



Mandate Monitor

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An Information Service of the NCSL Budgets and Revenue Committee

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*The **Unfunded Mandates Reform Act (UMRA)** is now in its second decade. Although less than a dozen mandates have been enacted that exceed the threshold established in UMRA, Congress has shifted at least \$75 billion in costs to states over the past three years. States face at least an additional \$20 billion in cost shifts in FY 2007 through new conditions of grant aid and reductions in appropriations for existing state-federal partnerships. This does not include the \$11 billion states will need over the next five years to implement the Real ID.*

Introduction

Since the last edition of the *Mandate Monitor*, the 109th Congress: failed to make an additional down payment on the \$11 billion mandate states face with the impending implementation of the Real ID Act; adopted **at least nine mandates or cost shifts to states**; and, is expected to consider several additional cost shifts prior to the end of the year. This includes legislation requiring states to issue a voter identification card, which verifies an individual's citizenship, and several appropriations bills that will either eliminate or underfund existing state-federal programs.

Real ID Act to Cost States More than \$11 Billion

On September 21st, NCSL, in conjunction with the National Governors' Association and the American Association of Motor Vehicle Administrators, released the results of a nationwide survey of state motor vehicle agencies (DMVs) which evaluated the potential costs of the Real ID Act and its effect on the states.

The Real ID Act, enacted in 2005, requires state-issued driver's licenses and identification cards to meet certain standards by May 11, 2008 if they are to be accepted for federal purposes.

The survey concluded that Real ID will cost **more than \$11 billion over five years**, have a major impact on services to the public and impose unrealistic burdens on states to comply with the act by the May 2008 deadline. One time upfront costs approach \$1 billion, while ongoing costs total more than \$10.1 billion over the first five year

period. Costs will be divided among four major categories of spending: re-enrollment, new verification processes, card design requirements and support costs. See figure 1.

In the survey, NCSL, NGA and AAMVA also provide practical and cost effective solutions for Congress and the Department of Homeland Security (DHS) to consider in implementing the REAL ID Act. NCSL, NGA and AAMVA recommend Congress and/or DHS to:

Figure 1	
Real ID 5-Year Costs to States	
\$8.48 billion—	Re-enrollment
\$1.4 billion—	New Verification Processes
\$1.11 billion—	DL/ID Design Requirements
\$0.04 billion—	Support Costs

- Provide funds necessary for states to comply with Real ID.
- Extend the compliance deadline.
- Grant the Secretary of Homeland Security the flexibility to recognize innovation at the state level.
- Implement a 10-year, progressive re-enrollment schedule.
- Allow reciprocity for persons already vetted by the federal government.
- Provide the federal electronic verification systems necessary to comply with the law.
- Require states to employ electronic verification systems only as they become available.
- Adopt uniform naming conventions to facilitate electronic verification between files.
- Establish card security criteria based on performance—not technology.

A copy of the report is available at:

http://www.ncsl.org/print/statefed/Real_ID_Impact_Report_FINAL_Sept19.pdf.

On October 4, 2006 the FY 2007 Homeland Security spending bill was signed into law and contains no additional funds for state implementation of the Real ID Act. Congress appropriated \$40 million in FY 2006 but that amount will not even cover startup costs for some states.

Recent Mandates Enacted

Since the last edition of the mandate monitor, Congress has adopted nine bills containing intergovernmental mandates. According to the Congressional Budget Office (CBO), none of the measures individually exceeds the UMRA threshold (\$62 million for FY 2006); yet collectively states face substantial additional costs. These include:

- The Child Family Services Improvement Act of 2006 (H.R. 3525; P.L. 109-299) creates a new national standard that 90 percent of children in foster care receive a monthly visit from their caseworker. States must meet the new standard by October 1, 2011. The law also places a 10 percent cap on administrative fees for child welfare service funds (Title IV-B Part 1).
- The Children’s Safety and Violent Crime Reduction Act of 2005 (H.R. 4472; P.L. 109-248) requires states to create statewide sex offender registry databases as a condition of receiving grant aid. In addition, H.R. 4472 requires states to collect and maintain information on sex offenders, including DNA samples. The Congressional Budget Office

(CBO) estimates that the costs of the sex offender registry, verification of sex offender residence and collection of DNA samples would cost \$60 million between 2006 and 2010.¹ While H.R. 4472 authorizes “such sums as necessary” to assist states with compliance, there is no mandate on Congress to appropriate the funds. NCSL is monitoring the 2007 appropriations process to see if new federal funds are provided to implement this act.

- The Safe and Timely Interstate Placement of Foster Children Act of 2006 (H.R. 5403; P.L. 109-239) requires states receiving foster care assistance under the IV-E program to conduct home studies of interstate placements within 60 days of placement requests. CBO determined that expedited in-home studies would increase costs to states, however, they would not exceed the threshold established under UMRA.²
- H.R. 4019 (P.L. 109-264) would prohibit states from taxing retirement income of former residents under certain circumstances. Because H.R. 4019 would directly affect the state tax authority in at least 15 states, CBO has determined the legislation to constitute an intergovernmental mandate under UMRA.³ CBO estimates the net impact of H.R. 4019 would total less than \$5 million annually.⁴

For a full listing of legislation enacted by the 109th Congress containing costs shifts to states, see table 2.

Appropriations

On September 29th, Congress adjourned for the October recess, only completing work on two—homeland security and defense—of its eleven appropriations bills.

The FY 2007 Homeland Security Appropriations bill (P.L. 109-295), which was signed into law on October 4, 2006, continues to shift costs to states, through a reduction in funds for the State Homeland Security Grant Program (SHSGP). The legislation provides \$525 million in funds for SHSGP for FY 2007, down from \$544 million in FY 2006 and the \$1.1 billion provided for in FY 2005.

As mentioned above, the legislation also fails to provide funds for state implementation of the Real ID Act.

In addition, several appropriations bills are on track to shift costs to states or underfund existing state-federal programs. This includes a reduction in FY 2007 appropriations for the Clean Water State Revolving Fund (SRF), the State Homeland Security Grant Program, the Community Service Block Grant and the Social Service Block Grant. In addition, Congress is on schedule to provide level funding for No Child Left Behind (NCLB) and the Individuals with Disabilities Education Act (IDEA, leaving both programs grossly underfunded.

Until November 17th, however, because the federal government is operating on a Continuing Resolution (CR), all areas of funding except for homeland security and defense will be funded at the lower of the FY 2006 level or the House- or Senate-passed levels. Since the FY 2007 Labor/HHS/Education spending bill has not passed either the House or Senate, those programs will be funded under the CR at the FY 2006 level (see table 1).

Table 1. FY 2007 Appropriations Bills Select Programs <i>(Note: Labor/HHS/Education has not passed either the House or Senate.</i> <i>All other spending bills have passed both chambers and are ready for conference)</i>			
Department/Program	FY2006	House FY2007	Senate FY2007
Energy & Water (H.R. 5427)			
State Energy Program Grants	\$35.6 million	\$25 million	\$49.4 million
Interior & Environment (H.R. 5386)			
Clean Water Revolving Fund (SRF)	\$886 million	\$688 million	\$688 million
Superfund	\$1.242 billion	\$1.256 billion	\$1.261 billion
State and Tribal Wildlife Grants	\$3.213 billion	\$3.009 billion	\$3.0 billion
Science/State/Justice/Commerce (H.R. 5672)			
State Criminal Alien Assistance Program (SCAAP)	\$399 million	\$415 million	\$100 million
Edward Byrne Discretionary Grants Program	\$189 million	\$0	\$120 million
Labor/HHS/Education (H.R. 5647, S. 3708)			
Health and Human Services			
Community Services Block Grant	\$694 million	\$507 million	\$694 million
Social Services Block Grant	\$2.250 billion(b)	\$1.70 billion	\$1.70 billion
Department/Program			
Department of Education			
No Child Left Behind (NCLB)	\$12.7 billion (LEA)	\$12.7 billion (LEA)	\$12.7 billion (LEA)
Individuals with Disabilities Education Act (IDEA)	\$10.5 billion	\$11.753 billion	\$11.610 billion
Educational Technology State Grants	\$272 million	\$0	\$272 million

(a) The FY2007 allocation came through a floor amendment offered by Connecticut Representative Rosa DeLauro, as the program had been zero funded in the committee report.

(b) Supplemental appropriations were provided for Katrina relief under P.L. 109-148.

Federal Election Integrity Act of 2006

On September 20th, the House passed the Federal Election Integrity Act of 2006 (H.R. 4844), which requires states to provide voters with a photo identification card that bears proof of U.S. citizenship in order to vote in a federal election. The legislation would also require states to provide its citizens with such identification cards if the respective voter cannot otherwise afford to purchase the card. CBO estimates that it would cost states approximately \$75 million in 2008 and \$50 million in 2010 to provide its citizen with the requisite photo identification.⁵ In addition, CBO estimates that states would spend an additional \$70 million providing ID's to voters who cannot afford to purchase them;⁶ while the legislation authorizes funds to reimburse states for the costs of providing the ID's to low income families, the funds must otherwise be appropriated.

Telecommunications Reform

A number of bills have been introduced that preempt state video franchise authority, including H.R. 5252, S. 3457 and S. 2989. In addition, H.R. 5252 (as passed by the House and the Senate Commerce Committee substitute) would impose additional mandates upon the states.

H.R. 5252

Video Franchise Authority and Municipal Broadband Preemptions

- On June 8th, the House passed its version of the telecommunications overhaul. H.R. 5252 creates a national video franchise authority with the Federal Communications Commission in lieu of state or local franchise authority. According to CBO, the estimated impact of a national franchise authority would likely surpass the threshold established in UMRA in one of at least the first five years after the mandates go into effect, and that the net direct costs of these mandates would likely fall between \$100 million and \$350 million by 2011.⁷ In addition, H.R. 5252 would preempt state authority to regulate municipal broadband networks.
- On June 28th, the Senate Committee on Commerce, Science, and Transportation passed its version of the telecommunications overhaul. The bill preempts state regulation of video franchise authority (by streamlining the video franchise process) and state regulation of municipal broadband networks. According to CBO, the estimated impact of a streamlined video franchise authority would lead to a loss of state and local revenue of \$100 million during 2007-2011.⁸

Other Concerns:

- The House bill also: imposes a variety of requirements and limitations on public safety access points (PSAPs) (access to local emergency services, i.e. 911); and, requires entities in control of E-911 infrastructure (state and local government) to provide Internet-based telephone service, non-discriminatory access to the E-911 infrastructure and limits fees that a government entity can charge for access
- The Senate committee-passed bill preempts states in a number of additional areas, including: state regulation of wireless services, such as early terminations fees and billing practices; state regulation of Voice over Internet Protocol (VoIP); and state regulation of IP-Enabled Video Service. In addition, the Senate bill would permanently extend the moratorium on state and local taxation of the internet access and eliminate the grandfathering clause that currently exists for states taxing internet access (imposed prior to 1998). CBO estimates that the elimination of the grandfathering language would affect at least 25 states and local governments, which would result in a loss of revenue between \$100 million and \$175 million annually.⁹ While the loss would decline over time,¹⁰ the impact upon the states would be significant.

The Senate bill would also impose a three year moratorium on new discriminatory taxes imposed by state and local governments on wireless services. CBO estimates that the impact on state and local government would result in a loss of revenue between \$100 and \$150 million annually for each of the three years in which the moratorium is in effect.¹¹

Data Security

More than four hundred bills have been introduced in the 109th Congress relating to identity theft or security procedures and safeguards for handling personal information, such as the collection and distribution of social security numbers. The Congressional Budget Office has identified at least three bills that contain intergovernmental mandates: H.R. 1078, H.R. 5318 and H.R. 744. Although CBO determined that each bill constituted an intergovernmental mandate as defined under UMRA, none of these bills would exceed the \$62 million threshold.¹² In particular:

- The Social Security Number Protection Act of 2005 (H.R. 1078) preempts state law relating to the purchase and sale of social security numbers and requires state Attorney Generals to notify the Federal Trade Commission of any cause of action initiated under the legislation.
- The Cyber-Security Enhancement and Consumer Data Protection Act of 2006 (H.R. 5318) requires state government to notify federal officials of a data breach involving more than 10,000 individuals or more.
- The Internet Spyware (I-SPY) Prevention Act of 2005 (H.R. 744) establishes a federal crime to prevent the use spy-ware to collect personal information of persons. In addition, the legislation would prohibit state enforcement of the statute.

Table 2. 109th Congress: Laws Enacted Containing Cost Shifts to States
<p><i>H.R. 3-Safe, Accountable, Flexible, and Efficient Transportation Equity Act-A Legacy for Users (SAFETEA-LU)</i>—authorizes funds for Federal-aid highways, highway safety programs and transit programs and for other purposes. Reauthorizes numerous existing sanctions and penalties. <i>Status: 8/10/2005-Enacted, P.L. 109-59</i></p>
<p><i>H.R. 4— Pension Protection Act of 2006</i>—Preemption by requiring an employees permission before an employer may withhold funds for the employees pension fund. <i>Status: 8/17/2006- Enacted; P.L. 109-280</i></p>
<p><i>H.R. 6-Energy Policy Act of 2006</i>—“requires state and local governments to pay fees and dues to cover the cost of implementing and enforcing reliable standards for electric energy.”^a Preempts state law. <i>Status: 8/8/2005-Enacted, P.L. 109-58</i></p>
<p><i>H.R. 889— Coast Guard and Maritime Transportation Act of 2005</i>—subjects ferries that do not charge passengers to Coast Guard regulations. <i>Status: 7/12/2006- Enacted; P.L. 109-241</i></p>
<p><i>H.R. 972: Trafficking Victims Protecting Reauthorization Act of 2005</i>—requires courts to order the property of convicted traffickers be forfeited to the federal government. Preempts state laws. <i>Status: 1/10-/2006-Enacted; P.L. 109-164</i></p>
<p><i>H.R. 1268-FY 2005 Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief</i>—establishes national standards for state issued driver’s licenses and identification cards. According to CBO, the REAL ID Act contains several intergovernmental mandates and the cost to implement the requirements would be approximately \$100 million over the 2005-2010 period.^b <i>Status: 5/11/2005-Enacted, P.L. 109-13</i></p>

Table 2.
109th Congress: Laws Enacted Containing Cost Shifts to States

H.R. 1815- National Defense Authorization for Fiscal Year 2005—increases the number of service members and reservists on active duty. Under the Service members Civil Relief Act (SCRA), these individuals would be provided the right to request a deferral in the payment of certain state and local taxes and fees.

Status: 1/6/2006-enacted; P.L. 109-163

H.R. 2360-Makes Appropriations for the Department of Homeland Security for FY 2006—decreases funds for the State Homeland Security Grant Program by over \$500 million compared to FY 2005 levels. Provides inadequate funds for implementation of the REAL ID Act.

Status: 10/18/2005-Enacted; P.L. 109-90

H.R. 2361- Makes appropriations for the Department of the Interior, Environment, and Related Agencies for FY 2006—reduces funds for the Clean Water State Revolving Fund. Reduces funding for the State and Tribal Grants. The reduction in funds totals over \$500 million in FY 2006.

Status: 8/2/2005-Enacted, P.L. 109-54

H.R. 2862- Makes Appropriations for the Departments of Science/State/Justice/Commerce for FY 2006—reduces fund available for select justice programs.

Status: 11/22/2005-Enacted; P.L. 109-108

H.R. 2863-Department of Defense Appropriations Act, 2006— provides for a 1 percent across the board cut to discretionary spending, excludes veterans programs.

Status: 12/30/2005-Enacted; P.L. 109-148

H.R. 2985-Makes appropriations for the Legislative Branch for FY 2006— includes the *Continuity in Representation Act of 2005* that establishes requirements for state special elections in the extraordinary circumstance that vacancies in the representation from the states in the House of Representatives exceed 100.

Status: 8/2/2005-Enacted, P.L. 109-55

H.R. 3010- Labor/HHS/Education Appropriations for FY 2006—continues to underfund requirements established in No Child Left Behind (NCLB) and the Individuals with Disabilities Education Act (IDEA). Substantially reduces funding for Educational Technology State Grants, Innovative Program Block Grants, Drug Free Schools State Grants, Preventive Health Block Grant and Even Start.

Status: 12/30/2005-Enacted;P.L. 109-149

H.R. 3058- Transportation/Treasury/Housing and Urban Development/Judiciary/District of Columbia, and Independent Agencies Appropriations Act, 2006— contains a provision that prohibits any funds in the Act to be used “...to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use.”

Status: 11/30/2005-Enacted; P.L. 109-115

H.R. 3199, H.R. 4649, H.R. 4659 and S. 2169-- extend the Patriot Act. H.R. 3199 was the final extension, to December 31, 2009. The original Patriot Act contained mandates that were continued with the enactment of H.R. 3199.

Status of H.R. 3199: 3/9/2006-Enacted; P.L. 109-177

H.R. 4019— prohibits state taxation of certain retirement income of former residents.

Status: 8/3/2006- Enacted; P.L. 109-264

H.R. 5441--Makes Appropriations for the Department of Homeland Security for FY 2008—fails to provide funds for state implementation of the Real Id. Reduces funds for the State Homeland Security Grant Program.

Status: 10/4/2006-Enacted; P.L. 109-295

Table 2.
109th Congress: Laws Enacted Containing Cost Shifts to States

H.R. 4472—Children's Safety and Violent Crime Reduction Act of 2005—requires states to create statewide sex offender registry databases according to federal standards to be established by the Attorney General. They also require a plethora of information to be collected and monitored by the state, including DNA samples, and reported to the Attorney General. Any state that does not comply within the designated time period will have its registry program taken over by the Department of Justice *and* will lose 10 percent of the Byrne Grant and/or LLEBG funding for the applicable fiscal year.

Status: 7/27/2006-Enacted; P.L. 109-248

H.R. 3402- Violence Against Women Act of 2005—increases the number of protection orders state, tribal and territorial governments must enforce by expanding the mandate to include U.S. territories.

