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.

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 “Energy and Minerals Reclamation Foundation Establishment Act of 2015”.

SEC. 2. DEFINITIONS.

In this Act:
(1) ABANDONED MINE LANDS.—The term “abandoned mine lands” means all hardrock 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, regardless of surface or mineral ownership.

(2) BOARD.—The term “Board” means the Board of Directors of the Foundation.

(3) DIRECTOR.—The term “Director” means the Directors of the Board.

(4) FOUNDATION.—The term “Foundation” means the Energy and Minerals Reclamation Foundation established by this Act.

(5) INTEREST IN REAL PROPERTY.—The term “interest in real property” includes mineral rights, rights-of-way, and easements, appurtenant or in gross.

(6) ORPHANED OIL AND GAS WELL SITES.—The term “orphaned oil and gas well sites” means all oil and gas wells in the United States that have no responsible or liable parties, regardless of surface or mineral ownership.

(7) SECRETARY.—The term “Secretary” means the Secretary of the Interior.
(8) **Split estate lands.**—The term “split estate lands” means lands with respect to which the surface is or will be in non-Federal ownership and a mineral interest is owned by the United States.

**SEC. 3. ESTABLISHMENT OF ENERGY AND MINERALS RECLAMATION FOUNDATION.**

(a) **In general.**—There is established the Energy and Minerals Reclamation Foundation. The Foundation is a charitable and nonprofit corporation domiciled in the District of Columbia.

(b) **Purpose.**—The purpose of the Foundation is to encourage, obtain, and use gifts, devises, and bequests of real and personal property for abandoned mine lands and orphaned oil and gas well site reclamation projects that further the conservation of natural, scenic, historic, scientific, educational, wildlife habitat, or recreational resources.

(c) **Grants and contracts.**—The Foundation may use gifts, devises, bequests, and matching funds from the Secretary under section 10(b) to make grants and award contracts for projects that are—

(1) approved by the Board of the Foundation;

and

(2) consistent with the purpose of the Foundation under subsection (b).
(d) LIMITATION AND CONFLICTS OF INTEREST.—

(1) IN GENERAL.—The Foundation shall have no power, other than as an insubstantial part of its activities, to spend funds or engage in activities that are not in furtherance of subsection (b).

(2) POLITICAL ACTIVITIES.—The Foundation shall not participate or intervene in any political campaign on behalf of any candidate for public office.

(3) CONFLICT OF INTERESTS.—No Director or officer or employee of the Foundation shall participate, directly or indirectly, in the consideration or determination of any question before the Foundation affecting—

(A) the direct or indirect financial or personal interests of the Director, officer, or employee; or

(B) the interests of any corporation partnership, entity, or organization in which such Director, officer, or employee—

(i) is an officer, member of the board, or trustee; or

(ii) has any direct financial interest.

(e) LIMITATION ON ADMINISTRATIVE EXPENDITURES.—Of the amount available to the Foundation for
expenditure each fiscal year, not more than 10 percent may be used for administrative expenses.

SEC. 4. BOARD OF DIRECTORS.

(a) Establishment and Membership.—

(1) In general.—The Foundation shall have a governing Board of Directors (in this Act referred to as the “Board”), which shall consist of 15 Directors.

(2) Education and experience of directors.—The Directors must be educated or have actual experience in—

(A) energy or minerals production; and

(B) reclamation of mine lands or oil and gas fields; or

(C) energy and mineral resource financing, law, or research.

(3) Representation of diverse areas of expertise.—To the extent practicable, the Directors shall represent diverse areas of expertise relating to mining and mine reclamation, and development and reclamation of oil and gas fields.

(4) Ex officio director.—The Director of the Office of Surface Mining of the Department of the Interior shall be an ex officio, nonvoting Director.

(5) Appointment and terms.—
(A) IN GENERAL.—Within one year after the date of the enactment of this Act, the Secretary of the Interior, in consultation with the Interstate Mining Compact Commission and the Interstate Oil and Gas Compact Commission, shall appoint the initial Directors. Thereafter the Secretary shall no longer have such authority, and subsequent appointments shall be made by the Chairman with the advice and consent of a majority of the Directors.

(B) NON-FEDERAL STATUS.—Appointment and service as a Director of the Board shall not constitute employment by, or the holding of an office of, the United States for the purposes of any Federal law.

(C) TERMS, GENERALLY.—Except as provided in subparagraph (D), each Director shall be appointed for a term of 6 years.

(D) INITIAL APPOINTMENTS.—Of the Directors initially appointed—

(i) one-third shall be appointed for a term of 2 years;

(ii) one-third shall be appointed for a term of 4 years; and
(iii) one-third shall be appointed for a

term of 6 years.

(E) VACANCIES.—A vacancy on the Board
shall be filled within 120 days after the occur-
rence of such vacancy.

(F) LIMITATION.—No individual may serve
more than 12 consecutive years as a Director.

(6) REMOVAL.—If a Director misses three con-
secutive meetings of the Board, that individual may
be removed from the Board by a majority vote of the
Directors and that vacancy shall be filled in accord-
ance with this subsection.

