



Mandate Monitor

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An Information Service of the NCSL Budgets and Revenue Committee

Budgets and Revenue Committee

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The Unfunded Mandates Reform Act (UMRA) is now in its second decade. Although fewer than a dozen mandates have been enacted that exceed the threshold established in UMRA, Congress has shifted at least \$131 billion in costs to states over the past five years. Under the president's proposed FY 2009 budget, states face at least an additional \$33 billion in cost shifts through new conditions of grant aid and reductions in appropriations for existing state-federal partnerships. This edition of the Mandate Monitor reports on the legislation reviewed by the Congressional Budget Office (CBO) through the President's Day recess (Feb. 22, 2008) of the 110th Congress.

Introduction

The 110th Congress has shifted at least \$31 billion in costs to states by enacting at least 13 laws containing new mandates for states (see table 1) and reducing or inadequately funding existing state-federal partnerships.

Of the 13 laws enacted, three exceed the threshold established under UMRA (\$68 million in 2008, adjusted annually for inflation): the Internet Tax Freedom Act Amendments Act of 2007 (*P.L. 110-108*), the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007 (*P.L. 110-28*); and the Implementing the 9/11 Commission Recommendations Act of 2007 (*P.L. 110-53*).

Under the Internet Tax Freedom Act Amendments Act of 2007, which extends the Internet Tax Moratorium until November 1, 2011 and amends several provisions contained in the 1998 extension of the moratorium, CBO determined that the mandate would result in likely revenue losses to state and local governments of at least \$80 million annually through 2011.^a

Under the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, the federal minimum wage incrementally increases from \$5.25 per hour in FY 2007 to \$7.25 per hour in FY 2009. According to CBO, such an increase would cost states \$100 million in 2008, \$200 million in 2009, and \$300 million in 2010 and 2011.^b

^a Congressional Budget Office, H.R. 3678, the Internet Tax Freedom Act, Washington, D.C.: CBO, October 12, 2007).

^b See Congressional Budget Office, H.R. 2, Fair Minimum Wage Act of 2007, (Washington, D.C.: CBO, January 11, 2007).

Under the Implementing the 9/11 Commission Recommendations Act of 2007 (P.L. 100-53), public transportation agencies and rail carriers are required to implement various security measures and vulnerability assessments, and institute training programs and background checks for certain employees. While CBO was unable to estimate the impact upon state and local agencies, CBO expects the costs associated with the legislation to exceed the UMRA threshold in one of the first five years after enactment.^c

In addition, there are a number of other cost shifts pending in the 110th Congress.

Cost Shifts Pending in the 110th Congress Exceeding the UMRA Threshold

Of the legislation currently before Congress, three of the bills contain intergovernmental mandates that exceed the threshold established under UMRA —the Surface Transportation and Rail Security Act of 2007 (H.R. 1401), Healthy Families Act (S. 910) and the Social Security Number Privacy and Identity Theft Prevention Act of 2007 (H.R. 3046).

Social Security Number Privacy and Identity Theft Prevention Act of 2007

In Sept. 2007, the Senate passed the Social Security Number Privacy and Identity Theft Prevention Act of 2007 (H.R. 3046), which would restrict states' use of social security numbers. In addition, the legislation would require states to implement security procedures to limit employee access to stored social security numbers in order to protect against unauthorized access. CBO estimates that the mandate would exceed the UMRA threshold (\$68 million for 2008, adjusted annually for inflation) in one of the first five years after enactment.^d

In addition, a number of other bills have been reported by House and Senate committees that mandate states to safeguard and, in some cases, notify persons of a security breach or disclosure of their personal information, such as a disclosure of Social Security numbers. This includes: the Personal Data Privacy and Security Act of 2007 (S. 495), Identity Theft Protection Act (S. 1178), Notification of Risk to Personal Data Act of 2007 (S. 239), and the Social Security Number Privacy and Identity Theft Prevention Act of 2007 (H.R. 3046).

Healthy Families Act

Under the Healthy Families Act (S. 910), all employers with 15 or more employees (including state and local governments) are required to provide paid sick leave for their employees. CBO estimates that costs to states would total about \$190 million in 2009 and \$1.4 billion over the 2009-2013 period.^e S. 910 remains in committee.

Other Cost Shifts Pending in the 110th Congress

Maintenance of Effort in Higher Education

In Feb. 2008, the House approved the College Opportunity and Affordability Act of 2007

^c Congressional Budget Office, H.R. 1401, Surface Transportation and Rail Security Act of 2007, (Washington, D.C.: CBO, March 21, 2007).

^d Congressional Budget Office, H.R. 3046, Social Security Number Privacy and Identity Theft Prevention Act of 2007, (Washington, D.C.: CBO, July 30, 2007).

^e Congressional Budget Office, S. 910, Healthy Families Act, (Washington, D.C.: CBO, May 21, 2007).

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(H.R. 4137), which includes a provision that would require states to maintain or increase appropriations for state higher education funding (maintenance of effort or MOE) as a condition of receiving certain federal funds. H.R. 4137 will proceed to conference with the Senate version of the legislation — Higher Education Amendments of 2007 (S. 1642). S. 1642, which does not include the MOE provision, was approved by the Senate in July of 2007.^f

Patent Reform Act of 2007

In Jan. 2008, the Senate Committee on the Judiciary reported the Patent Reform Act of 2007 (S. 1145), which would require public universities (and private entities) to submit additional information with patent applications. The legislation also increases patent application fees, including those for generic drugs, which would result in an increase in state Medicaid spending (as purchasers of health insurance for employees). According to CBO, states would face additional costs of \$38-\$70 million between 2008-2013.^g Under UMRA, states are usually considered to have the flexibility to adapt their program—change eligibility, eliminate options services—to absorb the cost of any changes in the Medicaid program. As a result, CBO does not consider this an intergovernmental mandate.

In Sept. 2007, the House passed similar legislation— Patent Reform Act of 2007 (H.R. 1908), which also included the additional requirements on patent application reporting requirements.

Paul Wellstone Mental Health and Addiction Equity Act of 2007

In Oct. 2007, two House committees reported the Paul Wellstone Mental Health and Addiction Equity Act of 2007 (H.R. 1424), which requires most group health plan benefits to apply equally between medical, mental health and surgical treatments. According to CBO, the legislation would result in an indirect cost shift to states because insurance providers would pass along cost increases of \$10 million in 2008 to states purchasing insurance; state costs would gradually increase to \$155 million in 2012 (with the assumption that the state would shift roughly 25 percent of the costs to its employees). In addition, CBO estimates that state spending on Medicaid would also increase by approximately \$235 million between 2008-2012.^h CBO does not consider this an intergovernmental mandate under UMRA because it is an indirect cost.

Family Smoking Prevention and Tobacco Control Act

In Aug. 2007, the Senate Committee on Health, Education, Labor, and Pensions approved the Family Smoking Prevention and Tobacco Control Act (S. 625). The legislation would preempt certain state regulations of tobacco products. CBO estimates that the legislation would reduce state tax revenues and funds collected under the tobacco Master Settlement Agreement due to a decrease in consumption, resulting in a loss to states of no more than \$1.3 billion during the 2009-2013 period.ⁱ

^f A similar provision was removed during conference negotiations on the College Cost Reduction Act of 2007 (H.R. 2669) last fall.

^g Congressional Budget Office, S. 1145, Patent Reform Act of 2007, (Washington, D.C.: CBO, February 15, 2008).

^h Congressional Budget Office, H.R. 1424, Paul Wellstone Mental Health and Addiction Equity Act of 2007, (Washington, D.C.: CBO, November 21, 2007).

ⁱ Congressional Budget Office, S. 625, Family Smoking Prevention and Tobacco Control Act, (Washington, D.C.: CBO, January 30, 2008)

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Mental Health Parity Act

In Sept. 2007, the Senate passed the Mental Health Parity Act of 2007 (S. 558), which would require equal treatment of mental health insurance benefits and surgical/medical benefits for entities that employ more than 50 people. According to CBO, the legislation would result in higher premiums for state employers due to increased coverage requirements by private insurance companies as approximately one-third of state employees are enrolled in fully insured health plans and are unable to opt-out of the requirements of the legislation. CBO estimates that the legislation would cost states \$100 million in 2009, with costs increasing to \$155 million in 2012.^j The legislation would also apply to Medicaid programs, and would increase state spending by \$210 million between 2008 and 2012.^k

Table 1.

