

MINUTES OF THE MAY 6, 2025
MEETING OF THE BOARD OF TRUSTEES OF
THE MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION

The Board of Trustees (Board) of the Morris K. Udall and Stewart L. Udall Foundation (Udall Foundation) met in-person in Tucson, Arizona, at Udall Foundation headquarters as well as via videoconference and/or teleconference on May 6, 2025. The attendee list is included as Appendix 1 to these minutes. Trustee Teresa "Tess" Udall served as the proxy for this meeting. Trustee James L. Huffman II provided a signed proxy because he was unable to attend the meeting. Trustees Rion Ramirez and D. Michael Rappoport provided signed proxies in case of technical difficulties during the time of a vote or if they were called away from the meeting. The Chair called the Board of Trustees Meeting to order at 9:01 a.m. (MST-AZ). Elizabeth Monroe, Communications Program Manager, recorded the minutes.

Call to Order and Chair's Remarks

The Chair called the meeting to order, requested a roll-call attendance vote, and a quorum of voting Trustees was met. The Chair recognized new University of Arizona (U of A) President and Udall Foundation Trustee Dr. Suresh Garimella for his remarks. Garimella shared his background that connects with areas of the Udall Foundation's work. The Chair welcomed the Udall Alumni Association representatives in attendance virtually. She clarified for all attendees that due to the length of the meeting agenda, the Board would not be taking comments from the public. The Chair informed Trustees that potential dates for the fall virtual Board of Trustees Meeting would be emailed soon. She also thanked the Trustees for finding time in their busy schedules to attend the meeting. The Vice Chair said it was good to see everybody, and that he was happy to be at the meeting.

Trustees' Remarks

The Chair asked the Trustees for their remarks. Trustee Rion Ramirez apologized for not being able to attend the meeting in person and let the Board know he would be in and out of the meeting due to conflicting obligations. He concluded by saying he enjoys and appreciates working with everybody.

Executive Director's Remarks

The Chair called on Executive Director David Brown to provide his remarks. Brown welcomed the meeting attendees and thanked General Counsel Gwendolyn Franks and other Udall Foundation employees for their planning and execution of this meeting, preparation of the program reports, and implementation of the Trustee email accounts. He provided special thanks to Stewart L. Udall Parks in Focus (Parks in Focus®) Program Manager Ernesto Somoza for taking the Trustees' portraits today for use on the agency's website. Logistical reminders were provided to the meeting attendees. Brown invited program staff members to provide brief updates on the agency's programmatic work. Director of Education Programs Alicia Harris shared that 11 Native American Congressional Interns were selected in February. Ten Interns will be participating in the traditional summer program, and one will be participating in a fall Internship. Interns have been placed on Capitol Hill and in the U.S. Department of the Interior (DOI). Brown said it is a great class of Interns, and he thanked Trustee Rion Ramirez for agreeing to represent the Board at the June Intern reception in Washington, D.C. The recently selected 2025 Udall Undergraduate Scholars will be announced on May 14. Somoza told the Trustees that Parks in Focus® had a successful April working with more than 100 kids, and that he would be at the Grand Canyon next week planning for the program's two June trips. Brown said the John S. McCain III National Center for Environmental Conflict Resolution (National Center) was busy with 12 or more active projects and trainings. Bridget Wade Radcliff, Administrative Manager at the U of A's Udall Center for Studies in Public Policy (Udall Center), informed the Trustees that the external report regarding the Udall Center's seven-year review had been received. After the U of A finishes their internal discussions and responds to

