

SUPPORTING STATEMENT
INFORMATION COLLECTION REQUEST

for the Application for National Roster of Conflict
Resolution and Collaboration Professionals

Control Number 3320-0008, Expiring 08/31/2012

July 2, 2012

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A. Abstract

The U.S. Institute for Environmental Conflict Resolution (the U.S. Institute) desires to continue collecting information from environmental conflict resolution neutral professionals who desire to become members of the National Roster of Environmental Collaboration and Conflict Resolution Professionals (Roster). The Roster is a resource from which those involved in environmental and natural resource conflicts and challenges can locate and may select providers of neutral services. Responses to the collection of information (the application) are voluntary but required to obtain a benefit: listing on the National Environmental Collaboration and Conflict Resolution (ECCR) Roster.

B. Justification

1. Need and Authority for Collection

1a. Background: National ECCR Roster

The U.S. Institute was created in 1998 by the Environmental Policy and Conflict Resolution Act (P.L. 105-156). It is a federal program established by the U. S. Congress to assist parties in resolving environmental, natural resource, and public lands conflicts, including issues pertaining to transportation and energy. The U.S. Institute is part of the Morris K. Udall and Steward L. Udall Foundation, an independent federal agency of the Executive Branch, and is overseen by a board of trustees appointed by the President.

The U.S. Institute was created to assist the Federal Government in implementing Section 101 of the National Environmental Policy Act (NEPA) (42 U.S.C. 4331) by providing assessment, mediation, training, and other related services to resolve environmental conflicts involving federal agencies. The U.S. Institute accomplishes most of its work by partnering or contracting with, or referrals to, experienced practitioners. By statutory mandate, the U.S. Institute works with conflict resolution providers within the geographic area of the conflict whenever practicable (20 U.S.C. Sec. 5605, P.L. 105-156.)

The U.S. Institute serves as an impartial, non-partisan institution providing professional expertise, services, and resources to all parties involved in such disputes, regardless of who initiates or pays for assistance. It helps parties determine whether collaborative problem solving is appropriate for specific environmental conflicts, how and when to bring all the parties to the table, and whether a third-party facilitator or mediator might be helpful in assisting the parties in their efforts to reach consensus or to resolve the conflict. In addition, the U.S. Institute can also assist parties in selecting an appropriate neutral through its Roster.

1b. Background: National ECCR Roster Application Information Collection

The application for the Roster is being used pursuant to OMB Control No. 3320-0008, clearance approved October 16, 2009, and scheduled to expire August 31, 2012.

The information collected in the application for the Roster is the basis for an online searchable database, used to locate appropriate practitioners by matching desired characteristics with the information in the application. The Roster first became operational in February 2000 with 60 members and currently includes more than 300 members from 41 states, the District of Columbia, and two Canadian provinces. They represent a broad cross-section of professional backgrounds and case experience. Each member is asked to document experience that meets the Roster entry criteria, and experience as a neutral in some or all of the following: mediation, facilitation, consensus building, process design, conflict assessment, system design, neutral evaluation/fact finding, superfund allocation, and/or regulatory negotiation. The application information for each Roster member, in the format of a Practitioner Profile, is directly available online and also available through the U.S. Institute to those requesting referral services.

1c. Entry Criteria

The specific entry criteria and applicable definitions are available from the U.S. Institute's web site: www.ecr.gov. Generally stated, the entry criteria require that:

Applicants have 200 hours of experience serving as the principal or co-principal third-party neutral for a collaborative or conflict resolution process intended to assist the parties to achieve a common goal or agreement in one or more environmental, natural resource, and/or public lands issues. Applicants must demonstrate abilities that go beyond simply working with parties to produce constructive dialogue. Roster members must be able to help parties solve a problem or resolve a conflict.

The qualifying cases must have been completed in the past ten years.

The 200 hours of experience must be represented by at least two but no more than 10 environmental cases of 20 hours or more in duration.

1d. The Application Form

The application can be viewed online at the U.S. Institute's Web site at <http://roster.ecr.gov/reference/documents/2012DRAFTRosterApplication.pdf>.

A hard copy sample application may also be obtained from the U.S. Institute for those without Web access. (Contact: Gail Brooks, Sr. Associate for Programs and Communication, U.S. Institute for Environmental Conflict Resolution, 130 South Scott Ave., Tucson, Arizona 85701. Fax: 520-670-5530. Phone: 520-901-8532. E-mail: brooks@ecr.gov).

