



## Legislative Bulletin.....November 13, 2006

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### Summary of the Bills Under Consideration Today:

**Total Number of New Government Programs:** 0

**Total Cost of Discretionary Authorizations:** \$55.7 million in 2007; \$277.8 million over five years

**Effect on Revenue:** \$108 million increase over five years

**Total Change in Mandatory Spending:** \$0

**Total New State & Local Government Mandates:** 0

**Total New Private Sector Mandates:** 0

**Number of Bills Without Committee Reports:** 3

**Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority:** 1

## **H.R. 409 Sierra National Forest Land Exchange Act of 2005** — *as received* (Radanovich, R-CA)

**Order of Business:** The bill is scheduled for consideration on Monday, November 13, 2006, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 409 would authorize the Secretary of Agriculture to exchange 160 acres of federal land for 80 acres of private land in Mt. Diablo Meridian, California. The private land owner must also pay the government \$50,000, and the Secretary must deposit the money into a fund which allows the Secretary to acquire lands and interest in lands for the National Forest System in California, without further appropriation from Congress. The conveyance of the federal land would be subject to valid existing rights and under such terms and conditions as the Secretary may prescribe and the land to would be governed as part of the National Forest Service Land. H.R. 409 deems that the value of the non-federal land is \$200,000 and the value of the federal land is \$250,000.

In addition, the conveyance requires that the recipient of the federal land (the private owner who is trading his land) convey all 160 acres of the federal land to the Sequoia Council of the Boy Scouts of America within four months of receiving the federal land. The bill also authorizes the granting of an easement to the owner of a hydroelectric project on the federal portion of the land to be exchanged. Under the bill, the hydroelectric project owner is granted the right to enter, occupy, and use for hydroelectric power purposes the land within the licensed boundary of his project. If the Boy Scouts Council later wants to sell, transfer, or otherwise convey the federal land it receives, the original private landowner is given the right of first refusal to obtain the land, and must notify and offer to convey to the hydroelectric project owner the same conditions offered by the federal easement.

The Senate amended H.R. 409, adding a rider that extends authorizations for grants to encourage the use of biomass for energy. The authorizations are extended to 2016, but the bill reduces the amount authorized from \$50 million annually to \$35 million annually from 2007 to 2016. The House originally passed the bill on September 20, 2005, by voice vote.

**Committee Action:** H.R. 409 was received from the Senate, as amended, on September 29, 2006.

**Cost to Taxpayers:** H.R. 409 authorizes \$175 million over the 2007-2011 period. CBO estimates that the federal land conveyed generates no offsetting receipts and that any increase in direct spending from the exchange would be negligible.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution” *[emphasis added]*.

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**H.R. 3085 — To amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail — as amended (Wamp, R-TN)**

**Order of Business:** The bill is scheduled for consideration on Monday, November 13, 2006, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 3085 would direct the Secretary of the Interior to complete the feasibility study on adding to the Trail of Tears National Historic Trail the Bengé and Bell routes; the “land components of the designated water routes in Alabama, Arkansas, Oklahoma, and Tennessee;” “routes from collection forts in Alabama, Georgia, North Carolina, and Tennessee to emigration depots;” and the campgrounds located along the previously listed routes within six months of passage of the bill.

The Senate amended the bill by adding a rider stating that no additional funds are authorized to carry out the study. The bill previously passed the House on July 17, 2006, by a vote of 356-5.

**Additional Information:** According to the National Park Service’s website, the Trail of Tears National Historic Trail commemorates the negative effects of the Indian Removal Act of 1830, which mandated relocating all Native American Indian tribes east of the Mississippi River to lands west of the Mississippi. Currently, the Historic Trail includes 2,200 miles of routes over nine states. (source: <http://www.nps.gov/trte/>)

According to the sponsor’s office, the Park Service has not completed the process to make a recommendation to Congress, and the bill is intended to direct the process to be completed. The Park Services has stated it needs six months to complete the process.

