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H. J. RES. 193

Granting the consent of Congress to the Emergency Management Assistance Compact.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 17, 1996

Mr. INGLIS of South Carolina (for himself and Mr. SCOTT) introduced the following joint resolution; which was referred to the Committee on the Judiciary

JOINT RESOLUTION

Granting the consent of Congress to the Emergency Management Assistance Compact.

1 *Resolved by the Senate and House of Representatives*

2 *of the United States of America in Congress assembled,*

3 **SECTION 1. CONGRESSIONAL CONSENT.**

4 The Congress consents to the Emergency Manage-

5 ment Assistance Compact entered into by Delaware, Flor-

6 ida, Georgia, Louisiana, Maryland, Mississippi, Missouri,

7 Oklahoma, South Carolina, South Dakota, Tennessee, Vir-

8 ginia, and West Virginia. The compact reads substantially

9 as follows:

1 **“Emergency Management Assistance**
2 **Compact**

3 “ARTICLE I.

4 “PURPOSE AND AUTHORITIES.

5 “This compact is made and entered into by and be-
6 tween the participating member states which enact this
7 compact, hereinafter called party states. For the purposes
8 of this compact, the term ‘states’ is taken to mean the
9 several states, the Commonwealth of Puerto Rico, the Dis-
10 trict of Columbia, and all U.S. territorial possessions.

11 “The purpose of this compact is to provide for mutual
12 assistance between the states entering into this compact
13 in managing any emergency disaster that is duly declared
14 by the Governor of the affected state, whether arising from
15 natural disaster, technological hazard, man-made disaster,
16 civil emergency aspects of resources shortages, community
17 disorders, insurgency, or enemy attack.

18 “This compact shall also provide for mutual coopera-
19 tion in emergency-related exercises, testing, or other train-
20 ing activities using equipment and personnel simulating
21 performance of any aspect of the giving and receiving of
22 aid by party states or subdivisions of party states during
23 emergencies, such actions occurring outside actual de-
24 clared emergency periods. Mutual assistance in this com-
25 pact may include the use of the states’ National Guard

1 forces, either in accordance with the National Guard Mu-
2 tual Assistance Compact or by mutual agreement between
3 states.

4 “ARTICLE II.

5 “GENERAL IMPLEMENTATION.

6 “Each party state entering into this compact recog-
7 nizes that many emergencies transcend political jurisdic-
8 tional boundaries and that intergovernmental coordination
9 is essential in managing these and other emergencies
10 under this compact. Each state further recognizes that
11 there will be emergencies which require immediate access
12 and present procedures to apply outside resources to make
13 a prompt and effective response to such an emergency.
14 This is because few, if any, individual states have all the
15 resources they may need in all types of emergencies or
16 the capability of delivering resources to areas where emer-
17 gencies exist.

18 “The prompt, full, and effective utilization of re-
19 sources of the participating states, including any resources
20 on hand or available from the federal government or any
21 other source, that are essential to the safety, care, and
22 welfare of the people in the event of any emergency or
23 disaster declared by a party state, shall be the underlying
24 principle on which all articles of this compact shall be un-
25 derstood.

1 “On behalf of the Governor of each state participat-
2 ing in the compact, the legally designated state official
3 who is assigned responsibility for emergency management
4 will be responsible for formulation of the appropriate
5 interstate mutual aid plans and procedures necessary to
6 implement this compact.

7 “ARTICLE III.

8 “PARTY STATE RESPONSIBILITIES.

9 “A. It shall be the responsibility of each party state
10 to formulate procedural plans and programs for interstate
11 cooperation in the performance of the responsibilities list-
12 ed in this article. In formulating such plans, and in carry-
13 ing them out, the party states, insofar as practical, shall:

14 “1. Review individual state hazards analyses
15 and, to the extent reasonably possible, determine all
16 those potential emergencies the party states might
17 jointly suffer, whether due to natural disaster, tech-
18 nological hazard, man-made disaster, emergency as-
19 pects of resources shortages, civil disorders, insur-
20 gency, or enemy attack;

21 “2. Review party states’ individual emergency
22 plans and develop a plan which will determine the
23 mechanism for the interstate management and pro-
24 vision of assistance concerning any potential emer-
25 gency;

1 “3. Develop interstate procedures to fill any
2 identified gaps and to resolve any identified incon-
3 sistencies or overlaps in existing or developed plans;

4 “4. Assist in warning communities adjacent to
5 or crossing the state boundaries;

6 “5. Protect and assure uninterrupted delivery
7 of services, medicines, water, food, energy and fuel,
8 search and rescue, and critical lifeline equipment,
9 services, and resources, both human and material;

10 “6. Inventory and set procedures for the inter-
11 state loan and delivery of human and material re-
12 sources, together with procedures for reimbursement
13 or forgiveness; and

14 “7. Provide, to the extent authorized by law, for
15 temporary suspension of any statutes or ordinances
16 that restrict the implementation of the above respon-
17 sibilities.

18 “B. The authorized representative of a party state
19 may request assistance to another party state by contact-
20 ing the authorized representative of that state. The provi-
21 sions of this compact shall only apply to requests for as-
22 sistance made by and to authorized representatives. Re-
23 quests may be verbal or in writing. If verbal, the request
24 shall be confirmed in writing within thirty days of the

1 verbal request. Requests shall provide the following infor-
2 mation:

3 “1. A description of the emergency service func-
4 tion for which assistance is needed, including, but
5 not limited to, fire services, law enforcement, emer-
6 gency medical, transportation, communications, pub-
7 lic works and engineering, building, inspection, plan-
8 ning and information assistance, mass care, resource
9 support, health and medical services, and search and
10 rescue;

11 “2. The amount and type of personnel, equip-
12 ment, materials and supplies needed, and a reason-
13 able estimate of the length of time they will be need-
14 ed; and

15 “3. The specific place and time for staging of
16 the assisting party’s response and a point of contact
17 at that location.

