

(Pub. L. 94-579, title III, §311, Oct. 21, 1976, 90 Stat. 2768; Pub. L. 103-437, §16(d)(3), Nov. 2, 1994, 108 Stat. 4595.)

### Editorial Notes

#### AMENDMENTS

1994—Subsec. (b), Pub. L. 103-437 substituted “Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate” for “Committees on Interior and Insular Affairs of the House and Senate”.

### Statutory Notes and Related Subsidiaries

#### TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103-7 (in which the 9th item on page 112 identifies a reporting provision which, as subsequently amended, is contained in this section), see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

### § 1742. Search, rescue, and protection forces; emergency situations authorizing hiring

Where in his judgment sufficient search, rescue, and protection forces are not otherwise available, the Secretary is authorized in cases of emergency to incur such expenses as may be necessary (a) in searching for and rescuing, or in cooperating in the search for and rescue of, persons lost on the public lands, (b) in protecting or rescuing, or in cooperating in the protection and rescue of, persons or animals endangered by an act of God, and (c) in transporting deceased persons or persons seriously ill or injured to the nearest place where interested parties or local authorities are located.

(Pub. L. 94-579, title III, §312, Oct. 21, 1976, 90 Stat. 2768.)

### § 1742a. Good Samaritan Search and Recovery Act

#### (a) Definitions

In this section:

##### (1) Eligible

The term “eligible”, with respect to an organization or individual, means that the organization or individual, respectively, is—

- (A) acting in a not-for-profit capacity; and
- (B) composed entirely of members who, at the time of the good Samaritan search-and-recovery mission, have attained the age of majority under the law of the State where the mission takes place.

##### (2) Good Samaritan search-and-recovery mission

The term “good Samaritan search-and-recovery mission” means a search conducted by an eligible organization or individual for 1 or more missing individuals believed to be deceased at the time that the search is initiated.

##### (3) Secretary

The term “Secretary” means the Secretary or the Secretary of Agriculture, as applicable.

#### (b) Process

##### (1) In general

Each Secretary shall develop and implement a process to expedite access to Federal land

under the administrative jurisdiction of the Secretary for eligible organizations and individuals to request access to Federal land to conduct good Samaritan search-and-recovery missions.

#### (2) Inclusions

The process developed and implemented under this subsection shall include provisions to clarify that—

- (A) an eligible organization or individual granted access under this section—
  - (i) shall be acting for private purposes; and
  - (ii) shall not be considered to be a Federal volunteer;

(B) an eligible organization or individual conducting a good Samaritan search-and-recovery mission under this section shall not be considered to be a volunteer under section 102301(c) of title 54;

(C) chapter 171 of title 28 (commonly known as the “Federal Tort Claims Act”) shall not apply to an eligible organization or individual carrying out a privately requested good Samaritan search-and-recovery mission under this section; and

(D) chapter 81 of title 5 (commonly known as the “Federal Employees Compensation Act”) shall not apply to an eligible organization or individual conducting a good Samaritan search-and-recovery mission under this section, and the conduct of the good Samaritan search-and-recovery mission shall not constitute civilian employment.

#### (c) Release of Federal Government from liability

The Secretary shall not require an eligible organization or individual to have liability insurance as a condition of accessing Federal land under this section, if the eligible organization or individual—

(1) acknowledges and consents, in writing, to the provisions described in subparagraphs (A) through (D) of subsection (b)(2); and

(2) signs a waiver releasing the Federal Government from all liability relating to the access granted under this section and agrees to indemnify and hold harmless the United States from any claims or lawsuits arising from any conduct by the eligible organization or individual on Federal land.

#### (d) Approval and denial of requests

##### (1) In general

The Secretary shall notify an eligible organization or individual of the approval or denial of a request by the eligible organization or individual to carry out a good Samaritan search-and-recovery mission under this section by not later than 48 hours after the request is made.

##### (2) Denials

If the Secretary denies a request from an eligible organization or individual to carry out a good Samaritan search-and-recovery mission under this section, the Secretary shall notify the eligible organization or individual of—

- (A) the reason for the denial of the request; and
- (B) any actions that the eligible organization or individual can take to meet the requirements for the request to be approved.