1e. Development and Need for the National ECCR Roster

The Roster was developed with the support of the U.S. Environmental Protection Agency (EPA), based on a 1997 study concerning the potential of a national Roster of qualified practitioners.

To develop the project, the EPA and the U.S. Institute brought together a work group consisting of EPA dispute resolution professionals and contracting officers, state dispute

resolution officials, private dispute resolution practitioners and academics. Informed in part by ideas from the individuals in this group, the EPA and the U.S. Institute proposed Roster entry qualifications and a draft application, which were published in the Federal Register in November 1998 (63 FR 64699-64713). The entry criteria and application were finalized following comments received in response to the Federal Register notice, outreach through meetings and newsletter articles, as well as individual communications with professional associations, state and federal government agencies, dispute resolution firms, individual practitioners, professional associations of attorneys, and environmental and citizen groups. In September 1999, with OMB approval, the U.S. Institute began accepting applications.

The Roster was created, and continues to be needed, for several reasons. The use of ECCR in the environmental and public policy arena has grown markedly over the last two decades. In this context, ECCR processes now include techniques ranging from conflict prevention, such as consensus building and facilitation of public policy dialogues, to specific dispute resolution through assisted negotiations and mediation. The number of ECCR practitioners has grown as the field has gained prominence.

An essential step in any dispute resolution process occurs when parties select a practitioner. Parties making the selection rightfully expect that the practitioner will be qualified to provide the service sought and has experience and style well matched to the nature of the issues and to the parties. The Roster is designed to provide a source of well qualified ECCR professionals available for selection by interested agencies and other stakeholders. The Roster advances the interests of the growing field of dispute resolution, reflects the evolving standards of best practice, and helps direct the expenditure of public funds for quality services.

The U.S. Institute's enabling legislation directs the Institute to work with practitioners located near the conflict whenever practical. Consistent with this mandate, the U.S. Institute must be able to identify appropriate, experienced ECCR professionals in an efficient manner. The National Roster of ECCR Practitioners is essential for the proper performance of the U.S. Institute's goals, including resolving federal environmental disputes, improving the ability of federal agencies and other interested parties to engage in ECCR effectively, and promoting collaborative problem-solving and consensus building.

Finally, the Administrative Dispute Resolution Act (ADR Act) of 1996 (5 U.S.C. 571 et seq.) authorizes the federal government to contract with dispute resolution professionals (e.g., facilitators or mediators) to assist it and other parties to disputes in reaching an agreement, settlement, or consensus. The ADR Act authorizes the government to take steps to make identifying and contracting with neutrals easier (cf. 5 U.S.C. 573(c)).

The goal of the Roster is to improve access to qualified environmental collaboration and conflict resolution professionals for the U.S. Institute and others sponsoring or engaging in ECCR processes. The Roster expedites the identification of appropriate professionals, shortens the time needed to complete contracting documents, and helps refer parties to practitioners, particularly practitioners in the locale of the dispute.

The Roster provides users with detailed Practitioner Profiles, derived directly from information contained in the application, to be used as a first step in the process of selecting an appropriate neutral. The application form provides the basis for the Practitioner Profile, to which the online search categories are connected and allows easy access and review of information for online searchers and referral requestors. In addition, the use of a form to collect specific information regarding the practitioner's experience standardizes the responses and applicant information. Use of a standard form allows U.S. Institute personnel to review applications for eligibility more quickly and fairly than if the information were submitted in a nonstandard format.

2. Use of the Information

Each application is submitted to the U.S. Institute electronically from the Web-based application system. Each application is reviewed by the U.S. Institute's Roster coordinator, with final approval by the U.S. Institute's D.C. Office Director, for compliance with the entry criteria. The applicant is contacted where application information needs clarifying or to assist the applicant in submitting the application. All applicants whose application information meets the entry criteria are so informed. Each new Roster member is sent a copy of his or her application/Practitioner Profile. Each member's information then becomes available as part of the online searchable database. Applicants who do not meet the criteria are informed and encouraged to apply again when they have gained the necessary experience.

