

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 106

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That section 106(3) of Public Law 105-46 is further amended by striking "November 14, 1997" and inserting in lieu thereof "November 26, 1997", and each provision amended by sections 122 and 123 of such public law shall be applied as if "November 26, 1997" was substituted for "October 23, 1997".

The SPEAKER pro tempore. Without objection, the joint resolution is considered and passed.

There was no objection.

A motion to reconsider was laid on the table.

□ 2215

ENVIRONMENTAL POLICY AND CONFLICT RESOLUTION ACT OF 1997

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that the Committee on Education and the Workforce be discharged from further consideration of the bill (H.R. 3042) to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to establish the United States Institute for Environmental Conflict Resolution to conduct environmental conflict resolution and training, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

Mr. PASTOR. Mr. Speaker, reserving the right to object, we have cleared this bipartisan bill through our side of the aisle. I would like to thank the gentleman from Alaska, Chairman YOUNG, the gentleman from California, Mr. MILLER, and my colleague, the gentleman from Arizona, Mr. KOLBE, for helping us with this legislation.

Mr. KOLBE. Mr. Speaker, will the gentleman yield?

Mr. PASTOR. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Speaker, I would also like to thank the chairman of the Committee on Resources, the gentleman from Alaska [Mr. YOUNG] for his cooperation on this. This fulfills a commitment that this body made several years ago when we created the Udall Foundation, to provide for them an authorization for them to do mediation on environmental disputes between Federal agencies and other Federal agencies, State or local agencies, as well as private businesses.

Mr. Speaker, I think this is a step in the right direction to get litigation out of the courtroom and into mediation. I

think it can serve us very well in our goals of trying to protect the environment, and also provide for economic growth in this country. I strongly support this.

Mr. PASTOR. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3042

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Environmental Policy and Conflict Resolution Act of 1997".

SEC. 2. DEFINITIONS.

Section 4 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5602) is amended—

(1) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (9), (7), and (8), respectively;

(2) by inserting after paragraph (3) the following:

"(4) the term 'environmental dispute' means a dispute or conflict relating to the environment, public lands, or natural resources;"

(3) by inserting after paragraph (5) (as redesignated by paragraph (1)) the following:

"(6) the term 'Institute' means the United States Institute for Environmental Conflict Resolution established pursuant to section 7(a)(1)(D);"

(4) in paragraph (7) (as redesignated by paragraph (1)), by striking "and" at the end;

(5) in paragraph (8) (as redesignated by paragraph (1)), by striking the period at the end and inserting "; and"; and

(6) in paragraph (9) (as redesignated by paragraph (1))

(A) by striking "fund" and inserting "Trust Fund"; and

(B) by striking the semicolon at the end and inserting a period.

SEC. 3. BOARD OF TRUSTEES.

Section 5(b) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5603(b)) is amended—

(1) in the matter preceding paragraph (1) of the second sentence, by striking "twelve" and inserting "thirteen"; and

(2) by adding at the end the following:

"(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."

SEC. 4. PURPOSE.

Section 6 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5604) is amended—

(1) in paragraph (4), by striking "an Environmental Conflict Resolution" and inserting "Environmental Conflict Resolution and Training";

(2) in paragraph (6), by striking "and" at the end;

(3) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

"(8) establish as part of the Foundation the United States Institute for Environmental Conflict Resolution to assist the Federal Government in implementing section 101 of the National Environmental Policy Act of 1969 (42 U.S.C. 4331) 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 12988 (61 Fed. Reg. 4729; relating to civil justice reform)."

SEC. 5. AUTHORITY.

Section 7(a) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5605(a)) is amended—

(1) in paragraph (1), by adding at the end the following:

"(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."; and

(2) in paragraph (7), by inserting "and Training" after "Conflict Resolution".

SEC. 6. ENVIRONMENTAL DISPUTE RESOLUTION FUND.

(a) REDESIGNATION.—Sections 10 and 11 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5608, 5609) are redesignated as sections 12 and 13 of that Act, respectively.

(b) ENVIRONMENTAL DISPUTE RESOLUTION FUND.—The Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.) (as amended by subsection (a)) is amended by inserting after section 9 the following:

"SEC. 10. ENVIRONMENTAL DISPUTE RESOLUTION FUND.

"(a) ESTABLISHMENT.—There is established in the Treasury of the United States an Environmental Dispute Resolution Fund to be administered by the Foundation. The fund shall consist of amounts appropriated to the Fund under section 13(b) and amounts paid into the Fund under section 11.

"(b) EXPENDITURES.—The Foundation shall expend from the Fund such sums as the Board determines are necessary to establish and operate the Institute, including such amounts as are necessary for salaries, administration, the provision of mediation and other services, and such other expenses as the Board determines are necessary.

"(c) DISTINCTION FROM TRUST FUND.—The Fund shall be maintained separately from the Trust Fund established under section 8.

"(d) INVESTMENT OF AMOUNTS.—

"(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals.

"(2) INTEREST-BEARING OBLIGATIONS.—Investments may be made only in interest-bearing obligations of the United States.

"(3) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

"(A) on original issue at the issue price; or

"(B) by purchase of outstanding obligations at the market price.

“(4) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

“(5) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.”

SEC. 7. USE OF THE INSTITUTE BY A FEDERAL AGENCY.

The Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.) (as amended by section 6) is amended by inserting after section 10 the following:

“SEC. 11. USE OF THE INSTITUTE BY A FEDERAL AGENCY.

