

107TH CONGRESS  
1ST SESSION

# H. R. 766

For the relief of Marleen R. Delay.

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IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2001

Mr. LANTOS introduced the following bill; which was referred to the  
Committee on the Judiciary

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## A BILL

For the relief of Marleen R. Delay.

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. FINDINGS AND PURPOSE.**

4 (a) FINDINGS.—The Congress finds the following:

5 (1) The Pacific Northwest River Basins Com-  
6 mission (hereinafter in this Act referred to as the  
7 “Commission”) was established by Executive Order  
8 No. 11331 (March 6, 1967) (42 U.S.C. 1962b note)  
9 pursuant to section 201 of the Water Resources  
10 Planning Act of 1965 (Public Law 89–80; 79 Stat.  
11 246) (42 U.S.C. 1962b).

1           (2) The Commission was chaired by a Federal  
2 official appointed by the President.

3           (3) Among the Commission's members were  
4 representatives from the former Department of  
5 Health, Education, and Welfare, the Departments of  
6 Housing and Urban Development, Agriculture, Com-  
7 merce, Transportation (Coast Guard), and Energy,  
8 the Environmental Protection Agency, the Water  
9 Resources Council, the Army Corps of Engineers,  
10 and the Bonneville Power Administration.

11           (4) The Commission received a majority of its  
12 funding from the Federal Government.

13           (5) The Commission was terminated by Execu-  
14 tive Order No. 12319 (September 9, 1981) (42  
15 U.S.C. 1962b note).

16           (6) In 1978, the Commission wrongfully termi-  
17 nated William H. Delay from his employment in a  
18 position as a hydrological engineer.

19           (7) William H. Delay brought suit in the  
20 United States District Court for the District of Or-  
21 egon in 1980 (Civil Action No. 80-549) and ob-  
22 tained a judgment against the Commission on Janu-  
23 ary 8, 1985, in the amount of \$140,430, which rep-  
24 resented \$93,000 in damages and \$47,430 in pre-  
25 judgment interest.

1           (8) William H. Delay obtained a renewed judg-  
2           ment on January 6, 1995, after several attempts to  
3           collect the judgment had failed.

4           (9) William H. Delay has never collected any  
5           portion of the judgment or the renewed judgment.

6           (10) William H. Delay died in 1998 and is sur-  
7           vived by his widow, Marleen R. Delay.

8           (b) PURPOSE.—The purpose of this Act is to fairly  
9           compensate Marlene R. Delay for the wrongful termi-  
10          nation of employment of her deceased husband, William  
11          H. Delay, by the Commission in 1978.

12       **SEC. 2. PAYMENT AND SATISFACTION OF JUDGMENT**  
13                               **AGAINST UNITED STATES.**

14          (a) PAYMENT.—The Secretary of the Treasury shall  
15          pay, out of any money in the Treasury not otherwise ap-  
16          propriated, to Marlene R. Delay, of San Mateo,  
17          California—

18               (1) the sum of \$140,430; and

19               (2) interest on such sum—

20                       (A) calculated at the rate determined and  
21                       in the manner provided in subsections (a) and  
22                       (b) of section 1961 of title 28, United States  
23                       Code; and

1                   (B) payable for the period beginning on  
2                   January 8, 1985, and ending on the date on  
3                   which such sum is paid.

4           (b) SATISFACTION OF CLAIM AGAINST UNITED  
5 STATES.—The payment in subsection (a) shall be in full  
6 satisfaction of the renewed judgment in favor of William  
7 H. Delay against the Pacific Northwest River Basins  
8 Commission for wrongful termination of his employment.

9 **SEC. 3. LIMITATION ON AGENT OR ATTORNEY FEES.**

10           It is unlawful for any agent or attorney to receive  
11 more than 10 percent of the payment under section 2 for  
12 services rendered in connection with such payment, not-  
13 withstanding any contract which provides otherwise. Any  
14 person who violates this section shall be guilty of an in-  
15 fraction and shall be subject to a fine in the amount pro-  
16 vided in title 18, United States Code.

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