

BUREAU OF LAND MANAGEMENT FOUNDATION ACT

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JULY 1, 2016.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed  
\_\_\_\_\_

Mr. BISHOP of Utah, from the Committee on Natural Resources,  
submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 3844]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3844) to establish the Energy and Minerals Reclamation Foundation to encourage, obtain, and use gifts, devises, and bequests for projects to reclaim abandoned mine lands and orphan oil and gas well sites, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Bureau of Land Management Foundation Act”.

**SEC. 2. DEFINITIONS.**

In this Act:

- (1) BOARD.—The term “Board” means the Board of Directors of the Foundation.
- (2) BLM.—The term “BLM” means the Bureau of Land Management.
- (3) CHAIRMAN.—The term “Chairman” means the Chairman of the Board.
- (4) DIRECTOR.—The term “Director” means an individual member of the Board.
- (5) FOUNDATION.—The term “Foundation” means the Bureau of Land Management Foundation established by this Act.
- (6) SECRETARY.—The term “Secretary” means the Secretary of the Interior.
- (7) NATIONAL CONSERVATION LANDS.—The term “National Conservation Lands” means the system of lands established by section 2002 of the Omnibus Public Lands Management Act of 2009 (16 U.S.C. 7202).

(8) WILD FREE-ROAMING HORSES AND BURROS.—The term “wild free-roaming horses and burros” has the same meaning that term has under section 2(b) of the Wild Free-Roaming Horses And Burros Act Of 1971 (16 U.S.C. 1332(b)).

(9) ORPHANED OIL AND GAS WELL SITES.—The term “orphaned oil and gas well sites” means all onshore oil and gas wells in the United States that have no responsible or liable parties and that—

(A) are located on federally managed lands;

(B) are located on lands or minerals that were federally managed at the time oil and gas operations were initiated; or

(C) adversely impact the health or productivity of Federal lands.

(10) ABANDONED MINE LANDS.—The term “abandoned mine lands” means all hard rock mines in the United States that were abandoned before January 1, 1981, and all coal mines in the United States that were abandoned before August 3, 1977, and that—

(A) are located on federally managed lands;

(B) are located on lands or minerals that were federally managed at the time mining operations were initiated; or

(C) adversely impact the health or productivity of Federal lands.

**SEC. 3. ESTABLISHMENT AND PURPOSES OF THE BUREAU OF LAND MANAGEMENT FOUNDATION.**

(a) ESTABLISHMENT.—There is established the Bureau of Land Management Foundation as a charitable and nonprofit corporation that shall not be considered an agency or establishment of the United States.

(b) PURPOSES.—

(1) IN GENERAL.—The purposes of the Foundation are to—

(A) encourage, accept, obtain, administer, and use private gifts of money, devises, and bequests of real and personal property for the benefit of, or in connection with, the activities and services of the BLM described in subparagraph (B);

(B) undertake, conduct, and encourage programs and activities that support—

(i) educational, technical, scientific, and other assistance or activities that support the management of BLM lands in regard to—

(I) wild free-roaming horses and burros;

(II) fish and wildlife and their habitats;

(III) National Conservation Lands;

(IV) recreation resources; and

(V) cultural and historic resources; and

(ii) activities that support the reclamation and remediation of—

(I) abandoned mine lands;

(II) orphaned oil and gas well sites; or

(III) public lands impacted by development connected to mineral exploration and development activities.

(2) INCLUDED RECLAMATION ACTIVITIES.—Reclamation activities under paragraph (1)(B) should include, but not be limited to, the remediation of soil and water contamination, the restoration of wildlife habitat in order to restore the natural, scenic, historic, cultural, and ecological values of such areas, or the promotion of the economic potential of such areas.

(c) ACTIVITIES OF THE FOUNDATION AND THE BUREAU OF LAND MANAGEMENT.—The activities of the Foundation authorized under this Act shall be supplemental to and shall not preempt any authority or responsibility of the BLM under any other provision of law.

