

## Calendar No. 338

114TH CONGRESS }  
*1st Session* }

SENATE

{ REPORT  
114-193

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### GOOD SAMARITAN SEARCH AND RECOVERY ACT

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DECEMBER 16, 2015.—Ordered to be printed

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Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

### R E P O R T

[To accompany H.R. 373]

The Committee on Energy and Natural Resources, to which was referred the Act (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, reports favorably thereon without amendment and recommends that the bill do pass.

#### PURPOSE

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.

#### BACKGROUND AND NEED

Volunteer Good Samaritan search-and-rescue teams must currently apply for and receive a Federal permit and meet liability insurance requirements before they are allowed to search for missing persons on Federal land. H.R. 373 was introduced in response to the tragic stories of Mr. Keith Goldberg and Air Force Staff Sergeant Antonio Tucker. These individuals were missing for over a year in the Lake Mead National Recreation Area, administered by the National Park Service, before volunteer Good Samaritan search-and-recovery teams received government authorization to begin search operations. In both cases, the teams had to wait to access the public lands to conduct the searches for over a year due to difficulties navigating existing Federal permitting and liability

insurance requirements for such operations. Once access was granted, these missing persons were recovered almost immediately.

H.R. 373 expedites access to public lands for Good Samaritan search-and-recovery organizations to help bring closure to families of missing persons as quickly as possible. H.R. 373 requires that permits for accessing public lands for search and rescue missions be issued or denied to eligible organizations or individuals within 48 hours of application. The bill provides that eligible organizations or individuals do not have to obtain an insurance policy if they waive federal government liability. It also enables the Federal government to develop long-term partnerships with search-and-rescue organizations, thereby conserving government resources and possibly saving lives.

#### LEGISLATIVE HISTORY

In the 113th Congress, Senator Heller introduced a similar bill to H.R. 373, S. 1049, on May 23, 2013. The Subcommittee on Public Lands, Forests, and Mining held a hearing on the bill on July 30, 2014 (S. Hrg. 113–433). In the House of Representatives, Representatives Heck and Amodei introduced an identical companion bill, H.R. 2166, on May 23, 2013. H.R. 2166 was referred to the Committee on Natural Resources and to the Committee on Agriculture. On June 6, 2013, the House Natural Resources Subcommittee on Public Lands and Environmental Regulation held a hearing on H.R. 2166. The Natural Resources Committee favorably ordered the bill reported by voice vote on June 12, 2013 (H. Rept. 113–331, Part 1). The House of Representatives passed H.R. 2166 by a vote of 394–0 on January 27, 2014.

In this Congress, H.R. 373 was introduced by Representatives Heck, LaMalfa, Amodei, Zinke, Kelly, McClintock, Valadao, and Hardy on January 14, 2015. The bill was primarily referred to the Committee on Natural Resources and additionally to the Committee on Agriculture. The bill was ordered reported by the House Natural Resources Committee on March 25, 2015. The House Agriculture Committee discharged the bill on April 15, 2015. H.R. 373 was passed by the House under suspension of the rules as amended by a vote of 413–0 on April 28, 2015. The bill was received in the Senate and referred to the Committee on Energy and Natural Resources.

On January 13, 2015, an identical companion bill, S. 160, was introduced by Senators Heller and Warner. The Subcommittee on Public Lands, Forests, and Mining held a hearing on S. 160 on May 21, 2015.

On November 19, 2015, the Committee on Energy and Natural Resources met in open business session and ordered H.R. 373 favorably reported without amendment.

#### COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on November 19, 2015, by a majority voice vote of a quorum present, recommends that the Senate pass H.R. 373.

## SECTION-BY-SECTION ANALYSIS

*Section 1* contains the short title, “Good Samaritan Search and Recovery Act.”

*Section 2(a)* contains definitions.

*Section 2(b)* directs the Secretary of the Interior and the Secretary of Agriculture to develop and implement a process to provide eligible organizations and individuals expedited access to Federal lands to conduct Good Samaritan search-and-recovery operations. The process should make it clear that eligible organizations and individuals are acting for private purposes, that they will not be considered Federal volunteers or staff, and that the Federal Tort Claims Act and the Federal Employees Compensation Act do not apply to them while conducting the Good Samaritan search-and-recovery mission.

*Section 2(c)* directs the Secretary to waive liability insurance requirements if the eligible organization or individual agrees to certain conditions and signs a waiver releasing the Federal government from all liability associated with their search-and-rescue mission.