Status: 1/5/2006— Enacted; P.L. 109-162

H.R. 4519-State High Risk Pool Funding Extension Act of 2006—imposes a new condition of grant aid regarding high risk insurance pools.

Status: 2/10/2006-Enacted; P.L. 109-172

H.R. 4297- Tax Increase Prevention and Reconciliation Act for Fiscal Year 2007— requires all government entities, including state and local governments, to withhold 3 percent on certain government payments for property or services.

Status: 5/17/2006- Enacted; P.L. 109-222

H.R. 5403— Safe and Timely Interstate Placement of Foster Children Act of 2006—requires states to complete home studies to assess the suitability of placing a child in foster and adoptive homes within 60 days, 75 days in certain circumstances.

Status: 7/3/2006—Enacted; P.L. 109-239

S. 256-Bankruptcy Abuse Prevention and Consumer Protection Act of 2005—“requires state and local income tax procedures to conform to the federal tax code as it relates to dividing tax liabilities and responsibilities between the estate and the debtor, the tax consequences of partnerships and transfers of property, and the taxable period of the debtor. CBO estimates that this provision would increase costs for the administration of state and local tax laws but would not require state and local tax rates to conform to the federal rates. Such administrative costs would not be significant and would likely be offset by increased collections by state and local governments.”

Status: 4/20/2005-Enacted, P.L. 109-8

S. 397-Protection of Lawful Commerce in Arms Act—prohibits states, local and tribal governments and the private sector from pursuing lawsuits against certain organizations as it relates to firearms and ammunitions.

Status: 10/26/2005-Enacted; P.L. 109-92

S. 467- Terrorism Risk Insurance Revision Act of 2005—declares that Congress intends that all states will implement by December 31, 2007, the System for Electronic Rate and Form Filing and streamlined surplus-lines, diligent search policies.

Status: 12/22/2005-Enacted; P.L. 109-144

S. 1235— Veterans' Housing Opportunity and Benefits Improvement Act of 2006— prohibits public health insurance providers from raising premiums on active-duty service members and reservists who choose to reinstate or continue previously held policies upon returning from active duty.

Status: 6/15/2006- Enacted; P.L. 109-233

S. 1932- Deficit Reduction Act of 2005—makes numerous changes to state-federal partnerships—TANF, Medicaid. As it relates to the child support enforcement program, S. 1932 eliminates federal matching funds for administrative expenses funded by incentive payments to states.

Status: 2/8/2005-Enacted; P.L. 109-171

Table 2.
109th Congress: Laws Enacted Containing Cost Shifts to States

S. 2803—*Mine Improvement and New Emergency Response Act of 2006*— limits state liability recovery and cause of action initiated by state and local government regarding mining disasters.

Status: 6/15/2006- Enacted; P.L. 109-236

S. 3525—*The Child Family Services Improvement Act of 2006*--creates a new national standard that 90 percent of children in foster care receive a monthly visit from their caseworker. States must meet the new standard by October 1, 2011. The law also places a 10 percent cap on administrative fees for child welfare service funds (Title IV-B Part 1).

Status: 9/28/2006; P.L. 109-299

Notes:

^a Congressional Budget Office, *A Review of CBO's Activities Under the Unfunded Mandates Reform Act, 1996 to 2005*, (Washington, D.C.: CBO, March 2006).

^b Congressional Budget Office, *H.R. 418: REAL ID Act of 2005*, (Washington, D.C.: CBO, February 7, 2005).

^c Congressional Budget Office, *S. 256: Bankruptcy Abuse Prevention and Consumer Protection Act of 2005*, (Washington, D.C., CBO, April 4, 2005).

Table 2. Federal Intergovernmental Mandates: Cost Shift to the States (Includes legislation introduced as of the October 2006 recess. Changes since the last edition are shaded). This does not include legislation that preempts state authority without shifting costs. 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? ¹³	Notes
Agriculture						
H.R. 3408	10/5/2006-Enacted;- P.L. 109-126	Reauthorizes the Livestock Mandatory Reporting Act of 1999 and amends the swine reporting provisions of that act—extends an existing mandate, a provision in the Livestock Mandatory Reporting Act of 1999 that prohibits state and local governments from imposing additional or conflicting requirements for livestock price reporting. ¹⁴	Yes ¹⁵	Yes	No	
S. 3128	In Committee	National Uniformity for Food Act of 2006—preempts state regulation or requirements relating to food safety notification requirements that do not substantially comply with federal regulations.	No	n/a	n/a	
H.R. 3197	6/14/2006- Order to be Reported	Secure Handling of Ammonium Nitrate Act of 2005—prohibits state regulation of ammonium nitrate that is less stringent than federal law mandates under the bill.	Yes ¹⁶	Yes	No	
S. 3519	In Committee	Agriculture Small Business Opportunity and Enhancement Act of 2006 — establishes minimum standards for state meat and poultry inspection processes. Provides authority to the Secretary of Agriculture to seize state meat and poultry food products, suspend state meat and poultry inspection program and assume control of state meat and poultry inspection processes.	No	n/a	n/a	
H.R. 6130	In Committee	New Markets for State-Inspected Meat and Poultry Act of 2006— requires state meat and poultry to meet certain safety requirements as determined by the Secretary of Agriculture. Allows the Secretary to take over a state inspection program under certain circumstances.	No	n/a	n/a	
Appropriations/Reconciliation						

H.R. 2361	<i>8/2/2005-Enacted; P.L. 109-54</i>	Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006—reduces funds for the Clean Water State Revolving Fund. Reduces funding for the State and Tribal Grants. The reduction in funds totals over \$500 million in FY 2006.	No	n/a	n/a
H.R. 2360	<i>10/18/2005-Enacted; P.L. 109-90</i>	Department of Homeland Security—decreases funding for the State Homeland Security Grant Program by over \$500 million compared to FY 2005 levels. Provides inadequate funds for implementation of the Real ID Act.	No	n/a	n/a
H.R. 2862	<i>11/22/2005-Enacted; P.L. 109-108</i>	Science/State/Justice/Commerce FY 2006—reduces fund available for select justice programs.	No	n/a	n/a
H.R. 2863	<i>12/30/2005-Enacted; P.L. 109-148</i>	Department of Defense Appropriations bill—provides for a 1 percent across the board cut to discretionary spending, excludes veterans programs.	Yes ¹⁷	n/a	n/a
H.R. 3010	<i>12/30/2005-Enacted; P.L. 109-149</i>	Labor/HHS/Education Appropriations for FY 2006—continues to under-fund requirements established in No Child Left Behind (NCLB) and the Individuals with Disabilities Act (IDEA). Substantially reduces funding for Educational Technology State Grants, Innovative Program Block Grants, Drug Free Schools State Grants, Preventive Health Block Grant, CDC grants to state and local governments to build bioterrorism capacity and Even Start.	No	n/a	n/a
H.R. 3058	<i>11/30/2005-Enacted; P.L. 109-115</i>	Transportation/Treasury/Housing and Urban Development/Judiciary/District of Columbia, and Independent Agencies Appropriations Act, 2006—contains a provision that prohibits any funds in the Act to be used “...to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use.	No	n/a	n/a
H.R. 5441	<i>10/4/2006-Enacted P.L. 109-295</i>	Homeland Security Appropriations for FY 2007—fails to provide funds for state implementation of the Real ID. Continues to underfund the State Homeland Security Grant Program (SHGP).	No	n/a	n/a
H.R. 5427	<i>6/29/2006-Placed on Senate Legislative Calendar under General Orders.</i>	Energy and Water Development Appropriations Act for FY2007—eliminates funds for state energy activities and grants.	No	n/a	n/a

H.R. 5384	6/22/2006 -Placed on Senate Legislative Calendar under General Orders.	Agriculture, Rural Development, FDA and Related Agencies Appropriations for FY2007—reduces funds for Distance Learning, Telemedicine and Broadband Program.	No	n/a	n/a
H.R. 5386	6/29/2006 -Placed on Senate Legislative Calendar under General Orders.	Department of the Interior, Environment, and Related Agencies Appropriations Act for FY2007— reduces funds for the State and Tribal Wildlife Grants. Eliminates funds for the Land and Water Conservation Fund. Reduces funds for Payment in Lieu of Taxes. Reduces funds for the Clean Water State Revolving Fund (SRF). Reduces funds for the Leaking Underground Storage Tank Program.	No	n/a	n/a
H.R. 5647	6/20/2006, Placed on Senate Legislative Calendar	Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2007— reduce funds for job training. Reduces funds for the Community Service Block Grant. Level funds No Child Left Behind. Eliminates funds for Education Technology State Grants.	No	n/a	n/a
S. 3708	7/20/2006, Placed on House Union Calendar	Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2007— reduce funds for job training. Level funds No Child Left Behind.	No	n/a	n/a
H.R. 5672	7/13/2006, Placed on Senate Legislative Calendar	Science/State/Justice/Commerce FY 2006—reduces fund available for select justice programs.	No	n/a	n/a

S. 1932	<i>2/8/2006-Enacted; P.L. 109-171</i>	Deficit Reduction Act of 2005—makes numerous changes to state-federal partnerships—TANF, Medicaid. Also contains the Digital Transition and Public Safety Act of 2005—requires public television stations to stop broadcasting their analog signals by April 7, 2009.	Yes ^{18 19}	Yes	Yes	As it relates to the child support enforcement program, eliminates federal matching funds for administrative expenses funded by incentive payments to states. Payments totaled \$450 million in 2004 and would grow under current law to \$505 million in 2010. CBO expects states would boost their spending to avoid half of the reduction. This increase would amount to more than \$100 million a year starting in FY 2008. ²⁰
Banking/Insurance						
H.R. 3505	<i>In Committee; 3/8/2006, Passed House.</i>	Financial Services Regulatory Relief Act of 2005—places new requirements on state regulators of credit unions. Preempts certain state laws.	Yes ²¹	Yes	No	
H.R. 3909	<i>12/6/2005-Reported out of Committee</i>	Hurricane Check Chasing Relief Act of 2005—preempts any state laws that restrict the ability of the FDIC and the NCUA to recover certain funds.	Yes ²²	Yes	No	CBO is unaware of any state with such law. ²³
H.R. 4019	<i>8/3/2006-Enacted; P.L. 109-264</i>	Prohibits state taxation of certain retirement income of former residents.	Yes ²⁴	Yes	No	“CBO estimates that the net costs to state governments would likely total less than \$5 million annually.” ²⁵
H.R. 5393	<i>In Committee</i>	Natural Disaster Housing Reform Act of 2006—preempts some state law relating to the placement of federally provided housing in flood plains.	Yes ²⁶	Yes	No	
H.R. 5637	<i>9/27/2006, Passed House</i>	Nonadmitted and Reinsurance Reform Act of 2006—prohibits states from taxing and regulating certain insurance products and brokers of insurance companies not based in the state. Preempts state taxation of some insurance products and regulation of reinsurance.	Yes ²⁷	Yes	No	Because of the limitations on the taxation of certain insurance premiums, CBO estimates that states would lose less than \$50 million, annually, one year after enactment. ²⁸

H.R. 6225	<i>In Committee</i>	Creates a federal charter for national insurance or reinsurance companies; preempts state regulation of the sale of, underwriting, or other insurance operations under a federal charter.	No	n/a	n/a	
S. 3589	<i>6/28/2006, Placed on Senate Legislative Calendar under General Orders</i>	Flood Insurance and Modernization Act— requires mortgage lenders, and state regulatory agencies, to provide purchasers with information regarding flood insurance in certain instances.	Yes ²⁹	Yes	No	
S. 256	<i>4/20/2005-Enacted P.L. 109-8</i>	Bankruptcy Abuse Prevention and Consumer Protection Act of 2005—requires states and local income tax procedures to conform to the federal tax code as it relates to “dividing tax liabilities and responsibilities between the estate and the debtor, the tax consequences of partnerships and transfers of property and the taxable period of the debtor.” ³⁰	Yes ³¹	Yes	No	CBO determined that the provision would increase administrative costs but would not require rates to conform. Such costs would not be significant. ³²
S. 467	<i>12/22/2005-Enacted; P.L. 109-144</i>	Terrorism Risk Insurance Revision Act of 2005— declares that Congress intends that all states will implement by December 31, 2007, the System for Electronic Rate and Form Filing and streamlined surplus-lines, diligent search policies.	Yes ³³	Yes	n/a	
S. 1955	<i>7/27/2006 -Placed on Senate Legislative Calendar under General Orders.</i>	Health Insurance Marketplace Modernization and Affordability Act of 2005—preempts state insurance regulation and administration. The bill would establish national standards for regulating and administering insurance.	Yes ³⁴	Yes	No	
S. 2510	<i>In Committee</i>	National Insurance Act of 2006—removes national insurers, national agencies, and federally licensed insurance producers from state oversight of insurance business practices. Retains the applicability of certain state laws.	No	n/a	n/a	
S. 2856	<i>5/25/2006- Passed Senate</i>	Financial Services Regulatory Relief Act of 2006— “limit[s] certain fees that bank supervisors may impose on banks not domiciled in their state and place[s] certain notification requirements on bank supervisors. The bill also would preempt state laws if banks or credit unions go into receivership.” ³⁵	Yes ³⁶	Yes	No	

Education						
H.R. 110	<i>In Committee</i>	School Environment Protection Act of 2005—requires each local education agency (LEA) to develop and implement an integrated pest management system in each of the schools.	No	n/a	n/a	n/a
H.R. 197	<i>In Committee</i>	Military In-State Tuition Act of 2005—requires a state to charge in-state tuition rates to active duty members of the Armed Forces domiciled or stationed on active duty in the state and to their dependents.	No	n/a	n/a	n/a
H.R. 199	<i>In Committee</i>	Reservist and National Guard Opportunities and Protection of Education Act—requires institutions of higher education to: provide students a military leave of absence while the student is serving on active duty, and for one year after the conclusion of such service; restore the students previous educational status with regard to academic credits earned, scholarships or grants awarded, or tuition and other fees paid; and refund tuition or fees paid prior to the commencement of active duty.	No	n/a	n/a	n/a
H.R. 224	<i>In Committee</i>	Comprehensive Learning Assessment for Students and Schools (CLASS) Act—amends current requirements regarding adequate yearly progress (AYP) and assessments under Title I of the Elementary and Secondary Education Act of 1965.	No	n/a	n/a	n/a
H.R. 225	<i>In Committee</i>	Suzanne Lyall Campus Safety Act—requires institutions of higher education to adopt and implement plans regarding: (1) investigations for serious violent felonies occurring at the institutions; and (2) reports of missing students.	No	n/a	n/a	n/a
H.R. 333	<i>In Committee</i>	Military Educational Parity Act of 2005—requires institutions of higher education to: provide students a military leave of absence while the student is serving on active duty, and for one year after the conclusion of such service; restore the students previous educational status with regard to academic credits earned, scholarships or grants awarded, or tuition and other fees paid; and refund tuition or fees paid prior to the commencement of active duty.	No	n/a	n/a	n/a

H.R. 595	<i>In Committee</i>	High School Athletics Accountability Act of 2005—directs certain coeducational elementary and secondary schools to make available information on equality in school athletic programs.	No	n/a	n/a
H.R. 1506	<i>In Committee</i>	No Child Left Behind Reform Act—revises certain requirements including ones relating to: AYP, academic assessment and local educational agency and school improvement, school choice and supplemental services options and teacher qualifications.	No	n/a	n/a
H.R. 1722	<i>In Committee</i>	Directs the Secretary of Education to revise regulations to make several changes regarding the calculation of AYP. Includes an increase from 1 to three percent, the number of proficient and advanced level scores based on alternate assessment and alternate achievement standards for students with the most significant cognitive disabilities that may be counted for the purposes of calculating AYP.	No	n/a	n/a
H.R. 2178	<i>In Committee</i>	Student Bill of Rights—requires each public school system to provide specified educational opportunities, provide educational services in certain school districts for disadvantaged students and comply with any final federal or state court order in any matter concerning the adequacy or equitableness of the system. Withholds specified portions of federal funds for administrative expenses under certain circumstances.	No	n/a	n/a
H.R. 2295	<i>In Committee</i>	Parental Empowerment Act of 2005—prohibits any state from receiving federal education funds unless the state has policies and procedures that require each LEA to maintain a parent review and empowerment council for certain purposes.	No	n/a	n/a
H.R. 2569	<i>In Committee</i>	No Child Left Behind Improvement Act of 2005—revises accountability requirements relating to: certain teachers, AYP standards for certain students, longitudinal measurement of AYP and the percentage of students taking assessments.	No	n/a	n/a
H.R. 2739	<i>In Committee</i>	College Affordability and Accountability Act—requires state maintenance of effort in providing funding to public institutions of higher education.	No	n/a	n/a

H.R. 2835	<i>In Committee</i>	Teacher Excellence for All Children Act of 2005—revises and establishes programs relating to recruitment, preparation, distribution, and retention of public elementary and secondary school teachers and principals. Requires states to provide assurances of their reasonable progress toward equitable access to teacher quality.	No	n/a	n/a	
H.R. 3010	<i>12/30/2005-Enacted; P.L. 109-149</i>	Labor/HHS/Education Appropriations for FY 2006—continues to under-fund requirements established in No Child Left Behind (NCLB) and the Individuals with Disabilities Act (IDEA). Substantially reduces funding for Educational Technology State Grants, Innovative Program Block Grants and Drug Free Schools State Grants	No	n/a	n/a	H.R. 3010
H.R. 4059	<i>In Committee</i>	Teacher Education for Autistic Children Act of 2005, or TEACH Act of 2005—amends the Individuals with Disabilities Education Act (IDEA) to require assisted local educational agencies to report on autism early intervention activities and personnel training.	No	n/a	n/a	
H.R. 4085	<i>In Committee</i>	Flexibility in Assessments for Individuals Reform Act of 2005—revises certain requirements regarding student assessments and adequate yearly progress which were added by the No Child Left Behind Act of 2001.	No	n/a	n/a	
H.R. 4167	<i>3/8/2006- Passed House.</i>	National Uniformity for Food Act of 2005— requires state and local laws to be identical to Federal Food, Drug, and Cosmetic Act (FDCA) requirements regarding the definition of food adulteration or food safety warnings.	Yes ³⁷	Yes	No	
H.R. 4216	<i>In Committee</i>	No Child Left Behind Improvement and Flexibility Act of 2005—revises certain requirements which were added by the No Child Left Behind Act of 2001, including: (1) academic assessments and adequate yearly progress; (2) teacher qualifications; (3) special education students; and (4) rural schools.	No	n/a	n/a	
H.R. 4359	<i>In Committee</i>	Amends the Elementary and Secondary Education Act—establish new requirements regarding challenging academic content standards for physical education. Beginning not later than school year 2008-2009, requires schools to measure the proficiency of all students in physical education. Provides for a testing schedule.	No	n/a	n/a	

