

107TH CONGRESS
2^D SESSION

H. R. 5017

To amend the Temporary Emergency Wildfire Suppression Act to facilitate the ability of the Secretary of the Interior and the Secretary of Agriculture to enter into reciprocal agreements with foreign countries for the sharing of personnel to fight wildfires.

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2002

Mr. MCINNIS (for himself and Mr. HAYWORTH) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committees on Resources, International Relations, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Temporary Emergency Wildfire Suppression Act to facilitate the ability of the Secretary of the Interior and the Secretary of Agriculture to enter into reciprocal agreements with foreign countries for the sharing of personnel to fight wildfires.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. RECIPROCAL AGREEMENTS FOR SHARING PER-**
2 **SONNEL TO FIGHT WILDFIRES.**

3 The Temporary Emergency Wildfire Suppression Act
4 (42 U.S.C. 1856m et seq.), as amended by the Wildfire
5 Suppression Assistance Act, is amended by adding at the
6 end the following new section:

7 **“SEC. 5. SPECIAL TERMS FOR RECIPROCAL AGREEMENTS**
8 **FOR SHARING PERSONNEL TO FIGHT**
9 **WILDFIRES.**

10 “(a) **TORT LIABILITY.**—In entering into a reciprocal
11 agreement with a foreign country under section 3, the Sec-
12 retary of Agriculture and the Secretary of the Interior
13 may include as part of the agreement a provision that per-
14 sonnel furnished under the agreement to provide wildfire
15 presuppression or suppression services will be considered,
16 for purposes of tort liability, employees of the country re-
17 ceiving such services when the personnel provide services
18 under the agreement.

19 “(b) **ASSUMPTION OF LIABILITY; REMEDIES.**—The
20 Secretary of Agriculture or the Secretary of the Interior
21 shall not enter into any agreement under section 3 con-
22 taining the provision described in subsection (a) unless the
23 foreign country (either directly or through the fire organi-
24 zation that is a party to the agreement) agrees to assume
25 any and all liability for the acts or omissions of American
26 firefighters engaged in providing wildfire presuppression

1 or suppression services under the agreement in the foreign
2 country. The only remedies for acts or omissions com-
3 mitted while providing services under the agreement shall
4 be those provided under the laws of the host country, and
5 those remedies shall be the exclusive remedies for any
6 claim arising out of providing such services in a foreign
7 country.

8 “(c) PROTECTIONS.—Neither the firefighter, the
9 sending country, nor any organization associated with the
10 firefighter shall be subject to any action whatsoever per-
11 taining to or arising out of providing wildfire
12 presuppression or suppression services under a reciprocal
13 agreement under section 3.”.

○