

UDALL FOUNDATION REAUTHORIZATION ACT OF 2023

JANUARY 30, 2024.—Ordered to be printed

Mr. WESTERMAN, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 2882]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2882) to reauthorize the Morris K. Udall and Stewart L. Udall Trust Fund, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following new text:

SEC. 1. SHORT TITLE.

This Act may be cited as the “Udall Foundation Reauthorization Act of 2023”.

SEC. 2. INVESTMENT EARNINGS.

Section 8(b)(1) of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5606(b)(1)) is amended by adding at the end the following: “Beginning on October 1, 2023, and thereafter, interest earned from investments made with any new appropriations to the Trust Fund shall only be available subject to appropriations and is authorized to be appropriated to carry out the provisions of this Act.”.

SEC. 3. REAUTHORIZATION OF THE UDALL FOUNDATION TRUST FUND.

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

- (1) in subsection (a), by striking “2023” and inserting “2028”;
- (2) in subsection (b), in the matter preceding paragraph (1), by striking “2023” and inserting “2028”; and
- (3) in subsection (c), by striking “5-fiscal year period” and all that follows through the period at the end and inserting “5-fiscal year period beginning with fiscal year 2024.”.

SEC. 4. AUDIT OF THE FOUNDATION.

Not later than 4 years after the date of enactment of this section, the Inspector General of the Department of the Interior shall complete an audit of the Morris K. Udall and Stewart L. Udall Foundation.

PURPOSE OF THE LEGISLATION

The purpose of H.R. 2882 is to reauthorize the Morris K. Udall and Stewart L. Udall Trust Fund, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

Congress passed the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation Act in 1992¹ with the intention of awarding scholarships and selecting Native American Congressional interns. In 1998, Congress amended the 1992 Act to create the United States Institute for Environmental Conflict Resolution,² and in 2009 the Act was reauthorized and amended to add an environmental conflict resolution center to the Foundation while adding former Secretary of the Interior Stewart L. Udall's name to the Foundation.³ The most recent reauthorization occurred in 2019 with technical changes as well as the renaming of the United States Institute to the John S. McCain III National Center for Environmental Conflict Resolution.⁴

The Udall Foundation is composed of four major programs: (1) The Education Trust Fund; (2) The Native Nations Institute for Leadership, Management, and Policy (NNI); (3) The Udall Center for Studies in Public Policy (Udall Center); and (4) The John S. McCain III National Center for Environmental Conflict Resolution (Center).

The Education Trust Fund funds *The Udall Undergraduate Scholarship*, which provides American Indian and Alaska Native Students the opportunity to experience the federal legislative process and understand the government-to-government relationship between tribes and the federal government first-hand.⁵ It also funds *The Native American Fellowships*, which supports Native American graduate students pursuing degrees in health care fields who have demonstrated a commitment to Native health care.⁶ Finally, it funds *Parks in Focus*, which “connects middle school youth to nature through photography, environmental education, outdoor recreation, and creative expression.”⁷

The NNI has served Native American leaders representing 48 percent of federally recognized tribes located in 28 States. “NNI serves as a self-determination, governance, and economic development resource for the tribes by providing education and leadership training that is based on rigorous, accessible research conducted by NNI and the Harvard University Project for Indian Economic Development.”⁸

The Udall Center is a unit of the University of Arizona under the Senior Vice President for Research, Discovery, and Innovation. It supports policy-relevant, interdisciplinary research, science-policy dialogues, and other endeavors that “link scholarship and education with decision-making, particularly in the areas of water security and management, climate change adaptation and planning,

¹ 20 U.S.C. 5601 et seq.

² P.L. 105–156.

³ P.L. 111–90.

⁴ P.L. 116–94.

⁵ <https://www.udall.gov/OurPrograms/Internship/Internship.aspx>.

⁶ <https://udall.gov/OurPrograms/Fellowship/Fellowship.aspx>.

⁷ <https://www.udall.gov/OurPrograms/ParksInFocus/ParksInFocus.aspx>.

