

107TH CONGRESS
1ST SESSION

H. R. 2389

To provide for the compensation of persons of the Klamath Basin who were economically harmed as a result of the implementation of the Endangered Species Act of 1973.

IN THE HOUSE OF REPRESENTATIVES

JUNE 28, 2001

Mr. HERGER (for himself and Mr. WALDEN) introduced the following bill;
which was referred to the Committee on the Judiciary

A BILL

To provide for the compensation of persons of the Klamath Basin who were economically harmed as a result of the implementation of the Endangered Species Act of 1973.

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 “Compensation for
5 Klamath Basin Government-Caused Disaster Act”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) The Klamath Reclamation Project is a
9 water storage and irrigation project serving more

1 than 200,000 acres of land in southern Oregon and
2 northern California.

3 (2) The Klamath Reclamation Project was au-
4 thorized in 1905 pursuant to the Reclamation Act of
5 1902 (43 U.S.C. 371 et seq.) and is operated by the
6 Bureau of Reclamation.

7 (3) On April 6, 2001, the Bureau of Reclama-
8 tion issued the Klamath Reclamation Project 2001
9 Annual Operations Plan, which provides for the de-
10 livery of no water to most of the lands served by the
11 Klamath Reclamation Project, and instead imple-
12 ments an alternative plan developed pursuant to the
13 Endangered Species Act of 1973 (16 U.S.C. 1531 et
14 seq.).

15 (4) As a result of the Klamath Reclamation
16 Project 2001 Annual Operations Plan, nearly 1,500
17 family farms and many local agriculture-related
18 businesses will sustain severe economic harm, and
19 many could be forced into bankruptcy, causing se-
20 vere harm to the entire economy of the Klamath
21 Basin.

22 (5) The situation in the Klamath Basin
23 amounts to a Government-caused disaster.

24 (6) The Secretary of the Interior (hereafter in
25 this Act referred to as the “Secretary”) should fully

1 compensate the persons of the Klamath Basin for
2 the economic harm caused as a result of the imple-
3 mentation of the Klamath Reclamation Project 2001
4 Annual Operations Plan.

5 (b) PURPOSE.—The purpose of this Act is to ensure
6 that persons of the Klamath Basin are fully compensated
7 for economic losses suffered by such persons as a result
8 of the implementation of the Klamath Reclamation Project
9 2001 Annual Operations Plan.

10 **SEC. 3. COMPENSATION FOR THE GOVERNMENT-CAUSED**
11 **DISASTER IN THE KLAMATH BASIN.**

12 (a) IN GENERAL.—The Secretary shall pay com-
13 pensation to each person of the Klamath Basin for all eco-
14 nomic harm suffered by such person as a result of the
15 implementation of the Klamath Reclamation Project 2001
16 Annual Operations Plan, which was issued by the Bureau
17 of Reclamation on April 6, 2001.

18 (b) AMOUNT OF COMPENSATION.—The amount of
19 compensation paid by the Secretary under subsection (a)
20 shall be sufficient to place each person of the Klamath
21 Basin in the economic position in which such person would
22 have been had the Secretary delivered water from the
23 Klamath Reclamation Project without regard to the En-
24 dangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

1 (c) OFFSET FOR MULTIPLE PAYMENTS.—The
2 amount of any compensation that would, in the absence
3 of this subsection, be paid to a person of the Klamath
4 Basin under this section shall be reduced by any amounts
5 received by such person pursuant to any other Federal law
6 for compensation of economic harm suffered by such per-
7 son as a result of the implementation of the Klamath Rec-
8 lamation Project 2001 Annual Operations Plan.

9 (d) PERSON OF THE KLAMATH BASIN DEFINED.—
10 For purposes of this section, the term “person of the
11 Klamath Basin” means any individual who lives, works,
12 or owns real property in the area served by the Klamath
13 Reclamation Project, and any municipality or political
14 subdivision of a State that has jurisdiction over all or part
15 of the area served by the Klamath Reclamation Project,
16 and is not limited to persons who were denied delivery of
17 water as a result of the implementation of the Klamath
18 Reclamation Project 2001 Annual Operations Plan.

19 **SEC. 4. BUDGET ACT COMPLIANCE.**

20 Any spending authority provided under this Act shall
21 be effective only to the extent provided in advance in ap-
22 propriation Acts.

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