

(e) Location of Foundation

The Foundation shall be located in Tucson, Arizona and the District of Columbia.

(f) Executive Director**(1) In general**

There shall be an Executive Director of the Foundation who shall be appointed by the Board. The Executive Director shall be the chief executive officer of the Foundation and shall carry out the functions of the Foundation subject to the supervision and direction of the Board. The Executive Director shall carry out such other functions consistent with the provisions of this chapter as the Board shall prescribe.

(2) Compensation

The Executive Director of the Foundation shall be compensated at a rate determined by the Board in accordance with section 5383 of title 5.

(Pub. L. 102-259, § 5, Mar. 19, 1992, 106 Stat. 79; Pub. L. 104-208, div. A, title I, § 101(f) [title VI, § 655], Sept. 30, 1996, 110 Stat. 3009-314, 3009-369; Pub. L. 105-156, § 3, Feb. 11, 1998, 112 Stat. 8; Pub. L. 111-90, § 5, Nov. 3, 2009, 123 Stat. 2977; Pub. L. 116-94, div. P, title III, § 303, Dec. 20, 2019, 133 Stat. 3187.)

AMENDMENTS

2019—Subsec. (e). Pub. L. 116-94 substituted “Arizona and the District of Columbia.” for “Arizona.”

2009—Pub. L. 111-90, § 5(1), substituted “and Stewart L. Udall” for “Scholarship and Excellence in National Environmental Policy” in section catchline.

Subsec. (a). Pub. L. 111-90, § 5(2), substituted “and Stewart L. Udall” for “Scholarship and Excellence in National Environmental Policy”.

Subsec. (f)(2). Pub. L. 111-90, § 5(3), substituted “a rate determined by the Board in accordance with section 5383 of title 5” for “the rate specified for employees in level IV of the Executive Schedule under section 5315 of title 5”.

1998—Subsec. (b). Pub. L. 105-156, § 3(1), substituted “thirteen” for “twelve” in introductory provisions.

Subsec. (b)(7). Pub. L. 105-156, § 3(2), added par. (7).

1996—Subsec. (c)(1)(C). Pub. L. 104-208 added subpar. (C).

§ 5604. Purpose of Foundation

It is the purpose of the Foundation to—

(1) increase awareness of the importance of and promote the benefit and enjoyment of the Nation’s natural resources;

(2) foster among the American population greater recognition and understanding of the role of the environment, public lands and resources in the development of the United States;

(3) identify critical environmental issues;

(4) establish a program for environmental policy research at the Center and a program for environmental conflict resolution and training at the National Center;

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

(6) provide educational outreach regarding environmental policy;

(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 leadership, providing assistance and resources for policy analysis, and carrying out other appropriate activities.¹

(8) establish as part of the Foundation the John S. McCain III National Center for Environmental Conflict Resolution to assist the Federal Government in implementing section 4331 of title 42 by providing assessment, mediation, and other related services to resolve environmental issues, conflicts, and disputes involving agencies and instrumentalities of the United States; and

(9) complement the direction established by the President in Executive Order No. 12988 (61 Fed. Reg. 4729; relating to civil justice reform).

(Pub. L. 102-259, § 6, Mar. 19, 1992, 106 Stat. 80; Pub. L. 105-156, § 4, Feb. 11, 1998, 112 Stat. 9; Pub. L. 106-568, title VIII, § 817(a), Dec. 27, 2000, 114 Stat. 2918; Pub. L. 116-94, div. P, title III, § 304, Dec. 20, 2019, 133 Stat. 3187.)

REFERENCES IN TEXT

Executive Order No. 12988, referred to in par. (9), is set out as a note under section 519 of Title 28, Judiciary and Judicial Procedure.

AMENDMENTS

2019—Par. (4). Pub. L. 116-94, § 304(1), substituted “establish a program for environmental policy research at the Center and a program for environmental conflict resolution and training at the National Center” for “establish a Program for Environmental Policy Research and Environmental Conflict Resolution and Training at the Center”.

