor regime that is determined to be an illegitimate or replacement government, and increases the number of entities responsible for complying with those prohibitions
S. 1068	National Oceanic and Atmospheric Administration Commissioned Officer Corps Amendments Act of 2013	Increases the costs of complying with existing mandates related to protections for personnel in the National Oceanic and Atmospheric Administration's commissioned officer corps Preempts state and local laws relating to jury exemptions
S. 1581	Veterans Programs Improvements Act of 2013	Limits the ability of public and private entities to use the terms "GI Bill" or "Post-911 GI Bill"

Source: Congressional Budget Office.

Note: The staff of the Joint Committee on Taxation examines tax provisions of legislation to identify federal mandates and to estimate their costs. Such information is incorporated in 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.

Table 8.**Bills Reviewed by CBO in 2013 That Contained Private-Sector Mandates**

Of the 437 bills that the Congressional Budget Office (CBO) reviewed for mandates as defined in the Unfunded Mandates Reform Act (UMRA), 53 contained private-sector mandates. Of those 53 bills, 10 contained mandates with costs that, in CBO's estimation, would exceed the statutory threshold established in UMRA—\$150 million in 2013. For 4 of those 53 bills, CBO could not determine whether the aggregate cost of the mandates would exceed or fall below the statutory threshold. Some bills were considered by more than one committee or reviewed by CBO more than once; 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
Bills Containing Private-Sector Mandates With Aggregate Costs That Exceed the Statutory Threshold^a		
H.R. 1772	Legal Workforce Act	Requires employers and other entities that hire, recruit, or refer individuals for employment to verify work eligibility of future employees and some current employees <i>Requires individuals to provide additional documentation to verify employment eligibility</i>
H.R. 1919	Safeguarding America's Pharmaceuticals Act of 2013	Requires dispensers (primarily pharmacies) to monitor the movement of prescription drugs through the drug distribution system <i>Requires drug manufacturers, repackagers, and wholesale distributors to monitor the movement of prescription drugs through the drug distribution system</i> <i>Requires wholesale distributors and third parties that provide logistic services to pay licensing fees</i>
H.R. 2218	Coal Residuals Reuse and Management Act of 2013	Requires private entities to comply with regulations for the disposal of coal ash
H.R. 2848	Department of State Operations and Embassy Security Authorization Act, Fiscal Year 2014	Extends the authority of the Secretary of State to collect a surcharge on the filing fee for passport and passcard applications through the end of fiscal year 2016 <i>Authorizes the Secretary of State to restrict or revoke passports issued to sex offenders</i>
H.R. ____	Bipartisan Budget Act of 2013 (Amendment to H.J. Res. 59, the Continuing Appropriations Resolution, 2014)	Increases the fee paid by airline passengers for security services Increases insurance premiums paid by sponsors of defined benefit pension plans to the Pension Benefit Guaranty Corporation Extends customs user fees through fiscal year 2023
S. 388	American Family Economic Protection	Imposes a minimum tax on taxpayers with high incomes Expands a per-barrel tax on oil production to include oil produced from tar sands <i>Denies a tax deduction for outsourcing expenses</i>

Continued

Table 8.

Continued

Bills Reviewed by CBO in 2013 That Contained Private-Sector Mandates

Bill Number (Committee or status)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates With Aggregate Costs That Exceed the Statutory Threshold^a (Continued)		
S. 744 (Senate Judiciary)	Border Security, Economic Opportunity, and Immigration Modernization Act	<p>Requires employers to pay an additional fee for each worker hired under the H-1B visa program</p> <p>Requires employers and other entities that hire, recruit, or refer individuals for employment to verify the work eligibility of future employees and some current employees</p> <p>Requires employers that hire foreign workers who are transferring within a company or who possess specialized knowledge (L-1 visa workers) to pay an additional fee and to make certifications about their operations and financial</p> <p><i>Requires employers who submit an application for employment certification for an H-2B visa worker (seasonal nonagricultural worker) to pay a fee and pay certain transportation costs for the H-2B employee</i></p> <p>Increases fees for entities that file a civil action, suit, or proceeding in a United States district court</p> <p>Requires employers to pay additional fees for each new H-1B or L-1 visa application if more than 30 percent of their current employees have H1-B or L-1 visas</p> <p>Requires designated program sponsors to pay a fee for each participant in the J-1 Visa Exchange Visitor program</p> <p>Requires employers seeking to hire temporary seasonal workers to pay application and registration fees and comply with additional certification requirements by creating a W-visa program to replace the H-2A visa program</p> <p>Requires individuals to provide additional documentation to verify employment eligibility</p> <p>Prohibits employers under the L-1 visa program from retaliating against an employee because the employee disclosed certain information</p> <p>Requires students with F-visas who are currently in the United States to attend accredited institutions</p> <p>Requires operators of commercial aircraft and vessels departing from the United States to collect and transmit certain manifest information</p> <p>Requires flight schools not certified by the Federal Aviation Administration to obtain certification to continue operating</p>

Continued

Table 8.