H.R. 5255	<i>In Committee</i>	American Flag Display Protection Act—prohibits an elementary or secondary school, or institution of higher education from receiving federal funds if the school has a policy that prevents students from respectfully displaying or wearing a representation of the U.S. flag in a manner at least equal in quality and scope to their right to respectfully display or wear any other representation.	No	n/a	n/a	
H.R. 5295	<i>In Committee</i>	Student and Teacher Safety Act of 2006—denies Safe Schools and Citizenship Education funds, provided under the Elementary and Secondary Education Act of 1965, to states, LEAs, and school districts that fail to deem certain searches reasonable and permissible.	No	n/a	n/a	
H.R. 5319	<i>7/26/2006, Passed House</i>	Deleting Online Predators Act of 2006—requires recipients of universal service support for schools and libraries to protect minors from commercial social networking websites and chat rooms.	No	n/a	n/a	
S. 3864	<i>In Committee</i>	Raising Achievement through Improving Supplemental Education Act of 2006— requires state and direct local educational agencies (LEAs) to meet certain requirements relating to their supplemental educational services (SES) duties.	No	n/a	n/a	
S. 724	<i>In Committee</i>	No Child Left Behind Reform Act—revises certain requirements including ones relating to: AYP, academic assessment and LEA and school improvement, school choice and supplemental services options and teacher qualifications.	No	n/a	n/a	
S. 1054	<i>In Committee</i>	Title I Integrity Act of 2005—requires LEAs to use title I-A funds only for direct or indirect instructional services. Limits to 10 percent the portion of title I-A funds that an LEA may use for indirect instructional services. Sets forth the types of direct and indirect instructional services for which title I-A funds may be used.	No	n/a	n/a	
S. 1055	<i>In Committee</i>	No Child Left Behind Improvement Act of 2005— revises requirements for supplemental education services personnel qualifications. Establishes requirements regarding school transfers and state qualifications for teachers and paraprofessionals.	No	n/a	n/a	

S. 1196	<i>In Committee</i>	Campus Fire Safety Right-to-Know Act of 2005—requires each institution participating in any program under the Higher Education Act to regularly disclose certain information regarding fire safety to students, employees, etc. Requires each institution to request fraternities and sororities to collect and report such information for each building and property they own or control.	No	n/a	n/a	
S. 1276	<i>In Committee</i>	Requires states to meet requirements regarding physical education assessments by the 2008-2009 school years.	No	n/a	n/a	
S. 1619	<i>In Committee</i>	School Environment Protection Act of 2005—requires school districts to implement integrated pest management systems to minimize the use of pesticides in schools and to provide parents and employees with notice of the use of pesticides in schools.	No	n/a	n/a	
S. 2063	<i>In Committee</i>	Reservist Opportunities and Protection of Education Act—requires institutions of higher education to preserve the educational status and financial resources of military personnel called to active duty.	No	n/a	n/a	
S. 2163	<i>In Committee</i>	Armed Forces Education Benefits Improvement Act—increases educational benefits for veterans under the Montgomery GI bill and ensures adequate and equitable benefits for active duty and select Reserve members, and included members previously excluded.	No	n/a	n/a	
S. 2493	<i>In Committee</i>	Campus Fire Safety Right-to-Know Act of 2006—requires public educational institutions receiving funds under the Higher Education Act to provide employees and students information regarding fire safety practices of the institution and a record of campus fires, upon request.	No	n/a	n/a	
Elections/Election Reform						
H.R. 278	<i>In Committee</i>	Know Your Vote Counts Act of 2005—amends the Help America Vote Act of 2002. Revises voting system standards.	No	n/a	n/a	

H.R. 470	<i>In Committee</i>	Improving Electronic Voting Standards and Disclosure Act of 2005—amends the Help America Vote Act of 2002. Establish specific requirements for software used in electronic voting machines in federal elections. Require the posting of notice of the availability of administrative complaint under certain circumstances.	No	n/a	n/a
H.R. 496	<i>In Committee</i>	Same Day Voter Registration Act of 2005—amends the National Voter Registration Act of 1993 to require states to permit individuals to register to vote in an election for federal office on the date of the election.	No	n/a	n/a
H.R. 533	<i>In Committee</i>	Voting Opportunity and Technology Enhancement Rights Act of 2005—amends the Help America Vote Act of 2002. This includes changes regarding the use of national federal write-in absentee ballot, preservation of records; minimum required voting systems and poll workers in polling places, election day registration, early voting, and standards and training for election officials.	No	n/a	n/a
H.R. 550	<i>In Committee</i>	Voter Confidence and Increased Accessibility Act of 2005—amends the Help America Vote Act of 2002 with respect to: voter verification, mandatory paper record audit capacity and accessibility for individuals with disabilities. Outlines additional voting system requirements. Makes available additional funds to enable states to meet the costs of the requirements imposed by this Act.	No	n/a	n/a
H.R. 704	<i>In Committee</i>	Voting Integrity and Verification Act of 2005—amends the Help America Vote Act of 2002. Revises requirements for voting systems used in an election for federal office.	No	n/a	n/a
H.R. 841	<i>8/2/2005-Enacted as part of the FY 2006 Appropriations Bill for the Legislative Branch P.L. 109-55</i>	Continuity in Representation Act of 2005—establishes requirements for state special elections in the extraordinary circumstance that vacancies in the representation from the states in the House of Representatives exceed 100.	Yes ³⁸	Yes	No
H.R. 939	<i>In Committee</i>	Count Every Vote Act of 2005—requires a voter-verified paper record. Imposes additional requirements.	No	n/a	n/a
H.R. 1835	<i>In Committee</i>	Amends the Help America Vote act to allow all eligible voters to vote by mail in federal elections.	No	n/a	n/a

H.R. 2104	<i>In Committee</i>	Amends the Help America Vote Act of 2002 regarding the treatment of certain absentee ballots and ballots cast at incorrect polling places.	No	n/a	n/a	
H.R. 2250	<i>In Committee</i>	Valuing Our Trust in Elections Act—amends requirements regarding voter registration application forms and absentee ballots. Requires certain training for poll workers.	No	n/a	n/a	
H.R. 2398	<i>In Committee</i>	Requires each correctional institution or facility to establish and carry out a system of notice to ensure that persons being released from that institution or facility are informed of the right to vote protected by this Act.	No	n/a	n/a	
H.R. 2985	<i>8/2/2005-Enacted P.L. 109-55</i>	H.R. 2985-Makes appropriations for the Legislative Branch for FY 2006—includes the <i>Continuity in Representation Act of 2005</i> (H.R. 841) which establishes requirements for state special elections in the extraordinary circumstance that vacancies in the representation from the states in the House of Representatives exceed 100.	No	n/a	n/a	See information on H.R. 841.
H.R. 2690	<i>In Committee</i>	Voter Choice Act of 2005—requires states, beginning in 2008, to conduct general elections for federal office using an instant runoff voting system. Requires states to ensure that the voting equipment and technology used to conduct the elections is compatible with such a system.	No	n/a	n/a	
H.R. 3557	<i>In Committee</i>	Voter Outreach and Turnout Expansion Act of 2005—amends the Help America Vote Act of 2002. Requires states to permit individuals to register to vote at polling places on the date of an election, to cast ballots at designated polling places prior to the date of an election, and to obtain absentee ballots for an election for any reason, and for other purposes.	No	n/a	n/a	
H.R. 3734	<i>In Committee</i>	Displaced Citizens Voter Protection Act of 2005—requires each motor vehicle authority and each designated voter registration agency in a state to take necessary steps to notify individuals to whom services are provided of the protections provided by this Act and of the requirements for obtaining them, including the requirement to submit an affidavit stating that the individual intends to return to the place of residence where he or she is otherwise qualified to vote. (CRS)	No	n/a	n/a	

H.R. 3910	<i>In Committee</i>	Verifying the Outcome of Tomorrow's Elections Act of 2005—amends the Help America Vote Act of 2002. Establishes new requirements.	No	n/a	n/a	
H.R. 4844	9/20/2006, <i>Passed House</i>	Federal Election Integrity Act of 2006—requires proof of U.S. citizenship for registration for a federal election. Requires photo identification for voting.	Yes ³⁹	Yes	Yes	CBO estimates that it would cost states approximately \$75 million in 2008 and \$50 million in 2010 to provide its citizen with the requisite photo identification. In addition, CBO estimates that states would spend an additional \$70 million providing ID's to voters who cannot afford to purchase them. ⁴⁰
H.R. 4989	<i>In Committee</i>	Electoral Fairness Act of 2006—amends the Help America Vote Act of 2002 to revise requirements regarding: (1) provisional ballots; (2) treatment of voters casting votes after closing of polling places; (3) treatment of ballots after casting; (4) staffing and equipment; and (5) voter registration forms.	No	n/a	n/a	
H.R. 4094	<i>In Committee</i>	Redistricting Reform Act of 2005—establishes requirements regarding redistricting.	No	n/a	n/a	
H.R. 6200	<i>In Committee</i>	Paper Ballot Act of 2006—requires states to conduct presidential elections by paper ballot only; requires state to count the ballot by hand; limits collection of ballots to 500 count containers.	No	n/a	n/a	
S. 17	<i>In Committee</i>	Voting Opportunity and Technology Enhancement Rights Act of 2005—amends the Help America Vote Act of 2002 regarding: write-in absentee ballots, voter verification, minimums for voting systems and poll workers, election day registration, early voting and electronic voter registration. Outlines election administration requirements.	No	n/a	n/a	
S. 330	<i>In Committee</i>	Voting Integrity and Verification Act of 2005—amends the Help America Vote Act of 2002. Revises requirements for voting systems used in an election for federal office including voter verification and record keeping.	No	n/a	n/a	

S 414	<i>In Committee</i>	Voter Protection Act of 2005—amends the Help America Vote Act of 2002 concerning removal of registrants from voting rolls for failure to vote, use of Social Security numbers, requirements for submission of registration forms by third parties, return of absentee ballots, identification requirement, counting of provisional ballots, and applications for absentee ballots.	No	n/a	n/a
S. 450	<i>In Committee</i>	Count Every Vote Act of 2002—amends the Help America Vote Act of 2004. Requires a voter-verified paper record.	No	n/a	n/a
S. 2128	<i>3/3/2006 -Placed on Senate Legislative Calendar under General Orders.</i>	Lobbying Transparency and Accountability Act of 2006—authorizes new subpoena power for a Congressional commission that will analyze, review, and report on lobbying issue. ⁴¹	Yes ⁴²	Yes	
S. 2350	<i>In Committee</i>	Fairness and Independence in Redistricting Act of 2006— requires states to establish an independent commission during a congressional redistricting process.	No	n/a	
S. 2703	<i>7/26/2006, Passed Committee.</i>	Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006—extends bilingual election requirements through August 5, 2032.	Yes ⁴³	No	n/a
Eminent Domain/Land Use					
H.R. 3058	<i>11/30/2005-Enacted; P.L. 109-115</i>	H.R. 3058- Transportation/Treasury/Housing and Urban Development/Judiciary/District of Columbia, and Independent Agencies Appropriations Act, 2006— contains a provision that prohibits any funds in the Act to be used “...to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for public use.	No	n/a	n/a
H.R. 3135	<i>In Committee</i>	Private Property Rights Protection Act of 2005— prohibits a state or any political subdivision of a state to use economic development as a reason for exercising its power of eminent domain if federal funds would contribute in any way to: (1) the project for which the state's or political subdivision's power of eminent domain is exercised; or (2) the exercise and enforcement of the eminent domain power over that project.	No	n/a	n/a

H.R. 3315	<i>In Committee</i>	Amends Title I of the Housing and Community Development Act of 1974— Withholds community development block grant funds from states and communities that do not prohibit the use of the power of eminent domain that involves the taking of the property from private persons for commercial or economic development purposes and transfer of the property to other private persons.	No	n/a	n/a	
H.R. 3405	<i>10/31/2005-Passed out of House Committee</i>	Strengthening the Ownership of Private Property Act of 2005—directs federal agencies to deny economic development assistance to any state or local entity that uses its power of eminent domain, under certain circumstance. ⁴⁴	Yes ⁴⁵	No	n/a	CBO determined that this bill would “impose significant new conditions on the receipt of federal economic development assistance by state and local governments.” ⁴⁶
H.R. 3631	<i>In Committee</i>	Eminent Domain Limitation Act of 2005—makes a state ineligible to receive federal assistance for economic development unless it has a law relating to takings that prohibits the use of eminent domain for economic development.	No	n/a	n/a	
H.R. 4088	<i>In Committee</i>	Protect Our Homes Act—prohibits a federal, state, or local governmental entity from using the power of eminent domain to take private property for economic development purposes unless the entity meets specified conditions.	No	n/a	n/a	
H.R. 4128	<i>11/3/2005-Passed House</i>	Private Property Rights Protection Act of 2005—denies federal economic development assistance to any state or local entity that uses the power of eminent domain for economic development. ⁴⁷	Yes ⁴⁸	No	n/a	CBO determined that this bill would “impose significant new conditions on the receipt of federal economic development assistance by state and local governments.” ⁴⁹
S. 1704	<i>In Committee</i>	Private Property Rights Protection Act of 2005—prohibits the use of federal funds for eminent domain proceedings, where the taking is for economic development.	No	n/a	n/a	
S. 1895	<i>In Committee</i>	Private Property Rights Protection Act—prohibits the use of federal funds in eminent domain proceedings, unless the confiscated property is for public use.	No	n/a	n/a	

S. 3873	9/8/2006, Placed on Senate Legislative Calendar under General Orders.	Private Property Rights Protection Act of 2006—prohibits a state from receiving federal economic development funds where the state institutes eminent domain proceedings over property for economic development purposes.	No	n/a	n/a	
Environment, Energy and Natural Resources						
H.R. 6	8/8/2005-Enacted P.L. 109-58	H.R. 6-Energy Policy Act of 2006—“requires state and local governments to pay fees and dues to cover the cost of implementing and enforcing reliable standards for electric energy.” ⁵⁰ Preempts state law.	Yes	No	n/a	
H.R. 1958	In Committee	Stop Solid Waste Incineration Act of 2005—requires each state to adopt and submit to EPA a three-year implementation plan to achieve: (1) increased recycling; (2) water source pollution reduction; (3) restriction of landfill dumping; (4) the phasing out of solid waste incineration; (5) a waste reduction rate of ten percent; and (6) an increase in composting. Provides for federal implementation plans for States that fail to meet plan submission and approval requirements. Highway grants may be at risk if a state fails to meet the requirements. Provides grants to phase out the incineration of solid waste.	No	n/a	n/a	
H.R. 2211	In Committee	Limits liability of a service station dealer of certain corrective action regulations or standards promulgated under the Solid Waste Disposal Act under certain circumstances.	No	n/a	n/a	
H.R. 2361	8/2/2005-Enacted P.L. 109-54	FY 2006 Appropriations Bill for the Department of Interior, Environment, and Related Agencies—reduces funds for the Clean Water SRF and the State and Tribal Assistance Grants (STAG).	No	n/a	n/a	
H.R. 2491	9/6/2006, Passed House	International Solid Waste Importation and Management Act of 2005—impose requirements on some local governments that own solid waste facilities. Preempts the regulatory authority of some states.	Yes ⁵¹	Yes	Could not be determined.	CBO could not determine a cost for the requirements. ⁵² on local governments.
H.R. 2567	7/12/2006- Order to be Reported	Antifreeze Bittering Act of 2005— requires manufacturers of anti-freeze to add bittering agents. Preempts state tort law for liability relating to the addition of the bittering agent to anti-freeze.	Yes ⁵³	Yes	No	

			Yes ⁵⁵	Yes	No	
H.R. 3893	<i>10/7/2005-Passed House</i>	Gasoline for America's Security Act of 2005—"preempt the authority of state and local governments that receive a Presidential designation for the purposes of siting a refinery on federal lands within their borders. Governmental entities also would be subject to a judicial review and possibly fees associated with litigation if they do not comply with procedures associated with a Presidential designation." ⁵⁴	No	n/a	n/a	
H.R. 4601	<i>In Committee</i>	Nuclear Accountability Act—prohibits the operation of nuclear power plants unless there is a state and county certified radiological emergency response plan.	No	n/a	n/a	
HR 5124	<i>In Committee</i>	Fuel Blend Reduction Act of 2006—prevents the Administrator of the EPA from approving a state implementation plan or a revision thereof, except under certain circumstances.	No	n/a	n/a	
H.R. 5663	<i>In Committee</i>	Prohibits a state from receiving oil or gas produced in any other state or within the United States contiguous coastal zone, if the state does not permit oil and gas exploration within their border.	No	n/a	n/a	
H.R. 5678	<i>In Committee</i>	Pipeline Safety and Reliability Improvement Act of 2006—conditions grants aid on certification criteria for state damage prevention programs.	No	n/a	n/a	
H.R. 5782	<i>9/27/2006, Order Reported from House Energy and Commerce Committee</i>	Pipeline Safety Improvement Act of 2006—requires natural gas pipeline operators to meet certain standards and install certain equipment under certain circumstances.	Yes ⁵⁶	Yes	No	
S. 606	<i>5/26/2005- Placed on Senate Legislative Calendar under General Orders.</i>	Reliable Fuels Act—shields manufacturers of gasoline from liability claims based on the renewable content of their fuel, thereby limiting a state or local government from seeking damages.	Yes ⁵⁷	Yes	No	CBO based their estimate on the fact that no such lawsuits were pending. ⁵⁸
S. 858	<i>7/29/2005-Reported out of committee</i>	Nuclear Fees Reauthorization Act of 2005—extends the National Regulatory Commission's (NRC) authority to charge fees from it licenses (public and private) to collect up to 90 percent of its net appropriation. If this authority expired NRC would only be allowed to collect up to 33 percent. ⁵⁹	Yes ⁶⁰	Yes	n/a	According to CBO, less than 5 percent would be paid by nonfederal, publicly owned utilities. ⁶¹