“(a) AUTHORIZATION.—A Federal agency may use the Foundation and the Institute to provide assessment, medication, or other related services in connection with a dispute or conflict related to the environment, public lands, or natural resources.

“(b) PAYMENT.—

“(1) IN GENERAL.—A Federal agency may enter into a contract and expend funds to obtain the services of the Institute.

“(2) PAYMENT INTO ENVIRONMENTAL DISPUTE RESOLUTION FUND.—A payment from an executive agency on a contract entered into under paragraph (1) shall be paid into the Environmental Dispute Resolution Fund established under section 10.

“(c) NOTIFICATION AND CONCURRENCE.—

“(1) NOTIFICATION.—An agency or instrumentality of the Federal Government shall notify the chairperson of the President's Council on Environmental Quality when using the Foundation or the Institute to provide the services described in subsection (a).

“(2) NOTIFICATION DESCRIPTIONS.—In a matter involving 2 or more agencies or instrumentalities of the Federal Government, notification under paragraph (1) shall include a written description of—

“(A) the issues and parties involved;

“(B) prior efforts, if any, undertaken by the agency to resolve or address the issue or issues;

“(C) all Federal agencies or instrumentalities with a direct interest or involvement in the matter and a statement that all Federal agencies or instrumentalities agree to dispute resolution; and

“(D) other relevant information.

“(3) CONCURRENCE.—

“(A) IN GENERAL.—In a matter that involves 2 or more agencies or instrumentalities of the Federal Government (including branches or divisions of a single agency or instrumentality), the agencies or instrumentalities of the Federal Government shall obtain the concurrence of the chairperson of the President's Council on Environmental Quality before using the Foundation or Institute to provide the services described in subsection (a).

“(B) INDICATION OF CONCURRENCE OR NONCONCURRENCE.—The chairperson of the President's Council on Environmental Quality shall indicate concurrence or nonconcurrence under subparagraph (A) not later than 20 days after receiving notice under paragraph (2).

“(d) EXCEPTIONS.—

“(1) LEGAL ISSUES AND ENFORCEMENT.—

“(A) IN GENERAL.—A dispute or conflict involving agencies or instrumentalities of the Federal Government (including branches or divisions of a single agency or instrumentality) that concern purely legal issues or matters, interpretation or determination of law, or enforcement of law by 1 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—

“(ii) agency implementation of a program or project;

“(iii) a matter involving 2 or more agencies with parallel authority requiring facilitation and coordination of the various government agencies; or

“(iv) a nonlegal policy or decisionmaking matter that involves 2 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.”

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—Section 13 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (as redesignated by section 6(a)) is amended—

“(1) by striking “There are authorized to be appropriated to the Fund” and inserting the following:

“(a) TRUST FUND.—There is authorized to be appropriated to the Trust Fund”; and

(2) by adding at the end the following:

“(b) ENVIRONMENTAL DISPUTE RESOLUTION FUND.—There are authorized to be appropriated to the Environmental Dispute Resolution Fund established under section 10—

“(1) \$4,250,000, for fiscal year 1998, of which—

“(A) \$3,000,000 shall be for capitalization; and

“(B) \$1,250,000 shall be for operation costs; and

“(2) \$1,250,000 for each of fiscal years 1999 through 2002 for operation costs.”

SEC. 9. CONFORMING AMENDMENTS.

(a) The second sentence of section 8(a) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5606) is amended—

(1) by striking “fund” and inserting “Trust Fund”; and

(2) by striking “section 11” and inserting “section 13(a)”.

(b) Sections 7(a)(6), 8(b), and 9(a) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5605(a)(6), 5606(b), 5607(a)) are each amended by striking “Fund” and inserting “Trust Fund” each place it appears.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. CON. RES. 17 AND H.R. 2687

Mr. DOGGETT. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor from H. Con. Res. 17 and H.R. 2687.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2697

Mrs. JOHNSON of Connecticut. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 2697.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3000

Mr. RUSH. Mr. Speaker, I ask unanimous consent to have my name removed from H.R. 3000.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

CONSIDERING MEMBER AS FIRST SPONSOR H. CON. RES. 47

Mr. JOHNSON of Wisconsin. Mr. Speaker, I ask unanimous consent I might hereafter be considered as first sponsor of House Concurrent Resolution 47, a bill originally represented by the gentleman from Pennsylvania [Mr. FOGLIETTA] of Pennsylvania, for the purpose of adding cosponsors and requesting reprints pursuant to clause 4 of rule XXII.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

DISAPPROVING CANCELLATIONS TRANSMITTED BY PRESIDENT ON OCTOBER 6, 1997—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105-172)

The Speaker pro tempore laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 2631, “An Act disapproving the cancellations transmitted by the President on October 6, 1997, regarding Public Law 105-45.”

Under the authority of the Line Item Veto Act, on October 6, 1997, I canceled 38 military construction projects to save the taxpayers \$287 million. The bill would restore all of the 38 projects.

The projects in this bill would not substantially improve the quality of life of military service members and their families, and most of them would not likely use funds for construction in FY 1998. While the bill does restore funding for projects that were canceled based on outdated information provided by the Department of Defense, I do not endorse restoration of all 38 projects.

The Administration remains committed to working with the Congress to restore funding for those projects that were canceled as a result of data provided by the Department of Defense that was out of date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, November 13, 1997.

The SPEAKER pro tempore. The objections of the President will be spread