

Calendar No. 373

115TH CONGRESS
2^D SESSION

S. 1181

[Report No. 115–225]

To direct the Secretary of the Interior and Secretary of Agriculture to expedite access to certain Federal land under the administrative jurisdiction of each Secretary for good Samaritan search-and-recovery missions, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 18, 2017

Mr. HELLER (for himself and Mr. WARNER) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

APRIL 11, 2018

Reported by Ms. MURKOWSKI, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

A BILL

To direct the Secretary of the Interior and Secretary of Agriculture to expedite access to certain Federal land under the administrative jurisdiction of each Secretary for good Samaritan search-and-recovery missions, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Good Samaritan
3 Search and Recovery Act”.

4 **SEC. 2. EXPEDITED ACCESS TO CERTAIN FEDERAL LAND.**

5 (a) **DEFINITIONS.**—In this section:

6 (1) **ELIGIBLE.**—The term “eligible”, with re-
7 spect to an organization or individual, means that
8 the organization or individual, respectively, is—

9 (A) acting in a not-for-profit capacity; and

10 (B) certified in training that meets or
11 exceeds standards established by the American
12 Society for Testing and Materials.

13 (2) **GOOD SAMARITAN SEARCH-AND-RECOVERY**
14 **MISSION.**—The term “good Samaritan search-and-
15 recovery mission” means a search for one or more
16 missing individuals believed to be deceased at the
17 time that the search is initiated.

18 (3) **SECRETARY.**—The term “Secretary” means
19 the Secretary of the Interior or the Secretary of Ag-
20 riculture, as applicable.

21 (b) **PROCESS.**—

22 (1) **IN GENERAL.**—Each Secretary shall develop
23 and implement a process to expedite access to Fed-
24 eral land under the administrative jurisdiction of the
25 Secretary for eligible organizations and individuals

1 to request access to Federal land to conduct good
2 Samaritan search-and-recovery missions.

3 (2) INCLUSIONS.—The process developed and
4 implemented under this subsection shall include pro-
5 visions to clarify that—

6 (A) an eligible organization or individual
7 granted access under this section—

8 (i) shall be acting for private pur-
9 poses; and

10 (ii) shall not be considered to be a
11 Federal volunteer;

12 (B) an eligible organization or individual
13 conducting a good Samaritan search-and-recov-
14 ery mission under this section shall not be con-
15 sidered to be a volunteer under section
16 102301(e) of title 54, United States Code;

17 (C) chapter 171 of title 28, United States
18 Code (commonly known as the “Federal Tort
19 Claims Act”), shall not apply to an eligible or-
20 ganization or individual carrying out a privately
21 requested good Samaritan search-and-recovery
22 mission under this section; and

23 (D) chapter 81 of title 5, United States
24 Code (commonly known as the “Federal Em-
25 ployees Compensation Act”), shall not apply to

1 an eligible organization or individual conducting
 2 a good Samaritan search-and-recovery mission
 3 under this section, and the conduct of the good
 4 Samaritan search-and-recovery mission shall
 5 not constitute civilian employment.

6 ~~(c) RELEASE OF FEDERAL GOVERNMENT FROM LI-~~
 7 ~~ABILITY.—~~The Secretary shall not require an eligible or-
 8 ganization or individual to have liability insurance as a
 9 condition of accessing Federal land under this section, if
 10 the eligible organization or individual—

11 (1) acknowledges and consents, in writing, to
 12 the provisions described in subparagraphs (A)
 13 through (D) of subsection (b)(2); and

14 (2) signs a waiver releasing the Federal Gov-
 15 ernment from all liability relating to the access
 16 granted under this section.

17 ~~(d) APPROVAL AND DENIAL OF REQUESTS.—~~

18 (1) ~~IN GENERAL.—~~The Secretary shall notify
 19 an eligible organization or individual of the approval
 20 or denial of a request by the eligible organization or
 21 individual to carry out a good Samaritan search-
 22 and-recovery mission under this section by not later
 23 than 48 hours after the request is made.

24 (2) ~~DENIALS.—~~If the Secretary denies a re-
 25 quest from an eligible organization or individual to

1 carry out a good Samaritan search-and-recovery mis-
2 sion under this section, the Secretary shall notify the
3 eligible organization or individual of—

4 (A) the reason for the denial of the re-
5 quest; and

6 (B) any actions that the eligible organiza-
7 tion or individual can take to meet the require-
8 ments for the request to be approved.

9 (c) PARTNERSHIPS.—Each Secretary shall develop
10 search-and-recovery-focused partnerships with search-and-
11 recovery organizations—

12 (1) to coordinate good Samaritan search-and-
13 recovery missions on Federal land under the admin-
14 istrative jurisdiction of the Secretary; and

15 (2) to expedite and accelerate good Samaritan
16 search-and-recovery mission efforts for missing indi-
17 viduals on Federal land under the administrative ju-
18 risdiction of the Secretary.

19 (f) REPORT.—Not later than 180 days after the date
20 of enactment of this Act, the Secretaries shall submit to
21 Congress a joint report describing—

22 (1) plans to develop partnerships described in
23 subsection (c)(1); and

24 (2) efforts carried out to expedite and accel-
25 erate good Samaritan search-and-recovery mission

1 efforts for missing individuals on Federal land under
 2 the administrative jurisdiction of each Secretary
 3 pursuant to subsection (e)(2).