(d) RANGE OF FOUNDATION ACTIVITIES.—The activities and grants made by the Foundation under subsection (b)(1)(B) that are not subject to limitations under section 5(d)(4) shall be undertaken in equal proportion under clauses (i) and (ii) of subsection (b)(1)(B).

**SEC. 4. BOARD OF DIRECTORS.**

(a) ESTABLISHMENT AND MEMBERSHIP.—

(1) IN GENERAL.—The Foundation shall have a governing Board of Directors, which shall consist of no more than 9 members, each of whom shall be a United States citizen.

(2) REQUIREMENTS OF MEMBERS.—Of the appointed members of the Board—

(A) at least 3 shall have education or experience in natural, cultural, conservation, or other resource management, law, research, or advocacy;

(B) at least 3 shall have education or experience in energy and minerals development, reclamation, or remediation; and

(C) up to 3 shall be appointed as at-large members.

- (3) EX OFFICIO MEMBER.—The Director of the Bureau of Land Management, or a designee of the Director of the Bureau of Land Management, shall be an ex officio nonvoting member of the Board.
- (b) APPOINTMENT AND TERMS.—
- (1) INITIAL APPOINTMENT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall appoint the members of the Board in accordance with paragraph (6) who, except as otherwise provided in paragraph (2), shall be appointed for terms of 6 years.
- (2) STAGGERED APPOINTMENTS.—In appointing the initial members of the Board, the Secretary shall appoint, as determined to be appropriate by the Secretary—
- (A) one-third of the members to serve an initial term of 2 years;
- (B) one-third of the members to serve an initial term of 4 years; and
- (C) one-third of the members to serve an initial term of 6 years.
- (3) VACANCY.—A vacancy on the Board shall be—
- (A) filled not later than 60 days after the vacancy occurs, in the manner of which the original appointment was made; and
- (B) for the balance of the term of the individual who was replaced.
- (4) REMOVAL.—A Director may be removed from the Board by a majority vote of the Board if the individual misses 3 consecutive regularly scheduled meetings.
- (5) TERM LIMIT.—In no case may an individual serve more than 12 consecutive years on the Board.
- (6) NOMINATIONS.—The Secretary shall publish a solicitation in the Federal Register seeking nominations from the public of individuals for appointment to the Board. Such solicitation shall be open for a period of 30 days. Nominations submitted shall not be binding, but the Secretary shall give consideration to the names received. Within 30 days after the end of such period, the Secretary shall appoint members who comply with the requirements of subsection (a)(2), and publish the names and backgrounds of those appointed in the Federal Register.
- (7) REPRESENTATION OF DIVERSE AREAS OF EXPERTISE.—In appointing the members of the Board the Secretary shall seek to appoint, and may give preference to, individuals who have experience with State or local government partnerships and represent diverse areas of expertise.
- (c) CHAIRMAN.—The Chairman—
- (1) shall be elected by the Board from its members for a 2-year term; and
- (2) may be reelected as Chairman while serving as a Director.
- (d) QUORUM.—A majority of the current voting membership of the Board shall constitute a quorum for the transaction of business.
- (e) MEETINGS.—The Board shall meet at the call of the Chairman at least once a year.
- (f) REIMBURSEMENT OF EXPENSES.—Serving as a Director shall not constitute employment by the United States Government for any purpose. Members of the Board shall serve without pay other than reimbursement for the actual and necessary traveling and subsistence expenses incurred in the performance of their duties for the Foundation in accordance with section 5703 of title 5, United States Code.
- (g) GENERAL POWERS.—The Board may complete the organization of the Foundation by appointing officers and employees, adopting a constitution and bylaws consistent with the purposes of the Foundation and this Act, and undertaking other such acts as may be necessary to function and to carry out the provisions of this title.
- (h) OFFICERS AND EMPLOYEES.—Officers and employees of the Foundation may not be appointed until the Foundation has sufficient funds to pay them for their service. Appointment as an officer or employee of the Foundation shall not constitute employment by the United States.
- (i) LIMITATION AND CONFLICTS OF INTEREST.—
- (1) PROHIBITION ON POLITICAL CAMPAIGN ACTIVITY.—The Foundation shall not participate or intervene in a political campaign on behalf of any candidate for public office.
- (2) CONFLICT OF INTEREST.—No Director, officer, or employee of the Foundation shall participate, directly or indirectly, in the consideration or determination of any particular matter before the Foundation affecting—
- (A) the financial interests of that Director, officer, employee, or an immediate family member of such Director, officer, or employee; or
- (B) the interests of any corporation, partnership, entity, or organization in which such Director, officer, employee, or an immediate family member of such Director, officer, or employee—
- (i) is an officer, director, or trustee; or
- (ii) has any direct financial interest.

