

112TH CONGRESS
2D SESSION

H. R. 5717

To require the Army Corps of Engineers to notify the public of certain flood predictions regarding the Missouri River System, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 10, 2012

Mrs. NOEM (for herself and Mr. BERG) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To require the Army Corps of Engineers to notify the public of certain flood predictions regarding the Missouri River System, and for other purposes.

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. SHORT TITLE.**

4 This Act may be cited as the “Army Corps of Engi-
5 neers Communications Accountability Act of 2012”.

6 **SEC. 2. NOTIFICATION AND CONSULTATION REQUIRE-**
7 **MENTS.**

8 (a) IN GENERAL.—If the Chief of Engineers makes
9 an upper quartile determination or an upper decile deter-
10 mination, the Chief of Engineers shall notify the public

1 of such determination, and consult with affected govern-
2 ments, in accordance with this section.

3 (b) NOTIFICATION.—Not later than 7 days after
4 making a determination described in subsection (a), the
5 Chief of Engineers shall notify the public that such deter-
6 mination has been made.

7 (c) CONSULTATION.—

8 (1) IN GENERAL.—If the Chief of Engineers
9 makes an upper decile determination, an affected
10 government may request a consultation with the
11 Chief of Engineers.

12 (2) DEADLINE.—If an affected government re-
13 quests a consultation under paragraph (1), the Chief
14 of Engineers shall provide such consultation not
15 later than 7 days after receiving the request.

16 (3) CONTENTS.—The Chief of Engineers may
17 provide in a consultation under this subsection—

18 (A) information regarding expected water
19 levels;

20 (B) advice regarding appropriate prepared-
21 ness actions;

22 (C) technical assistance; and

23 (D) any other information or assistance
24 determined appropriate by the Chief of Engi-
25 neers.

1 (d) DEFINITIONS.—In this section:

2 (1) AFFECTED GOVERNMENT.—The term “af-
3 fected government” means a State, local, or tribal
4 government with jurisdiction over an area that will
5 be affected by a flood occurring in the Missouri
6 River System, as determined by the Chief of Engi-
7 neers in an upper decile determination.

8 (2) ANNUAL OPERATING PLAN.—The term “an-
9 nual operating plan” means a plan prepared by the
10 Chief of Engineers that describes potential water
11 conditions scenarios for the Missouri River System
12 for a year.

13 (3) UPPER DECILE DETERMINATION.—The
14 term “upper decile determination” means a deter-
15 mination that runoff conditions in the Missouri
16 River System are likely to reach the upper decile
17 scenario specified for a year in an annual operating
18 plan.

19 (4) UPPER QUARTILE DETERMINATION.—The
20 term “upper quartile determination” means a deter-
21 mination that runoff conditions in the Missouri
22 River System are likely to reach the upper quartile
23 scenario specified for a year in an annual operating
24 plan.

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