

(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.)

Editorial Notes**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”.

Statutory Notes and Related Subsidiaries**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.)

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

Editorial Notes

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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.)

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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 ex-

penses 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.

(5) Credits to Fund

The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(Pub. L. 102-259, §10, as added Pub. L. 105-156, §6(b), Feb. 11, 1998, 112 Stat. 10; amended Pub. L. 105-277, div. A, §101(h) [title V, §517(c)], Oct. 21, 1998, 112 Stat. 2681-480, 2681-512; Pub. L. 116-94, div. P, title III, §306, Dec. 20, 2019, 133 Stat. 3190.)

Editorial Notes

PRIOR PROVISIONS

A prior section 10 of Pub. L. 102-259 was renumbered section 12 and is classified to section 5608 of this title.

AMENDMENTS

2019—Subsec. (b). Pub. L. 116-94 substituted “National Center” for “Institute”.

1998—Subsec. (b). Pub. L. 105-277 inserted before period at end “, including not to exceed \$1,000 annually for official reception and representation expenses”.

§ 5607b. Use of the National Center by Federal agency or other entity**(a) Authorization**

A Federal agency may use the Foundation and the National Center 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, or with a Federal, State, or tribal process or procedure that may result in a dispute or conflict.

(b) Payment**(1) In general**

A Federal agency may enter into a contract and expend funds to obtain the services of the National Center.