(b) CHAIRMAN.—The Chairman of the Board shall
be elected by the Board from the Directors. An individual
shall serve for a 2-year term as Chairman, and may be
reelected to the post during the individual's tenure as a
Director.

(c) QUORUM.—A majority of the current voting Di-
rectors shall constitute a quorum for the transaction of
business.

(d) MEETINGS.—The Board shall meet at the call of
the Chairman at least once each year.

(e) REIMBURSEMENT OF EXPENSES.—Directors
shall serve without pay, but may be reimbursed by the
Foundation for the actual and necessary traveling and
subsistence expenses incurred by them in the performance of their duties for the Foundation. Such reimbursement may not exceed such amount as would be authorized under section 5703 of title 5, United States Code, for the payment of expenses and allowances for individuals employed intermittently in Federal Government service.

(f) GENERAL POWERS.—The Board may complete the organization of the Foundation by—

(1) appointing officers and employees (subject to subsection (g)(1));

(2) adopting a constitution and bylaws consistent with the purpose of the Foundation under section 3(b) and the other provisions of this Act; and

(3) undertaking other such acts as may be necessary to function and to carry out this Act.

(g) OFFICERS AND EMPLOYEES.—Officers and employees of the Foundation—

(1) may not be appointed until the Foundation has sufficient funds to pay for their services;

(2) shall be appointed without regard to the provisions of title 5, United States Code, governing appointment in the competitive service; and

(3) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53
of such title relating to classification and General
Schedule pay rates.

SEC. 5. CORPORATE POWERS AND OBLIGATIONS.

(a) IN GENERAL.—The Foundation—

(1) shall have perpetual succession;

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

(3) shall have a principle office in the metropolitan area of the District of Columbia that shall at all times maintain a designated agent in the District of Columbia to accept service of process for the Foundation; and

(4) may maintain as many offices as considered necessary by the Board outside of the metropolitan area of the District of Columbia.

(b) NOTICE AND SERVICE OF PROCESS.—The serving of notice to, or service of process upon, the agent required under subsection (a)(3), or mailed to the business address of such agent, is deemed 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.—
(1) IN GENERAL.—To carry out its purpose, the Foundation shall have, in addition to powers otherwise authorized under this Act, the usual powers of a corporation acting as a trustee in the District of Columbia.

(2) INCLUDED POWERS.—The powers of the Foundation under this subsection include the power to—

(A) 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;

(B) unless otherwise required by the instrument of transfer by which the Foundation acquires property, sell, donate, lease, invest, re-invest, retain, or otherwise dispose of any property or income therefrom;

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

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

(F) do any and all acts necessary and proper to carry out the purpose of the Foundation under section 3(b).

(e) ACQUISITION OF PROPERTY.—

(1) IN GENERAL.—In addition to its powers under subsection (d), the Foundation may acquire, hold, and dispose of lands, waters, or other interests in real property by donation, gift, devise, purchase or exchainge.

(2) EXEMPTION FROM CONDEMNATION.—No lands or waters, or interest therein, that are owned by the Foundation and are determined by the Secretary to be valuable for energy and mineral production, shall be subject to condemnation by any State or political subdivision, or any agent of instrumentality thereof.

SEC. 6. ADMINISTRATIVE SERVICES AND SUPPORT.

(a) STARTUP FUNDS.—For the purposes of assisting the Foundation in establishing an office and meeting initial administrative, project, and other startup expenses,
the Secretary may provide to the Foundation $2,000,000 from funds appropriated under section 10(a) for each of fiscal years 2016 and 2017. Such funds shall remain available to the Foundation until they are expended.

(b) **Administrative Expenses.**—

(1) **In general.**—The Secretary may provide the Foundation use of Department of the Interior personnel, facilities, and equipment, subject to such limitations, terms, and conditions as the Secretary shall establish.

(2) **Reimbursement.**—The Secretary—

(A) may require the Foundation to reimburse the Secretary for the costs of providing personnel, facilities, and equipment under this subsection; and

(B) shall require such reimbursement beginning with expenses incurred by the Foundation after the end of the 5-year period beginning on the date of the enactment of this Act.

**SEC. 7. AUDITS AND ACTIVITIES SUMMARY.**

(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) **Activities Summary.**—The Foundation shall, within 60 days after the end of each fiscal year, transmit
to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a summary of its proceedings and activities during such 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;

(4) copies of all minutes of Board meetings;

(5) a copy of the Foundation bylaws; and

(6) a copy of the audit for such fiscal year.

SEC. 8. 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—

(1) engages in, or threatens to engage in, any act, practice, or policy that is inconsistent with its purpose set forth in section 3(b); or

(2) refuses, fails, or neglects to discharge its obligations under this Act, or threatens to do so.
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. AUTHORIZATION OF APPROPRIATIONS.

(a) STARTUP FUNDS.—There is authorized to be appropriated to the Secretary $4,000,000 to carry out section 6(a).

(b) MATCHING FUNDS.—There is authorized to be appropriated to the Secretary $3,000,000 for each of fiscal years 2016 through 2020, which shall be made available by the Secretary to the Foundation to match, on a one-for-one basis, private contributions made to the Foundation.