S. 864	7/1/2005- Placed on Senate Legislative Calendar under General Orders.	Nuclear Security Act of 2005—"require[s] expanded security procedures at certain nuclear facilities, new guidelines for tracking spent fuel rods and segments at nuclear power plants, and a mandatory tracking system for radiation sources in the United States... the bill would preempt state laws restricting the use and transport of certain firearms and may preempt state regulation of the disposal of certain types of byproduct material by transferring that authority to the NRC." ⁶²	Yes ⁶³	Yes	No	
S. 865	6/30/2005-Reported out of Committee	Price-Anderson Amendments Act of 2005—raises the maximum annual premium.	Yes ⁶⁴	Yes	No	According to CBO, "under current law, in the event that losses from a nuclear incident exceed the required amount of private insurance, NRC licensees (both public and private) are assessed a charge to cover the shortfall in damage coverage. The bill would increase the maximum annual premium from \$10 million to \$15 million. Raising the maximum annual premium would increase the costs of an existing mandate and would thereby impose an intergovernmental and private-sector mandate under UIMRA." ⁶⁵
S. 1328 H.R. 3178	In Committee	Lead-Free Drinking Water Act of 2005—requires the secretary of EPA to finalize regulations regarding drinking water regulations for lead.	No	n/a	n/a	
S. 2589 S. 2610	In Committee	Nuclear Fuel Management and Disposal Act—preempts state regulatory requirements to material transported or stored in a Nuclear Regulatory Commission (NRC) certified container or disposal site. Also, prohibits state entities from administration of air quality affecting a federal facility or activity under the Nuclear Waste Policy Act of 1982.	No	n/a	n/a	

S. 2700	<i>5/3/2006- Placed on Senate Legislative Calendar under General Orders. Calendar No. 421.</i>	Affordable and Reliable Gas Act of 2006—prohibits the addition of a fuel to the state implementation plan or plan revision which is not included as of September 2004.	No	n/a	n/a	
S. 2724	<i>In Committee</i>	Clean Air Planning Act of 2006— establishes a national uniform multiple air pollutant regulatory program for ‘fossil fuel-fired electric generating facilities.’	No	n/a	n/a	
S. 3868	<i>In Committee</i>	Authorizes the Administrator of the EPA to impose sanctions upon a state or locality that does not implement a certain level of clean air standards.	No	n/a	n/a	
Health						
H.R. 277	<i>In Committee</i>	Comprehensive Insurance Coverage of Childhood Immunization Act of 2005—amends the Public Health Service Act and the Employee Retirement Income Security Act of 1974. Requires comprehensive health insurance coverage for childhood immunization to be provided by health plans and insurance issuers in both group and individual markets.	No	n/a	n/a	
H.R. 525 S. 406	<i>7/26/2005-Passed House</i>	Small Business Health Fairness Act of 2005—limits the ability of states to tax certain association health plans.	Yes ⁶⁶	Yes	No	CBO determined that the combination of tax changes in this bill would have a mixed effect on state tax collections. State revenues would decrease by over \$25 million in 2006. States would realize a net increase in revenues of approximately \$10 million in 2010. The loss to states in the early years would not exceed the statutory thresholds in UMRA. ⁶⁷
H.R. 554	<i>10/21/2005- Placed on Senate Legislative Calendar under General Orders; 10/19/2005-Passed House</i>	Personal Responsibility in Food Consumption Act of 2005—prohibits state, local and tribal governments and the private sector from pursuing certain civil lawsuits as it relates to obesity and other health-related issues. Preempts state law.	Yes ⁶⁸	Yes	No	

			Yes ⁶⁹	No	
H.R. 748	<i>4/27/2005-Passed House; 7/1/2005-Placed on Senate Calendar</i>	Child Interstate Abortion Notification Act—requires doctors, in certain cases, to provide parental notification prior to performing an abortion on a minor.		No	
H.R. 765	<i>In Committee</i>	Fair Care for the Uninsured Act of 2005—requires each health insurer, health maintenance organization, and health service organization to participate in a state-established health insurance safety net to assure the availability of health insurance to uninsurable individuals. Funds such safety nets through assessments against such insurers and organizations. Permits such insurers and organizations to add the costs of such assessments to the costs of their insurance or coverage. In the case of a State that has not established, as of the date of the enactment of this Act, a high risk pool or other comprehensive health insurance program that assures the availability of qualified health insurance coverage to all eligible individuals residing in the State, a safety net shall be established in accordance with the requirements of the 'Model Health Plan For Uninsurable Individuals Act' (or the successor model Act), as adopted by the National Association of Insurance Commissioners and as in effect on the date of the safety net's establishment. (CRS summary.)	n/a	n/a	
H.R. 1000	<i>In Committee</i>	Requires that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.	n/a	n/a	
H.R. 1341	<i>In Committee</i>	Requires each state to provide a minimum level of access to health care to all citizens as a condition for participation in federal health care funding programs.	n/a	n/a	
H.R. 1402	<i>In Committee</i>	Paul Wellstone Mental Health Equitable Treatment Act of 2005—amends ERISA and the PHS Act. Requires mental health benefits to be provided at parity with medical-surgical benefits. Provides for some exceptions if out-of-network.	n/a	n/a	
H.R. 1993	<i>In Committee</i>	Living Organ Donor Job Security Act of 2005—amends the Family and Medical Leave Act of 1993 (FMLA). Entitles employees covered by FMLA to leave to provide a living organ donation.	n/a	n/a	

H.R. 2133	<i>In Committee</i>	Health Security for All Americans Act—guarantees health insurance coverage for all Americans. While first a voluntary program, states are required to submit a plan to participate by 2008. For states that fail to participate, the bill allows any resident to bring a cause of action against the state in federal district court.	No	n/a	n/a	
HR 2259 HR 2650 S 1012	<i>In Committee</i>	Patient Protection Act of 2005—amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage	No	n/a	n/a	
H.R. 2355	<i>2/16/2006- Placed on the Union Calendar</i>	Health Care Choice Act of 2005—preempts a broad range of insurance laws that otherwise would apply to health insurance issuers that are licensed in one state (the primary state) and provide insurance coverage in another state (a secondary state). ⁷⁰	Yes ⁷¹	Yes	No	CBO estimates that increased enrollment in Medicaid (as a result of people that would lose private coverage) would result in additional spending by states of \$760 million over the 2007-2015 period. States could also lose some revenues as a result of lower collections for licensing fees, although minimal. ⁷²
H.R. 2759	<i>In Committee</i>	Equity in Fertility Coverage Act of 2005—requires a group health plan and a health insurance issuer offering group health insurance coverage that provides coverage for impotency medications such as Viagra to also provide coverage of fertility treatments.	No	n/a	n/a	
H.R. 3010	<i>12/30/2005-Enacted; P.L. 109-149</i>	FY 2006 Appropriations Bill for Labor/HHS/Education—both the House and Senate bills reduce funding below the FY 2005 level for several programs.	No	n/a	n/a	
H.R. 3516	<i>In Committee</i>	Substance Abuse Group Home Amendments of 2005—establishes new requirements regarding the location and monitoring of group homes.	No	n/a	n/a	

H.R. 4062	<i>In Committee</i>	Pandemic Preparedness and Response Act—requires a state, as a condition of receiving funds from the CDC or HRSA related to bioterrorism, to: (A) designate an official or office as responsible for pandemic influenza preparedness; (B) submit to the Director of the Centers for Disease Control and Prevention a Pandemic Influenza Preparedness Plan described under paragraph (2); and (C) have such Preparedness Plan approved in accordance with this subsection	No	n/a	n/a	
H.R. 4519	<i>2/10/2006-Enacted; P.L. 109-172</i>	State High Risk Pool Funding Extension Act of 2006— provides grant funding for state high risk health insurance pools that meet premium and coverage requirements; ‘bonus’ grants are available where a state provides supplemental benefit(s) to enrollees, including low-income premium subsidies, a reduction in premiums, expansion persons eligible for coverage flexibility of coverage for pre-existing conditions, or an established disease management program. The described ‘bonus’ grants constitute an existing grant program that imposes new conditions grant aid.	No	n/a	n/a	
H.R. 5009	<i>In Committee</i>	Ryan White CARE Act Amendments of 2006— requires recipients of HIV-related grants to expend not less than 75 percent of such funds on primary medical care. Amends the formula for awarding grant funds. Makes ineligible for funding any state or locality that imposes significant barriers to partner notification programs or routine testing.	No	n/a	n/a	
H.R. 5122	<i>10/5/2006, Presented to the President.</i>	National Defense Authorization Act for Fiscal Year 2007—prohibits employers and other providers of group health coverage from offering incentives to military retirees and their dependents to decline enrollment in the group health plan in favor of relying on TRICARE as the primary source of health coverage. Increase the maximum number of days that some reservists could be called to active duty. ⁷³ Increases the number of days in which a reservist may be called to active duty. Increases the mandatory retirement age of certain officer reservists.	Yes ⁷⁴	Yes	No	CBO estimates that the mandate regarding TRICARE would total between \$35 million and \$45 million annually. ⁷⁵
H.R. 5135	<i>In Committee</i>	Amends the Internal Revenue Code to include any meningococcal vaccine as a taxable vaccine for excise tax purposes.	No	n/a	n/a	

H.R. 5209	<i>In Committee</i>	Safe Tissue Act—establishes a user fee program to fund inspections by the FDA of tissue banks. Requires the development of a model consent form. Establishes civil penalties for failure to use the model form. Requires the promulgation of regulations to accredit establishments and personnel and reasonable payments.	No	n/a	n/a
H.R. 5312	<i>In Committee</i>	Indian Health Care Improvement Act Amendments of 2006—preempts state licensing law relating to license fees applicable to health care professionals practicing in a state under a tribal contract in which they are not licensed.	Yes ⁶	Yes	No
S. 948	<i>In Committee</i>	Safe Health Care Reporting Act of 2005—requires state licensing boards to report to the National Practitioner Data bank regarding certain information. Amends Medicaid to require states to implement a system to report criminal background information to the Data Bank.	No	n/a	n/a
S. 1085 H.R. 1902 S. 932	<i>S. 1085 was placed on Senate Legislative Calendar under General Orders on 5/20/2005; [H.R. 1902 and S. 932 remain in Committee]</i>	Healthy Families Act—requires employers to provide certain employees with paid sick leave.	No	n/a	n/a
S. 1214	<i>In Committee</i>	Equity in Prescription Insurance and Contraceptive Coverage Act of 2005—requires equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.	No	n/a	n/a
S. 1235	<i>6/15/2006- Enacted; P.L. 109-233</i>	Veterans' Housing Opportunity and Benefits Improvement Act of 2006—prohibits public health insurance providers from raising premiums on active-duty service members and reservists who choose to reinstate or continue previously held policies upon returning from active duty.	Yes ⁷⁷	Yes	No
S. 1264	<i>In Committee</i>	Compassionate Assistance for Rape Emergencies Act—provides for the provision by hospitals of emergency contraceptives to women, and post-exposure prophylaxis for sexually transmitted disease to individuals, who are survivors of sexual assault.	No	n/a	n/a

	<i>7/26/2004-Placed on Senate Legislative Calendar under General Orders</i>	Medical Device User Stabilization Act of 2005— extends a requirement that state, local or tribal governments that manufacture medical devices for commercial purposes pay a fee.	Yes ⁷⁸	Yes ⁷⁹	No	CBO is unaware of any case in which a state, local or tribal government manufactures such devices for commercial purposes. ⁸⁰
S. 1420	<i>In Committee</i>	Hurricane Katrina Emergency Health Workforce Act of 2005—requires hospitals that receive funding for graduate medical education to provide disaster preparedness training as part of their program.	No	n/a	n/a	
S. 1638	<i>In Committee</i>	Pandemic Preparedness and Response Act — requires states to implement a pandemic influenza preparedness plan (as a condition of receiving certain funds related to bioterrorism); requires states to maintain a minimum surveillance activities relating to pandemic influenza.	No	n/a	n/a	
S. 1821	<i>In Committee</i>	Community Living Assistance Services and Supports Act (CLASS) — requires each State to assess the extent to which entities are serving as personal care attendant workers to individuals receiving benefits under the CLASS program and ensure that such entities do not impede the ability of such individuals to retain, manage, or dismiss such workers or inhibit such individuals from relying on family members for personal care services.	No	n/a	n/a	
S. 1951	<i>In Committee</i>	Title X Family Planning Act— prohibits family planning grants to be given to an entity that performs abortions.	No	n/a		
S. 2206	<i>In Committee</i>	Consumer Assurance of Radiologic Excellence Act of 2006— establishes minimum certification standards for entities providing medical imaging and radiation therapy services.	No	n/a		
S. 2322	<i>9/22/2006, Order Reported from Senate Health, Educations, Labor and Pensions</i>	Ryan White CARE Act Amendments of 2006— reauthorizes the Ryan White Act and establishes additional conditions on grant aid.	No	n/a		
S. 2339	<i>In Committee</i>	Freedom of Choice Act— creates standing for a civil action against any government entity interfering with the termination of a pregnancy prior to viability or in case of danger to the health or life of a woman.	No	n/a	n/a	
S. 2593	<i>In Committee</i>		No	n/a	n/a	

S. 2609	<i>In Committee</i>	Safe Tissue Act – preempts state consent laws relating to obtaining consent from a potential donor of human cells, tissues, or cellular or tissue-based products.	No	n/a	n/a	
S. 2611 S. 2612	<i>S. 2611 passed the Senate on 5/25/2006</i> <i>[S. 2612 remains In Committee]</i>	Comprehensive Immigration Reform Act of 2006—requires state and local governments to verify work eligibility of all new employees and existing employees of critical employers (“critical employer” designation guidelines will be established by the Secretary of the Department of Homeland Security); prohibits state and local governments from “imposing fees or penalties on employers for hiring unauthorized workers;” preempts state and local law regarding enforcement of civil and criminal immigration laws, which potentially expands state and local law enforcement authority under existing state law; ⁸¹ preempts state law relating to private rights of actions for temporary agricultural workers; preempts state insurance requirements; and requires state and local government to consult with communities in Mexico before installing various security measures. ⁸²	Yes ⁸³	Yes	See comments	The cost of complying with regulations to verify work eligibility is estimated to range from \$30 million through \$85 million in the first year the requirements were in effect. Until the regulations are made final, CBO cannot determine whether the costs for state and local governments would exceed the annual threshold established in UMRA. ⁸⁴ In addition, S. 2611 would increase the number of legal permanent residents eligible for Medicaid, which would cost states about \$12 billion over the 2007-2016 period.
S. 2766	<i>6/22/2006- Passed Senate</i>	National Defense Authorization Act for Fiscal Year 2007— prohibits group health care providers from offering incentives to military retirees to opt for TRICARE instead of coverage under a group health plan. Increases the number of days in which a reservist may be called to active duty. Increases the mandatory retirement age of certain officer reservists.	Yes ⁸⁵	Yes	No	
S. 3546 H.R. 6168	<i>S. 3546—9/5/2006, Placed on Senate Legislative Calendar under General Order H.R. 6168</i> <i>—In Committee</i>	Dietary Supplement and Nonprescription Drug Consumer Protection Act— preempt state laws regarding reports of adverse reactions to dietary supplements.	Yes ⁸⁶	Yes	No	
S. 3815	<i>In Committee</i>	Long-term Care Quality and Modernization Act of 2006 –require states to establish a process for joint training and education of surveyors on an annual basis	No	n/a	n/a	

S. 3945	<i>In Committee</i>	Compassionate Assistance for Rape Emergencies Act—requires a hospital receiving federal funds to provide sexual assault victims, under certain circumstances, emergency contraception, treatment and counseling for injuries and sexually transmitted disease.	No	n/a	n/a
Health-Medicaid					
H.Con.Res. 95	<i>4/27/2005-Passed House and Senate</i>	FY 2006 Budget Resolution—paves the way for a potential \$10 billion reduction in projected federal Medicaid expenditures in FYs 2007 to 2010.	No	n/a	n/a
H.R. 286	<i>In Committee</i>	Medicaid Obesity Treatment Act of 2005—requires Medicaid coverage of drugs prescribed for treatment of obesity.	No	n/a	n/a
H.R. 287	<i>In Committee</i>	Legal Immigrant Health Restoration Act of 2005—requires a state plan to provide medical assistance to eligible permanent resident pregnant women and children under the Medicaid and SCHIP programs.	No	n/a	n/a
H.R. 594	<i>In Committee</i>	Oral Health Promotion Act of 2005—adds dental services to coverage provided under SCHIP.	No	n/a	n/a
H.R. 801	<i>In Committee</i>	Expands Medicaid coverage of certain screening procedures for diabetic retinopathy.	No	n/a	n/a
H.R. 1144	<i>In Committee</i>	Continues state coverage of Medicaid prescription drug coverage to Medicare dual eligible beneficiaries for 6 months while still allowing the Medicare part D benefit to be implemented as scheduled.	No	n/a	n/a
H.R. 1410	<i>In Committee</i>	Menopausal Hormone Replacement Therapies and Alternative Treatments and Fairness Act—includes alternative treatments for hormone replacement therapy for menopausal symptoms under Medicaid.	No	n/a	n/a

