

Calendar No. 118

116TH CONGRESS }
1st Session }

SENATE

{ REPORT
116-101

TO AMEND AND REAUTHORIZE THE MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION ACT

SEPTEMBER 11, 2019.—Ordered to be printed

Mr. BARRASSO, from the Committee on Environment and Public Works, submitted the following

R E P O R T

[To accompany S. 1345]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred the bill (S. 1345) to amend and reauthorize the Morris K. Udall and Stewart L. Udall Foundation Act, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

GENERAL STATEMENT AND BACKGROUND

The Morris K. Udall Scholarship and Excellence in National Environmental Policy Act of 1992 was signed into law by President Bush on March 19, 1992. The Act established the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation (Udall Foundation), so named to honor the career and public service of Morris K. Udall. The Udall Foundation was established for several purposes, including: (1) to award scholarships and fellowships to outstanding students intending to pursue careers in the environment, and internships to outstanding Native Americans and Alaska Native college students intending to pursue careers in health care and tribal public policy; (2) to provide for a panel of experts to meet annually to discuss contemporary environmental issues; and (3) to establish a program for environmental policy research and a program for environmental conflict resolution.

Although originally tasked with establishing a program for environmental dispute resolution, the Udall Foundation lacked the

funding and explicit direction to enable it to operate a program that could provide conflict-resolution services. Thus, in 1998, Congress passed the Environmental Policy and Conflict Resolution Act of 1997 to create the United States Institute for Environmental Conflict Resolution (Institute) as part of the Foundation. The Institute provides mediation and related services to help resolve environmental, natural resources, and public lands conflicts that involve the federal government.

On November 4, 2009, President Barack Obama signed into law the Morris K. Udall Scholarship and Excellence in National Environmental Policy Amendments Act of 2009. The Act enhanced the Udall Foundation, and (to honor Stewart L. Udall) officially renamed it the Morris K. Udall and Stewart L. Udall Foundation, the name the Foundation bears today.

Senator John McCain was a steadfast advocate for the Udall Foundation, and instrumental to the legislative creation and expansion of the Foundation and its programs. He was a cosponsor of the Foundation's enabling legislation in 1992 and the amendments enacted in 2009. Moreover, he introduced the 1997 legislation creating the Institute.

S. 1345, a bill to amend the Morris K. Udall and Stewart L. Udall Foundation Act, authorizes appropriations of \$4,000,000 annually through fiscal year 2023 for the Environmental Dispute Resolution Fund to provide funding for the Institute. The legislation also increases the Trust Fund allocation limit for administrative expenses to help support mission activities, makes several changes to the existing statutory language to clarify the authority of the Udall Foundation, and eliminates inconsistencies in language and authority, among other objectives.

Further, to honor Senator McCain's legacy and contributions to the Udall Foundation, S. 1345 modifies the name of the Institute to the "John S. McCain III United States Institute for Environmental Conflict Resolution". In addition, the bill increases the amount of allowable administrative costs by raising the existing statutory ceiling of 15 percent to 17.5 percent.

OBJECTIVES OF THE LEGISLATION

The objectives of S. 1345 are to improve and enhance the Udall Foundation's ability to serve its mission, and to honor Senator John McCain's legacy and contributions to the Udall Foundation.

SECTION-BY-SECTION ANALYSIS

Section 1. Findings

This section makes Congressional findings regarding the positive impacts of the Foundation's Parks in Focus Program, and the Foundation's Native Nations Institute for Leadership, Management, and Policy. Congress further finds that the Foundation is committed to making a substantial contribution toward public policy.

Section 2. Definitions

This section renames the "United States Institute for Environmental Conflict Resolution" the "John S. McCain III United States Institute for Environmental Conflict Resolution". This section also

includes the Native Nations Institute in the definition of the Udall Center, and makes the “Native Nations Institute” a defined term. This section also adds definitions for the terms “collaboration” and “Nation’s parks and wilderness.”

Section 3. Establishment of Morris K. Udall and Stewart L. Udall Foundation

This section adds the District of Colombia as one of the locations of the Foundation.

