

# Calendar No. 676

108TH CONGRESS  
2D SESSION

# S. 931

[Report No. 108-320]

To direct the Secretary of the Interior to undertake a program to reduce the risks from and mitigate the effects of avalanches on visitors to units of the National Park System and on other recreational users of public land.

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## IN THE SENATE OF THE UNITED STATES

APRIL 29, 2003

Mr. STEVENS (for himself, Mr. CAMPBELL, Mr. DOMENICI, Mr. HATCH, Mr. INOUE, and Ms. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

AUGUST 25, 2004

Reported under authority of the order of the Senate of July 22, 2004, by Mr. DOMENICI, with an amendment and an amendment to the title  
[Strike out all after the enacting clause and insert the part printed in *italic*]

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## A BILL

To direct the Secretary of the Interior to undertake a program to reduce the risks from and mitigate the effects of avalanches on visitors to units of the National Park System and on other recreational users of public land.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Federal Land Rec-  
3 reational Visitor Protection Act of 2003”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) PROGRAM.—The term “program” means  
7 the avalanche protection program established under  
8 section 3(a).

9 (2) SECRETARY.—The term “Secretary” means  
10 the Secretary of the Interior.

11 **SEC. 3. AVALANCHE PROTECTION PROGRAM.**

12 (a) ESTABLISHMENT.—The Secretary shall establish  
13 a coordinated avalanche protection program—

14 (1) to provide early identification of the poten-  
15 tial for avalanches that could endanger the safety of  
16 visitors to units of the National Park System and  
17 recreational users of public land, including skiers,  
18 backpackers, snowboarders, and campers; and

19 (2) to reduce the risks and mitigate the effects  
20 of avalanches on visitors, recreational users, neigh-  
21 boring communities, and transportation corridors.

22 (b) COORDINATION.—

23 (1) IN GENERAL.—In developing and imple-  
24 menting the program, the Secretary shall consult  
25 with the Secretary of Agriculture, and coordinate the  
26 program, to ensure adequate levels of protection for

1 recreational users of public land and forests under  
2 the jurisdiction of the Secretary of Agriculture, in-  
3 cluding National Recreation Areas, wilderness and  
4 backcountry areas, components of the National Wild  
5 and Scenic Rivers System, and other areas that are  
6 subject to the potential threat of avalanches.

7 (2) RESOURCES.—In carrying out this section,  
8 the Secretary and the Secretary of Agriculture—

9 (A) shall, to the maximum extent prac-  
10 ticable, use the resources of the National Ava-  
11 lanche Center of the Forest Service; and

12 (B) may use such other resources as the  
13 Secretary has available in the development and  
14 implementation of the program.

15 (c) ADVISORY COMMITTEE.—

16 (1) IN GENERAL.—The Secretary and the Sec-  
17 retary of Agriculture shall jointly establish an advi-  
18 sory committee to assist in the development and im-  
19 plementation of the program.

20 (2) MEMBERSHIP.—

21 (A) IN GENERAL.—The Advisory Com-  
22 mittee shall consist of 11 members, appointed  
23 by the Secretaries, who represent authorized  
24 users of artillery, other military weapons, or  
25 weapons alternatives used for avalanche control.

1           (B) REPRESENTATIVES.—The membership  
2 of the Advisory Committee shall include rep-  
3 resentatives of—

4           (i) Federal land management agencies  
5 and concessionaires or permittees that are  
6 exposed to the threat of avalanches;

7           (ii) State departments of transpor-  
8 tation that have experience in dealing with  
9 the effects of avalanches; and

10          (iii) Federal- or State-owned railroads  
11 that have experience in dealing with the ef-  
12 fects of avalanches.

13          (d) CENTRAL DEPOSITORY.—The Secretary, the Sec-  
14 retary of Agriculture, and the Secretary of the Army shall  
15 establish a central depository for weapons, ammunition,  
16 and parts for avalanche control purposes, including an in-  
17 ventory that can be made available to Federal and non-  
18 Federal entities for avalanche control purposes under the  
19 program.