*Section 2(d)* sets timelines and procedures for the approval or denial of requests made by eligible organizations or individuals to carry out Good Samaritan search-and-recovery missions. This section also directs each Secretary to develop search-and-recovery-focused partnerships with appropriate organizations to coordinate Good Samaritan search-and-recovery missions on Federal land and to expedite mission efforts for missing individuals. Finally, the Secretaries are directed to submit a report within 180 days following enactment of the Act outlining their plans to develop partnerships and their efforts to streamline Good Samaritan search-and-recovery efforts.

## COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, December 4, 2015.*

Hon. LISA MURKOWSKI,  
*Chairman, Committee on Energy and Natural Resources,*  
*U.S. Senate, Washington, DC.*

DEAR MADAM CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 373, the Good Samaritan Search and Recovery Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jeff LaFave.

Sincerely,

KEITH HALL.

Enclosure.

*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 organiza-

tions. Under the act, 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. CBO estimates that enacting the legislation would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2026.

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.

On April 6, 2015, CBO transmitted a cost estimate for H.R. 373, the Good Samaritan Search and Recovery Act, as ordered reported by the House Committee on Natural Resources on March 25, 2015. The two versions of the legislation are similar, and the estimated costs are the same.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

#### REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 373. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 373, as ordered reported.

#### CONGRESSIONALLY DIRECTED SPENDING

H.R. 373, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

#### EXECUTIVE COMMUNICATIONS

The testimony provided by the U.S. Forest Service at the May 21, 2015, Subcommittee on Public Lands, Forests, and Mining hearing on S. 160, the Senate companion bill to H.R. 373, follows:

STATEMENT OF LESLIE WELDON, DEPUTY CHIEF, NATIONAL FOREST SYSTEM, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE

CONCERNING S. 160, "TO DIRECT THE SECRETARY OF THE INTERIOR AND SECRETARY OF AGRICULTURE TO EXPEDITE ACCESS TO CERTAIN FEDERAL LAND . . . FOR GOOD SAMARITAN SEARCH-AND-RECOVERY MISSIONS"

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to present the views of the U.S. Department of Agriculture (USDA) regarding S. 160, the Good Samaritan Search and Recovery Act.

S. 160 would direct the Secretary of Agriculture to develop and implement a process to expedite access to National Forest System lands for eligible organizations and individuals to conduct Good Samaritan search-and-recovery missions for missing individuals presumed to be deceased at the time the search is initiated. S. 160 would provide that an eligible organization or individual may not be required to have liability insurance if the organization or individual agrees to release the United States from all liability. The bill also would require that the process include provisions clarifying that an eligible organization or individual would not be considered to be a Federal volunteer when carrying out a Good Samaritan search-and-recovery mission, and that the Federal Torts Claims Act and the Federal Employee Compensation Act would not apply to a Good Samaritan search-and-recovery mission.

Additionally, it would require the Secretary to provide notification of the approval or denial of a request to carry out a mission not more than 48 hours after the request is made. If a request is denied, the agency would be required to provide a reason and describe actions needed to meet the requirements for approval. The bill would also require the Secretary to develop partnerships with search and recovery organizations to help coordinate, expedite, and accelerate mission efforts. A report is also required to Congress no later than 180 days after the date of enactment on plans to develop partnerships, as well as efforts to expedite and accelerate Good Samaritan search-and-recovery mission efforts for missing individuals on Federal land.

The Department supports S. 160 with technical corrections and amendments. The provisions specified in S. 160 and the desired intent of the Act, to allow expedited access to Federal lands for search and recovery missions, are substantially consistent with current Forest Service policies and guidelines governing these types of activities and access. The provisions requiring the development and implementation of a process to expedite access would be unnecessary and redundant in most search and recovery cases on National Forest System lands.

The Forest Service currently has very few access restrictions to Federal lands under its jurisdiction for the type of activities described in the Act. Notable exceptions would include some restrictions to areas designated as Wilder-

ness, and special area closures for events such as fire or avalanche.

The provisions requiring the development and implementation of a process to expedite access would be unnecessary in most search and recovery cases on National Forest System lands. In most areas, the County Sheriff has the primary responsibility for search, recovery, and rescue operations on National Forest System lands and can act without a permit issued by the Forest Service. The Forest Service currently has cooperative agreements with County Sheriffs, which could address procedures for them to conduct search and rescue missions on National Forest System lands.

Mr. Chairman, regardless of the ultimate outcome of the congressional consideration of S. 160, the Forest Service is committed to working with all organizations and the dedicated men and women who volunteer their time and expertise to assist in the search and recovery of those missing.

This concludes my prepared statement. I am happy to answer any questions you may have.

#### CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill as ordered reported.