



**Legislative Bulletin.....November 19, 2014**

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**H.R. 5448 — John F. Kennedy Center Reauthorization Act of 2014 (Barletta, R-PA)**

**Order of Business:** [H.R. 5448](#) is expected to be considered on November 19, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

**Summary:** H.R. 5448 would authorize a total of \$190.4 million in taxpayer subsidies for the [John F. Kennedy Center for the Performing Arts](#) in fiscal years 2015 through 2019.

\$122.2 million of that amount is for Maintenance, Repair, and Security and \$68.2 million is for Capital Projects. The table below shows the amounts authorized by H.R. 5448:

<b>Fiscal Year</b>	<b>Maintenance, Repair, and Security</b>	<b>Capital Projects</b>	<b>Total</b>
2015	\$22,200,000	\$12,200,000	\$34,400,000
2016	\$23,000,000	\$16,000,000	\$39,000,000
2017	\$24,000,000	\$13,000,000	\$37,000,000
2018	\$26,000,000	\$13,000,000	\$39,000,000
2019	\$27,000,000	\$14,000,000	\$41,000,000

**Additional Background:** The Kennedy Center first opened in 1971. According to its website, the Kennedy Center hosts “an unmatched variety of theater and musicals, dance and ballet, orchestral, chamber, jazz, popular, world, and folk music, and multimedia performances for all

ages.” It is affiliated with the National Symphony Orchestra and the Washington National Opera.

Federal subsidies for the Kennedy Center were most recently authorized by the [John F. Kennedy Center Reauthorization Act of 2012](#) (P.L. 112–131) which passed the House by voice vote on May 7, 2012. The table below shows the amounts authorized by P.L. 112–131:

<b>Fiscal Year</b>	<b>Maintenance, Repair, and Security</b>	<b>Capital Projects</b>	<b>Total</b>
2013	\$22,379,000	13,588,000	\$35,967,000
2014	\$22,379,000	13,588,000	\$35,967,000

The Fiscal Year 2014 Consolidated Appropriations Act appropriated \$22,193,000 for the Operations and Maintenance account and \$12,205,000 for the Capital Repair and Restoration account for the Kennedy Center.

**Committee Action:** H.R. 5448 was introduced on September 11, 2014, and referred to the Committee on Transportation and Infrastructure. The Committee marked up and reported H.R. 5448 by voice vote on [September 17, 2014](#).

**Possible Conservative Concerns:**

Some conservatives may feel that it is inappropriate for the federal government to subsidize a performing arts center that could raise its own funding through ticket sales and donations. For example, tickets to upcoming shows of the [Nutcracker](#) range in price from \$56 to \$165. The Kennedy Center’s [website](#) currently lists 15 corporations as Executive Benefactors who provide annual commitment of \$250,000 or greater.

Some conservatives may be concerned that at a time when the nation’s debt is over \$17.9 trillion, this legislation would increase the annual authorization amount from \$34.4 million in 2015 to \$41 million in 2019.

**Cost to Taxpayers:** According to [CBO](#), H.R. 5448 would “authorize additional appropriations totaling \$190 million for fiscal years 2015 through 2019 (reflecting amounts rising from \$34 million in 2015 to \$41 million in 2019). Assuming appropriation of the specified amounts, CBO estimates that implementing H.R. 5448 would cost \$170 million over the 2015-2019 period.”

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes, H.R. 5448 increases the authorization for taxpayer subsidies to the Kennedy Center.

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

**Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10<sup>th</sup> Amendment?:** No.

**Does the Bill Delegate Any Legislative Authority to the Executive Branch?:** No.

**Does the Bill Contain Any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** No.

**Constitutional Authority:** “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8 of the United States Constitution, specifically Clause 1 (relating to providing for the general welfare of the United States) and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress) and clause 17 (relating to authority over the district as the seat of government), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).”

