

Suspend the Rules and Pass the Bill, H.R. 8810, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

116TH CONGRESS
2^D SESSION

H.R. 8810

AN ACT

To establish a national program to identify and reduce losses from landslide hazards, to establish a national 3D Elevation 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 “National Landslide
5 Preparedness Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) 3D.—The term “3D” means 3-dimensional.

9 (2) 3D ELEVATION DATA.—

10 (A) IN GENERAL.—The term “3D ele-
11 vation data” means 3D, high-resolution data
12 obtained using LiDAR, IfSAR, or other meth-
13 ods over the United States (including terri-
14 tories).

1 (B) INCLUSIONS.—The term “3D elevation
2 data” includes terrestrial and bathymetric ele-
3 vation data.

4 (3) 3D ELEVATION PROGRAM.—The term “3D
5 Elevation Program” means the 3D Elevation Pro-
6 gram established under section 5(a).

7 (4) IfSAR.—The term “IfSAR” means
8 interferometric synthetic aperture radar.

9 (5) INDIAN TRIBE.—The term “Indian tribe”
10 has the meaning given the term in section 4 of the
11 Indian Self-Determination and Education Assistance
12 Act (25 U.S.C. 5304).

13 (6) LAHAR.—The term “lahar” means a large
14 debris flow of mostly volcanic material that is—

15 (A) often fast-moving; and

16 (B) a hazard in watersheds downstream of
17 volcanic peaks.

18 (7) LIDAR.—The term “LiDAR” means light
19 detection and ranging.

20 (8) SECRETARY.—The term “Secretary” means
21 the Secretary of the Interior, acting through the Di-
22 rector of the United States Geological Survey.

23 (9) STATE.—The term “State” means—

24 (A) a State; and

25 (B) the District of Columbia.

1 (10) STATE OFFICE.—The term “State office”
2 means any unit of State government that handles
3 the identification, mapping, assessment, and re-
4 search of landslide hazards or responding to land-
5 slide events, including—

6 (A) a State geological survey office;

7 (B) a State department of emergency re-
8 sponse; and

9 (C) a State department of transportation.

10 (11) TERRITORY.—The term “territory”
11 means—

12 (A) the Commonwealth of Puerto Rico;

13 (B) Guam;

14 (C) American Samoa;

15 (D) the Commonwealth of the Northern
16 Mariana Islands;

17 (E) the Federated States of Micronesia;

18 (F) the Republic of the Marshall Islands;

19 (G) the Republic of Palau; and

20 (H) the United States Virgin Islands.

21 **SEC. 3. NATIONAL LANDSLIDE HAZARDS REDUCTION PRO-**
22 **GRAM.**

23 (a) ESTABLISHMENT.—The Secretary shall establish
24 a program, to be known as the “National Landslide Haz-

1 ards Reduction Program” (referred to in this section as
2 the “program”)—

3 (1) to identify and understand landslide haz-
4 ards and risks;

5 (2) to reduce losses from landslides;

6 (3) to protect communities at risk of landslide
7 hazards; and

8 (4) to help improve communication and emer-
9 gency preparedness, including by coordinating with
10 communities and entities responsible for infrastruc-
11 ture that are at risk of landslide hazards.

12 (b) DESCRIPTION OF PROGRAM.—

13 (1) PROGRAM ACTIVITIES.—The Secretary, in
14 coordination with the Interagency Coordinating
15 Committee on Landslide Hazards established by
16 subsection (c)(1) (referred to in this section as the
17 “Committee”) and in coordination with existing ac-
18 tivities of the United States Geological Survey and
19 other Federal agencies, shall—

20 (A) identify, map, assess, and research
21 landslide hazards;

22 (B) respond to landslide events; and

23 (C) in coordination with State offices,
24 units of local government, territories, and In-
25 dian tribes—

1 (i) establish working groups with
2 State offices, units of local government,
3 territories, and Indian tribes to identify re-
4 gional and local priorities for researching,
5 identifying, mapping, and assessing land-
6 slide hazards; and

7 (ii) develop and implement landslide
8 hazard guidelines for—

9 (I) geologists;

10 (II) geological and geotechnical
11 engineers;

12 (III) emergency management
13 personnel; and

14 (IV) land use and other decision-
15 makers.

