

AMENDMENTS

1998—Pars. (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. 105-156, §2(3), added par. (6). Former par. (6) redesignated (7).

Par. (7). Pub. L. 105-244, which directed the substitution of “section 1001” for “section 1141(a)” in par. (6), was executed by making the substitution in par. (7) to reflect the probable intent of Congress and the redesignation of par. (6) as (7) by Pub. L. 105-156, §2(1). See below.

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.

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 Scholarship and Excellence in National Environmental Policy Foundation

(a) Establishment

There is established as an independent entity of the executive branch of the United States Government, the Morris K. Udall Scholarship and Excellence in National Environmental Policy 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) of this section and two trustees appointed pursuant to subsection (b)(3) of this section shall each serve two years; and

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

(iii) as designated by the President, one Trustee appointed pursuant to subsection (b)(1) of this section, one Trustee appointed pursuant to subsection (b)(2) of this section, and one Trustee appointed pursuant to subsection (b)(3) of this section 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.

(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

¹ So in original. Probably should be capitalized.

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

the provisions of this chapter as the Board shall prescribe.

(2) Compensation

The Executive Director of the Foundation shall be compensated at the rate specified for employees in level IV of the Executive Schedule under section 5315 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.)

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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).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5602 of this title.

§ 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 and Environmental Conflict Resolution and Training at the Center;

(5) develop resources to properly train professionals in the environmental and related fields;

(6) provide educational outreach regarding environmental policy;

(7) develop resources to properly train Native American and Alaska Native professionals in health care and public policy, 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;¹

(8) establish as part of the Foundation the United States Institute 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 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.)

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.

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

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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).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5605, 5608, 5609 of this title.

§ 5605. Authority of Foundation

(a) Authority of Foundation

(1) In general

(A) 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.

(B) 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.

(C) 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.

(D) INSTITUTE FOR ENVIRONMENTAL CONFLICT RESOLUTION.—

(i) IN GENERAL.—The Foundation shall—

(I) establish the United States Institute 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, training, and other related services to resolve environmental disputes.

(ii) GEOGRAPHIC PROXIMITY OF CONFLICT RESOLUTION PROVISION.—In providing assessment, mediation, 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 Alas-