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## **H. R. 5728 – STELA Reauthorization Act of 2014 (Rep. Upton, R-MI)**

**Order of Business:** The bill is scheduled to be considered on November 19, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

**Summary:** [H.R. 5728](#), the Satellite Television Extension and Localism Act (STELA) would amend the [Communications Act of 1934](#) and title 17, United States Code, to extend expiring provisions relating to the retransmission of signals of television broadcast stations, by extending until December 31, 2019, the exemption for satellite carriers from retransmission consent requirements. Satellite carriers currently pay royalty fees for the right to transmit certain television signals to their subscribers without obtaining permission from copyright holders. The bill would extend current law that allows satellite carriers to transmit copyrighted material but would not extend the license that allows transmission without specific permission from the copyright holders which expires on December 31, 2014.

No additional funds are authorized to carry out the bill, or any amendments made by the bill. H.R. 5728 shall be carried out using amounts otherwise authorized or appropriated.

- Section 101 of the bill would extend the exemption from retransmission consent for distant signals, the prohibition on exclusive retransmission consent deals, and the requirement for good faith retransmission consent negotiations.
- Section 102 authorizes the Federal Communications Commission (FCC), with respect to a particular commercial television broadcast station, to include additional communities

within its local market or exclude communities from such station's local market to better effectuate the purposes of this section.

- Section 103 prohibits multiple broadcast stations from negotiating retransmission consent jointly unless the stations are directly or indirectly under common de jure control approved by the FCC.
- Section 104 permits broadcasters seeking a waiver of the FCC's rules on attribution or local ownership of television joint sales agreements adopted on March 31, 2014, to not be considered in violation of the ownership limitations by reason of the application of such rule until the later of: (1) the date that is 18 months after the date on which the Federal Communications Commission denies such petition; or (2) December 31, 2016.
- Section 105 eliminates the "sweeps week" provision that prohibits cable operators from dropping broadcast signals during the weeks when Nielsen Media Research does its major audience measurements.
- Section 106 eliminates the FCC's integration ban for cable set-top boxes for certain multichannel video programming distributors.
- Section 107 requires the Government Accountability Office (GAO) to conduct a study and issue a report on necessary changes to the Code of Federal Regulations and the impact on consumers should Congress repeal the statutory compulsory copyright regime that governs broadcast content.
- Section 108 requires each satellite direct broadcast service provider to report the local signals that it provides for each market in which it broadcasts, and requires that it report on the potential use of its technology for the retransmission of local signals in each market.
- Section 109 requires the FCC to conduct a study no later than 18 months after the bill's enactment and issue a report on the extent to which consumers can access broadcast signals originating outside of the consumers' local markets and on feasible alternatives to the use of designated market areas to define markets in a manner that would allow more programming options.
- Section 110 requires the FCC to annually publish statistical reports on the average rates for basic cable service and other cable programming, and for converter boxes, remote control units, and other equipment of cable systems that the Commission has found are subject to effective competition compared with cable systems that the Commission has found are not subject to such effective competition.
- Section 111 mandates that the FCC complete a rulemaking to establish a streamlined process for filing of an effective competition petition for small cable operators,

particularly those who serve primarily rural areas, not later than 180 days after the date of the bill's enactment.

- Title II would extend the obligation to pay the royalty fees, as well as the moratorium on copyright liability to 2019 by amending [chapter 1 of title 17, United States Code](#). The title terminates the statutory license of secondary transmissions of a performance or display of a work embodied in a primary transmission made by a network station on December 31, 2019. Section 204 states that the local market of a commercial television broadcast station may be modified by the Federal Communications Commission.
- Section 301 states that if any amendment of the bill, provision, or application of such provision is deemed unconstitutional, the remainder of the bill shall not be affected.

**Additional Information:** A similar bill (H.R. 4572, Satellite Television Extension and Localism Act (STELA) Reauthorization Act of 2014) passed the House on July 22, 2014 by voice vote. The RSC's legislative bulletin for H.R. 4572 can be found [here](#). A Congressional Research Service report from September 2014 on the Reauthorization of the Satellite Television Extension and Localism Act (STELA) can be found [here](#).

**Committee Action:** The bill was introduced on November 18, 2014, and was referred to the House Committee on Energy and Commerce.