Additionally, the sponsor’s office has asserted that even if the lands were designated a part of the National Historic Trail of Tears, the lands would not be under federal jurisdiction. The designation would simply allow historical markers to be placed along the routes.

**Committee Action:** H.R. 3085 was received from the Senate on September 29, 2006.

**Cost to Taxpayers:** CBO estimates that the bill would cost less than \$100,000 assuming the availability of appropriated funds.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** Committee Report 109-549 cites constitutional authority for this legislation in Article 4, Section 3, and Clause 2 of the Constitution, the property clause.

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## **S. 1131 — Idaho Land Enhancement Act — *as amended* (Sen. Craig, R-ID)**

**Order of Business:** The bill is scheduled for consideration on Monday, November 13, 2006, under a motion to suspend the rules and pass the bill.

**Summary:** S. 1131 directs the Secretaries of the Interior and Agriculture to accept an offer from Idaho to convey lands near Boise in exchange for federal lands in Idaho if the offer is made within 180 days of enactment. The bill directs that the lands be appraised and that the value of the exchanged lands be equalized by cash given to the party receiving land of lesser value. Any money that the Secretary of Agriculture receives from the exchange is to be used to acquire land in Idaho for inclusion in the National Forest System. Boise, Idaho is to cover the conveyance costs. The lands conveyed in the exchange are to be exempt from the mining and public land laws and the mineral leasing laws.

S. 1131 also directs the Secretary of the Interior to transfer to the Secretary of Agriculture 2,110 acres of Bureau of Land Management (BLM) in Shoshone County, Idaho. The lands conveyed to the Secretary of Agriculture are to be administrated in accord with the laws governing the National Forest System.

**Additional Information:** S. 1131 would involve the exchange of 7,220 acres of National Forest land and 605 acres of BLM land for 11,815 acres of land owned by Idaho.

**Committee Action:** S. 1131 was received from the Senate on September 29, 2006 and referred to the House Committee on Resources, which took no official action.

**Cost to Taxpayers:** CBO estimates that implementing S. 1131 would have no significant impact on the federal budget.

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes, the bill increases the amount of land under federal control by 3,990 acres, and any cash equalization payment received by the federal government would be used to acquire more acres for the federal portfolio.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

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**S. 4001 — New England Wilderness Act of 2006  
— *as received* (Sen. Sununu, R-NH)**

**Order of Business:** The bill is scheduled for consideration on Monday, November 13, 2006, under a motion to suspend the rules and pass the bill.

*Note:* Under House Republican Conference Rules, legislation failing to include a cost estimate may not be considered by the House on the Suspension Calendar. This rule may be waived by a vote of the elected Leadership. S. 4001, which fails to include a cost estimate, received such a waiver from the elected Leadership.

**Summary:** S. 4001 designates 34,500 acres of federal land in two New Hampshire locations as components of the National Wilderness Preservation System. The bill does not affect the responsibility of New Hampshire with respect to wildlife and fish in the state.

Additionally, S. 4001 designates 41,652 acres of federal land in six Vermont locations as components of the National Wilderness Preservation System. The bill does not affect the responsibility of Vermont with respect to wildlife and fish in the state. The Forest Service is directed to allow the continuance of the Appalachian National Scenic Trail, the Long Trail, and the Catamount Trail in the Vermont lands.

S. 4001 also designates 15,857 acres of federal land in Vermont as the Moosalamoo National Recreation Area. The acreage is to be managed as a National Forest System unit. The bill does not affect the responsibility of Vermont with respect to wildlife and fish in the Moosalamoo National Recreation Area.

**Additional Information:** To learn more about the National Wilderness Preservation system, please view this site: [www.wilderness.net](http://www.wilderness.net).

**Committee Action:** S. 4001 was received from the Senate on September 29, 2006 and was referred to the Committees on Resources and Agriculture, which took no official action.

