

105TH CONGRESS  
1ST SESSION

# S. CON. RES. 66

To correct the enrollment of S. 399.

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 8, 1997

Mr. McCAIN submitted the following concurrent resolution; which was considered and agreed to

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## CONCURRENT RESOLUTION

To correct the enrollment of S. 399.

1        *Resolved by the Senate (the House of Representatives*  
2 *concurring)*, That in the enrollment of the bill (S. 399),  
3 to amend the Morris K. Udall Scholarship and Excellence  
4 in National Environmental and Native American Public  
5 Policy Act of 1992 to establish the United States Institute  
6 for Environmental Conflict Resolution to conduct environ-  
7 mental conflict resolution and training, and for other pur-  
8 poses, the Clerk of the Senate shall make the following  
9 correction in section 10 of the Morris K. Udall Scholarship  
10 and Excellence in National Environmental and Native  
11 American Public Policy Act of 1992 (as amended by sec-

1 tion 6 of the bill): Strike subsection (c) and insert the fol-  
 2 lowing:

3 “(c) NOTIFICATION AND CONCURRENCE.—

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

10 “(2) NOTIFICATION DESCRIPTIONS.—In a mat-  
 11 ter involving 2 or more agencies or instrumentalities  
 12 of the Federal Government, notification under para-  
 13 graph (1) shall include a written description of—

14 “(A) the issues and parties involved;

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

18 “(C) all Federal agencies or instrumentality-  
 19 ties with a direct interest or involvement in the  
 20 matter and a statement that all Federal agen-  
 21 cies or instrumentalities agree to dispute resolu-  
 22 tion; and

23 “(D) other relevant information.

24 “(3) CONCURRENCE.—

1           “(A) IN GENERAL.—In a matter that in-  
2 involves 2 or more agencies or instrumentalities  
3 of the Federal Government (including branches  
4 or divisions of a single agency or instrumentality), the agencies or instrumentalities of the  
5 Federal Government shall obtain the concurrence  
6 of the chairperson of the President’s  
7 Council on Environmental Quality before using  
8 the Foundation or Institute to provide the services  
9 described in subsection (a).  
10

11           “(B) INDICATION OF CONCURRENCE OR  
12 NONCONCURRENCE.—The chairperson of the  
13 President’s Council on Environmental Quality  
14 shall indicate concurrence or nonconcurrence  
15 under subparagraph (A) not later than 20 days  
16 after receiving notice under paragraph (2).

17           “(d) EXCEPTIONS.—

18           “(1) LEGAL ISSUES AND ENFORCEMENT.—

19           “(A) IN GENERAL.—A dispute or conflict  
20 involving agencies or instrumentalities of the  
21 Federal Government (including branches or divisions  
22 of a single agency or instrumentality)  
23 that concern purely legal issues or matters, interpretation or determination of law, or enforcement  
24 of law by 1 agency against another agency  
25

1 shall not be submitted to the Foundation or In-  
2 stitute.

3 “(B) APPLICABILITY.—Subparagraph (A)  
4 does not apply to a dispute or conflict concern-  
5 ing—

6 “(i) agency implementation of a pro-  
7 gram or project;

8 “(ii) a matter involving 2 or more  
9 agencies with parallel authority requiring  
10 facilitation and coordination of the various  
11 government agencies; or

12 “(iii) a nonlegal policy or decision-  
13 making matter that involves 2 or more  
14 agencies that are jointly operating a  
15 project.

16 “(2) OTHER MANDATED MECHANISMS OR AVE-  
17 NUES.—A dispute or conflict involving agencies or  
18 instrumentalities of the Federal Government (includ-  
19 ing branches or divisions of a single agency or in-  
20 strumentality) for which Congress by law has man-  
21 dated another dispute resolution mechanism or ave-  
22 nue to address or resolve shall not be submitted to  
23 the Foundation or Institute.”.

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