**Administration Position:** No Statement of Administration Policy is available.

**Cost to Taxpayers:** No Congressional Budget Office (CBO) estimate is available.

**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 CBO estimate is available.

**Constitutional Authority:** No constitutional authority is available.

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**H. R. 5681 – To provide for the approval of the Amendment to the Agreement Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes.  
(Rep. Royce, R-CA)**

**Order of Business:** The bill is scheduled to be considered on November 19, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

**Summary:** [H.R. 5681](#) would allow amendments to the [Agreement Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes](#) to be brought into effect on or after the bill's enactment as if all requirements of the [Atomic Energy Act of 1954](#) for congressional consideration of those amendments had been satisfied. The amendment would be subject to the provisions of the Atomic Energy Act of 1954 and any other applicable United States law as if the amendment had come into effect in accordance with those requirements.

**Additional Information:** The Agreement Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes, or the US-UK Mutual Defence Agreement, is a bilateral security agreement between the United States and the United Kingdom that is automatically renewed every ten years. A list of cosponsors for H.R. 5681 can be found [here](#).

**Committee Action:** The bill was introduced on November 12, 2014, and was referred to the House Committee on Foreign Affairs.

**Administration Position:** No Statement of Administration Policy is available.

**Cost to Taxpayers:** No Congressional Budget Office (CBO) estimate is available.

**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 CBO estimate is available.

**Constitutional Authority:** Congress has the power to enact this legislation pursuant to the following: Article I, Section 8 of the Constitution of the United States.

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## **H. Res. 754 – Condemning the Government of Iran for its gross human rights violations. (Rep. Royce, R-CA)**

**Order of Business:** The bill is scheduled to be considered on November 19, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

**Summary:** [H. Res. 754 condemns the Government of Iran for its human rights violations. The resolution:](#)

- Calls on the Government of Iran to abide by all of its international and domestic obligations with respect to human rights and civil liberties, including freedoms of assembly, speech, and press;
- Deplores the dramatic rise in executions of Iranian citizens by authorities since the election of President Hassan Rouhani in June 2013;
- Condemns, in particular, the recent cruel execution of [Reyhaneh Jabbari](#), an Iranian woman convicted of killing a man she said she stabbed in self-defense during a sexual assault;
- Deplores the Government of Iran's mistreatment of its religious minorities, including through the deprivation of life, liberty, and property;
- Condemns, in particular, the Government of Iran for its relentless persecution of its Baha'i minority;
- Calls on the Government of Iran to release all political prisoners and prisoners of conscience;
- Notes that the Administration has designated only one Iranian person for the commission of serious human rights abuses under the [Comprehensive Iran Sanctions, Accountability, and Divestment Act](#), as amended, since May 30, 2013;
- Urges the President to increase the utilization of all available authorities, including the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, to impose sanctions on officials of the Government of Iran and other individuals directly responsible for serious human rights abuses, including by freezing those individuals' assets and barring their entry into the United States;
- Urges the United States Government to adopt and implement the following recommendations of the United States Commission on International Religious Freedom with respect to Iran;
- Condemns the undemocratic elections process that denies Iranians the ability to freely choose their own government; and
- Stands with the people of Iran who seek the opportunity to freely elect a government of their choosing.

**Additional Information:** According to the findings of the resolution, the Government of Iran continues to perpetrate gross violations of the fundamental human rights of the Iranian people,

including electoral fraud during the 2009 Iranian Presidential election, and brutally suppressing the peaceful political protests of the Green Revolution. The [United States Department of State](#) consistently finds that Iranian authorities have “limited freedom of association through threats, intimidation, the imposition of arbitrary requirements on organizations, and the arrests of group leaders and members.”

The [United Nations’ Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran](#) found in its August 2014 report that the laws and policies of the Government of Iran “continue to place overly broad restrictions on the rights to freedom of expression and access to information”, including “severe content restrictions, intimidation and prosecution of Internet users and limitations on Internet access through throttling and filtering.” According to the report, Iranian women continue to face legal and societal discrimination, as well as rampant domestic violence, not specifically prohibited under domestic law.

The [United States Commission on International Religious Freedom](#) found in its 2014 Annual Report that the Government of Iran “continues to engage in systematic, ongoing, and egregious violations of religious freedom, including prolonged detention, torture, and executions based primarily or entirely upon the religion of the accused,” including the consistent persecution of members of the Baha’i community.

