

Calendar No. 118

116TH CONGRESS
1ST SESSION**S. 1345**

To amend and reauthorize the Morris K. Udall and Stewart L. Udall
Foundation Act.

IN THE SENATE OF THE UNITED STATES

MAY 7, 2019

Mr. HEINRICH (for himself, Ms. SINEMA, Ms. MCSALLY, and Mr. ALEX-
ANDER) introduced the following bill; which was read twice and referred
to the Committee on Environment and Public Works

JUNE 19, 2019

Reported by Mr. BARRASSO, without amendment

A BILL

To amend and reauthorize the Morris K. Udall and Stewart
L. Udall Foundation Act.

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. FINDINGS.**

4 Congress finds the following:

5 (1) Since 1999, the Morris K. Udall and Stew-
6 art L. Udall Foundation (referred to in this Act as
7 the “Foundation”) has operated the Parks in Focus

1 program to provide opportunities for the youth of
2 the United States to learn about and experience the
3 Nation's parks and wilderness, and other outdoor
4 areas.

5 (2) Since 2001, the Foundation has conducted
6 research and provided education and training to Na-
7 tive American and Alaska Native professionals and
8 leaders on Native American and Alaska Native
9 health care issues and tribal public policy through
10 the Native Nations Institute for Leadership, Man-
11 agement, and Policy.

12 (3) The Foundation is committed to continuing
13 to make a substantial contribution toward public
14 policy in the future by—

15 (A) playing a significant role in developing
16 the next generation of environmental, public
17 health, public lands, natural resource, and Na-
18 tive American leaders; and

19 (B) working with current leaders to im-
20 prove collaboration and decision-making on
21 challenging environmental, energy, public
22 health, and related economic problems and trib-
23 al governance and economic development issues.

1 **SEC. 2. DEFINITIONS.**

2 (a) IN GENERAL.—Section 4 of the Morris K. Udall
3 and Stewart L. Udall Foundation Act (20 U.S.C. 5602)
4 is amended—

5 (1) in paragraph (2), by striking “the Udall
6 Center for Studies in Public Policy established at
7 the University of Arizona in 1987” and inserting
8 “the Udall Center for Studies in Public Policy estab-
9 lished in 1987 at the University of Arizona, and in-
10 cludes the Native Nations Institute”;

11 (2) by redesignating paragraphs (3) through
12 (7), (8), and (9) as paragraphs (4) through (8),
13 (11), and (12), respectively;

14 (3) by inserting after paragraph (2) the fol-
15 lowing:

16 “(3) the term ‘collaboration’ means to work in
17 partnership with other entities for the purpose of—

18 “(A) resolving disputes;

19 “(B) addressing issues that may cause or
20 result in disputes; or

21 “(C) streamlining and enhancing Federal,
22 State, or tribal environmental and natural re-
23 source decision-making processes or procedures
24 that may result in a dispute or conflict;”;

25 (4) in paragraph (7), as redesignated by para-
26 graph (2)—

1 (A) by striking “United States Institute
 2 for Environmental Conflict Resolution” and in-
 3 serting “John S. McCain III United States In-
 4 stitute for Environmental Conflict Resolution”;
 5 and

6 (B) by striking “section 7(a)(1)(D)” and
 7 inserting “section 7(a)(1)(B)”;

8 (5) in paragraph (8), as redesignated by para-
 9 graph (2), by striking “section 1201(a)” and insert-
 10 ing “section 101(a)”;

11 (6) by inserting after paragraph (8), as redesign-
 12 ated by paragraph (2), the following:

13 “(9) the term ‘Nation’s parks and wilderness’
 14 means units of the National Park System and com-
 15 ponents of the National Wilderness Preservation
 16 System;

17 “(10) the term ‘Native Nations Institute’
 18 means the Native Nations Institute for Leadership,
 19 Management, and Policy established at the Univer-
 20 sity of Arizona in 2001;”.

21 (b) CONFORMING AMENDMENT.—Section 3(5)(B) of
 22 the Morris K. Udall and Stewart L. Udall Foundation Act
 23 (20 U.S.C. 5601(5)(B)) is amended by striking “the
 24 United States Institute for Environmental Conflict Reso-
 25 lution” and inserting “the Institute”.

