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S. 238 — Eric Williams Correctional Officer Protection Act of 2015 (Sen. Toomey, R-PA)

CONTACT: [Jennifer Weinhart](#), 202-226-0706

FLOOR SCHEDULE:

Scheduled for consideration on February 24, under a suspension of the rules, which requires 2/3 majority for passage.

TOPLINE SUMMARY:

[S. 238](#) would authorize the Bureau of Prisons to issue oleoresin capsicum spray to officers and employees at the Bureau of Prisons.

COST:

A Congressional Budget Office (CBO) estimate is not yet available.

Rule 28(a)(1) of the Rules of the Republican Conference prohibit measures from being scheduled for consideration under suspension of the rules without an accompanying cost estimate. Rule 28(b) provides that the cost estimate requirement may be waived by a majority of the Elected Leadership.

CONSERVATIVE CONCERNS:

No substantive concerns.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

S. 238 would require the Director of the Bureau of Prisons to routinely issues oleoresin capsicum spray to officers or employees or the Bureau of Prisons who are employed at non-low or minimum security prisons and who may respond to emergency situations in such prisons. It would also allow the spray to be provided to additional officers and employees if the Director determines it necessary. Officers would be required to complete a training course prior to handling the spray.

Officers and employees would be permitted to use oleoresin capsicum spray to reduce acts of violence committed by prisoners or by prison visitors against themselves, other prisoners, visitors, officers or employees of the Bureau of Prisons.

Within three years following the issuance of oleoresin capsicum spray for officers and employees, the U.S. Comptroller General would be required to submit a report to Congress on the effectiveness of issuing the spray, the reduction of crime in prison, reducing acts of violence by prisoners, cost, recommendations to improve safety, and the advisability of issuing the spray.

On February 25, 2013, Senior Officer Eric Williams was stabbed repeatedly and killed by an inmate at USP Canaan. All officer Williams had available to defend himself at the time of his attack was a set of keys, handcuffs, and a hand radio. In response to Officer Williams's murder, many are [calling](#) for officers and employees to at least be permitted to carry pepper spray with them for defense purposes.

COMMITTEE ACTION:

S. 238 was introduced on January 22, 2015 and was referred to the Senate Committee on the Judiciary. It was passed in the Senate by Unanimous Consent on December 16, 2015. It was subsequently referred to the House Committee on the Judiciary.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

Constitutional Authority Statements are not required for Senate legislation.

H.R. 3004 — To amend the Gullah/Geechee Cultural Heritage Act to extend the authorization for the Gullah/Geechee Cultural Heritage Corridor Commission (Rep. Clyburn, D-SC)

CONTACT: [Nicholas Rodman](#), 202-226-8576

FLOOR SCHEDULE:

Scheduled for consideration on February 24, 2016 suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 3004](#) would extend the authorization for the [Gullah/Geechee Cultural Heritage Corridor Commission](#) through October 12, 2021.

COST:

The Congressional Budget Office (CBO) [estimates](#) that enacting the legislation would not result in significant additional costs to the federal government over the 2017-2021 period.

CONSERVATIVE CONCERNS:

There are no substantive concerns.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

H.R. 3004 would extend the authorization by 5 additional years for the Gullah/Geechee Cultural Heritage Corridor Commission through October 12, 2021. The Commission was created to assist local, state, and federal authorities in the implementation of the management plan for the corridor, which covers coastal counties in North Carolina, South Carolina, Georgia, and Florida where African Americans known as the Gullah maintain a unique culture and language developed since the 18th century.

COMMITTEE ACTION:

H.R. 3004 was introduced on July 9, 2015 and was referred to the House Committee on Natural Resources. On February 3, 2016, the bill was ordered to be reported by unanimous consent.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the sponsor: "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8 of the United States Constitution." No specific enumerating clause was included.

H.R. 2880 — Martin Luther King, Jr. National Historical Park Act of 2016 (Rep. Lewis, D-GA)

CONTACT: [Nicholas Rodman](#), 202-226-8576

FLOOR SCHEDULE:

Scheduled for consideration on February 24, 2016 suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 2880](#) would redesignate the Martin Luther King, Junior, National Historic Site in Atlanta, Georgia as the Martin Luther King, Junior, National Historic Park and expand its existing boundaries to include the original headquarters of the Southern Christian Leadership Conference (SCLC).

COST:

The Congressional Budget Office (CBO) [estimates](#) that H.R. 2880 would not affect direct spending or revenues, therefore pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 2880 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year period beginning in 2027.

