

**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. 2641 — TECHNICAL CORRECTIONS TO TITLE X OF THE
ENERGY POLICY ACT**

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

Does the Bill Create New Government Programs or Regulations: No, the bill extends authorization for federal reimbursement of certain remediation costs incurred by private operators of active uranium and thorium processing sites. Under current law the authorization expires December 31, 2002, the bill extends the authorization until December 31, 2007.

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

**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. 4365 — CHILDREN’S HEALTH ACT

Cost to Taxpayers: A CBO cost estimate is not available, but the bill authorizes billions of dollars in spending.

Does the Bill Create New Government Programs or Regulations: YES, the bill reauthorizes and establishes numerous new programs (see Floor Prep for a complete rundown).

When the bill was first considered by the House it passed 419-2 (Paul and Sanford). CATs staff is unaware of any changes that might cause Members to change their vote.

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).