

108TH CONGRESS
2D SESSION

S. 931

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 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Land Rec-
5 reational Visitor Protection Act of 2004”.

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 shall establish
10 a coordinated avalanche protection program—

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

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

19 (b) COORDINATION.—

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

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

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

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

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

13 (c) ADVISORY COMMITTEE.—

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

18 (2) MEMBERSHIP.—

19 (A) IN GENERAL.—The Advisory Com-
20 mittee shall consist of 11 members, appointed
21 by the Secretaries, who represent authorized
22 users of artillery, other military weapons, or
23 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 ORDINANCE.—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 ordi-
15 nance that is suitable for avalanche control pur-
16 poses, to a user of such ordinance.”.

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 2005 through
20 2009.

Passed the Senate September 15, 2004.

Attest:

Secretary.

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