110th Congress: Laws Enacted Containing Cost Shifts to States

H.R. 2206— U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007— incrementally increases the federal minimum wage to \$7.25 per hour. **Enacted: 5/25/2007 (P.L. 110-28)**

H.R. 1— Implementing the 9/11 Commission Recommendations Act of 2007— reduces the state award minimums provided under the State Homeland Security Grant Program; requires public transportation agencies and rail carriers to implement various security measures and vulnerability assessments, and institute training programs and background checks for certain employees. **Enacted: 8/3/2007 (P.L. 110-53)**

S. 1927— Protect America Act of 2007— preempts state liability protections for disclosure to federal request for information; provides federal law enforcement authority to compel disclosure of customer information under certain circumstances. **Enacted: 8/5/2007 (P.L. 110-55)**

H.R. 3580 – Food and Drug Administration Amendments Act of 2007— preempts state law that requires medical equipment or drug manufacturers to register information related to clinical trials. **Enacted: 9/27/2007 (P.L. 110-85)**

H.R. 3668- Transitional Medical Assistance, Abstinence Education, and Qualifying Individuals Programs Extension Act of 2007— requires states to provide transitional medical assistance to certain beneficiaries under the Medicaid Program (this requirement was set to expire in Sept. 2007). **Enacted: 9/29/2007 (P.L. 110-90)**

S. 1983 – Pesticide Registration Improvement Renewal Act – increases fees on pesticide registrants. **Enacted: 10/9/2007 (P.L. 110-94)**

^j The CBO estimate assumes that state employers would shift 25 percent of the cost increase onto their employees. Congressional Budget Office, S. 558, Mental Health Parity Act of 2007, (Washington, D.C.: CBO, March 20, 2007).

^k Congressional Budget Office, S. 558, Mental Health Parity Act of 2007, (Washington, D.C.: CBO, March 20, 2007).

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H.R. 3678— Internet Tax Freedom Act Amendments Act of 2007— extends the prohibition on state and local taxation of Internet access until 2011; amends definitional prohibitions to exclude state and local taxation of certain telecommunication services used to connect to the Internet (grandfathered states taxed Internet access prior to 1998). **Enacted: 10/31/2007 (P.L. 110-108)**

S. 2106- Procedural Fairness for September 11 Victims Act of 2007— provide nationwide subpoena authority for actions brought under the September 11 Victim Compensation Fund of 2001. **Enacted: 11/8/2007 (110-113)**

H.R. 6 - Energy Independence and Security Act of 2007— requires states to proportionally cut all core surface transportation programs when faced with federally directed rescissions, effectively removing state flexibility and curbing state discretion when trimming budgets. **Enacted: 12/19/2007 (P.L. 110-140)**

H.R. 2761 - Terrorism Risk Insurance Revision and Extension Act of 2007— requires purchasers of certain types of insurance to repay federal insurance assistance made to certain insurers through a surcharge assessment; preempts some state insurance regulation. **Enacted: 12/26/2007 (P.L. 110-160)**

H.R. 2764 - Consolidated Appropriations Act, 2008— underfunds federal commitments to No Child Left Behind (NCLB), Individuals with Disabilities Education Act (IDEA); reduces funds for state and local law enforcement assistance and the Clean Water State Revolving Fund; reduces state share of mineral leasing revenues by 2 percent. **Enacted: 12/26/2007 (P.L. 110-161)**

H.R. 660- Court Security Act Improvement of 2007— reduces funds to programs that offer alternatives to traditional incarceration in order to fund state court security improvement grants. **Enacted: 1/7/2008 (110-177)**

H.R. 4986- National Defense Authorization Act for Fiscal Year 2008— increases the total of active-duty and reservists, which may reduce state revenue due to tax deferral. **Enacted: 1/28/2008 (110-181)**

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Table 2. Federal Intergovernmental Mandates: Cost Shift to the States (Includes legislation reviewed by CBO as of the President's Day recess. For more information on preemptions see NCSL's Preemption Monitor).

Bill Number	Status	Title/Mandate	Has CBO reviewed the bill?	At the time CBO reviewed the legislation were intergovernmental mandates identified?	According to the review, did the cost of the mandate exceed the annual threshold? ¹	Notes
Agriculture						
H.R. 2419	Passed Senate (as amended), 12/14/2007; Passed House-7/27/2007	Farm, Nutrition, and Bioenergy Act of 2007— restricts assistance under the Food Stamps Program; preempts state law by restricting interstate transport of meat and poultry.	Yes ²	Yes	No	
H.R. 1680	Reported-4/26/2007	Secure Handling of Ammonium Nitrate Act of 2007— preempts state law regulation of the sale of ammonium-nitrate that is less stringent than the federal standards.	Yes ³	Yes	No	
S. 311	Reported-4/25/2007	To amend the Horse Protection Act— prohibits the sale of horse or other equine for human consumption.	Yes ⁴	Yes	No	CBO determined that state governments would be affected “to the extent that they would be responsible for unwanted horses that otherwise would have been sold contrary to this [law].” ⁵
S. 625		S. 625, Family Smoking Prevention and Tobacco Control Act— preempts some state regulation of tobacco products; reduces consumption of tobacco products through the regulation authorized under the legislation.	Yes ⁶	Yes	No	CBO estimates that the preemptions contained in the legislation would reduce consumption of tobacco, thereby reducing state tax revenues and funds

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S. 2302	Placed on Senate Legislative Calendar under General Orders, 11/2/2008	Food and Energy Security Act of 2007— increases conditions on assistance for the Food Stamps program; preempts state contract law relating to production of poultry and livestock; preempts state law relating to disclosure of information to the public.	Yes ⁸	Yes	No	collected under the tobacco Master Settlement Agreement, totaling no more than \$1.3 billion during the 2009-2013 period. ⁷
Appropriations						
H.J. Res. 20	P.L. 110-5	Continuing Appropriations Resolution FY 2007— provides level funds for the homeland security grant programs; underfunds federal commitments to No Child Left Behind, Individuals with Disabilities Education Act.	No	N/A	N/A	
H.J. Res. 69	P.L. 110-137	Continuing Appropriations Resolution FY 2007— provides level funds for the homeland security grant programs; underfunds federal commitments to NCLB, IDEA; fails to fund the Real ID.	No	N/A	N/A	

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H.J. Res. 72	<i>P.L. 110-149</i>	Continuing Appropriations Resolution FY 2007— provides level funds for the homeland security grant programs; underfunds federal commitments to NCLB, IDEA; fails to fund the Real ID.	No	N/A	N/A	
H.R. 2764	<i>P.L. 110-161</i>	Consolidated Appropriations Act, 2008— underfunds federal commitments to NCLB, IDEA and the Real ID; reduces funds for state and local law enforcement assistance and the Clean Water State Revolving Fund; reduces state share of mineral leasing revenues by 2 percent.	No	N/A	N/A	Federal Funds Information for States estimates the total revenue loss to states due to the reduction of mineral leasing revenues of \$40 million in FY 2008. ⁹
H.R. 2206	<i>P.L. 110-28</i>	U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007— incrementally increases the federal minimum wage to \$7.25 per hour.	No ¹⁰	N/A	N/A	A similar provision reviewed by CBO estimates such an increase would cost states \$100 million in 2008, \$200 million in 2009, and \$300 million in 2010 and 2011. ¹¹
Banking and Insurance						
H.R. 698	<i>Passed House- 5/21/2007</i>	Industrial Bank Holding Company Act of 2007— preempts state law that allows commercial entities from controlling industrial banks.	Yes ¹²	Yes	No	

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Bill Number	Status	Title/Mandate	Has CBO reviewed the bill?	At the time CBO reviewed the legislation were intergovernmental mandates identified?	According to the review, did the cost of the mandate exceed the annual threshold? ¹	Notes
H.R. 2389	Reported- 5/23/2007	Small Energy Efficient Businesses Act—prohibits states from “limiting Small Business Administration's (SBA) ability to exercise its ownership rights in certain debentures issued by a renewable fuel capital investment company.” ¹³	Yes ¹⁴	Yes	No	
H.R. 2761	P.L. 110-160	Terrorism Risk Insurance Revision and Extension Act of 2007— requires purchasers of certain types of insurance to repay federal insurance assistance made to certain insurers through a surcharge assessment; preempts some state insurance regulation.	Yes ¹⁵	Yes	No	CBO estimates that the amount of the surcharge, as applied to both public and private purchasers of insurance, at \$200 million over five ¹⁶ years.
H.R. 3965	Reported, 10/31/2007	H.R. 3965, Mark-to-Market Extension and Enhancement Act of 2007— extends existing preemptions that limit “how surplus funds are distributed from housing projects that receive assistance under the mark-to-market program.” ¹⁷	Yes ¹⁸	Yes	No	
H.R. 3915	Passed House, 11/15/2007	H.R. 3915, Mortgage Reform and Anti-Predatory Lending Act of 2007— preempts state law by establishing minimum standards for mortgage originators; preempts state law that allow individuals to seek compensation from entities issuing certain securities.	Yes ¹⁹	Yes	No	CBO estimates that the requirements and preemption would not exceed \$500,000 per state on an annual basis. ²⁰