H.R. 1426	<i>In Committee</i>	Consumer Assurance of Radiologic Excellence Act—prohibits certain Medicaid payments to states for expenditures for medical imaging procedures or radiation therapy procedures, unless the state meets specified requirements for state medical radiation licenses, including minimum licensing standards established by the Secretary of Health and Human Services.	No	n/a	n/a	
H.R. 3454	<i>In Committee</i>	Requires Medicaid coverage of disabled children and individuals who become disabled as children, without regard to income or assets.	No	n/a	n/a	
H.R. 3917	<i>In Committee</i>	Large Employer Medicaid and SCHIP Responsibility Act of 2005—makes any large employer that employs one or more employees enrolled (or any of whose spouses or dependent children are enrolled) under Medicaid or SCHIP for a month in a year liable to the Secretary of HHS for payment of a per capita penalty with respect to each such employee, spouse, or dependent.	No	n/a	n/a	
H.R. 4624	<i>In Committee</i>	Special Care Dentistry Act of 2005—provides for an expansion of EPSDT. Requires States to provide oral health services to children and aged, blind, or disabled individuals under the Medicaid Program. Requires coverage for children for transportation to services.	No	n/a	n/a	
S. 566	<i>In Committee</i>	Requires states to continue coverage of Medicaid prescription drug coverage to Medicare dual eligible beneficiaries for 6 months while still allowing the Medicare part D benefit to be implemented as scheduled.	No	n/a	n/a	This would require an offset, which could have an indirect impact on state spending.
S. 948	<i>In Committee</i>	Safe Health Care Reporting Act of 2005—requires state licensing boards to report to the National Practitioner Data bank regarding certain information. Requires certain health care entities to report information to the Data Bank. Amends Medicaid to require states to implement a system to report criminal background information to the Data Bank.	No	n/a	n/a	
S. 1286	<i>In Committee</i>	Health Care Accountability Act—requires states to report data on Medicaid beneficiaries who are employed.	No	n/a	n/a	

S. 1527	<i>9/19/2005-Placed on the Senate Calendar</i>	Vaccine Access and Supply Act—amends Medicaid to prohibit a provider from imposing a co-payment, cost sharing charge, or similar charge for administering to an eligible individual a vaccine that is included on the recommended vaccine schedule for adults.	No	n/a	n/a	
S. 2137	<i>In Committee</i>	All Kids Health Insurance Coverage Act of 2005—makes all uninsured children eligible for the State children's health insurance program and encourages States to increase the number of children enrolled in the Medicaid and State children's health insurance programs by simplifying the enrollment and renewal procedures for those programs.	No	n/a	n/a	
S. 2164	<i>In Committee</i>	Health and Welfare Relief Act of 2005—requires a State, as a condition of participation in the Medicaid program, to provide medical assistance to DRM-eligible Katrina Survivors during the DRM coverage period.	No	n/a	n/a	
S. 3524	<i>7/12/2006- Reported from Committee</i>	Medicare, Medicaid, and SCHIP Indian Health Care Improvement Act of 2006— conditions the receipt of grant aid by requiring a state to disregard certain property in determining eligibility for medical assistance under Medicaid.	Yes ⁸⁷			“CBO estimates that state spending for Medicaid and SCHIP would increase by about \$93 million over the 2007-2016 period to comply with those new requirements.” ⁸⁸
Human Services						

TANF Reauthorization – A number of bills have been introduced regarding the reauthorization of TANF. With the enactment of the Deficit Reduction Act (S. 1932; P.L. 109-171), which reauthorized TANF, those bills have been removed from this table.

H.R. 2409	<i>In Committee</i>	Child Support Reinvestment Act of 2005—amends part D (Child Support and Establishment of Paternity) of title IV of the Social Security Act with respect to the administrative penalty incurred by a state for failure of its plan for child and spousal support to have in effect an automated data processing and information retrieval system meeting all federal requirements.	No	n/a	n/a	
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H.R. 2623	<i>In Committee</i>	Reduces foster care payments to a state by 10 percent if they are not operating a DNA test in accordance with certain standards.	No	n/a	n/a	
H.R. 5167	<i>In Committee</i>	Child Nutrition Promotion and School Lunch Protection Act of 2006—requires the Secretary of Agriculture to revise the definition of "food of minimal nutritional value," the sale of which in areas where school meals are sold or eaten is prohibited as a condition for federal funding of school lunch and breakfast programs.	No	n/a	n/a	
H.R. 5403 S. 2999	<i>H.R. 5403: 7/3/2006—Enacted; P.L. 109-239</i>	Safe and Timely Interstate Placement of Foster Children Act of 2006—requires states to complete home studies to assess the suitability of placing a child in foster and adoptive homes within 60 days, 75 days in certain circumstances.	Yes ⁸⁹	Yes	No	n/a
H.R. 6133	<i>In Committee</i>	Cytology Proficiency Improvement Act of 2006—establishes mandatory continuing medical education requirements for individuals screening and evaluating gynecologic cytology preparations.	No	n/a	n/a	
S. 525	<i>8/31/2005-Placed on the Senate Calendar</i>	Caring for Children Act of 2005—amends the Child Care and Development Block Grant Act of 1990 (CCDBG). Makes changes to the program.	Yes ⁹⁰	No	n/a	Any costs resulting from additional requirements of the bill would be incurred by states voluntarily as conditions of receiving the grant. ⁹¹
S. 923	<i>In Committee</i>	TANF Financial Education Promotion Act of 2005—amends TANF to require a state to specify in its state plan how it intends to promote financial education among parents and caretakers receiving TANF through collaboration with certain organization.	No	n/a	n/a	
S. 1385	<i>In Committee</i>	Fair Treatment and Due Process Protection Act of 2005—amends TANF to require a state to provide appropriate interpreter and translation services under certain circumstances. Reduces the state's family assistance grant as a penalty for states failing to comply. Requires a pre-sanction review process. Again, provides for penalties. Revises data collection and reporting requirements.	No	n/a	n/a	

S. 1932	2/8/2006-Enacted; P.L. 109-171	Deficit Reduction Act of 2005—makes numerous changes to state-federal partnerships—TANF, Medicaid.	Yes ⁹²	Yes	Yes	As it relates to the child support enforcement program, eliminates federal matching funds for administrative expenses funded by incentive payments to states. Payments totaled \$450 million in 2004 and would grow under current law to \$505 million in 2010. CBO expects states would boost their spending to avoid half of the reduction. This increase would amount to more than \$100 million a year starting in FY 2008. n/a
S. 3525	9/28/2006-Enacted; P.L. 109-299	The Child Family Services Improvement Act of 2006—creates a new national standard that 90 percent of children in foster care receive a monthly visit from their caseworker. States must meet the new standard by October 1, 2011. The law also places a 10 percent cap on administrative fees for child welfare service funds (Title IV-B Part 1).	Yes ⁹⁴	No	n/a	n/a
Information Protection						
H.R. 1745	<i>In Committee</i>	The Social Security Number (SSN) Privacy and Identity Theft Prevention Act of 2005—restricts the sale and display to the general public of SSNs or any derivatives of a SSN by federal, state, and local governments and bankruptcy case trustees. Prohibits the display of SSNs (or any derivatives) on checks issued for payment by such governments or on employee identification cards or tags. The legislation would also prohibit access to the SSNs of other individuals by prisoners employed by federal, state or local governments.	No	n/a	n/a	n/a

H.R. 3997	<i>5/24/2006- Order Reported by Committee.</i>	Data Accountability and Trust Act (DATA)—requires state attorneys general to notify the Federal Trade Commission of any action taken under the bill.	Yes ⁹⁵	Yes	No	“Require[s] state entities that regulate insurance to enforce certain administrative rules and would explicitly preempt laws in about 20 states that regulate the protection and use of certain personal data.” ⁹⁶
H.R. 4127	<i>6/2/2006- Placed on Senate Union Calendar</i>	Financial Data Protection Act of 2006—requires state entities that regulate insurance to enforce certain administrative rules. Preempts laws in about 20 states that regulate the protection and use of certain personal data.	Yes ⁹⁷	Yes	No	n/a
H.R. 4157	<i>8/3/2006- Placed on Senate Legislative Calendar; 7/27/2006- Passed House</i>	Health Information Technology Promotion Act of 2006—preempts certain state laws relating to confidentiality of health information. Preempts civil or criminal penalties for exchanging health information technology.	Yes ⁹⁸	Yes	No	
S. 1332	<i>7/1/2006- Placed on Senate Legislative Calendar</i>	The Personal Data Privacy and Security Act of 2005—prohibits the display, sale or purchase of a SSN without an individual’s voluntary and affirmatively expressed consent. Extends the prohibition on display to public records while providing an exception for records which display only a truncated SSN (last 4 digits), records posted on the internet or in electronic medium prior to the enactment of the Act, or for law enforcement purposes. Prohibits the display of SSNs on government issued checks and prohibit inmate access to SSNs of other individuals.	No	n/a	n/a	
S. 29	<i>In Committee</i>	Social Security Number Misuse Prevention Act—prohibits under the federal criminal code the display, sale, or purchase of an SSN without the affirmatively expressed consent of the individual.	No	n/a	n/a	

<p>S. 115 S. 751 S. 1326 H.R. 1069</p>	<p>S. 1326: 10/20/2005- <i>Placed on Senate Legislative Calendar under General Orders; [S. 115, S. 751, H.R. 1069 remain In Committee</i></p>	<p>Notification of Risk to Personal Data Act—requires any agency or person that owns or licenses computerized data containing sensitive personal information to implement and maintain reasonable security and notification procedures and practices.</p> <p>In particular, S. 1326 require state and local governments—including public schools and universities—to implement and maintain certain security procedures and notify affected individuals and credit-reporting agencies of any breach of security that could result in identity theft. Preempts state laws regarding the treatment of personal information in at least 19 states and place certain notification requirements and limitations on state attorneys general and state insurance authorities.</p>	<p>Yes⁹⁹</p>	<p>Yes</p>	<p>Yes</p>	<p>While the costs are unknown, CBO expects them to exceed the threshold.¹⁰⁰</p>
<p>S. 116</p>	<p><i>In Committee</i></p>	<p>The Privacy Act of 2005—prohibits the appearance of SSN in public records inclusive of paper and electronic documents, on checks issued for payment by government agencies, driver’s licenses and vehicle registration documents.</p>	<p>No</p>	<p>n/a</p>	<p>n/a</p>	
<p>S. 768</p>	<p><i>In Committee</i></p>	<p>The Comprehensive Identity Theft Prevention Act—prohibits the display of SSNs on identification cards or tags and prohibits the access by prison inmates to SSNs. Establishes notification requirements regarding a data security breach.</p>	<p>No</p>	<p>n/a</p>	<p>n/a</p>	
<p>S. 1408</p>	<p><i>12/8/2005- Placed on Senate Legislative Calendar under General Orders</i></p>	<p>Identity Theft Protection Act—prohibits the display of an SSN, or any derivative of the SSN, on identification cards or driver’s licenses. Prohibits any executive, legislative or judicial agency or instrumentality of the federal, state, or local government from employing or entering into a contract to use prison inmates that would allow them access to the SSNs of other individuals. Establishes notification requirements regarding a data security breach.</p>	<p>Yes¹⁰¹</p>	<p>Yes</p>	<p>Yes</p>	<p>While the actual cost of the imposed mandates are uncertain, CBO estimates that the aggregate costs of compliance would exceed the threshold established in UJMRA in at least one of the first five years after the mandates go into effect.¹⁰²</p>

S. 1789	<i>11/17/2005 -Placed on Senate Legislative Calendar under General Orders</i>	Personal Data Privacy and Security Act of 2005— requires any state or local entity disclosing sensitive personally identifiable information to provide notice to the individual whose information was disclosed (or has a reasonable belief that such information was disclosed); preempts state law regarding the treatment of personal information and enforcement mechanisms.	Yes ¹⁰³	Yes	Yes	“While the aggregate costs of complying with the mandates are uncertain, CBO estimates that the notification requirements would impose the most significant costs on state and local governments... CBO estimates that the total costs to state, local, and tribal governments of the mandates would likely exceed the threshold established in UMRA (\$64 million in 2006, adjusted annually for inflation) in at least one of the first five years that the mandates go into effect.” ¹⁰⁴
S. 2169	<i>In Committee</i>	Financial Data Protection Act of 2005—requires each state to have an affirmative obligation to implement reasonable security measures to protect the security and confidentiality of sensitive financial personal information and conduct a reasonable investigation as necessary to determine whether or not a security breach has occurred. Security measures shall be enforced exclusively by the functional regulatory agencies under its jurisdiction.	No	n/a	n/a	
S. 2389	<i>5/9/2006- Placed on Senate Legislative Calendar under General Orders</i>	Protecting Consumer Phone Records Act— preempts state law regarding protection the customer proprietary network information, which includes customer phone records; State Attorneys General are required to provide notice to the FTC and FCC of actions taken under the legislation, and limits actions that may be taken by the Attorneys General in certain circumstances.	Yes ¹⁰⁵	Yes	No	

S. 3514	<i>In Committee</i>	Social Security Number Online Protection Act of 2006—prohibits state and local government from displaying the last four digits of any social security number on the Internet; failure to comply may subject the state or local entity to a fine of up to \$5,000 a day; authorizes the Attorney General to bring a civil action against a state, local government, or contractor of, to enforce this act; grants may be awarded to the states to comply with this legislation.	No	n/a	n/a	
H.R. 1078	<i>In Committee</i>	Social Security Number Protection Act of 2005—preempt state law relating to the purchase and sale of social security numbers; requires state Attorney General to notify the Federal Trade Commission of action taking under the bill	Yes ¹⁰⁶	Yes	No	
H.R. 744	5/24/2006, <i>In Committee</i> 5/23/2006- <i>Passed House</i>	Internet Spyware (I-SPY) Prevention Act of 2005—establishes a federal crime to prevent the use spy-ware to collect personal information of persons; prohibits state enforcement of the statute.	Yes ¹⁰⁷	Yes	No	
H.R. 5318	6/22/2006- <i>Placed on House Union Calendar</i>	Cyber-Security Enhancement and Consumer Data Protection Act of 2006— requires state government to notify federal officials of a data breach involving more than 10,000 individuals or more.	Yes ¹⁰⁸	Yes	No	
S. 3568	<i>In Committee</i>	Data Security Act of 2006 — preempts state consumer protection law relating to information security measures instituted by states.	No	n/a	n/a	
Justice/Homeland Security						
H.R. 95	<i>In Committee</i>	Dru Sjodin National Sex Offender Public Database Act of 2005—establishes new requirements regarding sexually violent predators. States that fail to comply within 3 years will loose 25 percent of funds they would otherwise be allocated under section 20106(b) of the Violent Crime Control and Law Enforcement Act of 1994.	No	n/a	n/a	
H.R. 800	<i>No further action, see S. 397, which became P.L. 109-92.</i>	Protection of Lawful Commerce in Arms Act—prohibits state, local and tribal governments and the private sector from pursuing lawsuits against certain organizations as it relates to firearms and ammunition. Preempts state law on related issues.	Yes ¹⁰⁹	Yes	No	

		Trafficking Victims Protecting Reauthorization Act of 2005—requires courts to order the property of convicted traffickers be forfeited to the federal government. Preempts state laws.	Yes ¹¹⁰	Yes	No
H.R. 972	<i>1/10-/2006-Enacted; P.L. 109-164</i>		No	n/a	n/a
H.R. 2305	<i>In Committee</i>	Prohibits funds provided by the federal government to a state or local government for the purpose of providing core correctional services from being used to contract with private contractors or vendors to provide such activities.	No	n/a	n/a
H.R. 2360	<i>10/18/2005-Enacted; P.L. 109-90</i>	FY 2006 Appropriations Bill for the Department of Homeland Security—both the House and Senate versions reduce funding below the FY 2005 level for the State Homeland Security Grant Program (SHGP).	No	n/a	n/a
H.R. 2398	<i>In Committee</i>	Requires each correctional institution or facility to establish and carry out a system of notice to ensure that persons being released from that institution or facility are informed of the right to vote protected by this Act.	No	n/a	n/a
H.R. 2620	<i>In Committee</i>	No more Tullias: Drug Law Enforcement Evidentiary Standards Improvement Act of 2005—withholds the states allotment of funds under section 506 of the Omnibus Crime Control and Safe Streets Act of 1968 or any amount from any other law enforcement assistance program of the Department of Justice unless the state (1) does not fund any drug task force for that fiscal year and (2) has in effect certain laws. Requires states to collect certain data.	No	n/a	n/a
H.R. 2862	<i>11/22/2005-Enacted; P.L. 109-108</i>	FY 2006 Appropriations bill for Science, Justice and Commerce—reduces funding for several programs.	No	n/a	n/a

H.R. 3132	9/14/2005- <i>Passed House</i>	Children's Safety Act of 2005—eliminates a state's ability to opt out of federal requirements to conduct background checks and make alternative placements in the foster care program. The bill also adds new requirements to existing grant programs for state, local, and tribal governments. ¹¹	Yes ¹²	Yes	n/a	CBO found that while all states do background checks for placements, nine states do not automatically disqualify potential guardians for some offenses, as the bill would require. According to CBO, states would have to either forgo federal payments for placements that do not meet the new requirements or find alternative placements with guardians who have no disqualifying history. As it relates to the new conditions of grant aid, CBO determined that cost to those governments would be \$80 million over the 2006-2010 period for the creation of new registries, monthly verification of offender addresses, and collection of DNA. ¹³
H.R. 3199	3/9/2006- <i>Enacted; P.L. 109-177</i>	USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005—extends the Patriot Act until December 31, 2009.	Yes ¹⁴	No	No	
H.R. 3402 (encompasses S. 1197)	1/5/2006— <i>Enacted P.L. 109-162</i>	Violence Against Women Act of 2005—increases the number of protection orders state, tribal and territorial governments must enforce by expanding the mandate to include U.S. territories.	Yes ¹⁵	Yes	No	
H.R. 3509	7/29/2006, <i>Order Reported from House Judiciary</i>	Workplace Goods Job Growth and Competitiveness Act of 2005—preempts state statutes of limitations in liability proceedings.	Yes ¹⁶	Yes	No	