Continued

Bills Reviewed by CBO in 2013 That Contained Private-Sector Mandates

Bill Number (Committee or status)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates With Aggregate Costs That Exceed the Statutory Threshold^a (Continued)		
S. 744 (Passed Senate)	Border Security, Economic Opportunity, and Immigration Modernization Act	<p>Requires employers to pay an additional fee for each worker hired under the H-1B visa program</p> <p>Requires employers and other entities that hire, recruit, or refer individuals for employment to verify the work eligibility of future employees and some current employees</p> <p>Requires employers that hire foreign workers who are transferring within a company or who possess specialized knowledge (L-1 visa workers) to pay an additional fee and to make certifications about their operations and financial</p> <p><i>Requires employers who submit an application for employment certification for an H-2B visa worker (a seasonal nonagricultural worker) to pay a fee and to pay certain transportation costs for the H-2B employee</i></p> <p>Increases fees on entities that file a civil action, suit, or proceeding in a U.S. district court</p> <p>Requires employers to pay additional fees for each new H-1B or L-1 visa application if more than 30 percent of their current employees have H1-B or L-1 visas</p> <p>Requires employers seeking to hire temporary seasonal workers to pay application and registration fees and comply with additional certification requirements by creating a W-visa program to replace the H-2A visa program</p> <p>Requires individuals to provide additional documentation to verify employment eligibility</p> <p>Prohibits employers under the L-1 visa program from retaliating against an employee because the employee disclosed certain information</p> <p>Requires students with F-visas who are currently in the United States to attend accredited institutions</p> <p>Requires operators of commercial aircraft and vessels departing from the United States to collect and transmit certain manifest information</p> <p>Requires flight schools not certified by the Federal Aviation Administration to obtain certification to continue operating</p> <p>Requires employers who apply for employment-based visas to pay a \$10 surcharge per application</p>

Continued

Table 8.

Continued

Bills Reviewed by CBO in 2013 That Contained Private-Sector Mandates

Bill Number (Committee or status)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates With Aggregate Costs That Exceed the Statutory Threshold^a (Continued)		
S. 959	Pharmaceutical Quality, Security, and Accountability Act	<p>Requires dispensers (primarily pharmacies) to monitor the movement of prescription drugs through the drug distribution system</p> <p><i>Requires pharmacies designated as compounding manufacturers to comply with current Good Manufacturing Practices</i></p> <p>Requires pharmacies designated as compounding manufacturers to register with the Food and Drug Administration and pay registration fees, provide reports, ensure supervision of their operations, label products with certain information, and not participate in the wholesale market</p> <p>Prohibits all pharmacies that compound drugs from compounding certain drugs and requires reporting of drugs compounded on the drug-shortage list</p> <p>Prohibits other entities, such as physicians, from repackaging preservative-free sterile drugs in an office setting</p> <p>Requires drug manufacturers, repackagers, and wholesale distributors to monitor the movement of prescription drugs through the drug distribution system</p> <p>Requires wholesale distributors and third parties that provide logistic services to pay licensing fees</p>
S. 960	Syria Transition Support Act of 2013	<p>Expands existing prohibitions on transactions with the Assad regime in Syria, or any successor regime that is determined to be an illegitimate or replacement government, and increases the number of entities responsible for complying with those prohibitions</p>
Bills Containing Private-Sector Mandates With Aggregate Costs That Could Not Be Determined		
H.R. 624	Cyber Intelligence Sharing and Protection Act	<p><i>Limits an existing right of action by extending civil and criminal liability protection to entities and cyber-security providers that share or use information about cyber threats</i></p>
H.R. 1947 (House Agriculture)	Agriculture Reform and Risk Management Act of 2013	<p><i>Requires dairy handlers that purchase milk from dairy producers participating in the Dairy Market Stabilization Program to report information to the Department of Agriculture</i></p> <p>Requires imported olive oil to meet the same standards as olive oil produced in the United States if a marketing order for olive oil is established</p> <p>Requires members of some agricultural industries to pay an assessment to fund federal research and promotion programs</p>

Continued

Table 8.