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S. 558	9/18/2007- Passed Senate	Mental Health Parity Act of 2007— requires equal treatment of mental health insurance benefits and surgical/medical benefits; preempts state law governing mental health insurance coverage; requirements of the legislation would result in higher premiums for states.	Yes ²¹	Yes	No	According to CBO, the legislation would result in an increase in the cost of employee insurance coverage. This cost shift would result in a \$100 million in 2009, and increase to \$155 million in 2012 (with the assumption that the state would shift roughly 25 percent of the costs to its employees). In addition, CBO estimates that state spending on Medicaid would increase approximately \$210 million between 2008-2012. ²²
S. 2284	Placed on Senate Legislative Calendar under General Orders- 1/11//2007	Flood Insurance Reform and Modernization Act of 2007— requires state mortgage lenders to provide borrowers with information on flood insurance; requires state agencies regulating mortgage lenders to provide borrowers with information on flood insurance.	Yes ²³	Yes	No	

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Bill Number	Status	Title/Mandate	Has CBO reviewed the bill?	At the time CBO reviewed the legislation were intergovernmental mandates identified?	According to the review, did the cost of the mandate exceed the annual threshold? ¹	Notes
S. 2285	<i>Placed on Senate Legislative Calendar under General Orders, 11/1/2007</i>	Terrorism Risk Insurance Program Reauthorization Act of 2007— requires certain insurers to offer terrorism risk insurance; requires purchasers of certain types of insurance to repay federal insurance assistance made to certain insurers through a surcharge assessment; preempts some state insurance regulation.	Yes ²⁴	Yes	No	CBO estimates that the amount of the surcharge, as applied to both public and private purchasers of insurance, at \$200 million over five years. ²⁵
Education						
H.J. Res. 20	<i>P.L. 110-5</i>	Continuing Appropriations Resolution FY 2007— provides level funds for the homeland security grant programs; underfunds federal commitments to NCLB and IDEA.	No	N/A	N/A	
S. 1642	<i>In Committee</i>	Higher Education Amendments of 2007— preempts state contract law relating minors and the Perkins loan program.	Yes ²⁶	Yes	No	
H.R. 4137	<i>Passed House, 2/7/2008; Passed Senate, 2/19/2008</i>	Higher Education Amendments of 2007— requires reporting of dealings with textbook vendors and lenders, increases in tuition fees; preempts state law relating to the Perkins loan program; requires states to maintain or increase appropriations for state higher education funding.	Yes ²⁷	Yes	No	

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	<i>Reported, 8/1/2007</i>	Private Student Loan Transparency and Improvement Act of 2007— prohibits public higher education institutions from participating in certain loan activities with private lenders such as revenue sharing; increases lender loan disclosure requirements.	Yes ²⁸	Yes	No	
Environment, Energy and Natural Resources						
H.R. 518	<i>Passed House- 4/24/2007</i>	International Solid Waste Importation and Management Act of 2007— preempts state action to regulate the receipt and disposal of solid waste originating in a foreign country if a state fails to act within a definite period of time; requires the EPA to impose requirements on municipal waste facilities, which may decrease revenues for those facilities.	Yes ²⁹	Yes	N/A	CBO is unable to determine the potential loss in revenues to municipal waste facilities given such losses would depend upon the regulations developed by the EPA. ³⁰
H.R. 3221	<i>8/4/2007, Passed House.</i>	Renewable Energy and Conservation Tax Act of 2007— establishes new energy standards for various products; limits the Small Business Administrations to exercise certain indentures; requires states to create an inventory of recoverable waste energy; requires states to meet or exceed new national model building standards; requires states to consider new standards for regulatory authorities and nonregulated utilities; limits state authority to regulate utility rates	Yes ³¹	Yes	No	

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S. 357	Reported-5/8/2007	Ten-in-Ten Fuel Economy Act—preempts state law relating to consumer information on the fuel efficiency of tires.	Yes ³²	Yes	No	
S. 595	Placed on Senate Legislative Calendar under General Orders-12/19/2007	Toxic Right-to-Know Protection Act—increases state reporting of chemical releases.	Yes ³³	Yes	No	
S. 742	Passed Senate, 10/4/2007	Ban Asbestos in America Act of 2007—prohibits states from importing, manufacturing, processing, or commercially distributing asbestos; requires states do dispose of unused products containing asbestos two years after enactment of the legislation.	Yes ³⁴	Yes	No	
S. 1321	Placed on Senate Legislative Calendar under General Orders-5/7/2007	Energy Savings Act of 2007—requires uniform labeling of biodeisel; requires uniform energy standards for incandescent light bulbs; requires states that regulate electric and gas utilities to encourage standards that support energy efficiency.	Yes ³⁵	Yes	No	
S. 1419	Ordered Placed on Senate Legislative Calendar-5/17/2007	Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007—preempts state energy efficiency standards; establishes additional requirements in the regulation of state electric and gas utilities rates.	Yes ³⁶	Yes	No	

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Health						
H.R. 971	Reported, 11/7/2007	Community Pharmacy Fairness Act of 2007—preempts state antitrust laws relating to certain pharmacies; indirectly increases state premiums for health insurance and state Medicaid spending.	Yes ³⁷	Yes	No	CBO estimates that state health insurance premiums would increase due to the antitrust exemption, resulting in costs of \$20 million for states between 2008-2013 (with a 25 percent shift in premium costs to states employees). In addition, CBO estimates that states Medicaid costs would increase by \$13 million between 2008-2013. ³⁸
H.R. 1328	In Committee	Indian Health Care Improvement Act Amendments of 2007—preempts state health care professional licensing laws; prohibits states from imposing cost sharing or premiums on Medicaid or State Children’s Health Insurance Program recipients receiving benefits through a Indian health program.	Yes ³⁹	Yes	No	CBO estimates that the prohibition of cost sharing by a state would result in additional state spending of \$85 million between 2008 and 2017. ⁴⁰

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H.R. 1376	<i>In Committee</i>	Medicaid Foster Care Coverage Act of 2007— requires states to cover adolescents in foster care until the age of 21 under the Medicaid program (current law allowed a state option to do so).	Yes ⁴¹	No	N/A	
H.R. 1424	<i>Reported</i> 10/16/2007	Paul Wellstone Mental Health and Addiction Equity Act of 2007— preempts state law by requiring most group health plan benefits to apply equally to medical, mental health and surgical treatments (when applicable, a state can opt of this requirement under the Public Health Service Act).	Yes ⁴²	Yes	No	According to CBO, the legislation would result in an increase in the cost of employee insurance coverage, resulting in a \$10 million cost shift to states in 2008, increasing to \$155 million in 2012 (with the assumption that the state would shift roughly 25 percent of the costs to its employees). In addition, CBO estimates that state spending on Medicaid would increase approximately \$235 million between 2008-2012. ⁴³

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H.R. 3162	Passed House- 8/1/2007	Children's Health and Medicare Protection Act of 2007— requires state Children's Health Insurance programs (CHIP) to provide dental coverage; requires mental health parity in benchmark plans.	Yes ⁴⁴	No	N/A	
H.R. 3580	P.L. 110-85	Food and Drug Administration Amendments Act of 2007— preempts state law that requires medical equipment or drug manufacturers to register information related to clinical trials.	Yes ⁴⁵	Yes	No	
H.R. 3668	P.L. 110-90	TMA, Abstinence Education, and QI programs Extension Act of 2007— requires states to provide transitional medical assistance to certain beneficiaries under the Medicaid Program (this requirement was set to expire in Sept. 2007).	Yes ⁴⁶	No	N/A	
H.R. 3997	Passed House, 11/6/2007; Passed Senate, 12/12/2007	Heroes Earnings Assistance and Relief Act of 2007— increase state spending on Medicaid and the Supplemental Security Income program. ⁴⁷	Yes ⁴⁸	No	N/A	
S. 980	Reported, 9/27/2007	Ryan Haight Online Pharmacy Consumer Protection Act of 2007— preempts state regulations relating to controlled substances delivered via the Internet.	Yes ⁴⁹	Yes	No	

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S. 1893	<i>Placed on Senate Legislative Calendar under General Orders-7/27/2007</i>	Children's Health Insurance Program Reauthorization Act of 2007— requires states that offer mental health services to provide coverage for those services on par with medical and surgical benefits covered under SCHIP.	No	N/A	N/A	
S. 1082	<i>Passed Senate-5/9/2007 (Held at desk)</i>	Prescription Drug User Fee Amendments of 2007— preempts state law that requires medical equipment or drug manufacturers to register information related to clinical trials; delays market entry of generic drugs, which would result in additional state Medicaid spending.	Yes ⁵⁰	Yes	No	According to the CBO, the legislation would delay entrance of generic drugs into the market, resulting in an additional \$26 million in state Medicaid spending between 2009-2017. ⁵¹
S. 1200	<i>Passed Senate, 2/26/2008</i>	Indian Health Care Improvement Act Amendments of 2007— preempts state health care professional licensing laws; prohibits states from imposing cost sharing or premiums on Medicaid or SCHIP recipients receiving benefits through a Indian health program (<i>analysis is based upon the committee version on the legislation</i>).	Yes ⁵²	Yes	No	CBO estimates that the prohibition of cost sharing by a state would result in additional state spending of \$85 million between 2008 and 2017. ⁵³
S. 1693	<i>Reported-8/1/2007</i>	Wired for Health Care Quality Act— requires an operator of health information databases to be included within Health Insurance Portability and Accountability Act; preempts less stringent state law as it relates to operators of health information databases.	Yes ⁵⁴	Yes	No	