The U.S. Institute uses the Roster (specifically the information collected in the application) as a resource when making referrals to those searching for neutral ECCR professionals with specific experience, backgrounds, or expertise (external referrals). The U.S. Institute also uses the Roster as a resource when locating appropriate ECCR neutral professionals with whom to partner/sub-contract for projects in which the U.S. Institute is involved (internal referrals).

The online Roster search system, which was launched in 2000, originally enabled select government employees to access Roster member Profiles. The EPA Conflict Prevention and Dispute Resolution Center and Regional EPA ADR personnel have had direct access to the search since February 2000. The administrators of the EPA prime sub-consultant contract gained direct access in May 2003. The DOI Office of Collaborative Action and Dispute Resolution (CADR) and several members of the DOI Dispute Resolution Council (IDRC: ADR personnel from various DOI bureaus) have been searchers since November 2002. Many Roster members have also become searchers. In October 2004, the Roster became directly available on the Web to anyone interested in locating ECCR practitioners. In addition, the U.S. Institute continues to rely on the Roster in order to identify appropriate neutrals for cases managed by the U.S. Institute and to provide referrals to requestors seeking third-party practitioners.

Federal agencies are not required to select from the Roster. Professionals not on the Roster remain fully eligible to serve as ECCR practitioners in disputes involving federal agencies. Finally, being listed on the Roster does not guarantee additional work for the practitioner.

3. Use of Automated, Electronic, Mechanical, or Other Technological Collection Techniques

The application is available online to any Web user, through a simple user registration system. Hard copy applications are available from the U.S. Institute by request for those without access to the Web. An application, upon approval for listing on the Roster, is converted to the Roster member's Web-based Profile, which the Roster member can access and update online.

4. Nonduplication

Related rosters and directories of collaboration and conflict resolution professionals were reviewed as part of the development for the Roster. None were found to contain the requisite information on ECCR professionals. Although the EPA operates a national service contract that manages major cases through a list of experienced providers, it is limited in scope and membership, and as a consequence it can be burdensome to use to identify neutrals for small or localized cases. Most other federal agencies have no vehicle or information available to assist in this important first step to conducting a good dispute resolution process. The Roster is the only roster of its kind.

5. Minimizing Collection of Information Impacts on Small Businesses

This is not applicable to this ICR.

6. Consequences to Federal Program or Policy Activities if Collection is Not Conducted or is Conducted Less Frequently

Using the Roster standardized application, which is the means for adding new members and is the foundation for keeping existing members' information current, provides an efficient and effective way to continue, and to increase, easy access to appropriate mediators and facilitators. It is critical that the U.S. Institute continues to have an up-to-date, efficient, and equitable means to access appropriate, qualified neutrals with whom to partner/contract in order to fulfill its statutory requirement to work with practitioners in the locale of the dispute. In addition, all public users of the system would lose access to a valuable resource were the application discontinued.

Information for membership on the Roster is collected only once, on the initial application. Voluntary updating of member information is done online. Roster members are periodically reminded to update, and are encouraged to do an annual review of data in their profile. Less frequent updates would deprive Roster users of reasonably current information.

7. Special Circumstances

This information collection does not require respondents to:

- report information to the Agency more often than quarterly,

- prepare a written response to a collection of information in fewer than 30 days after receipt of a request,
- submit more than an original and two copies of any document, or
- retain records, other than health, medical, government contract, grant-in-aid or tax records, for more than three years.

This information collection does not collect information in a manner:

- connected with a statistical survey,
- requiring use of a statistical data classification that has not been reviewed and approved by OMB,
- that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use or,
- requiring the respondent to submit proprietary, trade secret or other confidential information unless the Agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

8. Public Notice Required Prior to ICR Submission to OMB and Consultations

A Federal Register Notice was published February 27, 2012. It opened a 60-day public comment period. The notice described in detail the continuing need for the Roster, its use, and the qualifications for entry. The notice also contained information about how to access a copy of the proposed application via the U.S. Institute's website at <http://Roster.ECCR.gov/reference/documents/2012DRAFTRosterApplication.pdf>.

On May 11, 2012, a second Federal Register Notice was published to announce the U.S. Institute's intention to forward the Roster information collection to OMB. The second notice opened a 30-day public comment period.

One comment was received in response to the 60-day public comment notice. The comment is posted below.

