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August 2, 1996

(C) by striking subsection (c) and inserting the following:

“(c) LIABILITY FOR DAMAGES FROM DONATED FOOD AND GROCERY PRODUCTS.—

(1) REFUTATION.—A person or gleaner shall not be subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that the person or gleaner donates in good faith to a nonprofit organization for ultimate distribution to needy individuals.

(2) EXCEPTI0N.—A nonprofit organization shall not be subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that the nonprofit organization received as a donation in good faith from a person or gleaner in order for ultimate distribution to needy individuals.

“(3) EXCEPTION.—Paragraphs (1) and (2) shall not apply to an injury to or death of an ultimate user or recipient of the food or grocery product that results from an act or omission of the person, gleaner, or nonprofit organization, as applicable, constituting gross negligence or intentional misconduct.

KENNEDY AMENDMENT NO. 5149

Mr. SANTORUM (for Mr. KENNEDY) proposed an amendment to the bill, H.R. 2428, supra; as follows:

On page 2, line 8, insert ‘‘the title heading and’’ after ‘‘sections’’.”

On page 2, strike line 15 and insert the following: ‘‘Samaritan’’;

(C) in subsection (b)(7), to read as follows:

‘‘(7) gross negligence.—The term ‘gross negligence’ means voluntary and conscious conduct (including a failure to act) by a person who, at the time of the conduct, knew that the act or omission was reasonably certain to result in harm or by so acting or failing to act the person or gleaner shall not be subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that the person or gleaner donates in good faith to a nonprofit organization for ultimate distribution to needy individuals.

‘‘(3) EXCEPTION.—Paragraphs (1) and (2) shall not apply to an injury to or death of an ultimate user or recipient of the food or grocery product that results from an act or omission of the person, gleaner, or nonprofit organization, as applicable, constituting gross negligence or intentional misconduct.

HATFIELD AMENDMENT NO. 5150

Mr. HATFIELD proposed an amendment to the bill (S. 1662) to establish the State of Oregon, and for other purposes; as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the ‘‘Oregon Resource Conservation Act of 1996’’.

TITLE 1—OPAL CREEK WILDERNESS AND SCENIC RECREATION AREA ACT OF 1996

SEC. 101. SHORT TITLE.

This title may be cited as the ‘‘Opal Creek Wilderness and Opal Creek Scenic Recreation Area Act of 1996’’.

SEC. 102. DEFINITIONS.

In this title:


(2) OPAL CREEK WILDERNESS.—The term ‘‘Opal Creek Wilderness’’ means certain land in the Willamette National Forest in the State of Oregon, comprising approximately 12,800 acres, as generally depicted on the map entitled ‘‘Proposed Opal Creek Wilderness and Scenic Recreation Area’’, dated July 1996.

(3) SCENIC RECREATION AREA.—The term ‘‘Scenic Recreation Area’’ means the Opal Creek Scenic Recreation Area, comprising approximately 13,000 acres, as generally depicted on the map entitled ‘‘Proposed Opal Creek Wilderness and Scenic Recreation Area’’, dated July 1996 and established under section 104(a)(3) of this title.

(4) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of Agriculture.

SEC. 103. PURPOSES.

The purposes of this title are:

(1) to establish a wilderness and scenic recreation area to protect and provide for the enhancement of the natural, scenic, recreational, historic and cultural resources of the area in the Opal Creek Wilderness; and

(2) to protect and support the economy of the communities in the Sanitiam Canyon; and

(3) to provide increased protection for an important drinking water source for communities served by the North Santiam River.

SEC. 104. ESTABLISHMENT OF OPAL CREEK WILDERNESS AND SCENIC RECREATION AREA.

(a) ESTABLISHMENT.—On a determination by the Secretary under subsection (b):

(1) the Opal Creek Wilderness, as depicted on the map described in Section 102(2), is hereby designated as wilderness, subject to existing uses and incidents by donation, shall be established as a component of the National Wilderness System, and shall be known as the Opal Creek Wilderness;

(2) the part of the Bull of the Woods Wilderness that is located in the Willamette National Forest shall be incorporated into the Opal Creek Wilderness; and

(3) the Secretary shall establish the Opal Creek Scenic Recreation Area in the Willamette National Forest in the State of Oregon, comprising approximately 13,000 acres, as generally depicted on the map described in Section 102(3).

(b) CONDITIONS.—The designation in subsection (a) shall not take effect unless the Secretary makes a determination, not later than 2 years after the date of enactment of this title, that the following conditions have been met:

(1) the following have been donated to the United States in an acceptable condition and without encumbrances:

(A) all right, title, and interest held by any entity other than the Times Mirror Land and Timber Company and assignees and assigns, in and to lands located in section 18, township 8 south, range 5 east, Marion County, Oregon, Eureka numbers 6, 7, 8, and 13 mining claims;

(B) an easement across the Hewitt, Starvation, and Poor Boy Mill Sites, mineral survey number 990, as described in patent number 36-91-0007, dated May 9, 1991. In the sole discretion of the Secretary, such easement may be limited to administrative use if an alternative access route, adequate and appropriate for public use, is provided.

(2) a binding agreement has been executed by the Secretary and the persons, if any, as of March 29, 1996, of the following interests, specifying the terms and conditions for the disposition of such interests to the United States Government:

(A) the lode mining claims known as Princess Lode, Black Prince Lode, and King Number 4 Lode, embracing portions of section 29, township 8 south, range 5 east, Willamette-Meridan, Marion County, Oregon, the claims being more particularly described in the field notes and depicted on the plat of mineral survey number 887, Oregon; and

(B) Ruth Quartz Mine Number 1, mineral survey number 994, as described in patent number 39-91-0012, dated February 12, 1991.