Continued

Bills Reviewed by CBO in 2013 That Contained Private-Sector Mandates

Bill Number (Committee or status)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates With Aggregate Costs That Could Not Be Determined (Continued)		
H.R. 1947 (House Judiciary)	Agriculture Reform and Risk Management Act of 2013	<i>Requires dairy handlers that purchase milk from dairy producers participating in the Dairy Market Stabilization Program to report information to the Department of Agriculture</i> Requires imported olive oil to meet the same standards as olive oil produced in the United States if a marketing order for olive oil is established
S. 954	Agriculture Reform and Risk Management Act of 2013	<i>Requires dairy handlers that purchase milk from dairy producers participating in the Dairy Market Stabilization Program to report information to the Department of Agriculture</i> Prohibits individuals from attending animal fighting ventures in states and U.S. territories that permit such ventures
Bills Containing Private-Sector Mandates With Aggregate Costs That Fall Below the Statutory Threshold		
H.R. 258	Stolen Valor Act of 2013	Prohibits individuals from claiming to have received a military medal or decoration with the intent to obtain money, property, or other tangible benefits
H.R. 271	Resolving Environmental and Grid Reliability Conflicts Act of 2013	Eliminates an existing right of action to seek compensation for damages incurred because of actions taken by utilities to comply with a federal emergency order issued by the Department of Energy
H.R. 850	Nuclear Iran Prevention Act of 2013	Expands existing prohibitions on transactions with people or entities associated with the government of Iran and increases the number of entities responsible for complying with those prohibitions
H.R. 875	A bill to provide for a comprehensive assessment of the scientific and technical research on the implications of the use of mid-level ethanol blends, and for other purposes	Prohibits the sale of mid-level ethanol blends
H.R. 899	Unfunded Mandates Information and Transparency Act of 2013	Increases fees assessed by certain independent agencies on private entities
H.R. 982	Furthering Asbestos Claim Transparency (FACT) Act of 2013	Requires asbestos trusts to submit quarterly reports to the bankruptcy court concerning the damage claims and payments made by the trust
H.R. 1062	SEC Regulatory Accountability Act	Requires private entities to pay higher regulatory fees to the Securities and Exchange Commission (SEC)

Continued

Table 8.

Continued

Bills Reviewed by CBO in 2013 That Contained Private-Sector Mandates

Bill Number (Committee or status)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates With Aggregate Costs That Fall Below the Statutory Threshold (Continued)		
H.R. 1123	Unlocking Consumer Choice and Wireless Competition Act	Eliminates an existing right of action for wireless carriers (and others) who are currently able to pursue legal action against those who, without permission, circumvent the access controls on wireless telephone handsets sold after January 26, 2013
H.R. 1133	Presidential Library Donation Reform Act of 2013	Requires organizations established for the purpose of raising funds for Presidential libraries or related facilities to submit information to the National Archives and Records Administration
H.R. 1256 (House Agriculture)	Swap Jurisdiction Certainty Act	Requires private entities to pay higher regulatory fees to the SEC
H.R. 1256 (House Financial Services)	Swap Jurisdiction Certainty Act	Requires private entities to pay higher regulatory fees to the SEC
H.R. 1341	Financial Competitive Act of 2013	Requires financial institutions to pay higher regulatory fees to the Financial Stability Oversight Council
H.R. 1407	Animal Drug User Fee Amendments of 2013	Requires manufacturers of drugs for use in the treatment of animals to pay specified fees to the Food and Drug Administration
H.R. 1526	Restoring Healthy Forests for Healthy Communities Act	Requires plaintiffs to post a bond when seeking judicial review of some projects carried out by the Forest Service Prohibits plaintiffs from seeking a preliminary injunction to stop activities on federal lands transferred to the State of Oregon for management
H.R. 1548	Native American Energy Act	Requires plaintiffs to post a bond when seeking a preliminary injunction to stop energy projects on tribal land
H.R. 1797	Pain-Capable Unborn Child Protection Act	Prohibits physicians, with some exceptions, from either terminating or attempting to terminate pregnancies 20 weeks or more after fertilization
H.R. 1960	National Defense Authorization Act for Fiscal Year 2014	Requires mortgage lenders to consider, for refinancing inquiries or applications, active-duty service members who have been relocated to be occupying the residence that secures a mortgage
H.R. 2278	Strengthen and Fortify Enforcement Act	Requires educational institutions that participate in the Student and Exchange Visitor Program (SEVP) to conduct background checks and training Requires educational institutions to report any changes to specific information about foreign students within 10 days Requires educational institutions to have at least one school official that handles matters related to foreign students under SEVP for every 200 such students attending an institution

Continued

Table 8.

Continued

Bills Reviewed by CBO in 2013 That Contained Private-Sector Mandates

Bill Number (Committee or status)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates With Aggregate Costs That Fall Below the Statutory Threshold (Continued)		
H.R. 2278 (Continued)	Strengthen and Fortify Enforcement Act	<p>Requires flight schools in the United States to be certified by the Federal Aviation Administration in order to participate in the SEVP program and enroll foreign students</p> <p>Requires an agency or association that accredits institutions of higher education to notify the Department of Homeland Security if an educational institution is denied accreditation or if accreditation is suspended, withdrawn, or terminated</p> <p>Requires certain students with F-visas who are currently in the United States to attend accredited institutions</p> <p>Eliminates an existing right of action by prohibiting foreign-born people in the United States from seeking judicial review if their visa is revoked</p> <p>Prohibits people in the United States who have been convicted of certain sex offenses from petitioning for relatives to be granted a U.S. visa</p>
H.R. 2279	Reducing Excessive Deadline Obligations Act of 2013	Requires some owners or operators of facilities that store flammable or explosive substances to provide state emergency-response commissions with information about the amount of such substances at the facility
H.R. 2463	Target Practice and Marksmanship Training Support Act	Eliminates an individual's existing right to seek compensation from the federal government for damages occurring at public target ranges supported by federal funds
H.R. 2481	Veterans Economic Opportunity Act of 2013	Requires lending institutions to comply with additional protections for service members to: extend the length of stay of some civil proceedings; designate an employee who would ensure compliance with the act; consider, for refinancing applications, active-duty service members who have been relocated to be living in the residence that secures a mortgage; and maintain a toll-free number to assist service members
H.R. 2767	Protecting American Taxpayers and Homeowners Act of 2013	<p>Prohibits the servicer (and any affiliate of the servicer) of a residential mortgage from owning or holding any other security interest on the same dwelling</p> <p>Requires the creditor of a junior mortgage to notify the servicer of the senior mortgage on the property of the existence of any new mortgage or lien</p> <p>Requires certain financial institutions to pay additional fees or other mandatory assessments to offset the operating cost of the Office of Examination Ombudsman to be established under the bill</p>

Continued

Table 8.