16 (2) NATIONAL STRATEGY.—Not later than 1
17 year after the date of enactment of this Act, and
18 every 5 years thereafter, the Secretary, in coordina-
19 tion with the Committee, shall develop and publish
20 a national strategy for landslide hazards, risk reduc-
21 tion, and response in the United States (including
22 territories), which shall include—

23 (A) goals and priorities for the program;

24 (B) priorities for data acquisition, re-
25 search, communications, and risk management

1 on landslides and landslide hazards across rel-
2 evant Federal agencies; and

3 (C) a detailed interagency plan, which shall
4 take into consideration national disaster pre-
5 paredness, response, and recovery frameworks,
6 to carry out the national strategy, including de-
7 tails about the programs, projects, and budgets
8 that will be used to implement the national
9 strategy.

10 (3) NATIONAL LANDSLIDE HAZARDS DATA-
11 BASE.—In carrying out the program, the Secretary,
12 in coordination with State offices, units of local gov-
13 ernment, territories, and Indian tribes, shall develop
14 and maintain a publicly accessible national landslide
15 hazard and risk inventory database to compile,
16 maintain, standardize, and evaluate data regard-
17 ing—

18 (A) landslide hazards and risks;

19 (B) the impact of landslides on—

20 (i) health and safety;

21 (ii) the economy and infrastructure;

22 and

23 (iii) the environment;

24 (C) landslide hazard stabilization; and

25 (D) reduction of losses from landslides.

1 (4) LANDSLIDE HAZARD AND RISK PREPARED-
2 NESS FOR COMMUNITIES.—In carrying out the pro-
3 gram, the Secretary, in coordination with the Sec-
4 retary of the Army, the Secretary of Commerce, the
5 Secretary of Homeland Security, the Secretary of
6 Transportation, and the heads of other relevant Fed-
7 eral agencies, and in consultation with State offices,
8 units of local government, territories, and Indian
9 tribes, shall develop and disseminate—

10 (A) landslide planning and risk reduction
11 guidance, guidelines, maps, tools, and training
12 materials to help inform State, territorial, local,
13 and Tribal governments and decisionmakers
14 with respect to—

15 (i) the use and implementation of
16 landslide hazard assessments;

17 (ii) the applied use of the database
18 developed under paragraph (3);

19 (iii) reducing losses from landslides;
20 and

21 (iv) resources available for commu-
22 nities working to improve landslide hazard
23 preparedness; and

24 (B) landslide preparedness curricula and
25 training modules for—

1 (i) State, territorial, local, and Tribal
2 officials;

3 (ii) Federal, State, territorial, local,
4 and Tribal emergency managers; and

5 (iii) the National Guard.

6 (5) DEBRIS FLOW EARLY WARNING SYSTEM.—

7 In carrying out the program, the Secretary, in co-
8 ordination with the Secretary of Commerce and the
9 Secretary of Homeland Security, shall expand the
10 early warning system for debris flow by—

11 (A) expanding the early warning system
12 for post-wildfire debris flow to include recently
13 burned areas across the western United States;

14 (B) developing procedures with State, ter-
15 ritorial, local, and Tribal governments to mon-
16 itor stormwater drainage in areas with high de-
17bris flow risk; and

18 (C) identifying high-risk debris flow areas,
19 such as recently burned land and potential
20 lahar hazard areas.

21 (6) EMERGENCY RESPONSE ACTIVITIES.—In
22 carrying out the program, the Secretary, in coordi-
23 nation with the Secretary of Commerce, the Sec-
24 retary of Homeland Security, the heads of other rel-
25 evant Federal agencies, States offices, units of local

1 government, territories, and Indian tribes, shall es-
2 tablish and support emergency response procedures
3 for the rapid deployment of Federal scientists,
4 equipment, and services to areas impacted by a sig-
5 nificant landslide event—

6 (A) to support emergency response efforts
7 and improve the safety of emergency respond-
8 ers;

9 (B) to improve data collection; and

10 (C) to conduct research to advance the un-
11 derstanding of the causes, impacts, and reduc-
12 tion of landslide hazards and risks.

13 (c) INTERAGENCY COORDINATING COMMITTEE ON
14 LANDSLIDE HAZARDS.—

15 (1) IN GENERAL.—There is established a com-
16 mittee, to be known as the “Interagency Coordi-
17 nating Committee on Landslide Hazards”.

