

109TH CONGRESS  
1ST SESSION

# S. 225

To direct the Secretary of the Interior 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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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 1, 2005

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

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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 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,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Federal Land Rec-  
5       reational Visitor Protection Act of 2005”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

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

4           (2) SECRETARY.—The term “Secretary” means  
5 the Secretary of the Interior.

6 **SEC. 3. AVALANCHE PROTECTION PROGRAM.**

7           (a) ESTABLISHMENT.—The Secretary shall establish  
8 a coordinated avalanche protection program—

9           (1) to provide early identification of the poten-  
10 tial for avalanches that could endanger the safety of  
11 recreational users of public land, including skiers,  
12 backpackers, snowboarders, and campers and visi-  
13 tors to units of the National Park System; and

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

17           (b) COORDINATION.—

18           (1) IN GENERAL.—In developing and imple-  
19 menting the program, the Secretary shall consult  
20 with the Secretary of Agriculture, and coordinate the  
21 program, to ensure adequate levels of protection for  
22 recreational users of public land under the jurisdic-  
23 tion of the Secretary, including units of the National  
24 Park System, National Recreation Areas, wilderness  
25 and backcountry areas, components of the National

1 Wild and Scenic Rivers System, and other areas that  
2 are subject to the potential threat of avalanches.

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

5 (A) shall, to the maximum extent prac-  
6 ticable, use the resources of the National Ava-  
7 lanche Center of the Forest Service; and

8 (B) may use such other resources as the  
9 Secretary has available in the development and  
10 implementation of the program.

11 (c) ADVISORY COMMITTEE.—

12 (1) IN GENERAL.—The Secretary and the Sec-  
13 retary of Agriculture shall jointly establish an advi-  
14 sory committee to assist in the development and im-  
15 plementation of the program.

16 (2) MEMBERSHIP.—

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

22 (B) REPRESENTATIVES.—The membership  
23 of the Advisory Committee shall include rep-  
24 resentatives of—

1 (i) Federal land management agencies  
2 and concessionaires or permittees that are  
3 exposed to the threat of avalanches;

4 (ii) State departments of transpor-  
5 tation that have experience in dealing with  
6 the effects of avalanches; and

7 (iii) Federal- or State-owned railroads  
8 that have experience in dealing with the ef-  
9 fects of avalanches.

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

17 (e) GRANTS.—

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

21 (A) to assist in the prevention, forecasting,  
22 detection, and mitigation of avalanches for the  
23 safety and protection of persons, property, and  
24 at-risk communities;

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

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

8 (i) units of the National Park System;

9 and

10 (ii) other Federal land used for recre-  
11 ation purposes; and

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

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

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

24 (A) with a high frequency or severity of  
25 avalanches; or

1           (B) in which deaths or serious injuries to  
2 individuals, or loss or damage to public facilities  
3 and communities, have occurred or are likely to  
4 occur.

5       (f) SURPLUS ORDINANCE.—Section 549(c)(3) of title  
6 40, United States Code, is amended—

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

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

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

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

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

16       There is authorized to be appropriated to carry out  
17 this Act \$15,000,000 for each of fiscal years 2006 through  
18 2010.

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