

ENVIRONMENTAL POLICY AND CONFLICT RESOLUTION
ADVANCEMENT ACT OF 2003

NOVEMBER 17, 2003.—Ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 421]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 421) to reauthorize the United States Institute for Environmental Conflict Resolution, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 421 is to reauthorize the United States Institute for Environmental Conflict Resolution, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

In 1992, Congress passed the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act. This law established a Foundation named after former Representative Udall that is an independent entity of the executive branch. Although the Foundation was originally tasked with 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 resolution services. Because of this, the Foundation has sponsored multiple seminars and briefings on conflict resolution, but it had not been able to provide a program for environmental conflict resolution. The Foundation, working in con-

junction with a related Public Policy Center at the University of Arizona, serves multiple purposes which include providing educational outreach regarding environmental policy and developing resources to properly train Native American and Alaska Native professionals in health care and public policy.

H.R. 421 focuses on authorizing money for a fund that will be utilized for the environmental dispute resolution program. This bill authorizes \$4 million total from FY 2004 through FY 2008. This is an increase from \$1.25 million in operational funding authority. H.R. 421 requires that \$3 million of the authorized funding must be used for operations costs. Finally, \$1 million is strictly dedicated to grants to pay the costs of services that non-federal entities incur in environmental conflict resolution proceedings that involve Federal agencies.

The importance of this funding is displayed in part when recognizing that over the past 5 years, the caseload of the U.S. Institute of Environmental Conflict Resolution (a part of the Foundation) has grown to cover assistance in more than 100 environmental conflicts across 30 States.

COMMITTEE ACTION

H.R. 421 was introduced on January 28, 2003, by Congressman Jim Kolbe (R-AZ). The bill was referred primarily to the Committee on Education and the Workforce and additionally to the Committee on Resources. On October 29, 2003, the Full Resources Committee met to consider the bill. No amendments were offered and the bill was then ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Gives the title of the bill as the “Environmental Policy and Conflict Resolution Advancement Act of 2003.”

Section 2. Environmental Dispute Resolution Fund

This section specifies the \$4 million authorization and the neutral manner in which the assistance from this fund is to be dispersed.

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 Resources’ oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in car-

rying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. 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 United States Institute for Environmental Conflict Resolution, and for other purposes.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 13, 2003.

Hon. RICHARD W. POMBO,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 421, the Environmental Policy and Conflict Resolution Advancement Act of 2003.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

DOUGLAS HOLZ-EAKIN,
Director.

Enclosure.

H.R. 421—Environmental Policy and Conflict Resolution Advancement Act of 2003

Summary: H.R. 421 would reauthorize the Environmental Dispute Resolution Fund. The bill would authorize the appropriation of \$4 million annually over the 2004–2008 period to that fund, which finances the operations of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation. Of the authorized amounts, \$3 million would be used for foundation operations; the remaining \$1 million would be reserved for grants to nonfederal entities involved in environmental disputes with federal agencies.

Assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 421 would cost \$18 million over the 2004–2008 period. Enacting this legislation would not affect revenues or direct spending.

H.R. 421 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 H.R. 421 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					
	2003	2004	2005	2006	2007	2008
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law:						
Budget Authority ¹	1	0	0	0	0	0
Estimated Outlays	1	0	0	0	0	0
Proposed Changes:						
Authorization Level	0	4	4	4	4	4
Estimated Outlays	0	2	4	4	4	4
Spending Under H.R. 421:						
Authorization Level ¹	1	4	4	4	4	4
Estimated Outlays	1	2	4	4	4	4

¹ The 2003 level is the amount appropriated for that year for the Environmental Dispute Resolution Fund. A full-year appropriation for 2004 has not yet been provided.

For this estimate, CBO assumes that the amounts authorized by H.R. 421 will be appropriated for each fiscal year. Outlay estimates are based on information provided by the U.S. Institute for Environmental Dispute Resolution and on historical spending patterns for this program.

Intergovernmental and private-sector impact: H.R. 421 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. The bill would benefit these governments by authorizing grants to support their use of conflict resolution services.

Previous CBO estimate: On April 21, 2003, CBO transmitted a cost estimate for S. 163, the Environmental Policy and Conflict Resolution Advancement Act of 2003, as ordered reported by the Senate Committee on Environmental and Public Works on April 9, 2003. The two versions of the legislation are identical, as are the estimated costs.

Estimate prepared by: Federal Costs: Deborah Reis; Impact on State, Local, and Tribal Governments: Greg Waring; Impact on the Private Sector: Selena Caldera.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

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, existing law in which no change is proposed is shown in roman):

**SECTION 13 OF THE MORRIS K. UDALL SCHOLARSHIP
AND EXCELLENCE IN NATIONAL ENVIRONMENTAL
AND NATIVE AMERICAN PUBLIC POLICY ACT OF 1992**

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

(a) * * *

[(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 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.

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