(c) ADDITIONS TO THE WILDERNESS AND SCENIC RECREATION AREAS.—

(1) Lands or interests in lands conveyed to the United States under this section shall be included in and become part of, as appropriate, Opal Creek Wilderness or the Opal Creek Scenic Recreation Area.

(2) On acquiring all or substantially all of the land located in section 36, township 8 south, range 4 east, of the Meridian, Marion County, Oregon, commonly known as the Rosboro section by exchange, purchase from a willing seller, or by donation, the Secretary shall expand the boundary of the Scenic Recreation Area to include such land.

(3) On acquiring all or substantially all of the land located in section 18, township 8 south, range 5 east, Marion County, Oregon, commonly known as the Times Mirror property, by exchange, purchase from a willing seller, or by donation, the Secretary shall expand the boundary of the Scenic Recreation Area to include such land.

SEC. 105. ADMINISTRATION OF THE SCENIC RECREATION AREA.

(a) IN GENERAL.—The Secretary shall administer the Scenic Recreation Area in accordance with this title and the laws (including regulations) applicable to the National Forest System.

(b) OPAL CREEK MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of establishment of the Scenic Recreation Area, the Secretary, in consultation with the advisory committee established under section 103(3), shall prepare a comprehensive Opal Creek Management Plan (Management Plan) for the Scenic Recreation Area.

(2) INCORPORATION IN LAND AND RESOURCE MANAGEMENT PLAN.—Upon its completion, the Opal Creek Management Plan shall become part of the land and resource management plan for the Willamette National Forest and supersede any conflicting provision in such land and resource management plan. Nothing in this paragraph shall be construed to supersede the requirements of the Endangered Species Act or the National Forest Management Act or regulations promulgated under those Acts, or any other law.

(3) REQUIREMENTS.—The Opal Creek Management Plan shall provide for a broad range of land uses, including:

(A) recreation;

(B) harvesting of nontraditional forest products, such as gathering mushrooms and material to make baskets; and

(C) educational and research opportunities.

(4) PLAN AMENDMENTS.—The Secretary may amend the Opal Creek Management Plan as necessary, consistent with the procedures and purposes of this title.
(c) RECREATION.—

(1) RECOGNITION.—Congress recognizes recreation as an appropriate use of the Scenic Recreation Area.

(2) NONGAME WILDLIFE.—The management plan shall permit recreation activities at not less than the levels in existence on the date of enactment of this title.

(e) TAKES IN AVE.—The management plan may provide for levels of recreation use higher than those in existence on the date of enactment of this title if such uses are consistent with the protection of the resource values of Scenic Recreation Area.

(f) TIMBER CUTTING.

(1) IN GENERAL.—Subject to section 102 of this title and subsection (b) of section 105, the Secretary shall consult with the Oregon Advisory Council on the Scenic Recreation Area and the Oregon State Department of Fish and Wildlife, and may consult with the Oregon Advisory Council on the Bornite Project on the management of the Scenic Recreation Area prior to any timber sale in the Scenic Recreation Area; and

(2) PUBLIC PARTICIPATION.—The Secretary shall require any public notice of proposed timber sales in the Scenic Recreation Area; and

(3) VACANCIES.—The advisory council shall consist of 15 members, of whom:

(A) 1 member shall represent Marion County, Oregon, and shall be designated by the governor of the State of Oregon; and

(B) 1 member shall represent Clackamas County, Oregon and shall be designated by the governor of the State of Oregon; and

(C) 1 member shall represent Salem, Oregon, and shall be designated by the mayor of the City of Salem; and

(D) 1 member shall represent the Oregon Mining Industry, environmental organizations, the mining industry, inholders in the Opal Creek Wilderness and Scenic Recreation Area; economic development interests and Indian Tribes.

(8) STAGGERED TERMS.—Members of the advisory council shall serve for staggered terms of three years.

(9) CHAIRMAN.—The Secretary shall designate one member of the advisory council as chairman.

(10) VACANCIES.—The Secretary shall fill a vacancy on the advisory council in the same manner as the original nomination to fill such vacancy.

(11) COMPENSATION.—Members of the advisory council shall receive no compensation for service on the advisory council.

107. GENERAL PROVISIONS.

(a) LAND ACQUISITION.—

(1) IN GENERAL.—Subject to the other provisions of this title the Secretary may acquire any lands or interests in the Scenic Recreation Area or the Opal Creek Wilderness that the Secretary determines are needed to carry out this title.

(b) PUBLIC LAND.—Any lands or interests in land owned by a State or a political subdivision of a State may be acquired only by donation or exchange.

(c) CONCESSIONS.—Within the boundaries of the Opal Creek Wilderness or the Scenic Recreation Area, the Secretary may not acquire any privately owned land or interest in land without the consent of the owner unless the Secretary finds that—

(A) the nature of land use has changed significantly, or the landowner has demonstrated intent to change the land use significantly, from the use that existed on the date of the enactment of this title; and

(B) acquisition by the Secretary of the land is in the public interest in land and to ensure use of the land or interest in land in accordance with the purposes of this title or the
(vi) Section 8, Township 17 South, Range 4 East, Section 4, U.S. Army Corps of Engineers, 40 acres; 
(vii) Section 11, Township 17 South, Range 4 East, 40 acres, U.S. Army Corps of Engineers;

(b) EQUAL VALUE.—The land and interests in land exchanged under this section shall be of equal market value as determined by nationally recognized appraisal standards, including, to the extent appropriate, the Uniform Standards for Federal Land Acquisition, the Uniform Standards of Professional Appraisals. The appraisal shall be conducted under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(c) MAPS AND DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this title, the Secretary shall file a map and a boundary description for the Opal Creek Wilderness and for the Scenic Recreation Area with the Congress, as maps and legal descriptions of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) FORCE AND EFFECT.—The boundary description and map shall have the same force and effect as if the description and map were included in this title, except that the Secretary may correct clerical and typographical errors in the boundary description and map.

