

another State for the management and suppression of a wildfire, the Secretary, subject to subsections (c) and (d)—

(1) may accept the reimbursement amounts from the other State; and

(2) shall pay those amounts to the State seeking reimbursement.

(c) Mutual assistance agreement

As a condition of seeking and providing reimbursement under subsection (b), the State seeking reimbursement and the State providing reimbursement must each have a mutual assistance agreement with the Forest Service or another Federal agency for providing and receiving wildfire management and suppression resources and services.

(d) Terms and conditions

The Secretary may prescribe the terms and conditions determined to be necessary to carry out subsection (b).

(e) Effect on prior reimbursements

Any acceptance of funds or reimbursements made by the Secretary before February 7, 2014, that otherwise would have been authorized under this section shall be considered to have been made in accordance with this section.

(Pub. L. 113-79, title VIII, §8304, Feb. 7, 2014, 128 Stat. 924.)

CODIFICATION

Section was enacted as part of the Agricultural Act of 2014, and not as part of act May 27, 1955, which comprises this subchapter.

Section is comprised of section 8304 of Pub. L. 113-79. Subsec. (f) of section 8304 of Pub. L. 113-79 amended section 1856d of this title.

DEFINITION OF “SECRETARY”

“Secretary” as meaning the Secretary of Agriculture, see section 9001 of Title 7, Agriculture.

SUBCHAPTER II—WILDFIRE SUPPRESSION
WITH FOREIGN FIRE ORGANIZATION

§ 1856m. Definitions

In this subchapter:

(1) Assume any and all liability

The term “assume any and all liability” means—

(A) the payment of—

(i) any judgment, settlement, fine, penalty, or cost assessment (including prevailing party legal fees) associated with the applicable litigation; and

(ii) any cost incurred in handling the applicable litigation (including legal fees); and

(B) with respect to a Federal firefighter, arranging for, and paying the costs of, representation in the applicable litigation.

(2) Federal firefighter

The term “Federal firefighter” means an individual furnished by the Secretary of Agriculture or the Secretary of the Interior under an agreement entered into under section 1856n of this title.

(3) Foreign fire organization

The term “foreign fire organization” means any foreign governmental, public, or private entity that has wildfire protection resources.

(4) Foreign firefighter

The term “foreign firefighter” means an individual furnished by a foreign fire organization under an agreement entered into under section 1856n of this title.

(5) Wildfire

The term “wildfire” means any forest or range fire.

(6) Wildfire protection resources

The term “wildfire protection resources” means any personnel, supplies, equipment, or other resources required for wildfire pre-suppression and suppression activities.

(Pub. L. 100-428, §2, as added Pub. L. 112-74, div. E, title IV, §411(2), Dec. 23, 2011, 125 Stat. 1039.)

PRIOR PROVISIONS

A prior section 1856m, Pub. L. 100-428, §2, Sept. 9, 1988, 102 Stat. 1615, related to definitions, prior to repeal by Pub. L. 112-74, div. E, title IV, §411(2), Dec. 23, 2011, 125 Stat. 1039.

SHORT TITLE OF 1989 AMENDMENT

Pub. L. 101-11, §1, Apr. 7, 1989, 103 Stat. 15, provided that: “This Act [repealing section 1856p of this title] may be cited as the ‘Wildfire Suppression Assistance Act’.”

SHORT TITLE

Pub. L. 100-428, §1, Sept. 9, 1988, 102 Stat. 1615, as amended by Pub. L. 112-74, div. E, title IV, §411(1), Dec. 23, 2011, 125 Stat. 1039, provided that: “This Act [enacting this subchapter] may be cited as the ‘Emergency Wildfire Suppression Act’.”

§ 1856n. Implementation

(a) Exchange of wildfire protection resources under a reciprocal agreement with a foreign fire organization

(1) Authority to enter into a reciprocal agreement

The Secretary of Agriculture or the Secretary of the Interior, in consultation with the Secretary of State, may enter into a reciprocal agreement with any foreign fire organization for mutual aid in furnishing wildfire protection resources for lands and other properties for which such Secretary or organization normally provides wildfire protection.

(2) Requirements for a reciprocal agreement

Any agreement entered into under this subsection—

(A) shall include a waiver by each party to the agreement of all claims against every other party to the agreement for compensation for any loss, damage, personal injury, or death occurring in consequence of the performance of such agreement;

(B) shall include a provision to allow the termination of such agreement by any party thereto after reasonable notice; and

(C) may provide for the reimbursement of any party thereto for all or any part of the costs incurred by such party in furnishing 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), the Secretary of Agriculture or the Secretary of the Interior may—