From: usacitizen1 usacitizen1 [mailto:usacitizen1@live.com]
 Sent: Monday, February 27, 2012 7:46 AM
 To: ellen.wheeler@udall.gov; Patricia Orr; oira_submission@omb.eop.gov;
americanvoices@mail.house.gov;
comments@whitehouse.gov;speakerboehner@mail.house.gov
 Cc: sf.nancy@mail.house.gov; letters@newsweek.com; today@nbc.com;
 info@taxpayer.net; info@teaparty.net; fraudnet@gao.gov
 Subject: public comment on federal register FW: costs too much - looks like udalls sewed up permanent govt funding for themselves - shut this down

i think it is time to stop funding this with any taxpaeyr dollars. this agency should be existeing on private fees and private donations. not the american taxpayers all over this country. 1 out of 2 americans lives in poverty these days. we need to stop bludgeoning these people for tax dollars for agencies that need sunset like this one. i think the udalls

tried to get themselves on the govt tit, succeeded, but its time is up. i think gao should audit and see where our tax dollars go. high salaries for execs? corruption? national taxpayers shuld stop funding this agency.
jean public

This comment did not provide any specific feedback on the application redesign or the burden estimates pertaining to the collection, therefore no changes were made to the application.

Extensive consultations took place in the initial development of the Roster and the application. In addition, comments from Roster members have been invited in continuing communications with them and all publicly disseminated Roster information invites comments and feedback from applicants and Roster members. In late 2011 and early 2012, the U.S. Institute convened key Roster users and members for the purpose of reviewing the management of the Roster and receiving individual input. The application, application process, and updating process were topics of discussion. The vast majority of comments from all sources supported the application and processes.

9. Provision of Gift or Payment to Respondents

The collection of information does not provide any payment or gift to respondents.

10. Confidentiality

The information submitted in the information collection (the application) will not be confidential. No assurances of confidentiality have been provided to respondents. Social Security numbers, company tax identifiers or other personal or organizational identifiers are not requested. If such information is required for the user's contracting purposes, the users will collect the information themselves as a part of their contracting effort. The application requests references for two of the qualifying cases. These references, however, are not made available to Roster searchers and are used only by the U.S. Institute to verify representations made by applicants. As noted above, Roster members are able to access their own profiles for viewing and modification. Each profile is password-protected, so members are not able to alter the contents of any profile other than their own. Roster users with direct electronic access are able to view and sort information contained on the database (the Roster member profiles) but not modify any of the information. Data entry and removal to the U.S. Institute's electronic systems is restricted to U.S. Institute personnel and Roster members.

Other than the information on the application form, the only other information that is maintained is data regarding referral and selection of Roster members.

11. Sensitive Questions

The only data collected that could be considered potentially sensitive is the Roster member's hourly fee. However, individuals on the original workgroup reported they do not consider that the hourly fee they would enter onto the application as sensitive information because it is

a loaded labor rate, not broken down into salary, benefits, fees, and profit.

12. Estimated Total Annual Time Burden to Respondents

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information and transmitting information. The customary and usual business practices of locating a resume and references are not included in the burden estimate because ECCR neutral professionals customarily provide potential clients with resumes that include education information, employment history, examples of cases handled, and reference contact information.

The time estimate for the update is based on experience administering the Roster, including test update comparisons between the current application/profile and the redesigned application/profile and comments received from existing Roster members. It is expected that up to 25 practitioners per year will apply for inclusion on the Roster in each of the three years of the ICR extension. This number is extrapolated from the number of applicants per year since the application ICR approval. The estimated number of annual updates is based on experience administering the Roster, which indicates that some Roster members update more, some less. There are currently 310 Roster members, and it is anticipated that all existing respondents/Roster members will update their information in the first year, with 100 members updating their information in each of the next two years.

