

**Statement of  
Gregory Smith  
Acting Associate Deputy Chief  
National Forest System  
Forest Service  
U.S. Department of Agriculture**

**Before the  
Committee on Energy and Natural Resources  
Subcommittee on Public Lands, Forests, and Mining  
United States Senate**

**Concerning  
S. 1049 and H.R. 2166 (S 1049), “to direct the Secretary of the Interior and Secretary of  
Agriculture to expedite access to certain Federal lands ...for Good Samaritan search-and-  
recovery missions”**

Mr. Chairman and members of the Sub-Committee, thank you for the opportunity to testify before you today on S. 1049, a bill that directs the Secretaries of the Interior and Agriculture to expedite access to Federal lands for Good Samaritan search-and-recovery missions.

S. 1049 would direct the Secretary of Agriculture to develop and implement a process to expedite access to National Forest System (NFS) lands for Good Samaritan search-and-recovery missions for eligible organizations and individuals. S. 1049 would provide that an eligible organization or individual may not be required to have liability insurance if the organization or individual agrees to release the United States from all liability. The bill also would require that the process include provisions clarifying that an eligible organization or individual would not be considered to be a Federal volunteer when carrying out a Good Samaritan search-and-rescue mission, and that the Federal Torts Claims Act and the Federal Employee Compensation Act would not apply to a Good Samaritan search-and-rescue mission.

Additionally, S. 1049 would require the Secretary to provide notification of the approval or denial of a request to carry out a mission not more than 48 hours after the request is made, and, if the request is denied, to provide the reason for the denial and any actions the organization or individual can take to meet the requirements for approval. S. 1049 also requires the Secretary to develop search and recovery focused partnerships with search and recovery organizations to help coordinate, expedite, and accelerate mission efforts and requires the Secretary to submit a report to Congress no later than 180 days after the date of enactment. The plans would describe efforts to develop the partnerships and actions being taken to expedite and accelerate Good Samaritan search-and-recovery mission efforts for missing individuals on Federal lands.

The Department supports S. 1049 with technical amendments. The provisions specified in S. 1049 and the objective of the Act, to allow expedited access to Federal lands for search and recovery missions, are substantially consistent with current Forest Service policies and guidelines governing these types of activities and access. Notable exceptions would include

some restrictions to areas designated as Wilderness and access to special area closures such as fire or avalanche closures. In Wilderness areas, current policy would allow for access without a permit or approval if motorized equipment or mechanical transport was not utilized. If motorized equipment or mechanical transport was needed, current policy and decision matrixes would allow for a rapid review of a request for approval or permit; an immediate approval is prescribed for an emergency situation involving imminent threat to life and property, or a deceased individual. In special area closures, current policy would also allow for a rapid review of a request for access.

The Department feels that the provisions requiring the development and implementation of a process to expedite access would be unnecessary in most search and recovery cases on NFS lands.

In most areas, the County Sheriff has the primary responsibility for search and rescue operations on National Forest System lands. The Forest Service currently has cooperative agreements with many individual County Sheriffs and or statewide associations that clarify procedures and provide guidance on rapidly obtaining any approvals or permits. It is also common practice among the eligible organizations or individuals to work closely with County search and rescue organizations. Any approvals or permits necessary for the eligible organizations or individuals to conduct a search and recovery mission would be expedited by using our current cooperative agreements or processes. We would also suggest that any search and recovery missions conducted by eligible organizations or individuals are carried out in partnership and in coordination with the County search and rescue as the lead organization.

USDA would like to work with the Committee on technical amendments to this bill.

Mr. Chairman, regardless of the ultimate outcome of the congressional consideration of S. 1049, the Forest Service is committed to working with all organizations and the dedicated men and women who volunteer their time and expertise to assist in the search and recovery of those missing.

This concludes my prepared statement. I am happy to answer any questions that you may have.