

STATEMENT OF CAM SHOLLY, ASSOCIATE DIRECTOR, VISITOR AND RESOURCE PROTECTION, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE SUBCOMMITTEE ON PUBLIC LANDS AND ENVIRONMENTAL REGULATION, OF THE COMMITTEE ON NATURAL RESOURCES, CONCERNING H.R. 2166, 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.

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Mr. Chairman and members of the subcommittee, thank you for the opportunity to present the views of the Department of the Interior on H.R. 2166, 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.

We recognize the anguish that extended searches for individuals believed to be deceased cause the families of these individuals, and are sensitive to situations that involve the loss of a human life. The Department often partners with qualified organizations and individuals to quickly and efficiently carry out these search and recovery missions on federal lands, and we continually look for ways to better facilitate these missions. The Department appreciates the intent of H.R. 2166, but asks the committee to defer action on the bill to provide time to fully analyze its effects on our land management bureaus and develop recommended amendments.

Because this bill was only introduced two weeks prior to the hearing, our bureaus have not had time to fully analyze how the requirements of the bill would fit with their existing processes or serve their partners.

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 bill 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 bill 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 bill 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 bill 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, H.R. 2166 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.

Initially, the Department has identified a number of issues with H.R. 2166. One issue is that the bill would subject the permittee to liability by allowing them to engage in dangerous, high-risk activities without the protection of liability insurance. Many of these efforts take place in rugged, isolated areas that are difficult to traverse and may present significant hazards such as swift moving streams, canyons, extreme weather conditions, poisonous plants, and dangerous wildlife. These groups may not fully recognize these risks. In many such cases, federal land managers have determined that it makes good, prudent sense for the organization or individual conducting a search to have liability insurance. However, we recognize that some well-qualified groups or individuals may want to assume this risk without insurance. We are prepared to work with the sponsor and the committee to ensure that the bill would facilitate this process, without creating an undue burden on the land management bureaus or the applicants.

Another issue is the requirement that the Secretaries develop partnerships with search and rescue organizations. The Department has a record of routinely partnering with outside organizations and local law enforcement agencies for search and recovery and through these partnerships, has successfully conducted many such efforts. Therefore, this requirement is not necessary.

In addition, we note technical issues with the definitions contained in the bill. 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. And, 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.

We would welcome the opportunity to work with Representative Heck and this committee to address these issues, and other concerns that may be raised as we review this bill.

Mr. Chairman, this concludes my statement. I would be happy to answer any questions that you or other members of the committee may have.