(3) **LIMITATION ON ADMINISTRATIVE EXPENDITURE.**—Starting in the fifth fiscal year beginning after the date of the enactment of this Act, of the amounts available to the Foundation for expenditure each fiscal year, not more than 15 percent may be used for administrative expenses.

**SEC. 5. POWERS AND OBLIGATIONS.**

(a) **IN GENERAL.**—The Foundation—

(1) shall have perpetual succession; and

(2) may conduct business throughout the several States, territories, and possessions of the United States.

(b) **NOTICE AND SERVICE OF PROCESS.**—The Foundation shall at all times maintain a designated agent in the District of Columbia authorized to accept service of process for the Foundation. The serving of notice to, or service of process upon, the agent required under this subsection, or mailed to the business address of such agent, shall be treated as service upon or notice to the Foundation.

(c) **SEAL.**—The Foundation shall have an official seal selected by the Board, which shall be judicially noticed.

(d) **POWERS.**—In addition to powers otherwise authorized under this Act, to carry out its purposes the Foundation shall have the usual powers of a not-for-profit corporation in the District of Columbia, including the power to—

(1) accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein;

(2) acquire by donation, gift, devise, purchase, or exchange, and dispose of, any real or personal property or interest therein;

(3) sell, donate, lease, invest, reinvest, retain, or otherwise dispose of any property or income therefrom unless limited by the instrument of transfer;

(4) accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, at the request of the donor thereof, strictly and exclusively for any purpose set forth in section 3(b), including expenditure of funds received as a bequest for such a purpose for reasonable administrative expenses related to actions to carry out the bequest;

(5) borrow money and issue bonds, debentures, or other debt instruments;

(6) sue and be sued, and complain and defend itself in any court of competent jurisdiction, except that the Directors of the Board shall not be personally liable, except for gross negligence;

(7) enter into contracts or other arrangements with public agencies, private organizations, and persons and to make such payments as may be necessary to carry out the purposes thereof; and

(8) do any and all acts necessary and proper to carry out the purposes of the Foundation.

(e) **PROPERTY.**—

(1) **ACCEPTANCE OF PROPERTY.**—A gift, devise, or bequest of real property may be accepted by the Foundation even though it is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest therein is for the benefit of the Foundation.

(2) **REFUSAL OF PROPERTY.**—The Foundation may, in its discretion, decline any gift, devise, or bequest of real or personal property.

(3) **TITLE AND INTEREST IN REAL PROPERTY.**—For the purposes of this Act, an interest in real property shall be treated as including mineral and water rights, rights-of-way, and easements, appurtenant or in gross.

(4) **CONDEMNATION OF REAL PROPERTY PROHIBITED.**—No lands or waters, or interests therein, that are owned by the Foundation shall be subject to condemnation by any State or political subdivision, or any agent of instrumentality thereof.

(5) **LIMITATION ON THE ACQUISITION OF REAL PROPERTY.**—The Foundation shall not use any funds to purchase real property, unless such property is to be used for administrative or support purposes.

