

plus or minus such amounts as may be justified by reason of ordinary fluctuations in costs involved therein, and such sums as may be required to operate and maintain such works. The funds authorized to be appropriated by this section may be used for construction of any or all of the works or portions thereof and for other purposes authorized in subsection (a), including measures as provided for in subsection (b) of section 1592 of this title. There is further authorized to be appropriated such sums as may be necessary to pay condemnation awards in excess of appraised values and to cover costs required in connection with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 [42 U.S.C. 4601 et seq.].

(c) Implementation of basinwide salinity control program

In addition to the amounts authorized to be appropriated under subsection (b), there are authorized to be appropriated \$175,000,000 for section 1592(a) of this title, including constructing the works described in paragraph (6) of section 1592(a) of this title and carrying out the measures described in such paragraph. Notwithstanding subsection (b), the Secretary may implement the program under section 1592(a)(6) of this title only to the extent and in such amounts as are provided in advance in appropriations Acts.

(Pub. L. 93-320, title II, §208, June 24, 1974, 88 Stat. 274; Pub. L. 98-569, §5, Oct. 30, 1984, 98 Stat. 2939; Pub. L. 104-20, §1(3), July 28, 1995, 109 Stat. 256; Pub. L. 106-459, §1, Nov. 7, 2000, 114 Stat. 1987.)

Editorial Notes

REFERENCES IN TEXT

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, referred to in subsection (b), is Pub. L. 91-646, Jan. 2, 1971, 84 Stat. 1894, which is classified principally to chapter 61 (§4601 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4601 of Title 42 and Tables.

AMENDMENTS

2000—Subsec. (c). Pub. L. 106-459, in first sentence, substituted “\$175,000,000 for section 1592(a) of this title” for “\$75,000,000 for subsection 1592(a) of this title” and “paragraph (6) of section 1592(a) of this title” for “paragraph 1592(a)(6) of this title” and, in second sentence, substituted “section 1592(a)(6) of this title” for “paragraph 1592(a)(6) of this title”.

1995—Subsec. (c). Pub. L. 104-20 added subsec. (c).

1984—Subsec. (a). Pub. L. 98-569, §5(a), struck out “and not then if disapproved by said committees” before “, except that funds may be expended”.

Subsec. (b). Pub. L. 98-569, §5(b)(1), inserted “(a) or (b)” after “1592”.

Pub. L. 98-569, §5(b)(2), inserted “The funds authorized to be appropriated by this section may be used for construction of any or all of the works or portions thereof and for other purposes authorized in subsection (a), including measures as provided for in subsection (b) of section 1592 of this title.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-569 effective Oct. 30, 1984, see section 6 of Pub. L. 98-569, set out as a note under section 1591 of this title.

§ 1599. Definitions

As used in this subchapter—

(a) all terms that are defined in the Colorado River Compact shall have the meanings therein defined;

(b) “Colorado River Basin States” means the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming.

(Pub. L. 93-320, title II, §209, June 24, 1974, 88 Stat. 275.)

CHAPTER 32B—COLORADO RIVER FLOODWAY

Sec.

1600.	Findings and purposes.
1600a.	Definitions.
1600b.	Colorado River Floodway Task Force.
1600c.	Colorado River Floodway.
1600d.	Limitations on Federal expenditures affecting Floodway.
1600e.	Exceptions.
1600f.	Certification of compliance.
1600g.	Priority of laws.
1600h.	Separability.
1600i.	Reports to Congress.
1600j.	Federal leases.
1600k.	Notices and existing laws.
1600l.	Authorization of appropriations.

§ 1600. Findings and purposes

(a) Findings

The Congress finds that—

(1) there are multiple purposes established by law for the dams and other control structures administered by the Secretary of the Interior on the Colorado River;

(2) the maintenance of the Colorado River Floodway established in this chapter is essential to accomplish these multiple purposes;

(3) developments within the Floodway are and will continue to be vulnerable to damaging flows such as the property damage which occurred in 1983 and may occur in the future;

(4) certain Federal programs which subsidize or permit development within the Floodway threaten human life, health, property, and natural resources; and

(5) there is a need for coordinated Federal, State, and local action to limit Floodway development.

(b) Purpose

The Congress declares that the purposes of this chapter are to—

(1) establish the Colorado River Floodway, as designated and described further in this chapter, so as to provide benefits to river users and to minimize the loss of human life, protect health and safety, and minimize damage to property and natural resources by restricting future Federal expenditures and financial assistance, except public health funds, which have the effect of encouraging development within the Colorado River Floodway; and

(2) establish a task force to advise the Secretary of the Interior and the Congress on establishment of the Floodway and on managing existing and future development within the Floodway, including the appropriateness of compensation in specified cases of extraordinary hardship.