18 (2) MEMBERSHIP.—The Committee shall be
19 composed of the following members (or their des-
20 ignees):

21 (A) The Secretary, who shall serve as
22 Chairperson of the Committee.

23 (B) The Secretary of Agriculture.

24 (C) The Secretary of the Army.

25 (D) The Secretary of Commerce.

1 (E) The Secretary of Homeland Security.

2 (F) The Secretary of Transportation.

3 (G) The Director of the National Science
4 Foundation.

5 (H) The Director of the Office of Science
6 and Technology Policy.

7 (I) The Director of the Office of Manage-
8 ment and Budget.

9 (3) MEETINGS.—The Committee shall meet at
10 the call of the Chairperson.

11 (4) PURPOSE AND DUTIES.—The Committee
12 shall—

13 (A) advise and oversee the program;

14 (B) facilitate communication and coordina-
15 tion across Federal agencies in the planning,
16 management, budgeting, and execution of land-
17 slide activities; and

18 (C) support the development and execution
19 of the national strategy under subsection (b)(2),
20 including by—

21 (i) supporting the development of na-
22 tional goals and priorities for the national
23 strategy;

1 (ii) articulating Federal agency roles,
2 responsibilities, and resources for carrying
3 out the national strategy; and

4 (iii) overseeing the implementation of
5 the national strategy.

6 (d) ADVISORY COMMITTEE.—

7 (1) IN GENERAL.—The Secretary shall establish
8 an advisory committee, to be known as the “Advi-
9 sory Committee on Landslides” (referred to in this
10 subsection as the “Advisory Committee”).

11 (2) MEMBERSHIP.—The Advisory Committee
12 shall be composed of not fewer than 11 members—

13 (A) of whom none may be an individual de-
14 scribed in any of subparagraphs (A) through
15 (F) of section 7342(a)(1) of title 5, United
16 States Code; and

17 (B) who shall be representatives of—

18 (i) States, including State geological
19 organizations;

20 (ii) territories, including territorial ge-
21 ological organizations;

22 (iii) Indian tribes, including Tribal ge-
23 ological organizations;

1 (iv) research institutions and institu-
2 tions of higher education that are quali-
3 fied—

4 (I) to provide advice regarding
5 landslide hazard and risk reduction;
6 and

7 (II) to represent related sci-
8 entific, architectural, engineering, and
9 planning disciplines;

10 (v) industry standards development
11 organizations; and

12 (vi) State, territorial, local, and Tribal
13 emergency management agencies.

14 (3) RECOMMENDATIONS.—

15 (A) IN GENERAL.—The Advisory Com-
16 mittee shall submit to the Committee rec-
17 ommendations for the implementation of the
18 program, including recommendations regard-
19 ing—

20 (i) landslide hazard and risk reduction
21 and planning;

22 (ii) tools for communities;

23 (iii) research; and

24 (iv) such other topics as the Advisory
25 Committee determines appropriate.

1 (B) CONSIDERATION.—The Secretary and
2 the agency heads described in subparagraphs
3 (B) through (I) of subsection (c)(2) shall take
4 into consideration any recommendation of the
5 Advisory Committee submitted under subpara-
6 graph (A).

7 (e) GRANT PROGRAMS.—

8 (1) COOPERATIVE LANDSLIDE HAZARD MAP-
9 PING AND ASSESSMENT PROGRAM.—

10 (A) IN GENERAL.—Subject to appropria-
11 tions, the Secretary may—

12 (i) provide grants, on a competitive
13 basis, to State, territorial, local, and Tribal
14 governments to research, map, assess, and
15 collect data on landslide hazards within the
16 jurisdictions of those governments; and

17 (ii) accept and use funds received
18 from other Federal and non-Federal part-
19 ners to advance the purposes of the pro-
20 gram.

21 (B) PRIORITY.—

22 (i) IN GENERAL.—The Secretary shall
23 consult annually with the Committee,
24 States, units of local government, terri-
25 tories, and Indian tribes to establish prior-

1 ities for the grant program under this
2 paragraph.