Par. (5). Pub. L. 116-94, § 304(2), inserted “, natural resource, conflict resolution,” after “environmental”.

Par. (7). Pub. L. 116-94, § 304(3), inserted “at the Native Nations Institute” after “develop resources” and “providing education to and” after “policy, by”.

Par. (8). Pub. L. 116-94, § 304(4), substituted “John S. McCain III National Center for Environmental Conflict Resolution” for “United States Institute for Environmental Conflict Resolution” and “resolve environmental issues, conflicts, and” for “resolve environmental”.

2000—Par. (7). Pub. L. 106-568 inserted before semicolon at end “, by conducting management and leadership training of Native Americans, Alaska Natives, and others involved in tribal leadership, providing assistance and resources for policy analysis, and carrying out other appropriate activities.”

1998—Par. (4). Pub. L. 105-156, § 4(1), substituted “Environmental Conflict Resolution and Training” for “an Environmental Conflict Resolution”.

Pars. (8), (9). Pub. L. 105-156, § 4(2)–(4), added pars. (8) and (9).

§ 5605. Authority of Foundation**(a) Authority of Foundation****(1) In general****(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

¹ So in original. The period probably should not appear.

out the purposes described in section 5604 of this title, which may include—

- (i) awarding scholarships, fellowships, internships, and grants, by national competition, 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.

(B) John S. McCain III National Center for Environmental Conflict Resolution

(i) In general

The Foundation shall—

(I) establish the John S. McCain III National Center 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—

- (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

(A) Scholarships shall be awarded to outstanding undergraduate students who intend to pursue careers related to the environment and to outstanding Native American and Alaska Native undergraduate students who intend to pursue careers in health care and tribal public policy.

(B) An eligible individual awarded a scholarship under this chapter may receive payments under this chapter only during such periods as the Foundation finds that the eligible individual is maintaining satisfactory proficiency and devoting full time to study or research and is not engaging in gainful employment other than employment approved by the Foundation pursuant to regulations of the Board.

(C) The Foundation may require reports containing such information, in such form, and to be filed at such times as the Foundation determines to be necessary from any eligible indi-

vidual awarded a scholarship under this chapter. Such reports shall be accompanied by a certificate from an appropriate official at the institution of higher education, approved by the Foundation, stating that such individual is making satisfactory progress in, and is devoting essentially full time to study or research, except as otherwise provided in this subsection.

(3) Fellowships

Fellowships shall be awarded to—

(A) outstanding graduate students who intend to pursue advanced degrees in fields related to the environment and to outstanding Native American and Alaska Native graduate students who intend to pursue advanced degrees in health care and tribal public policy, including law and medicine; and

(B) faculty from a variety of disciplines to bring the expertise of such faculty to the Foundation.

(4) Internships

Internships shall be awarded to—

(A) deserving and qualified individuals to participate in internships in Federal, State and local agencies or in offices of major environmental organizations pursuant to section 5604 of this title; and

(B) deserving and qualified Native American and Alaska Native individuals to participate in internships in Federal, State and local agencies or in offices of major public health or public policy organizations pursuant to section 5604 of this title.

(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 5604 of this title; 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.

(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 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.

(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 5604(7) of this title.

(b) Udall Scholars

Recipients of scholarships, fellowships, and internships under this chapter shall be known as "Udall Scholars", "Udall Fellows", and "Udall Interns", respectively.

(c) Program priorities

(1) In general

The Foundation shall determine the priority of the programs to be carried out under this chapter 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 chapter 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 chapter as the Board determines to be necessary and appropriate.

(Pub. L. 102-259, § 7, Mar. 19, 1992, 106 Stat. 81; Pub. L. 105-156, §§ 5, 9(b), Feb. 11, 1998, 112 Stat. 9, 12; Pub. L. 111-90, § 6, Nov. 3, 2009, 123 Stat. 2977; Pub. L. 116-94, div. P, title III, § 305, Dec. 20, 2019, 133 Stat. 3188.)