(d) AVAILABLE.—The map and boundary description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

(e) TIMELINE.—(1) The exchange directed by this section shall be consummated not later than 120 days after the date Rosboro offers and conveys the property described in subsection (b) to the United States.

(2) The authority provided by this section shall lapse if Rosboro fails to offer the land described in subsection (b) within two years after the date of enactment of this title.

(3) Rosboro shall have the right to challenge any decision of the Secretary of the District of Oregon a determination of marketability under subsection (a) and a determination of value for the lands described in subsection (a) by the Secretary of Agriculture. The Court shall have the authority to order the Secretary to complete the transaction contemplated in this section.

(f) AUTHORIZATION OF APPRAISATION.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 109. DESIGNATION OF EKLHORN CREEK AS A WILD AND SCENIC RIVER.

Section 5 of the Scenic Rivers Act (16 U.S.C. 1274) is amended, at the end of the following:

'(a) EKLHORN CREEK.—The 6.4 mile segment traversing federally administered lands from that point along the Willamette National Forest boundary on the common section line between Sections 12 and 13, Township 9 South, Range 4 East, Willamette Meridian, to that point where the segment leaves federal ownership along the Bureau of Land Management boundary in Section 12, Township 9 South, Range 3 East, Willamette Meridian, in the following classes:

(i) A 5.6-mile wild river area, extending from the Willamette National Forest boundary on the common section line between Sections 12 and 13, Township 9 South, Range 4 East, Willamette Meridian, to its confluence with Buck Creek in Section 1, Township 9 South, Range 3 East, Willamette Meridian, to be administered as agreed on by the Secretaries of Agriculture and the Interior, or as directed by the President, and

(ii) A 0.6-mile scenic river area, extending from the confluence with Buck Creek in Section 1, Township 9 South, Range 3 East, Willamette Meridian, to that point where the segment leaves federal ownership along the Bureau of Land Management boundary in Section 1, Township 9 South, Range 3 East, Willamette Meridian, to be administered by the Secretary of Interior, or as directed by the President.

(b) AUTHORIZATION OF APPRAISATION.—There are authorized to be appropriated such sums as are necessary to carry out this section (b) of this title, of equal market value as determined by nationally recognized appraisal standards, including, to the extent appropriate, the Uniform Standards for Federal Land Acquisition, the Uniform Standards of Professional Appraisals. The appraisal shall be conducted under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

SEC. 201. UPPER KLAMATH BASIN ECOLOGICAL RESTORATION PROJECTS.

(a) DEFINITIONS.—In this section:


(2) Working Group.—The term ‘Working Group’ means the Upper Klamath Basin Working Group, established before the date of enactment of this title, consisting of members nominated by their represented groups, including:

(A) 3 tribal members;

(B) 1 representative of the city of Klamath Falls Oregon;

(C) 1 representative of Klamath County, Oregon;

(D) 1 representative of institutions of higher education in the Upper Klamath Basin;

(E) 4 representatives of the ranching and farming community, including at least one such representative from the State of California with interests in the Klamath Basin National Wildlife Refuge Complex;

(F) 4 representatives of local businesses and industries, including at least one representative of the wood products industry and one representative of the ocean commercial fishing industry and/or the recreational fishing industry based in either Oregon or California;

(G) 4 representatives of the ranching and farming community, including representatives of federal lease-land farmers and ranchers and of private land farmers and ranchers in the Upper Klamath Basin;

(H) 2 representatives from State of Oregon agencies with authority and responsibility in the Upper Klamath Basin, including one from the Oregon Department of Fish and Wildlife and one from the Oregon Water Resources Department;

(I) 4 representatives from the local community;

(J) 1 representative each from the following federal resource management agencies: Upper Klamath Basin; Fish and Wildlife Service, Bureau of Reclamation, Bureau of

management plan prepared under section 105(b).

(4) Nothing in this title shall be construed to enhance or diminish the condemnation authority available pursuant to section 105(a).

(b) ENVIRONMENTAL RESPONSE ACTIONS AND COVERAGE OF LIENS.—

(1) RESPONSE ACTIONS.—Nothing in this title shall limit the authority of the Secretary or a responsible party to conduct an environmental response action to remove any hazardous substance or pollutant or contaminant or to conduct an environmental response action to prevent further release of any hazardous substance or pollutant or contaminant.

(2) LIABILITY.—Nothing in this title shall limit the authority of the Secretary or a responsible party to recover costs related to the release, threatened release, or cleanup of any hazardous substance or pollutant or contaminant in the Scenic Recreation Area.

(c) MAPS AND DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this title, the Secretary shall file a map and a boundary description for the Opal Creek Wilderness and for the Scenic Recreation Area with the Congress, as maps and legal descriptions of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) FORCE AND EFFECT.—The boundary description and map shall have the same force and effect as if the description and map were included in this title, except that the Secretary may correct clerical and typographical errors in the boundary description and map.

(d) AVAILABLE.—The map and boundary description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

(e) TIMELINE.—(1) The exchange directed by this section shall be consummated not later than 120 days after the date Rosboro offers and conveys the property described in subsection (b) to the United States.

(2) The authority provided by this section shall lapse if Rosboro fails to offer the land described in subsection (b) within two years after the date of enactment of this title.

(3) Rosboro shall have the right to challenge any decision of the Secretary of the District of Oregon a determination of marketability under subsection (a) and a determination of value for the lands described in subsection (a) by the Secretary of Agriculture. The Court shall have the authority to order the Secretary to complete the transaction contemplated in this section.

(f) AUTHORIZATION OF APPRAISATION.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 109. DESIGNATION OF EKLHORN CREEK AS A WILD AND SCENIC RIVER.