12a. Respondent Time Burden Estimates

First year:

<i>New applicants/respondents:</i>	
Estimated number of new respondents	25 respondents
Frequency of response	1
Estimated time per one-time, initial response	2.5 hours
Estimated total time burden	62.5 hours (2.5 hours x 25 respondents)
<i>Existing Respondent (Roster members) Updates</i>	
Estimated number of existing respondent updates	310 respondents
Frequency of response	1
Estimated time	1.5 hours
Estimated total time burden	465 hours (1.5 hours x 310 respondents)

Subsequent two years:

<i>New applicants/respondents:</i>	
Estimated number of new respondents	25 respondents
Frequency of response	1
Estimated time per one-time, initial response	2.5 hours

Estimated total time burden	62.5 hours (2.5 hours x 25 respondents)
<i>Existing Respondent (Roster members) Updates</i>	
Estimated number of existing respondent updates	100 respondents
Frequency of response	1
Estimated time	0.25 hour
Estimated total time burden	25 hours (0.25 hour x 100 respondents)

Estimated Average Annual Respondents over Three Years: **195** (new: 25/yr x 3) + (existing: (310 + 100 + 100)/3)) (see ROCIS ICR tables)

Estimated Total Annual Time Burden:

First Year	527.5 hours 62.5 hours for 25 new applicants/respondents 465 hours for 310 existing respondent (Roster member) updates
Subsequent Two Years	87.5 hours per year 62.5 hours for 25 new applicants/respondents 25 hours for 100 existing respondent (Roster member) updates
Average Annual Time Burden	234.15 hrs (527.5 (first year) + 87.5 (second year) + 87.5 (third year)/3) (see ROCIS ICR tables)

12b. Valuation of Respondent Time Burden

The valuation of time burden is based on \$47.21 per hour in accordance with the September 2011 Bureau of Labor Statistics reports for valuing total compensation (civilian workers category of “professionals and related occupations”) rather than estimated contractor rate.

Individual Respondent Burden Over Three-year Life of ICR

Three-year total for each <u>new</u> applicant/respondent: 2.5 hrs initial application + 0.25 hr update + 0.25 hr update = 3.0 hours	\$141.63
Annualized average for each new applicant/respondent	\$47.21 per year
Three-year total for each <u>existing</u> /updating respondent: 1.5 hrs initial update + 0.25 hr update + 0.25 hr update = 2.0 hours	\$94.42
Annualized average for each existing/updating respondent	\$32.47 per year

For additional information, see *Appendix B: Burden and Cost Tables*.

13. Estimated Total Annual Cost Burden to Respondents

There are no capital or start-up costs. Existing respondents will use the same computer equipment to access the application for updates as was used to submit their application. New respondents can access an application using an existing business computer. A hard copy

application can be requested by phone or mail and can be submitted through the mail, if the applicant has no access to computer equipment or Internet service.

14. Estimated Annualized Cost to the Federal Government

The estimated annualized cost to the Federal government totals \$54,177 (*see Appendix B: Burden and Cost Tables*). The time and cost burden is based on the U.S. Institute's experience in developing and administering the application/information collection for the Roster since August 1999. Additionally, based on user feedback, the U.S. Institute's Roster Web-based operations (Roster online search system) will be revised and updated during the first year of the information collection to make it a more user-friendly, easily searchable tool for the public, with additional visualization and mapping capability so that searchers can more easily find practitioners in their geographic location. Thus, computer programming time and costs are projected for the first year, but are minimal for subsequent years.

15. Reasons for Any Program Changes/Adjustments

Roster users have indicated that they really value the U.S. Institute Roster, and the U.S. Institute is committed to support and increase its usefulness to both Roster members and searchers on an ongoing basis. The U.S. Institute undertook a revision of the Roster application to improve the current system and address identified challenges with the present system. The goals of the revision are (1) to modernize the software and improve the Roster search function, (2) to make the application process more streamlined for Roster applicants and (3) to update the content of Roster profiles to increase the utility of referral information for searchers. Additional details provided in Table 3 in Appendix B.

The proposed revisions in the Roster data gathering include:

1. **Qualification Criteria:** The current qualifying criteria for the Roster is the requirement for 200 hours of experience as a neutral lead or co-lead in an agreement-focused process on an environmental issue. The criteria has not been changed but has been refined slightly as follows:

Old language:

neutral third-party to assist parties in the prevention, management and resolution of environmental or natural resource conflicts or challenges.

New language

third-party neutral for a collaborative or conflict resolution process intended to assist the parties to achieve a common goal or agreement.

The reasoning behind this change is to preserve the essential qualifications of the Roster that make it unique and useful – experience as a neutral in a complex situation where the parties need to go beyond information exchange interactions – while also allowing credit to applicants for more facilitative work on complex multi-party cases.

