

**Statement of Terrence L. Bracy  
Chair of the Board of Trustees, Morris K. Udall Foundation**

**Regarding H.R. 1035, the *Morris K. Udall Scholarship and Excellence in National  
Environmental Policy Amendments Act of 2009*  
Before  
The House Natural Resources Committee  
June 3, 2009**

Mr. Chairman and members of the committee, thank you for this hearing on H.R. 1035 and for your consistent support of the activities of the Morris K. Udall Foundation. Congress created the Udall Foundation in 1992 in recognition of Mo Udall, a 30-year member of the House of Representatives and a distinguished former chairman of this committee. The Udall Foundation is, to my knowledge, the only entity within the federal government named in honor of a member of the House of Representatives.

I am honored to speak to you today in my capacity as the Chair of the Board of Trustees of the Udall Foundation.

While the Udall Foundation was named in recognition of Morris Udall, the name is somewhat misleading. The Udall Foundation is an active Executive Branch agency, which has served the public well under both Democratic and Republican administrations since it began operations in FY 1995.

When we first set out to fulfill our mission, we had no idea that the Udall Foundation's role would grow and change so substantially. It was originally conceived of in 1992 as simply a federal scholarship foundation. Since then Congress has added jobs and changed the shape of the organization dramatically—for example, by charging us with operating the federal government's only program focused entirely on resolving environmental disputes involving the government. Given the growth of our mission, the legislation before you today may improve our ability to serve the needs of our partners.

We have always focused on doing those jobs within our Congressional mandate that no one else does; we think of it as filling the cracks in the system. Attached to this statement are fact sheets that provide an overview of our activities for 15 years. I will not attempt to repeat the details, but a few accomplishments are worthy of mention.

The Udall Foundation has developed a family of scholarship, fellowship and internship programs that are among the most sought-after on American college campuses. They include the premier undergraduate scholarship and doctoral fellowship for studies related to the environment, as well as an undergraduate scholarship for Native Americans studying tribal policy or health care. We also have a Native American Congressional Internship Program that places gifted undergraduate and graduate students in Congressional offices, the Council on

Environmental Quality and Cabinet offices to learn firsthand how Washington impacts their tribes and communities. We have made more than 1,500 educational awards since we began the scholarship program in 1996.

A small but notable program of the Foundation is Parks in Focus, which connects underprivileged youth with nature through the art of photography. It fits perfectly with Congress's intention in creating the Foundation that it foster "programs to encourage the continued use, enjoyment, education, and exploration of our Nation's rich and bountiful natural resources." The participants, primarily 11- and 12-year-old members of Boys & Girls Clubs—many of whom have never before left their local communities—are provided with digital cameras to use and keep, and they learn the fundamentals of photography, ecology, and conservation while hiking and identifying their way through national parks, monuments, wilderness areas, and other natural public lands. Udall scholar alumni, now more than 1,000 in number, lead the trips and pass on their commitment to conservation and public service to a future generation of leaders.

In 1998, Congress created an environmental mediation program within the Udall Foundation, called the U.S. Institute for Environmental Conflict Resolution (the Institute). This was really the idea of Senator John McCain, Representatives Ed Pastor and Jim Kolbe, and others in the Congress. The Institute is an impartial, nonpartisan entity that has provided assistance on some of the most complex, high profile, and regionally significant environmental issues in the country. Our staff have learned how to be most effective in preventing, managing and resolving disputes. They provide services in a broad range of situations—from controversies that are still in their initial stages—for example, within agency planning processes—to those disputes that are in litigation. The Institute is able to leverage the work of the small professional staff by partnering with mediators in the private sector on most projects; to do so, we maintain a national roster of nearly 300 professionals with expertise in collaboration and conflict resolution in environmental and public policy issues.

One current project of particular note is our convening and facilitation of a collaborative stakeholder group providing advice to the Army Corps of Engineers regarding Missouri River recovery and mitigation efforts. This multiyear process involves seven states, 28 tribal nations, 13 federal agencies and numerous business, agricultural, and other private interests. Two members of our staff, Senior Program Manager Sarah Palmer and Program Associate Patricia Lewis, recently received the Commander's Award for Public Service from Brigadier General William Rapp of the U.S. Army Corps of Engineers for their work on the Missouri River project. Their citations note that their exceptional work and commitment to public service "have resulted in a collaborative process allowing the recovery of Missouri River species in a manner that considers both science and societal values. [Their] contribution to the U.S. Army Corps of Engineers Civil Works mission and commitment to public service reflect highly upon [themselves] and the U.S. Institute for Environmental Conflict Resolution."