(Pub. L. 99-450, §2, Oct. 8, 1986, 100 Stat. 1129.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 99-450, Oct. 8, 1986, 100 Stat. 1129, known as the Colorado River Floodway Protection Act, which enacted this chapter and section 4029 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

Statutory Notes and Related Subsidiaries

SHORT TITLE

Pub. L. 99-450, §1, Oct. 8, 1986, 100 Stat. 1129, provided that: “This Act [enacting this chapter and section 4029 of Title 42, The Public Health and Welfare] may be cited as the ‘Colorado River Floodway Protection Act.’”

§ 1600a. Definitions

(a) The term “Committees” refers to the Committee on Natural Resources of the United States House of Representatives and the Committee on Environment and Public Works and the Committee on Energy and Natural Resources of the United States Senate.

(b) The term “financial assistance” means any form of loan, grant, guaranty, insurance, payment, rebate, subsidy, or any other form of direct or indirect Federal assistance other than—

- (1) general revenue-sharing grants made under section 6702¹ of title 31;
- (2) deposit or account insurance for customers of banks, savings and loan associations, credit unions, or similar institutions;
- (3) the purchase of mortgages or loans by the Government National Mortgage Association, the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation;
- (4) assistance for environmental studies, plans, and assessments that are required incident to the issuance of permits or other authorizations under Federal law; and
- (5) assistance pursuant to programs entirely unrelated to development, such as any Federal or federally assisted public assistance program or any Federal old-age, survivors, or disability insurance program.

Such term also includes flood insurance described in sections² 4029(a) and (b) of title 42 on and after the dates on which the provisions of those sections² become effective.

(c) The term “Secretary” means the Secretary of the Interior.

(d) The term “water district” means any public agency providing water service, including water districts, county water districts, public utility districts, and irrigation districts.

(e) The term “Floodway” means the Colorado River Floodway established in section 1600c of this title.

(Pub. L. 99-450, §3, Oct. 8, 1986, 100 Stat. 1129; Pub. L. 103-437, §16(a)(4), Nov. 2, 1994, 108 Stat. 4594.)

¹ See References in Text note below.

² So in original. Probably should be in the singular.

Editorial Notes

REFERENCES IN TEXT

Chapter 67 of title 31, including section 6702, referred to in subsec. (b)(1), was repealed by Pub. L. 99-272, title XIV, §1400(a)(1), Apr. 7, 1986, 100 Stat. 327. See also Codification note below.

The dates on which the provisions of sections 4029(a) and (b) of title 42 become effective, referred to in subsec. (b), is Oct. 8, 1986, the date of enactment of Pub. L. 99-450 which enacted section 4029(a), (b) of Title 42, The Public Health and Welfare.

CODIFICATION

In subsec. (b)(1), “section 6702 of title 31” substituted for “section 102 of the State and Local Fiscal Assistance Amendments of 1972 (31 U.S.C. 1221)” on authority of Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-437 substituted “Natural Resources” for “Interior and Insular Affairs” before “of the United States House”.

§ 1600b. Colorado River Floodway Task Force

(a) Establishment and membership

To advise the Secretary and the Congress there shall be a Colorado River Floodway Task Force, which shall include one representative of—

- (1) each State (appointed by the Governor) and Indian reservation in which the Floodway is located;
- (2) each county in which the Floodway is located;
- (3) a law enforcement agency from each county in which the Floodway is located;
- (4) each water district in which the Floodway is located;
- (5) the cities of Needles, Parker, Blythe, Bullhead City, Yuma, Laughlin, Lake Havasu City, Nevada (if and when incorporated), and Mojave County, Arizona Supervisor District No. 2 (chosen by, but not a member of the Board of Supervisors);
- (6) of the Chamber of Commerce from each county in which the Floodway is located;
- (7) the Colorado River Wildlife Council;
- (8) the Army Corps of Engineers;
- (9) the Federal Emergency Management Agency (FEMA);
- (10) the Department of Agriculture;
- (11) the Department of the Interior; and
- (12) the Department of State.

(b) Charter and operation; reports and recommendations

The task force shall be chartered and operate under the provisions of chapter 10 of title 5 and shall prepare recommendations concerning the Colorado River Floodway, which recommendations shall deal with:

- (1) the means to restore and maintain the Floodway specified in section 1600c of this title, including, but not limited to, specific instances where land transfers or relocations, or other changes in land management, might best effect the purposes of this chapter;
- (2) the necessity for additional Floodway management legislation at local, tribal, State, and Federal levels;