

AMENDMENT NO. _____

Calendar No. _____

Purpose: To expedite access to certain Federal lands under the administrative jurisdiction of each Secretary for good Samaritan search-and-recovery missions.

IN THE SENATE OF THE UNITED STATES—113th Cong., 2d Sess.

S. 2363

To protect and enhance opportunities for recreational hunting, fishing, and shooting, 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 intended to be proposed by Mr. HELLER & Mr. Warner (VA)

Viz:

1 At the end of title I, add the following:

2 **SEC. 1** _____. **EXPEDITED ACCESS TO CERTAIN FEDERAL**
3 **LANDS.**

4 (a) **IN GENERAL.**—The Secretary shall develop and
5 implement a process to expedite access to Federal lands
6 under the administrative jurisdiction of the Secretary for
7 eligible organizations and eligible individuals to request
8 access to Federal lands to conduct good Samaritan search-
9 and-recovery missions. The process developed and imple-
10 mented pursuant to this subsection shall include provi-
11 sions that clarify that—

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

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

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

14 (4) the Federal Employee Compensation Act
15 shall not apply to an eligible organization or eligible
16 individual conducting good Samaritan search-and-re-
17 covery mission under this section and such activities
18 shall not constitute civilian employment.

19 (b) RELEASE OF THE FEDERAL GOVERNMENT FROM
20 LIABILITY.—The Secretary shall not require an eligible
21 organization or an eligible individual to have liability in-
22 surance as a condition of accessing Federal lands under
23 this section if the eligible organization or eligible indi-
24 vidual—

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

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

7 (c) APPROVAL AND DENIAL OF REQUESTS.—

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

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

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

22 (B) any actions that eligible organization
23 or eligible individual can take to meet the re-
24 quirements for the request to be approved.

1 (d) PARTNERSHIPS.—The Secretary shall develop
2 search-and-recovery focused partnerships with search-and-
3 recovery organizations to—

4 (1) coordinate good Samaritan search-and-re-
5 covery missions on Federal lands under the adminis-
6 trative jurisdiction of the Secretary; and

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

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

14 (1) plans to develop partnerships described in
15 subsection (d)(1); and

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

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

23 (1) ELIGIBLE ORGANIZATION AND ELIGIBLE IN-
24 DIVIDUAL.—The terms “eligible organization” and

1 “eligible individual” means an organization or indi-
2 vidual, respectively, that—

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

5 (B) is 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 appropriate.