Section 4. Purpose of the Foundation

This section amends Section 6 of the Morris K. Udall and Stewart L. Udall Foundation Act (10 U.S.C. 5604) by revising paragraph (4) to eliminate any duplication of authority between the Udall Center and the Institute with regard to research, environmental conflict resolution, and training. This section also revises paragraph (5) to include training related to natural resources and conflict resolution, paragraph (7) to identify the Native Nations Institute and include the term “education,” and paragraph (8) to include the terms “issues” and “conflicts.”

Section 5. Authority of the Foundation

This section clarifies the authority of the Foundation to conduct education programs and clarifies the authority of the Board of Trustees to approve education programs consistent with the purposes for which the Foundation was established. This section also clarifies the authority of the Foundation to assist in the development of programs at the Udall Center, clarifies the authority of the Foundation with respect to the papers of Stewart L. Udall, and provides authority for the Foundation to assist the Native Nations Institute directly or indirectly, as directed by Congress. Further, this section clarifies how the Foundation is to be allocated funds from the Trust Fund, and raises the allocation limit for administrative expenses from 15 percent to 17.5 percent. This section further corrects all cross references to Section 6 of the Morris K. Udall and Stewart L. Udall Foundation Act (10 U.S.C. 5604), and includes a reference to “collaboration” and “Federal, state or tribal environmental or natural resource decision-making processes or procedures that may result in a dispute or conflict.” Finally, this section repeals the provisions relating to office space and third party matching funds for allocation to the Udall Center.

Section 6. Use of Institute by Federal agency or other entity

This section specifies how a federal agency may use the Foundation and the Institute by adding the term “collaboration” as that term is defined. This section adds “a Federal, State, or tribal process or procedure that may result in a dispute or conflict” as a scenario in which an agency may use the Foundation and Institute.

Section 7. Administrative provisions

This section clarifies the authority of the Foundation to solicit and accept donations, grants, and gifts, including from the Institute. This section also clarifies the authority of the Foundation to rent office space in Tucson, Arizona.

Section 8. Authorization of appropriations

This section authorizes appropriations of \$4 million annually for the Environmental Dispute Resolution Fund from fiscal years 2020 through 2023.

Section 9. Audit of the Foundation

This section requires the Inspector General of the Department of the Interior to conduct an audit of the Foundation.

LEGISLATIVE HISTORY

On May 7, 2019, Senator Heinrich introduced S. 1345, a bill to amend the Morris K. and Stewart L. Udall Foundation Act with Senators Alexander, McSally, and Sinema as original cosponsors. The bill was referred to the Committee on Environment and Public Works. On June 19, 2019, the Committee met to consider S. 1345. The bill was ordered favorably reported by voice vote.

The text of S. 1345 is substantially similar to the text of S. 2827, a bill to amend the Morris K. and Stewart L. Udall Foundation Act, which passed the Senate during the 115th Congress. On May 10, 2018, Senators Heinrich and McCain introduced S. 2827. Senators Alexander and Kyl were additional co-sponsors. The Committee met on September 18, 2018, and ordered S. 2827 favorably reported by voice vote with an amendment in the nature of a substitute offered by Senator Barrasso, which, *inter alia*, modified the name of the Institute to the “John S. McCain III United States Institute for Environmental Conflict Resolution”. On December 13, 2018, S. 2827 passed the Senate with an amendment by Unanimous Consent.

HEARINGS

No legislative hearings were held by the Committee on Environment and Public Works to consider S. 1345.

ROLLCALL VOTES

On June 19, 2019, the Committee on Environment and Public Works met to consider S. 1345. The bill was ordered favorably reported by voice vote. No roll call votes were taken.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee finds that S. 1345 does not create any additional regulatory burdens, nor will it cause any adverse impact on the personal privacy of individuals.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104–4), the Committee notes that the Congressional Budget Office found, “S. 1345 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).”

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 2, 2019.

Hon. JOHN BARRASSO,
*Chairman, Committee on Environment and Public Works,
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1345, a bill to amend and reauthorize the Morris K. Udall and Stewart L. Udall Foundation Act.

