

**Editorial Notes****CODIFICATION**

Section was enacted as part of the Department of the Interior and Related Agencies Appropriations Act, 1992, and not as part of act May 27, 1955, which comprises this subchapter.

**PRIOR PROVISIONS**

Provisions similar to those in this section were contained in the following prior appropriation act: Pub. L. 101-512, title III, § 310, Nov. 5, 1990, 104 Stat. 1959.

**AMENDMENTS**

2007—Pub. L. 110-114 inserted “the Secretary of the Army,” after “the Secretary of Energy.”.

**§ 1856b. Emergency assistance**

In the absence of any agreement authorized or ratified by section 1856a of this title, each agency head is authorized to render emergency assistance in extinguishing fires and in preserving life and property from fire, within the vicinity of any place at which such agency maintains fire-protection facilities, when the rendition of such assistance is determined, under regulations prescribed by the agency head, to be in the best interest of the United States.

(May 27, 1955, ch. 105, § 3, 69 Stat. 67.)

**§ 1856c. Service in line of duty**

Any service performed under section 1856a or section 1856b of this title, by any officer or employee of the United States or any member of any armed force of the United States shall constitute service rendered in line of duty in such office, employment, or force. The performance of such service by any other individual shall not constitute such individual an officer or employee of the United States for the purposes of subchapter I of chapter 81 of title 5.

(May 27, 1955, ch. 105, § 4, 69 Stat. 67.)

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“Subchapter I of chapter 81 of title 5” substituted for “the Federal Employees’ Compensation Act, as amended” on authority of Pub. L. 89-554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

**§ 1856d. Funds**

(a) Funds available to any agency head for fire protection on installations or in connection with activities under the jurisdiction of such agency may be used to carry out the purposes of this subchapter. All sums received by any agency head for fire protection rendered pursuant to this subchapter shall be covered into the Treasury as miscellaneous receipts.

(b) Notwithstanding subsection (a), all sums received as reimbursements for costs incurred by any Department of Defense or Department of Agriculture activity for fire protection rendered pursuant to this subchapter shall be credited to the same appropriation or fund from which the expenses were paid or, if the period of availability for obligation for that appropriation has expired, to the appropriation or fund that is currently available to the activity for the same

purpose. Amounts so credited shall be subject to the same provisions and restrictions as the appropriation or account to which credited.

(May 27, 1955, ch. 105, § 5, 69 Stat. 67; Pub. L. 110-181, div. A, title X, § 1080, Jan. 28, 2008, 122 Stat. 335; Pub. L. 112-81, div. A, title III, § 364(a), Dec. 31, 2011, 125 Stat. 1380; Pub. L. 113-79, title VIII, § 8304(f), Feb. 7, 2014, 128 Stat. 924.)

**Editorial Notes****AMENDMENTS**

2014—Subsec. (b). Pub. L. 113-79 inserted “or Department of Agriculture” after “Department of Defense”.

2011—Subsec. (b). Pub. L. 112-81 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “Notwithstanding the provisions of subsection (a), all sums received for any Department of Defense activity for fire protection rendered pursuant to this subchapter shall be credited to the appropriation fund or account from which the expenses were paid. Amounts so credited shall be merged with funds in such appropriation fund or account and shall be available for the same purposes and subject to the same limitations as the funds with which the funds are merged.”

2008—Pub. L. 110-181 designated existing provisions as subsec. (a) and added subsec. (b).

**Statutory Notes and Related Subsidiaries****EFFECTIVE DATE OF 2011 AMENDMENT**

Pub. L. 112-81, div. A, title III, § 364(b), Dec. 31, 2011, 125 Stat. 1380, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to reimbursements for expenditures of funds appropriated after the date of the enactment of this Act [Dec. 31, 2011].”

**§ 1856e. Reimbursement of fire funds****(a) Definition of State**

In this section, the term “State” means—

- (1) a State; and
- (2) the Commonwealth of Puerto Rico.

**(b) In general**

If a State seeks reimbursement for amounts expended for resources and services provided to 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