**SEC. 6. ADMINISTRATIVE SERVICES AND SUPPORT.**

(a) **ESTABLISHMENT SUPPORT.**—For the purposes of assisting the Foundation in establishing an office and meeting initial administrative, project, and other expenses, there is authorized to be appropriated to the Secretary \$3,000,000 for fiscal year 2016, \$2,000,000 for each of fiscal years 2017, 2018, and 2019, and \$1,000,000 for fiscal year 2020. Amounts appropriated under this subsection that are provided to the Foundation shall remain available to the Foundation until they are expended for authorized purposes.

(b) **ADMINISTRATIVE EXPENSES.**—The Secretary may provide personnel, facilities, equipment, and other administrative services to the Foundation with such limitations and on such terms and conditions as the Secretary shall establish. The Foun-

dation may reimburse the Secretary for any support provided under this subsection, in whole or in part, and any reimbursement received by the Secretary under this subsection shall be deposited into the Treasury to the credit of the appropriations then current and chargeable for the cost of providing the services.

**SEC. 7. VOLUNTEERS.**

The Secretary may accept, without regard to the civil service classification laws, rules, and regulations, the services of the Foundation, the Board, and the offices, employees, or agents of the Foundation, without compensation from the Department of the Interior, as volunteers for the performance of the functions under section 307(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737(d)).

**SEC. 8. AUDITS AND REPORTS REQUIREMENTS.**

(a) **AUDITS.**—For purposes of section 10101 of title 36, United States Code, the Foundation shall be treated as a corporation in part B of subtitle II of such title.

(b) **ANNUAL REPORT.**—The Foundation shall transmit at the end of each fiscal year a report to Congress of its proceedings and activities during that fiscal year, including—

- (1) a full and complete statement of its receipts, expenditures, and investments;
- (2) a description of all acquisition and disposal of real property by the Foundation;
- (3) a detailed statement of the recipient, amount, and purpose of each grant made by the Foundation; and
- (4) a copy of any audit prepared for the Foundation in the previous fiscal year.

**SEC. 9. UNITED STATES RELEASE FROM LIABILITY.**

The United States shall not be liable for any debts, defaults, acts, or omissions of the Foundation, nor shall the full faith and credit of the United States extend to any obligations of the Foundation.

**SEC. 10. RELIEF WITH RESPECT TO CERTAIN FOUNDATION ACTS OR FAILURE TO ACT.**

The Attorney General may petition in the United States District Court for the District of Columbia for such equitable relief as may be necessary or appropriate if the Foundation engages in any act, practice, or policy that is inconsistent with this Act or the bylaws of the Foundation.

**SEC. 11. LIMITATION ON AUTHORITY.**

Nothing in this Act authorizes the Foundation to perform any function the authority for which is exclusively provided to the BLM under any other provision of law.

**SEC. 12. LIMITATIONS ON USE OF FUNDS.**

Amounts available to, or provided by, the Foundation shall not be used for—

- (1) any activity the purpose of which is to influence legislation pending before Congress; or
- (2) any activity inconsistent with this Act.

Amend the title so as to read:

A bill to establish the Bureau of Land Management Foundation to encourage, obtain, and use gifts, devises, and bequests for projects for the benefit of, or in connection with, activities and services of the Bureau of Land Management, and for other purposes.

**PURPOSE OF THE BILL**

The purpose of H.R. 3844, as ordered reported, is to establish the Bureau of Land Management Foundation to encourage, obtain, and use gifts, devises, and bequests for projects for the benefit of, or in connection with, activities and services of the Bureau of Land Management.

**BACKGROUND AND NEED FOR LEGISLATION**

H.R. 3844 is part of the Committee's three-pronged response to the Gold King Mine and the Standard Mine spills that occurred in Colorado in August and September 2015, which the Committee is continuing to investigate. Preliminary reports indicated the spills were caused by the Environmental Protection Agency (EPA).