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

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

At a Glance			
S. 1345, a bill to amend and reauthorize the Morris K. Udall and Stewart L. Udall Foundation Act			
As reported by the Senate Committee on Environment and Public Works on June 19, 2019			
By Fiscal Year, Millions of Dollars	2019	2019-2024	2019-2029
Direct Spending (Outlays)	0	1	2
Revenues	0	0	0
Deficit Effect	0	1	2
Spending Subject to Appropriation (Outlays)	0	26	not estimated
Statutory pay-as-you-go procedures apply?	Yes	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	< \$5 billion	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
The bill would			
<ul style="list-style-type: none"> • Revise the requirements governing the Morris K. Udall and Stewart L. Udall Foundation • Reauthorize appropriations for the Environmental Dispute Resolution Fund and the Morris K. Udall and Stewart L. Udall Trust Fund 			
Estimated budgetary effects would primarily stem from			
<ul style="list-style-type: none"> • Authorizing appropriations for services to support federal and nonfederal entities in environmental conflict resolution proceedings involving federal agencies • Authorizing appropriations to support the Native Nations Institute for Leadership, Management, and Policy • Authorizing appropriations for the Udall trust fund to support scholarship and fellowship programs 			
Detailed estimate begins on the next page.			

Bill summary: The Morris K. Udall and Stewart L. Udall Foundation is an independent agency of the executive branch. S. 1345 would amend the Morris K. Udall and Stewart L. Udall Foundation Act and authorize the appropriation of funds for the Environmental Dispute Resolution Fund and the Morris K. Udall and Stewart L. Udall Trust Fund.

Estimated Federal cost: The estimated budgetary effect of S. 1345 is shown in Table 1. The costs of the legislation fall within budget functions 300 (natural resources and the environment) and 500 (education, training, employment, and social services).

TABLE 1.—ESTIMATED BUDGETARY EFFECTS OF S. 1345

	By fiscal year, millions of dollars—													
	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2019– 2024	2019– 2029	
INCREASES IN SPENDING SUBJECT TO APPROPRIATION														
Estimated Authorization	0	6	6	6	6	2	n.e.	n.e.	n.e.	n.e.	n.e.	26	n.e.	
Estimated Outlays	0	4	6	6	6	4	n.e.	n.e.	n.e.	n.e.	n.e.	26	n.e.	
INCREASES IN DIRECT SPENDING														
Estimated Budget Authority	0	*	*	*	*	*	*	*	*	*	*	1	2	
Estimated Outlays	0	*	*	*	*	*	*	*	*	*	*	1	2	

n.e. = not estimated; * = between zero and \$500,000.

Basis of estimate: The foundation's activities are funded by appropriations to the Environmental Dispute Resolution Fund (EDRF) and the Morris K. Udall and Stewart L. Udall Trust Fund. Although the underlying authorization of appropriations for those programs have expired, the Congress has continued to appropriate funds for them.

For this estimate, CBO assumes the bill will be enacted near the end of 2019 and that the necessary funds will be appropriated each year. Estimated outlays are based on historical spending patterns.

Spending subject to appropriation: CBO estimates that S. 1345 would authorize the appropriation of \$26 million over the 2019–2024 period.

Environmental Dispute Resolution Fund. From 2020 through 2023, S. 1345 would authorize the annual appropriation of \$3 million for operating costs and \$1 million for services to support federal and nonfederal entities in environmental conflict resolution proceedings that involve federal agencies. CBO estimates that implementing those provisions would cost \$16 million over the 2020–2024 period. The Congress appropriated \$3 million to the EDRF in 2019.

Udall Trust Fund. Appropriations to the trust fund are invested in Treasury obligations, with some of the appropriated funds spent during the year to support the Native Nations Institute for Leadership, Management, and Policy. The balance of the appropriation remains in the fund and annual interest credited to the fund is available without future appropriation to support various scholarship and fellowship programs.