Continued

Bills Reviewed by CBO in 2013 That Contained Private-Sector Mandates

Bill Number (Committee or status)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates With Aggregate Costs That Fall Below the Statutory Threshold (Continued)		
H.R. 3212	Sean and David Goldman International Child Abduction Prevention and Return Act of 2013	Prohibits transactions with people or entities associated with foreign countries by directing the President to take actions to persuade those countries to cooperate in cases involving international child abduction
H.R. 3300	Federal Emergency Management Agency Reauthorization Act of 2013	Eliminates an existing right of action for some plaintiffs to seek damages related to training exercises of urban search-and-rescue teams Requires employers to allow members of urban search-and-rescue teams to reclaim their jobs on completion of service
H.R. 3309	Innovation Act	Increases patent fees
S. 6	Putting Our Veterans Back to Work Act of 2013	Requires private entities to produce documents for review and duplication and to respond to questioning in civil orders issued by the Attorney General
S. 54	Stop Illegal Trafficking in Firearms Act of 2013	Bans the purchase of firearms on behalf of individuals who are prohibited from buying or possessing a firearm
S. 375	Senate Campaign Disclosure Parity Act	Requires candidates for the office of U.S. Senator, the principal campaign committee of such candidates, and the Republican and Democratic Senatorial Campaign Committees to file designations, statements, and reports in electronic format directly with the Federal Election Commission
S. 394	Metal Theft Prevention Act of 2013	Requires buyers of certain scrap metals (primarily recycling agents) to collect and maintain information about each purchase Prohibits buyers of certain scrap metals from paying more than \$100 in cash over a two-day period to any one seller of scrap metals Requires sellers of scrap metals to provide documentation proving that they are authorized to do so
S. 601	Water Resources Development Act of 2013	Requires private entities to comply with watercraft inspections or other measures to prevent the spread of invasive species
S. 601 (As provided by the Senate Committee on Environment and Public Works on April 12, 2013)	Water Resources Development Act of 2013	Requires private entities to comply with watercraft inspections or other measures to prevent the spread of invasive species
S. 607	Electronic Communications Privacy Act Amendments Act of 2013	Requires providers of electronic communications and remote computing services to inform the federal government before they notify a customer or subscriber that they have disclosed information to the federal government

Continued

Table 8.

Continued

Bills Reviewed by CBO in 2013 That Contained Private-Sector Mandates

Bill Number (Committee or status)	Title of Legislation	Description of Mandate
Bills Containing Private-Sector Mandates With Aggregate Costs That Fall Below the Statutory Threshold (Continued)		
S. 622	Animal Drug and Animal Generic Drug User Fee Reauthorization Act of 2013	Requires manufacturers of drugs for use in the treatment of animals to pay specified fees to the Food and Drug Administration
S. 815	Employment Non-Discrimination Act of 2013	Prohibits employers, employment agencies, and labor organizations from discriminating against any employee, member, or applicant on the basis of sexual orientation or gender identity Requires employers to post notices displaying federal laws that prohibit such discrimination
S. 839	Coral Reef Conservation Amendments Act of 2013	Requires private entities to obtain a permit for activities that could affect coral reefs Prohibits the destruction of any coral reef that is within the jurisdiction of the United States
S. 921	Raechel and Jacqueline Houck Safe Rental Car Act of 2013	Prohibits rental car companies from selling or renting vehicles that are subject to a safety recall until the defect is fixed Subjects rental car companies to inspections and reporting requirements
S. 1068	National Oceanic and Atmospheric Administration Commissioned Officer Corps Amendments Act of 2013	Increases the costs of complying with existing mandates related to protections for personnel in the National Oceanic and Atmospheric Administration's commissioned officer corps
S. 1094	Strengthening America's Schools Act of 2013	Eliminates an existing right of action by shielding schools from liability that might result from enrolling unaccompanied youth without parental or guardian consent
S. 1581	Veterans Programs Improvements Act of 2013	Limits the ability of private entities to use the terms "GI Bill" or "Post-911 GI Bill"

Source: Congressional Budget Office.

Note: The staff of the Joint Committee on Taxation examines tax provisions of legislation to identify federal mandates and to estimate their costs. Such information is incorporated in 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.



