

(e) RESTRICTION ON GAMING.—Lands taken into trust pursuant to subsection (a) shall not be considered to have been taken into trust for, and shall not be eligible for, class II gaming or class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. JODY B. HICE) and the gentleman from California (Mr. COSTA) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

#### GENERAL LEAVE

Mr. JODY B. HICE of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. JODY B. HICE of Georgia. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. MCCARTHY), the majority leader.

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Mr. MCCARTHY. I thank the gentleman for yielding.

Mr. Speaker, the Tule River Indian Tribe are constituents of mine, and I believe that they have a right to self-governance and local control.

This bill is about putting some unused Federal land in trust for the tribe. More fundamentally, this is about giving the people who actually live in a place more control over that land.

This is a good, practical rule of thumb when it comes to governance. People at the local level govern themselves best. That is definitely the case when it comes to Native American tribes. My principle is that Indian tribes will use their land better than a distant Federal Government, and we should let them.

Today's legislation transfers a relatively small piece of land, only about 34 acres, but it will allow the Tule River Tribe to unify their property, giving them the freedom to live as they choose. And that freedom has more value than any amount of acreage.

Mr. COSTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the members of the Tule River Tribe are descendants of the original inhabitants of the San Joaquin Valley that occupied the territory along the rivers and creeks flowing from the Sierra Nevada Mountains and Tulare Lake in south-central California.

Like many other tribes in California and around the country, the Tule River people have suffered many injustices and inequities over the years, including forced removal and relocation of the tribe to the roughly 54,000-acre reservation which they have resided in for 140 years.

H.R. 4685, and Mr. MCCARTHY, will add to that existing land base by deem-

ing that approximately 34 acres of Bureau of Land Management land be held in trust for the tribe. It is a small amount of acreage in the bigger picture. This land is situated between the tribal fee land and the reservation land, near the only entrance to the reservation, and it is entirely cut off from Federal lands in the vicinity.

Mr. Speaker, this is a very small amount of land, as I said, but as the vice chairman of the tribe stated in testimony before the committee, "every acre of land is important" to the Tule River people.

I want to commend the sponsor of the bill, Majority Leader Mr. MCCARTHY, for bringing this legislation to the floor. It passed by unanimous consent. I urge its quick adoption.

Mr. Speaker, I yield back the balance of my time.

Mr. JODY B. HICE of Georgia. Mr. Speaker, I would just like to commend my colleague, Majority Leader KEVIN MCCARTHY, for his work on this important piece of legislation, and I urge my colleagues to support H.R. 4685.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JODY B. HICE) that the House suspend the rules and pass the bill, H.R. 4685.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

### BUREAU OF LAND MANAGEMENT FOUNDATION ACT

Mr. JODY B. HICE of Georgia. Mr. Speaker, I move to suspend the rules and pass 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, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3844

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### 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 non-voting 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 employ-

ment 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), and such use shall include the expenditure of funds or use of property 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 by the Foundation for administrative or other support purposes or is an easement for right-of-way access necessary to utilize, manage, or otherwise dispose of any bequest or gift of real property to the Foundation.

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

(a) **ESTABLISHMENT SUPPORT.**—For fiscal years 2017 through 2019, the Foundation may accept Federal funds from a Federal agency under any other Federal law for use by the Foundation for the purposes of assisting the Foundation in establishing an office and meeting initial administrative, project, and other expenses in conformance with this Act.

(b) **ADMINISTRATIVE SERVICES.**—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 Foundation 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 by-laws 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.

#### SEC. 13. CLARIFICATION ON FUNDING.

No additional funds are authorized to carry out the requirements of this Act. Such requirements shall be carried out using amounts otherwise authorized.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. JODY B. HICE) and the gentleman from California (Mr. LOWENTHAL) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

#### GENERAL LEAVE

Mr. JODY B. HICE of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. JODY B. HICE of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am proud to be the author of H.R. 3844, the Bureau of Land Management Foundation Act. This legislation is one part of the Natural Resources Committee's response to the complex, technical, legal, educational,

and funding-related challenges for abandoned mine lands, also referred to as AML, as well as orphan oil and gas sites across the country. These issues were highlighted last year with the EPA's Gold King and Standard Mine spills in Colorado's Animas River.

