

**Notice to Participants and Beneficiaries and Federal Government
(One Percent Increased Cost Exemption)
Calculation and Disclosure of Documentation
OMB Numbers 1210-0105 and 1210-0106
November 2007**

NOTE TO REVIEWER:

The Department's interim final rule, which contains the ICRs that are the subject of these PRA renewal requests, was drafted pursuant to provisions of the Mental Health Parity Act (MHPA). MHPA originally was effective for plan years beginning on or after January 1, 1998, but the provisions were scheduled to sunset on September 30, 2001.

Congress has annually extended the MHPA sunset date for one-year periods, and the Department has amended its interim final rule through interim final amendments extending the applicability of the interim final rules.¹ The Department has received an opinion from its Solicitor's office that the interim final rule cannot be finalized while the authorizing legislation contains the sunset date.

The Department is requesting a three-year extension of the ICRs based on the assumption that Congress will continue to annually extend the MHPA sunset date as it has in the past. The Department will inform OMB (and revoke the ICRs) if the sunset date is not extended during the three-year renewal period. The Department intends to work toward finalizing the interim final rule if Congress ever passes legislation that removes the sunset provision.

¹ MHPA, Pub.L. 104-204, Sept. 26, 1996. DOL interim final regulations, Dec. 22, 1997 (62 FR 66931). Pub. L. 107-116, extending the original sunset date to Dec.30, 2002. Pub. L. 107-147, extending the original sunset date to Dec. 31, 2003. DOL interim final amendment, Sept. 30, 2001 (67 FR 60859). Pub. L. 108-197 extending the original sunset date to Dec. 31, 2004. DOL interim final amendment, Jan. 26, 2004 (69 FR 3815). Pub.L. 108-31, extending the original sunset date to Dec. 31, 2005. DOL interim final amendment, Dec. 27, 2004 (69 FR 75788). Pub. L. 109-151 extending the original sunset date to Dec. 31, 2006. DOL interim final amendment, March 20, 2006 (71 FR 13937). Pub. L. 109-432, extending the original sunset date to Dec. 31, 2007. DOL interim final amendment, Feb. 27, 2007 (72 FR 8628).