Section 5 of the Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

'(a) EKLHORN CREEK.—The 6.4 mile segment traversing federally administered lands from that point along the Willamette National Forest boundary on the common section line between Sections 12 and 13, Township 9 South, Range 4 East, Willamette Meridian, to that point where the segment leaves federal ownership along the Bureau of Land Management boundary in Section 12, Township 9 South, Range 3 East, Willamette Meridian, in the following classes:

(i) A 5.6-mile wild river area, extending from the Willamette National Forest boundary on the common section line between Sections 12 and 13, Township 9 South, Range 4 East, Willamette Meridian, to its confluence with Buck Creek in Section 1, Township 9 South, Range 3 East, Willamette Meridian, to be administered as agreed on by the Secretaries of Agriculture and the Interior, or as directed by the President; and

(ii) A 0.6-mile scenic river area, extending from the confluence with Buck Creek in Section 1, Township 9 South, Range 3 East, Willamette Meridian, to that point where the segment leaves federal ownership along the Bureau of Land Management boundary in Section 1, Township 9 South, Range 3 East, Willamette Meridian, to be administered by the Secretary of Interior, or as directed by the President.

(b) AUTHORIZATION OF APPRAISATION.—There are authorized to be appropriated such sums as are necessary to carry out this section (b) of this title, of equal market value as determined by nationally recognized appraisal standards, including, to the extent appropriate, the Uniform Standards for Federal Land Acquisition, the Uniform Standards of Professional Appraisals. The appraisal shall be conducted under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

SEC. 201. UPPER KLAMATH BASIN ECOLOGICAL RESTORATION PROJECTS.

(a) DEFINITIONS.—In this section:


(2) Working Group.—The term ‘Working Group’ means the Upper Klamath Basin Working Group, established before the date of enactment of this title, consisting of members nominated by their represented groups, including:

(A) 3 tribal members;

(B) 1 representative of the city of Klamath Falls Oregon;

(C) 1 representative of Klamath County, Oregon;

(D) 1 representative of institutions of higher education in the Upper Klamath Basin;

(E) 4 representatives of the ranching and farming community, including at least one such representative from the State of California with interests in the Klamath Basin National Wildlife Refuge Complex;

(F) 4 representatives of local businesses and industries, including at least one representative of the wood products industry and one representative of the ocean commercial fishing industry and/or the recreational fishing industry based in either Oregon or California;

(G) 4 representatives of the ranching and farming community, including representatives of federal lease-land farmers and ranchers and of private land farmers and ranchers in the Upper Klamath Basin;

(H) 2 representatives from State of Oregon agencies with authority and responsibility in the Upper Klamath Basin, including one from the Oregon Department of Fish and Wildlife and one from the Oregon Water Resources Department;

(I) 4 representatives from the local community;

(J) 1 representative each from the following federal resource management agencies: Upper Klamath Basin; Fish and Wildlife Service, Bureau of Reclamation, Bureau of

Land Management, Bureau of Indian Affairs, Forest Service, Natural Resources Conservation Service, National Marine Fisheries Service and Ecosystem Restoration Office; and

(K) 1 representative of the Klamath County Soil and Water Conservation District.

(3) The term "Secretary" means the Secretary of the Interior.


(5) Compact Commission.—The term "Compact Commission" means the Klamath River Basin Compact Commission created pursuant to the Klamath River Company Act of 1954.

(6) The term "consensus" means a unanimous agreement by the Working Group members present and consisting of at least a quorum at a regularly scheduled business meeting.

(7) Quorum.—The term "quorum" means one more than half of those qualified Working Group members appointed and eligible to serve.


(b) In General.—

(1) The Working Group through the Ecosystem Restoration Office shall provide, with technical assistance from the Secretary, will propose ecological restoration projects, economic development and stability projects, and projects to reduce the impacts of drought conditions to be undertaken in the Upper Klamath Basin based on a consensus of the Working Group membership.

(2) The Secretary shall pay, to the greatest extent feasible, up to 50 percent of the cost of performing any project approved by the Secretary to the working group, up to a total amount of $1,000,000 during each of fiscal years 1997 through 2001.

(3) Funds made available under this title through the Department of the Interior or the Department of Agriculture shall be distributed through the Ecosystem Restoration Office.

(4) The Ecosystem Restoration Office may utilize not more than 15 percent of all federal funds administered under this section for administrative costs relating to the implementation of this title.

(5) All funding recommendations developed by the Working Group shall be based on a consensus of Working Group members.

(c) Coordination.—

(1) The Secretary shall formulate a cooperative agreement among the Working Group, the Task Force, the Trinity Task Force and the Compact Commission for the purposes of ensuring that projects proposed and funded through the Working Group are consistent with other basin-wide fish and wildlife restoration and conservation plans, including but not limited to plans developed by the Task Force and the Compact Commission.

(2) To the extent practicable, the Working Group shall provide notice to, and accept input from, two members each of the Task Force, the Trinity Task Force and the Compact Commission, so appointed by those entities, for the express purpose of facilitating better communication and coordination regarding additional basin-wide fish and wildlife and ecosystem restoration and planning efforts. The roles and relationships of the entities involved shall be clarified in the cooperative agreement.

(d) Public Meetings.—The Working Group shall conduct all meetings subject to applicable open meeting and public participation laws.

(e) Terms and Vacancies.—Working Group members shall serve for three-year terms, beginning on the date of enactment of this title. Vacancies which occur for any reason other than expiration of a term shall be filled by direct appointment of the Governor of the State of Oregon, in consultation with nominations from the appropriate federal agencies, Indian tribes and government agencies outlined in subsection (a)(2).

