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**H.R. 2267 -- WILLING SELLER AMENDMENTS TO
THE NATIONAL TRAILS SYSTEM**

Cost to the Taxpayer: CBO is unable to provide an exact cost estimate, however, they do indicate that the total cost of acquisitions authorized under the bill could run into the hundreds of millions of dollars, subject to appropriations.

Does the Bill Create New Government Programs or Regulations: YES. The bill authorizes federal land acquisition from “willing sellers” along nine national trails totaling 19,000 miles. Current law prohibits the federal government from acquiring land for the trail outside of existing federal areas, such as national forests or parks. It is impossible to determine exactly how many landowners would be affected by this bill since, according to CBO, the federal agencies that administer these trails “have not complete land protection plans for most of the nine trails.”

Constitutional Authority: The Committee cites Article I, Section 8, but fails to cite a specific clause or power.

Areas of Concern:

- 1) This bill authorizes the further expansion of federal land holdings at a time at which we are incapable of maintaining the current lands owned by the federal government.
- 2) The bill fails to define what constitutes a “willing seller.” Property rights advocates have long argued that often times private land owners are coerced, often by threat of government regulation or litigation, into becoming willing sellers.
- 3) Because land protection plans for the nine trails have not been finalized, no one is exactly certain how much land is being authorized for acquisition or where that land is located.

H.R. 5036 — DAYTON AVIATION HERITAGE PRESERVATION

Cost to the Taxpayer: A CBO cost estimate is not available, however, the bill eliminates the \$200,000 cap on federal funds used for the improvement of non-federal property.

Does the Bill Create New Government Programs or Regulations: The bill expands the Heritage area to include at least two new properties.

Constitutional Authority: No Committee report was filed, and no authority is cited in the bill.

H.R. 4904 — U.S. RELATIONSHIP WITH NATIVE HAWAIIANS

Cost to Taxpayers: A CBO estimate is not available.

Does the Bill Create New Government Programs or Regulations: YES, the bill creates a new Office of the Special Trustee for Native Hawaiian Affairs within the Department of Interior. The bill also establishes the process whereby Native Hawaiians can form their own governing council which would be recognized by the federal government for the purposes of conducting government to government relations similar to those conducted with Native American tribes. It is likely that the new Native Hawaiians governing authority would assume control of the 200,000 acres of land reserved for the aid of Native Hawaiians as well as conduct programs for the aid of Native Hawaiians. While the sponsor contends that this measure will not lead to legalized gambling in Hawaii, there does not seem to be anything in the legislation prohibiting future actions by the new Native Hawaiian government to seek such legalization.

Constitutional Authority: A Committee Report and therefore citation of Constitutional authority is not available.

Background: This proposal is largely a response to a February Supreme Court ruling that stated that the current system of allowing only Native Hawaiians to vote in special elections to elect administrators of a taxpayer funded trust for Native Hawaiians was unconstitutional because it denied some individuals the right to vote on the basis of race.

H.R. 4944— EXPORT WORKING CAPITAL LOAN IMPROVEMENT ACT

Cost to Taxpayer: CBO estimates that implementing the bill would have no significant impact on the budget.

Does the Bill Create New Government Programs or Regulations: No. Under current law SBA may guarantee loans to small businesses for the development of foreign markets. Lenders may sell the guaranteed portion of such loans on the secondary market, but only after the loan has been fully dispersed. The proposed bill would allow guaranteed portions of SBA backed loans to be sold before disbursement is complete.

Constitutional Authority: The Committee cites Article I, Section 8, clause 18 (make all laws necessary and proper).

H.R. 4946 — NATIONAL SMALL BUSINESS REGULATORY ASSISTANCE ACT

Cost to Taxpayer: CBO estimates that implementing the bill will cost about \$1 million in FY 2001 and \$2 million in each year thereafter, subject to appropriation.

Does the Bill Create New Government Programs or Regulations: YES, the bill directs the SBA to establish a pilot program to provide assistance in complying with federal regulations to small businesses. Under the bill twenty of the existing Small Business Development Centers, representing different regions, would be selected to participate in the pilot program and the Association of Small Business Development Centers would serve as a clearinghouse for information and would submit an annual report to Congress.

Constitutional Authority: The Committee cites Article I, Section 8, clause 18 (make all laws necessary and proper).

H.R. 1795 — NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND ENGINEERING ESTABLISHMENT ACT

Cost to Taxpayers: The bill authorizes an amount equal to the amount spent by the NIH last year for biomedical imaging and engineering and would adjust that amount in future years for inflation. CBO is unable to estimate exactly how much NIH is spending on biomedical imaging and engineering and therefore cannot estimate the cost of the bill.