An area of particular interest for the Institute is issues involving Native American and Alaska Native communities. For example, the Institute facilitated negotiations that helped the

Confederated Salish and Kootenai Tribes and the U.S. Fish and Wildlife Service reach a historic three-year agreement to share management of the National Bison Range in Montana; it also assisted in negotiating development of a Lake Management Plan for cooperative management of Lake Coeur d'Alene among the Coeur d'Alene Tribe, U.S. EPA, and the State of Idaho. The Institute maintains the Native Dispute Resolution Network, the only national network of dispute resolvers with experience in culturally appropriate dispute resolution practices.

Two areas of increasing focus in the near term are training and the use of modern technology to enhance environmental decision making and public engagement. The Institute's training program is open to all but is aimed primarily at providing federal agency personnel the tools they need to handle complex environmental conflicts and meaningfully engage the public in decision making. Our training has been highly beneficial to agency staff, including those from Interior, Energy, the Air Force, the Federal Highway Administration, and EPA. The Institute is also exploring a range of digital technologies that have broad applications to public outreach and decision making. It has pioneered the use of interactive Websites and communications, comment analysis, and decision making tools in environmental conflict resolution projects.

Congress sent us another job in 2001, when it authorized the Udall Foundation to conduct management and leadership training of Native American tribal leaders and provide policy resources. We do that through the Native Nations Institute (NNI), which is akin to a Kennedy School of Government for tribal leaders. NNI serves as a self-determination, governance, and economic development resource for tribal nations. It provides assistance to tribes that are facing constitutional issues; research and analysis regarding policy decisions in such areas as intergovernmental relations, natural resource management, development strategy, law enforcement, cultural affairs, and social services; and customized executive education to senior leaders and managers in these nations, who have few of the opportunities for such education that are regularly enjoyed by newly elected members of Congress, governors, military leaders, and Fortune 500 executives. Through NNI's executive education, tribal leaders have the opportunity to learn from each other and to share the best practices in governance and development that indigenous nations themselves have devised. Since 2001, it has provided leadership training to more than 2,700 leaders from more than 450 tribes.

I hope that this brief summary of our work at the Foundation, along with the attached overviews, will give you a sense of the breadth and depth of our programs. In view of this diversity and growth, the Board of Trustees of the Udall Foundation took a hard look at our current programs and developed a vision for the future. That vision focuses on two areas in particular: first, our need to meet the missions that Congress has given us and second, our hope that the legacy of Stewart Udall might be honored along with that of his brother, Morris, by renaming the Foundation to include him. This vision was approved unanimously by the Board, which includes Democrats, Republicans and Independents. Among those strongly in favor of this vision was former Deputy Secretary of the Interior Lynn Scarlett, who served on the Board as the designee of the Secretary of the Interior in the last Administration.

Both of these issues are addressed by the legislation before you. H.R. 1035 would authorize appropriations in such amounts as Congress determines necessary in future years for both our education programs, which are supported by the income from a Trust Fund invested in Treasury obligations, and the Institute's operating fund.

Our education awards are very sought after and competitive, with more than 500 nominees each of the last two years for the 80 available scholarships. (All applicants must be nominated by their college.) We are grateful to Congress for continuing to make additions to the Trust Fund, as they have helped us maintain our scholarship levels. The Udall scholarship has remained at \$5,000 since its inception in 1996, even though the average cost of college has increased by more than 100% at both private and public colleges in that time, according to *Annual Survey of Colleges* by the College Board. Our \$5,000 scholarship represented about 40% of the average annual private college tuition in 1996, now it is about 20% of that figure. The cost of college continues to increase at a rate that is typically more than double the general inflation rate, and sometimes as high as 13% a year. *Annual Survey of Colleges; Money.cnn.com, Is College Still Worth the Price? April 13, 2009.* In fact, over two decades, tuition costs increased more quickly than health care and energy costs. With future increases in tuition and fees a certainty, retaining the Udall scholarship at \$5,000 will result in less value in comparison with college costs. Ultimately, our Board's vision is to have sufficient resources in the Trust Fund to increase the value of the scholarship. I want to assure the members of this committee that, through prudent management, the administrative expenses of the education programs have remained below 15%, as specified in our law, so the lion's share of revenue generated by the Trust Fund goes directly to programs.