In response to these abuses, the United States Department of the Treasury, pursuant to the [Iran Threat Reduction and Syria Human Rights Act of 2012](#), has issued a General License in September 2013 to permit the exportation of services and the transfer of funds for activities related to human rights and democracy building projects in Iran, which facilitate United States nongovernmental organizations’ activities that increase Iranian access to information and freedom of expression. The United States has also led the effort in the United Nations Human Rights Council to renew the mandate of the Special Rapporteur on Iran in order to further expose Iranian human rights abuses.

More information from the Foreign Policy Initiative on the Government of Iran’s human rights abuses under President Rouhani’s regime can be found [here](#).

**Committee Action:** The bill was introduced on November 14, 2014, and was referred to the House Committee on Foreign Affairs.

**Administration Position:** No Statement of Administration Policy is available.

**Cost to Taxpayers:** No Congressional Budget Office (CBO) estimate is available.

**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:** House Rules do not require constitutional authority statements for resolutions.



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## **H. R. 3398 – Girls Count Act of 2014, as amended (Rep. Chabot, R-OH)**

**Order of Business:** The bill is scheduled to be considered on November 19, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

**Summary:** [H.R. 3398 authorizes the Secretary of State and the Administrator of the United States Agency for International Development to provide assistance to support the rights of women and girls in developing countries. The Secretary and the Administrator are specifically authorized to:](#)

- Support programs that will contribute to improved and sustainable [Civil Registration and Vital Statistics Systems](#) (CRVS) with a focus on birth registration as the first and most important life event to be registered;
- Promote programs that build the capacity of developing countries' national and local legal and policy frameworks to prevent discrimination against girls;
- Support programs to help increase property rights, social security, and home ownership, land tenure security, and inheritance rights for women; and
- Assist key ministries in the governments of developing countries, including health, interior, youth, and education ministries, to ensure that girls from poor households obtain equitable access to social programs.

The Secretary of State is also mandated to coordinate with the World Bank, relevant United Nations agencies and programs to urge and work with countries to enact, implement, and enforce laws that specifically collect data on girls and establish registration and identification laws to ensure girls are active participants in the social, economic, legal and political sectors of society in their countries. The Secretary and the Administrator of the United States Agency for International Development are also urged to work with United States, international, and local private sector and civil society organizations to advocate for the registration and documentation of all girls and boys in developing countries to prevent exploitation, violence, and other abuses.

The Secretary and the Administrator are mandated to include the following information in relevant evaluations and reports to Congress:

- United States foreign assistance and development assistance beneficiaries by age, gender, marital status, location, and school enrollment status;

- A description of how United States foreign assistance and development assistance benefits girls; and
- Specific information on programs that address the particular needs of girls.

The bill expires 5 years after its enactment.

**Additional Information:** According to the findings of H.R. 3398, even though most countries do have birth registration laws, nearly one-third of all children under the age of 5 worldwide have never had their births registered. Moreover, an estimated 45 percent of children under the age of 5 worldwide (about 290 million children) do not possess a birth certificate. The lack of birth registration among girls worldwide is particularly concerning as it exacerbates their disproportionate vulnerability to trafficking, child marriage, and lack of access to health and education services. It can also aggravate what in many places amounts to an already reduced ability to seek employment participate in civil society or purchase or inherit land and other assets. More information on H.R. 3398 from the bill's sponsor can be found [here](#).

**Committee Action:** The bill was introduced on October 30, 2013, and was referred to the House Committee on Foreign Affairs. On July 30 2014, the Committee held a markup of the bill and ordered it reported (amended) by unanimous consent.

**Administration Position:** No Statement of Administration Policy is available.

**Cost to Taxpayers:** The Department of State and the United States Agency for International Development report that ongoing assistance programs meet the requirements of the bill. On that basis, the Congressional Budget Office (CBO) expects that no further assistance would be provided under the bill. CBO estimates that implementing the reporting requirements would cost less than \$500,000 each year and total \$1 million over the 2015-2019 period, assuming the availability of appropriated funds. Pay-as-you-go procedures do not apply to this legislation because it would not affect direct spending or revenues. The CBO estimate can be found [here](#).

