

Calendar No. 536

111TH CONGRESS
2D SESSION**S. 2907****[Report No. 111–266]**

To establish a coordinated avalanche protection program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 18, 2009

Ms. MURKOWSKI (for herself, Mr. BEGICH, and Mr. UDALL of Colorado) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

AUGUST 5, 2010

Reported by Mr. BINGAMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To establish a coordinated avalanche protection program,
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 “Federal Land Ava-
5 lanche Protection Act of 2009”.

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, acting
10 through the Chief of the Forest Service, shall establish
11 a coordinated avalanche protection program to—

12 (1) identify the potential for avalanches on Fed-
13 eral lands and inform the public, including users of
14 those lands and other potentially affected parties,
15 about the probability of such avalanches and their
16 potential adverse effects on neighboring communities
17 and on transportation and utility corridors;

18 (2) carry out ongoing research regarding the
19 causes of avalanche development, so as to improve
20 forecasting of avalanche events; and

21 (3) reduce the risks of avalanches on Federal
22 lands and mitigate their effects on users of those
23 lands, neighboring communities, and transportation
24 and utility corridors.

25 (b) **COORDINATION.**—

1 (1) IN GENERAL.—In developing and imple-
 2 menting the program, the Secretary shall consult
 3 with the Secretary of the Interior, and coordinate
 4 the program to ensure adequate levels of protection
 5 for recreational users of public land under the juris-
 6 diction of such Secretary.

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

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 shall establish
 17 an advisory committee of 15 members, appointed by
 18 the Secretary, to assist in the development and im-
 19 plementation of the program.

20 (2) MEMBERSHIP.—The membership of the ad-
 21 visory committee established pursuant to paragraph
 22 (1) shall include representatives of—

23 (A) Federal land management agencies
 24 and concessionaires or permittees that are ex-
 25 posed to the threat of avalanches;

1 (B) State departments of transportation
2 that have experience in dealing with the effects
3 of avalanches;

4 (C) the Alaska railroad;

5 (D) the United States Geological Survey;

6 (E) the National Oceanic and Atmospheric
7 Administration;

8 (F) the National Weather Service;

9 (G) entities with interest in the program
10 that the Secretary considers appropriate for
11 representation on the board;

12 (H) authorized users of artillery, other
13 military weapons, or weapons alternatives used
14 for avalanche control; and

15 (I) such other members as the Secretary
16 considers appropriate.

17 (d) CENTRAL DEPOSITORY.—The Secretary, the Sec-
18 retary of Transportation, and the Secretary of the Army
19 shall establish a central depository for weapons, ammuni-
20 tion, and parts for avalanche control purposes, including
21 an inventory that can be made available to Federal and
22 non-Federal entities for avalanche control purposes under
23 the program.

24 (e) GRANTS.—

1 (1) IN GENERAL.—The Secretary may make
2 grants to carry out projects and activities under the
3 program—

4 (A) to assist in the prevention, forecasting,
5 detection, and mitigation of avalanches for the
6 safety and protection of persons, property, and
7 at-risk communities;

8 (B) to maintain essential transportation,
9 utilities, and communications affected or poten-
10 tially affected by avalanches;

11 (C) to assist avalanche artillery users to
12 ensure the availability of adequate supplies of
13 artillery and other unique explosives required
14 for avalanche control in or affecting—

15 (i) Federal land used for recreation
16 purposes; and

17 (ii) adjacent communities, and essen-
18 tial transportation corridors, that are at
19 risk of avalanches; and

20 (D) to assist public or private persons and
21 entities in public education regarding ava-
22 lanches and in conducting research and develop-
23 ment activities for cost-effective and reliable al-
24 ternatives to minimize reliance on military
25 weapons for avalanche control.

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

5 (A) with a high frequency or severity of
 6 avalanches; or

7 (B) in which deaths or serious injuries to
 8 individuals, or loss or damage to public facilities
 9 and communities, have occurred or are likely to
 10 occur.

11 (f) SURPLUS ORDINANCE.—Section 549(e)(3) of title
 12 40, United States Code, is amended—

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

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

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

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

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

22 There is authorized to be appropriated to carry out
 23 this Act \$4,000,000 for each of fiscal years 2010 through
 24 2014.

1 **SEC. 5. LIMITATION.**

2 Nothing in this Act shall be construed to require use
3 of artillery or any other avalanche-related actions affecting
4 any unit of the National Park System or any other Fed-
5 eral lands or to limit the applicability of any Federal law
6 or regulation with respect to any such actions on such
7 lands.

8 **SECTION 1. SHORT TITLE.**

9 *This Act may be cited as the “Federal Land Avalanche*
10 *Protection Act of 2010”.*

11 **SEC. 2. DEFINITIONS.**

12 *In this Act:*

13 (1) *COMMITTEE.*—*The term “Committee” means*
14 *the Avalanche Artillery Users of North America Com-*
15 *mittee.*

16 (2) *PROGRAM.*—*The term “program” means the*
17 *avalanche protection program established under sec-*
18 *tion 3(a).*

19 (3) *SECRETARY.*—*The term “Secretary” means*
20 *the Secretary of Agriculture, acting through the Chief*
21 *of the Forest Service.*

22 **SEC. 3. AVALANCHE PROTECTION PROGRAM.**

23 (a) *ESTABLISHMENT.*—*The Secretary shall establish*
24 *an avalanche protection program to provide information*
25 *and assistance to users of avalanche-prone National Forest*
26 *System land.*

1 (b) *OBJECTIVES.*—*The objectives of the program in-*
2 *clude—*

3 (1) *to inform and educate the public about the*
4 *risks posed by avalanches to reduce the potential for*
5 *injury, death, or property damage;*

6 (2) *to provide avalanche forecasts for avalanche-*
7 *prone areas of the National Forest System that are*
8 *frequented by recreational or other users;*

9 (3) *to provide oversight of activities relating to*
10 *the prevention and control of avalanches by ski area*
11 *and other special use permit holders on National For-*
12 *est System land, including the procurement, control,*
13 *and use of artillery; and*

14 (4) *to facilitate research on the objectives of the*
15 *program, including research on the development of al-*
16 *ternatives to military artillery.*

17 (c) *COORDINATION.*—*In carrying out this section, the*
18 *Secretary shall—*

19 (1) *use the resources of—*

20 (A) *the National Avalanche Center of the*
21 *Forest Service; and*

22 (B) *other partners; and*

23 (2) *work with the Committee and other partners*
24 *to improve—*

1 (A) *coordination among users of artillery*
2 *used to prevent and control avalanches; and*

3 (B) *access to, and the control and use of, ar-*
4 *tillery and other methods to prevent and control*
5 *avalanches.*

6 (d) *GRANTS.—*

7 (1) *IN GENERAL.—The Secretary may make*
8 *grants to any person to further the objectives of the*
9 *program.*

10 (2) *PRIORITY.—The Secretary shall give priority*
11 *to grants under paragraph (1) that enhance public*
12 *safety.*

13 (3) *AUTHORIZATION OF APPROPRIATIONS.—*
14 *There is authorized to be appropriated to carry out*
15 *this subsection \$4,000,000 for each of fiscal years*
16 *2010 through 2014.*

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