2. **Letters of reference:** New applicants to the Roster will be required to submit two letters of reference from participants in each of their qualifying cases. It was felt that greater verification of successful completion of the qualifying case work was needed to maintain high standards. Existing Roster members will be “grandfathered into” the system.
3. **Separation of Application from Profile:** The revised Roster application allows for information to be collected in two steps. The applicants can submit their qualifying information and experience as part of the membership screening step, and subsequently add full profile information if they are accepted to the Roster.
4. **Profile Data:** Roster members have made a number of comments over the years about how the five cases allowed in the current profile are very limiting in terms of showcasing their work. In an effort to address this limitation, a new format was developed for Roster member profiles. The new format is more comprehensive and easier to update. It will also be possible for Roster members to insert a resume and photo in their profile if they so choose. The new profile format will allow Roster members to highlight particular areas of emphasis. For existing Roster members, there will be a transition period in which the data from their existing profile is migrated into the new system, requiring less time and burden to update their information into the new format. Only revised profile elements will need to be added by existing members.

16. Reasons for Burden Changes/Adjustments

The changes in burden estimates are explained in Table 3, Appendix B.

17. Tabulation and Publication of Information

This is not applicable.

LIST OF APPENDICES

Appendix A. Statutory Authority Authorizing the Collection of Information

Appendix B. Burden and Cost Tables

Appendix A. Statutory Authority Authorizing the Collection of Information

[DOCID: f:publ156.105]

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ENVIRONMENTAL POLICY AND CONFLICT RESOLUTION ACT OF 1998

[[Page 112 STAT. 9]]

Public Law 105-156
105th Congress

An Act

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. <<NOTE: Feb. 11, 1998 - [H.R. 3042]>>

Be it enacted by the Senate and House of Representatives of the United States of America in Congress <<NOTE: Environmental Policy and Conflict Resolution Act of 1998.>> assembled,

SECTION 1. SHORT <<NOTE: 20 USC 5601 note.>> TITLE.

This Act may be cited as the ``Environmental Policy and Conflict Resolution Act of 1998''.

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 naturalresources;"
- (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:

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“(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 (7), 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 No. 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 the Act, respectively.

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- (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 <<NOTE: 20 USC 5608a.>>
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 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 <<NOTE: 20 USC 5608b.>> AGENCY.

- “(a) Authorization.--A Federal agency may use the Foundation and the Institute to provide assessment, mediation, 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.--

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- “(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 two 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 two 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 concurrence 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 one 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--
 - ``(i) agency implementation of a program or project;
 - ``(ii) a matter involving two or more agencies with parallel authority requiring facilitation and coordination of the various Government agencies; or
 - ``(iii) a nonlegal policy or decisionmaking matter that involves two 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."

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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 the 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), and 5607(a)) are each amended by striking "Fund" and inserting "Trust Fund" each place it appears.

Approved February 11, 1998.

LEGISLATIVE HISTORY--H.R. 3042 (S. 399):

CONGRESSIONAL RECORD:

Vol. 143 (1997):
Nov. 13, considered and passed
House.
Vol. 144 (1998):
Jan. 29, considered and passed
Senate.

<all>

Appendix B. Burden and Cost Tables

- Table 1. Respondent Burden and Cost
- Table 2. Agency Burden and Cost
- Table 3. Summary of Changes in Burden and Cost Estimates

Table 1. Respondent Burden and Cost

Collection Activity	Hours Per Respondent			Number of Respondents			Cost per hour (\$)	Total Labor Costs		
	First Year	Second Year	Third Year	First Year	Second Year	Third Year		First Year	Second Year	Third Year
Review instruction information, fill out application form (<i>new respondents</i>)	2.5	2.5	2.5	25	25	25	\$47.21	\$2,951	\$2,951	\$2,951
Updates (<i>existing respondents</i>)	1.5	0.25	0.25	310	100	100	\$47.21	\$21,953	\$1,180	\$1,180
Each year total:								\$24,904	\$4,131	\$4,131
3-year aggregate:								\$33,166		
Annualized average:								\$11,055		

Note: Respondents do not incur capital or start-up costs.