⁸ University of Arizona, *Native Nations Institute*, <https://nni.arizona.edu/about-us>.

and ecosystem services valuation and protection, primarily in the Southwest.”⁹

The Center is intended to provide “impartial collaboration, consensus-building, and conflict resolution services on a wide range of environmental, natural and cultural resources, tribal, and public lands issues involving the federal government.”¹⁰ The range of services offered by the Center “includes consultations, assessments, process design, convening, mediation, facilitation, training, stakeholder engagement, tribal consultation, and other related collaboration and conflict resolution activities.”¹¹

H.R. 2882 would reauthorize the Morris K. Udall and Stewart L. Udall Foundation (Udall Foundation) for five years, through 2028. Specifically, the bill extends three current authorizations of appropriations. The Udall Foundation’s trust fund authorization of appropriations would be extended through Calendar Year (CY) 2028 at \$2 million per year. The authorization of appropriations for the Udall Foundation’s Environmental Dispute Resolution Fund would be extended through CY 2028 at \$4 million per year. The authorization of appropriations for the Udall Foundation’s training of professionals in health care and public policy would be extended for five fiscal years (FY), starting in 2024, at \$12.3 million for five years. Appropriations for the Udall Foundation in FY 2022 were approximately \$5 million¹² and in FY 2023 were approximately \$5.7 million.¹³ H.R. 2882 would not increase any of the three program authorizations above current levels.

H.R. 2882 continues oversight of the Udall Foundation through audits over the course of the reauthorization period. In 2019, when the Act was last reauthorized,¹⁴ new language requiring a Department of the Interior’s Office of the Inspector General audit to be completed within 2 years of enactment was included. That audit was completed in May 2022, and found the Foundation needed to strengthen controls over the Center as it relates to payments to contractors and ensure contracting follows federal standards.¹⁵ Since then, the Udall Foundation has moved its contracting program in-house to help control costs, increase efficiency, and implement stronger internal controls.¹⁶ The Udall Foundation has been responsive to the recommendations provided in the audits and has worked to implement the recommendations.

COMMITTEE ACTION

H.R. 2882 was introduced on April 26, 2023, by Rep. Juan Ciscomani (R-AZ). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Indian and Insular Affairs. The bill was also referred to the Com-

⁹University of Arizona, *Udall Center for Studies in Public Policy*, <https://udallcenter.arizona.edu/about>.

¹⁰Udall Foundation, *John S. McCain III National Center for Environmental Conflict Resolution*, <https://www.udall.gov/ourprograms/institute/institute.aspx>.

¹¹*Id.*

¹²P.L. 117–103.

¹³P.L. 117–328.

¹⁴P.L. 116–94.

¹⁵Office of Inspector General, United States Department of the Interior, *Stronger Controls Needed Over the Udall Foundation’s Invoicing Processes and Contract Oversight for the John S. McCain III National Center for Environmental Conflict Resolution* (May 2022) <https://www.oversight.gov/sites/default/files/oig-reports/DOI/Final-ReportUdallFoundationEnviroConflictResolutionPublic.pdf>.

¹⁶Udall Foundation, “FY 2024 Congressional Budget Justification” <https://www.udall.gov/CJ>.

mittee on Education and the Workforce. On July 12, 2023, the Subcommittee on Indian and Insular Affairs held a hearing on the bill. On November 15, 2023, the Committee on Natural Resources met to consider the bill. The Subcommittee on Indian and Insular Affairs was discharged from further consideration of H.R. 2882 by unanimous consent. Chairman Bruce Westerman (R-AR) offered an amendment in the nature of a substitute designated Westerman_066 ANS. The amendment in the nature of a substitute was adopted by unanimous consent. H.R. 2882, as amended, was ordered favorably reported to the House of Representatives by unanimous consent.

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee on Indian and Insular Affairs held on July 12, 2023.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 establishes the short title of the bill as the “Udall Foundation Reauthorization Act of 2023.”

