**Statement of**

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**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. 160, “to direct the Secretary of the Interior and Secretary of Agriculture to expedite access to certain Federal land …for Good Samaritan search-and-recovery missions”**

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to present the views of the U.S. Department of Agriculture (USDA) regarding S. 160, the Good Samaritan Search and Recovery Act.

S. 160 would direct the Secretary of Agriculture to develop and implement a process to expedite access to National Forest System lands for eligible organizations and individuals to conduct Good Samaritan search-and-recovery missions for missing individuals presumed to be deceased at the time the search is initiated. S. 160 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-recovery mission, and that the Federal Torts Claims Act and the Federal Employee Compensation Act would not apply to a Good Samaritan search-and-recovery mission.

Additionally, it 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. If a request is denied, the agency would be required to provide a reason and describe actions needed to meet the requirements for approval. The bill would also require the Secretary to develop partnerships with search and recovery organizations to help coordinate, expedite, and accelerate mission efforts. A report is also required to Congress no later than 180 days after the date of enactment on plans to develop partnerships, as well as efforts to expedite and accelerate Good Samaritan search-and-recovery mission efforts for missing individuals on Federal land.

The Department supports S. 160 with technical corrections and amendments. The provisions specified in S. 160 and the desired intent 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. The provisions requiring the development and implementation of a process to expedite access would be unnecessary and redundant in most search and recovery cases on National Forest System lands.

The Forest Service currently has very few access restrictions to Federal lands under its jurisdiction for the type of activities described in the Act. Notable exceptions would include some restrictions to areas designated as Wilderness, and special area closures for events such as fire or avalanche.

The provisions requiring the development and implementation of a process to expedite access would be unnecessary in most search and recovery cases on National Forest System lands. In most areas, the County Sheriff has the primary responsibility for search, recovery, and rescue operations on National Forest System lands and can act without a permit issued by the Forest Service. The Forest Service currently has cooperative agreements with County Sheriffs, which could address procedures for them to conduct search and rescue missions on National Forest System lands.

Mr. Chairman, regardless of the ultimate outcome of the congressional consideration of S. 160, 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 you may have.