

105TH CONGRESS
1ST SESSION

H. R. 1381

To amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to establish the United States Institute for Environmental Conflict Resolution to conduct environmental conflict resolution and training, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 1997

Mr. KOLBE (for himself and Mr. PASTOR) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to establish the United States Institute for Environmental Conflict Resolution to conduct environmental conflict resolution and training, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Environmental Policy
5 and Conflict Resolution Act of 1997”.

1 **SEC. 2. DEFINITIONS.**

2 Section 4 of the Morris K. Udall Scholarship and Ex-
3 cellence in National Environmental and Native American
4 Public Policy Act of 1992 (20 U.S.C. 5602) is amended—

5 (1) in paragraph (5), by striking “fund” and
6 inserting “Trust Fund”;

7 (2) by redesignating paragraphs (5) and (7) as
8 paragraphs (9) and (8), respectively;

9 (3) by inserting after paragraph (4) the follow-
10 ing:

11 “(5) the term ‘Institute’ means the United
12 States Institute for Environmental Conflict Resolu-
13 tion established pursuant to section 7(a)(1)(D);”;

14 (4) in paragraph (6), by striking “and” at the
15 end;

16 (5) by inserting after paragraph (6) the follow-
17 ing:

18 “(7) the term ‘Revolving Fund’ means the
19 United States Institute for Environmental Conflict
20 Resolution Revolving Fund established under section
21 10;”;

22 (6) in paragraph (8) (as redesignated by para-
23 graph (2)), by striking the period at the end and in-
24 serting “; and”; and

1 (7) in paragraph (9) (as redesignated by para-
2 graph (2)), by striking the semicolon at the end and
3 inserting a period.

4 **SEC. 3. BOARD OF TRUSTEES.**

5 Section 5(b) of the Morris K. Udall Scholarship and
6 Excellence in National Environmental and Native Amer-
7 ican Public Policy Act of 1992 (20 U.S.C. 5603(b)) is
8 amended—

9 (1) in the matter preceding paragraph (1) of
10 the second sentence, by striking “twelve” and insert-
11 ing “thirteen”; and

12 (2) by adding at the end the following:

13 “(7) The chairperson of the President’s Council
14 on Environmental Quality, who shall serve as a non-
15 voting, ex officio member and shall not be eligible to
16 serve as chairperson.”.

17 **SEC. 4. PURPOSE.**

18 Section 6 of the Morris K. Udall Scholarship and Ex-
19 cellence in National Environmental and Native American
20 Public Policy Act of 1992 (20 U.S.C. 5604) is amended—

21 (1) in paragraph (4), by striking “an Environ-
22 mental Conflict Resolution” and inserting “Environ-
23 mental Conflict Resolution and Training”;

24 (2) in paragraph (6), by striking “and” at the
25 end;

1 (3) in paragraph (7), by striking the period at
2 the end and inserting “; and”; and

3 (4) by adding at the end the following:

4 “(8) establish as part of the Foundation the
5 United States Institute for Environmental Conflict
6 Resolution to assist the Federal government in im-
7 plementing section 101 of the National Environ-
8 mental Policy Act of 1969 (42 U.S.C. 4331) by pro-
9 viding assessment, mediation, and other related serv-
10 ices to resolve environmental disputes involving
11 agencies and instrumentalities of the United
12 States.”.

13 **SEC. 5. AUTHORITY.**

14 Section 7(a) of the Morris K. Udall Scholarship and
15 Excellence in National Environmental and Native Amer-
16 ican Public Policy Act of 1992 (20 U.S.C. 5605(a)) is
17 amended—

18 (1) in paragraph (1), by adding at the end the
19 following:

20 “(D) The Foundation shall—

21 “(i) establish the United States Institute
22 for Environmental Conflict Resolution as part
23 of the Foundation; and

24 “(ii) identify and conduct such programs,
25 activities, and services as the Foundation deter-

1 mines appropriate to permit the Foundation to
2 provide assessment, mediation, training, and
3 other related services to resolve environmental
4 disputes.”; and
5 (2) in paragraph (7), by inserting “and Train-
6 ing” after “Conflict Resolution”.

7 **SEC. 6. REVOLVING FUND.**

8 (a) REDESIGNATION.—Sections 10 and 11 of the
9 Morris K. Udall Scholarship and Excellence in National
10 Environmental and Native American Public Policy Act of
11 1992 (20 U.S.C. 5608, 5609) are redesignated as sections
12 12 and 13, respectively.

13 (b) REVOLVING FUND.—The Morris K. Udall Schol-
14 arship and Excellence in National Environmental and Na-
15 tive American Public Policy Act of 1992 (20 U.S.C. 5601
16 et seq.) (as amended by subsection (a)) is amended by in-
17 serting after section 9 the following:

18 **“SEC. 10. ENVIRONMENTAL CONFLICT RESOLUTION RE-**
19 **VOLVING FUND.**

20 “(a) ESTABLISHMENT.—There is established in the
21 Treasury of the United States a United States Institute
22 for Environmental Conflict Resolution Revolving Fund to
23 be administered by the Foundation. The Revolving Fund
24 shall consist of amounts appropriated to the Revolving

1 Fund under section 13(b) and amounts paid into the Re-
2 volving Fund under section 11.

3 “(b) EXPENDITURES.—The Foundation shall expend
4 from the Revolving Fund such sums as the Board deter-
5 mines are necessary and appropriate to establish and oper-
6 ate the Institute, including such amounts as are necessary
7 for salaries, administration, the provision of mediation and
8 other services, and such other expenses as the Board de-
9 termines are reasonable and necessary.

