

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 225

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## AN ACT

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.

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

3        **SEC. 1. SHORT TITLE.**

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

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

6 (2) SECRETARY.—The term “Secretary” means  
7 the Secretary of Agriculture.

8 **SEC. 3. AVALANCHE PROTECTION PROGRAM.**

9 (a) ESTABLISHMENT.—The Secretary, in consulta-  
10 tion with the Secretary of the Interior, shall establish a  
11 coordinated avalanche protection program—

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

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

20 (b) COORDINATION.—

21 (1) IN GENERAL.—In developing and imple-  
22 menting the program, the Secretary shall consult  
23 with the Secretary of the Interior, and coordinate  
24 the program, to ensure adequate levels of protection  
25 for recreational users of public land under the juris-  
26 diction of the Secretary of the Interior, including

1 units of the National Park System, National Recre-  
2 ation Areas, wilderness and backcountry areas, com-  
3 ponents of the National Wild and Scenic Rivers Sys-  
4 tem, and other areas that are subject to the poten-  
5 tial threat of avalanches.

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

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

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

14 (c) ADVISORY COMMITTEE.—

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

19 (2) MEMBERSHIP.—

20 (A) IN GENERAL.—The Advisory Com-  
21 mittee shall consist of 11 members, appointed  
22 by the Secretaries, who represent authorized  
23 users of artillery, other military weapons, or  
24 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 the Interior, 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 the Interior 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) PRIORITY.—For each fiscal year for which  
23 funds are made available under section 4, the Sec-  
24 retary shall give priority to projects and activities  
25 carried out in avalanche zones—

1 (A) with a high frequency or severity of  
2 avalanches; or

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

7 (f) SURPLUS ORDNANCE.—Section 549(c)(3) of title  
8 40, United States Code, is amended—

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

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

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

14 “(C) in the case of surplus artillery ord-  
15 nance that is suitable for avalanche control pur-  
16 poses, to a user of such ordnance.”.

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

18 There is authorized to be appropriated to carry out  
19 this Act \$15,000,000 for each of fiscal years 2006 through  
20 2010.

Passed the Senate July 26, 2005.

Attest:

*Secretary.*

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