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S. 1983	<i>P.L. 110-94</i>	Medicare, Medicaid, and SCHIP Indian Health Care Improvement Act of 2007—eliminates cost sharing for Medicaid payments to Indians for services provided by Indian health programs; prohibits states from reducing payments to providers for such care.	Yes ⁵⁵	No	N/A	CBO determined that the legislation did not contain a mandate because the Medicaid program offers states significant flexibility to account for programmatic changes. ⁵⁶
		Pesticide Registration Improvement Renewal Act—increases fees on pesticide registrants.	Yes ⁵⁷	Yes	No	
Homeland Security and Defense						
H.R. 2082	<i>Conference Report Agreed to by House and Senate, 2/13/2008</i>	Intelligence Authorization Act for Fiscal year 2008—extends current law that allows an intelligence commission to subpoena persons or documentation as needed.	Yes ⁵⁸	Yes	No	
H.R. 1	<i>P.L. 110-53</i>	Implementing the 9/11 Commission Recommendations Act of 2007—reduces the state minimums provided under the State Homeland Security Grant Program; provides the privacy officer of the Department of Homeland Security with certain subpoena power, which may require state, local and tribal governments to provide testimony, documents or other evidence; requires public transportation agencies and rail carriers to implement various security measures and vulnerability assessments, and institute training programs and background checks for certain employees.	Yes ⁵⁹	Yes	No	CBO was unable to estimate the impact of the public transportation and rail provisions upon state and local agencies, but expects the costs associated with the legislation to exceed the UMRA threshold in one of the first five years after

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						enactment. ¹²
H.R. 1684	<i>Passed House – 5/9/2007</i>	Department of Homeland Security Authorization Act for Fiscal Year 2008— prohibits the termination of voluntary emergency medical service personnel or firefighters because of absence due to service.	Yes ⁶⁰	Yes	No	
H.R. 2881	<i>Passed House, 9/20/2008</i>	FAA Reauthorization Act of 2007— requires airport operators to submit emergency contingency plans to the Department of Transportation; requires states to comply with information requests from the Federal Aviation Administration.	Yes ⁶¹	Yes	No	
H.R. 2830	<i>Reported, 10/30/2007</i>	Coast Guard Authorization Act of 2007— requires implementation of safety management procedures; requires states to meet federal standards on the treatment of ballast water; grants the Secretary of Transportation certain subpoena power, which may require state, local and tribal governments to provide testimony, documents or other evidence; requires or prohibits state conduct relating to certain safety measures.	Yes ⁶²	Yes	No	

¹² Congressional Budget Office, H.R. 1401, Surface Transportation and Rail Security Act of 2007, (Washington, D.C.: CBO, March 21, 2007).

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S. 4	Passed Senate- 3/13/2007 (Held at Desk)	Improving America's Security Act of 2007—reduces the state minimum provided under the State Homeland Security Grant Program; provides the privacy officer of the Department of Homeland Security with certain subpoena power, which may require state, local and tribal governments to provide testimony, documents or other evidence.	Yes ⁶³	Yes	No	
S. 372	Placed on Senate Legislative Calendar- 4/18/2007	Intelligence Authorization Act for Fiscal Year 2007—provides the Inspector General of the Intelligence Community with certain subpoena power, which may require state, local and tribal governments to provide testimony, documents or other evidence.	Yes ⁶⁴	Yes	No	
S. 381	Reported- 6/13/2007	Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act—provides the commission the authority to subpoena persons or documentation as needed, which may include state employees.	Yes ⁶⁵	Yes	No	
H.R. 4986	P.L. 110-181	National Defense Authorization Act for Fiscal Year 2008—increases the total of active-duty and reservists, which may reduce state revenue due to tax deferral.	Yes ⁶⁶	Yes	No	
S. 1538	Passed Senate, 10/3/2007	Intelligence Authorization Act for Fiscal Year 2008—provides the Inspector General the authority to subpoena persons or documentation as needed.	Yes ⁶⁷	Yes	No	
S. 1547	Placed on Senate Legislative Calendar under General Orders- 6/29/2007	National Defense Authorization Act for Fiscal Year 2008—increases the total of active-duty and reservists, which may reduce state revenue due to tax deferral.	Yes ⁶⁸	Yes	No	

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Bill Number	Status	Title/Mandate	Has CBO reviewed the bill?	At the time CBO reviewed the legislation were intergovernmental mandates identified?	According to the review, did the cost of the mandate exceed the annual threshold? ¹	Notes
S. 2248	2/12/2008, Passed Senate (returned to calendar)	FISA Amendments Act of 2007—preempts state liability law; limits pending and future state legal action.	Yes ⁶⁹	Yes	No	
Human Services						
H.R. 2900	Placed on Senate Legislative Calendar under General Orders-7/16/2007 Passed House-7/11/2007	Food and Drug Administration Amendments of 2007—preempts state law relating to the registration of clinical trials for medical equipment and drugs.	Yes ⁷⁰	Yes	No	CBO estimates that states may lose revenue associated with the registration requirements of clinical trials. However, the cost of the mandate would not exceed the UMRA threshold. ⁷¹
H.R. 337	In Committee	Military Families Financial Security Act of 2007—increases eligibility for Social Security and Medicaid benefits, which may result in an increase in state spending.	Yes ⁷²	No	No	CBO estimates that state Medicaid spending would increase by less than \$1 million annually between 2009 and 2012. ⁷³
Information Security and Privacy						
H.R. 948	In Committee	Social Security Number Protection Act of 2007—preempts state law regarding the use, sale and purchase of Social Security numbers; requires state attorneys general to notify the Federal Trade Commission (FTC)	Yes ⁷⁴	Yes	No	

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Bill Number	Status	Title/Mandate	Has CBO reviewed the bill?	At the time CBO reviewed the legislation were intergovernmental mandates identified?	According to the review, did the cost of the mandate exceed the annual threshold? ¹	Notes
		of action taken under the legislation, allows the FTC to intervene.				
H.R. 964	Passed House-6/7/2007	Securely Protect Yourself Against Cyber Trespass Act—preempts state law regulating spyware.	Yes ⁷⁵	Yes	No	
H.R. 1525		Internet Spyware (I-SPY) Prevention Act of 2007—prohibits state enforcement of the law through the imposition of civil penalties; the legislation does not prohibit state law regulating spyware.	Yes ⁷⁶	Yes	No	
H.R. 3046	Reported-7/18/2007	Social Security Number Privacy and Identity Theft Prevention Act of 2007—restricts and prohibits the use of Social Security numbers by state and local government; requires states to limit access of employees to databases containing Social Security numbers.	Yes ⁷⁷	Yes	Yes	CBO estimates that the cost of the mandate would likely exceed the UMRA threshold in one of the first five years. ⁷⁸
S. 1178	Reported-4/25/2007	Identity Theft Protection Act—requires public educational organizations to secure personal information and provide notice to persons affected by a security breach; preempts state law relating to data breach notification, display and use of Social Security numbers; requires states attorneys general to notify FTC of data breaches actions and allows the FTC to intervene.	Yes ⁷⁹	Yes	No	
S. 239	Placed on Senate Legislative Calendar under	Notification of Risk to Personal Data Act of 2007—requires public and private organizations to secure personal information, which includes Social Security	Yes ⁸⁰	Yes	No	

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Bill Number	Status	Title/Mandate	Has CBO reviewed the bill?	At the time CBO reviewed the legislation were intergovernmental mandates identified?	According to the review, did the cost of the mandate exceed the annual threshold? ¹	Notes
	<i>General Orders-5/31/2007</i>	numbers, driver's license numbers, financial account information, or biometric data; requires an entity to provide notice to persons affected by a security breach; preempts state law relating to data breach notification; requires states attorneys general to notify FTC of data breaches actions and allows the FTC to intervene; places certain limitations on state insurance agencies.				
S. 495	<i>Placed on Senate Legislative Calendar under General Orders-5/23/2007</i>	Personal Data Privacy and Security Act of 2007—preempts state treatment of personal information; requires most government entities to provide notice of security breach and the data disclosed along with additional measures that may be taken to protect the disclosed information; restricts action of state attorneys general and state insurance authority.	Yes ⁸¹	Yes	No	
S. 910	<i>In Committee</i>	Healthy Families Act— requires all employers, with 15 or more employees, to provide paid sick leave for their employees.	Yes ⁸²	Yes	Yes	CBO estimates that costs to states would total about \$190 million in 2009 and \$1.4 billion over the 2009-2013 period. ⁸³
Law and Justice						
H.R. 811	<i>Placed on the Union Calendar-5/16/2007</i>	Voter Confidence and Increased Accessibility Act of 2007— amends the Help America Vote Act (HAVA); requires states to preserve paper ballots for federal elections; requires specific ballot audit procedures in federal elections; requires states to purchase voting machines to meet certain criteria.	Yes ⁸⁴	No	N/A	
S. 559	<i>In Committee</i>					