the report, the final report will be shared with the Udall Foundation's Board, so the Trustees can see the report's recommendations and the Udall Center's priorities for the next seven years. Radcliff thanked those who participated in the review and said the Udall Center appreciated the engagement. Brown shared that the Native Nations Institute for Leadership, Management, and Policy was in the final stages of hiring a new director and has been busy with its suite of programming, including another successful January in Tucson event. Stephen J. Hussman, Curator of Political Affairs Collections at Special Collections at the University of Arizona Libraries (Special Collections), spoke about the digitization of cassette tapes that are well over 20 years old from the Morris K. Udall Oral History Collection. This online collection includes interviews with former Presidents and Udall family members. Hussman encouraged Trustees to listen to the interviews. He expressed appreciation for the partnership with the Udall Foundation to complete this project. Brown offered his congratulations to the Special Collections team. Brown noted that the program highlights above were all accomplishments since the start of the new Administration and the new Congress. He pointed out that even in the midst of a very tumultuous period inside the Federal Government, the agency was still delivering on its congressional mandate as well as White House requirements. Brown mentioned the upcoming release of the FY 2026 President's Budget, the cybersecurity audit being conducted by the U.S. Department of the Interior Office of Inspector General (DOI OIG), and the approximately 30 reporting requirements due in the next couple of months. Chief Operating Officer Sara Moeller informed the Trustees that the information collection for the cybersecurity audit was complete, and the DOI OIG was reviewing its findings and sharing feedback with the agency as it identifies what might be some of its recommendations. Brown said at some point the agency will engage with the White House Office of Presidential Personnel regarding the one vacancy on the Udall Foundation's Board as well as the Trustees who are in carryover status. He concluded by expressing appreciation for the support of the Board. The Chair thanked employees for their incredible work.

Consent Agenda Approval

The Chair introduced the Consent Agenda. On a motion moved and seconded, the Chair called for discussion. No discussion was requested, and the Board approved the Consent Agenda items, including the Minutes of the October 30, 2024, Board of Trustees Meeting by a vote of 8 For, 0 Against, and 0 Abstain.

Proposed Executive Session

The Chair introduced the agenda item and recommended that the Board go into Executive Session at the conclusion of the public session of the Board of Trustees Meeting to discuss internal personnel rules and practices of the agency and noted that this information is of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. On a motion moved and seconded, the Chair called for discussion. There being no discussion, she requested the roll-call vote. (No proxies could be used for this vote pursuant to The Government in the Sunshine Act, 5 U.S.C. § 552b.) Six of the seven Trustees in attendance voted to go into Executive Session; one Trustee was unable to cast a vote due to technical difficulties.

Board Operating Procedures Revisions

The Chair introduced this agenda item and deferred to Franks for any questions. The Board had four different updated versions of its Operating Procedures (OPs) from which to choose due to the different options for establishing quorum for Board of Trustees Meetings. Franks first reviewed updates common to all versions of the updated OPs; those were organizational or process changes for consistency and clarity. She shared that in recent years the agency sometimes had challenges getting a quorum in meetings for a variety of purposes; consequently, the Executive Committee had discussed what would be the best way to address those challenges and ensure that a meaningful number of Trustees were present to both establish quorum and allow the agency, and the Board in its role as head of the agency, to continue to implement the Udall Foundation's mission. The four different quorum

options from which to choose were: 1) leaving it as a majority of the voting Trustees, 2) one-half of the voting Trustees, 3) one-third of the voting Trustees, and 4) one-quarter of the voting Trustees. Franks acknowledged the math can be confusing because you must round up to the whole person, and it changes depending on how many people are on the Board. One of the challenges right now, for example, is that the Secretaries of Education and the Interior sit on the Udall Foundation Board by operation of law, and they are voting members. The new Secretaries had been confirmed by the Senate before this Board of Trustees Meeting took place, so they counted toward the math the agency must do to establish quorum, but they had not yet had an opportunity to formally designate a representative to serve and attend Board of Trustees Meetings on their behalf. That meant the agency was automatically down two voting Trustees toward reaching its quorum. In addition, there is currently one voting Trustee vacancy on the Board. Before discussing the four options, Franks made sure the Trustees understood the quorum's impact on the Board's Executive Committee. For reasons related to The Government in the Sunshine Act, and also for transparency with the rest of the Board, the agency does not want the Executive Committee to have enough voting members to reach quorum and hold a Board of Trustees Meeting, so, the number of Executive Committee members will be held to at least one less voting Trustee than quorum for a Board of Trustees Meeting. Franks offered Trustees the opportunity to ask questions. The Chair clarified with Franks that the Trustee motion on the Board Resolution needs to identify one of the four options for establishing quorum. The Vice Chair asked for Franks' recommendation. She recommended the one-half voting Trustees option because it addresses the issues discussed above. She noted that there would be no difference between the majority and the one-half quorum option totals should the agency have a full complement of voting Trustees in the future. A motion was moved and seconded for the one-half quorum option. The Chair called for discussion. Trustee Ramirez commented that going below one-half did not make sense to him. He thinks the one-half option as a measure to try to provide flexibility is okay, but he would not be supportive of going below that amount. The Chair thanked Ramirez for his