**Cost to Taxpayers:** A CBO score of S. 4001 is unavailable, but Leadership has granted the bill a waiver of Conference Rule 28 to be on the suspension calendar.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

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**H.R. 1129 — Pitkin County Land Exchange Act of 2006**  
**— as amended (Udall, D-CO)**

**Order of Business:** The bill is scheduled for consideration on Monday, November 13, 2006, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 1129 directs the Secretaries of Agriculture and the Interior to accept an offer by Pitkin County, Colorado to exchange roughly 53.2 acres of Pitkin County land for about 51.42 acres of federal land within one year of enactment of the bill. The Secretary of Agriculture must have the lands to be exchanged appraised. If the federal land is valued higher than the Pitkin County land, the county can make a cash equalization payment to the Secretary of Agriculture. Any cash equalization payment must be used to purchase land in Colorado to be included in the National Forest System. The land acquired from Pitkin County is to be added to the White River National Forest. Once the Pitkin County land becomes a possession of the federal government, it will be permanently withdrawn from mining and mineral leasing laws.

The Secretary of the Interior retains a reversionary interest in 40 acres known as the Crystal River Parcel if Pitkin County does not allow public access to the land and the land is not used for recreational, fish and wildlife conservation, and public open space purposes. Additionally, the federal government will retain an easement in the 5.5 acres known as the Wildwood parcel for the location, construction, and public use of the East Aspen Trail.

The House previously passed the bill on December 6, 2006, by voice vote.

**Committee Action:** H.R. 1129 was received from the Senate on September 29, 2006.

**Cost to Taxpayers:** While CBO estimates that H.R. 1129 would have no significant impact on the federal budget, CBO stated the bill would increase federal administrative and land-management costs by no more than \$500,000 per year, subject to appropriations. H.R. 1129 would not affect revenues.

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes, H.R. 1129 would increase federal administrative and land-management costs by no more than \$500,000 per year. Also, the exchange adds almost two more acres to the federal portfolio. Any money received in a cash equalization payment will be used to bring more land in Colorado under federal control.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** The House report on H.R. 1129, Committee Report [109-252](#), cites constitutional authority for this legislation in Article 1, Section 8 of the Constitution, but fails to cite a specific Clause.

House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution” *[emphasis added]*.

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### **S. 435 — Lower Farmington River and Salmon Brook Wild and Scenic River Study Act of 2005 — *as amended (Sen. Dodd, D-CT)***

**Order of Business:** The bill is scheduled for consideration on Monday, November 13, 2006, under a motion to suspend the rules and pass the bill.

**Summary:** S. 435 directs the Secretary of the Interior to study the feasibility of adding about 40 miles of the Farmington River and Salmon Brook in Connecticut to the National Wild and Scenic Rivers System. The bill authorizes such sums as necessary to conduct the study. The Secretary is directed to complete the study within three years of the availability of appropriated funds.

**Additional Information:** 14 miles of the Farmington River’s West Branch has already been designated as a Wild and Scenic River.

**Committee Action:** S. 435 was received from the Senate on December 17, 2005, and referred to the Committee on Resources, which took no official action.

**Cost to Taxpayers:** CBO estimates that implementing S. 435 would cost \$200,000 over the next three years, subject to appropriations. S. 435 would not affect direct spending or revenues.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

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### **S. 819 — Pactola Reservoir Reallocation Authorization Act of 2005 — *as received (Sen. Johnson, D-SD)***

**Order of Business:** The bill is scheduled for consideration on Monday, November 13, 2006, under a motion to suspend the rules and pass the bill.

**Summary:** S. 819 allows the Secretary of the Interior to reallocate the construction costs of the Pactola Dam and Reservoir from irrigation purposes to municipal, industrial, and fish and wildlife purposes.

**Additional Information:** The Bureau of Reclamation has contracted with Rapid City, South Dakota to provide water to the city for municipal, industrial, irrigation, recreation, wildlife, fisheries, and instream flow needs. The Department of Energy Organization Act prohibits reallocation of costs without congressional approval. Congressional approval of the reallocation of construction costs is necessary to execute the contract with Rapid City.