Turning to our mediation function, I believe the Institute will fill an increasingly important role in the coming years, and adequate resources will be necessary to maximize its contributions. Increasingly, the federal family of agencies, including Interior and its bureaus, calls on the Institute to help them find solutions to most important and difficult conflicts. The Obama Administration has recommended a slight increase in the Institute's FY 2010 funding in recognition of the Institute's potentially key role in Administration initiatives—for instance, the help it can provide in resolving conflicts that might interfere with infrastructure projects funded by the stimulus package, as well as its potential contributions to the Administration's initiative for a more open and collaborative government.

The other major area of our Board's vision relates to Stewart Udall. As Stewart L. Udall approaches his 90<sup>th</sup> birthday, the Board of Trustees voted unanimously to support honoring him through the Foundation's name and programs. The Trustees believe the Udall legacy is really a shared legacy, rooted in the work of the Udall brothers that dominated environmental reform for three decades.

As Secretary of the Interior during the Kennedy and Johnson Administrations, Stewart Udall oversaw the designation of four parks, six national monuments, eight seashores and lakeshores, nine recreation areas, 20 historic sites, and 56 wildlife refuges. He also wrote *The Quiet Crisis*, a

seminal work on the environmental movement, and foresaw the potential dangers of global warming some 40 years ago, writing in 1968 (in the book *1976: Agenda for Tomorrow*):

Our technology is now pervasive enough to produce changes in world climate, even as inadvertent side effects, which could melt enough of the world's glaciers to cause the inundation of all coastal cities.

Stewart Udall had the foresight, when he was Secretary of the Interior, to spearhead the use of NASA satellites to produce images of Earth from space for scientific research, leading to development of the Earth Resources Observation and Science (EROS) center at the U.S. Geological Survey. Over the course of more than 40 years, that program has mapped the Earth from space, showing the physical changes in the planet.

The Board of Trustees agreed that Stewart Udall's vision and leadership should be honored through the Udall Foundation along with that of his brother Morris, and that the addition of Stewart Udall's name to the Foundation could be the appropriate acknowledgement by Congress of his contributions to the United States.

Finally, the Board supports the few administrative changes included in this legislation. Among these are provisions that would give the Board of Trustees needed flexibility in setting a limited number of salaries at a level equivalent to the Senior Executive Service pay range. The original law gives the Foundation broad discretion to "appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this chapter" and caps compensation (other than the Executive Director) at a level equivalent to GS-15. One provision in the proposed legislation would clarify that this broad appointment authority applies only to the hiring process—and does not except Foundation employees from the protections afforded by Title V of the U.S. Code, such as performance management and due process requirements—by specifically limiting the Foundation's discretion to the areas of hiring procedures and setting compensation. At the direction of the Board, the staff has developed a performance management system parallel to the requirements of the U.S. Code and Code of Federal Regulations and obtained approval for that system from the Office of Personnel Management, and we believe that the protections of Title V are important for our employees. We welcome this language, which we view as a clarification of our authority. The proposed amendment also would allow the Board of Trustees the flexibility to determine, in accordance with needs and available funding, that the Executive Director and up to four additional positions could be paid within the range set for the Senior Executive Service. When the enabling legislation was approved in 1992, it was anticipated that the Foundation would have only an Executive Director and at most one or two additional support staff. We now have approximately 30 FTEs, most of whom work in environmental conflict resolution, and the Board has found that the compensation limits can make it difficult to hire and retain the most highly skilled professionals and senior managers in that field.

Mr. Chairman, the Board of Trustees fully supports H.R. 1035. On behalf of the Board, I want to express our deep appreciation to Mr. Grijalva for developing this legislation and to you, Chairman Rahall, for your original cosponsorship. We are gratified by your interest in and support for the Udall Foundation's work. I hope and believe that we have developed an institution whose actions will continue to make this committee proud.