

cern purely legal issues or matters, interpretation or determination of law, or enforcement of law by one agency against another agency shall not be submitted to the Foundation or Institute.

(B) Applicability

Subparagraph (A) does not apply to a dispute or conflict concerning—

- (i) agency implementation of a program or project;
- (ii) a matter involving two or more agencies with parallel authority requiring facilitation and coordination of the various Government agencies; or
- (iii) a nonlegal policy or decisionmaking matter that involves two or more agencies that are jointly operating a project.

(2) Other mandated mechanisms or avenues

A dispute or conflict involving agencies or instrumentalities of the Federal Government (including branches or divisions of a single agency or instrumentality) for which Congress by law has mandated another dispute resolution mechanism or avenue to address or resolve shall not be submitted to the Foundation or Institute.

(e) Non-Federal entities

(1) Non-Federal entities, including state¹ and local governments, Native American tribal governments, nongovernmental organizations and persons, as defined in section 1 of title 1, may use the Foundation and the Institute to provide assessment, mediation, or other related services in connection with a dispute or conflict involving the Federal government¹ related to the environment, public lands, or natural resources.

(2) **PAYMENT INTO THE ENVIRONMENTAL DISPUTE RESOLUTION FUND.**—Entities utilizing services pursuant to this subsection shall reimburse the Institute for the costs of services provided. Such amounts shall be deposited into the Environmental Dispute Resolution Fund established under section 5607a of this title.

(Pub. L. 102-259, § 11, as added Pub. L. 105-156, § 7, Feb. 11, 1998, 112 Stat. 10; amended Pub. L. 105-277, div. A, § 101(h) [title V, § 517(a)], Oct. 21, 1998, 112 Stat. 2681-480, 2681-512.)

PRIOR PROVISIONS

A prior section 11 of Pub. L. 102-259 was renumbered section 13 and is classified to section 5609 of this title.

AMENDMENTS

1998—Pub. L. 105-277, § 101(h) [title V, § 517(a)(1)], inserted “or other entity” after “Federal agency” in section catchline.

Subsec. (e). Pub. L. 105-277, § 101(h) [title V, § 517(a)(2)], added subsec. (e).

§ 5608. Administrative provisions

(a) In general

In order to carry out the provisions of this chapter, the Foundation may—

- (1) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this chapter, except that in no case shall employees other than the Execu-

tive Director be compensated at a rate to exceed the maximum rate for employees in grade GS-15 of the General Schedule under section 5332 of title 5;

- (2) procure or fund the Center to procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of title 5, but at rates not to exceed the rate specified at the time of such service for level IV of the Executive Schedule under section 5315 of title 5;

- (3) prescribe such regulations as the Foundation considers necessary governing the manner in which its functions shall be carried out;

- (4) accept, hold, administer, and utilize gifts, both real and personal, for the purpose of aiding or facilitating the work of the Foundation;

- (5) accept and utilize the services of voluntary and noncompensated personnel and reimburse such personnel for travel expenses, including per diem, as authorized by section 5703 of title 5;

- (6) enter into contracts, grants, or other arrangements or modifications thereof, to carry out the provisions of this chapter, and such contracts or modifications thereof may, with the concurrence of two-thirds of the members of the Board of Trustees, be entered into without performance or other bonds, and without regard to section 5 of title 41; and

- (7) make other necessary expenditures.

(b) The Institute

The authorities set forth above shall, with the exception of paragraph (4), apply to the Institute established pursuant to section 5607a of this title and to the activities of the Foundation under section 5604(7) of this title.

(Pub. L. 102-259, § 12, formerly § 10, Mar. 19, 1992, 106 Stat. 83; renumbered § 12, Pub. L. 105-156, § 6(a), Feb. 11, 1998, 112 Stat. 9; amended Pub. L. 105-277, div. A, § 101(h) [title V, § 517(b)], Oct. 21, 1998, 112 Stat. 2681-480, 2681-512; Pub. L. 106-568, title VIII, § 817(b), Dec. 27, 2000, 114 Stat. 2918.)

AMENDMENTS

2000—Subsec. (b). Pub. L. 106-568 inserted before period at end “and to the activities of the Foundation under section 5604(7) of this title”.

1998—Pub. L. 105-277 designated existing provisions as subsec. (a) and added subsec. (b).

§ 5609. Authorization of appropriations

(a) Trust Fund

There is authorized to be appropriated to the Trust Fund \$40,000,000 to carry out the provisions of this chapter.

(b) Environmental Dispute Resolution Fund

There is authorized to be appropriated to the Environmental Dispute Resolution Fund established by section 5607a of this title \$4,000,000 for each of fiscal years 2004 through 2008, of which—

- (1) \$3,000,000 shall be used to pay operations costs (including not more than \$1,000 for official reception and representation expenses); and

- (2) \$1,000,000 shall be used for grants or other appropriate arrangements to pay the costs of services provided in a neutral manner relating to, and to support the participation of non-

¹ So in original. Probably should be capitalized.