

111TH CONGRESS
1ST SESSION

S. 432

To amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2009

Mr. BINGAMAN (for himself and Mr. McCAIN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Morris K. Udall Schol-
5 arship and Excellence in National Environmental Policy
6 Amendments Act of 2009”.

1 **SEC. 2. SHORT TITLE.**

2 Section 1 of the Morris K. Udall Scholarship and Ex-
3 cellence in National Environmental and Native American
4 Public Policy Act of 1992 (20 U.S.C. 5601 note; Public
5 Law 102–259) is amended to read as follows:

6 **“SEC. 1. SHORT TITLE.**

7 “This Act may be cited as the ‘Morris K. Udall and
8 Stewart L. Udall Foundation Act’.”.

9 **SEC. 3. FINDINGS.**

10 Section 3 of the Morris K. Udall and Stewart L.
11 Udall Foundation Act (20 U.S.C. 5601) is amended—

12 (1) in paragraph (3), by striking “and” at the
13 end;

14 (2) in paragraph (4), by striking the period at
15 the end and inserting a semicolon; and

16 (3) by adding at the end the following:

17 “(5) the Foundation—

18 “(A) since 1995, has operated exceptional
19 scholarship, internship, and fellowship programs
20 for areas of study related to the environment
21 and Native American tribal policy and health
22 care;

23 “(B) since 1999, has provided valuable en-
24 vironmental conflict resolution services and
25 leadership through the United States Institute
26 for Environmental Conflict Resolution; and

1 “(C) is committed to continue making a
2 substantial contribution toward public policy in
3 the future by—

4 “(i) playing a significant role in devel-
5 oping the next generation of environmental
6 and Native American leaders; and

7 “(ii) working with current leaders to
8 improve decisionmaking on—

9 “(I) challenging environmental,
10 energy, and related economic prob-
11 lems; and

12 “(II) tribal governance and eco-
13 nomic issues;

14 “(6) Stewart L. Udall, as a member of Con-
15 gress, Secretary of the Interior, environmental law-
16 yer, and author, has provided distinguished national
17 leadership in environmental and Native American
18 policy for more than 50 years;

19 “(7) as Secretary of the Interior from 1961 to
20 1969, Stewart L. Udall oversaw the creation of 4
21 national parks, 6 national monuments, 8 national
22 seashores and lakeshores, 9 recreation areas, 20 his-
23 toric sites, and 56 wildlife refuges; and

24 “(8) it is fitting that the leadership and vision
25 of Stewart L. Udall in the areas of environmental

1 and Native American policy be jointly honored with
2 that of Morris K. Udall through the foundation
3 bearing the Udall name.”.

4 **SEC. 4. DEFINITIONS.**

5 Section 4 of the Morris K. Udall and Stewart L.
6 Udall Foundation Act (20 U.S.C. 5602) is amended—

7 (1) in paragraph (1), by striking “Morris K.
8 Udall Scholarship and Excellence in National Envi-
9 ronmental Policy”;

10 (2) in paragraph (5), by striking “Scholarship
11 and Excellence in National Environmental Policy”
12 and inserting “and Stewart L. Udall”; and

13 (3) in paragraph (9), by striking “Scholarship
14 and Excellence in National Environmental Policy”
15 and inserting “and Stewart L. Udall”.

16 **SEC. 5. ESTABLISHMENT OF FOUNDATION.**

17 Section 5 of the Morris K. Udall and Stewart L.
18 Udall Foundation Act (20 U.S.C. 5603) is amended—

19 (1) in the section heading, by striking “**SCHOL-**
20 **ARSHIP AND EXCELLENCE IN NATIONAL ENVI-**
21 **RONMENTAL POLICY**” and inserting “**AND STEW-**
22 **ART L. UDALL**”;

23 (2) in subsection (a), by striking “Scholarship
24 and Excellence in National Environmental Policy”
25 and inserting “and Stewart L. Udall”; and

1 (3) in subsection (f)(2), by striking “the rate
2 specified for employees in level IV of the Executive
3 Schedule under section 5315 of title 5, United
4 States Code” and inserting “a rate determined by
5 the Board in accordance with section 5383 of title
6 5, United States Code”.