Appendix A: Overview of Key Provisions in the Unfunded Mandates Reform Act

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

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

- Title III, Review of Federal Mandates, required the now defunct Advisory Commission on Intergovernmental Relations (ACIR) to prepare three reports: a baseline study of the costs and benefits of federal mandates imposed on state, local, and tribal governments; a review of the impact of unfunded federal mandates on those governments along with recommendations for easing, consolidating, or terminating mandates; and an annual report identifying federal court rulings that required state, local, or tribal governments to undertake additional responsibilities and activities.²
- Title IV, Judicial Review, allows for limited judicial review of certain actions by agencies and of rules developed under title II of UMRA.

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

Defining Mandates

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. UMRA does not define "enforceable duty," but CBO has interpreted the term to mean actions that

1. Authorizing committees have legislative jurisdiction over the establishment, operation, and continuation of federal programs or agencies; they also control spending for programs other than those that receive annual appropriations under the aegis of the appropriations committees.

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

would be either required or prohibited by the sovereign authority of the United States. For instance, a provision that would require companies to comply with a federal safety or environmental standard—or that would prohibit a business activity or establish a mandatory fee for businesses—would impose a mandate. In addition, for some large entitlement programs—those that provide \$500 million or more annually to state, local, or tribal governments—a new condition on, or a reduction in, federal assistance would be a mandate, but only if those governments lack the flexibility to offset the new costs or the loss of federal funding with reductions elsewhere in the program.

A duty that arises out of participation in a voluntary federal program or that is a condition for receiving federal assistance does not fall within UMRA's definition of a mandate because such a duty is not compulsory. Some federal programs may establish requirements for participants that, by UMRA's definition, are not considered mandates even though the participants might incur significant costs as a result of the requirements. Nevertheless, CBO identifies those costs whenever possible. For example, the Healthy, Hunger-Free Kids Act of 2010 (as ordered reported by the Senate Committee on Agriculture, Nutrition, and Forestry in March 2010) would have made changes to the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). Those changes would have established additional requirements for state WIC programs, including cost containment measures and electronic benefit transfers. States' participation in the WIC program, however, is voluntary, and so too would be compliance with the additional requirements. Hence, under the guidelines specified by UMRA, those provisions of the bill contained no intergovernmental mandates.

Estimating the Costs of Mandates

Direct costs of mandates are defined in UMRA as amounts that the private sector or state, local, or tribal governments would be required to spend to comply with the enforceable duty, including amounts that states, localities, or tribes would be prohibited from raising in revenues. Additionally, when the mandate takes the form of a restriction on the ability of a private-sector entity to generate revenue, CBO measures the cost of that mandate as the direct loss of income. Such losses are not explicitly included in UMRA's definition of costs, but CBO interprets UMRA's definition of a mandate to

include not only requirements that would result in expenditures but also prohibitions that would result in lost income. Thus, in cases in which legislation would ban the production or sale of a good, CBO would measure the cost of the mandate as the net income forgone because of the ban. For example, CBO's estimate for the Synthetic Drug Control Act of 2011 included forgone income from lost sales in the estimated cost of a ban on certain synthetic chemicals.

CBO estimates direct costs as the total cost incurred by the entities on which the mandate is imposed, regardless of whether those costs may be passed on to other entities, such as consumers and workers. Direct costs exclude amounts that public or private entities would spend to comply with applicable laws, regulations, or professional standards in effect when the federal mandate is adopted. As directed by UMRA, CBO assumes that public and private entities would comply with mandates as efficiently as possible. Moreover, such costs are limited to spending that would result directly from the enforceable duty imposed by the legislation rather than from the legislation's broad effects on the economy. Therefore, estimates of mandate costs do not include the effects of each bill on gross domestic product, employment, or inflation.³

In addition, in CBO's estimates, direct costs are offset by any direct savings that would result from complying with the mandate or by savings from other provisions of the same legislation that govern the same activity as the one affected by the mandate. Direct savings do not include the impact of any authorization of appropriations in the same bill, or any funding authorized under current law, that might be used to help pay for a mandate.

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

3. For more information about estimating the costs of mandates on the private sector, see Congressional Budget Office, *Private-Sector Mandates in Federal Legislation* (January 2013), www.cbo.gov/publication/43840.

receiving federal aid or participating in voluntary federal programs.

CBO's Role in Preparing Mandate Cost Statements

UMRA requires CBO to prepare mandate statements for bills that are approved by authorizing committees. In those statements, CBO must specify whether the direct costs of mandates in a bill would exceed the statutory threshold established under UMRA. If the total direct costs of all mandates in the bill are above the threshold in any of the first five fiscal years in which the mandates are effective, CBO must provide an estimate of those costs (if feasible) and explain the basis of the estimate.⁴ In some cases, CBO cannot estimate the cost of a mandate—for instance, when much of its impact would depend on the nature of the implementing regulations that would be issued by federal agencies. If CBO cannot estimate the cost of a mandate, it must explain why such an estimate is not feasible. The mandate statement that CBO prepares also must include an assessment of whether the bill authorizes or otherwise provides funding to cover the costs of any new federal mandate. In the case of intergovernmental mandates, the cost statement must, under certain circumstances, include an estimate of the appropriations needed to fund such authorizations for up to 10 years after the mandate takes effect.