Section 2. Investment earnings

Section 2 makes interest income accrued to the Udall Foundation’s trust fund subject to appropriations.

Section 3. Reauthorization of the Udall Foundation trust fund

Section 3 amends section 13 of the Morris K. Udall and Stewart L. Udall Foundation Act to extend the current appropriations authorization for the Udall Foundation’s trust fund, Environmental Dispute Resolution Fund, and training of professionals in health care and public policy through FY 2028.

Section 4. Audit of the Foundation

Section 4 requires the Department of the Interior’s Office of the Inspector General to complete an audit of the Udall Foundation no later than four years after enactment.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

At a Glance

H.R. 2882, Udall Foundation Reauthorization Act of 2023

As ordered reported by the House Committee on Natural Resources on November 15, 2023

By Fiscal Year, Millions of Dollars	2024	2024-2028	2024-2033
Direct Spending (Outlays)	*	*	*
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	*	*	*
Spending Subject to Appropriation (Outlays)	5	40	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Statutory pay-as-you-go procedures apply?	Yes
	Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Mandate Effects
Contains intergovernmental mandate?			No
Contains private-sector mandate?			No

* = between zero and \$500,000.

The bill would:

- Reauthorize appropriations for the Morris K. Udall and Stewart L. Udall Trust Fund and the Udall Foundation
- Reauthorize appropriations for the Environmental Dispute Resolution Fund
- Reauthorize the appropriation of \$12 million for professional training of Native Americans and Alaska Natives in health care and public policy
- Require spending of interest credited to the Udall Trust fund from new appropriations to be subject to appropriation

Estimated budgetary effects would mainly stem from:

- Authorizing appropriations for the Udall Trust Fund
- Authorizing appropriations for the Environmental Dispute Resolution Fund
- Authorizing appropriations to train Native Americans and Alaska Natives in health and public policy professions

Bill summary: H.R. 2882 would reauthorize appropriations for three different purposes, as follows:

- The Morris K. Udall and Stewart L. Udall Foundation Trust Fund, which supports the Udall Foundation, an independent federal agency that provides scholarships and fellowships. The trust fund also supports the Native Nations Institute.
- The Environmental Dispute Resolution Fund, which supports federal and nonfederal entities in certain conflict resolution proceedings.
- Professional training for Native American and Alaska Native professionals in health care and public policy.

Finally, the bill would require the inspector general of the Department of the Interior to audit the Udall Foundation.

Estimated Federal cost: The estimated budgetary effect of H.R. 2882 is shown in Table 1. The costs of the legislation fall within budget functions 300 (natural resources and environment) and 500 (education, training, employment, and social services).

TABLE 1.—ESTIMATED BUDGETARY EFFECTS OF H.R. 2882

	By fiscal year, millions of dollars—					
	2024	2025	2026	2027	2028	2024– 2028
INCREASES IN SPENDING SUBJECT TO APPROPRIATION						
Udall Trust Fund:						
Estimated Authorization	2	2	2	2	2	10
Estimated Outlays	2	2	2	2	2	10
Environmental Dispute Resolution Fund: ^a						
Authorization	4	4	4	4	4	20
Estimated Outlays	2	4	4	4	4	18
Professional Training:						
Authorization	12	0	0	0	0	12
Estimated Outlays	1	3	3	3	2	12
Udall Foundation Audit:						
Estimated Authorization	*	*	*	*	0	*
Estimated Outlays	*	*	*	*	0	*
Total Changes:						
Estimated Authorization	18	6	6	6	6	42
Estimated Outlays	5	9	9	9	8	40

* = less than \$500,000.

^a Implementing the activities funded by the Environmental Dispute Resolution Fund also would affect direct spending, but CBO estimates that those effects would not be significant.

Basis of estimate: The Udall Foundation is funded by appropriations to the Morris K. Udall and Stewart L. Udall Trust Fund, and the Environmental Dispute Resolution Fund. In 2023, the Congress appropriated \$6 million for those activities: \$2 million for the trust fund and \$4 million for the Environmental Dispute Resolution Fund. In 2023, the Congress did not provide any specific funds for professional training of Native Americans and Alaska Natives in health care and public policy.