comments. Rappoport asked Brown which option he thought would be most productive from a management point of view. Brown concurred with Franks' recommendation; he thinks one-half is an appropriate balance of reality and a minimum threshold. In response to a question from Brown, Franks indicated there was no need to communicate the quorum decision beyond the Operating Procedures since that is posted on the Udall Foundation's public website. There is no requirement regarding a minimum for quorum found in The Government in the Sunshine Act, the Udall Foundation's enabling legislation, or in *Robert's Rules of Order*. Regarding the impact of adopting the one-half option on the Executive Committee, Franks said membership, which normally is five members, will remain at four members due to a current vacancy. The vacant seat will not be filled until there is a full complement of voting Trustees on the Board. Rappoport said that made sense to him. Brown confirmed with Franks that the Executive Committee composition right now would be the Chair, Vice Chair, Secretary, and one other Trustee. The Chair thanked everyone for the discussion, thanked Franks for her work, and called for a roll-call vote on the one-half quorum Board OPs option. Resolution No. MAY-49-2025: Amendment of Operating Procedures of the Board of Trustees of the Morris K. Udall and Stewart L. Udall Foundation was adopted by a vote of 8 For, 0 Against, and 0 Abstain (resolution is attached to these minutes).

Program Eligibility

Before proceeding with the program eligibility agenda item, the Chair introduced Jessie Durham, Regional Director, Western Regional Office, Bureau of Indian Affairs, DOI, who was attending as an observer on behalf of her agency. Durham, a Muskogee Creek Nation Tribal citizen, appreciated being at the meeting and getting to learn more about the Udall Foundation.

The Chair introduced the agenda item and Board resolution and called on Franks to give her presentation. Franks offered thanks to all the Udall Foundation employees who supported and assisted the program eligibility work since its inception, including most recently the Tribal Consultation activities and synthesizing the feedback from the Tribal Consultation and Alumni Survey. This agenda item

addressed the following key overarching question: What eligibility criteria should Udall Foundation programs use for Native American and Alaska Native programming? Franks reviewed the timeline and work undertaken from November 2023 through May 2025 related to this question, which included multiple regular and special Board of Trustees Meetings, a National Center Trustee information session, an Education Programs Trustee information session, a Board subgroup that met to propose potential eligibility criteria formulations, formal Government-to-Government Consultation with Tribes (both a live, virtual consultation as well as written feedback), and an anonymous survey of the Udall Foundation's Scholarship, Internship, and Fellowship (SIF) Alumni. Additionally, at the August 2024 Special Board of Trustees Meeting, the Board directed, among other things, that the Education Programs team limit award eligibility for Native American and Alaska Native award categories for the 2024-2025 award cycle to members of Federally Recognized Tribes, as defined by the List Act. This meeting's objectives were to provide an updated summary of the current relevant legal and policy authorities, provide summaries of the Tribal Consultation and the Alumni Survey activities and results, and receive direction from the Board on future Native American and Alaska Native program eligibility. Franks' presentation included 1) a summary of the agency's previous approach to program eligibility, as articulated in the two Trustee information sessions, and the agency's current approach; 2) a review and update of the current legal landscape relevant to the Udall Foundation eligibility criteria question with a particular focus on historical definitions of Native American and Alaska Native used by the SIF programs from 1999 through 2024 and the risks associated with those definitions as well as reviews of relevant case law, relevant Executive Orders pre-2025, Administration and Congressional Updates since January 2025, and other considerations (e.g., funding, burden on applicants and Tribes, and burden on Udall Foundation employees); 3) a summary of the Tribal Consultation, including themes identified during the live session and via written feedback; and 4) a summary of the Alumni Survey, including themes identified in both the multiple choice questions and narrative feedback. The purpose of the review of the current legal

landscape was not to provide a detailed history of the relationships between Indigenous People, Tribes, and the Federal Government and not to provide context or commentary about how or whether individuals or groups have an Indigenous identity. These were not complete summaries of the cases nor commentary on the cases or the concepts, but rather high-level summaries on the relevant questions before the Board at this meeting. This section of the presentation summarized information that was provided in more detail in the July 2024 Board of Trustees meeting materials. All of the Trustees participating in today's Board of Trustees Meeting received the historical information from last summer's activities and the information for today's meeting. After her presentation, Franks reviewed the following three formulations for potential eligibility criteria with the Trustees as well as the potential risks related to these formulations: 1) Enrolled members of Federally Recognized Indian Tribes that are included in the annual list of Indian Tribes published by the Secretary of the Interior pursuant to 25 U.S.C. § 5131 [The List Act]; 2) Individuals recognized by the Secretary of the Interior as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; and 3) Any member of an Indian Tribe that was previously recognized by the United States that was terminated, or prevented from receiving services available to Indian Tribes, by an act of Congress after 1940, unless otherwise prohibited by law.