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

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.

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

Additionally, not all legislation is subject to UMRA's requirements. In enacting the law, the Congress recognized that instances might arise in which budgetary considerations—such as who would bear the costs that a law might impose—should not be a key part of the debate about a piece of legislation. Therefore, UMRA excludes from its procedures provisions that 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.

Enforcement Mechanisms

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

The rules preclude consideration of reported legislation that contains intergovernmental mandates with direct costs above the statutory threshold unless the legislation provides direct spending authority or authorizes appropriations sufficient to cover those costs. An authorization of an appropriation will not be sufficient unless the authorized amounts are specified for each year (up to

4. 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 2013 were \$75 million for intergovernmental mandates and \$150 million for private-sector mandates.)

10 years) after the effective date and the legislation provides a way to terminate or scale back the mandate if the federal agency determines that the appropriated funds are not sufficient to cover those costs.

UMRA does not expressly require CBO to prepare mandate statements for appropriation bills. In general, UMRA's points of order do not apply to the provisions of bills or resolutions reported by the appropriations committees (except legislative provisions). However, legislative provisions in such bills—or amendments to them—that would increase the direct costs of intergovernmental mandates are not in order for consideration on the House or Senate floor unless an appropriate CBO statement is provided.⁵

The rules are not automatically enforced, however; a Member must raise a point of order to enforce them. (A point of order is an objection raised by a Member on the floor of the House or Senate that questions an action being taken as contrary to the rules of that body.) If a point of order is raised in the House or Senate as provided for in UMRA, each chamber resolves the issue according to its established rules and procedures.

-
5. 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: Mandates Enacted Between 1996 and 2013 With Estimated Costs That Exceed the Statutory Threshold

This appendix lists the intergovernmental (Table B-1) and private-sector (Table B-2) mandates enacted from 1996 through 2013 that the Congressional Budget Office (CBO) has identified as imposing costs above the annual thresholds established in the Unfunded

Mandates Reform Act. From 1996 through 2013, CBO has identified intergovernmental mandates with costs that exceed the annual threshold in less than 1 percent of public laws, and private-sector mandates with such costs in less than 5 percent of the laws enacted.

Table B-1.

Enacted Intergovernmental Mandates With Estimated Costs That Exceed the Statutory Threshold, 1996 to 2013

From 1996 through 2013, 13 laws were enacted that contained intergovernmental mandates with costs that exceeded the threshold established in the Unfunded Mandates Reform Act. In 1996, the threshold for intergovernmental mandates was \$50 million. That amount has been adjusted annually for inflation, and in 2013 the threshold was \$75 million.

No laws enacted in 2013 contained intergovernmental mandates with costs above the threshold.

Topic	Description of Mandate	Public Law Number
Child Nutrition	Requires schools to provide meals that comply with new standards for menu planning and nutrition	111-296
	Requires schools to comply with nutrition standards for all food sold in schools	111-296
Child Support	Eliminates matching federal payments for some spending on child support	109-171
Driver's Licenses, Identification Cards, and Vital Statistics Documents	Requires state and local governments to meet certain standards for issuing driver's licenses, identification cards, and vital statistics documents	108-458
Food Stamp Administration	Reduces federal funding for administering the Food Stamp program (now the Supplemental Nutrition Assistance Program)	105-185
Health Care	Imposes notice and reporting requirements on health insurance plans (including self-insured plans), employers, and other public and private entities	111-148
	Requires health insurance plans (including self-insured plans) to comply with new standards for extending coverage to beneficiaries and their dependents	111-148
	Requires public and private employers to pay an excise tax on employer-sponsored health insurance coverage defined as having high costs	111-148
	Requires health insurance plans (including self-insured plans) to pay an annual fee based on the average number of people covered by the policy	111-148
	Requires public and private entities that handle health information to comply with new regulations	111-148
Internet Taxation	Temporarily preempts states' authority to tax certain Internet services and transactions	108-435
	Extends the preemption contained in Public Law 108-435 of states' authority to tax certain Internet services and transactions through most of 2011	110-108
Minimum Wage	Increases the minimum wage paid by state and local governments to their employees	104-188, 110-28
Premium Taxes on Prescription Drug Plans	Preempts state taxes on premiums for certain prescription drug plans	108-173
Rail and Transit	Requires all public transit and rail carriers to train workers and submit reports to the Department of Homeland Security	110-53
	Requires commuter railroads to install train control technology	110-432
Tax Withholding	Requires state and local governments to withhold taxes on certain payments for property and services	109-222

Source: Congressional Budget Office.

Table B-2.

Enacted Private-Sector Mandates With Estimated Costs That Exceed the Statutory Threshold, 1996 to 2013

From 1996 through 2013, the Congressional Budget Office (CBO) identified 136 private-sector mandates in 92 public laws with costs estimated to exceed the annual threshold. In 1996, the threshold established in the Unfunded Mandates Reform Act (UMRA) for private-sector mandates was \$100 million. That amount has been adjusted annually for inflation; in 2013, the threshold was \$150 million.