4 **SECTION 1. SHORT TITLE.**

5 *This Act may be cited as the “Good Samaritan Search*
 6 *and Recovery Act”.*

7 **SEC. 2. EXPEDITED ACCESS TO CERTAIN FEDERAL LAND.**

8 (a) *DEFINITIONS.—In this section:*

9 (1) *ELIGIBLE.—The term “eligible”, with respect*
 10 *to an organization or individual, means that the or-*
 11 *ganization or individual, respectively, is—*

12 (A) *acting in a not-for-profit capacity; and*

13 (B) *composed entirely of members who, at*
 14 *the time of the good Samaritan search-and-recov-*
 15 *ery mission, have attained the age of majority*
 16 *under the law of the State where the mission*
 17 *takes place.*

18 (2) *GOOD SAMARITAN SEARCH-AND-RECOVERY*
 19 *MISSION.—The term “good Samaritan search-and-re-*
 20 *covery mission” means a search conducted by an eli-*
 21 *gible organization or individual for 1 or more miss-*
 22 *ing individuals believed to be deceased at the time*
 23 *that the search is initiated.*

1 (3) *SECRETARY.*—*The term “Secretary” means*
2 *the Secretary of the Interior or the Secretary of Agri-*
3 *culture, as applicable.*

4 (b) *PROCESS.*—

5 (1) *IN GENERAL.*—*Each Secretary shall develop*
6 *and implement a process to expedite access to Federal*
7 *land under the administrative jurisdiction of the Sec-*
8 *retary for eligible organizations and individuals to*
9 *request access to Federal land to conduct good Samar-*
10 *itan search-and-recovery missions.*

11 (2) *INCLUSIONS.*—*The process developed and im-*
12 *plemented under this subsection shall include provi-*
13 *sions to clarify that—*

14 (A) *an eligible organization or individual*
15 *granted access under this section—*

16 (i) *shall be acting for private purposes;*

17 *and*

18 (ii) *shall not be considered to be a Fed-*
19 *eral volunteer;*

20 (B) *an eligible organization or individual*
21 *conducting a good Samaritan search-and-recov-*
22 *ery mission under this section shall not be con-*
23 *sidered to be a volunteer under section 102301(c)*
24 *of title 54, United States Code;*

1 (C) chapter 171 of title 28, United States
2 Code (commonly known as the “Federal Tort
3 Claims Act”), shall not apply to an eligible orga-
4 nization or individual carrying out a privately
5 requested good Samaritan search-and-recovery
6 mission under this section; and

7 (D) chapter 81 of title 5, United States
8 Code (commonly known as the “Federal Employ-
9 ees Compensation Act”), shall not apply to an el-
10 igible organization or individual conducting a
11 good Samaritan search-and-recovery mission
12 under this section, and the conduct of the good
13 Samaritan search-and-recovery mission shall not
14 constitute civilian employment.

15 (c) *RELEASE OF FEDERAL GOVERNMENT FROM LI-*
16 *ABILITY.—The Secretary shall not require an eligible orga-*
17 *nization or individual to have liability insurance as a con-*
18 *dition of accessing Federal land under this section, if the*
19 *eligible organization or individual—*

20 (1) acknowledges and consents, in writing, to the
21 provisions described in subparagraphs (A) through
22 (D) of subsection (b)(2); and

23 (2) signs a waiver releasing the Federal Govern-
24 ment from all liability relating to the access granted
25 under this section and agrees to indemnify and hold

1 *harmless the United States from any claims or law-*
2 *suits arising from any conduct by the eligible organi-*
3 *zation or individual on Federal land.*

4 *(d) APPROVAL AND DENIAL OF REQUESTS.—*

5 *(1) IN GENERAL.—The Secretary shall notify an*
6 *eligible organization or individual of the approval or*
7 *denial of a request by the eligible organization or in-*
8 *dividual to carry out a good Samaritan search-and-*
9 *recovery mission under this section by not later than*
10 *48 hours after the request is made.*

11 *(2) DENIALS.—If the Secretary denies a request*
12 *from an eligible organization or individual to carry*
13 *out a good Samaritan search-and-recovery mission*
14 *under this section, the Secretary shall notify the eligi-*
15 *ble organization or individual of—*

16 *(A) the reason for the denial of the request;*
17 *and*

18 *(B) any actions that the eligible organiza-*
19 *tion or individual can take to meet the require-*
20 *ments for the request to be approved.*

21 *(e) PARTNERSHIPS.—Each Secretary shall develop*
22 *search-and-recovery-focused partnerships with search-and-*
23 *recovery organizations—*

1 (1) to coordinate good Samaritan search-and-re-
2 covery missions on Federal land under the adminis-
3 trative jurisdiction of the Secretary; and

4 (2) to expedite and accelerate good Samaritan
5 search-and-recovery mission efforts for missing indi-
6 viduals on Federal land under the administrative ju-
7 risdiction of the Secretary.

8 (f) *REPORT.*—Not later than 180 days after the date
9 of enactment of this Act, the Secretaries shall submit to
10 Congress a joint report describing—

11 (1) plans to develop partnerships described in
12 subsection (e)(1); and

13 (2) efforts carried out to expedite and accelerate
14 good Samaritan search-and-recovery mission efforts
15 for missing individuals on Federal land under the ad-
16 ministrative jurisdiction of each Secretary pursuant
17 to subsection (e)(2).

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