

Calendar No. 608

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**H. R. 2828****[Report No. 107-289]**

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 14, 2001

Received; read twice and referred to the Committee on Energy and Natural  
Resources

SEPTEMBER 17, 2002

Reported by Mr. BINGAMAN, without amendment

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## **AN ACT**

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.

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”.

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

2 In this Act, the term “qualified Klamath Project enti-  
3 ty” means an entity that—

4 (1) has executed a water supply contract with  
5 the United States for water from the Upper Klam-  
6 ath Lake and the Klamath River of the Klamath  
7 Project pursuant to the reclamation laws, including  
8 the Act of June 17, 1902 (32 Stat. 388), and Acts  
9 amendatory thereof or supplementary thereto;

10 (2) distributes water received under the con-  
11 tract;

12 (3) received a severely limited irrigation supply  
13 from the Upper Klamath Lake and the Klamath  
14 River based on the Bureau of Reclamation 2001 an-  
15 nual operations plan dated April 6, 2001; and

16 (4) was not reimbursed for its operation and  
17 maintenance expenses for 2001 pursuant to State  
18 law.

19 **SEC. 3. REFUND AND WAIVER OF ASSESSMENTS AND**  
20 **CHARGES FOR OPERATION AND MAINTENANCE OF**  
21 **KLAMATH RECLAMATION**  
22 **PROJECT.**

23 (a) IN GENERAL.—The Secretary of the Interior is  
24 authorized to pay to each qualified Klamath Project entity  
25 an amount equal to the amount assessed or charged to  
26 members of the qualified Klamath Project entity, or to

1 other persons receiving water or drainage service from  
2 such an entity, for operation and maintenance of Klamath  
3 Project transferred and reserved works for 2001.

4 (b) CONDITIONS.—Payment under this section may  
5 be made to a qualified Klamath Project entity only after  
6 the entity has—

7 (1) provided to the Secretary documentation  
8 satisfactory to the Bureau of Reclamation, dem-  
9 onstrating the total amount assessed or charged to  
10 members of the entity or to persons receiving service  
11 from the entity; and

12 (2) executed a binding agreement under which  
13 the funds paid to the entity under this section shall  
14 be distributed to each member of the entity or per-  
15 sons receiving service from the entity in an amount  
16 equal to the amount collected by the entity from the  
17 member or person for operation and maintenance for  
18 2001.

19 (c) WAIVER OF REMAINING AND ADDITIONAL  
20 CHARGES.—The Secretary may waive any requirement  
21 that a qualified Klamath Project entity pay remaining or  
22 additional charges for operation and maintenance of  
23 Klamath Project reserved works for 2001.

24 (d) PAYMENTS AND WAIVERS FOR INDIVIDUALS.—  
25 The Secretary—

1           (1) may pay, to any individual within the Klamath  
2           Project who holds a contract entered into pursuant  
3           to the Act of February 21, 1911 (36 Stat. 925;  
4           43 U.S.C. 523–525), popularly known as the “Warren  
5           Act”, and who is not within a district that receives  
6           a payment pursuant to subsection (a) and a waiver  
7           under subsection (c), an amount equal to the amount  
8           collected from such individual for operation and  
9           maintenance of Klamath Project reserved works  
10          for 2001; and

11          (2) may forego collection from such individual  
12          of charges for operation and maintenance of such  
13          works for the remainder of 2001.

14 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

15          Amounts not paid by a qualified Klamath Project entity  
16          to the Bureau of Reclamation for the operation and  
17          maintenance of the reserved works for 2001 shall be funded  
18          from the appropriations authorized by this Act. Costs  
19          incurred by the Bureau of Reclamation in carrying out  
20          this Act shall not be reimbursable.

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

22          Activities under this Act or funded pursuant to this  
23          Act shall not be considered a supplemental or additional

1 benefit under the Act of June 17, 1902 (82 Stat. 388),  
2 and all Acts amendatory thereof or supplementary thereto.

Passed the House of Representatives November 13,  
2001.

Attest:

JEFF TRANDAHL,

*Clerk.*

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