AMENDMENTS

2019—Subsec. (a)(1)(A). Pub. L. 116-94, § 305(1)(A)(i), added subpar. (A) and struck out former subpar. (A)

which read as follows: "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 5604 of this title. 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."

Subsec. (a)(1)(B). Pub. L. 116-94, § 305(1)(A)(i)-(iii)(I), redesignated subpar. (D) as (B), substituted "John S. McCain III National Center for Environmental Conflict Resolution" for "Institute for Environmental Conflict Resolution" in heading, and struck out former subpar. (B) which read as follows: "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 chapter."

Subsec. (a)(1)(B)(i)(I). Pub. L. 116-94, § 305(1)(A)(iii)(II)(aa), substituted "John S. McCain III National Center for Environmental Conflict Resolution" for "United States Institute for Environmental Conflict Resolution".

Subsec. (a)(1)(B)(i)(II). Pub. L. 116-94, § 305(1)(A)(iii)(II)(bb), inserted "collaboration," after "mediation," substituted "to resolve—" for "to resolve environmental disputes.", and added items (aa) and (bb).

Subsec. (a)(1)(B)(ii). Pub. L. 116-94, § 305(1)(A)(iii)(III), inserted "collaboration," after "mediation,".

Subsec. (a)(1)(C). Pub. L. 116-94, § 305(1)(A)(i), struck out subpar. (C) which read as follows: "The Foundation may award scholarships, fellowships, internships and grants to eligible individuals in accordance with the provisions of this chapter 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."

Subsec. (a)(1)(D). Pub. L. 116-94, § 305(1)(A)(ii), redesignated subpar. (D) as (B).

Subsec. (a)(5), (6). Pub. L. 116-94, § 305(1)(B), (D), added pars. (5) and (6) and struck out former par. (5) which related to awarding of grants for various purposes. Former par. (6) redesignated (7).

Subsec. (a)(7). Pub. L. 116-94, § 305(1)(C), (E), redesignated par. (6) as (7) and substituted "the papers of Morris K. Udall and Stewart L. Udall" for "Morris K. Udall's papers". Former par. (7) redesignated (8).

Subsec. (a)(8). Pub. L. 116-94, § 305(1)(C), redesignated par. (7) as (8).

Subsec. (a)(9). Pub. L. 116-94, § 305(1)(F), added par. (9).

Subsec. (c). Pub. L. 116-94, § 305(2), added subsec. (c) and struck out former subsec. (c). Prior to amendment, text read as follows: "The Foundation shall determine the priority of the programs to be carried out under this chapter 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 5604(a)(2) of this title, section 5604(a)(3) of this title, and section 5604(a)(4) of this title, 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 5604(a)(5) of this title, section 5604(a)(6) of this title, and section 5604(a)(7) of this title 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."

Subsec. (d). Pub. L. 116-94, § 305(3), added subsec. (d). 2009—Subsec. (a)(5)(E). Pub. L. 111-90, § 6(1), added subpar. (E).

Subsec. (b). Pub. L. 111-90, § 6(2), added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows: "Recipients of scholarships, fellowships, internships, and grants under this chapter shall be known as 'Morris K. Udall Scholars'."

1998—Subsec. (a)(1)(D). Pub. L. 105-156, §5(1), added subpar. (D).

Subsec. (a)(6). Pub. L. 105-156, §9(b), substituted “Trust Fund” for “Fund”.

Subsec. (a)(7). Pub. L. 105-156, §5(2), inserted “and Training” after “Conflict Resolution”.

REFERENCES TO UNITED STATES INSTITUTE FOR ENVIRONMENTAL CONFLICT RESOLUTION

Pub. L. 116-94, div. P, title III, §302(c), Dec. 20, 2019, 133 Stat. 3187, provided that: “Any reference to the United States Institute for Environmental Conflict Resolution in any Federal law, Executive Order, rule, delegation of authority, or document shall be construed to refer to the John S. McCain III National Center for Environmental Conflict Resolution established under section 7(a)(1)(B) of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5605(a)(1)(B)).”