3 (ii) FUNDING PRIORITIZATION.—In
4 providing grants under this paragraph, the
5 Secretary shall give priority to projects—

6 (I) that will achieve the greatest
7 landslide hazard and risk reduction;

8 (II) that reflect the goals and
9 priorities of the national strategy es-
10 tablished under subsection (b)(2)(A);

11 (III) not less than 50 percent of
12 the total cost of which is matched by
13 non-Federal sources; and

14 (IV) that include acquisition of
15 enhanced elevation data consistent
16 with the 3D Elevation Program.

17 (C) REQUIREMENT.—If the Secretary
18 elects to provide grants under subparagraph
19 (A)(i), the Secretary shall publish on a publicly
20 available website a description of—

21 (i) the grants; and

22 (ii) the findings made from those
23 grants.

24 (2) NATIONAL LANDSLIDE RESEARCH
25 GRANTS.—

1 (A) IN GENERAL.—To advance the goals
2 and priorities of the national strategy estab-
3 lished under subsection (b)(2)(A), subject to ap-
4 propriations, the Director of the National
5 Science Foundation (referred to in this para-
6 graph as the “Director”) may provide grants to
7 eligible entities for landslide research, including
8 research on—

9 (i) the causes, mechanisms, triggers,
10 hydrology, and geology of landslides;

11 (ii) ways to reduce landslide hazards
12 and risks to minimize loss of life and prop-
13 erty, including landslide hazard and risk
14 communication, perception, decision-
15 making, tools, and technologies; and

16 (iii) other goals and priorities of the
17 national strategy established under sub-
18 section (b)(2)(A).

19 (B) ELIGIBLE ENTITIES.—The Director
20 shall determine whether an entity is eligible to
21 receive a grant under this paragraph.

22 (C) REQUIREMENTS.—In providing grants
23 under this paragraph, the Director shall—

24 (i) ensure that the grants are pro-
25 vided on a competitive basis;

1 (ii) consider grant applications sub-
2 mitted by eligible entities that have devel-
3 oped the application in partnership with 1
4 or more State geological surveys; and

5 (iii) publish on a publicly available
6 website a description of—

7 (I) the grants; and

8 (II) the findings made from those
9 grants.

10 (f) BIENNIAL REPORT.—Through calendar year
11 2030, the Secretary shall submit to Congress a biennial
12 report, including a description of, with respect to the 2-
13 calendar-year period preceding the date of the report—

14 (1) the goals and accomplishments of the Com-
15 mittee in carrying out the national strategy devel-
16 oped under subsection (b)(2);

17 (2) the results of the activities of the Com-
18 mittee under this section; and

19 (3) the extent to which any recommendations of
20 the Advisory Committee under subsection (d)(3)(A)
21 have been implemented.

22 (g) SIGNIFICANT EVENTS.—Not later than 1 year
23 after a significant landslide event in the United States (in-
24 cluding territories) occurs, the Secretary shall publish on
25 a publicly available website—

1 (1) a description of the landslide event and the
2 implications of the event on communities, including
3 life and property;

4 (2) recommendations on how the identification
5 of the landslide risk could have been improved prior
6 to the event;

7 (3) a description of the effectiveness of any
8 warning and risk communication, including the dis-
9 semination of warnings by State, territorial, local,
10 and Tribal partners in the affected area;

11 (4) recommendations to improve risk identifica-
12 tion, reduction, and communication to landowners
13 and units of local government;

14 (5) recommendations to improve landslide haz-
15 ard preparedness and emergency response activities
16 under this section; and

17 (6) such other findings as the Secretary deter-
18 mines appropriate.

19 (h) FUNDING.—For each of fiscal years 2021
20 through 2024—

21 (1) there is authorized to be appropriated to the
22 United States Geological Survey, \$25,000,000 to
23 carry out this section;

1 (2) there is authorized to be appropriated to the
2 National Science Foundation, \$11,000,000 to carry
3 out this section; and

4 (3) there is authorized to be appropriated to the
5 National Oceanic and Atmospheric Administration,
6 \$1,000,000 to carry out this section.

7 (i) DERIVATION OF FUNDS.—Funds to carry out the
8 activities under this section shall be derived from amounts
9 authorized to be appropriated that are enacted after the
10 date of the enactment of this section.