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H.R. 660	<i>P.L. 110-177</i>	Court Security Act Improvement of 2007— reduces funds to programs that offer alternatives to traditional incarceration in order to fund state court security improvement grants.	Yes ⁸⁵	No	N/A	
H.R. 493 S. 358	<i>Passed House- 4/25/2007; Placed on Senate Legislative Calendar under General Orders- 4/30/2007 Reported- 4/10/2007</i>	Genetic Information Nondiscrimination Act of 2007— amends the Employee Retirement Income Security Act (ERISA), to prohibit the use of genetic information by state government in making employment decisions and in determining health insurance coverage.	Yes ⁸⁶	Yes	No	
H.R. 900	<i>Reported, 10/23/2008</i>	Puerto Rico Democracy Act of 2007— requires Puerto Rico to hold an election to its status as a U.S. territory.	Yes ⁸⁷	Yes	No	
H.R. 2768	<i>Passed House, 1/16/2008</i>	Supplemental Mine Improvement and New Emergency Response Act of 2007— limits states from disciplining or disbarring attorneys under certain circumstances.	Yes ⁸⁸	Yes	No	
H.R. 3773	<i>11/15/2007, Passed House; 2/12/2008,</i>	RESTORE Act of 2007— preempts state liability protections for disclosure to federal request for information; provides federal law enforcement authority to compel disclosure of customer information	Yes ⁸⁹	Yes	No	CBO did not review portions of the bill because UMRA does not apply to

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	<i>Passed Senate</i>	under certain circumstances.				legislation necessary for national security; other provisions would not impose additional costs upon state and local government. ⁹⁰
H.R. 3887	<i>Passed House, 12/4/2007</i>	William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007— requires states to notify the Dept. of Health and Human Services (HHS) of child trafficking within 72 hours of notice thereof; requires states to provide law enforcement and immigration information to HHS.	Yes ⁹¹	Yes	No	
S. 376	<i>Reported- 5/17/2007</i>	Law Enforcement Officers Safety Act of 2007— preempts state law relating to state and local prohibitions on carrying concealed weapons.	Yes ⁹²	Yes	No	
S. 398	<i>Passed Senate- 5/25/2007</i>	Indian Child Protection and Family Violence Prevention Act Amendments of 2007— preempts state disclosure of abused children in certain circumstances; preempts state requirements related to background checks conducted by Indian tribes.	Yes ⁹³	Yes	No	
S. 613	<i>Placed on Senate Legislative Calendar under General Orders- 4/10/2007</i>	Reconstruction and Stabilization Civilian Management Act of 2007— preempts state law regulating the liability of volunteers.	Yes ⁹⁴	Yes	No	

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S. 1027	<i>Reported- 5/17/2007</i>	Prevent All Cigarette Trafficking Act of 2007—preempts state law relating to delivery and verification requirements of tobacco products.	Yes ⁹⁵	Yes	No	
S. 1300	<i>Placed on Senate Legislative Calendar under General Orders- 8/3/2007</i>	Aviation Investment and Modernization Act of 2007—requires state and local law enforcement to comply with information requests made by the Federal Aviation Administration.	Yes ⁹⁶	Yes	No	
S. 1348	<i>Cloture on the bill not invoked in Senate by Yeas-Nays Vote. 34 – 61 6/7/2007</i>	Comprehensive Immigration Reform Act of 2007—requires states to verify the legal status of employees or potential employees; expands the use of the Real ID for employment verification; preempts state law relating to the use of the Electronic Employment Verification System; increase number of citizens eligible for Medicaid assistance.	Yes ⁹⁷	Yes	N/A	CBO is unable to estimate the cost to state relating to employer employment verification due because such estimates are dependent upon future regulations to be developed by DHS; CBO estimates the expansion of persons eligible for Medicaid assistance would increase state spending by \$3.0

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S. 1892	<i>Placed on Senate Legislative Calendar under General Orders, 2/5/2008</i>	Coast Guard Authorization Act of 2007—grants the Secretary of Transportation certain subpoena power, which may require state, local and tribal governments to provide testimony, documents or other evidence; prohibits state from charging escort fees under certain circumstances.	Yes ⁹⁹	Yes	No	billion between 2008 and 2017. CBO also estimates additional cost associated with states providing healthcare and education to new citizens, which may be partially offset by various fees authorized under the legislation. ⁹⁸
S. 1927	<i>P.L. 110-55</i>	Protect America Act of 2007—preempts state liability protections for disclosure to federal request for information; provides federal law enforcement authority to compel disclosure of customer information under certain circumstances.	No	N/A	N/A	Similar provisions were reviewed by CBO as contained in H.R. 3773.
S. 2045	<i>Reported, 10/30/2007</i>	CPSC Reform Act of 2007—preempts state whistleblower laws to conform certain enforceable safety standards under the Consumer Product Safety Commission.	Yes ¹⁰⁰	Yes	No	

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S. 2084	<i>Placed on Senate Legislative Calendar under General Orders, 9/21/2007</i>	School Safety and Law Enforcement Improvement Act of 2007— expands federal law allowing certain persons to carry concealed firearms, preempting state law.	Yes ¹⁰¹	Yes	No	
S. 2106	<i>P.L. 110-113</i>	Procedural Fairness for September 11 Victims Act of 2007— provide nationwide subpoena authority for actions brought under the September 11 Victim Compensation Fund of 2001.	No	n/a	n/a	
S. 2248	<i>Placed on Senate Legislative Calendar under General Orders, 11/1/2007</i>	FISA Amendments Act of 2007— preempts state liability law; limits pending and future state legal action.	Yes ¹⁰²	Yes	No	
Labor						
H.R. 2	<i>Passed House- 1/10/2007</i> <i>Passed Senate- 2/1/2007</i>	Fair Minimum Wage Act of 2007— incrementally increases the federal minimum wage to \$7.25 per hour.	Yes ¹⁰³	Yes	Yes	CBO estimate an incremental increase to the federal minimum wage will cost states \$100 million in 2008, \$200 million in 2009, and \$300 million in 2010 and 2011. ¹⁰⁴
H.R. 980	<i>Passed House- 7/17/2007</i>	Public Safety Employer-Employee Cooperation Act of 2007— requires states to engage in collective	Yes ¹⁰⁵	Yes	N/A	CBO is unable to estimate the costs to

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	<i>Placed on Senate Legislative Calendar under General Orders-7/20/2007</i>	bargaining negotiations with employees; limits state authority over collective bargaining issues; requires states to provide information and testimony under a federal subpoena.				state and local government because the use of the collective bargaining authority by public employees and the results of such negotiations is unknown. ¹⁰⁶
H.R. 2206	<i>P.L. 100-28</i>	U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007— incrementally increases the federal minimum wage to \$7.25 per hour.	No	N/A	N/A	The minimum wage increase provision included in the legislation is identical to the provisions included in H.R. 2, which indicates an incremental increase to the federal minimum wage will cost states \$100 million in 2008, \$200 million in 2009, and \$300 million in 2010 and 2011. ¹⁰⁷
H.R. 2693	<i>Passed House, 9/26/2007</i>	A bill to direct the Occupational Safety and Health Administration to issue a standard regulating worker exposure to diacetyl— preempts state standards that are less stringent than federal standards to be	Yes ¹⁰⁸	No	N/A	

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		promulgated under the legislation; requires states to administer and enforce federal requirements.				
H.R. 3685	<i>Passed House, 11/7/2007</i>	Employment Non-Discrimination Act of 2007— prohibits states from discriminating based upon sexual orientation; requires states to post notices relating thereto; conditions federal assistance upon a waiver of the state's sovereign immunity to law suits in violation of sexual orientation protections afforded under the legislation.	Yes ¹⁰⁹	Yes	No	
H.R. 3796	<i>Reported, 10/18/2007</i>	Early Warning and Health Care for Workers Affected by Globalization Act— expands existing law that requires states to notify employees of impending layoffs 90 days prior to their release; extends the notification requirement to part time employees and additional governmental entities.	Yes ¹¹⁰	Yes	No	
H.R. 3920	<i>Passed House, 10/31/2007</i>	Trade and Globalization Assistance Act of 2007— authorizes the Secretary of the Dept. of Labor to subpoena documents from the states.	Yes ¹¹¹	Yes	No	
S. 1889	<i>Reported, 9/27/2007</i>	Railroad Safety Enhancement Act of 2007— preempts state law relating to employee hours, training and safety requirements.	Yes ¹¹²	Yes	N/A	The cost to state governments will largely depend upon the development of federal regulations. However, CBO does

