

wildfire protection resources for, or on behalf of, any other party thereto.

**(b) Exchange of wildfire protection resources without a reciprocal agreement**

In the absence of any agreement authorized under subsection (a) of this section, the Secretary of Agriculture or the Secretary of the Interior may—

(1) furnish emergency wildfire protection resources to any foreign nation when the furnishing of such resources is determined by such Secretary to be in the best interest of the United States; and

(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.)

#### PRIOR PROVISIONS

A prior section 5 of Pub. L. 100-428 was classified to section 1856p of this title prior to repeal by Pub. L. 101-11.

#### AMENDMENTS

2011—Pub. L. 112-74, §411(6), substituted “under this subchapter” for “under section 1856n(c) of this title”, “wildfire protection resources (including personnel)” for “wildfire protection resources or personnel” in two places, and “provide wildfire suppression” for “provide wildfire protection” and inserted “for wildfire suppression activities” before “unless”.

#### § 1856p. Repealed. Pub. L. 101-11, § 2, Apr. 7, 1989, 103 Stat. 15

Section, Pub. L. 100-428, §5, Sept. 9, 1988, 102 Stat. 1616, provided that authority to enter into agreements, to furnish or accept emergency wildfire protection resources, or to incur obligations for reimbursement under section 1856n of this title was to terminate Dec. 31, 1988.

### CHAPTER 15B—AIR POLLUTION CONTROL

#### SUBCHAPTER I—AIR POLLUTION PREVENTION AND CONTROL

#### §§ 1857 to 1857c-9. Transferred

##### CODIFICATION

Section 1857, act July 14, 1955, ch. 360, title I, §101, formerly §1, as added Dec. 17, 1963, Pub. L. 88-206, §1, 77 Stat. 392; renumbered title I, §101, and amended Oct. 20, 1965, Pub. L. 89-272, title I, §101(2), (3), 79 Stat. 992; Nov. 21, 1967, Pub. L. 90-148, §2, 81 Stat. 485, which related to Congressional findings and declaration of purpose, was transferred to section 7401 of this title.

Section 1857a, act July 14, 1955, ch. 360, title I, §102, formerly §2, as added Dec. 17, 1963, Pub. L. 88-206, §1, 77 Stat. 393; renumbered title I, §102, Oct. 20, 1965, Pub. L. 89-272, title I, §101(3), 79 Stat. 992; amended Nov. 21, 1967, Pub. L. 90-148, §2, 81 Stat. 485; Dec. 31, 1970, Pub. L. 91-604, §15(c)(2), 84 Stat. 1713, which related to cooperative activities, was transferred to section 7402 of this title.

Section 1857b, act July 14, 1955, ch. 360, title I, §103, formerly §3, as added Dec. 17, 1963, Pub. L. 88-206, §1, 77 Stat. 394; renumbered title I, §103, and amended Oct. 20, 1965, Pub. L. 89-272, title I, §§101(3), 103, 79 Stat. 992, 996; Nov. 21, 1967, Pub. L. 90-148, §2, 81 Stat. 486; Dec. 31, 1970, Pub. L. 91-604, §§2(a), 4(2), 15(a)(2), (c)(2), 84 Stat. 1676, 1689, 1710, 1713, which related to research, investigations, training, and other activities, was transferred to section 7403 of this title.

Section 1857b-1, act July 14, 1955, ch. 360, title I, §104, as added Nov. 21, 1967, Pub. L. 90-148, §2, 81 Stat. 487; amended Dec. 5, 1969, Pub. L. 91-137, 83 Stat. 283; Dec. 31, 1970, Pub. L. 91-604, §§2(b), (c), 13(a), 15(c)(2), 84 Stat. 1676, 1677, 1709, 1713; Apr. 9, 1973, Pub. L. 93-15, §1(a), 87

Stat. 11; June 22, 1974, Pub. L. 93-319, §13(a), 88 Stat. 265, which provided for research relating to fuels and vehicles, was transferred to section 7404 of this title.