H.R. 3565	<i>In Committee</i>	Ready, Willing, and Able Act—creates a working group to increase public participating in community-based disaster planning efforts. States are required to take specific steps to comply with the recommendations of the working group.	No	n/a	n/a	
H.R. 3594	<i>In Committee</i>	Domestic Violence Victim Protection Act—amends grant eligibility criteria for certain federal grants as it relates to state laws authorizing gun confiscation by law enforcement officers in certain domestic violence cases.	No	n/a	n/a	
H.R. 3772	<i>In Committee</i>	Protecting Our Children from Sexual Predators Act of 2005—establishes new requirements regarding the issuance of driver's licenses and identification cards to sex offenders. Provides 2 years for implementation. Penalties include the loss of 10% of funds under the Byrne, Local Government Law Enforcement Block Grants program and any other program under which the Attorney General provides grants or financial assistance.	No	n/a	n/a	
H.R. 3776	<i>In Committee</i>	Scott Gardner Act—requires the director of each state and local law enforcement agency to collect and report to the Secretary all immigration and DWI information collected in the course of normal duties. Requires each state motor vehicle administrator to share with the Secretary all information concerning aliens with records of DWI convictions or refusals to take sobriety tests. Failure to comply, results in a loss of funds to the state regarding reimbursement for the incarceration of an undocumented criminal alien.	No	n/a	n/a	
H.R. 3889	<i>11/17/2005-Reported out of Committee</i>	Methamphetamine Epidemic Elimination Act—requires tighter controls for selling and storing over-the-counter drugs containing pseudoephedrine, ephedrine, or phenylpropanolamine. Preempts certain state laws.	Yes ¹¹⁷	Yes	No	CBO stated in its report that “very few public pharmacies would be affected by the new requirements.” ¹¹⁸
H.R. 3920	<i>In Committee</i>	Domestic Violence Courts Assistance Act—requires a state to certify that at least 5% of certain grants be allocated for specialized domestic violence courts.	No	n/a	n/a	
H.R. 3938	<i>In Committee</i>	Enforcement First Immigration Reform Act of 2005—requires states as employers to participate in the federal Employment Eligibility Verification System.	No	n/a	n/a	

H.R. 4225	<i>In Committee</i>	Victims of Violence Confidentiality Act of 2005—requires states to keep confidential the addresses of victims of domestic violence otherwise included in the state's computerized statewide voter registration list.	No	n/a	n/a	
H.R. 4437	<i>12/16/2005-Passed House</i>	Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005—requires state and local governments and other entities that recruit or refer employees, to submit certain information about that individual to the employee verification system administered by the Department of Homeland Security.	Yes ¹¹⁹	Yes	Yes	
H.R. 5013	<i>8/4/2006- In Committee; 7/25/2006- Passed House</i>	Disaster Recovery Personal Protection Act of 2006—prevents state law enforcement from prohibiting or confiscating possession of legally-held firearms during a disaster or emergency.	Yes ¹²⁰	Yes	No	

H.R. 4472	7/27/2006-Enacted; P.L. 109-248	Children's Safety and Violent Crime Reduction Act of 2005—requires states to create statewide sex offender registry databases according to federal standards to be established by the Attorney General. They also require a plethora of information to be collected and monitored by the state, including DNA samples, and reported to the Attorney General. Any state that does not comply within the designated time period will have its registry program taken over by the Department of Justice <i>and</i> will lose 10 percent of the Byrne Grant and/or LLEBG funding for the applicable fiscal year.	Yes ¹²¹	No	CBO determined additional requirements for states to conduct background checks of national criminal databases; make alternative placements in the foster care program according to federal requirements (or lose federal funds); preemption of state authority to regulating firearms (by authorizing all federal judges and U.S. prosecutors to carry firearms); and new requirements to several existing grant programs to assist state, local, and tribal governments in tracking sex offenders (though the bill authorizes such sums as necessary for fiscal years 2006 through 2008 for these new requirements). ¹²²
H.R. 4621	<i>In Committee</i>	No Parole for Sex Offenders Act—reduces funds available for Local Law Enforcement Block Grants (LLEBG) by 10% if a state does not prohibit parole of an individual convicted of a criminal offense against a victim who is a minor or a sexually violent predator.	No	n/a	n/a
H.R. 4659	2/3/2006-Enacted; P.L. 109-170	Extends the Patriot Act until March 10, 2006.	No	n/a	n/a

H.R. 4661	<i>In Committee</i>	Background Check for Student Safety Act of 2006—requires any entity that receives funds for the construction of a federal facility to have in effect a policy of conducting a criminal background check on an employee before allowing the employee to participate in the construction of a public elementary school or secondary school or to have access to blueprints or other materials with details on such construction.	No	n/a	n/a	
H.R. 4905	<i>In Committee</i>	Sex Offender Registration and Notification Act—requires each state (and other jurisdictions) to maintain a jurisdiction-wide sex offender registry conforming to the requirements of this Act. Requires the registry to be accessible over the internet. For jurisdictions that fail to meet the requirements, withholds 10% of the funds available for State and Local Narcotics Control and Justice Assistance Improvements under Title I, Part E, Subpart I of the Omnibus Crime Control and Safe Streets Act of 1968.	No	n/a	n/a	
H.R. 5005	<i>9/13/2006, Order Reported from House Judiciary</i>	Firearms Corrections and Improvements Act—preempts state law barring the sale of certain machine guns to federal security contractors.	Yes ¹²³	Yes	No	
H.R. 5191	<i>In Committee</i>	Require recipients of homeland security grants to submit quarterly reports to the Secretary that describe each expenditure made grant recipients.	No	n/a	n/a	
H.R. 5681	<i>9/28/2006- Passed House</i>	Coast Guard Authorization Act of 2006—requires ports to include certain provisions in their security plans relating to escort fees.	Yes ¹²⁴	Yes	No	
H.R. 5695	<i>In Committee</i>	Chemical Facility Anti-Terrorism Act of 2006—requires certain chemical facilities, including water treatment facilities, to take certain security measures; preempts state disclosure law for certain facilities.	Yes ¹²⁵	Yes	No	
H.R. 5808	<i>9/15/2006, Placed on the House Union Calendar</i>	Public Transportation Security Assistance Act of 2006—require public transportation agencies to share information relating to security issues and preventative measures, including an employee training program.	Yes ¹²⁶	Yes	No	
H.R. 5852	<i>7/25/2006- Passed House</i>	21st Century Emergency Communications Act of 2006—conditions grant assistance upon development of an interoperable communications plan.	No	n/a	n/a	

H.R. 5825	9/28/2006, <i>Passed House</i>	Electronic Surveillance Modernization Act—preempts some state liability laws in complying with requests for information by the federal government.	Yes ¹²⁷	Yes	No	
H.R. 6060	9/29/2006, <i>Placed on the House Union Calendar</i>	Department of State Authorities Act of 2006—extends diplomatic immunities to certain organizations and individuals; preempts state taxing authority and criminal prosecutions of these entities.	Yes ¹²⁸	Yes	No	Extension of immunities may preempt state and local taxing authority and criminal prosecutions.
H.R. 6155	<i>In Committee</i>	CLEAN Town Act—requires a state to maintain a database to monitor convicted drug dealers; proscribes mandatory sentencing guidelines for convicted drug dealers found in violation of registry requirements; requires a state to provide public access to the database' failure of a jurisdiction to meet the requirements under the Act will see a reduction in funds for the respective fiscal year.	No	n/a	n/a	
S. 1013	<i>In Committee</i> <i>An effort was made, but failed, to attach this bill to the FY 2006 Homeland Security spending bill.</i>	Funding Our Risks With Appropriate Resource Disbursement (FORWARD) Act of 2005—reduces the state minimum level of funding previously provided to states under the State Homeland Security Grant Program (SHGP).	No	n/a	n/a	
S. 397	10/26/2005— <i>Became Public Law No: 109-92 [incorporated H.R. 800]</i>	Protection of Lawful Commerce in Arms Act—prohibits state, local and tribal governments and the private sector from pursuing lawsuits against certain organizations as it relates to firearms and ammunition. Preempts state law on related issues.	Yes ¹²⁹	Yes	n/a	
S. 1220	<i>In Committee</i>	Prevention and Recovery of Missing Children Act of 2005—requires each state report on missing children to ensure that no entries are removed from its state law enforcement system or the NCIC system based solely on the persons age. Requires information to be entered within two hours of receipt. Sets forth requirements regarding state procedures involving offenders.	No	n/a	n/a	
S. 1362	<i>In Committee</i>	Homeland Security Enhancement Act of 2005—provides for enhanced state and local assistance in the enforcement of federal the immigration laws.	No	n/a	n/a	

S. 1438	<i>In Committee</i>	Comprehensive Enforcement and Immigration Reform Act of 2005— prohibits a federal agency from accepting, for any official purpose, a birth certificate issued by a state to any person unless the state is meeting the requirements of this act.	No	n/a	n/a
S. 1086	<i>5/8/2006 Held at the desk; 5/4/2006- Passed Senate</i>	Sex Offender Registration and Notification Act— Indian Tribes that do not establish and maintain a sex offender registry must delegate that authority to a State within which the territory it is located.	Yes ³⁰	Yes	No
S. 1679	<i>In Committee</i>	Working to Enhance Courts for At-Risk and Endangered Kids Act of 2005—requires state agency collaboration between courts to develop plans for improving and strengthening state courts for at-risk children; requires each state to establish a permanent commission on state child welfare programs.	No	n/a	n/a
S. 2005	<i>In Committee</i>	National Flood Mapping Act of 2005—requires state and local mapping partners, in conjunction with the FEMA director, to establish, update, and maintain flood-risk zone data and make estimates regarding potential loss rates caused by floods in those areas.	No	n/a	n/a
S. 2118	<i>In Committee</i>	Combat Methamphetamine Epidemic Act of 2005— preempts some state laws that regulate pharmaceutical sales and imposes tighter controls for selling and storing over-the-counter drugs containing pseudoephedrine and ephedrine.	No	n/a	n/a
S. 2138	<i>In Committee</i>	End Racial Profiling Act of 2005 (ERPA) — requires a state, local, or Indian tribal law enforcement agency to include a certification that it maintains adequate policies and procedures designed to eliminate racial profiling in its request for funds from the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, Edward Byrne Memorial Justice Assistance Grant Program and the Cops on the Beat Program.	No	n/a	n/a
S. 2145 H.R. 5695	<i>S. 2145- 6/26/2006- Placed on Senate Legislative Calendar H.R. 5695- In Committee</i>	Chemical Facilities Anti-Terrorism Act of 2006— requires public chemical facilities to take protective measures to prevent or mitigate acts of terrorism in accordance with regulations developed by DHS; preempts state law relating to public access to certain documents; preempts some state law relating to regulation of ammonium-nitrate.	Yes ³¹	Yes	No

S. 2167	<i>12/30/2005-Enacted; P.L. 109-60</i>	Extends the Patriot Act until February 3, 2006	No	n/a	n/a	
S. 3721	<i>8/3/2006, Placed on Senate Legislative Calendar under General Orders</i>	Post Katrina Emergency Management Reform Act of 2006—conditions receipt of aid for existing grant programs on updating existing preparedness and disaster response plans.	Yes ¹³²	No	No	
S. 2365	<i>In Committee</i>	Scott Gardner Act—requires a states to detain and report information regarding suspected violators of immigration and DWI laws. Failure to comply, results in a loss of funds to the state regarding reimbursement for the incarceration of an undocumented criminal alien.	No	n/a	n/a	S. 2365
S. 2548	<i>In Committee</i>	Pets Evacuation and Transportation Standards Act of 2006—requires State and Local Emergency Preparedness Operational Plans to take into account the needs of individuals with household pets and service animals prior to, during, and following a major disaster or emergency.	No	n/a	n/a	
S. 2611 S. 2612	<i>S. 2611 passed the Senate on 5/25/2006 [S. 2612 remains In Committee]</i>	Comprehensive Immigration Reform Act of 2006—requires state and local governments to verify work eligibility of all new employees and existing employees of critical employers (“critical employer” designation guidelines will be established by the Secretary of the Department of Homeland Security); prohibits state and local governments from “imposing fees or penalties on employers for hiring unauthorized workers;” preempts state and local law regarding enforcement of civil and criminal immigration laws, which potentially expands state and local law enforcement authority under existing state law. ¹³³	Yes ¹³⁴	Yes	See comments	The cost of complying with regulations to verify work eligibility is estimated to range from \$30 million through \$85 million in the first year the requirements were in effect. Until the regulations are made final, CBO cannot determine whether the costs for state and local governments would exceed the annual threshold established in UMRA. ¹³⁵ In addition, S. 2611 would increase the number of legal permanent residents eligible for Medicaid, which would cost states about \$12 billion over the 2007-2016 period.

S. 2629	<i>In Committee</i>	Anti-Gun Trafficking Penalties Enhancement Act of 2006— requires State or local law enforcement agency investigating crime using a firearm, and receiving a grant under Section 1702 of the Omnibus Crime Control and Safe Streets Act of 1968, to provide information regarding the firearm to the Bureau of Alcohol, Firearms, Tobacco, and Explosives, for inclusion in the Firearms Trace System database.	No	n/a	n/a
S. 2792	<i>In Committee</i>	Emergency Preparedness and Response Security, Accountability, and Flexibility Enhancement Act— conditions grant aid on the development of and application of measurable critical benchmarks and performance standards in emergency preparedness capabilities.	No	n/a	n/a
S. 2803	<i>6/15/2006- Enacted; P.L. 109-236</i>	Mine Improvement and New Emergency Response Act of 2006— limits state liability recovery and cause of action initiated by state and local government regarding mining disasters.	Yes ¹³⁶	Yes	No
S. 3237	<i>6/21/2006- Placed on Senate Legislative Calendar</i>	Intelligence Authorization Act for Fiscal Year 2007— creates the Office of the Inspector General of the Intelligence Community to review the programs of the intelligence community, with the authority to issue a subpoena to collect information relating thereto.	Yes ¹³⁷	Yes	No
S. 3678	<i>8/3/2006- Placed on Senate Legislative Calendar</i>	Pandemic and All-Hazards Preparedness Act— conditions grant aid on a state development of an All-Hazards Public Health Emergency Preparedness and Response Plan.	Yes ¹³⁸	No	n/a
S. 3810	<i>In Committee</i>	Prevent All Cigarette Trafficking Act of 2006— preempts state law relating to delivery of tobacco products to consumers under certain circumstances; requires states to forward and provide updates to the Attorney General regarding common carriers of tobacco products.	No	n/a	n/a
S. 3823	<i>In Committee</i>	Civil Rights Restoration Act of 2006— stipulates that a state's receipt of Federal financial assistance shall constitute a waiver of the state's sovereign immunity to a suit brought by any employee for any violation of the ADA or the ADEA.	No	n/a	n/a

Labor/Workforce		Yes ¹³⁹	Yes	No	No
H.R. 4	<i>8/17/2006- Enacted; P.L. 109-280</i>				
H.R. 19	<i>In Committee</i>	No	n/a	n/a	
H.R. 27	<i>6/29/2006, Passed Senate; 3/2/2005-Passed House</i>	Yes ¹⁴⁰	No	n/a	According to CBO, any costs incurred by state, local, or tribal governments would result from complying with conditions of federal aid. ¹⁴¹
H.R. 1091	<i>In Committee</i>	No	n/a	n/a	
H.R. 2197	<i>In Committee</i>	No	n/a	n/a	
H.R. 2298	<i>In Committee</i>	No	n/a	n/a	
H.R. 2429	<i>In Committee</i>	No	n/a	n/a	
H.R. 2748	<i>In Committee</i>	No	n/a	n/a	
H.R. 3413	<i>In Committee</i>	No	n/a	n/a	
H.R. 3473	<i>In Committee</i>	No	n/a	n/a	

H.R. 3763	<i>In Committee</i>	Fair Wages for Hurricane Victims Act—reinstates the application of the wage requirements of the Davis-Bacon Act to all federal contracts in counties affected by Hurricane Katrina, notwithstanding the President's proclamation dated September 8, 2005, or any other provision of law.	No	n/a	n/a	
H.R. 3834	<i>In Committee</i>	Repeal the authority of the President to suspend the prevailing wage requirements of the Davis-Bacon Act during times of national emergency and to reinstate the application of such requirements to Federal contracts in areas affected by Hurricane Katrina.	No	n/a	n/a	
H.R. 3907	<i>In Committee</i>	Helps Job Opportunity Act—provides for the creation of an additional category of laborers or mechanics known as helpers under the Davis-Bacon Act.	No	n/a	n/a	
H.R. 5320	<i>In Committee</i>	Fairness for State and Local Workers Act—amends the Occupational Safety and Health Act of 1970 to provide for coverage under the Act of employees of States and political subdivisions of states, and for other purposes.	No	n/a	n/a	
H.R. 5364	<i>In Committee</i>	Family Fairness Act of 1006—eliminates the hours of service requirement under the Family and Medical Leave Act of 1993.	No	n/a	n/a	
H.R. 5368	<i>In Committee</i>	Increases the minimum wage.	No	n/a	n/a	
H.R. 5505	<i>In Committee</i>	Prohibits a state or local government, carrying out a project for which a federal share of funding is provided, from receiving the federal share, or shall be required to return such share to the federal government, if the Secretary of Homeland Security determines that the entity is in violation of unlawful employment of alien provisions.	No	n/a	n/a	
H.R. 5506	<i>In Committee</i>	State Accountability in Licensing Act—prohibits employment verification through a driver's license if a state does not identify the person through a social security account number.	No	n/a	n/a	
H.R. 5545	<i>In Committee</i>	Requires state entities receiving assistance from National Institutes of Health provides reasonable assurances that all laborers and mechanics employed by contractors are paid according to applicable minimum wage requirements.	No	n/a	n/a	