(f) Rights, Duties, and Authorities Unaffected.—The Working Group will supplement, rather than replace, existing efforts to manage the natural resources of the Deschutes Basin. Nothing in this title affects any legal right, duty or authority of any person or agency, including any member of the working group.

(g) Authorization of Appropriations.—There are authorized to be appropriated to carry out this title $1,000,000 for each of fiscal years 1997 through 2002.

301. Deschutes Basin Ecosystem Restoration Projects.

(a) Definitions.—In this section:

(1) Working Group.—The term "Working Group" means the Deschutes River Basin Working Group before the date of enactment of this title, consisting of members nominated by their represented groups, including:

(A) 5 representatives of private interests including one each from hydroelectric production, livestock grazing, timber, land development, and recreation/tourism; (B) 4 representatives of public interests including two each from irrigated agriculture and the environmental community; (C) 2 representatives from the Confederated Tribes of the Warm Springs Reservation of Oregon; (D) 2 representatives from Federal agencies with authority and responsibility in the Deschutes River Basin, including one from the Department of the Interior and one from the Agriculture Department; (E) 2 representatives from the State of Oregon with authority and responsibility in the Deschutes River Basin, including one from the Oregon Department of Fish and Wildlife and one from the Oregon Water Resources Department; and (F) 4 representatives from county or city governments within the Deschutes River Basin County and/or city governments.

(2) Secretary.—The term "Secretary" means the Secretary of the Interior.

(3) Federal agencies means agencies and departments of the United States, including, but not limited to, the Bureau of Reclamation, Bureau of Indian Affairs, Bureau of Land Management, Fish and Wildlife Service, Forest Service, Natural Resources Conservation Service, Farm Services Agency, the National Marine Fisheries Service, and the Bonneville Power Administration.

(4) Consensus.—The term "consensus" means a unanimous agreement by the Working Group, after consulting Group members present and consisting of at least a quorum at a regularly scheduled business meeting.

(5) Quorum.—The term "quorum" means one more than half of those qualified Working Group members appointed and eligible to serve.

(b) In General.—

(1) The Working Group shall propose ecological restoration projects on both Federal and non-Federal lands and waters to be undertaken in the Deschutes River Basin based on a consensus of the Working Group, provided that such projects, when involving Federal land or funds, shall be proposed to the Bureau of Land Management, the Department of the Interior and any other Federal agency with affected land or funds.

(2) The Working Group will accept donations, grants or other funds and place such funds received into a trust fund, to be expended on ecological restoration projects consistent with the Working Group's plan for performing any project proposed by the Working Group and approved by the Secretary, up to a total amount of $1,000,000 during each of the fiscal years 1997 through 2002.

(3) The Bureau of Reclamation shall pay from funds authorized under subsection (g) of this title for each project determined to be consistent with the Working Group's plan for performing any project approved by the Secretary, up to a total amount of $1,000,000 during each of the fiscal years 1997 through 2002.

(4) Non-federal contributions to project costs for purposes of computing the federal matching share under paragraph (3) of this subsection may include in-kind contributions.

(5) Funds authorized in subsection (g) of this title shall be maintained in and distributed by the Bureau of Reclamation in the Department of the Interior. The Bureau of Reclamation shall not expend more than 5 percent of amounts appropriated pursuant to subsection (h) for Federal administration of such appropriations pursuant to this title.

(6) The Bureau of Reclamation is authorized to provide by grant to the Working Group not more than 5 percent of funds appropriated pursuant to subsection (g) of this title for optimum administration of administrative costs relating to the implementation of this title.

(c) Public Notice and Participation.—The Working Group shall conduct all meetings subject to applicable open meeting and public participation laws. The chartering requirements of 5 U.S.C. App 2 ss 1–15 are hereby deemed to have been met by this section.

(d) Priorities.—The Working Group shall give priority to voluntary market-based economic incentives for ecosystem restoration including, but not limited to, water leases and other tradable discharge permits; and acquisition of timber, grazing, and land development rights to implement plans, programs, measures and projects.

(e) Terms and Vacancies.—Members of the Working Group representing governmental agencies or entities shall be named by the represented government agency. Members of the Working Group representing private interests shall be named in accordance with the articles of incorporation and bylaws of the Working Group. Representatives from non-federal agencies for terms of 3 years. Vacancies which occur for any reason after the date of enactment of this title shall be filled by direct appointment of the Governor of the State of Oregon, in consultation with nominations from the appropriate federal agencies, Indian tribes and government agencies outlined in subsection (a)(2).

(f) Additional Projects.—Where existing authority and appropriations permit, Federal agencies may contribute to the implementation of projects recommended by the Working Group and approved by the Secretary.

(g) Rights, Duties, and Authorities Unaffected.—The Working Group will supplement, rather than replace, existing efforts to manage the natural resources of the Deschutes Basin. Nothing in this title affects any legal right, duty or authority of any person or agency, including any member of the Working Group.

(h) Authorization of Appropriations.—There are authorized to be appropriated to
TITLE IV—MOUNT HOOD CORRIDOR

SEC. 401. LAND EXCHANGE. (a) AUTHORIZATION.—Notwithstanding any other provision of law, the Secretary of the Interior (referred to in this section as “Longview”) offers and conveys title that is acceptable to the United States to some or all of the land described in subsection (c), as necessary to satisfy the requirements of subsection (d).

(b) LAND TO BE OFFERED BY LONGVIEW.—The land referred to in subsection (a) as the land to be conveyed by Longview means the lands depicted on the map entitled “Mt. Hood Corridor Land Exchange Map”, dated July 18, 1996.

(c) LAND TO BE CONVEYED BY THE SECRETARY.—The land referred to in subsection (a) as the land to be conveyed by the Secretary are those lands depicted on the map entitled “Mt. Hood Corridor Land Exchange Map”, dated July 18, 1996.