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

Topic	Description of Mandate	Public Law Number ^a
Agriculture	Changes the method by which minimum prices are established for fluid milk in different regions of the country	106-113
	Requires country-of-origin labels for various foods	107-171, 110-246
Aviation	Imposes security procedures and user fees to fund aviation security programs	107-71, 113-67
	Requires owners of aircraft operating in congested airspace or at congested airports to install new communications	112-95
	Prohibits the operation of certain aircraft that are not in compliance with low-noise standards	112-95
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 to take measures to verify whether using such minerals benefits any armed groups in the Democratic Republic of Congo or an adjoining country	111-203
Consumer Product Safety	Requires manufacturers, distributors, retailers, and importers of consumer products to abide by new standards and labeling requirements	110-314
Elimination of Right to Seek Compensation	Limits possible recoveries on terrorism-related lawsuits against Libya	110-301
Energy	Requires motor vehicle fuel to contain a certain volume of fuel from a renewable source	109-58, 110-140
	Establishes new energy-efficiency standards for appliances and lighting products	110-140

Continued

Table B-2.

Continued

Enacted Private-Sector Mandates With Estimated Costs That Exceed the Statutory Threshold, 1996 to 2013

Topic	Description of Mandate	Public Law Number ^a
Finance	Imposes new requirements on credit agencies, lenders, and merchants that handle credit transactions	108-159
	Requires certain depository institutions to pay higher premiums for deposit insurance	109-171, 111-22
	Imposes new requirements on issuers of credit cards and gift cards	111-24
Food Safety	Requires facilities that manufacture, process, pack, receive, or hold food for consumption to register every two years with the Secretary of Health and Human Services, to comply with more frequent inspections, and to pay any fees associated with reinspection or recall	111-353
	Requires entities that manufacture, process, pack, transport, distribute, receive, hold, or import articles of food to comply with new recordkeeping and safety standards, new science-based production and harvesting standards, and new protections for employees	111-353
	Requires owners, operators, and agents of facilities that manufacture, process, pack, or hold food to comply with new recordkeeping and safety standards, particularly in the case of foods determined to pose a high risk for contamination	111-353
Government Fees	Requires companies and other entities to pay certain fees when filing a petition for an H-1B visa	108-447
	Imposes fees on holders and applicants of patents and trademarks	108-447, 110-161, 111-8, 111-45, 111-117, 112-29
	Imposes a surcharge on the filing fee for passport applications	109-167, 112-74, 113-6
	Extends customs user fees	108-121, 108-357, 110-138, 110-246, 110-436, 111-124, 111-171, 111-227, 111-291, 111-344, 112-41, 112-42, 112-163, 113-67
	Authorizes the Federal Deposit Insurance Corporation to assess fees on the financial industry to recover the cost of liquidating financial institutions	111-203
	Increases the merchandise-processing fee collected on most imported goods	112-40, 112-41

Continued

Table B-2.

Continued

Enacted Private-Sector Mandates With Estimated Costs That Exceed the Statutory Threshold, 1996 to 2013

Topic	Description of Mandate	Public Law Number ^a
Health Care	Requires health insurers to improve portability and continuity of health insurance coverage	104-191
	Requires certain health plans to provide for minimum-length maternity stays	104-204
	Imposes requirements on private health insurance providers under the Medicare program	105-33
	Requires parity in insurance coverage for mental health and other medical benefits	107-147, 108-197, 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 for certain employers who offer group health insurance	111-5
	Requires health insurance plans (including self-insured plans) to comply with new standards for extending coverage to beneficiaries and their dependents	111-148
	Imposes notice and reporting requirements on health insurance plans (including self-insured plans), employers, and other private entities	111-148
	Requires employers to pay an excise tax on employer-sponsored health coverage defined as having high costs	111-148
	Requires health insurance plans (including self-insured plans) to pay an annual fee based on the average number of people covered by the policy	111-148
	Requires individuals to obtain acceptable coverage	111-148
	Imposes additional fees on health insurance providers and on manufacturers and importers of brand-name drugs and certain medical devices	111-148
	Requires private entities that handle health information to comply with new regulations	111-148
	Requires grandfathered health care plans to comply with new standards for extending health insurance coverage to beneficiaries and their dependents	111-152
Imposes additional fees on health insurance providers and on manufacturers and importers of brand-name drugs; taxes sales of certain medical devices	111-152	

Continued

Table B-2.