CONSERVATIVE CONCERNS:

There are no substantive concerns.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

H.R. 2880 would redesignate the Martin Luther King, Junior, National Historic Site as the Martin Luther King, Jr. National Historical Park, expand the parks boundaries, and would modify corresponding maps.

COMMITTEE ACTION:

H.R. 2880 was introduced on June 24, 2015 and was referred to the House Committee on Natural Resources. On February 3, 2016, the bill was ordered to be reported (amended) by unanimous consent.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the sponsor: "Congress has the power to enact this legislation pursuant to the following: This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States." No specific enumerating clause was included.

H.R. 812 — Indian Trust Asset Reform Act, as amended (Rep. Simpson, R-ID)

CONTACT: [Nicholas Rodman](#), 202-226-8576

FLOOR SCHEDULE:

Scheduled for consideration on February 24, 2016 suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 812](#) would give tribes more authority in handling their financial assets. Under current law, the Department of the Interior is responsible for managing assets held in trust by the federal government for the benefit of Indian tribes.

COST:

The Congressional Budget Office (CBO) does not expect that implementing [H.R. 812](#) would affect the federal government's overall costs to provide services and other assistance to tribes. Because enacting H.R. 812 would not affect direct spending or revenues, pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 812 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

CONSERVATIVE CONCERNS:

There are no substantive concerns.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

H.R. 812 would authorize the Secretary of the Interior to create an Indian trust asset management demonstration project and allow certain eligible tribes approved by the Department to participate. The project would be authorized for 10 years, but could be extended at the discretion of the Secretary.

The bill would specify the appropriate procedures for an Indian tribe to submit a proposed Indian trust asset management plan to the Department of the Interior. The Secretary would be required to provide to an Indian tribe any technical assistance and information, including budgetary information to assist the tribe in preparing the proposed plan. The Secretary would additionally be required to approve or disapprove of the plan not later than 120 days after the date on which the plan is submitted by a tribe. If the Secretary fails to approve a plan, it would be deemed approved. An Indian tribe would be allowed to seek judicial review over the Secretary's determination.

The Secretary would be authorized to approve an Indian trust asset management plan that includes a provision authorizing the tribe to enter into a surface leasing transaction or forest land management activity without approval of the Secretary, even though the surface leasing transaction or forest land management activity would require such approval under specified conditions.

Title II of the bill would authorize the Secretary of the Interior to establish the position of Under Secretary for Indian Affairs, appointed by the President, by and with the advice and consent of the Senate. The officer serving as the Assistant Secretary for Indian Affairs on the date of the bill's enactment would be authorized to assume the position of Under Secretary without appointment if the officer was appointed as Assistant

Secretary for Indian Affairs by the President with the advice and consent of the Senate and if the Secretary approves. The Under Secretary would coordinate with the [Special Trustee for American Indians](#) to ensure an orderly transition of any or all functions to the Bureau of Indian Affairs (BIA); and would supervise and coordinate activities and policies of the BIA with other government agencies. The Secretary of the Interior would be required, in consultation with Indian tribes and tribal organizations, to ensure that appraisals and evaluations of Indian trust property are administered by a single bureau within the Department. The Secretary would be additionally required to prepare a report to Congress that includes a transition plan and timetable for the termination of the Office of the Special Trustee, and a description of any functions of the Office of the Special Trustee that will be transitioned to the BIA together with applicable timeframes.

COMMITTEE ACTION:

H.R. 812 was introduced on February 9, 2015 and was referred to the House Committee on Natural Resources. On February 3, 2016, the bill was ordered to be reported with an amendment in the nature of a substitute by unanimous consent.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the sponsor: "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, which grants Congress the power to regulate Commerce with the Indian Tribes."

H.R. 1475 — Korean War Veterans Memorial Wall of Remembrance Act of 2016 (Rep. Johnson, R-TX)

CONTACT: [Nicholas Rodman](#), 202-226-8576

FLOOR SCHEDULE:

Scheduled for consideration on February 24, 2016 suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 1475](#) would authorize the construction of a Wall of Remembrance at the Korean War Veterans Memorial in Washington, DC.

COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing the legislation would have an insignificant cost to the federal government over the 2017-2021 period, mostly because maintenance costs would not be incurred until the memorial has been completed. Because enacting H.R. 1475 would not affect direct spending or revenues, pay-as-you-go procedures do not apply.