S. 1345 would not specifically amend the period for which appropriations to the trust fund are authorized. However, the bill would amend other parts of the law that authorize those activities. As a result, CBO's estimate is based on the expectation that the Congress intends those activities to continue and thus that S. 1345

would permanently authorize the appropriation of whatever amounts are necessary to the trust fund.

The Congress appropriated \$2 million to the trust fund to invest in Treasury obligations for fiscal year 2019. Assuming appropriation of a similar amount for 2020, and increasing that amount for expected inflation in future years, CBO estimates that the bill would authorize the appropriation of \$10 million over the 2019–2024 period; the resulting outlays would total the same amount over that period.

Inspector General. In addition, the bill would require the Inspector General of the Department of the Interior to conduct an audit of the foundation’s finances. Using information about the costs of audits of similar size and scope, CBO estimates that satisfying the audit requirement in S. 1345 would cost less than \$500,000.

Direct spending. CBO estimates that enacting S. 1345 would increase direct spending by \$2 million over the 2019–2029 period.

Udall Trust Fund. The bill would authorize additional appropriations to the trust fund, which would be invested in Treasury obligations. The interest earned is later spent on the trust fund’s activities. Those outlays are classified as direct spending because the fund can spend the interest without further appropriation.

CBO estimates that enacting S. 1345 would authorize the appropriation of \$20 million over the 2019–2029 period for the trust fund to invest in Treasury obligations. Based on CBO’s projections of interest rates that underlie CBO’s May baseline, CBO estimates that the trust fund would earn, and subsequently spend, an additional \$2 million over the 2019–2029 period.

Environmental Dispute Resolution Fund. Appropriations for the EDRF would be used to support the annual operations of the U.S. Institute for Environmental Conflict Resolution. As part of its operations, the institute provides services to and receives payments from federal and nonfederal entities; those receipts are treated as reductions in direct spending. The institute can subsequently spend those receipts on additional activities without further appropriation. Because CBO expects that those receipts are likely to be spent shortly after they are collected, we estimate that enacting S. 1345 would result in a negligible net effect on direct spending by the EDRF.

Pay-As-You-Go considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. CBO estimates that enacting S. 1345 would increase direct spending by an insignificant amount in each fiscal year from 2020 to 2029 and by \$2 million over the 2020–2029 period, as shown in Table 1.

Increase in long-term deficits: CBO estimates that enacting S. 1345 would not increase on-budget deficits by more than \$5 billion in any of the four consecutive 10-year periods beginning in 2030.

Mandates: S. 1345 contains no intergovernmental or private-sector mandates as defined by the Unfunded Mandates Reform Act.

Estimate prepared by: Federal costs: Justin Humphrey and Jon Sperl; Mandates: Lilia Ledezma.

Estimate reviewed by: Sheila Dacey, Chief, Income Security and Education Cost Estimates Unit; Kim Cawley, Chief, Natural Resources Cost Estimates Unit; H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows: Existing law proposed to be omitted is enclosed in [black brackets], new matter is printed in *italic*, existing law in which no change is proposed is shown in roman:

* * * * *

Morris K. Udall and Stewart L. Udall Foundation Act

* * * * *

SECTION 1. [20 U.S.C. 5601 note] SHORT TITLE.

This Act may be cited as the “Morris K. Udall and Stewart L. Udall Foundation Act”.

* * * * *

SEC. 3. [20 U.S.C. 5601] FINDINGS.

The Congress finds that—

(1) * * *

* * * * *

(5) the Foundation—

(A) since 1995, has operated exceptional scholarship, internship, and fellowship programs for areas of study related to the environment and Native American tribal policy and health care;

(B) since 1999, has provided valuable environmental conflict resolution services and leadership through [the United States Institute for Environmental Conflict Resolution] *the Institute*; and

* * * * *

SEC. 4. [20 U.S.C. 5602] DEFINITIONS.