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						not expect the cost of these mandates to threshold established under UMRA. ¹¹³
Tax and Revenue						
H.R. 1585	Passed House-5/17/2007 Returned to Senate Calendar-7/31/2007	National Defense Authorization Act for Fiscal Year 2008— increases the total of active-duty and reservists, which may reduce state revenue due to tax deferral.	Yes ¹¹⁴	Yes	No	
H.R. 3678	P.L. 110-108	Internet Tax Freedom Act Amendments Act of 2007— extends the prohibition on state and local taxation of Internet access until 2011; amends definitional prohibitions to exclude state and local taxation of certain telecommunication services used to connect to the Internet (grandfathered states taxed Internet access prior to 1998).	Yes ¹¹⁵	Yes	Yes	CBO estimates that the amendment to the grandfathering language would impact at least eight states and a number of localities. The prohibition would cost two states at least \$80 million annually beginning in November of 2007. ¹¹⁶

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S. 1547	<i>Placed on Senate Legislative Calendar under General Orders-6/29/2007</i>	National Defense Authorization Act for Fiscal Year 2008— increases the total of active-duty and reservists, which may reduce state revenue due to tax deferral.	Yes ¹¹⁷	Yes	No	
Technology and Communication Services						
H.R. 1908	<i>Passed House, 9/7/2007</i>	Patent Reform Act of 2007—requires additional information be submitted with patent applications, including search reports (requirement would apply to most public universities).	Yes ¹¹⁸	Yes	No	
S. 1145	<i>Placed on Senate Legislative Calendar under General Orders-1/24/2008</i>	Patent Reform Act of 2007— requires additional information be submitted with patent applications, including search reports (requirement would apply to most public universities); increases patent fees for applications.	Yes ¹¹⁹	Yes	No	CBO estimates that states would assume increased spending between \$30- \$60 million over the first five years and increased state Medicaid spending of \$6 million between 2008-2013. ¹²⁰

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H.R. 3403	<i>Reported, 10/30/2007</i>	911 Modernization and Public Safety Act of 2007—limits state fees on Voice over Internet Protocol (VoIP) services; preempts state liability laws relating to Public Service Answering Points (PSAP).	Yes ¹²¹	Yes	No	
S. 428	<i>Passed Senate, 2/26/2008</i>	IP-Enabled Voice Communications and Public Safety Act of 2007—caps fees that state and local government may apply to VoIP providers; limits the use of 911 fees to emergency services; provides liability relief to for certain VoIP entities.	Yes ¹²²	Yes	No	CBO estimates that costs would not exceed the threshold within the first 5 years after enactment, but would gradually increase over time.
S. 704	<i>Reported- 6/27/2007</i>	Truth in Caller ID Act of 2007—prohibits manipulation of caller identification information; requires states to notify the FCC of enforcement actions brought under the legislation; allows the FCC to intervene.	Yes ¹²³	No	N/A	
S. 1853	<i>Reported, 10/30/2007</i>	S. 1853, Community Broadband Act of 2007—prohibits states from regulating municipal communications networks and public power agencies.	Yes	Yes	No	
Transportation						
H.R. 6	<i>P.L. 110-140</i>	Energy Independence and Security Act of 2007—requires states to proportionally cut all core surface transportation programs when faced with federally directed rescissions, effectively removing state flexibility and curbing state discretion when trimming budgets.	Yes ¹²⁴	Yes	No	

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S. 184	<i>Reported- 3/1/2007</i>	Surface Transportation and Rail Security Act of 2007— requires rail carriers to implement training programs for certain employees; creates whistleblower protections for rail carrier employees that report security threats.	Yes ¹²⁵	Yes	N/A	CBO is unable to estimate the cost of the mandates as the costs will depend upon the regulations developed by the DHS, though CBO does not anticipate that costs would exceed the established threshold ¹²⁶ under UMRA.
S. 294	<i>Passed Senate, 10/30/2007</i>	Passenger Rail Investment and Improvement Act of 2007— requires rail carriers to implement training programs for certain employees; creates whistleblower protections for rail carrier employees that report security threats.	Yes ¹²⁷	Yes	No	CBO is unable to estimate the cost of the mandates as the costs will depend upon the regulations developed by the DHS, though CBO does not anticipate that costs would exceed the established threshold ¹²⁸ under UMRA.
H.R. 2095	<i>Passed House, 10/18/2007</i>	Federal Railroad Safety Improvement Act of 2007— requires rail providers to meet certain safety and reporting requirements.	Yes ¹²⁹	Yes	N/A	CBO is unable to estimate the cost of the mandates because

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H.R. 1401	See P.L. 110-53	Surface Transportation and Rail Security Act of 2007— requires rail carriers to implement various security measures and vulnerability assessments; requires carriers to institute training programs for certain employees; creates whistleblower protections for rail carrier employees who report security threats; requires background checks of covered employees; requires enhanced security measures for the shipment of certain material.	Yes ¹³¹	Yes	Yes	regulations must be developed by the Secretary of Transportation and impact of adjustments that may be made by rail entities. ¹³⁰
S. 763	Placed on Senate Legislative Calendar under General Orders- 3/5/2007	Public Transportation Terrorism Prevention Act of 2007—requires certain public transportation agencies to participate in the Information Sharing and Analysis Center (ISAC).	Yes ¹³³	Yes	No	CBO is unable to estimate the cost of the mandates included in the legislation, but anticipates such costs would exceed the UMRA threshold. ¹³²
Other						
S. 84	Placed on Senate Legislative Calendar under General Orders- 3/1/2007	Professional Boxing Amendments Act of 2007— creates minimum health and safety standards for state boxing commissions; requires state boxing commissions to meet reporting requirements; grants the U.S. Boxing Commission the authority to subpoena witnesses, which could include state officials.	Yes ¹³⁴	Yes	No	

Table 2. Federal Intergovernmental Mandates: Cost Shift to the States (Includes legislation reviewed by CBO as of the President’s Day recess. For more information on preemptions see NCSL’s Preemption Monitor).

Bill Number	Status	Title/Mandate	Has CBO reviewed the bill?	At the time CBO reviewed the legislation were intergovernmental mandates identified?	According to the review, did the cost of the mandate exceed the annual threshold? ¹	Notes
H.R. 1227	Passed House- 3/21/2007	Gulf Coast Hurricane Housing Recovery Act of 2007—preempts the housing authority from excluding households from requesting replacement housing.	Yes ¹³⁵	Yes	No	
S. 1578	Reported, 9/27/2007	Ballast Water Management Act of 2007—requires states to meet federal standards on the treatment of ballast water; grants the Secretary of Transportation certain subpoena power, which may require state, local and tribal governments to provide testimony, documents or other evidence.	Yes ¹³⁶	Yes	No	
H.R. 2787	Reported, 9/18/2007	CJ’s Home Protection Act of 2007— extends an existing prohibition on states from regulating safety standards relating to manufactured homes different from federal standards.	Yes ¹³⁷	Yes	No	

The National Conference of State Legislatures has defined an unfunded mandate as legislation that establishes conditions of grant aid; reduces current funds available for existing programs without a similar reduction in requirements; extends or expands existing or expiring mandates; creates a loss in state or local funds; compels coverage of a certain population under a current program without providing full or adequate funds for this coverage; and, creates underfunded national expectations.

¹ \$50 million in 1996 dollars; adjusted annually for inflation, \$68 million in 2008

² Congressional Budget Office, H.R. 2419, Farm, Nutrition, and Bioenergy Act of 2007, (Washington, D.C.: CBO, July 24, 2007).

³ Congressional Budget Office, H.R. 1680, Secure Handling of Ammonium Nitrate Act of 2007, (Washington, D.C.: CBO, May 21, 2007).

⁴ Congressional Budget Office, S. 311, A bill to amend the Horse Protection Act, (Washington, D.C.: CBO, May 29, 2007).

⁵ Ibid.

⁶ Congressional Budget Office, S. 625, Family Smoking Prevention and Tobacco Control Act, (Washington, D.C.: CBO, January 30, 2008)

⁷ Ibid.

⁸ Congressional Budget Office, S. 2302, Food and Energy Security Act of 2007, (Washington, D.C.: CBO, November 6, 2007).

⁹ Federal Funds Information for States, Issue Brief 08-04: Estimated Impact of 2% Cut in FY 2008 Mineral Payments (Washington, D.C.: FFIS, January 9, 2008).

¹⁰ See Congressional Budget Office, H.R. 2, Fair Minimum Wage Act of 2007, (Washington, D.C.: CBO, January 11, 2007).