10 “(c) DISTINCTION FROM TRUST FUND.—The Re-
11 volving Fund shall be maintained separately from the
12 Trust Fund established under section 8.

13 “(d) PROGRAM PRIORITIES.—The Revolving Fund
14 shall not be subject to section 7(c) or section 9.

15 “(e) INVESTMENT OF AMOUNTS.—

16 “(1) IN GENERAL.—The Secretary of the
17 Treasury shall invest such portion of the Revolving
18 Fund as is not, in the judgment of the Secretary, re-
19 quired to meet current withdrawals. Investments
20 may be made only in interest-bearing obligations of
21 the United States.

22 “(2) ACQUISITION OF OBLIGATIONS.—For the
23 purpose of investments under paragraph (1), obliga-
24 tions may be acquired—

25 “(A) on original issue at the issue price; or

1 “(B) by purchase of outstanding obliga-
2 tions at the market price.

3 “(3) SALE OF OBLIGATIONS.—Any obligation
4 acquired by the Revolving Fund may be sold by the
5 Secretary of the Treasury at the market price.

6 “(4) CREDITS TO FUND.—The interest on, and
7 the proceeds from the sale or redemption of, any ob-
8 ligations held in the Revolving Fund shall be cred-
9 ited to and form a part of the Revolving Fund.”.

10 **SEC. 7. USE OF THE INSTITUTE BY A FEDERAL AGENCY.**

11 The Morris K. Udall Scholarship and Excellence in
12 National Environmental and Native American Public Pol-
13 icy Act of 1992 (20 U.S.C. 5601 et seq.) (as amended
14 by section 6) is amended by inserting after section 10 the
15 following:

16 **“SEC. 11. USE OF THE INSTITUTE BY A FEDERAL AGENCY.**

17 “(a) AUTHORIZATION.—A Federal agency may use
18 the Foundation and the Institute to provide assessment,
19 mediation, or other related services in connection with a
20 dispute or conflict related to the environment, public
21 lands, or natural resources.

22 “(b) PAYMENT.—

23 “(1) IN GENERAL.—A Federal agency may
24 enter into a contract and expend funds to obtain the
25 services of the Institute.

1 “(2) PAYMENT INTO REVOLVING FUND.—A
2 payment from an executive agency on a contract en-
3 tered into under paragraph (1) shall be paid into the
4 Revolving Fund.

5 “(c) NOTIFICATION AND CONCURRENCE.—

6 “(1) NOTIFICATION.—An agency or instrumen-
7 tality of the Federal Government shall notify the
8 chairperson of the President’s Council on Environ-
9 mental Quality before using the Foundation or the
10 Institute to provide the services described in sub-
11 section (a).

12 “(2) NOTIFICATION DESCRIPTIONS.—A notifi-
13 cation under paragraph (1) shall include a written
14 description of—

15 “(A) the issues and parties involved;

16 “(B) prior efforts, if any, undertaken by
17 the agency to resolve or address the issue or is-
18 sues; and

19 “(C) other relevant information.

20 “(3) CONCURRENCE.—In a case that involves a
21 dispute or disagreement between 2 or more agencies
22 or instrumentalities of the Federal Government (in-
23 cluding branches or divisions of a single agency or
24 instrumentality), an agency or instrumentality of the
25 Federal Government shall obtain the concurrence of

1 the chairperson of the President’s Council on Envi-
2 ronmental Quality before using the Foundation or
3 Institute to provide the services described in sub-
4 section (a).”.

5 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) IN GENERAL.—Section 13 of the Morris K. Udall
7 Scholarship and Excellence in National Environmental
8 and Native American Public Policy Act of 1992 (as redes-
9 ignated by section 6(a)) is amended—

10 (1) by striking “There are authorized to be ap-
11 propriated to the Fund” and inserting the following:

12 “(a) TRUST FUND.—There are authorized to be ap-
13 propriated to the Trust Fund”; and

14 (2) by adding at the end the following:

15 “(b) REVOLVING FUND.—There are authorized to be
16 appropriated to the Revolving Fund \$3,000,000 for fiscal
17 year 1998 and \$2,100,000 for each of fiscal years 1999
18 through 2002.”.

19 **SEC. 9. CONFORMING AMENDMENTS.**

20 (a) The second sentence of section 8(a) of the Morris
21 K. Udall Scholarship and Excellence in National Environ-
22 mental and Native American Public Policy Act of 1992
23 (20 U.S.C. 5606) is amended—

24 (1) by striking “fund” and inserting “Trust
25 Fund”; and

1 (2) by striking “section 11” and inserting “sec-
2 tion 13(a)”.

3 (b) Sections 7(a)(6), 8(b), and 9(a) of the Morris K.
4 Udall Scholarship and Excellence in National Environ-
5 mental and Native American Public Policy Act of 1992
6 (20 U.S.C. 5605(a)(6), 5606(b), 5607(a)) are each
7 amended by striking “Fund” and inserting “Trust Fund”
8 each place it appears.

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