For the purposes of this Act—

(1) the term “Board” means the Board of Trustees of the Foundation established under section 5(b);

(2) the term “Center” means [the Udall Center for Studies in Public Policy established at the University of Arizona in 1987] *the Udall Center for Studies in Public Policy established in 1987 at the University of Arizona, and includes the Native Nations Institute*

(3) *the term ‘collaboration’ means to work in partnership with other entities for the purpose of—*

(A) resolving disputes;

(B) addressing issues that may cause or result in disputes; or

(C) streamlining and enhancing Federal, State, or tribal environmental and natural resource decision-making processes or procedures that may result in a dispute or conflict;

[(3)] (4) the term “eligible individual” means a citizen or national of the United States or a permanent resident alien of the United States;

[(4)] (5) the term “environmental dispute” means a dispute or conflict relating to the environment, public lands, or natural resources;

[(5)] (6) the term “Foundation” means the Morris K. Udall and Stewart L. Udall Foundation established under section 5(a);

[(6)] (7) the term “Institute” means the [United States Institute for Environmental Conflict Resolution] *John S. McCain III United States Institute for Environmental Conflict Resolution* established pursuant to [section 7(a)(1)(D)] *section 7(a)(1)(B)*;

[(7)] (8) the term “institution of higher education” has the same meaning given to such term by [section 1201(a)] *section 101(a)* of the Higher Education Act of 1965;

(9) *the term ‘Nation’s parks and wilderness’ means units of the National Park System and components of the National Wilderness Preservation System;*

(10) *the term ‘Native Nations Institute’ means the Native Nations Institute for Leadership, Management, and Policy established at the University of Arizona in 2001;*

[(8)] (11) the term “State” means each of the several States, the District of Columbia, Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federal States of Micronesia, and the Republic of Palau (until the Compact of Free Association is ratified); and

[(9)] (12) the term “Trust Fund” means the Morris K. Udall and Stewart L. Udall Trust Fund established in section 8.

SEC. 5. [20 U.S.C. 5603] ESTABLISHMENT OF THE MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION.

(a) ESTABLISHMENT.— * * *

* * * * *

(e) LOCATION OF FOUNDATION.—The Foundation shall be located in Tucson, [Arizona] *Arizona and the District of Columbia.*

* * * * *

SEC. 6. [20 U.S.C. 5604] PURPOSE OF THE FOUNDATION.

It is the purpose of the Foundation to—

(1) * * *

* * * * *

(4) [establish a Program for Environmental Policy Research and Environmental Conflict Resolution and Training at the Center] *‘establish a program for environmental policy research at the Center and a program for environmental conflict resolution and training at the John S. McCain III United States Institute for Environmental Conflict Resolution;*

(5) develop resources to properly train professionals in the environmental, *natural resource, conflict resolution,* and related fields;

* * * * *

(7) develop resources *at the Native Nations Institute* to properly train Native American and Alaska Native professionals in health care and public policy, by *providing education to and* conducting management and leadership training of Native Americans, Alaska Natives, and others involved in tribal lead-

ership, providing assistance and resources for policy analysis, and carrying out other appropriate activities;

(8) establish as part of the Foundation the *John S. McCain III United States Institute for Environmental Conflict Resolution* to assist the Federal Government in implementing section 101 of the National Environmental Policy Act of 1969 (42 U.S.C. 4331) by providing assessment, mediation, and other related services to resolve environmental disputes involving agencies and instrumentalities of the United States; and

* * * * *

SEC. 7. [20 U.S.C. 5605] AUTHORITY OF THE FOUNDATION.

(a) AUTHORITY OF THE FOUNDATION.—

(1) IN GENERAL.—

[(A) The Foundation, in consultation with the Center, is authorized to identify and conduct such programs, activities, and services as the Foundation considers appropriate to carry out the purposes described in section 6. The Foundation shall have the authority to award scholarships, fellowships, internships, and grants and fund the Center to carry out and manage other programs, activities and services.

[(B) The Foundation may provide, directly or by contract, for the conduct of national competition for the purpose of selecting recipients of scholarships, fellowships, internships, and grants awarded under this Act.

[(C) The Foundation may award scholarships, fellowships, internships and grants to eligible individuals in accordance with the provisions of this Act for study in fields related to the environment and Native American and Alaska Native health care and tribal public policy. Such scholarships, fellowships, internships and grants shall be awarded to eligible individuals who meet the minimum criteria established by the Foundation.]