11 **SEC. 4. GROUND SUBSIDENCE.**

12 As the Secretary determines to be appropriate and
13 subject to appropriations, the Secretary, through existing
14 programs, shall advance the identification, mapping, re-
15 search, and monitoring of subsidence and groundwater re-
16 source accounting, particularly in areas affected by
17 drought.

18 **SEC. 5. 3D ELEVATION PROGRAM.**

19 (a) ESTABLISHMENT OF 3D ELEVATION PRO-
20 GRAM.—

21 (1) IN GENERAL.—The Secretary shall establish
22 a program, to be known as the “3D Elevation Pro-
23 gram”—

24 (A) to provide 3D elevation data coverage
25 for the United States;

1 (B) to coordinate and facilitate the collec-
2 tion, dissemination, and use of 3D elevation
3 data among Federal departments and agencies
4 and non-Federal entities;

5 (C) to produce standard, publicly acces-
6 sible 3D elevation data products for the United
7 States; and

8 (D) to promote the collection, dissemina-
9 tion, and use of 3D elevation data among Fed-
10 eral, State, local, and Tribal governments, com-
11 munities, institutions of higher education, and
12 the private sector through—

13 (i) cooperative agreements;

14 (ii) the development and maintenance
15 of spatial data infrastructure to provide
16 quality control and deliver to the public 3D
17 elevation data products;

18 (iii) in coordination with the 3D Ele-
19 vation Federal Interagency Coordinating
20 Committee established under subsection
21 (b), States, and industry and standards
22 bodies, the development of standards and
23 guidelines for 3D elevation data acquisition
24 to increase accessibility to 3D elevation
25 data in a standard, easy-to-use format; and

1 (iv) the identification, assessment, and
2 adoption of emerging technologies to im-
3 prove the accuracy and efficiency of the
4 3D Elevation Program.

5 (2) MANAGEMENT.—

6 (A) IN GENERAL.—The Secretary shall
7 manage the 3D Elevation Program—

8 (i) to ensure efficiency with respect to
9 related activities of the Department of the
10 Interior and other participating Federal
11 departments and agencies; and

12 (ii) to meet the needs of Department
13 of the Interior programs, stakeholders, and
14 the public.

15 (B) OTHER FEDERAL DEPARTMENTS AND
16 AGENCIES.—The head of each Federal depart-
17 ment and agency involved in the acquisition,
18 production, distribution, or application of 3D
19 elevation data shall—

20 (i) coordinate with the 3D Elevation
21 Federal Interagency Coordinating Com-
22 mittee established under subsection (b) to
23 acquire additional, enhanced 3D elevation
24 data;

1 (ii) submit to the Secretary a descrip-
2 tion of priority areas of interest for 3D ele-
3 vation data collection for use in providing
4 grants and cooperative agreements under
5 subsection (d);

6 (iii) implement policies and procedures
7 for data acquisition and sharing that are
8 consistent with standards and guidelines
9 developed under the 3D Elevation Pro-
10 gram;

11 (iv) participate in, and share the re-
12 sults and benefits of, the 3D Elevation
13 Program, in accordance with standards
14 and guidelines developed under the 3D
15 Elevation Program; and

16 (v) ensure that any 3D elevation data
17 acquired with Federal grant funding—

18 (I) meets 3D Elevation Program
19 standards; and

20 (II) is included in the national
21 holdings of those data.

22 (b) 3D ELEVATION FEDERAL INTERAGENCY CO-
23 ORDINATING COMMITTEE.—

24 (1) ESTABLISHMENT.—The Secretary, in co-
25 ordination with the Secretary of Commerce and the

1 Secretary of Homeland Security, shall establish an
2 interagency coordinating committee, to be known as
3 the “3D Elevation Federal Interagency Coordinating
4 Committee” (referred to in this subsection as the
5 “Committee”), to better coordinate 3D elevation
6 data management across the Federal Government.

7 (2) MEMBERSHIP.—The Committee shall be
8 composed of the following members (or their des-
9 ignees):

10 (A) The Secretary, who shall serve as
11 Chairperson of the Committee.

12 (B) The Secretary of Agriculture.

13 (C) The Secretary of Commerce.

14 (D) The Secretary of Homeland Security.

15 (E) The Director of the National Science
16 Foundation.

17 (F) The Director of the Office of Science
18 and Technology Policy.