**Committee Action:** S. 819 was received from the Senate on November 17, 2005, and referred to the Committee on Resources, which took no official action.

**Cost to Taxpayers:** CBO estimates that enacting S. 819 would not have a significant effect on the federal budget. Further, CBO estimates that an increase in contract payments would result in \$100,000 in receipts, offsetting direct spending, annually.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

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**H.R. 6121 — To amend the Federal Water Pollution Control Act to  
reauthorize a program relating to the Lake Pontchartrain Basin  
— as introduced (Baker, R-LA)**

**Order of Business:** The bill is scheduled for consideration on Monday, November 13, 2006, under a motion to suspend the rules and pass the bill.

*Note:* Under House Republican Conference Rules, legislation failing to include a cost estimate may not be considered by the House on the Suspension Calendar. This rule may be waived by a vote of the elected Leadership. H.R. 6121, which fails to include a cost estimate, received such a waiver from the elected Leadership.

**Summary:** H.R. 6121 amends the Federal Water Pollution Control Act extending from 2005 to 2011 the authorization of \$20 million in appropriations for restoring the ecological health of the Lake Pontchartrain Basin by developing and funding restoration projects and related scientific and public education projects.



**Committee Action:** H.R. 6121 was introduced on September 20, 2006, and referred to the Committee on Transportation and Infrastructure, which took no official action.

**Cost to Taxpayers:** No CBO score is available for the bill, but the bill authorizes \$100 million over the 2007-2011 period.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

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**S. 1140 — A bill to designate the State Route 1 Bridge in the State of Delaware as the “Senator William V. Roth, Jr. Bridge”  
— as received (Sen. Carper, D-DE)**

**Order of Business:** The bill is scheduled for consideration on Monday, November 13, 2006, under a motion to suspend the rules and pass the bill.

**Summary:** S. 1140 designates the State Route 1 Bridge over the Chesapeake and Delaware Canal in Delaware as the “Senator William V. Roth, Jr. Bridge.”

**Additional Information:** William Roth, Jr. served in both the House and the Senate. Senator Roth passed away December 13, 2003. He authored the Kemp-Roth Tax Cut with Jack Kemp. Sen. Roth was the author of the Roth IRA legislation.

(sources: <http://bioguide.congress.gov/scripts/biodisplay.pl?index=R000460>, and <http://www.answers.com/topic/william-v-roth-jr>)

**Committee Action:** S. 1140 was received from the Senate on June 16, 2005, and referred to the Committee on Transportation and Infrastructure, which took no official action.

**Cost to Taxpayers:** The only costs associated with a bridge naming are those for sign and map changes, none of which significantly affect the federal budget.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

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**H.R. \_\_ — To authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Vietnam, and to establish a procedure for imposing quotas on imports of subsidized textile and apparel products of Vietnam —as introduced (Ramstad, R-MN)**

**Order of Business:** The bill is scheduled to be considered on Monday, November 13<sup>th</sup>, under a motion to suspend the rules and pass the bill.

Note: the first section of this legislation is identical to H.R. 5602.

**Summary:** H.R. \_\_ would authorize the permanent extension of nondiscriminatory treatment (normal trade relations treatment, or “NTR”) to the products of Vietnam. Specifically, the bill would remove Vietnam from the current-law prohibition on permanently adding new countries to which NTR treatment applies. (*NTR refers to nondiscriminatory tariff treatment. Embargoes and other non-tariff barriers can still exist under NTR.*)

The bill would also establish an enforcement mechanism, as set forth in the U.S.-Vietnam commercial agreement signed earlier this year, to ensure that the President implements quotas on Vietnam, if Vietnam grants any prohibited subsidies to its textile and apparel industry (in violation of the terms of its accession to the World Trade Organization—the “WTO”).

Specifically, the U.S. Trade Representative (USTR) would have to determine whether to initiate an investigation and would have to request consultations with Vietnam within 20 days of receiving a petition. [The USTR could also initiate an investigation without a petition.] The USTR would have to make a determination and, if affirmative, refer the dispute to a WTO arbitrator within 60 days of initiating the investigation (and alert Vietnam).

