

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.)

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 (b)(1), was repealed by Pub.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 the Federal Advisory

Committee Act (Public Law 92-463; 5 U.S.C. App.) 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;

(3) the development of specific design criteria for the creation of the Floodway boundaries;

(4) the review of mapping procedures for Floodway boundaries;

(5) whether compensation should be recommended in specific cases of economic hardship resulting from impacts of the 1983 flood on property outside the Floodway which could not reasonably have been foreseen; and

(6) the potential application of the Floodway on Indian lands and recommended legislation or regulations that might be needed to achieve the purposes of the Floodway taking into consideration the special Federal status of Indian lands.

(c) Termination of task force; report to Secretary and Congressional Committees

The task force shall exist for at least one year after October 8, 1986, or until such time as the Secretary has filed with the Committees the maps described in section 1600c(b)(2)¹ of this title. The task force shall file its report with the Secretary and the Committees within nine months after October 8, 1986.

(Pub. L. 99-450, §4, Oct. 8, 1986, 100 Stat. 1130.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (b), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

Section 1600c(b)(2) of this title, referred to in subsec. (c), was struck out and former subsec. (b)(1)(ii) of section 1600c redesignated subsec. (b)(2) of section 1600c by Pub. L. 105-362, title IX, §901(d)(1), Nov. 10, 1998, 112 Stat. 3289. As so amended, section 1600c(b)(2) no longer relates to maps required to be prepared and filed by the Secretary.

TRANSFER OF FUNCTIONS

For transfer of all functions, personnel, assets, components, authorities, grant programs, and liabilities of the Federal Emergency Management Agency, including the functions of the Under Secretary for Federal Emergency Management relating thereto, to the Federal Emergency Management Agency, see section 315(a)(1) of Title 6, Domestic Security.

For transfer of functions, personnel, assets, and liabilities of the Federal Emergency Management Agency, including the functions of the Director of the Federal Emergency Management Agency relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see former section 313(1) and sections 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

¹ See References in Text note below.

§ 1600c. Colorado River Floodway**(a) Establishment**

There is established the Colorado River Floodway as identified and generally depicted on maps that are to be submitted by the Secretary.

(b) Study of tributary floodflows; determination of Floodway boundary

Within eighteen months after October 8, 1986, the Secretary, in consultation with the seven Colorado River Basin States, represented by persons designated by the Governors of those States, the Colorado River Floodway Task Force, and any other interested parties shall:

(1) complete a study of the tributary floodflows downstream of Davis Dam;

(2) define the specific boundaries of the Colorado River Floodway so that the Floodway can accommodate either a one-in-one hundred year river flow consisting of controlled releases and tributary inflow, or a flow of forty thousand cubic feet per second (cfs), whichever is greater, from below Davis Dam to the Southerly International Boundary between the United States of America and the Republic of Mexico.

(c) Review and modification of boundaries; notice and comment; written justification for decision of Secretary

(1) The Secretary shall conduct, at least once every five years, a review of the Colorado River Floodway and make, after notice to and in consultation with appropriate chief executive officers of States, counties, municipalities, water districts, Indian tribes, or equivalent jurisdictions in which the Floodway is located, and others, such minor and technical modifications to the boundaries of the Floodway as are necessary solely to reflect changes that have occurred in the size or location of any portion of the floodplain as a result of natural forces, and as necessary pursuant to subsection (c) of section 1600e of this title.

(2) If, in the case of any minor and technical modification to the boundaries of the Floodway made under the authority of this subsection, an appropriate chief executive officer of a State, county, municipality, water district, Indian tribe, or equivalent jurisdiction, to which notice was given in accordance with this subsection files comments disagreeing with all or part of the modification and the Secretary makes a modification which is in conflict with such comments, the Secretary shall submit to the chief executive officer a written justification for his failure to make modifications consistent with such comments or proposals.

(Pub. L. 99-450, § 5, Oct. 8, 1986, 100 Stat. 1131; Pub. L. 105-362, title IX, § 901(d), Nov. 10, 1998, 112 Stat. 3289.)

AMENDMENTS

1998—Subsec. (b). Pub. L. 105-362, § 901(d)(1), struck out par. (1) designation, redesignated cls. (i) and (ii) of former par. (1) as pars. (1) and (2), respectively, and struck out former pars. (2) and (3) which related to preparation and filing of maps with congressional committees, Federal, State, and local government agencies, and federally insured financial institutions.

Subsec. (c)(1). Pub. L. 105-362, § 901(d)(2), substituted “appropriate chief executive officers of States, coun-

ties, municipalities, water districts, Indian tribes, or equivalent jurisdictions in which the Floodway is located,” for “the appropriate officers referred to in paragraph (3) of subsection (b) of this section.”

§ 1600d. Limitations on Federal expenditures affecting Floodway

(a) Except as provided in section 1600e of this title, no new expenditures or new financial assistance may be made available under authority of any Federal law for any purpose within the Floodway established under section 1600c of this title.

(b) An expenditure or financial assistance made available under authority of Federal law shall, for purposes of this chapter, be a new expenditure or new financial assistance if—

(1) in any case with respect to which specific appropriations are required, no money for construction or purchase purposes was appropriated before October 8, 1986; or

(2) no legally binding commitment for the expenditure or financial assistance was made before October 8, 1986.

(Pub. L. 99-450, § 6, Oct. 8, 1986, 100 Stat. 1132.)

§ 1600e. Exceptions

Notwithstanding section 1600d of this title, the appropriate Federal officer, after consultation with the Secretary, may make Federal expenditures or financial assistance available within the Colorado River Floodway for—

(a) any dam, channel or levee construction, operation or maintenance for the purpose of flood control, water conservation, power or water quality;

(b) other remedial or corrective actions, including but not limited to drainage facilities essential to assist in controlling adjacent high ground water conditions caused by flood flows;

(c) the maintenance, replacement, reconstruction, repair, and expansion, of publicly or tribally owned or operated roads, structures (including bridges), or facilities: *Provided*, That, no such expansion shall be permitted unless—

(1) the expansion is designed and built in accordance with the procedures and standards established in section 650.101 of title 23, Code of Federal Regulations, and the following as they may be amended from time to time; and

(2) the boundaries of the Floodway are adjusted to account for changes in flows caused, directly or indirectly, by the expansion;

(d) military activities essential to national security;

(e) any of the following actions or projects, but only if the Secretary finds that the making available of expenditures or assistance therefor is consistent with the purposes of this chapter:

(1) projects for the study, management, protection and enhancement of fish and wildlife resources and habitats, including, but not limited to, acquisition of fish and wildlife habitats and related lands, stabilization projects for fish and wildlife habitats, and recreational projects;