§ 5606. Establishment of Morris K. Udall and Stewart L. Udall Trust Fund

(a) Establishment of Trust Fund

There is established in the Treasury of the United States a trust fund to be known as the “Morris K. Udall and Stewart L. Udall Trust Fund” to be administered by a Foundation. The Trust Fund shall consist of amounts appropriated to it pursuant to section 5609(a) of this title and amounts credited to it under subsection (b).

(b) Investment of Trust Fund assets

(1)¹ IN GENERAL.—It shall be the duty of the Secretary of the Treasury to invest, at the direction of the Foundation Board, in full the amounts appropriated to the Trust Fund. Such investments shall be in public debt securities with maturities suitable to the needs of the Trust Fund. Investments in public debt securities shall bear interest “at rates determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States” of comparable maturity.

(Pub. L. 102-259, §8, Mar. 19, 1992, 106 Stat. 82; Pub. L. 105-156, §9, Feb. 11, 1998, 112 Stat. 12; Pub. L. 111-90, §7, Nov. 3, 2009, 123 Stat. 2978.)

AMENDMENTS

2009—Pub. L. 111-90 substituted “and Stewart L. Udall” for “Scholarship and Excellence in National Environmental Policy” in section catchline and in subsec. (a).

1998—Subsec. (a). Pub. L. 105-156, §9(a), substituted “The Trust Fund” for “The fund” and “5609(a)” for “5609”.

Subsec. (b). Pub. L. 105-156, §9(b), substituted “Trust Fund” for “Fund” in two places.

§ 5607. Expenditures and audit of Trust Fund

(a) In general

The Foundation shall pay from the interest and earnings of the Trust Fund such sums as the Board determines are necessary and appropriate to enable the Foundation to carry out the provisions of this chapter, including a reasonable amount for official reception and representation expenses, as determined by the Board, not to exceed \$5,000 for a fiscal year.

(b) Audit by Government Accountability Office

The activities of the Foundation and the Center under this chapter may be audited by the

Government Accountability Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. Representatives of the Government Accountability Office shall have access to all books, accounts, records, reports filed and all other papers, things, or property belonging to or in use by the Foundation and the Center, pertaining to such federally assisted activities and necessary to facilitate the audit.

(Pub. L. 102-259, §9, Mar. 19, 1992, 106 Stat. 83; Pub. L. 105-156, §9(b), Feb. 11, 1998, 112 Stat. 12; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814; Pub. L. 111-90, §8, Nov. 3, 2009, 123 Stat. 2978.)

AMENDMENTS

2009—Subsec. (a). Pub. L. 111-90 inserted before period at end “, including a reasonable amount for official reception and representation expenses, as determined by the Board, not to exceed \$5,000 for a fiscal year”.

2004—Subsec. (b). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office” in heading and in two places in text.

1998—Subsec. (a). Pub. L. 105-156 substituted “Trust Fund” for “Fund”.

§ 5607a. Environmental Dispute Resolution Fund

(a) Establishment

There is established in the Treasury of the United States an Environmental Dispute Resolution Fund to be administered by the Foundation. The Fund shall consist of amounts appropriated to the Fund under section 5609(b) of this title and amounts paid into the Fund under section 5607b of this title.

(b) Expenditures

The Foundation shall expend from the Fund such sums as the Board determines are necessary to establish and operate the National Center, including such amounts as are necessary for salaries, administration, the provision of mediation and other services, and such other expenses as the Board determines are necessary, including not to exceed \$1,000 annually for official reception and representation expenses.

(c) Distinction from Trust Fund

The Fund shall be maintained separately from the Trust Fund established under section 5606 of this title.

(d) Investment of amounts

(1) In general

The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals.

(2) Interest-bearing obligations

Investments may be made only in interest-bearing obligations of the United States.

(3) Acquisition of obligations

For the purpose of investments under paragraph (1), obligations may be acquired—

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

(B) by purchase of outstanding obligations at the market price.

(4) Sale of obligations

Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

¹ So in original. No par. (2) has been enacted.