

115TH CONGRESS  
1ST SESSION

# S. 1181

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.

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## 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

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## 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,*

3 **SECTION 1. SHORT TITLE.**

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

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

7 (a) DEFINITIONS.—In this section:

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

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

5 (B) certificated in training that meets or  
6 exceeds standards established by the American  
7 Society for Testing and Materials.

8 (2) GOOD SAMARITAN SEARCH-AND-RECOVERY  
9 MISSION.—The term “good Samaritan search-and-  
10 recovery mission” means a search for one or more  
11 missing individuals believed to be deceased at the  
12 time that the search is initiated.

13 (3) SECRETARY.—The term “Secretary” means  
14 the Secretary of the Interior or the Secretary of Ag-  
15 riculture, as applicable.

16 (b) PROCESS.—

17 (1) IN GENERAL.—Each Secretary shall develop  
18 and implement a process to expedite access to Fed-  
19 eral land under the administrative jurisdiction of the  
20 Secretary for eligible organizations and individuals  
21 to request access to Federal land to conduct good  
22 Samaritan search-and-recovery missions.

23 (2) INCLUSIONS.—The process developed and  
24 implemented under this subsection shall include pro-  
25 visions to clarify that—

1 (A) an eligible organization or individual  
2 granted access under this section—

3 (i) shall be acting for private pur-  
4 poses; and

5 (ii) shall not be considered to be a  
6 Federal volunteer;

7 (B) an eligible organization or individual  
8 conducting a good Samaritan search-and-recov-  
9 ery mission under this section shall not be con-  
10 sidered to be a volunteer under section  
11 102301(e) of title 54, United States Code;

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

18 (D) chapter 81 of title 5, United States  
19 Code (commonly known as the “Federal Em-  
20 ployees Compensation Act”), shall not apply to  
21 an eligible organization or individual conducting  
22 a good Samaritan search-and-recovery mission  
23 under this section, and the conduct of the good  
24 Samaritan search-and-recovery mission shall  
25 not constitute civilian employment.

1 (c) RELEASE OF FEDERAL GOVERNMENT FROM LI-  
2 ABILITY.—The Secretary shall not require an eligible or-  
3 ganization or individual to have liability insurance as a  
4 condition of accessing Federal land under this section, if  
5 the eligible organization or individual—

6 (1) acknowledges and consents, in writing, to  
7 the provisions described in subparagraphs (A)  
8 through (D) of subsection (b)(2); and

9 (2) signs a waiver releasing the Federal Gov-  
10 ernment from all liability relating to the access  
11 granted under this section.

12 (d) APPROVAL AND DENIAL OF REQUESTS.—

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

19 (2) DENIALS.—If the Secretary denies a re-  
20 quest from an eligible organization or individual to  
21 carry out a good Samaritan search-and-recovery mis-  
22 sion under this section, the Secretary shall notify the  
23 eligible organization or individual of—

24 (A) the reason for the denial of the re-  
25 quest; and

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

4           (e) PARTNERSHIPS.—Each Secretary shall develop  
5 search-and-recovery-focused partnerships with search-and-  
6 recovery organizations—

7           (1) to coordinate good Samaritan search-and-  
8           recovery missions on Federal land under the admin-  
9           istrative jurisdiction of the Secretary; and

10          (2) to expedite and accelerate good Samaritan  
11 search-and-recovery mission efforts for missing indi-  
12 viduals on Federal land under the administrative ju-  
13 risdiction of the Secretary.

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

17          (1) plans to develop partnerships described in  
18 subsection (e)(1); and

19          (2) efforts carried out to expedite and accel-  
20 erate good Samaritan search-and-recovery mission  
21 efforts for missing individuals on Federal land under  
22 the administrative jurisdiction of each Secretary  
23 pursuant to subsection (e)(2).

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