

113TH CONGRESS
1ST SESSION

S. 1049

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.

IN THE SENATE OF THE UNITED STATES

MAY 23, 2013

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

A BILL

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.

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. EXPEDITED ACCESS TO CERTAIN FEDERAL**
4 **LANDS.**

5 (a) IN GENERAL.—The Secretary shall develop and
6 implement a process to expedite access to Federal lands
7 under the administrative jurisdiction of the Secretary for

1 eligible organizations and eligible individuals to request
2 access to Federal lands to conduct good Samaritan search-
3 and-recovery missions. The process developed and imple-
4 mented pursuant to this subsection shall include provi-
5 sions that clarify that—

6 (1) an eligible organization or eligible individual
7 granted access under this section shall be acting for
8 private purposes and shall not be considered a Fed-
9 eral volunteer;

10 (2) an eligible organization or eligible individual
11 conducting a good Samaritan search-and-recovery
12 mission under this section shall not be considered a
13 volunteer under section 3 of the Volunteers in the
14 Parks Act of 1969 (16 U.S.C. 18i);

15 (3) the Federal Torts Claim Act shall not apply
16 to an eligible organization or eligible individual car-
17 rying out a privately requested good Samaritan
18 search-and-recovery mission under this section; and

19 (4) the Federal Employee Compensation Act
20 shall not apply to an eligible organization or eligible
21 individual conducting good Samaritan search-and-re-
22 covery mission under this section and such activities
23 shall not constitute civilian employment.

24 (b) RELEASE OF THE FEDERAL GOVERNMENT FROM
25 LIABILITY.—The Secretary shall not require an eligible

1 organization or an eligible individual to have liability in-
 2 surance as a condition of accessing Federal lands under
 3 this section if the eligible organization or eligible indi-
 4 vidual—

5 (1) acknowledges and consents, in writing, to
 6 the provisions listed in paragraphs (1) through (4)
 7 of subsection (a); and

8 (2) signs a waiver releasing the Federal Gov-
 9 ernment from all liability related to the access grant-
 10 ed under this section.

11 (c) APPROVAL AND DENIAL OF REQUESTS.—

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

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

25 (A) the reason for the denial request; and

1 (B) any actions that eligible organization
2 or eligible individual can take to meet the re-
3 quirements for the request to be approved.

4 (d) PARTNERSHIPS.—The Secretary shall develop
5 search-and-recovery focused partnerships with search-and-
6 recovery organizations to—

7 (1) coordinate good Samaritan search-and-re-
8 covery missions on Federal lands under the adminis-
9 trative jurisdiction of the Secretary; and

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

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

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

19 (2) efforts being taken to expedite and accel-
20 erate good Samaritan search-and-recovery mission
21 efforts for missing individuals on Federal lands
22 under the administrative jurisdiction of the Sec-
23 retary pursuant to subsection (b)(2).

24 (f) DEFINITIONS.—For the purposes of this section,
25 the following definitions apply:

1 (1) ELIGIBLE ORGANIZATION AND ELIGIBLE IN-
2 DIVIDUAL.—The terms “eligible organization” and
3 “eligible individual” means an organization or indi-
4 vidual, respectively, that—

5 (A) is acting in a not-for-profit capacity;
6 and

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

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

15 (3) SECRETARY.—The term “Secretary” means
16 the Secretary of the Interior or the Secretary of Ag-
17 riculture, as appropriate.

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