

“SEC. 8005. COMPARABLE PROGRESS.

“(a) IN GENERAL.—As the Secretary [of the Army] conducts pre-engineering, design, and construction for projects authorized under this title, the Secretary shall—

“(1) select appropriate milestones;

“(2) determine, at the time of such selection, whether the projects are being carried out at comparable rates; and

“(3) make an annual report to Congress, beginning in fiscal year 2009, regarding whether the projects are being carried out at a comparable rate.

“(b) NO COMPARABLE RATE.—If the Secretary [of the Army] or Congress determines under subsection (a)(2) that projects authorized under this title are not moving toward completion at a comparable rate, annual funding requests for the projects shall be adjusted to ensure that the projects move toward completion at a comparable rate in the future.”

UPPER MISSISSIPPI RIVER BASIN SEDIMENT AND NUTRIENT STUDY

Pub. L. 106-541, title IV, § 403, Dec. 11, 2000, 114 Stat. 2634, provided that:

“(a) IN GENERAL.—In conjunction with the Secretary of Agriculture and the Secretary of the Interior, the Secretary [of the Army] shall conduct a study to—

“(1) identify and evaluate significant sources of sediment and nutrients in the upper Mississippi River basin;

“(2) quantify the processes affecting mobilization, transport, and fate of those sediments and nutrients on land and in water; and

“(3) quantify the transport of those sediments and nutrients to the upper Mississippi River and the tributaries of the upper Mississippi River.

“(b) STUDY COMPONENTS.—

“(1) COMPUTER MODELING.—In carrying out the study under this section, the Secretary shall develop computer models of the upper Mississippi River basin, at the subwatershed and basin scales, to—

“(A) identify and quantify sources of sediment and nutrients; and

“(B) examine the effectiveness of alternative management measures.

“(2) RESEARCH.—In carrying out the study under this section, the Secretary shall conduct research to improve the understanding of—

“(A) fate processes and processes affecting sediment and nutrient transport, with emphasis on nitrogen and phosphorus cycling and dynamics;

“(B) the influences on sediment and nutrient losses of soil type, slope, climate, vegetation cover, and modifications to the stream drainage network; and

“(C) river hydrodynamics, in relation to sediment and nutrient transformations, retention, and transport.

“(c) USE OF INFORMATION.—On request of a Federal agency, the Secretary may provide information for use in applying sediment and nutrient reduction programs associated with land-use improvements and land management practices.

“(d) REPORTS.—

“(1) PRELIMINARY REPORT.—Not later than 2 years after the date of enactment of this Act [Dec. 11, 2000], the Secretary shall transmit to Congress a preliminary report that outlines work being conducted on the study components described in subsection (b).

“(2) FINAL REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report describing the results of the study under this section, including any findings and recommendations of the study.

“(e) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$4,000,000 for each of fiscal years 2001 through 2005.

“(2) FEDERAL SHARE.—The Federal share of the cost of carrying out this section shall be 50 percent.”

UPPER MISSISSIPPI RIVER COMPREHENSIVE PLAN

Pub. L. 106-53, title IV, § 459, Aug. 17, 1999, 113 Stat. 332, as amended by Pub. L. 106-541, title IV, § 404, Dec. 11, 2000, 114 Stat. 2635, provided that:

“(a) DEVELOPMENT.—The Secretary [of the Army] shall develop a plan to address water resource and related land resource problems and opportunities in the upper Mississippi and Illinois River basins, from Cairo, Illinois, to the headwaters of the Mississippi River, in the interest of systemic flood damage reduction by means of—

“(1) structural and nonstructural flood control and floodplain management strategies;

“(2) continued maintenance of the navigation project;

“(3) management of bank caving and erosion;

“(4) watershed nutrient and sediment management;

“(5) habitat management;

“(6) recreation needs; and

“(7) other related purposes.

“(b) CONTENTS.—The plan under subsection (a) shall—

“(1) contain recommendations on management plans and actions to be carried out by the responsible Federal and non-Federal entities;

“(2) specifically address recommendations to authorize construction of a systemic flood control project for the upper Mississippi River; and

“(3) include recommendations for Federal action where appropriate and recommendations for follow-on studies for problem areas for which data or current technology does not allow immediate solutions.