19 (G) The Director of the Office of Manage-
20 ment and Budget.

21 (H) The head of any other Federal depart-
22 ment or agency, at the request of the Secretary.

23 (3) COORDINATION.—The Committee shall co-
24 ordinate, as appropriate, with the existing activities
25 of—

1 (A) the 3D Elevation Program Executive
2 Forum;

3 (B) the Alaska Mapping Executive Com-
4 mittee;

5 (C) the 3D Elevation Working Group;

6 (D) the 3D National Elevation Sub-
7 committee; and

8 (E) State offices.

9 (4) MEETINGS.—The Committee shall meet at
10 the call of the Chairperson.

11 (5) DUTIES.—The Committee shall—

12 (A) oversee the planning, management,
13 and coordination of the 3D Elevation Program;
14 and

15 (B) develop, by not later than 1 year after
16 the date of enactment of this Act, and update
17 periodically thereafter—

18 (i) a strategic plan that establishes
19 goals and priorities for activities carried
20 out under the 3D Elevation Program; and

21 (ii) a detailed management plan to
22 implement the strategic plan.

23 (c) SUBCOMMITTEE OF NATIONAL GEOSPATIAL AD-
24 VISORY COMMITTEE.—

25 (1) ESTABLISHMENT.—

1 (A) IN GENERAL.—The Secretary shall es-
2 tablish, within the National Geospatial Advisory
3 Committee, a subcommittee (referred to in this
4 subsection as the “Subcommittee”).

5 (B) MEMBERSHIP.—The Subcommittee
6 shall—

7 (i) consist of not fewer than 11 mem-
8 bers, of whom none may be a Federal offi-
9 cer or employee; and

10 (ii) include representatives of—

11 (I) research and academic insti-
12 tutions;

13 (II) industry standards develop-
14 ment organizations;

15 (III) units of State and local gov-
16 ernment; and

17 (IV) the private sector.

18 (2) DUTIES.—

19 (A) ASSESSMENT.—The Subcommittee
20 shall conduct an assessment of—

21 (i) trends and developments in—

22 (I) the collection, dissemination,
23 and use of 3D elevation data; and

24 (II) science and technology relat-
25 ing to 3D elevation data;

1 (ii) the effectiveness of the 3D Ele-
2 vation Program in carrying out the activi-
3 ties described in subsection (a)(1);

4 (iii) the need to revise or reorganize
5 the 3D Elevation Program; and

6 (iv) the management, coordination,
7 implementation, and activities of the 3D
8 Elevation Program.

9 (B) REPORT.—Not later than 1 year after
10 the date of enactment of this Act, and every 2
11 years thereafter, the Subcommittee shall submit
12 to the Secretary and the 3D Elevation Federal
13 Interagency Coordinating Committee estab-
14 lished under subsection (b) a report that in-
15 cludes—

16 (i) the findings of the assessment
17 under subparagraph (A); and

18 (ii) recommendations of the Sub-
19 committee based on those findings, if any.

20 (d) GRANTS AND COOPERATIVE AGREEMENTS.—

21 (1) IN GENERAL.—The Secretary may make
22 grants and enter into cooperative agreements with
23 other Federal departments and agencies, units of
24 State, local, or Tribal government, institutions of
25 higher education, nonprofit research institutions, or

1 other organizations to facilitate the improvement of
2 nationwide coverage of 3D elevation data.

3 (2) APPLICATIONS.—To be eligible to receive a
4 grant or enter into a cooperative agreement under
5 this subsection, an entity described in paragraph (1)
6 shall submit to the Secretary an application at such
7 time, in such manner, and containing such informa-
8 tion as the Secretary may require.

9 (3) TERMS AND CONDITIONS.—A grant or coop-
10 erative agreement under this subsection shall be sub-
11 ject to such terms and conditions as the Secretary
12 determines to be appropriate, including making data
13 publically available and interoperable with other
14 Federal datasets.

15 (e) FUNDING.—For each of fiscal years 2021 through
16 2024, there is authorized to be appropriated to the Sec-
17 retary \$40,000,000 to carry out this section.

18 (f) DERIVATION OF FUNDS.—Funds to carry out the
19 activities under this section shall be derived from amounts
20 authorized to be appropriated to the Secretary that are
21 enacted after the date of the enactment of this section.