1 **SEC. 3. ESTABLISHMENT OF MORRIS K. UDALL AND STEW-**
 2 **ART L. UDALL FOUNDATION.**

3 Section 5(e) of the Morris K. Udall and Stewart L.
 4 Udall Foundation Act (20 U.S.C. 5603(e)) is amended by
 5 striking “Arizona.” and inserting “Arizona and the Dis-
 6 trict of Columbia.”.

7 **SEC. 4. PURPOSE OF THE FOUNDATION.**

8 Section 6 of the Morris K. Udall and Stewart L.
 9 Udall Foundation Act (20 U.S.C. 5604) is amended—

10 (1) in paragraph (4), by striking “establish a
 11 Program for Environmental Policy Research and
 12 Environmental Conflict Resolution and Training at
 13 the Center” and inserting “establish a program for
 14 environmental policy research at the Center and a
 15 program for environmental conflict resolution and
 16 training at the John S. McCain III United States
 17 Institute for Environmental Conflict Resolution”;

18 (2) in paragraph (5), by inserting “, natural re-
 19 source, conflict resolution,” after “environmental”;

20 (3) in paragraph (7)—

21 (A) by inserting “at the Native Nations In-
 22 stitute” after “develop resources”; and

23 (B) by inserting “providing education to
 24 and” after “policy, by”; and

25 (4) in paragraph (8)—

(A) by inserting “John S. McCain III” before “United States Institute for Environmental Conflict Resolution”; and

(B) by striking “resolve environmental” and inserting “resolve environmental issues, conflicts, and”.

SEC. 5. AUTHORITY OF THE FOUNDATION.

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

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking subparagraphs (A) through (C) and inserting the following:

“(A) GENERAL PROGRAMMING AUTHORITY.—The Foundation is authorized to identify and conduct, directly or by contract, such programs, activities, and services as the Foundation considers appropriate to carry out the purposes described in section 6, which may include—

“(i) awarding scholarships, fellowships, internships, and grants, by national competition or other method, to eligible individuals, as determined by the Foundation and in accordance with paragraphs (2),

(3), and (4), for study in fields related to the environment or Native American and Alaska Native health care and tribal policy;

“(ii) funding the Center to carry out and manage other programs, activities, and services; and

“(iii) other education programs that the Board determines are consistent with the purposes for which the Foundation is established.”;

(ii) by redesignating subparagraph (D) as subparagraph (B); and

(iii) in subparagraph (B), as redesignated—

(I) in the subparagraph heading, by striking “INSTITUTE FOR ENVIRONMENTAL CONFLICT RESOLUTION” and inserting “JOHN S. MCCAIN III UNITED STATES INSTITUTE FOR ENVIRONMENTAL CONFLICT RESOLUTION”;

(II) in clause (i)—

(aa) in subclause (I), by inserting “John S. McCain III” before “United States Institute for

1 Environmental Conflict Resolu-
 2 tion”; and

3 (bb) in subclause (II)—

4 (AA) by inserting “col-
 5 laboration,” after “medi-
 6 ation,”; and

7 (BB) by striking “to
 8 resolve environmental dis-
 9 putes.” and inserting the
 10 following: “to resolve—

11 “(aa) environmental dis-
 12 putes; and

13 “(bb) Federal, State, or
 14 tribal environmental or natural
 15 resource decision-making proc-
 16 esses or procedures that may re-
 17 sult in a dispute or conflict that
 18 may cause or result in disputes.”;
 19 and

20 (III) in clause (ii), by inserting
 21 “collaboration,” after “mediation,”;

22 (B) by striking paragraph (5);

23 (C) by redesignating paragraphs (6) and
 24 (7) as paragraphs (7) and (8), respectively;

1 (D) by inserting after paragraph (4) the
2 following:

3 “(5) PARKS IN FOCUS.—The Foundation
4 shall—

5 “(A) identify and invite the participation
6 of youth throughout the United States to enjoy
7 the Nation’s parks and wilderness and other
8 outdoor areas, in an education program in-
9 tended to carry out the purpose of paragraphs
10 (1) and (2) of section 6; and

11 “(B) provide training and education pro-
12 grams and activities to teach Federal employ-
13 ees, natural resource professionals, elementary
14 and secondary school educators, and others to
15 work with youth to promote the use and enjoy-
16 ment of the Nation’s parks and wilderness and
17 other outdoor areas.

