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Subject:	FW: US&R General Memorandum 2014-016 –Third Party Liability Waivers
Date:	Monday, March 31, 2014 4:38:50 PM
Attachments:	USR GM 2014-016 - 3rd Party Liability Waivers.pdf General Memos Master List 03-31-2014.docx

Chiefs/Jurisdictional Reps/Component Leaders - FYSA

From: Casey, Wanda [mailto:Wanda.Casey@fema.dhs.gov]
Sent: Monday, March 31, 2014 4:31 PM
Subject: US&R General Memorandum 2014-016 –Third Party Liability Waivers

Bcc: US&R Task Force Sponsoring Agency Chiefs/Heads, US&R Strategic Group, and US&R Branch Staff

US&R GENERAL MEMORANDUM – 2014-016

March 31, 2014

FOR: National Urban Search & Rescue Response System
Task Force Representatives

FROM: Wanda Casey, Chief
Program Management Section
Urban Search and Rescue Branch

SUBJECT: US&R General Memorandum 2014-016 –Third Party Liability Waivers

During the recent series of operational field exercises, there have been several occasions where US&R System task forces were asked to sign liability waivers before conducting exercises on private property. Such waivers seek to diminish or prevent the Federal Government from seeking relief for injuries or damage to System Members or federal property.

It is inappropriate for FEMA US&R Sponsoring Agencies/Task Forces to sign any waivers of third party liability when their system members are in federal status without prior approval of the FEMA Office of Chief Counsel. This includes all Sponsored and Sanctioned Training. Federal law and regulations prohibit federal employees, including US&R System Members activated as temporary excepted federal volunteers covered under the Federal Employment Compensation Act (FECA) and the Federal Tort Claims Act (FTCA), from waiving these rights on behalf of the

Federal Government. Should a US&R System member, or a Sponsoring Agency/Task Force on behalf of its System Members, sign such waiver, it may impact their ability to receive support and assistance under FECA and the FTCA.

For Task Forces that are not in a federal status under the terms of our Memorandum of Agreement and regulations, they should seek guidance on such waivers from their Sponsoring Agency.

Should you have any questions regarding this request, please contact me at (202) 212-4013 or Wanda.Casey@fema.dhs.gov.