Continued

Enacted Private-Sector Mandates With Estimated Costs That Exceed the Statutory Threshold, 1996 to 2013

Topic	Description of Mandate	Public Law Number ^a
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 standards for motor vehicles	110-140
	Requires manufacturers of child safety seats, agricultural equipment, motor vehicles, and vehicle parts to comply with new safety standards	112-141
Motorcoaches	Establishes standards for motorcoach safety	112-141
Online Shopping Security	Requires Internet sellers of goods or services that require consumers to opt out of receiving additional goods or services to provide new and more detailed information about those options to the consumer; prohibits Internet sellers from disclosing the financial information of their customers to any third party	111-345
Pharmaceuticals and Medical Devices	Requires drug manufacturers, at the request of the Food and Drug Administration, to conduct studies to determine the safety and efficacy of drugs and biological products for use in children and to develop appropriate formulations	108-155
	Extends user fees for manufacturers of prescription drugs and medical devices	110-85, 112-144, 112-193
	Prevents manufacturers of generic or "biosimilar" versions of a drug from selling those products by granting periods of market exclusivity for certain types of drugs	112-144
	Regulates the sale, distribution, and use of selected synthetic drugs	112-144
	Requires dispensers (primarily pharmacies) to pay licensing fees and monitor the movement of prescription drugs through the drug distribution system	113-54
Pipeline Safety	Requires operators of transmission pipelines for natural gas in areas at risk of significant damage from spills to confirm safe operating pressures for pipelines and adhere to testing regulations	112-90

Continued

Table B-2.

Continued

Enacted Private-Sector Mandates With Estimated Costs That Exceed the Statutory Threshold, 1996 to 2013

Topic	Description of Mandate	Public Law Number ^a
Rail Transportation	Requires railroads and bus services to implement security plans and conduct security training	110-53
	Requires railroads to develop and install train control technology	110-432
Retirement	Increases required contributions for retirement	105-33
	Increases certain premiums to be paid to the Pension Benefit Guaranty Corporation by sponsors of single-employer and multiemployer defined-benefit pension plans	109-171, 112-141, 113-67
	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, 112-9
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
	Requires broadcasters to move channels within the broadcasting spectrum and requires cable companies to carry certain channels	112-96
Tobacco Products	Imposes fees on manufacturers and importers of tobacco products	108-357, 111-31

Source: Congressional Budget Office.

Notes: This table shows the mandates identified by the Congressional Budget Office (CBO) or the Joint Committee on Taxation (JCT) at the time they were considered or enacted. JCT examines the tax provisions of legislation to identify federal mandates and estimate their costs. Such information is incorporated into CBO's mandate statements.

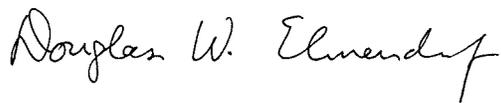
The list of enacted private-sector mandates with costs exceeding the threshold is not necessarily comprehensive for the 1996–2001 period. Each year during that time, CBO analyzed the status of mandates in legislation that it had reviewed during the previous year to determine whether those mandates had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

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

About This Document

This report was prepared by Amy Petz of the Congressional Budget Office's (CBO's) Microeconomic Studies Division, with guidance from Patrice Gordon and Joseph Kile; and by J'nell Blanco of CBO's Budget Analysis Division, with guidance from Leo Lex, Theresa Gullo, and Peter Fontaine.

Jeanine Rees edited the report and prepared it for publication. An electronic version is available on CBO's website (www.cbo.gov/45209). The CBO staff members who prepare or otherwise contribute to the mandate statements that CBO produces for legislation are listed on the following pages.



Douglas W. Elmendorf
Director

March 2014

Intergovernmental Mandates

Budget Analysis Division

Leo Lex	Unit Chief, State and Local Government Cost Estimates
J'nell Blanco	Agriculture, education, financial services, defense, veterans' issues, housing, international affairs, energy, transportation
Melissa Merrell	Administration of justice, commerce, homeland security, disaster relief, general government, natural resources, Indian affairs, immigration
Lisa Ramirez-Branum	Health, consumer and occupational health and safety, income security, Social Security, employment and training, environment
Michael Hirsch	Semester intern
Ernestine McNeil	Administrative support
Darren Young	Administrative support

Private-Sector Mandates

Microeconomic Studies Division

Patrice Gordon	Unit Chief, Private-Sector Mandates
Nabeel Alsalam	Education, employment and training, income security, Social Security
Perry Beider	Senior Advisor
Marin Burnett	Administration of justice, commerce, consumer and occupational health and safety, Indian affairs, international affairs
Chung Kim	Education, employment and training, income security, Social Security
Amy Petz	Agriculture, energy, environment, natural resources, transportation
Paige Piper/Bach	Administration of justice, commerce, financial services, general government, homeland security, housing

Health, Retirement, and Long-Term Analysis Division

Stuart Hagen	Coordinator, health
Anna Cook	Health
Alexia Diorio	Health
Sam Trachtman	Health

Financial Analysis Division

Damien Moore	Assistant Director for Financial Analysis
--------------	---

National Security Division

Elizabeth Bass Coordinator, Department of Defense and veterans' issues

Daniel Frisk Defense

Tax Analysis Division

Mark Booth Unit Chief, Revenue Estimating

Logan Timmerhoff Revenues

Office of the General Counsel

Mark Hadley General Counsel

T.J. McGrath Deputy General Counsel

Rebecca Verreau Senior Counsel

Elizabeth Cove Delisle prepared numerous intergovernmental mandate estimates and Nathan Musick contributed to the analysis of intellectual property mandates. Former CBO staff members Michael Levine and Vi Nguyen and semester intern Michael Kulas also contributed to CBO's mandate analyses in 2013.