

There was no objection.

**KLAMATH BASIN EMERGENCY OPERATION AND MAINTENANCE REFUND ACT OF 2001**

Mr. WALDEN of Oregon. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2828) to authorize refunds of amounts collected from the 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, as amended.

The Clerk read as follows:

H.R. 2828

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the "Klamath Basin Emergency Operation and Maintenance Refund Act of 2001".*

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

*In this Act, the term "qualified Klamath Project entity" means an entity that—*

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

(2) distributes water received under the contract;

(3) received a severely limited irrigation supply from the Upper Klamath Lake and the Klamath River based on the Bureau of Reclamation 2001 annual operations plan dated April 6, 2001; and

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

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

(a) *IN GENERAL.*—The Secretary of the Interior is authorized to pay to each qualified Klamath Project entity an amount equal to the amount assessed or charged to members of the qualified Klamath Project entity, or to other persons receiving water or drainage service from such an entity, for operation and maintenance of Klamath Project transferred and reserved works for 2001.

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

(1) provided to the Secretary documentation satisfactory to the Bureau of Reclamation, demonstrating the total amount assessed or charged to members of the entity or to persons receiving service from the entity; and

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

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

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

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

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

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

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

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

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 2828 gives hope to those people whose livelihoods face ruin as a result of the Interior Department's decision to shut off water to some 1,200 farm families of the Klamath Basin for the first time in the nearly 100-year history of the Bureau of Reclamation's Klamath Project.

Many of these farm families are proud veterans or descendants of American veterans who wore our country's uniform and fought for freedom. The Federal Government lured them to this basin with a promise of water and land for life. They were encouraged by the Federal Government to settle the land and to feed the country.

Last summer, without water, parched fields turned to dust and farm families began to stare bankruptcy in the face. To make matters even worse, these same farmers were paying for the operation and maintenance of the myriad of canals and waterways this year, paying for a project that would deliver them virtually no water. You know, in America you should not have to pay for something you do not receive, and that is where this legislation rights a wrong.

I want to thank the gentleman from Utah (Chairman HANSEN) and the ranking member, the gentleman from West Virginia (Mr. RAHALL) for their cooperation and support of this legislation. This measure results from testimony at a field hearing we held earlier this year in Klamath Falls. It is very much appreciated that we had that opportunity.

I also want to thank my colleagues, the gentleman from Oregon (Mr. DEFAZIO) and the gentlewoman from Oregon (Ms. HOOLEY), for their bipartisan cosponsorship and support of H.R. 2828. We continue to work together to find real solutions to the very real and difficult problems confronting the farmers, the tribes and the environment of the Klamath Basin. Rest assured, in the months ahead we will continue to bring legislation to address other very significant issues in this basin.

H.R. 2828 provides both a measure of fairness and a measure of emergency relief. It authorizes the Bureau of Reclamation to return or waive fees paid by irrigation districts and, ultimately, by their patrons this year. It puts money back in the hands of the farmers who so desperately need it.

H.R. 2828 will authorize the Secretary of Interior to pay each qualified Klamath Project entity an amount of money that was assessed them for operation and maintenance of the Klamath Project for 2001.

Section 2 defines the qualified Klamath Project as an entity that, one, has a water supply contract with the Bureau of Reclamation for water from the Upper Klamath Lake and Klamath River; two, distributes water received under the water supply contract; and three, received a severely limited supply based on the 2001 annual operations plan issued April 6, 2001; and finally, four, did not already receive refund payments.

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Mr. Speaker, this bill is the fair thing to do for the people who have experienced such terrible hardship. I hope that all of my colleagues can support this straightforward bill.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the pending legislation would enable the Secretary of the Interior to waive or refund operation and maintenance payments for certain irrigation districts which contract with the Bureau of Reclamation for water from the Klamath Project. This measure is being advanced because while many water districts have paid their operation and maintenance expenses, due to drought conditions, they ultimately did not receive water from the Klamath Project.

While I am not opposed to this bill, I do want to note for the record that the United States has experienced additional expenses due to the reaction of certain individuals to the drought-related reduction in Klamath water deliveries. For instance, when the drought caused the Interior Department to not deliver water, certain individuals took it upon themselves to pry open the headgates of Klamath Lake to