20          (e) GRANTS.—

21           (1) IN GENERAL.—The Secretary and the Sec-  
22 retary of Agriculture may make grants to carry out  
23 projects and activities under the program—

24           (A) to assist in the prevention, forecasting,  
25 detection, and mitigation of avalanches for the

1 safety and protection of persons, property, and  
2 at-risk communities;

3 (B) to maintain essential transportation  
4 and communications affected or potentially af-  
5 fected by avalanches;

6 (C) to assist avalanche artillery users to  
7 ensure the availability of adequate supplies of  
8 artillery and other unique explosives required  
9 for avalanche control in or affecting—

10 (i) units of the National Park System;

11 and

12 (ii) other Federal land used for recre-  
13 ation purposes; and

14 (iii) adjacent communities, and essen-  
15 tial transportation corridors, that are at  
16 risk of avalanches; and

17 (D) to assist public or private persons and  
18 entities in conducting research and development  
19 activities for cost-effective and reliable alter-  
20 natives to minimize reliance on military weap-  
21 ons for avalanche control.

22 (2) APPORTIONMENT OF FUNDS.—

23 (A) IN GENERAL.—Subject to subpara-  
24 graph (B), for each fiscal year for which funds  
25 are made available under section 4, the Sec-

1           retary shall apportion the amount of funds  
2           made available for the fiscal year among States  
3           with avalanche zones based on the ratio that  
4           the total area of avalanche zones located in  
5           each State bears to the total area of all ava-  
6           lanche zones in all States.

7           (B) PRIORITY.—In providing grants under  
8           this subsection, the Secretary shall give priority  
9           to projects and activities carried out in ava-  
10          lanche zones—

11                   (i) with a high frequency or severity  
12                   of avalanches; or

13                   (ii) in which deaths or serious injuries  
14                   to individuals, or loss or damage to public  
15                   facilities and communities, have occurred  
16                   or are likely to occur.

17          (f) SURPLUS ORDINANCE.—Section 549(e)(3) of title  
18 40, United States Code, is amended—

19                   (1) in subparagraph (A), by striking “or” after  
20                   the semicolon at the end;

21                   (2) in subparagraph (B), by striking the period  
22                   at the end and inserting “; or”; and

23                   (3) by adding at the end the following:

1           “(C) in the case of surplus artillery ordi-  
 2           nance that is suitable for avalanche control pur-  
 3           poses, to a user of such ordinance.”.

4 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

5           There are authorized to be appropriated such sums  
 6 as are necessary to carry out this Act.

7 **SECTION 1. SHORT TITLE.**

8           *This Act may be cited as the “Federal Land Rec-  
 9 reational Visitor Protection Act of 2004”.*

10 **SEC. 2. DEFINITIONS.**

11           *In this Act:*

12           (1) *PROGRAM.*—*The term “program” means the*  
 13 *avalanche protection program established under sec-*  
 14 *tion 3(a).*

15           (2) *SECRETARY.*—*The term “Secretary” means*  
 16 *the Secretary of Agriculture.*

17 **SEC. 3. AVALANCHE PROTECTION PROGRAM.**

18           (a) *ESTABLISHMENT.*—*The Secretary shall establish a*  
 19 *coordinated avalanche protection program—*

20           (1) *to provide early identification of the poten-*  
 21 *tial for avalanches that could endanger the safety of*  
 22 *recreational users of public land, including skiers,*  
 23 *backpackers, snowboarders, and campers and visitors*  
 24 *to units of the National Park System; and*

1           (2) *to reduce the risks and mitigate the effects of*  
2 *avalanches on visitors, recreational users, neighboring*  
3 *communities, and transportation corridors.*

4 *(b) COORDINATION.—*

5           (1) *IN GENERAL.—In developing and imple-*  
6 *menting the program, the Secretary shall consult with*  
7 *the Secretary of the Interior, and coordinate the pro-*  
8 *gram, to ensure adequate levels of protection for rec-*  
9 *reational users of public land under the jurisdiction*  
10 *of the Secretary of the Interior, including units of the*  
11 *National Park System, National Recreation Areas,*  
12 *wilderness and backcountry areas, components of the*  
13 *National Wild and Scenic Rivers System, and other*  
14 *areas that are subject to the potential threat of ava-*  
15 *lanches.*

16           (2) *RESOURCES.—In carrying out this section,*  
17 *the Secretary and the Secretary of the Interior—*

18           (A) *shall, to the maximum extent prac-*  
19 *ticable, use the resources of the National Ava-*  
20 *lanche Center of the Forest Service; and*