Board discussion both during and after Franks' presentation included, but was not limited to, the following topics. On the topic of the Lumbee Tribe, Franks shared that the Presidential Memorandum of January 23, 2025, Federal Recognition of the Lumbee Tribe of North Carolina, makes a policy statement that the current Administration would like the Lumbee Tribe to be Federally Recognized as soon as possible. It directs the Secretary of the Interior to, among other things, consult with the Lumbee and to submit to the President a plan to assist the Lumbee in obtaining full Federal recognition. While the memorandum directs the Secretary to work with the Lumbee to change their status, that change had not happened as of this Board of Trustees Meeting. The Vice Chair thinks there is a nonlegislative process for

Tribes to be recognized by the DOI that involves submitting evidence to the DOI about the Tribe's history, and Lumbee has that evidence. During the Government-to-Government Consultation, a Tribe had asked who would be included under formulation 1 and 2. A Trustee shared, and it was confirmed by personal experience of another Trustee, that under formulation 2, up to first- and second-generation descendants can be eligible for inheritance or Indian healthcare services, etc. That is the difference regarding who would be eligible under formulations 1 and 2. During the discussion, the Executive Director confirmed that neither the Administration nor OMB had asked the Udall Foundation questions about classification or eligibility as the agency worked earlier this year to respond to the Executive Orders regarding Diversity, Equity, and Inclusion. After the Education Programs Trustee Information Session last summer at which the Board heard about the reliance on Alumni to help with execution of the programs, including evaluation of applications; enrichment activities in Washington, D.C.; and support of the Scholar Orientation, the Board recommended surveying the Alumni about the program eligibility question to understand, to the extent possible, the potential consequences of the program eligibility decision on alumni engagement. Brown shared that there are more than 2,000 total Udall alums, and the survey received 203 responses, approximately a 10 percent response rate. Franks shared there was not a consensus among Alumni, just like there was not a consensus among Tribes in the Government-to-Government Consultation regarding what the Board should do regarding program eligibility. Based on the program eligibility formulations provided in the Alumni Survey, almost 80% of the Native American and Alaska Native alumni respondents self-identified as still being eligible for awards and that close to 75% of all alumni respondents would still be willing to engage either in sharing information about the SIF programming or in supporting program activities in the future even with the changes. The most telling take-away for Brown was the lack of consensus around options beyond program eligibility formulation 1, including some recommendations and perspectives that are statutorily impossible for the agency (such as recognizing Native Hawaiians). Franks shared that the survey respondents who expressed general

disappointment in the program eligibility decision-making process or wanted to be more involved in the process had a lot to say. For those alumni, there was a very strong desire to say what they wanted to say, to be heard, to have more engagement, and to have more background information than they were provided. Brown shared that the Udall Foundation's enabling legislation makes no provision for interaction in an organized way with alumni. There is no statutory authority for the agency to engage with an alumni association or to have alumni be a formal part of a decision-making process beyond the public's ability to be a part of the process. During discussion of the three program eligibility formulations, several Trustees shared their thoughts on basing eligibility on the unique political status of being a member or citizen of a Federally Recognized Tribe as defined by the List Act, (formulation 1). They felt that this formulation was the clearest and best standard, that it was a clean and simple legal definition, and that it was based on political status. The Vice Chair observed that there appears to be some inevitability of the Lumbee Tribe being a part of that category in the future. He also shared that the state of Minnesota chose to use enrolled members of Federally Recognized Tribes as criteria for its tuition-free scholarships for Native Americans to attend the University of Minnesota and its state university system. Also, the University of Minnesota created a scholarship program for Native Americans and used enrolled members of Federally Recognized Tribes in its criteria. These choices were made on the grounds that it was the most legally acceptable way to look at eligibility. The Chair shared about discussions taking place involving Tribal leadership from Federally Recognized Tribes in Oklahoma who are very much in support of a Tribal citizen being recognized as a citizen of a political entity. She also noted that the National Congress of American Indians has also been going through the process of defining a Native person as a Federally Recognized Tribal citizen. In response to a question from a Trustee regarding the risks related to program eligibility formulations 2 and 3 above, Franks noted that the legal risk had not changed since last summer. Because these formulations are not tied specifically to enrollment in a Federally Recognized Tribe, there are inherent risks of challenges that these formulations are based on race and not on