¹¹ Ibid.

¹² Congressional Budget Office, H.R. 698, Industrial Bank Holding Company Act of 2007, (Washington, D.C.: CBO, May 15, 2007).

¹³ Congressional Budget Office, H.R. 2389, Small Energy Efficient Businesses Act, (Washington, D.C.: CBO, July 20, 2007).

¹⁴ Ibid.

¹⁵ Congressional Budget Office, H.R. 2761, Terrorism Risk Insurance Revision and Extension Act of 2007, (Washington, D.C.: CBO, September 6, 2007).

¹⁶ Ibid.

¹⁷ Congressional Budget Office, H.R. 3965, Mark-to-Market Extension and Enhancement Act of 2007, (Washington, D.C.: CBO, November 30, 2007).

¹⁸ Ibid.

¹⁹ Congressional Budget Office, H.R. 3915, Mortgage Reform and Anti-Predatory Lending Act of 2007, (Washington, D.C.: CBO, November 9, 2007).

²⁰ Ibid.

²¹ Congressional Budget Office, S. 558, Mental Health Parity Act of 2007, (Washington, D.C.: CBO, March 20, 2007).

²² Ibid.

²³ Congressional Budget Office, S. 2284, Flood Insurance Reform and Modernization Act of 2007, (Washington, D.C.: CBO, October 31, 2007).

²⁴ Congressional Budget Office, S. 2285, Terrorism Risk Insurance Program Reauthorization Act of 2007, (Washington, D.C.: CBO, October 29, 2007).

²⁵ Ibid.

²⁶ Congressional Budget Office, S. 1642, Higher Education Amendments of 2007, (Washington, D.C.: CBO, November 14, 2007).

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- ²⁷ Congressional Budget Office, H.R. 4137, Higher Education Amendments of 2007, (Washington, D.C.: CBO, December 18, 2007).
- ²⁸ Congressional Budget Office, S. _____, Private Student Loan Transparency and Improvement Act of 2007, (Washington, D.C.: CBO, October 4 2007).
- ²⁹ Congressional Budget Office, H.R. 518, International Solid Waste Importation and Management Act of 2007, (Washington, D.C.: CBO, March 28, 2007).
- ³⁰ Ibid.
- ³¹ Congressional Budget Office, H.R. 3221, Renewable Energy and Conservation Tax Act of 2007, (Washington, D.C.: CBO, November 9, 2007).
- ³² Congressional Budget Office, S. 357, Ten-in-Ten Fuel Economy Act, (Washington, D.C.: CBO, June 4, 2007).
- ³³ Congressional Budget Office, S. 595, Toxic Right-to-Know Protection Act, (Washington, D.C.: CBO, August 20, 2007).
- ³⁴ Congressional Budget Office, S. 742, Ban Asbestos in America Act of 2007, (Washington, D.C.: CBO, October 3 2007).
- ³⁵ Congressional Budget Office, S. 1321, Energy Savings Act of 2007, (Washington, D.C.: CBO, June 11, 2007).
- ³⁶ Congressional Budget Office S. 1419, Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007, (Washington, D.C.: CBO, June 11, 2007).
- ³⁷ Congressional Budget Office, H.R. 971, Community Pharmacy Fairness Act of 2007, (Washington, D.C.: CBO, January 11, 2008).
- ³⁸ Ibid.
- ³⁹ Congressional Budget Office, H.R. 1328, Indian Health Care Improvement Act Amendments of 2007, (Washington, D.C.: CBO, June 8, 2007).
- ⁴⁰ Ibid.
- ⁴¹ Congressional Budget Office, H.R. 1376, the Medicaid Foster Care Coverage Act of 2007, (Washington, D.C.: CBO, October 5, 2007).
- ⁴² Congressional Budget Office, H.R. 1424, Paul Wellstone Mental Health and Addiction Equity Act of 2007, (Washington, D.C.: CBO, November 21, 2007).
- ⁴³ Congressional Budget Office, H.R. 1424, Paul Wellstone Mental Health and Addiction Equity Act of 2007, (Washington, D.C.: CBO, November 21, 2007).
- ⁴⁴ Congressional Budget Office, H.R. 3162, Children's Health and Medicare Protection Act of 2007, (Washington, D.C.: CBO, August 1, 2007); Congressional Budget Office, H.R. 3162, Children's Health and Medicare Protection Act of 2007, (Washington, D.C.: CBO, July 30, 2007).
- ⁴⁵ Congressional Budget Office, H.R. 3580, Food and Drug Administration Amendments Act of 2007, (Washington, D.C.: CBO, September 26, 2007).
- ⁴⁶ Congressional Budget Office, H.R. 3668, TMA, Abstinence Education, and QI programs Extension Act of 2007, (Washington, D.C.: CBO, October 5, 2007).
- ⁴⁷ Congressional Budget Office, H.R. 3997, the Heroes Earnings Assistance and Relief Act of 2007, (Washington, D.C.: CBO, November 5, 2007).
- ⁴⁸ Ibid.
- ⁴⁹ Congressional Budget Office, S. 980, Ryan Haight Online Pharmacy Consumer Protection Act of 2007, (Washington, D.C.: CBO, October 25, 2007).
- ⁵⁰ Congressional Budget Office, S. 1082, Prescription Drug User Fee Amendments of 2007, (Washington, D.C.: CBO, April 27, 2007).
- ⁵¹ Ibid.

⁵² Congressional Budget Office, S. 1200, Indian Health Care Improvement Act Amendments of 2007, (Washington, D.C.: CBO, June 8, 2007).

⁵³ Ibid.

⁵⁴ Congressional Budget Office, S. 1693, Social Security Number Privacy and Identity Theft Prevention Act of 2007, (Washington, D.C.: CBO, July 25, 2007).

⁵⁵ Congressional Budget Office, S. _____, Medicare, Medicaid, and SCHIP Indian Health Care Improvement Act of 2007, (Washington, D.C.: CBO, October 10, 2007).

⁵⁶ Ibid.

⁵⁷ Congressional Budget Office, A review of CBO's Activities in 2007 Under the Unfunded Mandates Reform Act, Intelligence Authorization Act for Fiscal year 2008, (Washington, D.C.: CBO, March 2008)

⁵⁸ Congressional Budget Office, H.R. 2082, Intelligence Authorization Act for Fiscal year 2008, (Washington, D.C.: CBO, May 7, 2007).

⁵⁹ Congressional Budget Office, H.R. 1, Implementing the 9/11 Commission Recommendations Act of 2007, (Washington, D.C.: CBO, March 22, 2007).

⁶⁰ Congressional Budget Office, H.R. 1684, Department of Homeland Security Authorization Act for Fiscal Year 2008, (Washington, D.C.: CBO, June 25, 2007).

⁶¹ Congressional Budget Office, H.R. 2881, FAA Reauthorization Act of 2007, (Washington, D.C.: CBO, September 5, 2007).

⁶² Congressional Budget Office, H.R. 2830, Coast Guard Authorization Act of 2007, (Washington, D.C.: CBO, August 29, 2007).

⁶³ Congressional Budget Office, S. 4: Improving America's Security Act of 2007, (Washington, D.C.: CBO, February 22, 2007).

⁶⁴ Congressional Budget Office, S. 372: Intelligence Authorization Act for Fiscal Year 2007, (Washington, D.C.: CBO, February 16, 2007).

⁶⁵ Congressional Budget Office, S. 381, Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act, (Washington, D.C.: CBO, June 18, 2007).

⁶⁶ See Congressional Budget Office, H.R. 1585, National Defense Authorization Act for Fiscal Year 2008, (Washington, D.C.: CBO, June 12, 2007).

⁶⁷ Congressional Budget Office, S. 1538, Intelligence Authorization Act for Fiscal Year 2008, (Washington, D.C.: CBO, June 12, 2007).

⁶⁸ Congressional Budget Office, S. 1547, National Defense Authorization Act for Fiscal Year 2008, (Washington, D.C.: CBO, June 21, 2007).

⁶⁹ Congressional Budget Office, S. 2248, FISA Amendments Act of 2007, (Washington, D.C.: CBO, December 7, 2007).

⁷⁰ Congressional Budget Office, H.R. 2900, Food and Drug Administration Amendments of 2007, (Washington, D.C.: CBO, July 2, 2007).

⁷¹ Ibid.

⁷² Congressional Budget Office, H.R. 337, Military Families Financial Security Act of 2007, (Washington, D.C.: CBO, April 13, 2007).

⁷³ Ibid.