21           (B) *may use such other resources as the Sec-*  
22 *retary has available in the development and im-*  
23 *plementation of the program.*

24 *(c) ADVISORY COMMITTEE.—*

1           (1) *IN GENERAL.*—*The Secretary and the Sec-*  
2           *retary of the Interior shall jointly establish an advi-*  
3           *sory committee to assist in the development and im-*  
4           *plementation of the program.*

5           (2) *MEMBERSHIP.*—

6           (A) *IN GENERAL.*—*The Advisory Committee*  
7           *shall consist of 11 members, appointed by the*  
8           *Secretaries, who represent authorized users of ar-*  
9           *tillery, other military weapons, or weapons al-*  
10          *ternatives used for avalanche control.*

11          (B) *REPRESENTATIVES.*—*The membership*  
12          *of the Advisory Committee shall include rep-*  
13          *resentatives of—*

14               (i) *Federal land management agencies*  
15               *and concessionaires or permittees that are*  
16               *exposed to the threat of avalanches;*

17               (ii) *State departments of transpor-*  
18               *tation that have experience in dealing with*  
19               *the effects of avalanches; and*

20               (iii) *Federal- or State-owned railroads*  
21               *that have experience in dealing with the ef-*  
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23          (d) *CENTRAL DEPOSITORY.*—*The Secretary, the Sec-*  
24          *retary of the Interior, and the Secretary of the Army shall*  
25          *establish a central depository for weapons, ammunition,*

1 *and parts for avalanche control purposes, including an in-*  
2 *ventory that can be made available to Federal and non-*  
3 *Federal entities for avalanche control purposes under the*  
4 *program.*

5 *(e) GRANTS.—*

6 *(1) IN GENERAL.—The Secretary and the Sec-*  
7 *retary of the Interior may make grants to carry out*  
8 *projects and activities under the program—*

9 *(A) to assist in the prevention, forecasting,*  
10 *detection, and mitigation of avalanches for the*  
11 *safety and protection of persons, property, and*  
12 *at-risk communities;*

13 *(B) to maintain essential transportation*  
14 *and communications affected or potentially af-*  
15 *ected by avalanches;*

16 *(C) to assist avalanche artillery users to en-*  
17 *sure the availability of adequate supplies of ar-*  
18 *tillery and other unique explosives required for*  
19 *avalanche control in or affecting—*

20 *(i) units of the National Park System;*

21 *and*

22 *(ii) other Federal land used for recre-*  
23 *ation purposes; and*

1                   (iii) adjacent communities, and essen-  
2                   tial transportation corridors, that are at  
3                   risk of avalanches; and

4                   (D) to assist public or private persons and  
5                   entities in conducting research and development  
6                   activities for cost-effective and reliable alter-  
7                   natives to minimize reliance on military weap-  
8                   ons for avalanche control.

9                   (2) *PRIORITY.*—For each fiscal year for which  
10                  funds are made available under section 4, the Sec-  
11                  retary shall give priority to projects and activities  
12                  carried out in avalanche zones—

13                   (A) with a high frequency or severity of  
14                   avalanches; or

15                   (B) in which deaths or serious injuries to  
16                   individuals, or loss or damage to public facilities  
17                   and communities, have occurred or are likely to  
18                   occur.

19                  (f) *SURPLUS ORDINANCE.*—Section 549(c)(3) of title  
20                  40, United States Code, is amended—

21                   (1) in subparagraph (A), by striking “or” after  
22                   the semicolon at the end;

23                   (2) in subparagraph (B), by striking the period  
24                   at the end and inserting “; or”; and

25                   (3) by adding at the end the following:

1                   “(C) *in the case of surplus artillery ordi-*  
2                   *nance that is suitable for avalanche control pur-*  
3                   *poses, to a user of such ordinance.*”.

4 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

5                   *There is authorized to be appropriated to carry out*  
6 *this Act \$15,000,000 for each of fiscal years 2005 through*  
7 *2009.*

          Amend the title so as to read: “A bill to direct the Secretary of Agriculture to undertake a program to reduce the risks from and mitigate the effects of avalanches on recreational users of public land.”.



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2<sup>D</sup> SESSION

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AUGUST 25, 2004

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