political status. Also, with the guidance and direction in terms of policy and priorities of the current Administration, in addition to the legal risks, the Udall Foundation faces more challenges defending formulations 2 and 3 to the Administration.

Franks reviewed the Board Resolution's Findings with the Trustees. She asked for edits to Findings I-XIII first. There were no edits. The Chair thanked Franks for her work and called for a motion on one of the program eligibility formulations. A motion was made to choose formulation 1, "Enrolled members of Federally Recognized Indian Tribes that are included in the annual list of Indian Tribes published by the Secretary of the Interior pursuant to 25 U.S.C. § 5131," and to strike formulations 2 and 3. The motion was seconded. There was no further discussion regarding this resolution. Resolution No. MAY-50-2025: Eligibility Criteria for Udall Foundation Program Delivery was adopted by a vote of 8 For, 0 Against, and 0 Abstain (resolution is attached to these minutes).

Brown acknowledged the 18-month journey related to the program eligibility work that was led by Franks and said she deserved a round of applause. Franks thanked the Board for all of their work and reviewed the next steps for Udall Foundation employees following the decision of the Board. The Education Programs team will update program materials by Labor Day for the 2025-2026 program cycle and will provide informational outreach to partners. Franks will send the full Tribal Consultation report to the Tribes who participated in the Government-to-Government Consultation and inform them of the Board's decision. She will work with the Executive Committee to prepare a summary memorializing the question, the data collection, the process, the review, and the Board action, so it is available in the future should anyone need it after those involved in this process are gone. Trustee Denis Udall suggested Udall Foundation employees share with the alumni a summary of the Alumni Survey results, the Board's decision, and the Board's appreciation for their participation. Brown will work with the Education team and others to prepare a summary statement, acknowledgement, and thank you to the Udall Foundation's alumni.

Annual Trustee Ethics Training

The Chair called on Franks to provide the required annual Trustee Ethics Training. Following are some of the topics covered during this presentation. The implications of working more than 60 days in a 365-day period, rules regarding representation, what counts as a “day” of work for a Special Government Employee (including updated guidance from the Office of Government Ethics as well as examples of what counts as a day of work for Udall Foundation Trustees), impartiality concerns for Trustees, use of Trustee resources (such as their udall.gov email addresses or agency employees), considerations for non-Udall Activities, conducting business in a virtual environment, and the Hatch Act.

There were questions regarding how many Freedom of Information Act requests the agency had received this fiscal year and whether it is possible for a Trustee to switch from a Udall Foundation-related conversation into a conversation not related to the agency within the same meeting and how to accomplish that (for example, Trustee meetings on Capitol Hill).

There being no further business, on a motion moved and seconded, the Board of Trustees adjourned the Public Session of the meeting via voice vote at 1:21 p.m. (MST-AZ). (The Executive Session started at 1:46 p.m. MST-AZ.)

There being no further business, on a motion moved and seconded, the Board of Trustees adjourned the Board of Trustees Meeting after the Executive Session via voice vote at 2:31 p.m. (MST-AZ).

Appendix 1
Udall Foundation Board of Trustees Meeting
May 6, 2025
Attendees List

[Final as of 07/01/2025]

In-Person Attendees at Morris K. Udall and Stewart L. Udall Foundation Tucson Headquarters

Udall Foundation Trustees:

Lisa Johnson-Billy, Chair
Tadd M. Johnson, Vice Chair
Dr. Suresh Garimella, President, The University of Arizona; Trustee
Denis Udall, Trustee
Tess Udall, Trustee

Udall Foundation Staff:

David Brown, Executive Director
Gwendolyn Franks, General Counsel
Alicia Harris, Director of Education Programs
Stephanie Kavanaugh, Director, John S. McCain III National Center for Environmental Conflict Resolution (National Center)
Sara Moeller, Chief Operating Officer
Scott Rimmer, Senior Accounting Officer
Ernesto Somoza, Program Manager, Stewart L. Udall Parks in Focus® Program
Myles Sharp, Chief Financial Officer

