

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—

(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.)

### Editorial Notes

#### 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—