(d) EQUAL VALUE.—The land and interests in land included in this section—

(1) shall be of equal market value as determined by nationally recognized appraisal standards, including, to the extent appropriate, Uniform Standards for Federal Land Acquisition, the Uniform Standards of Professional Appraisal Practice, or shall be equalized by way of payment of cash pursuant to the provisions of section 206(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)), and other applicable law.

(e) REDISTRIBUTION OF LAND TO MAINTAIN REVENUE FLOW.—So as to maintain the current flow of revenue from land subject to the Act entering into the Oregon and California Railroad and reconverted Coos Bay Wagon Road grant land situated in the State of Oregon, approved August 28, 1837 (43 U.S.C. 131a et seq.), the Secretary may redesignate public domain land located in and west of Range 9 East, Williamette Meridian, Oregon, as land subject to that Act.

(f) TIMETABLE.—The exchange directed by this section shall be consummated not later than 1 year after the date of enactment of this title.

(g) WITHDRAWAL OF LANDS.—All lands managed by the Department of the Interior, Bureau of Land Management, located in Townships R. 6 E., sec. 14; and (ii) The Secretary may rescind the agreement if the Secretary finds that the Coquille Tribe is no longer managing, or capable of managing, the Coquille Forest in a manner consistent with this subsection, or the Tribe is not managing the Coquille Forest in a manner consistent with this subsection, the Secretary shall otherwise manage the Coquille Forest.

(h) TIMBER CUTTING.—Timber cutting may be conducted on Mt. Hood Corridor Lands following a resource-damaging catastrophic event. Such cutting may only be conducted to achieve the following resource management objectives, in compliance with the current land use plans—

(1) to maintain safe conditions for the visiting public;

(2) to control the continued spread of forest fires, and

(3) for activities related to administration of the Mt. Hood Corridor Lands; or

(4) for removal of hazard trees along trails and roads.

(i) ROAD CLOSURE.—The forest road gate located on Forest Service Road 2583, located in T. 2 S., R. 6 E., sec. 14, shall remain closed and locked to protect resources and prevent illegal dumping and vandalism. Access to this road shall be limited to—

(1) Federal and private employees and contractors conducting authorized activities associated with the Forest Service and the Coquille Tribe, in accordance with the requirements of this section; and

(2) Public and private employees, contractors, and the general public acting in an official capacity;

(j) REQUIREMENTS OF SUBSECTION D.—The Secretary shall otherwise manage the Coquille Forest in accordance with the laws pertaining to the management of Indian Trust lands and shall distribute resources in accord with P.L. 101-430, 26 U.S.C. 7604, find that the Coquille Tribe has entered into a memorandum of agreement (MOA) with the State of Oregon, as required under paragraph 7.

(k) The authority of the Secretary to rescind the Indian self-determination agreement shall not be encumbered.

(l) The Secretary may rescind the agreement upon a demonstration that the Tribe and the State of Oregon are no longer engaged in a memorandum of agreement as required under paragraph 7.

(m) MEMORANDUM OF AGREEMENT.—The Coquille Tribe shall enter into a memorandum of agreement (MOA) with the State of Oregon relating to the establishment and management of the Coquille Forest. The MOA shall include, but not be limited to, the following:

(1) The establishment of a management agreement consistent with this subsection, the Tribe is no longer managing, or capable of managing, the Coquille Forest in a manner consistent with this subsection.

(2) In this subsection:

(a) The Coquille Restoration Act (P.L. 101–430) is amended by inserting at the end of section 6 the following:

(d) CREATION OF THE COQUILLE FOREST.—

(1) DEFINITIONS.—In this subsection:

(A) the term “Coquille Forest” means certain lands located in Oregon, comprising approximately 5,400 acres, as generally depicted on the map entitled “Coquille Forest Proposal”, dated July 8, 1996.

(B) the term “Secretary” means the Secretary of the Interior.

(C) the term “Tribes” means the Coquille Tribe of Coos County, Oregon.

(B) MAP.—The map described in subparagraph (d)(1)(A), and such additional legal descriptions which are applicable, shall be the map approved by the Office of the Bureau of Land Management, the Agency Office of the Bureau of Indian Affairs, and with the Senate Committee on Energy and Natural Resources and the House Committee on Resources.

(3) INTERIM PERIOD.—From the date of enactment of this subsection until two years after the date of enactment of this subsection, the Bureau of Land Management shall:

(A) retain federal jurisdiction for the management of lands designated under this subsection as the Coquille Forest and continue to distribute revenues from such lands in a manner consistent with existing federal law; and

(B) prior to advertising, offering or awarding any timber sale contract on lands designated under this subsection, the Secretary shall otherwise manage the Coquille Forest.

(4) TRANSITION PLANNING AND DESIGNATION.—(A) During the two year interim period provided for in paragraph (3), the Assistant Secretary for Indian Affairs, acting on behalf of and in consultation with the Tribe, shall designate a portion of the forest management for the Coquille Tribe.

(b) The Secretary may rescind the agreement on a showing that the Tribe has managed the Coquille Forest in a manner inconsistent with this subsection, or the Tribe is no longer managing, or capable of managing, the Coquille Forest in a manner consistent with this subsection.

(c) All sales of forest products or lands of the federal lands, foreign Nations that apply to unprocessed logs harvested from Federal lands, and any timber sale contract on lands designated under this subsection as the Coquille Forest shall be subject to the same Federal statutory restrictions on export to foreign Nations that apply to unprocessed logs harvested from Federal lands.

