IN THE SENATE OF THE UNITED STATES

FEBRUARY 22 (legislative day, FEBRUARY 18), 1985

Mr. DeConcini introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To address the problems caused by the 1983 flood along the Colorado River Floodway.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3 That this Act may be cited as the “Colorado River Floodway Task Force Act of 1985”.

FINDINGS AND PURPOSE

Sec. 2. (a) The Congress finds that—

1 (1) there are multiple statutory uses and purposes
2 for the dams and other control structures administered
3 by the Secretary of the Interior on the Colorado River;
(2) the maintenance of the Colorado River Floodway is essential to efficient operation of control structures, such as Hoover Dam, on the Colorado River to the benefit of all users of the river or the water of the river;

(3) that present development in the floodway may affect the efficient operation of the river; and

(4) that property damage occurred in 1983 in the floodway and damage may occur again in the future.

(b) The purpose of this Act is to—

(1) establish a task force to study and report to Congress on possible solutions to the problems caused by the 1983 flood along the Colorado River Floodway and the problems of development along the floodway;

(2) make recommendations as to whether individuals affected by the 1983 flood should be compensated or relocated outside the floodway by the United States; and

(3) authorize the Secretary of the Interior to implement the recommendations made pursuant to clause (2).

ESTABLISHMENT OF TASK FORCE

Sec. 3. (a) There is established the Colorado River Floodway Task Force (hereafter in this Act referred to as the "Task Force").
(b) The Task Force shall be composed of 44 members as follows:

(1) the Secretary of the Interior or his designee, who shall act as Chairman;

(2) representatives from each of the five Indian reservations in which the Colorado River Floodway is located—the Yuma Indian Reservation, the Colorado River Indian Reservation, the Chemehuevi Valley Indian Reservation, the Fort Mohave Indian Reservation, and the Cocopah Indian Reservation;

(3) representatives from each of the seven counties in which the floodway is located—Yuma County, Mohave County, and La Paz County in Arizona, Clark County in Nevada, San Bernardino County, Riverside County, and Imperial County in California;

(4) representatives from each of the municipalities in which the floodway is located—Yuma, Parker, Lake Havasu City, Bullhead City, Riviera, Topock, Lake Rancheros, Bermuda City, Bermuda Plantations, and Golden Shores in Arizona, Laughlin in Nevada, Winterhaven, Blythe, and Needles in California;

(5) one representative from the following Federal agencies:

(A) Bureau of Reclamation;

(B) Bureau of Land Management;
(C) Fish and Wildlife Service;
(D) Army Corps of Engineers;
(E) Federal Emergency Management Agency; and
(F) Department of Agriculture;
(6) two private citizens from each State appointed by the Governors of Arizona, Nevada, and California;
(7) the Governor, or his authorized representative, from Arizona, California and Nevada;
(8) one representative from the Colorado River Wildlife Council; and
(9) one representative of all law enforcement agencies on the Colorado River.
(c)(1) A vacancy in the Task Force shall be filled in the manner in which the original appointment was made.
(2) Members of the Task Force shall be appointed to serve for the life of the Task Force.
(3)(A) Each member of the Task Force who is not an officer or employee of the United States shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day (including traveltime) during which such members are engaged in the actual performance of the duties of the Task Force. All members of the Task Force who are officers
or employees of the United States shall serve without additional compensation.

(B) While away from their homes or regular places of business in the performance of services for the Task Force, all members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under sections 5702 and 5703 of title 5, United States Code.

d)(1) Twenty-three members of the Task Force shall constitute a quorum, but a lesser number may hold hearings.

(2) The Task Force shall meet at the call of the Chairman or a majority of its members.

(e)(1) The Chairman of the Task Force, without regard to the civil service laws, rules, and regulations, is authorized to appoint and fix the compensation of a staff director and such other additional personnel as may be necessary to enable the Task Force to carry out its functions.