For this estimate, CBO assumes that the bill will be enacted early in calendar year 2024 and that the estimated and authorized amounts will be appropriated each year. Estimated outlays are based on historical spending patterns.

Spending subject to appropriation: CBO estimates that, in total, implementing H.R. 2882 would cost \$40 million over the 2024–2028 period.

Udall Trust Fund: H.R. 2882 would authorize the appropriation of \$2 million annually for fiscal years 2024 through 2028; CBO estimates that implementing the bill would cost \$10 million over the 2024–2028 period. About half of the funds appropriated for the trust fund are invested in Treasury obligations; the remaining amount each year is spent to support the Native Nations Institute. Under current law, any balance that remains in the trust fund is credited with interest and those amounts are available to be spent without further appropriation for the institute to use for scholarship and fellowship programs.

Under H.R. 2882, any interest credited on amounts newly appropriated to the trust fund on or after October 1, 2023, could not be spent for those purposes without further appropriation action. CBO estimates that the amount of credited interest would be less than \$500,000 in every year and over the 2024–2028 period.

Environmental Dispute Resolution Fund: H.R. 2882 would authorize the appropriation of \$4 million annually for the 2024–2028 period: \$3 million for operating costs and \$1 million for services to support federal and nonfederal entities in environmental conflict resolution proceedings that involve federal agencies. Based on his-

torical spending patterns, CBO estimates that implementing those provisions would cost \$18 million over the 2024–2028 period and \$2 million after 2028.

Professional training: H.R. 2882 would authorize the appropriation of \$12 million over the 2024–2028 period to train Native American and Alaska Native professionals in health care and public policy. The bill does not specify in which year those funds are authorized; for this estimate, CBO has shown the full amount as being provided in 2024. CBO estimates that implementing that provision would cost \$12 million over the 2024–2028 period.

Udall Foundation audit: Within four years of enactment, H.R. 2882 would require the inspector general of the Department of the Interior to audit the Udall Foundation. Using information about the cost of similar audits, CBO estimates that implementing that provision would cost less than \$500,000.

Direct spending: H.R. 2882 would authorize additional appropriations to the Environmental Dispute Resolution Fund, which would be invested in Treasury obligations. The interest credited to that fund is available to be spent without future appropriation for the normal activities of the fund.

Based on CBO's projections of interest rates that underlie CBO's May 2023 baseline, CBO estimates that any interest credited to the Environmental Dispute Resolution Fund and subsequently spent would not be significant in every year and over the 2024–2033 period. Based on historical spending patterns for this trust fund, CBO expects that there would be no credited interest to spend after 2029.

Pay-As-You-Go considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. CBO estimates that enacting the bill would increase net direct spending by less than \$500,000 over the 2024–2033 period.

Increase in long-term net direct spending and deficits: CBO estimates that enacting H.R. 2882 would not increase net direct spending or deficits in any of the four consecutive 10-year periods beginning in 2034.

Mandates: The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

Estimate prepared by: Federal costs: Leah Koestner (for the Udall Trust Fund and Foundation and professional training); Aurora Swanson (for the Environmental Dispute Resolution Fund); Mandates: Erich Dvorak.

Estimate reviewed by: Justin Humphrey, Chief, Finance, Housing, and Education Cost Estimates Unit; Robert Reese, Chief, Natural and Physical Resources Cost Estimates Unit; Kathleen Fitzgerald, Chief, Public and Private Mandates Unit; H. Samuel Papenfuss, Deputy Director of Budget Analysis.

Estimate approved by: Phillip L. Swagel, Director, Congressional Budget Office.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to reauthorize the Morris K. Udall and Stewart L. Udall Trust Fund, and for other purposes.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

According to the Congressional Budget Office, H.R. 2882 contains no unfunded mandates as defined by the Unfunded Mandates Reform Act.