This bill establishes a new Bureau of Land Management (BLM) Foundation to facilitate cleanup of abandoned mine lands (AML), orphaned oil and gas well sites, and other select mission areas of the BLM: wild free-roaming horses and burros, fish and wildlife and their habitats, National Conservation Lands, recreation resources, and cultural and historic resources. Donors to the Foundation will be able to direct their contributions to either the cleanup of AML, orphaned oil and gas well sites, public lands impacted by mineral development, or one of the five mission areas listed above. Unrestricted donations will be split evenly between: 1) the mine and well reclamation and 2) the five other mission areas.

Supporters of this concept believe the freedom of the Foundation to solicit contributions from the general public will significantly increase the ability to guide money towards actions that will enhance and improve the quality of the environment. H.R. 3844, in concert with the Good Samaritan clean up provisions in H.R. 3843, provides an opportunity to address the AML issue in a more robust fashion with the help of American people interested in improving the quality of the environment for the betterment of society.

Though the Obama Administration has proposed imposing significant fee and tax increases on the mining industry as a means to address AML, critics point out that these proposals would fail to address the problem in a timely manner. Recently, a witness for Earthworks testified that EPA's estimated cleanup costs for hardrock AML sites would be about \$50 billion, and advocated for a reclamation fee that would raise \$180 million per year. At that rate, using EPA's estimate, it would take 277 years to address just the hardrock AML problem. Additionally, it is estimated that there is at least \$9 billion dollars left in coal AML cleanup costs, primarily in Appalachia.

For AML sites (pre-1977 coal and pre-1981 hardrock) and orphaned oil and gas well sites, there is generally no responsible party left to remediate the mine site or address downstream water quality issues caused by acid rock drainage or other contaminants resulting from the mining or oil and gas activity.

This bill provides an opportunity for people genuinely interested in environmental causes to contribute to a positive program with tangible results that will enhance and improve the quality of the environment. The proposed Foundation will have the ability to solicit contributions from the general public and the private sector. Congress has previously established successful foundations to support various missions within the Department of the Interior and for the National Forest System.<sup>1</sup>

#### COMMITTEE ACTION

H.R. 3844 was introduced on October 28, 2015, by Congressman Jody B. Hice (R-GA). The bill was referred to the Committee on Natural Resources, and within the Committee, to the Subcommittee on Energy and Mineral Resources. On November 4, 2015, the Subcommittee held a hearing on the bill. On June 14, 2016, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Con-

<sup>1</sup>National Park Foundation, Public Law 90-209 (54 U.S.C. 10111 et seq.); National Fish and Wildlife Foundation, Public Law 98-244 (16 U.S.C. 3701 et seq.); and National Forest Foundation, Public Law 101-593 (16 U.S.C. 583j et seq.).

gressman Hice and Congressman Alan S. Lowenthal (D–CA) offered an amendment in the nature of a substitute. The amendment in the nature of a substitute was adopted by unanimous consent, and the bill, as amended, was adopted and ordered favorably reported to the House of Representatives by unanimous consent on June 15, 2016.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, June 28, 20160.*

Hon. ROB BISHOP,  
*Chairman, Committee on Natural Resources,  
U.S. House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3844, the Bureau of Land Management Foundation Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jeff LaFave.

Sincerely,

KEITH HALL.

Enclosure.

*H.R. 3844—Bureau of Land Management Foundation Act*

Summary: H.R. 3844 would authorize the appropriation of \$7 million through 2020 to establish the Bureau of Land Management (BLM) Foundation. Based on information provided by BLM, CBO estimates that implementing the legislation would cost \$7 million over the 2017–2021 period, assuming appropriation of the authorized amounts.

Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 3844 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

H.R. 3844 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary effect of H.R. 3844 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resource and environment).

	By fiscal year, in millions of dollars—					2017–2021
	2017	2018	2019	2020	2021	
INCREASES IN SPENDING SUBJECT TO APPROPRIATION						
Estimated Authorization Level .....	2	2	2	1	0	7
Estimated Outlays .....	1	2	2	2	0	7

Basis of estimate: For this estimate, CBO assumes that the bill will be enacted near the end of 2016 and that the authorized amounts will be appropriated for each fiscal year. Estimated outlays are based on spending patterns for similar programs.