I am happy to present this piece of legislation as part of a comprehensive response to the Gold King spill and am glad that it comes less than 1 year from the anniversary of that disaster. I hope the other bills, H.R. 3734, authored by the gentleman from Nevada (Mr. HARDY), and H.R. 3843, authored by Energy and Mineral Resources Subcommittee Chairman LAMBORN, will also be considered by the House soon.

H.R. 3844 seeks to address part of the funding-related challenge for abandoned mine lands and orphan oil and gas well sites by creating a foundation. Based on other successful models for the national park system, the U.S. Fish and Wildlife Service, and the U.S. Forest Service, this foundation would solicit private contributions to remediate sites that were abandoned prior to the enactment of the Surface Mining Control and Reclamation Act of 1977 and the implementation of the Bureau of Land Management's mining regulation of January 1, 1981.

Mr. Speaker, I want to take a moment to thank the ranking member of the Energy and Mineral Resources Subcommittee, Mr. LOWENTHAL of California, for his willingness to work in a bipartisan manner to help sharpen the focus of the foundation, while also allowing the foundation to solicit private donations to help aid the broader mission of the Bureau of Land Management. I strongly believe that this bill represents our collective ability to work in a bipartisan manner at a time when many people say we can't do so, so I thank the gentleman very much for his cooperation and input.

In addition to reclamation of mines and wells, the foundation would also supplement educational, technical, scientific, and other assistance or activities that support the management of wild free-roaming horses and burros, fish and wildlife and their habitats, National Conservation Lands, recreation resources, and cultural and historic resources.

Those individuals who donate to the foundation will be able to direct how they would like their money to be used, and any general donations would be divided equally amongst the two areas of the foundation. This, in turn, grows the pie and the slice that will go toward fixing legacy mine sites.

I am pleased that the end product of our bipartisan work will greatly involve the private sector in ways that will help us prevent future events like the EPA spill in Colorado. I urge my colleagues to support H.R. 3844.

Mr. Speaker, I reserve the balance of my time.

Mr. LOWENTHAL. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3844 is a bipartisan bill that I am proud to have worked cooperatively on with Mr. HICE and the Natural Resources Committee.

H.R. 3844 would establish a charitable foundation to support the mission and activities of the Bureau of Land Management. Congress has chartered a number of similar foundations to serve as partners to our land management agencies, including the National Park Foundation, the National Fish and Wildlife Foundation, and the National Forest Foundation.

By establishing a Bureau of Land Management Foundation, H.R. 3844 will provide the BLM with an important partner and allow private individuals and corporations to support the Bureau's diverse mission, which includes activities such as managing wild horses, protecting cultural resources, and cleaning up abandoned mines.

Again, I join with my colleague, and I would like to commend my colleague, Mr. HICE, and the committee for working with me so that we, together, could put together this final bipartisan language that was adopted in the Natural Resources Committee and that we are voting on today.

The establishment of a Bureau of Land Management Foundation is long overdue, and I urge my colleagues to support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. JODY B. HICE of Georgia. Mr. Speaker, again, I just want to say a huge thank you to the ranking member for his willingness to work with us. It has been an honor, indeed, to work with him.

I am pleased with this end product, and I urge the support of our colleagues and the passage of H.R. 3844.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JODY B. HICE) that the House suspend the rules and pass the bill, H.R. 3844, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended 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."

A motion to reconsider was laid on the table.

#### SENIOR SAFE ACT OF 2016

Mr. GARRETT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4538) to provide immunity from suit for certain individuals who disclose potential examples of financial exploitation of senior citizens, and for other purposes, as amended.