The University of Arizona Leadership, Partner Program Leadership, and Partner Program Staff:

Veronica Castro, Senior Executive Associate to the President, The University of Arizona
Bridget Wade Radcliff, Administrative Manager, Udall Center

Guests:

Jessie Durham, Regional Director, Western Regional Office, Bureau of Indian Affairs, U.S. Department of the Interior (DOI); observer on behalf of DOI

Remote Attendees via Microsoft Teams (videoconference/teleconference)

Udall Foundation Trustees & Trustee Representative:

Heather Cahoon, Trustee
Jomar Maldonado Vazquez, Director for NEPA, Council on Environmental Quality; Trustee Representative
Rion J. Ramirez, Trustee
D. Michael Rappoport, Trustee

Udall Foundation Staff:

Elisa Alvarez, Contracting Officer's Representative
Adam Baker, Application Programmer
Mitchell Chrismer, Project Manager, National Center
Seth Cohen, Acting Deputy Director, National Center, and Senior Program Manager
Jason Curley, Education Program Manager
Marci DuPraw, Senior Program Manager, National Center

Theresa Fernandez, Financial Technician
Dana Goodson, Senior Program Manager, National Center
Rachel Hammelman, Senior Program Associate and Training Program Coordinator, National Center
Terri Harrison, Contracting Program Manager/Contracting Officer
Melanie Knapp, Program Manager and Training Program Manager, National Center
Stephanie Lucero, Senior Program Manager, National Center
Elyse Magen, Senior Program Associate, National Center
Benjamin Martin, IT Specialist
Elizabeth Monroe, Communications Program Manager
Olivia Montes, Operations Manager
Lauren Nutter, Program Manager, National Center
Courtney Owen, Senior Program Associate, National Center
Ben Zukowski, Senior Program Associate, National Center

The University of Arizona Partner Program Leadership and Partner Program Staff:

Stephen J. Hussman, Curator of Political Affairs Collections, Special Collections at the University of Arizona Libraries
Andrew Martinez, Research Coordinator, Collaboratory for Indigenous Data Governance, Native Nations Institute for Leadership, Management, and Policy (NNI), The University of Arizona
Verónica Reyes-Escudero, Katheryne B. Willock Head of Special Collections, The University of Arizona Libraries
Naomi Melissa Tom, Manager, Tribal and Direct Services, NNI, The University of Arizona

Guests:

Grace Fox, Vice President, Udall Alumni Association (UAA)
Kendra Held, President, UAA
Karli Moore, Udall Scholar Alum

Udall Foundation Trustees Excused

Douglas J. Burgum, Secretary, U.S. Department of the Interior; Trustee
James L. Huffman II, Board Secretary
Linda E. McMahon, Secretary, U.S. Department of Education; Trustee

RESOLUTION OF THE BOARD OF TRUSTEES
OF THE MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION

Resolution No. MAY-49-2025: Amendment of Operating Procedures of the Board of Trustees of the Morris K. Udall and Stewart L. Udall Foundation

I.

WHEREAS, the United States Congress enacted P.L. 102-259 (20 U.S.C. §§ 5601 et seq. as amended, most recently on March 23, 2024) on March 19, 1992, to establish the Morris K. Udall and Stewart L. Udall Foundation (Udall Foundation) as an independent entity of the Executive Branch for several purposes, including to:

- Increase the awareness of the importance of and promote the benefit and enjoyment of the Nation's natural resources;
- Establish a program for environmental policy research at the Udall Center for Studies in Public Policy (Udall Center) at the University of Arizona;
- Establish as part of the Udall Foundation the John S. McCain III National Center for Environmental Conflict Resolution (National Center) to assist in the implementation of the National Environmental Policy Act (42 U.S.C. §§ 4331 et seq.) by providing assessment, mediation, and other related services to resolve environmental issues, conflicts, and disputes involving agencies of the United States; and,
- Develop resources at the Native Nations Institute for Leadership, Management, and Policy (NNI), a program of the Udall Center, to properly train Native American and Alaska Native professionals in health care and public policy, by providing education to and conducting management and leadership training of Native Americans, Alaska Natives, and others involved in Tribal leadership, providing assistance and resources for policy analysis, and carrying out other appropriate activities; and,

II.