7 **SEC. 6. AUTHORITY OF FOUNDATION.**

8 Section 7 of the Morris K. Udall and Stewart L.
9 Udall Foundation Act (20 U.S.C. 5605) is amended—

10 (1) in subsection (a)(5)—

11 (A) in subparagraph (C), by striking
12 “and” at the end;

13 (B) in subparagraph (D), by striking the
14 period at the end and inserting “; and”; and

15 (C) by adding at the end the following:

16 “(E) to conduct training, research, and
17 other activities under section 6(7).”; and

18 (2) by striking subsection (b) and inserting the
19 following:

20 “(b) UDALL SCHOLARS.—Recipients of scholarships,
21 fellowships, and internships under this Act shall be known
22 as ‘Udall Scholars’, ‘Udall Fellows’, and ‘Udall Interns’,
23 respectively.”.

1 **SEC. 7. ESTABLISHMENT OF TRUST FUND.**

2 Section 8 of the Morris K. Udall and Stewart L.
3 Udall Foundation Act (20 U.S.C. 5606) is amended—

4 (1) in the section heading, by striking “**SCHOL-**
5 **ARSHIP AND EXCELLENCE IN NATIONAL ENVI-**
6 **RONMENTAL POLICY**” and inserting “**AND STEW-**
7 **ART L. UDALL**”; and

8 (2) in subsection (a), by striking “Scholarship
9 and Excellence in National Environmental Policy”
10 and inserting “and Stewart L. Udall”.

11 **SEC. 8. EXPENDITURES AND AUDIT OF TRUST FUND.**

12 Section 9(a) of the Morris K. Udall and Stewart L.
13 Udall Foundation Act (20 U.S.C. 5607(a)) is amended by
14 inserting before the period at the end the following: “, in-
15 cluding a reasonable amount for official reception and rep-
16 resentation expenses, as determined by the Board, not to
17 exceed \$5,000 for a fiscal year”.

18 **SEC. 9. USE OF INSTITUTE BY FEDERAL AGENCY OR OTHER**
19 **ENTITY.**

20 Section 11 of the Morris K. Udall and Stewart L.
21 Udall Foundation Act (20 U.S.C. 5607b) is amended by
22 adding at the end the following:

23 “(f) **AGENCY MANAGEMENT OR CONTROL.**—Use of
24 the Foundation or Institute to provide independent and
25 impartial assessment, mediation, or other dispute or con-
26 flict resolution under this section shall not be considered

1 to be the establishment or use of an advisory committee
2 within the meaning of the Federal Advisory Committee
3 Act (5 U.S.C. App.).”.

4 **SEC. 10. ADMINISTRATIVE PROVISIONS.**

5 Section 12(a) of the Morris K. Udall and Stewart L.
6 Udall Foundation Act (20 U.S.C. 5608(a)) is amended—

7 (1) by striking paragraph (1) and inserting the
8 following:

9 “(1)(A) appoint such personnel as may be nec-
10 essary to carry out the provisions of this Act, with-
11 out regard to the provisions of title 5, United States
12 Code, governing appointments in the competitive
13 service; and

14 “(B) fix the compensation of the personnel ap-
15 pointed under subparagraph (A) at a rate not to ex-
16 ceed the maximum rate for employees in grade GS-
17 15 of the General Schedule under section 5332 of
18 title 5, United States Code, except that up to 4 em-
19 ployees (in addition to the Executive Director under
20 section 5(f)(2)) may be paid at a rate determined by
21 the Board in accordance with section 5383 of that
22 title.”;

23 (2) in paragraph (6), by striking “and” at the
24 end;

1 (3) by redesignating paragraph (7) as para-
2 graph (8); and

3 (4) by inserting after paragraph (6) the fol-
4 lowing:

5 “(7) to rent office space in the District of Co-
6 lumbia or its environs; and”.

7 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

8 Section 13 of the Morris K. Udall and Stewart L.
9 Udall Foundation Act (20 U.S.C. 5609) is amended—

10 (1) in subsection (a), by striking “is authorized
11 to be appropriated to the Trust Fund \$40,000,000”
12 and inserting “are authorized to be appropriated to
13 the Trust Fund such sums as are necessary”; and

14 (2) by striking subsection (b) and inserting the
15 following:

16 “(b) ENVIRONMENTAL DISPUTE RESOLUTION
17 FUND.—There are authorized to be appropriated to the
18 Environmental Dispute Resolution Fund established
19 under section 10(a) such sums as are necessary for the
20 operating costs of the Institute.”.

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