CONSERVATIVE CONCERNS:

There are no substantive concerns.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

H.R. 1475 would authorize the construction of a Wall of Remembrance, constructed without the use of federal funds. The [American Battle Monuments Commission](#) would be directed to request and consider design recommendations from the [Korean War Veterans Memorial Foundation](#), Inc. for the establishment of the wall. The expansion of the Korean War Memorial would commemorate U.S. and United Nations forces who were killed, wounded, found to be missing in action, or were taken as prisoners of war during the conflict.

COMMITTEE ACTION:

H.R. 1475 was introduced on March 19, 2015 and was referred to the House Committee on Natural Resources. On February 3, 2016, the bill was ordered to be reported (amended) by voice vote.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the sponsor: "Congress has the power to enact this legislation pursuant to the following: The constitutional authority on which this bill rests is 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, as enumerated in Article IV, Section 3, Clause 2 of the United States Constitution."

H.R. 3371 — Kennesaw Mountain National Battlefield Park Boundary Adjustment Act of 2015 (Rep. Loudermilk, R-GA)

CONTACT: [Nicholas Rodman](#), 202-226-8576

FLOOR SCHEDULE:

Scheduled for consideration on February 24, 2016 suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 3371](#) would adjust the boundary of the [Kennesaw Mountain National Battlefield Park](#) to include the Wallis House and Harriston Hill, allowing the National Park Service (NPS) to acquire about 8 acres of land.

COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 3371 would cost \$2 million over the 2017-2021 period to develop and operate the new property authorized to be acquired in the bill. Because enacting H.R. 3371 would not affect direct spending or revenues, pay-as-you-go procedures do not apply.

CONSERVATIVE CONCERNS:

There are no substantive concerns.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

H.R. 3371 would modify the boundary of the Kennesaw Mountain National Battlefield Park to include the approximately 8 acres identified as “Wallis House and Harriston Hill”. The Secretary of the Interior would be authorized to acquire, from willing owners only, land or interests in land by donation or exchange.

The Secretary would additionally be directed to administer the land as part of the Kennesaw Mountain National Battlefield Park in accordance with applicable laws and regulations. No non-federal property would be included in the Kennesaw Mountain National Battlefield Park without the written consent of the owner, nor would the Secretary be authorized to acquire land by condemnation for the purposes of the bill. No buffer zones outside the park would be established.

COMMITTEE ACTION:

H.R. 3371 was introduced on July 29, 2015 and was referred to the House Committee on Natural Resources. On February 3, 2016, the bill was ordered to be reported by unanimous consent.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the sponsor: “Congress has the power to enact this legislation pursuant to the following: Article IV, Section 3, Clause 2: The Congress shall have Power to dispose of and make all needful Rules and

Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.”

H.R. 3620 — To amend the Delaware Water Gap National Recreation Area Improvement Act to provide access to certain vehicles serving residents of municipalities adjacent to the Delaware Water Gap National Recreation Area, and for other purposes (Rep. Marino, R-PA)

CONTACT: [Nicholas Rodman](#), 202-226-8576

FLOOR SCHEDULE:

Scheduled for consideration on February 24, 2016 suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 3620](#) would permit certain commercial vehicles to pass through the [Delaware Water Gap National Recreation Area](#) and allow the Department of Interior (DOI) to collect an annual fee up to \$200 from the vehicle users until September 30, 2020.

COST:

The Congressional Budget Office (CBO) [estimates](#) that H.R. 3620 would increase offsetting receipts from permit fees and associated direct spending; therefore, pay-as-you-go procedures apply. However, based on information from the National Park Service (NPS), CBO estimates that the net effect on direct spending would be insignificant. Enacting the bill would not affect revenues.

CONSERVATIVE CONCERNS:

There are no substantive concerns.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

H.R. 3620 would close Highway 209, a federally owned road within the boundaries of the recreation area, to all commercial vehicles, with the exception of commercial vehicles that have four or fewer axles and are owned and operated by a business physically located in the recreation area or adjacent municipalities; and that are necessary to provide services to businesses or persons located in the area. The Secretary of the Interior would be authorized to establish a fee (not exceeding \$200 per vehicle) and permit program for commercial vehicles using Highway 209. All fees received under the program would be set aside in a special account and be available, without further appropriation, to the Secretary for the administration and enforcement of the program. The fee and permit would be waived for local school buses, emergency vehicles, and commercial vehicles using a specific route.

COMMITTEE ACTION:

H.R. 3620 was introduced on September 28, 2015 and was referred to the House Committee on Natural Resources. On February 3, 2016, the bill was ordered to be reported by unanimous consent.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the sponsor: “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 18, To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.” No specific enumerating clause was included.

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