WHEREAS, the Udall Foundation is subject to the supervision and direction of the Board of Trustees (20 U.S.C. § 5603(b)); and,

III.

WHEREAS, the Board of Trustees adopted Operating Procedures on November 9, 2012, and amended those Operating Procedures on various dates including on October 30, 2024; and,

IV.

WHEREAS, the Operating Procedures adopted in 2012 and amended on various dates including in 2024 are in need of amendment to ensure for the proper conduct of the business of the Board of Trustees and the proper discharge of the duties of the

Board of Trustees; and,

V.

WHEREAS, the Board of Trustees has developed and reviewed the revised Operating Procedures to clarify and update the existing Operating Procedures with regard to the following:

- Fixing the compensation of the Executive Director and up to four additional senior management personnel;
- The minimum number of Trustees required to establish a quorum;
- The maximum size of the Executive Committee, as it relates to a quorum;
- Legal and regulatory limitations related to Trustee Travel and Subsistence Pay;
- The reports the Board will receive at Regularly Scheduled Meetings;
- The structure of Senior Leadership of the Udall Foundation to align with the existing Organizational Chart;

VI.

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees hereby adopts the Operating Procedures dated May 6, 2025, and repeals and rescinds the Operating Procedures dated October 30, 2024, and any other procedures previously adopted to govern the conduct of the Board of Trustees and its members in the discharge of their duty pursuant to P.L. 102-259, as amended; and that the Board of Trustees will periodically review the Operating Procedures.

CERTIFICATION

WE HEREBY CERTIFY that on the 6th day of May, 2025, at a X regular ___ special meeting of the Board of Trustees of the Morris K. Udall and Stewart L. Udall Foundation at which time a quorum was present, the foregoing resolution was adopted by a vote of 8 FOR, 0 AGAINST, 0 ABSTAIN.


Chair


Vice Chair

RESOLUTION OF THE BOARD OF TRUSTEES
OF THE MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION

Resolution No. MAY-50-2025: Eligibility Criteria for Udall Foundation Program Delivery

I.

WHEREAS, the United States Congress enacted P.L. 102-259 (20 U.S.C. §§ 5601 et seq. as amended, most recently on March 23, 2024) on March 19, 1992, to establish the Morris K. Udall and Stewart L. Udall Foundation (Udall Foundation) as an independent entity of the Executive Branch for several purposes, including to:

- Increase the awareness of the importance of and promote the benefit and enjoyment of the Nation's natural resources;
- Establish a program for environmental policy research at the Udall Center for Studies in Public Policy (Udall Center) at the University of Arizona;
- Establish as part of the Udall Foundation the John S. McCain III National Center for Environmental Conflict Resolution (National Center) to assist in the implementation of the National Environmental Policy Act (42 U.S.C. §§ 4331 et seq.) by providing assessment, mediation, and other related services to resolve environmental issues, conflicts, and disputes involving agencies of the United States; and,
- Develop resources at the Native Nations Institute for Leadership, Management, and Policy (NNI), a program of the Udall Center, to properly train Native American and Alaska Native professionals in health care and public policy, by providing education to and conducting management and leadership training of Native Americans, Alaska Natives, and others involved in Tribal leadership, providing assistance and resources for policy analysis, and carrying out other appropriate activities; and,

II.

WHEREAS, the Udall Foundation is subject to the supervision and direction of the Board of Trustees (20 U.S.C. § 5603(b)); and,

III.

WHEREAS, the Udall Foundation is authorized to award Scholarships, Fellowships, and Internships for study in fields related to the environment and to Native Americans and Alaska Natives in fields related to health care and Tribal public policy (20 U.S.C. § 5605(a)(1)(A)(i)); and,

IV.

WHEREAS, some Udall Undergraduate Scholarships are to be awarded to outstanding Native American and Alaska Native undergraduate students who intend to pursue careers in health care and Tribal public policy (20 U.S.C. § 5605(a)(2)(A)); and,

V.

WHEREAS, the Morris K. Udall and John S. McCain III Native American Graduate Fellowship in Tribal Policy is to be awarded to outstanding Native American and Alaska Native graduate students who intend to pursue advanced degrees in health care and Tribal public policy, including law and medicine (20 U.S.C. § 5605(a)(3)(A)); and,

VI.