The USTR would have to consult with Congress and allow for public comment.

The Administration would have to impose up-to-one-year quotas within 120 days after referring the dispute to the WTO, even if the WTO has not yet made a decision. The quotas would apply to all textiles and apparel, regardless of the nature of the prohibited. The quotas would be lifted when Vietnam completely eliminates the prohibited subsidy to its textile and apparel industry (as certified by the USTR).

**Additional Background:** Countries that wish to have permanent NTR (“PNTR”) must comply with the Jackson-Vanik provisions of the Trade Act of 1974 (requiring that the President of the United States determine that a country neither denies nor impedes the right or opportunity of its citizens to emigrate), and must reach a bilateral commercial agreement with the United States (which Vietnam did earlier this year).

Vietnam has been granted one-year NTR treatment extensions since 2001 (in accordance with the Jackson-Vanik requirements).

The bill contains a variety of findings, including:

- “Vietnam has undertaken significant market-based economic reforms, including the reduction of government subsidies, tariffs and non-tariff barriers, and extensive legal reform. These measures have dramatically improved Vietnam’s business and investment climate.”
- “Vietnam is in the process of acceding to the World Trade Organization. On May 31, 2006, the United States and Vietnam signed a comprehensive bilateral agreement providing greater market access for goods and services and other trade liberalizing commitments as part of the World Trade Organization accession process.”

Diplomatic relations between the United States and Vietnam were normalized in 1995.

**Committee Action:** On June 13, 2006, the bill was referred to the Ways & Means Committee, which took no official action on it.

**Administration Position:** The Administration is strongly supportive of this legislation.

**Cost to Taxpayers:** A CBO cost estimate for S. 3495 (which is identical to this legislation in its PNTR implications) finds that permanently extending NTR to Vietnam would increase revenues (tariff collections) by \$18 million in FY2007 and a total of \$108 million over the FY2007-FY2011 period (due to increased trade with Vietnam).

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** Although a committee report citing constitutional authority is unavailable, Article I, Section 8, Clause 1 grants Congress the power to lay and collect taxes, duties, imposts, and excises. Additionally, Article I, Section 8, Clause 3 grants Congress the power to regulate commerce with foreign nations.

**Outside Organizations:** The U.S. Chamber of Commerce strongly supports the passage of this legislation.

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**S. 3880 — Animal Enterprise Terrorism Act**  
**— *as amended* (Sen. Inhofe, R-OK)**

**Order of Business:** The bill is scheduled for consideration on Monday, November 13, 2006, under a motion to suspend the rules and pass the bill.

**Summary:** S. 3880 stiffens the penalties for animal enterprise terrorism and broadens the definition of the offense to protect immediate family members and spouses of those engaged in an animal enterprise. The bill also protects those having a connection to, relationship with, or transactions with an animal enterprise. S. 3880 criminalizes conspiracy and attempt to commit animal enterprise terrorism. In other words, the bill would make it easier to prosecute animal rights activists whose actions lead to property damage and personal injury.

The bill replaces the previous scheme of four grades of crime with five grades. The imprisonment penalty for economic damage amounting to less than \$10,000 is increased from six months to a year. The imprisonment term for damages between \$10,000 and \$100,000 is increased from three years to five. S. 3880 creates a new category of offense, stating that if the offense results in substantial bodily injury or over \$100,000 in damages, the prison term is ten years. If the offense results in serious bodily injury or more than \$1 million damage, the prison term is twenty years. If the offense results in death, the prison term is life.

S. 3880 declares that the law is not to be construed to prohibit First Amendment expression, to provide exclusive criminal or civil penalties for animal enterprise terrorism, or to preempt State laws.

**Committee Action:** S. 3880 was received from the Senate on November 9, 2006.

**Cost to Taxpayers:** A CBO score for S. 3880 is unavailable, but Leadership has granted the bill a Conference Rule 28 waiver.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

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