

140. Act of October 27, 1986 (Pub. L. 99-570, § 1366, 100 Stat. 3207-35, 18 U.S.C. § 982(a)(1))

Statute requiring full criminal forfeiture of money transported out of the United States without amounts in excess of \$10,000 being reported violates the Excessive Fines Clause of the Eighth Amendment when \$357,144 was required to be forfeited.

United States v. Bajakajian, 524 U.S. 321 (1998).

Justices concurring: Thomas, Stevens, Souter, Ginsburg, Breyer

Justices dissenting: Kennedy, Rehnquist, C.J., O'Connor, Scalia

141. Act of October 30, 1986 (Pub. L. 99-591, title VI, § 6007(f)), 100 Stat. 3341, 49 U.S.C. App. § 2456(f)

The Metropolitan Washington Airports Act of 1986, which transferred operating control of two Washington, D.C., area airports from the Federal Government to a regional airports authority, violates separation of powers principles by conditioning that transfer on the establishment of a Board of Review, composed of Members of Congress and having veto authority over actions of the airports authority's board of directors.

Metropolitan Washington Airports Auth. v. Citizens for the Abatement of Aircraft Noise, 501 U.S. 252 (1991)

Justices concurring: Stevens, Blackmun, O'Connor, Scalia, Kennedy, Souter

Justices dissenting: White, Marshall, Rehnquist, C.J.

142. Act of November 17, 1986 (Pub. L. 99-662, title IV, § 1402(a), 26 U.S.C. §§ 4461, 4462)

The Harbor Maintenance Tax (HMT) violates the Export Clause of the Constitution, Art. I, § 9, cl. 5, to the extent that the tax applies to goods loaded for export at United States ports. The HMT, which requires shippers to pay a uniform charge of 0.125% of cargo value on commercial cargo shipped through the Nation's ports, is an impermissible tax rather than a permissible user fee. The value of export cargo does not correspond reliably with federal harbor services used by exporters, and the tax does not, therefore, represent compensation for services rendered.

United States v. United States Shoe Corp., 523 U.S. 360 (1998).

143. Act of April 28, 1988 (Pub. L. 100-297 § 6101, 102 Stat. 424, 47 U.S.C. § 223(b)(1))

Amendment to Communications Act of 1934 imposing an outright ban on "indecent" but not obscene commercial telephone messages ("dial-a-porn") violates the First Amendment, because it has not been shown to be narrowly tailored to further the governmental interest in protecting minors from hearing such messages.