(A) GENERAL PROGRAMMING AUTHORITY.—*The Foundation is authorized to identify and conduct, directly or by contract, such programs, activities, and services as the Foundation considers appropriate to carry out the purposes described in section 6, which may include—*

(i) awarding scholarships, fellowships, internships, and grants, by national competition or other method, to eligible individuals, as determined by the Foundation and in accordance with paragraphs (2), (3), and (4), for study in fields related to the environment or Native American and Alaska Native health care and tribal policy;

(ii) funding the Center to carry out and manage other programs, activities, and services; and

(iii) other education programs that the Board determines are consistent with the purposes for which the Foundation is established.

[(D)] (B) [Institute for environmental conflict resolution] *John S. McCain III United States Institute for Environmental Conflict Resolution.*—

(i) IN GENERAL.—The Foundation shall—

(I) establish the *John S. McCain III* United States Institute for Environmental Conflict Resolution as part of the Foundation; and

(II) identify and conduct such programs, activities, and services as the Foundation determines appropriate to permit the Foundation to provide assessment, mediation, *collaboration*, training, and other related services **to resolve environmental disputes** to resolve—

(aa) *environmental disputes; and*

(bb) *Federal, State, or tribal environmental or natural resource decision-making processes or procedures that may result in a dispute or conflict that may cause or result in disputes.*

(ii) GEOGRAPHIC PROXIMITY OF CONFLICT RESOLUTION PROVISION.—In providing assessment, mediation, *collaboration*, training, and other related services under clause (i)(II) to resolve environmental disputes, the Foundation shall consider, to the maximum extent practicable, conflict resolution providers within the geographic proximity of the conflict.

(2) SCHOLARSHIPS.— * * *

* * * * *

[(5) GRANTS.—The Foundation shall award grants to the Center—

[(A) to provide for an annual panel of experts to discuss contemporary environmental issues;

[(B) to conduct environmental policy research;

[(C) to conduct research on Native American and Alaska Native health care issues and tribal public policy issues;

[(D) for visiting policymakers to share the practical experiences of such for visiting policymakers with the Foundation; and

[(E) to conduct training, research, and other activities under section 6(7).]

(4) INTERNSHIPS.— * * *

* * * * *

(5) PARKS IN FOCUS.—*The Foundation shall—*

(A) identify and invite the participation of youth throughout the United States to enjoy the Nation’s parks and wilderness and other outdoor areas, in an education program intended to carry out the purpose of paragraphs (1) and (2) of section 6; and

(B) provide training and education programs and activities to teach Federal employees, natural resource professionals, elementary and secondary school educators, and others to work with youth to promote the use and enjoyment of the Nation’s parks and wilderness and other outdoor areas.

(6) SPECIFIC PROGRAMS.—*The Foundation shall assist in the development and implementation of programs at the Center—*

(A) to provide for an annual meeting of experts to discuss contemporary environmental issues;

(B) to conduct environmental policy research; and

(C) to promote dialogue with visiting policymakers on environmental, natural resource, and public lands issues.

[(6)] (7) REPOSITORY.—The Foundation shall provide direct or indirect assistance from the proceeds of the Trust Fund to the Center to maintain the current site of the repository for [Morris K. Udall's papers] *the papers of Morris K. Udall and Stewart L. Udall* and other such public papers as may be appropriate and assure such papers' availability to the public.

[(7)] (8) COORDINATION.—The Foundation shall assist in the development and implementation of a Program for Environmental Policy Research and Environmental Conflict Resolution and Training to be located at the Center.

