

109TH CONGRESS
2D SESSION

H. R. 5213

To direct the Secretary of Commerce to provide emergency disaster assistance to mitigate the economic losses caused by declining Klamath River salmon and to develop and implement a research and recovery plan for Klamath River salmon, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2006

Mr. THOMPSON of California (for himself, Mr. DEFazio, Mr. WU, Ms. HOOLEY, Mr. BLUMENAUER, Ms. PELOSI, Mr. GEORGE MILLER of California, Mr. FARR, Mr. COSTA, Ms. WOOLSEY, Mrs. TAUSCHER, Mrs. CAPPS, Ms. ESHOO, Mr. LANTOS, Ms. MATSUI, Mr. CARDOZA, Mr. HONDA, Mr. WAXMAN, Ms. ROYBAL-ALLARD, Ms. LEE, Mr. STARK, Mr. SHERMAN, Mr. BERMAN, Mr. BACA, Ms. LORETTA SANCHEZ of California, Ms. LINDA T. SÁNCHEZ of California, Ms. SOLIS, Mr. SCHIFF, Mr. BECERRA, Ms. HARMAN, Mr. FILNER, Ms. WATERS, Ms. WATSON, Ms. ZOE LOFGREN of California, Mrs. DAVIS of California, and Ms. MILLENDER-MCDONALD) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To direct the Secretary of Commerce to provide emergency disaster assistance to mitigate the economic losses caused by declining Klamath River salmon and to develop and implement a research and recovery plan for Klamath River salmon, 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. IMPLEMENTATION OF KLAMATH RIVER SALM-**
4 **ON PROTECTION MEASURES AND DISASTER**
5 **ASSISTANCE.**

6 (a) KLAMATH RIVER FALL CHINOOK AND COHO
7 SALMON PROTECTION MEASURES.—

8 (1) IN GENERAL.—The Secretary of Commerce
9 shall develop and implement a coordinated, com-
10 prehensive research and recovery program for Klam-
11 ath River Fall Chinook salmon and Klamath River
12 Fall Coho salmon.

13 (2) PROGRAM FEATURES.—The program shall
14 be designed to study or implement—

15 (A) in-river monitoring of *Ceratomyxa*
16 *Shasta* and *Parvicapsula minibicornus*, and im-
17 plementation of any immediate protective meas-
18 ures against such pathogens;

19 (B) additional ocean and in-river fisheries
20 population monitoring;

21 (C) completion of a recovery plan for Coho
22 salmon on the Klamath River;

23 (D) operation and maintenance of stream
24 gauges for flow monitoring on the Klamath

1 River and its tributaries, including the Shasta,
2 Scott, Salmon and Trinity Rivers;

3 (E) fish passage in the Klamath National
4 Forest, and Six Rivers National Forest; and

5 (F) restoration of aquatic habitats in the
6 Klamath River basin with emphasis on the
7 Klamath and its tributaries below Iron Gate
8 Dam.

9 (3) DEADLINE FOR ISSUANCE OF RECOVERY
10 PLAN.—The Secretary shall issue a recovery plan for
11 Coho salmon on the Klamath River for purposes of
12 paragraph (2)(C) by not later than 6 months after
13 the date of the enactment of this Act.

14 (4) APPROPRIATION.—

15 (A) IN GENERAL.—To implement out the
16 program developed under this subsection, there
17 is appropriated to the Secretary of Commerce
18 \$45,000,000, which shall remain available until
19 expended.

20 (B) LIMITATION ON USE OF FUNDS.—
21 None of the amounts appropriated under this
22 paragraph may be distributed before the date
23 the Secretary issues a salmon recovery plan
24 under paragraph (3).

25 (b) EMERGENCY DISASTER ASSISTANCE.—

1 (1) AUTHORIZATION OF PAYMENT.—The Sec-
2 retary of Commerce shall make a direct payment to
3 the Pacific States Marine Fisheries Commission to
4 distribute to fishing communities, Indian tribes,
5 businesses, holders of community development
6 quotas issued under the Magnuson-Stevens Fishery
7 Conservation and Management Act, individuals, and
8 other entities as emergency disaster assistance to
9 mitigate the economic losses caused by declining
10 Klamath River Fall Chinook salmon.

11 (2) PAYMENT RECIPIENT REPORTS.—The Sec-
12 retary of Commerce shall require that the Pacific
13 States Marine Fisheries Commission shall, within 6
14 months after receiving a payment under this sub-
15 section, submit to the Secretary of Commerce and
16 the Committee on Appropriations of the House of
17 Representatives and the Senate a report describing
18 the persons to whom the payment was distributed
19 and the rationale for such distributions.

20 (3) EXCLUSION OF PAYMENTS FROM GROSS IN-
21 COME.—For purposes of the Internal Revenue Code
22 of 1986—

23 (A) EXCLUSION.—Gross income shall not
24 include any amount received as a payment or
25 distribution under paragraph (1).

1 (B) DENIAL OF DOUBLE BENEFIT.—Rules
2 similar to the rules of subsections (g)(3) and
3 (h) of section 139 of such Code shall apply with
4 respect to any amount excluded under subpara-
5 graph (A).

6 (4) APPROPRIATION.—There is appropriated to
7 the Secretary of Commerce \$81,000,000 to make
8 payments under this subsection. Any amount appro-
9 priated pursuant to this subsection that is not used
10 or otherwise obligated shall be returned to the fund
11 of the Treasury.

12 (c) REPORTS BY SECRETARIES.—Not later than one
13 year after the date of the enactment of this Act, and annu-
14 ally thereafter, the Secretary of Commerce shall report to
15 the Congress on progress in implementing subsection (a)
16 and specifically note how projects under subsection (a)
17 have increased water quantity, improved water quality, in-
18 creased salmon populations, and specifically benefited
19 salmon spawning habitat.

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