H.R. 5787	<i>In Committee</i>	Minimum Wage Competitiveness Act of 2006—increases the federal minimum wage.	No	n/a	n/a	
H.R. 5998	<i>In Committee</i>	Federal Living Wage Responsibility Act—requires any federal employee or employed person under a federal contract to pay a minimum wage no less than the federal poverty level for a family of four, including a cost of living adjustment.	No	n/a	n/a	
H.R. 5970	8/3/2006- <i>Cloture Failed in Senate;</i> 7/29/2006- <i>Passed House</i>	Estate Tax and Extension of Tax Relief Act of 2006—increases the federal minimum wage; preempts state law that excludes tips as a wage to determine whether the federal minimum wage has been met.	Yes ¹⁴²	Yes	Yes	CBO estimates that the gradual increase of the federal minimum wage would exceed the applicable threshold under UMRA. ¹⁴³
S. 14	<i>In Committee</i>	Fair Wage, Competition, and Investment Act of 2005—increases the minimum wage.	No	n/a	n/a	
S. 223	<i>In Committee</i>	Repeals any weakening of overtime protections and avoids future loss of overtime protections due to inflation.	No	n/a	n/a	
S. 846	4/20/2005— <i>Placed on Senate Legislative Calendar under General Orders</i>	Increases the minimum wage.	No	n/a	n/a	
S. 932 S. 1085 H.R. 1902	S. 1085: 5/20/2005- <i>Placed on Senate Legislative Calendar under General Orders.</i> [S. 932 and H.R. 1902 remain in Committee]	Requires certain employers to provide certain employees with paid sick leave.	No	n/a	n/a	
S. 944 H.R. 2004	<i>In Committee</i>	Protecting America's Workers Act—expands Occupational Safety and Health Act of 1970 (OSHA) coverage to federal, state, and local government employees. Requires employers to post for employees information on the whistleblower protections.	No	n/a	n/a	
S. 1021	9/7/2005- <i>Placed on Senate Legislative Calendar under General Orders.</i>	Workforce Investment Act Amendments of 2005—require employment services offices in each state to be co-located with comprehensive one-stop centers under WIA-I.	Yes ¹⁴⁴	No	n/a	CBO determined that any costs incurred would result from complying with conditions of federal aid. ¹⁴⁵

S. 1062	5/19/2005— <i>Placed on Senate Legislative Calendar under General Orders</i>	Fair Minimum Wage Act of 2005—increases the federal minimum wage.	No	n/a	n/a	
S. 1749	<i>In Committee</i>	Fair Wages for Hurricane Katrina Recovery Workers Act—reinstates wage requirements of the Davis-Bacon Act to all federal contracts in counties affected by Hurricane Katrina.	No	n/a	n/a	
S. 1763	<i>In Committee</i>	Hurricane Katrina Reconstruction and Displaced Worker Assistance Act of 2005—reinstates wage requirements of the Davis-Bacon Act to all federal contracts connected to Hurricane Katrina reconstruction.	No	n/a	n/a	
S. 1925	<i>In Committee</i>	Rebuild With Respect Act—reinstates wage requirements of the Davis-Bacon Act to all federal contracts in connection with all Gulf Hurricane reconstruction efforts.	No	n/a	n/a	
S. 2326	<i>In Committee</i>	WISH Act of 2006—establishes a mandatory electronic employment verification of all workers in the United States and applies minimum wage requirements to employers hiring aliens granted non-immigrant status.	No	n/a	n/a	
S. 2725	<i>In Committee</i>	Standing with Minimum Wage Earners Act of 2006—provides for an increase in the minimum wage.	No	n/a	n/a	
S. 3829	<i>In Committee</i>	Tax Relief and Minimum Wage Act of 2006— increase the minimum wage.	No	n/a	n/a	
Tax/Revenue						
H.R. 25	<i>In Committee</i>	Fair Tax Act of 2005—repeals the income tax, payroll tax and other taxes. Establishes a national states tax to be administered primarily by the states.	No	n/a	n/a	
H.R. 86	<i>In Committee</i>	Prohibits a state from imposing a discriminatory commuter tax on nonresidents.	No	n/a	n/a	
H.R. 1004	<i>In Committee</i>	Nonresident Income Tax Freedom Act of 2005—prohibits a state from imposing a tax on income earned within such state by a nonresident.	No	n/a	n/a	

H.R. 1369	9/14/2006, Placed on the House Union Calendar	Restricts state authority to impose property taxes on natural gas pipelines at a different rate and prevent states or other local taxing authorities from assessing pipeline property at a higher ratio to market value than other commercial and industrial property in the same taxing jurisdiction. Jurisdiction of pipeline tax cases would be shifted from state to federal courts.	Yes ¹⁴⁶	Yes	Yes	“[A]s many as 15 states and their local jurisdictions... engage in practices that would be prohibited by this bill. ... CBO estimates more than \$250 million of those collections [from pipeline property] result from tax policies that would be prohibited by the bill.... On balance, we estimate that losses in the first year after enactment likely would exceed the threshold established in UMRA for intergovernmental mandates.” ¹⁴⁷
H.R. 1684	<i>In Committee</i>	Amend the Internet Tax Freedom Act—makes permanent the moratorium on certain taxes relating to the Internet and to electronic commerce.	No	n/a	n/a	
H.R. 1685	<i>In Committee</i>	Internet Consumer Protection Act of 2005— makes permanent the moratorium on certain taxes relating to the Internet and to electronic commerce	No	n/a	n/a	
H.R. 1956	<i>In Committee</i>	Business Activity Tax Simplification Act of 2005— expands the federal prohibition against state taxation of interstate commerce to: (1) include taxation of out-of-state transactions involving all forms of property, including intangible personal property and services, and (2) prohibit state taxation of an out-of-state entity unless such entity has a physical presence in the taxing state.	No	n/a	n/a	
H.R. 2558	<i>In Committee</i>	Telecommuter Tax Fairness Act of 2005— prohibits a state from imposing a tax on income earned within such state by a nonresident.	No	n/a	n/a	

			Yes ¹⁴⁸	Yes	Yes	The withholding requirement constitutes an intergovernmental mandate, which would exceed the annual threshold beginning in 2011. ¹⁴⁹
H.R. 4297	<i>5/17/2006- Enacted; P.L. 109-222</i>	Tax Increase Prevention and Reconciliation Act for Fiscal Year 2007— requires all government entities, including state and local governments, to withhold 3 percent on certain, non-essential government payments for property or services.	No	n/a	n/a	
H.R. 4845	<i>In Committee</i>	Innovation and Competitiveness Act— preempts state law by establishing a physical presence standard for business activity taxes. Applies Rule 11 of the Federal Rules of Civil Procedure (which addresses sanction of counsel) to any civil action in State court if the “action substantially affects interstate commerce. Establishes national standards for the security and confidentiality of individually identifiable patient health information.	No	n/a	n/a	
H.R. 5135	<i>In Committee</i>	Amends the Internal Revenue Code to include any meningococcal vaccine as a taxable vaccine for excise tax purposes.	No	n/a	n/a	
H.R. 5422	<i>In Committee</i>	Amends the Internet Tax Freedom Act—makes permanent the moratorium taxes on internet aces and on multiple and discriminatory taxes on electronic access.	No	n/a	n/a	
H.R. 4862	<i>In Committee</i>	Internet Consumer Protection Act of 2005—amends the Internet Tax Freedom Act to make permanent the moratorium on certain taxes relating to the Internet and to electronic commerce.	No	n/a	n/a	
H.R. 6167	<i>In Committee</i>	Mobile Workforce State Income Tax Fairness and Simplification Act of 2006— prohibits states taxation of certain income of employees performed in other States.	No	n/a	n/a	
S. 25	<i>In Committee</i>	Fair Tax Act of 2005—repeals the income tax and other taxes, abolishes the IRS, and establishes a national sales tax to be administered primarily by the states.	No	n/a	n/a	
S. 479	<i>In Committee</i>	Nonresident Income Tax Freedom Act of 2005— prohibits a state from imposing a discriminatory tax on income earned within such state by nonresidents of such state.	No	n/a	n/a	
S. 849	<i>In Committee</i>	Makes permanent the moratorium on Internet access and taxes and multiple discriminatory taxed on electronic commerce.	No	n/a	n/a	

S. 1097	<i>In Committee</i>	Telecommuter Tax Fairness Act of 2005—restricts a state from imposing its income tax on the salary of a nonresident individual. Prohibits a state from deeming such an individual to be present or working in such state on the grounds that such individual is present or working at home (in another state) for the individual's convenience.	No	n/a	n/a	
S. 1921	<i>In Committee</i>	Savings for Working Families Act of 2005—abolishes the federal income tax and imposes a national sales tax.	No	n/a	n/a	
S. 2721	<i>In Committee</i>	Business Activity Tax Simplification Act of 2006—expands the federal prohibition against state taxation of interstate commerce to: (1) include taxation of out-of-state transactions involving all forms of property, including intangible personal property and services, and (2) prohibit state taxation of an out-of-state entity unless such entity has a physical presence in the taxing state.	No	n/a	n/a	

Technology and Communications						
<p>H.R. 5252 (as passed by the House)</p>	<p>6/8/2006—<i>Passed House</i></p>	<p>Communications, Opportunity, Promotion and Enhancement Act of 2006—allows video service providers to petition the Federal Communications Commission to grant national franchises to provide video services; requirements and limitations on public safety access points (PSAPs) (access to local emergency services, i.e. 911); limits fees that government entity can charge for access; preempts state and local laws that address consumer protection, and the use of municipal rights-of-way; and requires providers of Internet-based telephone service – Voice-over-Internet-Protocol—to provide access to emergency 911 telephone service; and preempts state regulation of municipal broadband networks.</p>	<p>Yes¹⁵⁰</p>	<p>Yes</p>	<p>Yes</p>	
<p>H.R. 5252 (as passed by the Senate Commerce, Science and Transportation Committee)</p>	<p>6/28/2006- <i>Reported out of Senate Committee</i></p>	<p>Communications Act of 2006—streamlines state and local video franchise authority; preempts state regulation of municipal broadband networks, VoIP, video over Internet Protocol; permanently extends the Internet Tax Moratorium; imposes a moratorium on the imposition of new, discriminatory taxes on mobile telecommunications service.</p>	<p>Yes¹⁵²</p>	<p>Yes</p>	<p>Yes</p>	
		<p>H.R. 5252 “would prohibit intergovernmental entities from charging certain fees to providers of cable service... impose a variety of requirements and limitations on public safety access points (PSAPs)... preempt state laws that prohibit municipal governments from providing Internet access services and, if area cable providers receive a national franchise, would preempt state and local laws that address consumer protection, cable franchises, and the use of municipal rights-of-way. CBO estimates that the net direct costs of these mandates on state and local governments would grow over time, and would likely fall between \$100 million and \$350 million by 2011.”¹⁵¹</p>				
		<p>H.R. 5252 cost state and local governments between \$150 million and \$400 million during 2008 and 2009. While the costs would decrease after 2009, they would likely remain above \$100 million through 2011.¹⁵³</p>				

H.R. 5417	<i>6/29/2006- Placed on House Union Calendar</i>	Internet Freedom and Nondiscrimination Act of 2006—prohibits Internet Service Providers, including intergovernmental entities, from charging additional fees for providing certain services or content.	Yes ¹⁵⁴	Yes	No	
S. 687	<i>11/17/2005—Reported out of Committee</i>	Spy Block Act—prohibits the use of computer software (known as spyware) to collect personal information and to monitor the behavior of computer users without a user's consent. ¹⁵⁵	Yes ¹⁵⁶	Yes	No	
S. 1063	<i>12/20/2005 -Placed on Senate Legislative Calendar under General Orders</i>	IP-Enabled Voice Communications and Public Safety Act of 2005—may place limitations on the imposition and use of certain fees that state and local governments can charge providers of a VOIP service. ¹⁵⁷	Yes ¹⁵⁸	Yes	No	CBO estimates that the costs to state, local, and tribal governments would grow over time but would not exceed the UMIRA threshold in any of the first five years that the mandates are in effect. ¹⁵⁹

S. 1608	3/16/2006-Passed Senate	U.S. SAFE WEB Act of 2005— provides new administrative tools to the Federal Trade Commission (FTC) to prosecute unfair and deceptive trade practices.	Yes ¹⁶⁰	Yes	No	“Sections 7 and 8 of S. 1608 would authorize the FTC to request that a judge order ... to delay giving notice to anyone that they have been required to appear as a witness before, or to produce documents in, an FTC proceeding. The order could be issued, notwithstanding any state or local laws... Further, the recipient would not be liable ...for failure to provide notice. The bill also would protect certain entities that voluntarily provide specified material to the FTC from liability under any state or local law ... that precludes disclosure of information or requires notification to the interested third party.” The legislation may therefore preempt state law. ¹⁶¹
S. 1753	12/8/2005 -Placed on Senate Legislative Calendar under General Orders.	Warning, Alert, and Response Network Act—requires public broadcasting stations to “...install certain equipment to enable the reception, relay, and retransmission of alerts by the National Alert System.” ¹⁶²	Yes ¹⁶³	Yes	No	

S. 3457	<i>In Committee</i>	Consumers Having Options in Cable Entertainment Act—preempts state and local regulation of video franchise authority for video providers that offer a la carte channel subscription. A video provider is authorized to a national video franchise, reduced rights-of-way fees; prohibits in-kind contributions or institutional networks unless applied as a credit toward gross video revenues for ala carte programming.	No	n/a	n/a
S. 2989	<i>In Committee</i>	Franchise Reform Act of 2006—preempts state video franchise authority by establishing a state commission as sole video franchise authority in a state; establishes a 17 day application period for video franchise authority.	No	n/a	n/a
S. 2630	<i>In Committee</i>	Truth in Caller ID Act of 2006 – requires a state to notify the Federal Communications Commission (FCC) of any civil action commenced by a state to impose civil penalties for transmission of misleading or inaccurate caller identification information and allows the FCC to intervene.	No	n/a	n/a
<i>Transportation</i> – A number of bills have been introduced regarding <i>Federal-Aid Surface Transportation Programs</i> . With the enactment of H.R. 3, those bills have been removed from this table.					
H.R. 3	8/10/2005-Enacted; <i>P.L. 109-59</i>	Transportation Equity Act: A Legacy for Users—authorizes funds for Federal-aid highways, highway safety programs and transit programs and for other purposes. Reauthorizes numerous existing sanctions and penalties.	Yes ¹⁶⁴	Yes	No
H.R. 368	<i>In Committee</i>	Driver's License Security and Modernization Act—establish national standards for state issued driver's licenses and identification document security standards.	No	n/a	n/a
H.R. 418	2/10/2005-Passed <i>House</i> <i>(incorporated into H.R. 1268)</i>	REAL ID Act of 2005—establishes national standards for state issued driver's licenses and identification cards.	Yes ¹⁶⁵	Yes	No
					CBO concluded that the cost to implement the requirements would be approximately \$100 million over the 2005-2010 period. ¹⁶⁶ NCSL believes costs will be substantially higher.

		Yes ¹⁶⁷	No	Yes	No	According to CBO, approximately 25 ferries operated by states and local entities would be subject to Coast Guard inspection and reporting requirements. The Coast Guard has the authority to charge fees, but it is unclear if they will charge the 25 ferries. CBO does not believe the cost would be significant. ¹⁶⁸	
H.R. 889	7/12/2006-Enacted; P.L. 109-241	Coast Guard and Maritime Transportation Act of 2005—subjects ferries that do not charge passengers to Coast Guard regulations.					
H.R. 1119	In Committee	No	n/a	n/a	n/a		
H.R. 1268	5/11/2005-Enacted P.L. 109-13	No	n/a	n/a	n/a	CBO does not review requests for emergency supplemental appropriations.	
H.R. 2210	In Committee	No	n/a	n/a	n/a		
H.R. 3058	11/30/2005-Enacted; P.L. 109-115	No	n/a	n/a	n/a		
H.R. 3432	In Committee	No	n/a	n/a	n/a	If a states contracts out for certain services, this mandate could apply.	
H.R. 3686	In Committee	No	n/a	n/a	n/a		

			Yes ¹⁶⁹	Yes	No	
S. 3679	9/25/2006, <i>Passed Senate</i>	National Transportation Safety Board Reauthorization Act of 2006 — preempts state tort law in limiting liability of Amtrak in the release of certain passenger information to the NTSB.	Yes ¹⁶⁹	Yes	No	
H.R. 4280	<i>In Committee</i>	Transportation Revenue Ultimatum Enforcement ID Act of 2005—prohibits a state from accepting as proof of personal identification or legal residence an individual taxpayer identification number for the purposes of issuing a State-issued driver's license or personal identification card.	No	n/a	n/a	
H.R. 4071	<i>In Committee</i>	Accountability and Flexibility Associated with Spending on Transportation Act of 2005—rescinds 10 percent of amounts appropriated for FY 2007-FY 2009 by SAFETEA-LU (excludes amounts appropriated for the highway safety improvement program).	No	n/a	n/a	
H.R. 4880	<i>In Committee</i>	Maritime Terminal Security Enhancement Act of 2006— requires ports to comply with certain regulations more quickly than under current law. ¹⁷⁰	Yes ¹⁷¹	Yes	No	CBO estimates that the costs to intergovernmental entities of these provisions likely would total less than \$3 million and therefore would not exceed the threshold established in UJMRA. ¹⁷²
H.R. 5632	6/28/2006- <i>Placed on House Union Calendar</i>	Establishes a national tire fuel efficiency consumer information program.	Yes ¹⁷³	Yes	No	
S. 362	9/27/2006, <i>Passed House</i> 7/1/2005- <i>Passed Senate</i>	Marine Debris Research Prevention and Reduction Act—authorizes new regulations to be developed to address the processing of marine waste by public and private ports.	Yes ¹⁷⁴	Yes	No	
S. 363	11/16/2005— <i>Placed on Senate Legislative Calendar under General Orders</i>	Ballast Water Management Act of 2005— “preempt[s] some states laws and impose[s] new requirements that may affect some public transportation vessels.” ¹⁷⁵	Yes ¹⁷⁶	Yes	No	

