

Mar. 19, Presidential Statement, and Cong. Rec., vol. 138, pt. 3, p. 4078, Mar. 3, 1992.]

No. 6726, Sept. 27, 1994, 59 F.R. 49777, set out as a note under section 1931 of Title 48, Territories and Insular Possessions.

§ 5602. Definitions

For the purposes of this chapter—

(1) the term “Board” means the Board of Trustees of the Foundation established under section 5603(b) of this title;

(2) the term “Center” means 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;

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

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

(6) the term “Foundation” means the Morris K. Udall and Stewart L. Udall Foundation established under section 5603(a) of this title;

(7) the term “institution of higher education” has the same meaning given to such term by section 1001(a) of this title;

(8) the term “National Center” means the John S. McCain III National Center for Environmental Conflict Resolution established pursuant to section 5605(a)(1)(B) of this title;

(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;

(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

(12) the term “Trust Fund” means the Morris K. Udall and Stewart L. Udall Trust Fund established in section 5606 of this title.

(Pub. L. 102-259, §4, Mar. 19, 1992, 106 Stat. 78; Pub. L. 105-156, §2, Feb. 11, 1998, 112 Stat. 8; Pub. L. 105-244, title I, §102(a)(6)(I), Oct. 7, 1998, 112 Stat. 1619; Pub. L. 111-90, §4, Nov. 3, 2009, 123 Stat. 2977; Pub. L. 116-94, div. P, title III, §302(a), Dec. 20, 2019, 133 Stat. 3186.)

Editorial Notes

REFERENCES IN TEXT

For ratification of Compact of Free Association with the Republic of Palau, referred to in par. (11), see Proc.

AMENDMENTS

2019—Par. (2). Pub. L. 116-94, §302(a)(1), substituted “the Udall Center for Studies in Public Policy established in 1987 at the University of Arizona, and includes the Native Nations Institute” for “the Udall Center for Studies in Public Policy established at the University of Arizona in 1987”.

Par. (3). Pub. L. 116-94, §302(a)(4), added par. (3). Former par. (3) redesignated (4).

Par. (4), (5). Pub. L. 116-94, §302(a)(3), redesignated pars. (3) and (4) as (4) and (5), respectively. Former par. (5) redesignated (6).

Par. (6). Pub. L. 116-94, §302(a)(2), (3), redesignated par. (5) as (6) and struck out former par. (6) which defined the term “Institute”.

Par. (7). Pub. L. 116-94, §302(a)(5), substituted “section 1001(a) of this title” for “section 1141(a) of this title”.

Par. (8). Pub. L. 116-94, §302(a)(6), added par. (8). Former par. (8) redesignated (11).

Par. (9), (10). Pub. L. 116-94, §302(a)(7), added pars. (9) and (10). Former par. (9) redesignated (12).

Par. (11), (12). Pub. L. 116-94, §302(a)(3), redesignated pars. (8) and (9) as (11) and (12), respectively.

2009—Par. (1). Pub. L. 111-90, §4(1), struck out “Morris K. Udall Scholarship and Excellence in National Environmental Policy” before “Foundation”.

Par. (5), (9). Pub. L. 111-90, §4(2), (3), substituted “and Stewart L. Udall” for “Scholarship and Excellence in National Environmental Policy”.

1998—Par. (4), (5). Pub. L. 105-156, §2(1), (2), added par. (4) and redesignated former par. (4) as (5). Former par. (5) redesignated (9).

Par. (6). Pub. L. 105-244, which directed the substitution of “section 1001” for “section 1141(a)” in par. (6), could not be executed because “section 1141(a)” did not appear in text.

Pub. L. 105-156, §2(3), added par. (6). Former par. (6) redesignated (7).

Par. (7). Pub. L. 105-156, §2(1), (4), redesignated par. (6) as (7) and struck out “and” at end. Former par. (7) redesignated (8).

Par. (8). Pub. L. 105-156, §2(1), (5), redesignated par. (7) as (8) and substituted “; and” for period at end.

Par. (9). Pub. L. 105-156, §2(1), (6), redesignated par. (5) as (9) and substituted “Trust Fund” for “fund” and period for semicolon at end.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of this title.

§ 5603. Establishment of Morris K. Udall and Stewart L. Udall Foundation

(a) Establishment

There is established as an independent entity of the executive branch of the United States Government, the Morris K. Udall and Stewart L. Udall Foundation.

(b) Board of Trustees

The Foundation shall be subject to the supervision and direction of the Board of Trustees. The Board shall be comprised of thirteen trustees, eleven of whom shall be voting members of the Board, as follows:

(1) Two Trustees, shall be appointed by the President, with the advice and consent of the Senate, after considering the recommendation

of the Speaker of the House of Representatives, in consultation with the Minority Leader of the House of Representatives.

(2) Two Trustees, shall be appointed by the President, with the advice and consent of the Senate, after considering the recommendation of the President pro tempore of the Senate, in consultation with the Majority and Minority Leaders of the Senate.

(3) Five Trustees, not more than three of whom shall be of the same political party, shall be appointed by the President with the advice and consent of the Senate, who have shown leadership and interest in—

(A) the continued use, enjoyment, education, and exploration of our Nation's rich and bountiful natural resources, such as presidents of major foundations involved with the environment; or

(B) in the improvement of the health status of Native Americans and Alaska Natives and in strengthening tribal self-governance, such as tribal leaders involved in health and public policy development affecting Native American and Alaska Native communities.

(4) The Secretary of the Interior, or the Secretary's designee, who shall serve as a voting ex officio member of the Board but shall not be eligible to serve as Chairperson.

(5) The Secretary of Education, or the Secretary's designee, who shall serve as a voting ex officio member of the Board but shall not be eligible to serve as Chairperson.

(6) The President of the University of Arizona shall serve as a nonvoting, ex officio member and shall not be eligible to serve as chairperson.¹

(7) The chairperson of the President's Council on Environmental Quality, who shall serve as a nonvoting, ex officio member and shall not be eligible to serve as chairperson.¹

(c) Term of office

(1)² IN GENERAL.—The term of office of each member of the Board shall be six years, except that—

(A) in the case of the Trustees first taking offices—

(i) as designated by the President, one Trustee appointed pursuant to subsection (b)(2) and two trustees appointed pursuant to subsection (b)(3) shall each serve two years; and

(ii) as designated by the President, one Trustee appointed pursuant to subsection (b)(1) and two Trustees appointed pursuant to subsection (b)(3) shall each serve four years; and

(iii) as designated by the President, one Trustee appointed pursuant to subsection (b)(1), one Trustee appointed pursuant to subsection (b)(2), and one Trustee appointed pursuant to subsection (b)(3) shall each serve six years;

(B) a Trustee appointed to fill a vacancy shall serve for the remainder of the term for which the Trustee's predecessor was appointed

and shall be appointed in the same manner as the original appointment for that vacancy was made; and

(C) a Trustee may serve after the expiration of the Trustee's term until a successor has been chosen.

(d) Travel and subsistence pay

Trustees shall serve without pay, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties as members of the Board.

(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.)

Editorial Notes

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

¹ So in original. Probably should be capitalized.

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