Does the Bill Create New Government Programs or Regulations: YES, the bill creates a new NIH Institute of Biomedical Imaging and Engineering and an advisory council for the new institute.

Constitutional Authority: A Committee Report and therefore citation of Constitutional authority is not available.

Areas of Concern:

According to National Journal, Commerce Ranking Member John Dingell expressed concern that the bill might create yet another administrative bureaucracy. He did, however, vote for the measure.

H.R. 2346 — STATE AND LOCAL ENFORCEMENT OF REGULATIONS REGARDING CB EQUIPMENT ACT

Cost to Taxpayers: CBO estimates that implementing the bill will cost less than \$200,000 annually subject to appropriation.

Does the Bill Create New Government Programs or Regulations: YES, the bill authorizes State and local governments to enact and enforce ordinances prohibiting a person from violating FCC rules regarding the operation of CB equipment. The bill requires the FCC to provide State and local government with technical assistance. The bill also provides for an appeal to the FCC by any individual who claims that a State or local government acted outside of the authority provided by this bill.

Constitutional Authority: The Committee cites Article I, Section 8, clause 3 (interstate commerce).

Areas of Concern:

Under current law FCC enforcement agents have the right to conduct inspections of radio installations without a search warrant. The bill requires that State and local law enforcement have probable cause before attempting to enforce the statute regarding use of equipment on board a commercial motor vehicle. However, the bill allows the FCC to define probable cause. The bill is silent regarding any probable cause requirements for enforcement of suspected violations in non-commercial vehicles or homes. Some Members have long expressed concerns about allowing law enforcement to circumvent basic Constitutional requirements regarding searches.

H.R. 3100-- KNOW YOUR CALLER ACT OF 2000

Cost to Taxpayers: CBO estimates that implementing H.R. 3100 would have a negligible impact on the federal budget, and that the FCC would spend less than \$500,000 annually to implement H.R. 3100, assuming the availability of appropriated funds. Because the commission is authorized under current law to collect fees from the telecommunications industry sufficient to offset the cost of its enforcement programs, CBO assumes that those additional costs would be offset by an increase in collections credited to annual appropriations for the FCC.

Does the Bill Create New Government Programs or Regulations: Yes. The bill would require the FCC to issue regulations to prohibit telephone solicitors from purposefully blocking their contact information so that it does not appear on caller identification systems. The contact information that must be transmitted consists of the name of the person or entity that is placing the call, the organization on whose behalf the call is being made, and a return phone number. In addition, H.R. 3100 would establish a private right of action in state courts to punish violations of these provisions. Finally, the bill would require the FCC to study issues surrounding the transmission of caller identification information and report to the Congress within one year of the bill's enactment.

H.R. 3100 contains an intergovernmental mandate because it would preempt certain provisions of state telemarketing statutes, which could affect the associated fines and penalties. Because states vary significantly in their regulation of telephone solicitors, CBO cannot determine precisely the total revenue loss they would experience as a result of this bill. However, CBO estimates that revenue losses to states would not exceed the threshold established by UMRA (\$55 million in 2000).

H.R. 3100 would also impose private-sector mandates on telephone solicitors. A company that has telecommunication services or equipment that is capable of transmitting its name and phone number would be required to do so. The bill also would prohibit those companies from using a person's name and number for telemarketing, mail marketing, or any other marketing purposes when that person has requested to be placed on a 'do-not-call' list. CBO estimates that the cost of the mandates would be well below the threshold established by UMRA for private-sector mandates (\$109 million in 2000).

Constitutional Authority: The committee cites Article I, section 8, clause 3, (commerce clause).

H.R. 5117 — MISSING CHILDREN TAX FAIRNESS ACT OF 2000

Cost to Taxpayers: No CBO estimate is available

Does the Bill Create New Government Programs or Regulations: Yes, the bill allows parents of kidnapped children (under 18) to claim the child as a dependant for tax purposes.

Constitutional Authority: A Committee Report and therefore citation of Constitutional authority is not available.

H.R. 2572— APOLLO EXPLORATION AWARD ACT OF 1999

Cost to Taxpayers: No CBO estimate is available

Does the Bill Create New Government Programs or Regulations: Yes, the bill establishes an Apollo Exploration Award, consisting of a lunar rock sample which shall be awarded to each of the Apollo astronauts or to their family or heir if he is deceased. The bill allows for NASA to recall the rocks if they are needed for scientific study.

Constitutional Authority: A Committee Report and therefore citation of Constitutional authority is not available.

The views expressed in this Legislative Bulletin do not necessarily reflect the views of all Members of the Conservative Action Team.

The Conservative Action Team is a Congressional Member Organization of almost 60 House Members and is chaired by Representative John Shadegg (R-AZ).