18 “(6) SPECIFIC PROGRAMS.—The Foundation
19 shall assist in the development and implementation
20 of programs at the Center—

21 “(A) to provide for an annual meeting of
22 experts to discuss contemporary environmental
23 issues;

24 “(B) to conduct environmental policy re-
25 search; and

1 “(C) to promote dialogue with visiting pol-
2 icymakers on environmental, natural resource,
3 and public lands issues.”;

4 (E) in paragraph (7), as redesignated by
5 subparagraph (C), by striking “Morris K.
6 Udall’s papers” and inserting “the papers of
7 Morris K. Udall and Stewart L. Udall”; and

8 (F) by adding at the end the following:

9 “(9) NATIVE NATIONS INSTITUTE.—The Foun-
10 dation shall provide direct or indirect assistance to
11 the Native Nations Institute from the annual appro-
12 priations to the Trust Fund in such amounts as
13 Congress may direct to conduct research and provide
14 education and training to Native American and
15 Alaska Native professionals and leaders on Native
16 American and Alaska Native health care issues and
17 tribal public policy issues as provided in section
18 6(7).”;

19 (2) by striking subsection (c) and inserting the
20 following:

21 “(c) PROGRAM PRIORITIES.—

22 “(1) IN GENERAL.—The Foundation shall de-
23 termine the priority of the programs to be carried
24 out under this Act and the amount of funds to be
25 allocated for such programs from the funds earned

1 annually from the interest derived from the invest-
2 ment of the Trust Fund, subject to paragraph (2).

3 “(2) LIMITATIONS.—In determining the amount
4 of funds to be allocated for programs carried out
5 under this Act for a year—

6 “(A) not less than 50 percent of such an-
7 nual interest earnings shall be utilized for the
8 programs set forth in paragraphs (2), (3), (4),
9 and (5) of subsection (a);

10 “(B) not more than 17.5 percent of such
11 annual interest earnings shall be allocated for
12 salaries and other administrative purposes; and

13 “(C) not less than 20 percent of such an-
14 nual interest earnings shall be appropriated to
15 the Center for activities under paragraphs (7)
16 and (8) of subsection (a).”; and

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

18 “(d) DONATIONS.—Any funds received by the Foun-
19 dation in the form of donations or grants, as well as any
20 unexpended earnings on interest from the Trust Fund
21 that is carried forward from prior years—

22 “(1) shall not be included in the calculation of
23 the funds available for allocations pursuant to sub-
24 section (c); and

1 “(2) shall be available to carry out the provi-
 2 sions of this Act as the Board determines to be nec-
 3 essary and appropriate.”.

4 **SEC. 6. USE OF INSTITUTE BY FEDERAL AGENCY OR OTHER**
 5 **ENTITY.**

6 Section 11 of the Morris K. Udall and Stewart L.
 7 Udall Foundation Act (20 U.S.C. 5607b) is amended—

8 (1) in subsection (a)—

9 (A) by inserting “collaboration,” after
 10 “mediation,”; and

11 (B) by striking “resources.” and inserting
 12 “resources, or with a Federal, State, or tribal
 13 process or procedure that may result in a dis-
 14 pute or conflict.”; and

15 (2) in subsection (c)(2)(C), by inserting “medi-
 16 ation, collaboration, and” after “agree to”.

17 **SEC. 7. ADMINISTRATIVE PROVISIONS.**

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

20 (1) in subsection (a)—

21 (A) in paragraph (4), by striking “accept,
 22 hold, administer, and utilize gifts” and insert-
 23 ing “accept, hold, solicit, administer, and utilize
 24 donations, grants, and gifts”; and

1 (B) in paragraph (7), by striking “in the
2 District of Columbia or its environs” and in-
3 serting “in the District of Columbia and Tuc-
4 son, Arizona, or their environs”; and
5 (2) in subsection (b), by striking “, with the ex-
6 ception of paragraph (4),”.

7 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

8 Section 13(b) of the Morris K. Udall and Stewart L.
9 Udall Foundation Act (20 U.S.C. 5609(b)) is amended by
10 striking “fiscal years 2004 through 2008” and inserting
11 “fiscal years 2020 through 2023”.

12 **SEC. 9. AUDIT OF THE FOUNDATION.**

13 Not later than 2 years after the date of enactment
14 of this Act, the Inspector General of the Department of
15 the Interior shall conduct an audit of the Morris K. Udall
16 and Stewart L. Udall Foundation.

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