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- ⁷⁴ Congressional Budget Office, H.R. 948, Social Security Number Protection Act of 2007, (Washington, D.C.: CBO, May 25, 2007).
- ⁷⁵ Congressional Budget Office, H.R. 964, Securely Protect Yourself Against Cyber Trespass Act, (Washington, D.C.: CBO, May 24, 2007).
- ⁷⁶ Congressional Budget Office, H.R. 1525, Internet Spyware (I-SPY) Prevention Act of 2007, (Washington, D.C.: CBO, May 7, 2007).
- ⁷⁷ Congressional Budget Office, H.R. 3046, Social Security Number Privacy and Identity Theft Prevention Act of 2007, (Washington, D.C.: CBO, July 30, 2007).
- ⁷⁸ Ibid.
- ⁷⁹ Congressional Budget Office, S. 1178, Identity Theft Protection Act, (Washington, D.C.: CBO, May 29, 2007).
- ⁸⁰ Congressional Budget Office, S. 239, Notification of Risk to Personal Data Act of 2007, (Washington, D.C.: CBO, May 25, 2007).
- ⁸¹ Congressional Budget Office, S. 495, Personal Data Privacy and Security Act of 2007, (Washington, D.C.: CBO, May 17, 2007).
- ⁸² Congressional Budget Office, S. 910, Healthy Families Act, (Washington, D.C.: CBO, May 21, 2007).
- ⁸³ Ibid.
- ⁸⁴ Congressional Budget Office, H.R. 811, Voter Confidence and Increased Accessibility Act of 2007, (Washington, D.C.: CBO, May 15, 2007).
- ⁸⁵ Congressional Budget Office, H.R. 660, Court Security Act Improvement of 2007, (Washington, D.C.: CBO, June 22, 2007); Congressional Budget Office, S. 378, Court Security Improvement Act of 2007, (Washington, D.C.: CBO, March 23, 2007).
- ⁸⁶ Congressional Budget Office, H.R. 493, Genetic Information Nondiscrimination Act of 2007, (Washington, D.C.: CBO, April 12, 2007); Congressional Budget Office, S. 358: Genetic Nondiscrimination Act of 1007, (Washington, D.C.: CBO, March 2, 2007).
- ⁸⁷ Congressional Budget Office, H.R. 900, Puerto Rico Democracy Act of 2007, (Washington, D.C.: CBO, November 1, 2007).
- ⁸⁸ Congressional Budget Office, H.R. 2768, Supplemental Mine Improvement and New Emergency Response Act of 2007, (Washington, D.C.: CBO, November 15, 2007).
- ⁸⁹ Congressional Budget Office, H.R. 3773, RESTORE Act, (Washington, D.C.: CBO, October 10, 2007).
- ⁹⁰ Ibid.
- ⁹¹ Congressional Budget Office, H.R. 3887, William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007, (Washington, D.C.: CBO, November 1, 2007).
- ⁹² Congressional Budget Office, S. 376, Law Enforcement Officers Safety Act of 2007, (Washington, D.C.: CBO, May 29, 2007).
- ⁹³ Congressional Budget Office, S. 398, Indian Child Protection and Family Violence Prevention Act Amendments of 2007, (Washington, D.C.: CBO, March 5, 2007).
- ⁹⁴ Congressional Budget Office, S. 613, Reconstruction and Stabilization Civilian Management Act of 2007, (Washington, D.C.: CBO, April 2, 2007).
- ⁹⁵ Congressional Budget Office, S. 1027, Prevent All Cigarette Trafficking Act of 2007, (Washington, D.C.: CBO, July 20, 2007).

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- ⁹⁶ Congressional Budget Office, S. 1300, Aviation Investment and Modernization Act of 2007, (Washington, D.C.: CBO, July 17, 2007).
- ⁹⁷ Congressional Budget Office, S. 1348, Comprehensive Immigration Reform Act of 2007, (Washington, D.C.: CBO, June 22, 2007).
- ⁹⁸ Ibid.
- ⁹⁹ Congressional Budget Office, S. 1892, Coast Guard Authorization Act of 2007, (Washington, D.C.: CBO, August 2, 2007).
- ¹⁰⁰ Congressional Budget Office, S. 2045, CPSC Reform Act of 2007, (Washington, D.C.: CBO, December 19, 2007). H.R. 4137, Higher Education Amendments of 2007
- ¹⁰¹ Congressional Budget Office, S. 2084, School Safety and Law Enforcement Improvement Act of 2007, (Washington, D.C.: CBO, January 2, 2008)
- ¹⁰² Congressional Budget Office, S. 2248, FISA Amendments Act of 2007, (Washington, D.C.: CBO, December 7, 2007).
- ¹⁰³ Congressional Budget Office, H.R. 2, Fair Minimum Wage Act of 2007, (Washington, D.C.: CBO, January 11, 2007).
- ¹⁰⁴ Ibid.
- ¹⁰⁵ Congressional Budget Office, H.R. 980, Public Safety Employer-Employee Cooperation Act of 2007, (Washington, D.C.: CBO, June 27, 2007).
- ¹⁰⁶ Ibid.
- ¹⁰⁷ See Congressional Budget Office, H.R. 2, Fair Minimum Wage Act of 2007, (Washington, D.C.: CBO, January 11, 2007).
- ¹⁰⁸ Congressional Budget Office, H.R. 2693, (Washington, D.C.: CBO, July 18, 2007).
- ¹⁰⁹ Congressional Budget Office, H.R. 3685, Employment Non-Discrimination Act of 2007, (Washington, D.C.: CBO, October 22 2007).
- ¹¹⁰ Congressional Budget Office, H.R. 3796, Early Warning and Health Care for Workers Affected by Globalization Act, (Washington, D.C.: CBO, October 25, 2007).
- ¹¹¹ Congressional Budget Office, H.R. 3920, Trade and Globalization Assistance Act of 2007, (Washington, D.C.: CBO, October 29, 2007).
- ¹¹² Congressional Budget Office, S. 1889, Railroad Safety Enhancement Act of 2007, (Washington, D.C.: CBO, November 29, 2007).
- ¹¹³ Ibid.
- ¹¹⁴ Congressional Budget Office, H.R. 1585, National Defense Authorization Act for Fiscal Year 2008, (Washington, D.C.: CBO, June 12, 2007).
- ¹¹⁵ Congressional Budget Office, H.R. 3678, Internet Tax Freedom Act Amendments Act of 2007, (Washington, D.C.: CBO, October 10, 2007).
- ¹¹⁶ Ibid.
- ¹¹⁷ Congressional Budget Office, S. 1547, National Defense Authorization Act for Fiscal Year 2008, (Washington, D.C.: CBO, June 21, 2007).
- ¹¹⁸ Congressional Budget Office, H.R. 1908, Patent Reform Act of 2007, (Washington, D.C.: CBO, September 4, 2007).
- ¹¹⁹ Congressional Budget Office, S. 1145, Patent Reform Act of 2007, (Washington, D.C.: CBO, February 15, 2008).

¹²⁰ Ibid.

¹²¹ Congressional Budget Office, H.R. 3403, 911 Modernization and Public Safety Act of 2007, (Washington, D.C.: CBO, November 8, 2007).

¹²² Congressional Budget Office, S. 428, IP-Enabled Voice Communications and Public Safety Act of 2007, (Washington, D.C.: CBO, May 25, 2007).

¹²³ Congressional Budget Office, S. 704, Truth in Caller ID Act of 2007, (Washington, D.C.: CBO, July 20, 2007).

¹²⁴ Congressional Budget Office, H.R. 6, Energy Independence and Security Act, (Washington, D.C.: CBO, December 14, 2007).

¹²⁵ Congressional Budget Office, S. 184, Surface Transportation and Rail Security Act of 2007, (Washington, D.C.: CBO, February 28, 2007).

¹²⁶ Ibid.

¹²⁷ Congressional Budget Office, S. 294, Passenger Rail Investment and Improvement Act of 2007, (Washington, D.C.: CBO, May 17, 2007).

¹²⁸ Ibid.

¹²⁹ Congressional Budget Office, H.R. 2095, Federal Railroad Safety Improvement Act of 2007, (Washington, D.C.: CBO, July 3, 2007).

¹³⁰ Ibid.

¹³¹ Congressional Budget Office, H.R. 1401, Surface Transportation and Rail Security Act of 2007, (Washington, D.C.: CBO, March 21, 2007).

¹³² Ibid.

¹³³ Congressional Budget Office, S. 763, Public Transportation Terrorism Prevention Act of 2007, (Washington, D.C.: CBO, February 22, 2007).

¹³⁴ Congressional Budget Office, S. 84, Professional Boxing Amendments Act of 2007, (Washington, D.C.: CBO, February 26, 2007).

¹³⁵ Congressional Budget Office, H.R. 1227, Gulf Coast Hurricane Housing Recovery Act of 2007, (Washington, D.C.: CBO, April 30, 2007).

¹³⁶ Congressional Budget Office, S. 1578, Ballast Water Management Act of 2007, (Washington, D.C.: CBO, October 16 2007).

¹³⁷ Congressional Budget Office, H.R. 2787, CJ's Home Protection Act of 2007, (Washington, D.C.: CBO, September 27, 2007).