(5) MANAGEMENT.—The Secretary of the Interior shall manage the Coquille Forest under applicable federal forestry and environmental protection laws, and subject to critical habitat designations under the Endangered Species Act, and subject to the standards and guidelines of Federal forest plans on adjacent or nearby Federal lands, now and in the future. The Secretary shall otherwise manage the Coquille Forest in accordance with the laws pertaining to the management of Indian Trust lands and shall distribute resources in accord with P.L. 101-430, 26 U.S.C. 7604, find that the Coquille Tribe has entered into a memorandum of agreement (MOA) with the State of Oregon, as required under paragraph 7.

(j) NEPA EXEMPTION.—The National Environmental Policy Act of 1969 (P.L. 91–190) shall not apply to this section for one year after the date of enactment of this title.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.
(8) PUBLIC ACCESS.—The Coquille Forest shall remain open to public access for purposes of hunting, fishing, recreation and transportation, except when closure is required by local, state, federal law, or when the Coquille Indian Tribe and the State of Oregon agree in writing that restrictions on access are necessary or appropriate to prevent harm, injury, or damage to natural resources, cultural resources, environmental quality; Provided That, the State of Oregon’s agreement shall not be required when immediate action is necessary to protect archaeological resources.

(9) JURISDICTION.—
(A) The U.S. District Court for the District of Oregon shall have jurisdiction over actions against the Secretary arising out of claims that this subsection has been violated. An action may be brought against the Secretary for violations of this subsection, except that suit may not be brought against the Secretary for claims that the MOA has been violated. The Court has the authority to hold unlawful and set aside actions pursuant to this subsection that are arbitrary and capricious, an abuse of discretion, or otherwise an abuse of law.
(B) The U.S. District Court for the District of Oregon shall have jurisdiction over actions between the State of Oregon and the Tribe arising out of claims of breach of the MOA.
(C) Unless otherwise provided for by law, remedial or declaratory action for this subsection shall be limited to equitable relief and shall not include damages.

(10) STATE REGULATORY AND CIVIL JURISDICTION.—In addition to the jurisdiction described in paragraph 7 of this subsection, the State of Oregon may exercise exclusive regulatory civil jurisdiction, including but not limited to adoption and enforcement of administrative rules and orders, over the following subjects:
(A) Management, allocation and administration of fish and wildlife resources, including but not limited to establishment and enforcement of rules and orders, over the following subjects:
(B) Allocation and administration of water rights, appropriation of water and use of water;
(C) Regulation of boating activities, including equipment and registration requirements, in the area defined to in this subsection;
(D) Fills and removals from waters of the United States, or local jurisdiction, responsibility, interests, or rights in water resources development or control, including rights in current uses of water resources in the area described in paragraph (1); or
(E) Protection or maintenance of facilities for the use of water on or previously authorized hydroelectric projects associated with municipal water supply facilities or hydroelectric projects associated with municipal water supply facilities.

(11) SAVINGS ClAUSE, STATE AUTHORITY. Nothing in this section shall be interpreted to influence the relative strength of competing claims to the waters of the Little Sandy River. Nothing in this section shall be construed to expand or diminish Federal, State, or local jurisdiction, responsibility, interests, or rights in water resources development or control, including rights in current uses of water resources in the area described in Section 604 of this title.

(12) The Secretary is prohibited from authorizing any timber sale within the study area for a period of two years after the date of enactment of this section.

(13) Nothing in this section shall in any way affect any State or Federal law governing appropriation, use of or Federal right to water or on or flowing through National Forest System lands. Nothing in this section is intended to influence the relative strength of competing claims to the waters of the Little Sandy River.

(14) In general.—Subject to paragraph (2), the Secretary of Agriculture shall prohibit the cutting of trees in that part of the unit consisting of the hydrographic boundary of the Bull Run Drainage, including certain lands within the unit and located below the headworks of the city of Portland, Oregon’s water storage and delivery project, as described in Section 606, enacted July 22, 1996 and entitled “Bull Run River Drainage”.

(2) PERMITTED CUTTING.—
(A) IN GENERAL.—Subject to subparagraph (B), the Secretary of Agriculture shall prohibit the cutting of trees in the area described in paragraph (1).

(b) Designate subsequent subsection of PL 95-200 accordingly.

SEC. 605. REPORT TO CONGRESS.
(a) The Secretary of Agriculture shall, in consultation with the city of Portland and other affected parties, study of that part of the Little Sandy Watershed that is within the unit (hereinafter referred to as “study area”), as may be described in Section 604 of this title.

(b) The study referred to in (a) shall determine
(1) the extent of the impact of management activities within the study area on the quality of drinking water provided to the Portland Metropolitan area;
(2) the identity and location of certain ecological features within the study area, including late successional forest characteristics, aquatic and terrestrial wildlife habitat, significant hydrological values, or other outstanding natural features; and
(3) the location and extent of any significant cultural or other values within the study area.

(c) The study referred to in subsection (a) shall include both legislative and regulatory recommendations to Congress on the future management of the study area. In formulating such recommendations, the Secretary shall consult with the city of Portland and other affected parties.

(d) To the greatest extent possible, the Secretary shall use existing data and processes to carry out this study and report.

(e) The study referred to in subsection (a) shall be submitted to the appropriate Committees on Energy and Natural Resources and Agriculture and the House Committees on Resources and Agriculture not later than one year from the date of enactment of this section.

(f) The Secretary is prohibited from authorizing any timber sale within the study area for a period of two years after the date of enactment of this section.

(g) Nothing in this section shall in any way affect any State or Federal law governing appropriation, use of or Federal right to water or on or flowing through National Forest System lands. Nothing in this section is intended to influence the relative strength of competing claims to the waters of the Little Sandy River. Nothing in this section shall be construed to expand or diminish Federal, State, or local jurisdiction, responsibility, interests, or rights in water resources development or control, including rights in current uses of water resources in the area described in Section 604 of this title.