EXISTING PROGRAMS

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

COMMITTEE CORRESPONDENCE



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EDUCATION AND THE WORKFORCE
U.S. HOUSE OF REPRESENTATIVES
2176 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6100

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January 3, 2024

The Honorable Bruce Westerman
Chairman, Committee on Natural Resources
U.S. House of Representatives
1324 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Westerman:

This letter is in regard to the jurisdictional interest of the Committee on Education and the Workforce ("Committee") in certain provisions of H.R. 2882, the Udall Foundation Reauthorization Act of 2023, which fall within the Rule X jurisdiction of the Committee on Education and the Workforce.

In the interest of permitting your committee to proceed expeditiously to floor consideration of this important bill, the Committee is willing to waive the right to sequential referral. By waiving consideration of the bill, the Committee does not waive any future jurisdictional claim over the subject matters contained in the bill that fall within its Rule X jurisdiction. I request that you urge the Speaker to name members of the Education and the Workforce Committee to any conference committee that is named to consider such provisions.

Please place this letter into the committee report on H.R. 2882 and into the Congressional Record during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

Sincerely,

Virginia Foxx
Virginia Foxx
Chairwoman

BRUCE WESTERMAN OF ARKANSAS
CHAIRMAN

RAÚL M. GRIJALVA OF ARIZONA
RANKING DEMOCRAT

VIVIAN MOEGLIN
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U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

January 4, 2024

The Honorable Virginia Foxx
Chairwoman
Committee on Education and the Workforce
U.S. House of Representatives
2176 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairwoman Foxx:

I write regarding H.R. 2882, the "Udall Foundation Reauthorization Act of 2023." The bill was referred primarily to the Committee on Education and the Workforce, and additionally to the Committee on Natural Resources, and was ordered reported, as amended, by the Committee on Natural Resources on November 15, 2023.

I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Education and the Workforce and appreciate your willingness to forgo any further consideration of the bill. I acknowledge that the Committee on Education and the Workforce will not formally consider H.R. 2882 and agree that the inaction of your Committee with respect to the bill does not waive any jurisdiction over the subject matter contained therein.

I am pleased to support your request to name members of the Committee on Education and the Workforce to any conference committee to consider such provisions. I will ensure that our exchange of letters is included in the *Congressional Record* during floor consideration of the bill and will include such letters in the committee report on H.R. 2882. I appreciate your cooperation regarding this legislation.

Sincerely,



Bruce Westerman
Chairman
Committee on Natural Resources

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

**MORRIS K. UDALL AND STEWART L. UDALL
FOUNDATION ACT**

* * * * *

**SEC. 8. ESTABLISHMENT OF THE MORRIS K. UDALL AND STEWART L.
UDALL TRUST FUND.**

(a) **ESTABLISHMENT OF 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 13(a) and amounts credited to it under subsection (b).

(b) **INVESTMENT OF FUND ASSETS.**—

(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. *Beginning on October 1, 2023, and thereafter, interest earned from investments made with any new appropriations to the Trust Fund shall only be available subject to appropriations and is authorized to be appropriated to carry out the provisions of this Act.*

* * * * *

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

(a) **TRUST FUND.**—There is authorized to be appropriated to the Trust Fund \$2,000,000 for each of fiscal years 2020 through **[2023]** 2028 to carry out the provisions of this Act.

(b) **ENVIRONMENTAL DISPUTE RESOLUTION FUND.**—There is authorized to be appropriated to the Environmental Dispute Resolution Fund established by section 10 \$4,000,000 for each of fiscal years 2020 through **[2023]** 2028, 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-Federal entities (such as State and local governments, tribal governments, nongovernmental organizations, and individuals) in, environmental conflict resolution proceedings involving Federal agencies.

(c) TRAINING OF PROFESSIONALS IN HEALTH CARE AND PUBLIC POLICY.—There is authorized to be appropriated to carry out section 6(7) \$12,300,000 for the **5-fiscal year period beginning with the fiscal year in which this subsection is enacted.** *5-fiscal year period beginning with fiscal year 2024.*

