

Calendar No. 432

107TH CONGRESS }
2d Session }

SENATE

{ REPORT
107-168

ENVIRONMENTAL POLICY AND CONFLICT RESOLUTION ADVANCEMENT ACT OF 2002

JUNE 21, 2002.—Ordered to be printed

Mr. JEFFORDS, from the Committee on Environment and Public
Works, submitted the following

REPORT

[to accompany S. 2064]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred a bill (S. 2064) to reauthorize the United States Institute for Environmental Conflict Resolution, and for other purposes, having considered the same reports favorably thereon and recommends that the bill do pass.

GENERAL STATEMENT AND BACKGROUND

The U.S. Institute of Environmental Conflict Resolution is a Federal program established by Congress in 1998 to serve as an alternative to litigation for environmental disputes. The Institute is part of the Morris K. Udall Foundation, established in 1992 as an independent agency of the executive branch overseen by a board of trustees appointed by the President. Although the Foundation was originally charged with the task of establishing a program for environmental dispute resolution, it lacked the funding and explicit direction that would enable it to run a program that could provide conflict resolution services. Thus, the Foundation has sponsored seminars and workshops on conflict resolution, but it had not been unable to provide a program for environmental conflict resolution.

The role of the Institute is to provide direct mediation and facilitation assistance on selected cases nationwide. It serves a critical role in assessing the nature of a dispute, convenes affected parties and assures constructive deliberations. The Institute also assists

Federal and State agencies in intra-agency and interagency disputes as well as offering strategic planning, program development, partnering, and program evaluation. In the past 4 years, its caseload has grown exponentially to cover requested assistance in more than 100 environmental conflicts across 30 States.

The Institute assisted the Everglades Task Force in defining its role in resolving disputes over the South Everglades Restoration Project, worked with the U.S. Forest Service, ranchers and environmental advocates in the southwest on grazing and environmental compliance issues, and is developing a system to resolve disputes among Federal and State agencies over transportation projects within the context of the Federal Highway Administration's environmental streamlining mandate.

OBJECTIVES OF THE LEGISLATION

The funding authorization for the Institute expires in fiscal year 2002. S. 2064 reauthorizes the Institute and increase its operating funding authority from \$1.25 million to \$4.0 million per year from FY04 through FY08. These costs are intended to continue general services, including assistance to Federal and State agencies and tribal governments, which may not have adequate funds to pay for mediation services. \$1 million of the proposed \$4 million is dedicated to a participation fund to support participation of non-Federal entities to Federal environmental disputes.

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title

This Act may be cited as the "Environmental Policy and Conflict Resolution Advancement Act of 2002".

Section 2. Environmental Dispute Resolution Fund

This section amends Section 13 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 by authorizing \$4 million for the Environmental Dispute Resolution Fund for each of fiscal years 2004 through 2008. \$3 million will be used for operations costs and \$1 million will be used for grant or other arrangements to pay the cost of services

LEGISLATIVE HISTORY

S. 2064 was introduced by Senators McCain, Smith of New Hampshire, Jeffords, and Inouye of March 21, 2002 and referred to Committee on Environment and Public Works.

ROLLCALL VOTES

The Committee on Environment and Public Works met to consider S. 2064 on April 25, 2002. The committee favorably reported the bill to the Senate on a unanimous voice vote.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee finds that S. 2064 does not cre-

ate any additional regulatory burdens, nor will it cause any adverse impact on the personal privacy of individuals.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104-4), the committee finds that S. 2064 would not impose Federal intergovernmental unfunded mandates on State, local, or tribal governments.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 13, 2002.

Hon. JAMES M. JEFFORDS, *Chairman,*
Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2064, the Environmental Policy and Conflict Resolution Advancement Act of 2002.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Julie Middleton, who can be reached at 226-2860.

Sincerely,

DAN L. CRIPPEN.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 2064, Environmental Policy and Conflict Resolution Advancement Act of 2002, as ordered reported by the Senate Committee on Environment and Public Works on April 25, 2002

Summary

S. 2064 would reauthorize expenditures of the Environmental Dispute Resolution Fund, which pays for the operations of the U.S. Institute for Environmental Dispute Resolution. Current law authorizes the appropriation of about \$1 million a year through 2002 to that fund. S. 2064 would authorize the appropriation of \$4 million a year from fiscal year 2004 through 2008. The funding would be for operating costs and a new grant program to help nonFederal entities, such as State and local and tribal governments, use the services of the institute.

Assuming appropriation of the amounts authorized in S. 2064, CBO estimates that implementing the bill would cost \$14 million over the 2004-2007 period. S. 2064 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

S. 2064 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on State, local, or tribal governments.

Estimated Cost to the Federal Government

The estimated budgetary impact of S. 2064 is shown in the following table. The costs of this legislation fall within budget function 300 (environment and natural resources).

By Fiscal Year, in Millions of Dollars						
	2002	2003	2004	2005	2006	2007
SPENDING SUBJECT TO APPROPRIATION:						
Spending Under Current Law.						
Budget Authority ¹	1	0	0	0	0	0
Estimated Outlays	2	1	0	0	0	0
Proposed Changes.						
Authorization Level	0	0	4	4	4	4
Estimated Outlays	0	0	2	4	4	4
Spending Under S. 2064.						
Authorization Level ¹	1	0	4	4	4	4
Estimated Outlays	2	1	2	4	4	4

¹The 2002 level is the amount appropriated for that year to the Environmental Dispute Resolution Fund.

Basis of Estimate

For this estimate, CBO assumes that the amounts authorized by the bill would be appropriated for each fiscal year. Outlay estimates are based on information from the U.S. Institute for Environmental Dispute Resolution, as well as historical spending patterns for this program.

Pay-As-You-Go Considerations: None.

Intergovernmental and Private-Sector Impact

S. 2064 contains no intergovernmental or private-sector mandates as defined in UMRA would impose no costs on State, local, or tribal governments.

Estimate Prepared By: Federal Costs: Julie Middleton; Impact on State, Local, and Tribal Governments: Elyse Goldman; Impact on the Private Sector: Lauren Marks.

Estimate Approved By: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, 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 *italic*, existing law in which no change is proposed is shown in *roman*:

UNITED STATES CODE

TITLE 20—EDUCATION

* * * * *

CHAPTER 66—MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

* * * * *

Sec. 5601. FINDINGS.—The Congress finds that—

* * * * *

Sec. 5609. AUTHORIZATION OF APPROPRIATIONS.—

(a) TRUST FUND.—There is authorized to be appropriated to the Trust Fund \$40,000,000 to carry out the provisions of this chapter.

[(b) ENVIRONMENTAL DISPUTE RESOLUTION FUND.—There are authorized to be appropriated to the Environmental Dispute Resolution Fund established under section 5607a of this title—

[(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 the fiscal years 1999 through 2002 for operation costs.]

(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 2004 through 2008, 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 5604(7) of this title \$12,300,000 for the 5-fiscal year period beginning with the fiscal year in which this subsection is enacted.