WHEREAS, the Native American Congressional Internship is to be awarded to deserving and qualified Native American and Alaska Native individuals (20 U.S.C. § 5605(a)(4)(B)); and,

VII.

WHEREAS, the John S. McCain III National Center for Environmental Conflict Resolution (National Center), a program of the Udall Foundation, identifies and conducts such programs, activities, and services as appropriate to provide assessment, mediation, collaboration, training, and other related services to resolve, in part, Tribal environmental or natural resource decision-making processes or procedures that may result in a dispute or conflict that may cause or result in disputes (20 U.S.C. § 5605(a)(1)(B)); and,

VIII.

WHEREAS, Native American Tribal governments may use the National Center to provide assessment, mediation, or other related services in connection with a dispute or conflict involving the Federal Government related to the environment, public lands, or natural resources (20 U.S.C. § 5607b(e)); and,

IX.

WHEREAS, the Udall Foundation provides direct or indirect assistance to NNI to conduct research and provide education and training to Native American and Alaska Native professionals and leaders on Native American and Alaska Native health care issues and Tribal public policy issues (20 U.S.C. § 5605(a)(9)); and,

X.

WHEREAS, the Udall Foundation authorizing statute does not define the terms "Native American and Alaska Native," "tribal...decision-making processes or procedures," "Native American tribal governments," or related terms for purposes of program eligibility; and,

XI.

WHEREAS, the Udall Foundation engaged in formal Government-to-Government Consultation with Tribes, as contemplated in Executive Order 13175, on the scope of eligibility criteria for Native American and Alaska Native programming, including three potential avenues for establishing eligibility for Scholarship, Internship, and Fellowship awards in the Native American and Alaska Native award categories, and provided notice to Tribes that the determination may impact program delivery for the National Center and the University of Arizona, and the Board of Trustees has received a report summarizing the consultation activities and input from Tribes; and,

XII.

WHEREAS, the Udall Foundation collected anonymous feedback from the Udall Foundation Scholarship, Internship, and Fellowship award alumni about their participation in the Scholarship, Internship, and/or Graduate Fellowship Programs after their award year concluded; feedback related to the potential agency changes to eligibility criteria for Native American and Alaska Native programming; and feedback related to whether and how their level of participation in and support of the Scholarship, Internship, and Graduate Fellowship Programs is likely to change if the eligibility criteria are updated as proposed, and the Board of Trustees has received a report summarizing the alumni feedback; and,

XIII.

WHEREAS, Udall Foundation provision of services or eligibility for certain awards based on an individual's status as Native American or Alaska Native, or an entity's status as a Tribal government is grounded in and based on the political relationship between the United States and Tribes;

XIV.

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees hereby directs the Udall Foundation to, going forward, limit eligibility in the Native American and Alaska Native award categories for the Scholarship, Internship, and Fellowship awards to enrolled members of Federally Recognized Indian Tribes that are included in the annual list of Indian Tribes published by the Secretary of the Interior pursuant to 25 U.S.C. § 5131; and

XV.

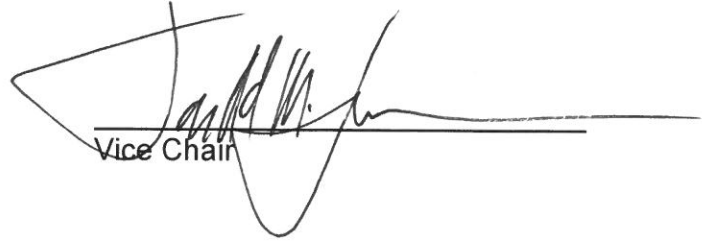
NOW THEREFORE BE IT FURTHER RESOLVED, that the Board of Trustees hereby directs the Udall Foundation to ensure that its application of the terms "tribal...decision-making processes or procedures," "Native American tribal governments," and related terms within the Udall Foundation authorizing statute are

applied in a manner consistent with the application of the limitation for eligibility for the term "Native American and Alaska Native," as directed in XIV above.

CERTIFICATION

WE HEREBY CERTIFY that on the 6th day of May, 2025, at a X regular ___ special meeting of the Board of Trustees of the Morris K. Udall and Stewart L. Udall Foundation at which time a quorum was present, the foregoing resolution was adopted by a vote of 8 FOR, 0 AGAINST, 0 ABSTAIN.


Chair


Vice Chair