Section 1857c, act July 14, 1955, ch. 360, title I, §105, formerly §4, as added Dec. 17, 1963, Pub. L. 88-206, §1, 77 Stat. 395; renumbered and amended §104, Oct. 20, 1965, Pub. L. 89-272, title I, §101(2)-(4), 79 Stat. 992; Oct. 15, 1966, Pub. L. 89-675, §3, 80 Stat. 954; renumbered title I, §105, and amended §105, Nov. 21, 1967, Pub. L. 90-148, §2, 81 Stat. 489; Dec. 31, 1970, Pub. L. 91-604, §§3(a), (b)(1), 15(c)(2), 84 Stat. 1677, 1713, which related to grants for support of air pollution planning and control programs, was transferred to section 7405 of this title.

Section 1857c-1, act July 14, 1955, ch. 360, title I, §106, as added Nov. 21, 1967, Pub. L. 90-148, §2, 81 Stat. 490; amended Dec. 31, 1970, Pub. L. 91-604, §3(c), 84 Stat. 1677, which related to interstate air quality agencies and program cost limitations, was transferred to section 7406 of this title.

Section 1857c-2, act July 14, 1955, ch. 360, title I, §107, as added Dec. 31, 1970, Pub. L. 91-604, §4(a), 84 Stat. 1678, which related to air quality control regions, was transferred to section 7407 of this title.

Section 1857c-3, act July 14, 1955, ch. 360, title I, §108, as added Dec. 31, 1970, Pub. L. 91-604, §4(a), 84 Stat. 1678, which related to air quality criteria and control techniques, was transferred to section 7408 of this title.

Section 1857c-4, act July 14, 1955, ch. 360, title I, §109, as added Dec. 31, 1970, Pub. L. 91-604, §4(a), 84 Stat. 1679, which related to procedure for and promulgation of national primary and secondary ambient air quality standards, was transferred to section 7409 of this title.

Section 1857c-5, act July 14, 1955, ch. 360, title I, §110, as added Dec. 31, 1970, Pub. L. 91-604, §4(a), 84 Stat. 1680; amended June 22, 1974, Pub. L. 93-319, §4, 88 Stat. 256; S. Res. 4, Feb. 4, 1977, which related to State implementation plans for national primary and secondary ambient air quality standards, was transferred to section 7410 of this title.

Section 1857c-6, act July 14, 1955, ch. 360, title I, §111, as added Dec. 31, 1970, Pub. L. 91-604, §4(a), 84 Stat. 1683; amended Nov. 18, 1971, Pub. L. 92-157, title III, §302(f), 85 Stat. 464, which related to standards of performance for new stationary sources, was transferred to section 7411 of this title.

Section 1857c-7, act July 14, 1955, ch. 360, title I, §112, as added Dec. 31, 1970, Pub. L. 91-604, §4(a), 84 Stat. 1685, which related to national emission standards for hazardous air pollutants, was transferred to section 7412 of this title.

Section 1857c-8, act July 14, 1955, ch. 360, title I, §113, as added Dec. 31, 1970, Pub. L. 91-604, §4(a), 84 Stat. 1686; amended Nov. 18, 1971, Pub. L. 92-157, title III, §302(b), (c), 85 Stat. 464; June 22, 1974, Pub. L. 93-319, §6(a)(1)-(3), 88 Stat. 259, which related to Federal enforcement procedures, was transferred to section 7413 of this title.

Section 1857c-9, act July 14, 1955, ch. 360, title I, §114, as added Dec. 31, 1970, Pub. L. 91-604, §4(a), 84 Stat. 1687; amended June 22, 1974, Pub. L. 93-319, §6(a)(4), 88 Stat. 259, which related to recordkeeping, inspections, monitoring, and entry, was transferred to section 7414 of this title.

#### § 1857c-10. Repealed. Pub. L. 95-95, title I, § 112(b)(1), Aug. 7, 1977, 91 Stat. 709

Section, act July 14, 1955, ch. 360, title I, §119, as added June 22, 1974, Pub. L. 93-319, §3, 88 Stat. 248, related to the authority of the Administrator of the Environmental Protection Agency to deal with energy shortages. See section 7413 of this title.

References to section 1857c-10 appearing in section 792 of Title 15, Commerce and Trade, shall be construed to refer to section 7413(d) of Title 42, The Public Health and Welfare, see Compliance Orders note set out under section 792 of Title 15.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Aug. 7, 1977, see section 406 of Pub. L. 95-95, set out as an Effective Date of 1977 Amendment note under section 7401 of this title.