

(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.