

Union Calendar No. 171

107TH CONGRESS
1ST SESSION

H. R. 2828

[Report No. 107-284]

To authorize refunds of amounts collected from Klamath Project irrigation and drainage districts for operation and maintenance of the Project's transferred and reserved works for water year 2001, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2001

Mr. WALDEN of Oregon (for himself, Mr. DEFAZIO, Mr. HERGER, Mr. POMBO, Mr. DOOLITTLE, Mr. SIMPSON, Mr. HASTINGS of Washington, Mr. NETHERCUTT, and Mr. GIBBONS) introduced the following bill; which was referred to the Committee on Resources

NOVEMBER 13, 2001

Additional sponsors: Ms. HOOLEY of Oregon and Mr. SCHAFFER

NOVEMBER 13, 2001

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on August 2, 2001]

A BILL

To authorize refunds of amounts collected from Klamath Project irrigation and drainage districts for operation and maintenance of the Project's transferred and re-

served works for water year 2001, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Klamath Basin Emer-*
5 *gency Operation and Maintenance Refund Act of 2001”.*

6 **SEC. 2. QUALIFIED KLAMATH PROJECT ENTITY DEFINED.**

7 *In this Act, the term “qualified Klamath Project enti-*
8 *ty” means an entity that—*

9 (1) *has executed a water supply contract with*
10 *the United States for water from the Upper Klamath*
11 *Lake and the Klamath River of the Klamath Project*
12 *pursuant to the reclamation laws, including the Act*
13 *of June 17, 1902 (32 Stat. 388), and Acts amend-*
14 *atory thereof or supplementary thereto;*

15 (2) *distributes water received under the contract;*

16 (3) *received a severely limited irrigation supply*
17 *from the Upper Klamath Lake and the Klamath*
18 *River based on the Bureau of Reclamation 2001 an-*
19 *ual operations plan dated April 6, 2001; and*

20 (4) *was not reimbursed for its operation and*
21 *maintenance expenses for 2001 pursuant to State law.*

1 **SEC. 3. REFUND AND WAIVER OF ASSESSMENTS AND**
2 **CHARGES FOR OPERATION AND MAINTENANCE OF KLAMATH RECLAMATION**
3 **PROJECT.**
4

5 (a) *IN GENERAL.*—*The Secretary of the Interior is au-*
6 *thorized to pay to each qualified Klamath Project entity*
7 *an amount equal to the amount assessed or charged to mem-*
8 *bers of the qualified Klamath Project entity, or to other per-*
9 *sons receiving water or drainage service from such an enti-*
10 *ty, for operation and maintenance of Klamath Project*
11 *transferred and reserved works for 2001.*

12 (b) *CONDITIONS.*—*Payment under this section may be*
13 *made to a qualified Klamath Project entity only after the*
14 *entity has—*

15 (1) *provided to the Secretary documentation sat-*
16 *isfactory to the Bureau of Reclamation, dem-*
17 *onstrating the total amount assessed or charged to*
18 *members of the entity or to persons receiving service*
19 *from the entity; and*

20 (2) *executed a binding agreement under which*
21 *the funds paid to the entity under this section shall*
22 *be distributed to each member of the entity or persons*
23 *receiving service from the entity in an amount equal*
24 *to the amount collected by the entity from the member*
25 *or person for operation and maintenance for 2001.*

1 (c) *WAIVER OF REMAINING AND ADDITIONAL*
2 *CHARGES.*—*The Secretary may waive any requirement*
3 *that a qualified Klamath Project entity pay remaining or*
4 *additional charges for operation and maintenance of Klam-*
5 *ath Project reserved works for 2001.*

6 (d) *PAYMENTS AND WAIVERS FOR INDIVIDUALS.*—*The*
7 *Secretary—*

8 (1) *may pay, to any individual within the*
9 *Klamath Project who holds a contract entered into*
10 *pursuant to the Act of February 21, 1911 (36 Stat.*
11 *925; 43 U.S.C. 523–525), popularly known as the*
12 *“Warren Act”, and who is not within a district that*
13 *receives a payment pursuant to subsection (a) and a*
14 *waiver under subsection (c), an amount equal to the*
15 *amount collected from such individual for operation*
16 *and maintenance of Klamath Project reserved works*
17 *for 2001; and*

18 (2) *may forego collection from such individual of*
19 *charges for operation and maintenance of such works*
20 *for the remainder of 2001.*

21 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

22 *Amounts not paid by a qualified Klamath Project enti-*
23 *ty to the Bureau of Reclamation for the operation and*
24 *maintenance of the reserved works for 2001 shall be funded*
25 *from the appropriations authorized by this Act. Costs in-*

1 *curred by the Bureau of Reclamation in carrying out this*
2 *Act shall not be reimbursable.*

3 **SEC. 5. NO SUPPLEMENTAL OR ADDITIONAL BENEFIT.**

4 *Activities under this Act or funded pursuant to this*
5 *Act shall not be considered a supplemental or additional*
6 *benefit under the Act of June 17, 1902 (82 Stat. 388), and*
7 *all Acts amendatory thereof or supplementary thereto.*

Amend the title to read: “A bill to authorize payments to certain Klamath Project water distribution entities for amounts assessed by the entities for operation and maintenance of the Project’s transferred works for 2001, to authorize refunds to such entities of amounts collected by the Bureau of Reclamation for reserved works for 2001, and for other purposes.”.

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