

Statement for the Record
U.S. Department of the Interior
before the
Senate Subcommittee on Public Lands, Forests, and Mining, of the Committee on Energy and
Natural Resources

Concerning S. 1049 and H.R. 2166, bills to direct the Secretary of the Interior and Secretary of Agriculture to expedite access to certain Federal lands under the administrative jurisdiction of each Secretary for good Samaritan search-and-recovery missions, and for other purposes.

July 30, 2013

Mr. Chairman and members of the subcommittee, thank you for the opportunity to present the views of the Department of the Interior on S. 1049 and H.R. 2166, bills to direct the Secretary of the Interior and Secretary of Agriculture to expedite access to certain Federal lands under the administrative jurisdiction of each Secretary for good Samaritan search-and-recovery missions, and for other purposes.

The Department supports S. 1049 and H.R. 2166 with amendments.

S. 1049 and H.R. 2166 would require the Secretary of the Interior and Secretary of Agriculture (Secretaries) to develop and implement a process to expedite access to federal lands for eligible organizations and individuals who request access to Federal lands to conduct good Samaritan search and recovery missions. The bills would require these procedures to include provisions clarifying that such groups are not considered Federal volunteers, and exempting such groups from the Volunteers in the Parks Act of 1969, the Federal Tort Claims Act, and the Federal Employee Compensation Act. The bills would also prohibit the Secretaries from requiring such organizations or individuals to have liability insurance as a condition of accessing federal lands if they acknowledge and consent, in writing, that they understand they are not protected under federal law and sign a waiver releasing the federal government from all liability related to the access granted.

The bills would require the Secretaries to notify an eligible organization or individual of the approval or denial of a request within 48 hours after the request is made and, in the case of a denial, notify the organization or individual of the reason for denial and any actions that they can take to meet the requirements for the request to be approved. The bills would also require the Secretaries to develop partnerships with search-and-recovery organizations to coordinate and expedite good Samaritan search-and-recovery missions on federal lands. Within 180 days after enactment, the bills would require the Secretaries to submit a joint report to Congress describing plans to develop partnerships and efforts being taken to expedite and accelerate good Samaritan search-and-recovery mission efforts on federal lands.

We believe that we can work with the sponsor and the committee to amend S. 1049 and H.R. 2166 so that they would facilitate this process, without creating an undue burden on the land management bureaus or the applicants.

We recommend amending the bills to ensure that the document required to be signed as a condition of accessing federal lands both waives rights, claims, and causes of action against the United States, and releases the United States from liability. This would provide more comprehensive protection for the federal government against lawsuits than the legislation does as currently written.

We also recommend amending the bills to provide 2 business days, rather than 48 hours, for the approval or denial of a permit, and the time period for approval or denial would start only after the land management agency has received a complete application. This would make the permit approval process more practical, as land management agencies may not have staff available to process permits after the close of business or on weekends.

In addition, we note technical issues with the definitions contained in the bills. For example, the meaning of the term “not-for profit capacity,” which is used in the definition of eligible organization and eligible individuals, is not clear. The requirement that eligible organizations and eligible individuals have certification in training that meets or exceeds standards established by the American Society for Testing and Materials is not needed, in our view, because federal agencies use other standards for verifying a prospective provider’s qualifications and medical/fitness level.

With the amendments described in this statement, the Department believes that the legislation would allow expedited access for good Samaritan search-and-recovery missions without complicating existing procedures, or causing unintended impacts to existing relationships between federal agencies and search organizations. We would welcome the opportunity to work with the bills’ sponsors and this committee on these amendments.

Mr. Chairman, this concludes this statement.