

GOOD SAMARITAN SEARCH AND RECOVERY ACT OF 2013

JANUARY 23 (legislative day, JANUARY 21), 2014.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 2166]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (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, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 2166 is 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.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 2166 was introduced following the discovery of the bodies of Keith Goldberg and Air Force Staff Sergeant Antonio Tucker in Lake Mead Recreation Area (administered by the National Park Service) by good Samaritan search and recovery teams. In both cases, these volunteer groups had to wait an unacceptable amount of time to navigate the federal bureaucracy before they could conduct their searches.

On January 31, 2012, Las Vegas taxi driver Keith Goldberg went missing. Investigators believed that he was killed and the body disposed of in the desert in the vicinity of Lake Mead National Recreation Area. Local law enforcement suspended its search in April after Mr. Goldberg was not found and arrests were made. However,

Mr. Goldberg's family still wanted answers; they wanted his body to be found to provide closure to their horrific ordeal.

The Goldberg family turned to Red Rock Search and Rescue, a non-profit search and rescue team that helps families like the Goldbergs when loved ones go missing. Red Rock is a trained group of volunteers with extensive experience, willing to do a public service at no cost to the taxpayer, but as they prepared to start their search in Lake Mead National Recreation Area, they ran into a number of bureaucratic road blocks, including the requirements to obtain a special use permit and liability insurance.

Some 15 months after Keith Goldberg disappeared, Red Rock was able to obtain an insurance policy and the requisite permits that would allow them to start their search. In less than two hours, they found Mr. Goldberg's body.

On June 23, 2012, Air Force Staff Sergeant Antonio Tucker was presumed drowned in Lake Mead. As the National Park Service searched for the body, the agency was contacted by Steve Schafer, owner of a company specializing in underwater survey and recovery work. He offered to help and was told by the National Park Service that it had all the help that was needed. Ten months later, after hiring an attorney, filing a request for public documents, and applying for a special use permit, he was finally cleared to search the lake and Mr. Tucker's body was found.

H.R. 2166 has been introduced to expedite access to public lands for Good Samaritan search and recovery organizations so that they may conduct searches for missing persons and help bring closure for the families of missing persons.

COMMITTEE ACTION

H.R. 2166 was introduced on May 23, 2013, by Congressman Joseph Heck (R-NV). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Public Lands and Environmental Regulation. The bill was also referred to the Committee on Agriculture. On June 6, 2013, the Subcommittee on Public Lands and Environmental Regulation held a hearing on the bill. On June 12, 2013, the Full Natural Resources Committee met to consider the bill. The Subcommittee on Public Lands and Environmental Regulation was discharged by unanimous consent. No amendments were offered and the bill was then adopted and ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has in-

cluded in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 2166—Good Samaritan Search and Recovery Act of 2013

H.R. 2166 would authorize the Secretary of the Interior and the Secretary of Agriculture to expedite access to federal lands for search and recovery missions conducted by eligible individuals or organizations. Under the bill, entities conducting search and recovery missions would not be considered federal employees or volunteers, and the federal government would not be liable for the actions of such entities.

Based on information provided by the Department of the Interior and the Forest Service, CBO expects that the costs of expediting access to federal lands for search and recovery purposes would be minimal, and we estimate that implementing the legislation would have no significant impact on the federal budget. Enacting H.R. 2166 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 2166 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contacts for this estimate are Maggie Morrissey and Jeff LaFave. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. Based on information provided by the Department of the Interior and the Forest Service, CBO expects that the costs of expediting access to federal lands for search and recovery purposes would be minimal, and estimates that implementing the legislation would have no significant impact on the federal budget.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is 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.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

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LETTER EXCHANGE

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September 10, 2013

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The Honorable Doc Hastings
Chairman
Committee on Natural Resources
1324 Longworth HOB
Washington, D.C. 20515

Dear Chairman Hastings:

Thank you for the opportunity to review the relevant provisions of the text of H.R. 2166, the Good Samaritan Search and Recovery Act of 2013. As you are aware, the bill was primarily referred to the Committee on Natural Resources, while the Agriculture Committee received an additional referral.

I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I agree to discharge H.R. 2166 from further consideration by the Committee on Agriculture. I do so with the understanding that by discharging the bill, the Committee on Agriculture does not waive any future jurisdictional claim on this or similar matters. Further, the Committee on Agriculture reserves the right to seek the appointment of conferees, if it should become necessary.

I ask that you insert a copy of our exchange of letters into the *Congressional Record* during consideration of this measure on the House floor.

Thank you for your courtesy in this matter and I look forward to continued cooperation between our respective committees.

Sincerely,
Frank D. Lucas
Frank D. Lucas
Chairman

cc: The Honorable John A. Boehner, Speaker
The Honorable Collin C. Peterson
The Honorable Peter DeFazio
Mr. Thomas J. Wickham, Parliamentarian

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September 11, 2013

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The Honorable Frank D. Lucas
 Chairman
 Committee on Agriculture
 1301 Longworth HOB
 Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your letter regarding H.R. 2166, the Good Samaritan Search and Recovery Act of 2013. As you know, the Committee on Natural Resources ordered reported the bill on June 12, 2013. I appreciate your support in bringing this legislation before the House of Representatives, and accordingly, understand that the Committee on Agriculture will forego action on the bill.

The Committee on Natural Resources concurs with the mutual understanding that by foregoing consideration of H.R. 2166 at this time, the Committee on Agriculture does not waive any jurisdiction over the subject matter contained in this or similar legislation. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Agriculture represented on the conference committee. Finally, I would be pleased to include your letter and this response in the bill report filed by the Committee on Natural Resources, as well as in the *Congressional Record* during floor consideration, to memorialize our understanding.

Thank you for your cooperation.

Sincerely,

 Doc Hastings
 Chairman

cc: The Honorable John A. Boehner, Speaker
 The Honorable Peter A. DeFazio
 The Honorable Collin C. Peterson
 The Honorable Thomas J. Wickham, Parliamentarian