Table 2. Agency Burden and Cost

Collection Activity	Cost for salary/benefits, per hour (\$)	Approximate number of hours to perform			Cost* estimate (\$)			Cost subtotals (\$)	Total Costs (\$)
		First Year	Second Year	Third Year	First Year	Second Year	Third Year		
Prepare Federal Register Notices and Supplemental Information for information collection renewal request									
Roster coordinator	\$43	10	0	0	\$430	0	0	\$430	
Senior staff	\$75	2	0	0	\$150	0	0	\$150	\$580
Prepare ICR submission for information collection renewal request									
Roster coordinator	\$43	20	0	0	\$860	0	0	\$860	
Senior staff	\$75	2	0	0	\$150	0	0	\$150	\$1,010
Systems Operations (includes development, testing, implementation and maintenance of online system based on information collected via new application)									
Roster coordinator	\$43	200	200	80	\$8,600	\$8,600	\$3,440	\$20,640	
Senior staff	\$75	40	20	20	\$3,000	\$1,500	\$1,500	\$6,000	
Contract programmer	\$150	294	20	20	\$44,100	\$3,000	\$3,000	\$50,100	
Senior in-house programmer	\$75	80	20	20	\$6,000	\$1,500	\$1,500	\$9,000	
In-house programming assistant	\$43	60	20	20	\$2,580	\$860	\$860	\$4,300	\$90,040
Application processing and application/Profile communications (e.g., review and evaluate applications, communicate with applicants and Roster members regarding applications/Profile updates)									
Roster coordinator	\$43	600	400	300	\$25,800	\$17,200	\$12,900	\$55,900	
Senior staff	\$75	80	60	60	\$6,000	\$4,500	\$4,500	\$15,000	\$70,900
							3-year aggregate:	\$162,530	
							Annualized:	\$54,177	

Table 3. Summary of Changes in Burden and Cost Estimates
(See also Section 15)

Change	Clarification of Change
<p>Number of Respondents: Decrease in new responders from 30 to 25</p> <p>Increase in existing responders in first year from 125 to 310</p> <p>Decrease in existing responders in subsequent two years from 125 to 100</p>	<p>Decrease in number of new responders is in response to the observation in the last three years that the number of new respondents has decreased slightly over time.</p> <p>Increase in existing responders in first year due to (1) increase in existing responders over the years since the last ICR and (2) it is anticipated that all existing respondents will update their information in the first year with the improved application/profile information.</p> <p>Decrease in existing responders in subsequent two years since it is anticipated that all existing responders will have updated their applications/profiles in the first year and that new updates will be due to the addition of new information.</p>
<p>Change in the number of questions asked: 2 additional questions asked in the 2012 application</p>	<p>Two additional questions were added in the 2012 application in Section I, part A: Contract information – “Is your organization a GSA-schedule provider” and “Are you a member of the Native Dispute Resolution Network”. Both of the questions contain simple “Yes” or “No” check boxes, so they are simple and quick to answer. We anticipate that the added burden of those two questions is minimal.</p>
<p>Change in estimated time for new responders to complete application: No change</p> <p>Decrease in estimated time for existing responders to complete application: Decrease by 1 hour</p>	<p>The application and profile have been streamlined from the previous version. The application and the profile sections are separated in the new application, with the addition of more check boxes and clearer instructions in each section, and the option for new responders to fill out the profile initially or wait until they are accepted to the Roster.</p> <p>Existing respondent data will be automatically propagated into the new system, requiring less time and burden to update their information into the new format. Only revised profile elements will need to be added by existing members, to create a complete profile that achieves the goal of providing current data and information about their experience.</p>

Change	Clarification of Change
Respondent burden and cost: Decrease in overall burden to new responders by \$408/year	Decrease in overall burden cost to new respondents due to an estimate of five fewer new respondents/year based on experience in the past three years.
Increase in burden cost for existing respondents in the first year by \$20,554	One time increase in burden to existing respondents in the first year due to application redesign and the anticipation that all existing respondents (310) will update their materials in the first year.
Decrease in burden cost to existing responders in the second and third years by \$219/year	Decrease in burden cost to existing respondents in the second and third years due to estimate of 25 fewer existing responders updating their materials since it is anticipated they will all have updated their materials in the first year.
Increase in 3-year aggregate of respondent burden and cost by \$18,892	Increase in 3-year aggregate due to increased first-year burden cost of all existing responders updating their materials due to the application redesign.
Increase in annualized aggregate respondent burden and cost by \$6,297	Increase in annualized aggregate respondent burden due to increased first-year burden cost of all existing responders updating their materials due to the application redesign.