“(c) CONSULTATION AND USE OF EXISTING DATA.—In carrying out this section, the Secretary shall—

“(1) consult with appropriate Federal and State agencies; and

“(2) make maximum use of data in existence on the date of enactment of this Act [Aug. 17, 1999] and ongoing programs and efforts of Federal agencies and States in developing the plan under subsection (a).

“(d) COST SHARING.—

“(1) DEVELOPMENT.—Development of the plan under subsection (a) shall be at Federal expense.

“(2) FEASIBILITY STUDIES.—Feasibility studies resulting from development of the plan shall be subject to cost sharing under section 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2215).

“(e) REPORT.—Not later than 3 years after the first date on which funds are appropriated to carry out this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that includes the plan under subsection (a).”

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2201 of this title.

**§ 653. Extension of jurisdiction of Mississippi River Commission**

The jurisdiction of the Mississippi River Commission (established by the Act of June 29, 1879<sup>1</sup> (33 U.S.C. 641)) is extended to include—

(1) Terrebonne Parish, Louisiana; and

(2) the area bounded by the East Atchafalaya Basin Protection Levee, the Mississippi River Levee, and Bayou Lafourche and extending from Morganza, Louisiana, to the Gulf of Mexico, insofar as such area is affected by the flood waters of the Mississippi River.

(Pub. L. 102-580, title III, § 301, Oct. 31, 1992, 106 Stat. 4838.)

<sup>1</sup> See References in Text note below.

**Editorial Notes**

## REFERENCES IN TEXT

Act of June 29, 1879 (33 U.S.C. 641), referred to in text, probably means the act of June 28, 1879, ch. 43, 21 Stat. 37, which enacted sections 641 to 644, 646, and 647 of this title.

**§ 653a. Extension of jurisdiction of Mississippi River Commission**

The jurisdiction of the Mississippi River Commission, established by section 641 of this title, is extended to include—

(1) all of the area between the eastern side of the Bayou Lafourche Ridge from Donaldsonville, Louisiana, to the Gulf of Mexico and the west guide levee of the Mississippi River from Donaldsonville, Louisiana, to the Gulf of Mexico;

(2) Alexander County, Illinois; and

(3) the area in the State of Illinois from the confluence of the Mississippi and Ohio Rivers northward to the vicinity of Mississippi River mile 39.5, including the Len Small Drainage and Levee District, insofar as such area is affected by the flood waters of the Mississippi River.

(Pub. L. 104-303, title V, §517, Oct. 12, 1996, 110 Stat. 3764.)

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**§ 661. Creation of commission; appointment of members; vacancies; powers generally**

A commission is created, to be known as the California Debris Commission, consisting of three members. The President of the United States shall, by and with the advice and consent of the Senate, appoint the commission from officers of the Corps of Engineers, United States Army. Vacancies occurring therein shall be filled in like manner. It shall have the authority, and exercise the powers set forth in sections 662 to 685 of this title, under the supervision of the Chief of Engineers and direction of the Secretary of the Army.

(Mar. 1, 1893, ch. 183, §1, 27 Stat. 507; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501.)

**Statutory Notes and Related Subsidiaries**

## CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted “Title 10, Armed Forces” which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.

## ABOLITION OF CALIFORNIA DEBRIS COMMISSION

Pub. L. 99-662, title XI, §1106, Nov. 17, 1986, 100 Stat. 4229, provided that:

“(a) The California Debris Commission established by the first section of the Act of March 1, 1893 (33 U.S.C. 661) is hereby abolished.

“(b) All authorities, powers, functions, and duties of the California Debris Commission are hereby transferred to the Secretary [meaning Secretary of the Army, see 33 U.S.C. 2201].

“(c) The assets, liabilities, contracts, property, records, and the unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used arising from, available to, or to be made available in connection with the authorities, powers, functions, and duties transferred by this section, subject to section 202 of the Budget and Accounting Procedure Act of 1950 [see 31 U.S.C. 1531], are hereby transferred to the Secretary for appropriate allocation. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

“(d) All acquired lands, and other interests therein presently under the jurisdiction of the California Debris Commission are hereby authorized to be retained, and shall be administered under the direction of the Secretary, who is hereby authorized to take such actions as are necessary to consolidate and perfect title; to exchange for other lands or interests therein which may be required for recreation or for existing or proposed projects of the United States; to transfer to other Federal agencies or dispose of as surplus property; and to release to the coextensive fee owners any easements no longer required by the United States, under such conditions or for such consideration as the Secretary shall determine to be fair and reasonable. Except as