Title VII—Oregon Islands Wilderness Additions

SEC. 701. Oregon Islands Wilderness, Additions.
(a) In furtherance of the purposes of the Wilderness Act of 1964, certain lands within the boundaries of the Oregon Islands National Wildlife Refuge, Oregon, comprising approximately ninety-five acres and as generally described on the “Oregon Island Wilderness Additions—Proposed” dated August 1996, are hereby designated as wilderness. The map shall be on file and available for public inspection in the offices of the Fish and Wildlife Service, Department of Interior.

(b) All other Federally-owned named, unnamed, surveyed and un-surveyed islands, reefs, islets and islands lying within three geographic miles off the coast of Oregon and
above mean high tide, not currently designated as wilderness and also within the Oregon Islands National Wildlife Refuge boundary under the administration of the U.S. Fish and Wildlife Service, Department of Interior, as designated by Executive Order 7035, Proclamation 2416, Public Land Orders 4385, 4475 and 6287, and Public Laws 91-504 and 95-450, and as wilderness as herein defined.

(c) All Federally-owned named, unnamed, surveyed and unsurveyed rocks, reefs, islets and islands lying within three geographical miles off the coast of Oregon and above mean high tide, and presently under the jurisdiction of the Bureau of Land Management, are hereby designated as wilderness, shall become part of the Oregon Islands National Wildlife Refuge and the Oregon Islands Wilderness and shall be under the jurisdiction of the U.S. Fish and Wildlife Service, Department of Interior.

(d) As soon as practicable after this title takes effect, a map of the wilderness area and a description of its boundaries shall be filed with the Senate, the House of Representatives, the Oregon Islands National Wildlife Refuge and the Oregon Islands Wilderness.

SEC. 801. UMPQUA RIVER LAND EXCHANGE STUDY; POLICY AND DIRECTION.

(a) In General.—The Secretaries of the Interior and Agriculture (Secretaries) are hereby authorized and directed to consult, coordinate and cooperate with the Umpqua Land Exchange Project (ULEP), affected units and agencies of State and local government, the Oregon Islands National Wildlife Refuge, the Oregon Islands Wilderness, the National Marine Fisheries Service, the Oregon State Fish and Wildlife Department, the Oregon State Parks and Recreation Department, and the other interested parties, to develop a comprehensive plan for the Umpqua River Basin that: (A) will provide for national, state, and local land exchanges to achieve management efficiency and economy; (B) will protect and improve public and private water and wildlife resources; (C) will provide for the preservation or enhancement of timber and forest resources; (D) will provide for the preservation or enhancement of fish and wildlife; (E) will provide for the preservation of agricultural lands and opportunities for rural residents; and (F) will provide for the preservation or enhancement of historic and cultural resources.

SEC. 802. REPORT TO CONGRESS.

(a) No later than February 1, 1998, ULEP and the Secretaries shall submit a joint report to the Committee on Resources of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate concerning their studies, findings, recommendations, mapping and other activities conducted pursuant to this title.

SEC. 803. AUTHORIZATION OF APPROPRIATIONS.

(a) In furtherance of the purposes of this title, there is hereby authorized to be appropriated the sum of $2 million, to remain available until expended.

THE BANKRUPTCY TECHNICAL CORRECTIONS ACT OF 1996

HEFLIN AMENDMENT NO. 5151

Mr. STEVENS (for Mr. HEFLIN) proposed an amendment to the bill (S. 1559) to make technical corrections to title 11, United States Code, and for other purposes; as follows:

On page 9 of the Committee amendment, strike lines 11 through 17 and insert the following:

1. In subsection (f)(1)(A)—
   (A) in the matter preceding clause (i), by striking "or "or" at the end; and
   (B) in clause (i), by striking the period at the end and inserting "; and"

2. In subsection (f)(2)(B), by striking "subsection (f)(1)(B)"

COVERDELL AMENDMENT NO. 5152

Mr. STEVENS (for Mr. COVERDELL) proposed an amendment to the bill, S. 1559, supra; as follows:

At the appropriate place in the Committee amendment, insert the following new section:

SEC. 8. ENFORCEMENT OF CHILD SUPPORT.

Section 362(b)(1) of title 11, United States Code is amended by inserting before the semicolon the following:

"(including the criminal enforcement of a judicial order requiring the payment of child support)"

KOHL AMENDMENT NO. 5153

Mr. STEVENS (for Mr. KOHL) proposed an amendment to the bill, S. 1559, supra; as follows:

At the appropriate place, insert the following new section:

SEC. 9. LIMITATION.

Section 322 of title 11, United States Code, as amended by section 9, is further amended—

1. In subsection (b)(2)(A), by inserting "subject to subsection (n)" before "any property"; and

2. By adding at the end the following new subsection:

"(n) As a result of electing under subsection (b)(2)(A) to exempt property under State or local law, a debtor may not exempt an aggregate interest of more than $500,000 in value in:

(1) real or personal property that the debtor or a dependent of the debtor uses as a residence; or

(2) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence; or

(3) a burial plot for the debtor or a dependent of the debtor;"

GRASSLEY (AND LOTT) AMENDMENT NO. 5154

Mr. STEVENS (for Mr. GRASSLEY, for himself and Mr. LOTT) proposed an amendment to the bill, S. 1559, supra; as follows:

SECTION 1.

"Section 27", on page 15, line 3, is redesignated "Section 28".

SEC. 28.

On page 15, line 3 insert the following:

"SEC. 27. STANDING TRUSTEES.

(a) Section 310 of Title 11 of the United States Code is amended by adding after the end thereof the following:

"(e) Upon the request of a trustee appointed under Section 586(b) of Title 28, and after all available administrative remedies have been exhausted, the district court in the district in which the trustee resides shall have the exclusive authority, notwithstanding Section 326(b) of this title, to review the determination of the actual, necessary expenses of the standing trustee. In reviewing