S. 1052	<i>2/27/2006 - Placed on Senate Legislative Calendar under General Orders</i>	Transportation Security Improvement Act of 2005—requires training of security procedures to certain rail employee’s guidelines (which will be established by the Secretary of the Department of Homeland Security). Imposes protections for whistleblowers	Yes ¹⁷⁷	Yes	See comments	Cost of implementation of security training will largely depend upon the regulations developed by DHS, and, therefore, are undetermined. However, CBO estimates that the costs associated with the training programs will not exceed the threshold. ¹⁷⁸
S. 1516	<i>10/18/2005- Placed on Senate Legislative Calendar under General Orders</i>	Passenger Rail Investment and Improvement Act of 2005—contains a mandate relating to financing of rail services.	Yes ¹⁷⁹	No	No	
S. 2032	<i>11/17/2005— Placed on Senate Legislative Calendar under General Orders.</i>	Public Transportation Terrorism Prevention Act of 2005—requires those public transportation agencies determined to be at risk to participate in the Information Sharing and Analysis Center (ISAC) for Public Transportation and encourages all other public transportation agencies to participate in the ISAC.	Yes ¹⁸⁰	Yes	No	
S. 2008	<i>11/16/2005— Placed on Senate Legislative Calendar under General Orders.</i>	GreenLane Maritime Cargo Security Act—requires state and local contribution and participation in developing a comprehensive strategic plan to enhance international supply chain security for all containers moving through seaports of the United States.	No	n/a	n/a	
S. 2365	<i>In Committee</i>	Scott Gardner Act—requires a states to detain and report information regarding suspected violators of immigration and DWI laws. Failure to comply, results in a loss of funds to the state regarding reimbursement for the incarceration of an undocumented criminal alien.	No	n/a	n/a	
H.R. 4954 S. 2459	<i>H.R. 4954— 10/03/2006, Presented to the President</i>	SAFE Port Act— requires state and local entities (including law enforcement and port authorities) to participate in staffing command centers for maritime security. ¹⁸¹	Yes ¹⁸²	No	No	CBO estimates that the costs to intergovernmental entities of this provision likely would total less than \$10 million annually. ¹⁸³

Other							
H.R. 341	<i>In Committee</i>	Improving the Community Services Block Grant Act of 2005—amends the Community Services Block Grant Act (CSBGA) to reauthorize appropriations and to revise the program. Requires state plans to include certain assurances. Requires states to measure the performance of local entities on certain parameters.	No	n/a	n/a	.	
H.R. 1065	<i>11/16/2005-Failed to Pass the House</i>	United States Boxing Commission (USBC) Act—places requirements on boxing commissions run by state and tribal governments. The legislation also gives the USBC authority to subpoena witnesses and evidence.	Yes ¹⁸⁴	Yes	No		
H.R. 1815	<i>1/6/2006-enacted; P.L. 109-163 [incorporated S. 1042 on 11/15/2005]</i>	National Defense Authorization for Fiscal Year 2005—increases the number of service members and reservists on active duty. Under the Service members Civil Relief Act (SCRA), these individuals would be provided the right to request a deferral in the payment of certain state and local taxes and fees.	Yes ^{185, 186}	Yes	No		
H.R. 2565 S. 1114	<i>In Committee</i>	A bill to reauthorize the Office of National Drug Control Policy (ONDPC) Act and to establish minimum drug-testing standards for major professional sports leagues. Provides authority to the ONDPC director to extend testing standards to colleges and athletes in Divisions I and II of the NCAA—more than half of which are public. ¹⁸⁷ Establishes drug-testing standards for professional boxing.	Yes ¹⁸⁸	Yes	CBO could not determine.	CBO reported that drug tests that conform to United states Anti-Doping standards could cost up to \$600 per test. ¹⁸⁹	
H.R. 4698	<i>3/15/2006- Ordered to be Reported</i>	Disaster Relief Volunteer Protecting Act of 2006—preempts certain state liability laws. ¹⁹⁰	Yes ¹⁹¹	Yes	No		
S. 148	<i>5/9/2005-Passed Senate</i>	Professional Boxing Amendments Act of 2005—places requirements on boxing commissions run by state and tribal governments.	Yes ¹⁹²	Yes	No		
S. 852	<i>2/14/2006- Recommitted to Senate Committee</i>	Fairness in Asbestos Injury Resolution Act of 2005—establishes the Asbestos Injury Claims Resolution Fund (Fund) to compensate individuals harmed by exposure to asbestos; limits asbestos actions in state and federal courts; allows commissioner of the Fund to hold hearings and obtain information from state agencies to expedite claims.	Yes ¹⁹³	Yes	No		

S. 2718	<i>In Committee</i>	WATCHDOGS Act—requires state and local entities receiving federal assistance to provide certain information during the application process for receiving federal funds and an annual disclosure, including the amount received in the previous 5 years and the source of such assistance.	No	n/a	n/a
H.R. 4777	<i>9/22/2006, Placed on the House Union Calendar</i>	Internet Gambling Prohibition Act—limits state regulation of internet gaming activities.	Yes ¹⁹⁴	Yes	No

Source: National Conference of State Legislatures, October 2006.

*The National Conference of State Legislatures (NCSL) first published the **Mandate Monitor** in the late 1980's through the mid-1990s as a result of the increasing number of costly intergovernmental mandates. The **Mandate Monitor** played a key role in the enactment of the **Unfunded Mandates Reform Act (UMRA) of 1995**. The provisions of UMRA clearly have shown to be effective. Only eight intergovernmental mandates (see appendix I), as determined by UMRA that exceed the threshold, have been enacted over the past 11 years. The federal government, however, continues to shift costs to state and local governments. This is due to the fact that state officials view unfunded mandates more expansively than UMRA. This includes 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. In response to this concern, the **Mandate Monitor** is again being published.*

Appendix I
Laws Enacted Since UMRA's Adoption that Contain
Intergovernmental Mandates, as Defined by UMRA that Exceed the Threshold

- P.L. 104-188 (1996)—increases the minimum wage.
- P.L. 105-185 (1998)—reduces federal funding to administer the Food Stamp program.
- P.L. 108-173 (2003)—preempts state taxes on premiums for certain prescription drug plans.
- P.L. 108-435 (2004) — preempts state authority to tax certain Internet services and transactions.
- P.L. 108-458 (2004) — requires states and local governments to meet certain standards for issuing vital-statistics documents. (*Driver's license requirements were repealed and replaced with the REAL ID Act (P.L. 109-13)*).
- P.L. P.L. 109-13 (2005) - requires states to meet certain standards for issuing driver's licenses and identification cards. (*Repealed driver's /license provisions in P.L. 108-458*).
- P.L. 109-171 (2006)—eliminates federal matching funds for administrative expenses funded by incentive payments to states as it relates to the child support enforcement program.
- P.L. 109- 222 (2006) –requires all government entities, including state and local governments, to withhold 3 percent on certain, non-essential government payments for property or services.

Notes:

- 1 Congressional Budget Office, *H.R. 4472: Children's Safety and Violent Crime Reduction Act of 2005*, (Washington, D.C.: CBO, March 8, 2006).
- 2 Congressional Budget Office, *H.R. 5403, Safe and Timely Interstate Placement of Foster Children Act of 2006*, (Washington, D.C.: CBO, May 19, 2006).
- 3 Congressional Budget Office, *H.R. 4019*, (Washington, D.C.: CBO, June 22, 2006).
- 4 Ibid.
- 5 Congressional Budget Office, *H.R. 841: Continuity in Representation Act of 2005*, (Washington, D.C.: CBO, September 19, 2006).
- 6 Ibid.
- 7 Congressional Budget Office, *H.R. 5252: Communications, Opportunity, Promotion and Enhancement Act of 2006*, (Washington, D.C.: CBO, April 27, 2006).
- 8 Congressional Budget Office, *H.R. 5252: Communications Act of 2006*, (Washington, D.C.: CBO, September 15, 2006).
- 9 Ibid.
- 10 Ibid.
- 11 Ibid.
- 12 Congressional Budget Office, *H.R. 1078: Social Security Number Protection Act of 2005*, (Washington, D.C.: CBO, August 17, 2006); Congressional Budget Office, *H.R. 5318: Cyber-Security Enhancement and Consumer Data Protection Act of 2006*, (Washington, D.C.: CBO, June 16, 2006); Congressional Budget Office, *H.R. 744: Internet Spyware (I-SPY) Prevention Act of 2005*, (Washington, D.C.: CBO, June 6, 2006).
- 13 \$62 million for 2005 and \$64 million for 2006, adjusted annually for inflation.
- 14 Congressional Budget Office, *H.R. 3408: A Bill to Reauthorize the Livestock Mandatory Reporting Act of 1999 and to amend the swine reporting provisions of that act*, (Washington, D.C.: CBO, August 16, 2005).
- 15 Ibid.
- 16 *3197: Secure Handling of Ammonium Nitrate Act of 2005*, (Washington, D.C.: CBO, July 11, 2006).
- 17 Congressional Budget Office, Letter to the Honorable Thad Cochran, Chairman, Committee on Appropriations, United States Senate, (Washington, D.C.: CBO, December 20, 2005).
- 18 Congressional Budget Office, Letter to the Honorable Charles B. Rangel, Ranking Democrat, Committee on Ways and Means, U.S. House of Representatives, (Washington, D.C.: CBO, January 31, 2006).
- 19 Congressional Budget Office, *Digital Transition and Public Safety Act of 2005*, (Washington, D.C.: CBO, October 24, 2005).
- 20 Congressional Budget Office, Letter to the Honorable Charles B. Rangel, Ranking Democrat, Committee on Ways and Means, U.S. House of Representatives, (Washington, D.C.: CBO, January 31, 2006).
- 21 Congressional Budget Office, *H.R. 3505: Financial Services Regulatory Relief Act of 2005*, (Washington, D.C.: CBO, December 8, 2005).
- 22 Congressional Budget Office, *H.R. 3909: Hurricane Check Cashing Relief Act of 2005*, (Washington, D.C.: CBO, November 30, 2005).
- 23 Ibid.
- 24 Congressional Budget Office, *H.R. 4019*, (Washington, D.C.: CBO, June 22, 2006).
- 25 Ibid.
- 26 Congressional Budget Office, *H.R. 5393: Natural Disaster Housing Reform Act of 2006*, (Washington, D.C.: CBO, July 28, 2006).
- 27 Congressional Budget Office, *H.R. 5637: Nonadmitted and Reinsurance Reform Act of 2006*, (Washington, D.C.: CBO, August 11, 2006).

28 Ibid.

29 Congressional Budget Office, *Flood Insurance and Modernization Act*, (Washington, D.C.: CBO, June 26, 2006).

30 Congressional Budget Office, *S. 256: Bankruptcy Abuse Prevention and Consumer Protection Act of 2005*, (Washington, D.C., CBO, April 4, 2005).

31 Ibid.

32 Ibid.

33 Congressional Budget Office, *S. 467: Terrorism Risk Insurance Extension Act of 2005*, (Washington, D.C.: CBO, December 14, 2005).

34 Congressional Budget Office, *S. 1955: Health Insurance Marketplace Modernization and Affordability Act of 2005*, (Washington, D.C.: CBO, May 3, 2006).

35 Congressional Budget Office, *S. 2856: Financial Services Regulatory Relief Act of 2006*, (Washington, D.C.: CBO, May 18, 2006).

36 Ibid.

37 Congressional Budget Office, *H.R. 4167: National Uniformity for Food Act of 2005*, (Washington, D.C.: CBO, February 27, 2006).

38 Congressional Budget Office, *H.R. 841: Continuity in Representation Act of 2005*, (Washington, D.C.: CBO, September 19, 2006).

39 Congressional Budget Office, *H.R. 4844: Federal Election Integrity Act of 2006*, (Washington, D.C.: CBO, February 24, 2005).

40 Ibid.

41 Congressional Budget Office, *S. 2128: Lobbying Transparency and Accountability Act of 2006*, (Washington, D.C.: CBO, March 6, 2006).

42 Ibid.

43 Congressional Budget Office, *S. 2703: Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006*, (Washington, D.C.: CBO, July 20, 2005).

44 Congressional Budget Office, *H.R. 3405: Strengthening the Ownership of Private Property Act of 2005*, (Washington, D.C.: CBO, October 19, 2005).

45 Ibid.

46 Ibid.

47 Congressional Budget Office, *H.R. 4128: Private Property Rights Protection Act of 2005*, (Washington, D.C.: CBO, October 31, 2005).

48 Ibid.

49 Ibid.

50 Congressional Budget Office, *A Review of CBO's Activities Under the Unfunded Mandates Reform Act, 1996 to 2005*, (Washington, D.C.: CBO, March 2006).

51 Congressional Budget Office, *H.R. 2491: International Solid Waste Importation and Management Act of 2005*, (Washington, D.C.: CBO, July 26, 2005).

52 Ibid.

53 Congressional Budget Office, *H.R. 2567: Antifreeze Bittering Act of 2005*, (Washington, D.C.: CBO, July 28, 2006).

54 Congressional Budget Office, *H.R. 3893: Gasoline for America's Security Act of 2005*, (Washington, D.C., CBO: October 5, 2005).

55 Ibid.

56 Congressional Budget Office, *H.R. 5782: Pipeline Safety Improvement Act of 2006*, (Washington, D.C.: CBO, September 13, 2006).

- 57 Congressional Budget Office, *S. 606: Reliable Fuels Act*, (Washington, D.C.: CBO, May 23, 2005).
- 58 Ibid.
- 59 Congressional Budget Office, *S. 858: Nuclear Fees Reauthorization Act of 2005*, (Washington, D.C.: CBO, June 29, 2005).
- 60 Ibid.
- 61 Ibid.
- 62 Congressional Budget Office, *S. 864: Nuclear Security Act of 2005*, (Washington, D.C.: CBO, August 12, 2005).
- 63 Ibid.
- 64 Congressional Budget Office, *S. 865: Price-Anderson Amendments Act of 2005*, (Washington, D.C.: CBO, June 30, 2005).
- 65 Ibid.
- 66 Congressional Budget Office, *H.R. 525, Small Business Health Fairness Act of 2005*, (Washington, D.C.: CBO, April 8, 2005).
- 67 Ibid.
- 68 Congressional Budget Office, *H.R. 554: Personal Responsibility in Food Consumption Act of 2005*, (Washington, D.C.: CBO, June 6, 2005).
- 69 Congressional Budget Office, *H.R. 748: Child Interstate Abortion Notification Act*, (Washington, D.C.: CBO, April 21, 2005).
- 70 Congressional Budget Office, *H.R. 2355: Health Care Choice Act of 2005*, (Washington, D.C.: CBO, September 12, 2005).
- 71 Ibid.
- 72 Ibid.
- 73 Congressional Budget Office, *H.R. 5122: National Defense Authorization Act for Fiscal Year 2007*, (Washington, D.C.: CBO, May 9, 2006).
- 74 Ibid.
- 75 Ibid.
- 76 Congressional Budget Office, *H.R. 5312: Indian Health Care Improvement Act Amendments of 2006*, (Washington, D.C.: CBO, July 28, 2006).
- 77 Congressional Budget Office, *S. 1235, Veterans' Housing Opportunity and Benefits Improvement Act of 2006*, (Washington, D.C.: CBO, May 18, 2006).
- 78 Congressional Budget Office, *S. 1420: Medical Device User Fee Stabilization Act of 2005*, (Washington, D.C.: CBO, July 26, 2005).
- 79 Ibid.
- 80 Ibid.
- 81 Congressional Budget Office, *S. 2611, Comprehensive Immigration Reform Act of 2006*, (Washington, D.C.: CBO, May 16, 2006).
- 82 Congressional Budget Office, *S. 2611, Comprehensive Immigration Reform Act of 2006*, (Washington, D.C.: CBO, August 18, 2006).
- 83 Congressional Budget Office, *S. 2611, Comprehensive Immigration Reform Act of 2006*, (Washington, D.C.: CBO, May 16, 2006); Congressional Budget Office, *S. 2611, Comprehensive Immigration Reform Act of 2006*, (Washington, D.C.: CBO, August 18, 2006).
- 84 Ibid.
- 85 Congressional Budget Office, *S. 2766: National Defense Authorization Act for Fiscal Year 2007*, (Washington, D.C.: CBO, June 9, 2006).

- 86 Congressional Budget Office, *S. 3546: Dietary Supplement and Nonprescription Drug Consumer Protection Act*, (Washington, D.C.: CBO, September 12, 2006).
- 87 Congressional Budget Office, *S. 3524: Medicare, Medicaid, and SCHIP Indian Health Care Improvement Act of 2006*, (Washington, D.C.: CBO, July 10, 2006).
- 88 Ibid.
- 89 Congressional Budget Office, *H.R. 5403, Safe and Timely Interstate Placement of Foster Children Act of 2006*, (Washington, D.C.: CBO, May 19, 2006).
- 90 Congressional Budget Office, *S. 525: Caring for Children Act of 2005*, (Washington, D.C.: CBO, March 16, 2005).
- 91 Ibid.
- 92 Congressional Budget Office, Letter to the Honorable Charles B. Rangel, Ranking Democrat, Committee on Ways and Means, U.S. House of Representatives, (Washington, D.C.: CBO, January 31, 2006).
- 93 Ibid.
- ⁹⁴ Congressional Budget Office, *S. 3525: Proposed Amendment to S. 3525, Child and Family Services Improvement Act of 2006*, (Washington, D.C.: CBO, September 18, 2006).
- 95 Congressional Budget Office, *HR 3997: Data Accountability and Trust Act (DATA)*, (Washington, D.C.: CBO, May 26, 2006).
- 96 Ibid.
- 97 Congressional Budget Office, *H.R. 4127: Financial Data Protection Act of 2006*, (Washington, D.C.: CBO, May 26, 2006).
- 98 Congressional Budget Office, *H.R. 4157: Health Information Technology Promotion Act of 2006*, (Washington, D.C.: CBO, July 25, 2006).
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