H.R. 3844 would authorize the appropriation of \$2 million a year through 2019 and \$1 million in 2020 for BLM to establish the Bureau of Land Management Foundation, a nonprofit entity that would support the management of BLM lands and reclaim federal lands affected by mineral development. CBO expects that after 2020, activities of the foundation would be funded by private donations of money and property. Based on information provided by BLM, CBO estimates that implementing H.R. 3844 would cost \$7 million over the 2017–2021 period.

CBO expects that the foundation's operations would be similar to the National Fish and Wildlife Foundation and the National Forest Foundation, both of which were established by the Congress with similar governance and authorities. The activities of both of those foundations are excluded from the federal budget. Under H.R. 3844, the foundation would be established by the Congress and members of the board overseeing the foundation would be appointed by the Secretary of the Interior; however, CBO would not consider the foundation an entity of the federal government whose cash transactions should be recorded in the federal budget. The foundation would not have powers that are normally reserved to governments such as the powers to enact regulations, charge compulsory fees, or assess and compel the payment of taxes. Thus, any activities of the foundation, including borrowing funds, accepting and spending donations, would be considered nongovernmental.

Pay-as-you-go considerations: None.

Increase in long-term direct spending and deficits: CBO estimates that enacting H.R. 3844 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

Intergovernmental and private-sector impact: H.R. 3844 contains no intergovernmental or private-sector mandates as defined in UMRA and would benefit state, local, and tribal governments to the extent that the Foundation provides grants or other assistance to public entities to support cleanup projects. Any costs incurred by those entities, including matching contributions, would be voluntary.

Estimate prepared by: Federal Costs: Jeff LaFave; Impact on State, Local, and Tribal Governments: Jon Sperl; Impact on the Private Sector: Amy Petz.

Estimate approved by: H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. According to the Congressional Budget Office, implementation of the bill would cost \$7 million, subject to appropriation, over the 2017–21 period.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to establish the Bureau of Land Management Foundation to encourage, obtain, and use gifts, devises, and bequests for projects for the benefit of, or in connection with, activities and services of the Bureau of Land Management.

#### EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

#### COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

#### COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman believes that this bill does not direct an executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

#### PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

#### CHANGES IN EXISTING LAW

If enacted, this bill would make no changes to existing law.

## ADDITIONAL VIEWS

As a cosponsor of the amendment in the nature of a substitute adopted during the committee markup, and the author of the Bureau of Land Management (BLM) Foundation Act, H.R. 4507, on which that amendment was based, I strongly support H.R. 3844 as reported. The establishment of a foundation to support the BLM is long overdue. Similar to the National Fish and Wildlife Foundation and the National Park Foundation, it will serve as an important vehicle for fundraising and partnerships that support the efforts and mission of the BLM.

Because of the tremendous breadth of the multiple use and sustained yield mission of the BLM, H.R. 3844 as reported allows donors to specify which one of a number of different specific BLM activities they wish to support. People concerned most about wild horses and burros can choose to direct their donation to support efforts to protect and manage these magnificent creatures, while people most concerned about the toxic legacy of abandoned hardrock mines can direct their donations to help with cleaning up those sites. Donors will be able to specifically support a number of conservation efforts, including protecting fish and wildlife habitat, supporting the National Conservation Lands system, and more.

Like many federal agencies, BLM has suffered from chronic underfunding for years. Recent sequestration cuts have further hurt BLM's ability to carry out its extremely broad mission. The foundation created by this bill will be an important partner with the BLM, supporting its mission while also raising the profile of the agency and calling more attention to the beauty and fragility of America's public lands. I look forward to working with my colleagues in the House to move this bill to swift bipartisan passage.

ALAN LOWENTHAL

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