

CONCURRENT RESOLUTION

1 *Resolved by the Senate (the House of Representatives*
2 *concurring)*, That in the enrollment of the bill (S. 399),
3 to amend the Morris K. Udall Scholarship and Excellence
4 in National Environmental and Native American Public
5 Policy Act of 1992 to establish the United States Institute
6 for Environmental Conflict Resolution to conduct environ-
7 mental conflict resolution and training, and for other pur-
8 poses, the Clerk of the Senate shall make the following
9 correction in section 10 of the Morris K. Udall Scholarship
10 and Excellence in National Environmental and Native
11 American Public Policy Act of 1992 (as amended by sec-
12 tion 6 of the bill): Strike subsection (c) and insert the fol-
13 lowing:

14 “(c) NOTIFICATION AND CONCURRENCE.—

15 “(1) NOTIFICATION.—An agency or instrumen-
16 tality of the Federal Government shall notify the
17 chairperson of the President’s Council on Environ-
18 mental Quality when using the Foundation or the

1 Institute to provide the services described in sub-
2 section (a).

3 “(2) NOTIFICATION DESCRIPTIONS.—In a mat-
4 ter involving 2 or more agencies or instrumentalities
5 of the Federal Government, notification under para-
6 graph (1) shall include a written description of—

7 “(A) the issues and parties involved;

8 “(B) prior efforts, if any, undertaken by
9 the agency to resolve or address the issue or is-
10 sues;

11 “(C) all Federal agencies or instrumentality-
12 ties with a direct interest or involvement in the
13 matter and a statement that all Federal agen-
14 cies or instrumentalities agree to dispute resolu-
15 tion; and

16 “(D) other relevant information.

17 “(3) CONCURRENCE.—

18 “(A) IN GENERAL.—In a matter that in-
19 volves 2 or more agencies or instrumentalities
20 of the Federal Government (including branches
21 or divisions of a single agency or instrumentality), the agencies or instrumentalities of the
22 Federal Government shall obtain the concurrence
23 of the chairperson of the President’s
24 Council on Environmental Quality before using
25

1 the Foundation or Institute to provide the serv-
2 ices described in subsection (a).

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

9 “(d) EXCEPTIONS.—

10 “(1) LEGAL ISSUES AND ENFORCEMENT.—

11 “(A) IN GENERAL.—A disputes or conflict
12 involving agencies or instrumentalities of the
13 Federal Government (including branches or di-
14 visions of a single agency or instrumentality)
15 that concern purely legal issues or matters, in-
16 terpretation or determination of law, or enforce-
17 ment of law by 1 agency against another agency
18 shall not be submitted to the Foundation or In-
19 stitute.

20 “(B) APPLICABILITY.—Subparagraph (A)
21 this does not apply to a dispute or conflict con-
22 cerning—

23 “(i) agency implementation of a pro-
24 gram or project;

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

5 “(iii) a nonlegal policy or decision-
6 making matter that involves 2 or more
7 agencies that are jointly operating a
8 project.

9 “(2) OTHER MANDATED MECHANISMS OR AVE-
10 NUES.—A dispute or conflict involving agencies or
11 instrumentalities of the Federal Government (includ-
12 ing branches or divisions of a single agency or in-
13 strumentality) for which Congress by law has man-
14 dated another dispute resolution mechanism or ave-
15 nue to address or resolve shall not be submitted to
16 the Foundation or Institute.”.

Passed the Senate November 8, 1997.

Attest:

Secretary.

105TH CONGRESS
1ST SESSION

S. CON. RES. 66

CONCURRENT RESOLUTION

To correct the enrollment of S. 399.