

**Calendar No. 495**

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 5017**

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IN THE SENATE OF THE UNITED STATES

JULY 11 (legislative day, JULY 10), 2002

Received and read the first time

JULY 15, 2002

Read the second time and placed on the calendar

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**AN ACT**

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,*

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

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

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

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

21 “(b) ASSUMPTION OF LIABILITY; REMEDIES.—The  
22 Secretary of Agriculture or the Secretary of the Interior  
23 shall not enter into any agreement under section 3 con-  
24 taining the provision described in subsection (a) unless the  
25 foreign country (either directly or through the fire organi-

1 zation that is a party to the agreement) agrees to assume  
2 any and all liability for the acts or omissions of American  
3 firefighters engaged in providing wildfire presuppression  
4 or suppression services under the agreement in the foreign  
5 country. The only remedies for acts or omissions com-  
6 mitted while providing services under the agreement shall  
7 be those provided under the laws of the host country, and  
8 those remedies shall be the exclusive remedies for any  
9 claim arising out of providing such services in a foreign  
10 country.

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

Passed the House of Representatives July 9, 2002.

Attest:

JEFF TRANDAHL,

*Clerk.*

By MARTHA C. MORRISON,

*Deputy Clerk.*

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