

GOOD SAMARITAN SEARCH AND RECOVERY ACT

APRIL 15, 2015.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 373]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 373) 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, 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. 373 is 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.

BACKGROUND AND NEED FOR LEGISLATION

This legislation comes following the discovery of the bodies of Keith Goldberg and Air Force Staff Sergeant Antonio Tucker in the Lake Mead National Recreation Area (administered by the National Park Service of the Department of the Interior) 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 the Lake Mead National Recreation Area. Local law enforcement officers suspended their

search in April after arrests were made. 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 nonprofit 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 federal taxpayer. As they prepared to start their search in the 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, it was contacted by Steve Schafer, owner of a company specializing in underwater survey and recovery work. He offered to help. He 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. He found Mr. Tucker's body.

H.R. 373 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 to the families of missing persons.

Congressman Joe Heck (R–NV) introduced this bill in the 113th Congress as H.R. 2166. Congressman Heck testified on H.R. 2166 before the Subcommittee on Public Lands and Environmental Regulation on May 7, 2013. On January 23, 2014, the Committee on Natural Resources favorably reported the bill (House Report 113–331), and on January 27, 2014, it passed the House by a recorded vote of 394–0.

H.R. 373 requires that permits for accessing public lands be issued to groups within 48 hours of application and that groups do not have to obtain an insurance policy if they waive federal government liability. The bill also instructs the Secretary of the Interior and Secretary of Agriculture to develop search and recovery focused partnerships to better coordinate and expedite search and recovery on federal lands.

COMMITTEE ACTION

H.R. 373 was introduced on January 14, 2015, by Congressman Joe Heck (R–NV). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. The bill was also referred to the Committee on Agriculture. On March 24, 2015, the Natural Resources Committee met to consider the bill. The Subcommittee on Federal Lands was discharged by unanimous consent. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by unanimous consent on March 25, 2015.

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 included 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. 373—Good Samaritan Search and Recovery Act

H.R. 373 would require the Secretary of the Interior and the Secretary of Agriculture to expedite access to federal lands for search and recovery missions conducted by certain 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 effect on the federal budget. Enacting H.R. 373 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 373 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 contact for this estimate is Jeff LaFave. The estimate was approved by Theresa Gullo, 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. According to the Congressional Budget Office, implementation of this bill would "have no significant effect 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 land under the

administrative jurisdiction of each Secretary for good Samaritan search-and-recovery missions, and for other purposes.

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.

ROB BISHOP OF UTAH
CHAIRMAN

EXCHANGE OF LETTERS

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

April 6, 2015

The Honorable K. Michael Conaway
Chairman
Committee on Agriculture
1301 Longworth HOB
Washington, DC 20515

Dear Mr. Chairman:

On March 25, 2015, the Committee on Natural Resources ordered reported without amendment H.R. 373, the Good Samaritan Search and Recovery Act, by unanimous consent. The bill was referred primarily to the Committee on Natural Resources, with an additional referral to the Committee on Agriculture.

I ask that you allow the Committee on Agriculture to be discharged from further consideration of the bill so that it may be scheduled by the Majority Leader. This discharge in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. 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 this letter and any response in the bill report filed by the Committee on Natural Resources to memorialize our understanding.

Thank you for your consideration of my request.

Sincerely,



Rob Bishop
Chairman
Committee on Natural Resources

cc: The Honorable John Boehner, Speaker
The Honorable Kevin McCarthy, Majority Leader
The Honorable Raul Grijalva, Ranking Member, Committee on Natural Resources
The Honorable Thomas J. Wickham, Jr., Parliamentarian

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April 6, 2015

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

Dear Chairman Bishop:

Thank you for the opportunity to review the relevant provisions of the text of H.R. 373, the "Good Samaritan Search and Recovery Act," which was favorably reported out of your Committee on March 25, 2015. 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. Accordingly, I agree to discharge H.R. 373 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


K. Michael Conaway
Chairman

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

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