(9) NATIVE NATIONS INSTITUTE.—*The Foundation shall provide direct or indirect assistance to the Native Nations Institute from the annual appropriations to the Trust Fund in such amounts as Congress may direct to conduct research and provide education and training to Native American and Alaska Native professionals and leaders on Native American and Alaska Native health care issues and tribal public policy issues as provided in section 6(7).*

* * * * *

[(c) PROGRAM PRIORITIES.— The Foundation shall determine the priority of the programs to be carried out under this Act and the amount of funds to be allocated for such programs. However, not less than 50 percent shall be utilized for the programs set forth in section 6(a)(2), section 6(a)(3), and section 6(a)(4), not more than 15 percent shall be used for salaries and other administrative purposes, and not less than 20 percent shall be appropriated to the Center for section 6(a)(5), section 6(a)(6), and section 6(a)(7) conditioned on a 25-percent match from other sources and further conditioned on adequate space at the Center being made available for the Executive Director and other appropriate staff of the Foundation by the Center.]

(c) PROGRAM PRIORITIES.—

(1) IN GENERAL.—*The Foundation shall determine the priority of the programs to be carried out under this Act and the amount of funds to be allocated for such programs from the funds earned annually from the interest derived from the investment of the Trust Fund, subject to paragraph (2).*

(2) LIMITATIONS.—*In determining the amount of funds to be allocated for programs carried out under this Act for a year—*

(A) not less than 50 percent of such annual interest earnings shall be utilized for the programs set forth in paragraphs (2), (3), (4), and (5) of subsection (a);

(B) not more than 17.5 percent of such annual interest earnings shall be allocated for salaries and other administrative purposes; and

(C) not less than 20 percent of such annual interest earnings shall be appropriated to the Center for activities under paragraphs (7) and (8) of subsection (a).

(d) DONATIONS.—*Any funds received by the Foundation in the form of donations or grants, as well as any unexpended earnings on interest from the Trust Fund that is carried forward from prior years—*

(1) shall not be included in the calculation of the funds available for allocations pursuant to subsection (c); and
(2) shall be available to carry out the provisions of this Act as the Board determines to be necessary and appropriate.

* * * * *

SEC. 11. [20 U.S.C. 5607b] USE OF THE INSTITUTE BY A FEDERAL AGENCY OR OTHER ENTITY.

(a) AUTHORIZATION.—A Federal agency may use the Foundation and the Institute to provide assessment, mediation, *collaboration*, or other related services in connection with a dispute or conflict related to the environment, public lands, or natural **[resources.]** *resources, or with a Federal, State, or tribal process or procedure that may result in a dispute or conflict.*

* * * * *

(c) NOTIFICATION AND CONCURRENCE.—

* * * * *

(2) NOTIFICATION DESCRIPTIONS.—In a matter involving two or more agencies or instrumentalities of the Federal Government, notification under paragraph (1) shall include a written description of—

* * * * *

(C) all Federal agencies or instrumentalities with a direct interest or involvement in the matter and a statement that all Federal agencies or instrumentalities agree to *mediation, collaboration, and dispute resolution*; and

SEC. 12. [20 U.S.C. 5608] ADMINISTRATIVE PROVISIONS.

(a) IN GENERAL.—In order to carry out the provisions of this Act, the Foundation may—

(1) * * *

* * * * *

(4) **[accept, hold, administer, and utilize gifts]** *accept, hold, solicit, administer, and utilize donations, grants, and gifts*, both real and personal, for the purpose of aiding or facilitating the work of the Foundation;

* * * * *

(7) to rent office space **[in the District of Columbia or its environs]** *in the District of Columbia and Tucson, Arizona, or their environs*; and

* * * * *

(b) THE INSTITUTE.—The authorities set forth above shall **[, with the exception of paragraph (4),]** apply to the Institute established pursuant to section 10 and to the activities of the Foundation under section 6(7).

SEC. 13. [20 U.S.C. 5609] AUTHORIZATION OF APPROPRIATIONS.

(a) TRUST FUND.—There is authorized to be appropriated to the Trust Fund \$40,000,000 to carry out the provisions of this Act.

(b) ENVIRONMENTAL DISPUTE RESOLUTION FUND.—There is authorized to be appropriated to the Environmental Dispute Resolution Fund established by section 10 \$4,000,000 for each of **[fiscal**

years 2004 through 2008] *fiscal years 2020 through 2023, of
which—*

* * * * *

○