

(2) accept emergency wildfire protection resources from any foreign fire organization when the acceptance of such resources is determined by such Secretary to be in the best interest of the United States.

(c) Reimbursement under agreements with Canada

Notwithstanding the preceding provisions of this section, reimbursement may be provided for the costs incurred by the Government of Canada or a Canadian organization in furnishing wildfire protection resources to the Government of the United States under—

(1) the memorandum entitled “Memorandum of Understanding Between the United States Department of Agriculture and Environment Canada on Cooperation in the Field of Forestry-Related Programs” dated June 25, 1982; and

(2) the arrangement entitled “Arrangement in the Form of an Exchange of Notes Between the Government of Canada and the Government of the United States of America” dated May 4, 1982.

(d) Service performed under this subchapter by Federal employees

(1) In general

Any service performed by any employee of the United States under an agreement or otherwise under this subchapter shall constitute service rendered in the line of duty in such employment.

(2) Effect

Except as provided in section 1856n-1 of this title, the performance of such service by any other individual shall not make such individual an employee of the United States.

(Pub. L. 100-428, § 3, Sept. 9, 1988, 102 Stat. 1615; Pub. L. 112-74, div. E, title IV, § 411(3), Dec. 23, 2011, 125 Stat. 1040.)

AMENDMENTS

2011—Subsec. (a). Pub. L. 112-74, § 411(3)(A), inserted headings for subsec. (a) and pars. (1) and (2).

Subsec. (b). Pub. L. 112-74, § 411(3)(B)(i), inserted heading.

Subsec. (b)(1). Pub. L. 112-74, § 411(3)(B)(ii), substituted “United States; and” for “United States, and”.

Subsec. (c). Pub. L. 112-74, § 411(3)(C), inserted heading.

Subsec. (d). Pub. L. 112-74, § 411(3)(D), inserted subsec. heading, designated first and second sentences as pars. (1) and (2), respectively, inserted par. headings, and substituted “Except as provided in section 1856n-1 of this title, the” for “The” in par. (2).

§ 1856n-1. Reciprocal agreements with liability coverage

(a) Protection from liability for foreign firefighters and foreign fire organizations

Subject to subsection (b), in an agreement with a foreign fire organization entered into under section 1856n of this title, the Secretary of Agriculture and the Secretary of the Interior may provide that—

(1) a foreign firefighter shall be considered to be an employee of the United States for purposes of tort liability while the foreign firefighter is acting within the scope of an official duty under the agreement; and

(2) any claim against the foreign fire organization or any legal organization associated with the foreign firefighter that arises out of an act or omission of the foreign firefighter in the performance of an official duty under the agreement, or that arises out of any other act, omission, or occurrence for which the foreign fire organization or legal organization associated with the foreign firefighter is legally responsible under applicable law, may be prosecuted only—

(A) against the United States; and

(B) as if the act or omission were the act or omission of an employee of the United States.

(b) Protection from liability for Federal firefighters and the Federal Government

The Secretary of Agriculture and the Secretary of the Interior may provide the protections under subsection (a) if the foreign fire organization agrees—

(1) to assume any and all liability for any legal action brought against the Federal firefighter for an act or omission of the Federal firefighter while acting within the scope of an official duty under the agreement; and

(2) to the extent the United States or any legal organization associated with the Federal firefighter is not entitled to immunity from the jurisdiction of the courts having jurisdiction over the foreign fire organization receiving the services of the Federal firefighters, to assume any and all liability for any legal action brought against the United States or the legal organization arising out of—

(A) an act or omission of the Federal firefighter in the performance of an official duty under the agreement; or

(B) any other act, omission, or occurrence for which the United States or the legal organization associated with the Federal firefighter is legally responsible under the laws applicable to the foreign fire organization.

(Pub. L. 100-428, § 4, as added Pub. L. 112-74, div. E, title IV, § 411(5), Dec. 23, 2011, 125 Stat. 1040.)

PRIOR PROVISIONS

A prior section 4 of Pub. L. 100-428 was renumbered section 5 and is classified to section 1856o of this title.

§ 1856o. Funds

Funds available to the Secretary of Agriculture or the Secretary of the Interior for wildfire protection resources in connection with activities under the jurisdiction of such Secretary may be used to carry out activities authorized under agreements or otherwise under this subchapter, or for reimbursements authorized under this subchapter: *Provided*, That no such funds may be expended for wildfire protection resources (including personnel) provided by a foreign fire organization for wildfire suppression activities unless the Secretary determines that no wildfire protection resources (including personnel) within the United States are reasonably available to provide wildfire suppression.

(Pub. L. 100-428, § 5, formerly § 4, Sept. 9, 1988, 102 Stat. 1616; renumbered § 5 and amended Pub. L. 112-74, div. E, title IV, § 411(4), (6), Dec. 23, 2011, 125 Stat. 1040, 1041.)