**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?:** H.R. 3398 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

**Constitutional Authority:** Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8, Clause 3: To regulate commerce with foreign nations, and among the several states, and with the Indian tribes; Article 1, Section 9, Clause 7: No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of receipts and expenditures of all public money shall be published from time to time.

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## **H.R. 3583 – Malala Yousafzai Scholarship Act, as amended (Rep. Ros-Lehtinen, R-FL)**

**Order of Business:** The bill is scheduled to be considered on November 19, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

**Summary:** [H.R. 3583](#) states that Congress encourages the Department of State and the United States Agency for International Development to continue their support for initiatives led by the Government of Pakistan and Pakistani civil society that promote education in Pakistan, especially education for women. The bill would require the Administrator of the United States Agency for International Development (USAID) to award at least 50 percent of the number of scholarships under the Merit and Needs-Based Scholarship Program to women for each of the calendar years 2014 through 2016. The scholarships available may only be awarded in accordance with other scholarship eligibility criteria already established by USAID and shall be awarded for a range of disciplines to improve the employability of graduates and to meet the needs of the scholarship recipients.

The USAID Administrator is mandated to make every effort to award 50 percent of the scholarships available under the Program to Pakistani women, and to the greatest extent practicable, consult with and leverage investments by the Pakistani private sector and Pakistani diaspora communities in the United States as part of USAID's greater effort to improve the quality of, expand access to, and ensure sustainability of education programs in Pakistan.

H.R. 3583 would also require USAID to provide annual briefings to Congress, not later than 1 year after the bill's enactment and annually for the next 3 years, on the agency's progress in implementing the provisions in the bill.

**Additional Information:** According to the bill's findings, the United States provides critical foreign assistance to Pakistan's education sector to improve access to and the quality of basic and higher education. The [Merit and Needs-Based Scholarship Program](#) administered by the United States Agency for International Development (USAID) awards scholarships to academically talented, financially needy Pakistani students from all regions, including remote areas of the country, to pursue bachelor's or master's degrees at participating Pakistani universities. Fifty percent of the 974 Merit and Needs-Based Scholarships awarded during fiscal year 2013 were awarded to Pakistani women. Historically, only 25 percent of such scholarships have been awarded to women. Starting in the fall of 2013, USAID has committed to provide 50 percent of all scholarships to women.

The bill's namesake, [Malala Yousafzai](#), began writing a blog for BBC Urdu under a pseudonym pressing the case for access to education for women and girls despite objections from the

Pakistani Taliban. Her advocacy for women's and girls' rights made her a target of the Taliban. On October 9, 2012, Malala Yousafzai was shot in the head by Pakistani Taliban on her way home from school in a failed assassination attempt. She has gone on to become a global symbol for the struggle for women and girls' education. On October 10, 2014, Malala Yousafzai became the co-recipient of the Nobel Peace Prize for her "struggle against the suppression of children and young people and for the right of all children to education."

An identical bill ([S. 120](#)) was introduced in the Senate on January 23, 2013 by Sen. Boxer (D-CA).

**Committee Action:** The bill was introduced on November 21, 2013, and was referred to the House Committee on Foreign Affairs. On April 3, 2014, the Committee held a mark-up and ordered the bill to be reported (amended) by unanimous consent.

**Administration Position:** No Statement of Administration Policy is available.

**Cost to Taxpayers:** United States Agency for International Development has indicated that it would meet the bill's requirements under its current plans to provide 1,167 scholarships in 2014, 1,015 in 2015, and 818 in 2016. In each of those years, women would receive at least half of all scholarships provided. Therefore, the Congressional Budget Office (CBO) estimates that implementing H.R. 3583 would not result in any additional scholarships being provided and would have no effect on the federal budget. Pay-as-you-go procedures do not apply to this legislation because it would not affect direct spending or revenues. On September 24, 2013, CBO transmitted a cost estimate for S.120, the Malala Yousafzai Scholarship Act, as ordered reported by the Senate Committee on Foreign Relations on September 17, 2013. That bill is similar to H.R. 3583, and CBO's estimates of the costs of both bills are the same. The CBO estimate for H.R. 3583 can be found [here](#).

**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?:** H.R. 3583 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

**Constitutional Authority:** Congress has the power to enact this legislation pursuant to the following: Article I, Section 8 of the Constitution.

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