

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

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:

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

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

2 (B) composed entirely of members who, at
3 the time of the good Samaritan search-and-re-
4 covery mission, have attained the age of major-
5 ity under the law of the State where the mis-
6 sion takes place.

7 (2) GOOD SAMARITAN SEARCH-AND-RECOVERY
8 MISSION.—The term “good Samaritan search-and-
9 recovery mission” means a search conducted by an
10 eligible organization or individual for 1 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 and agrees to indemnify
12 and hold harmless the United States from any
13 claims or lawsuits arising from any conduct by the
14 eligible organization or individual on Federal land.

15 (d) APPROVAL AND DENIAL OF REQUESTS.—

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

22 (2) DENIALS.—If the Secretary denies a re-
23 quest from an eligible organization or individual to
24 carry out a good Samaritan search-and-recovery mis-

1 sion under this section, the Secretary shall notify the
2 eligible organization or individual of—

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

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

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

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

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

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

21 (1) plans to develop partnerships described in
22 subsection (e)(1); and

23 (2) efforts carried out to expedite and accel-
24 erate good Samaritan search-and-recovery mission
25 efforts for missing individuals on Federal land under

1 the administrative jurisdiction of each Secretary
2 pursuant to subsection (e)(2).