(2) Any Federal employee may be detailed to the Task Force without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(3) The Task Force may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for
GS–18 of the General Schedule under section 5332 of such
title.

(f)(1) The Task Force may, for the purpose of carrying
out this Act, hold such hearings, sit and act at such times and
places, take such testimony, and receive such evidence, as
the Task Force considers appropriate.

(2) The Task Force may secure directly from any de-
partment or agency of the United States information neces-
sary to enable the Task Force to carry out this Act. Upon
request of the Chairman of the Task Force, the head of such
department or agency shall furnish such information to the
Task Force.

(3) The Task Force may accept, use, and dispose of gifts
or donations of services or property.

(4) The Task Force may use the United States mails in
the same manner and under the same conditions as other
departments and agencies of the United States.

(5) The Administrator of General Services shall provide
to the Task Force on a reimbursable basis such administra-
tive and support services as the Task Force may request.

DUTIES

Sec. 4. (a) The Task Force shall—

(1) review past operation of the dams along the
Colorado River in terms of flood control, power gen-
eration, and water storage;
(2) examine damage to property in the floodway during 1983 and assess the potential for damage in the future;

(3) make recommendations to Congress on—

(A) the size of the floodway below Hoover Dam, broken up into the various reaches of the river;

(B) future construction and Federal expenditures within the floodway;

(C) development of recreation facilities and fish and wildlife enhancement within the floodway to replace existing development or in place of future development;

(D) the necessity for additional floodway management legislation at local, State, and Federal levels; and

(E) the necessity of an emergency plan coordinating the activities of all public safety agencies to expedite aid and assistance to victims of future floods; and

(4) make recommendations to the Secretary of the Interior on—

(A) any compensation that would be appropriate to be paid by the Secretary to individuals living within the floodway who suffered economic
losses as a result of the flooding along the Colorado River Floodway in 1983 and a procedure for paying such compensation; and

(B) relocation of any individual living within the floodway that would be appropriate as a result of the consequences of the 1983 flood or in anticipation of possible future floods and procedures for handling such relocations including the possibility of land exchanges.

(b)(1) Based on the recommendations of the Task Force under subsection (a)(4)(A), the Secretary of the Interior is authorized to compensate individuals who suffered economic losses caused by the flooding along the Colorado River Floodway in 1983. Such compensation shall be paid within two years after the date of enactment of this Act. Any individual receiving compensation under this paragraph shall waive all right to any additional compensation from the United States.

(2) Any individual who suffered economic losses as a result of the flooding along the Colorado River Floodway in 1983 who has not waived any right to compensation pursuant to clause (1) may bring an action in the United States Court of Claims for claims against the United States based on the 1983 flood any time two years after the date of enactment of this Act and prior to three years after the date of
enactment. Jurisdiction is conferred on the Court of Claims to hear, determine, and render judgment upon such claims and award damages arising out of economic losses suffered as a result of the 1983 flood.

(c) Based on the recommendations of the Task Force under subsection (a)(4)(B), the Secretary of the Interior is authorized to relocate any individual living within the floodway who was either adversely affected by the 1983 flood or who is in jeopardy of flooding in the future.

FINAL REPORT

Sec. 5. Not later than one year after the date of enactment of this Act, the Task Force shall transmit to the President and to the Congress a report containing a detailed statement of the study conducted by the Task Force under this Act and the recommendations of the Task Force with respect to the matters specified in section 4, including any recommendations for legislation the Task Force considers appropriate.

TERMINATION

Sec. 6. The Task Force shall terminate one year after the date of enactment of this Act.

AUTHORIZATION

Sec. 7. (a) For fiscal years 1986 and 1987, there are authorized to be appropriated $2,000,000 to carry out the provisions of this Act except for subsections (b) and (c) of section 4.
(b) For fiscal years 1986, 1987, and 1988 there are authorized to be appropriated such sums as are necessary to carry out the provisions of subsections (b) and (c) of section 4.