18 “C. There shall be frequent consultation between
19 state officials who have assigned emergency management
20 responsibilities and other appropriate representatives of
21 the party states with affected jurisdictions and the United
22 States Government, with free exchange of information,
23 plans, and resource records relating to emergency capabili-
24 ties.

1 “ARTICLE IV.

2 “LIMITATIONS.

3 “Any party state requested to render mutual aid or
4 conduct exercises and training for mutual aid shall take
5 such action as is necessary to provide and make available
6 the resources covered by this compact in accordance with
7 the terms hereof; provided that it is understood that the
8 state rendering aid may withhold resources to the extent
9 necessary to provide reasonable protection for such state.

10 “Each party state shall afford to the emergency
11 forces of any party state, while operating within its state
12 limits under the terms and conditions of this compact, the
13 same powers, except that of arrest unless specifically au-
14 thorized by the receiving state, duties, rights, and privi-
15 leges as are afforded forces of the state in which they are
16 performing emergency services. Emergency forces will con-
17 tinue under the command and control of their regular
18 leaders, but the organizational units will come under the
19 operational control of the emergency services authorities
20 of the state receiving assistance. These conditions may be
21 activated, as needed, only subsequent to a declaration of
22 a state emergency or disaster by the governor of the party
23 state that is to receive assistance or upon commencement
24 of exercises or training for mutual aid and shall continue
25 so long as the exercises or training for mutual aid are in

1 progress, the state of emergency or disaster remains in
2 effect, or loaned resources remain in the receiving state,
3 whichever is longer.

4 “ARTICLE V.

5 “LICENSES AND PERMITS.

6 “Whenever any person holds a license, certificate, or
7 other permit issued by any state party to the compact evi-
8 dencing the meeting of qualifications for professional, me-
9 chanical, or other skills, and when such assistance is re-
10 quested by the receiving party state, such person shall be
11 deemed licensed, certified, or permitted by the state re-
12 questing assistance to render aid involving such skill to
13 meet a declared emergency or disaster, subject to such
14 limitations and conditions as the Governor of the request-
15 ing state may prescribe by executive order or otherwise.

16 “ARTICLE VI.

17 “LIABILITY.

18 “Officers or employees of a party state rendering aid
19 in another state pursuant to this compact shall be consid-
20 ered agents of the requesting state for tort liability and
21 immunity purposes. No party state or its officers or em-
22 ployees rendering aid in another state pursuant to this
23 compact shall be liable on account of any act or omission
24 in good faith on the part of such forces while so engaged
25 or on account of the maintenance or use of any equipment

1 or supplies in connection therewith. Good faith in this arti-
2 cle shall not include willful misconduct, gross negligence,
3 or recklessness.

4 “ARTICLE VII.

5 “SUPPLEMENTARY AGREEMENTS.

6 “Inasmuch as it is probable that the pattern and de-
7 tail of the machinery for mutual aid among two or more
8 states may differ from that among the states that are
9 party hereto, this compact contains elements of a broad
10 base common to all states, and nothing herein shall pre-
11 clude any state entering into supplementary agreements
12 with another state or affect any other agreements already
13 in force between states. Supplementary agreements may
14 comprehend, but shall not be limited to, provisions for
15 evacuation and reception of injured and other persons and
16 the exchange of medical, fire, police, public utility, recon-
17 naissance, welfare, transportation and communications
18 personnel, and equipment and supplies.

19 “ARTICLE VIII.

20 “COMPENSATION.

21 “Each party state shall provide for the payment of
22 compensation and death benefits to injured members of
23 the emergency forces of that state and representatives of
24 deceased members of such forces in case such members
25 sustain injuries or are killed while rendering aid pursuant

1 to this compact, in the same manner and on the same
2 terms as if the injury or death were sustained within their
3 own state.

4 “ARTICLE IX.

5 “REIMBURSEMENT.

6 “Any party state rendering aid in another state pur-
7 suant to this compact shall be reimbursed by the party
8 state receiving such aid for any loss or damage to or ex-
9 pense incurred in the operation of any equipment and the
10 provision of any service in answering a request for aid and
11 for the costs incurred in connection with such requests;
12 provided, that any aiding party state may assume in whole
13 or in part such loss, damage, expense, or other cost, or
14 may loan such equipment or donate such services to the
15 receiving party state without charge or cost; and provided
16 further, that any two or more party states may enter into
17 supplementary agreements establishing a different alloca-
18 tion of costs among those states. Article VIII expenses
19 shall not be reimbursable under this article.

20 “ARTICLE X.

21 “EVACUATION.

22 “Plans for the orderly evacuation and interstate re-
23 ception of portions of the civilian population as the result
24 of any emergency or disaster of sufficient proportions to
25 so warrant, shall be worked out and maintained between

1 the party states and the emergency management/services
2 directors of the various jurisdictions where any type of in-
3 cident requiring evacuations might occur. Such plans shall
4 be put into effect by request of the state from which evacu-
5 ees come and shall include the manner of transporting
6 such evacuees, the number of evacuees to be received in
7 different areas, the manner in which food, clothing, hous-
8 ing, and medical care will be provided, the registration of
9 the evacuees, the providing of facilities for the notification
10 of relatives or friends, and the forwarding of such evacuees
11 to other areas or the bringing in of additional materials,
12 supplies, and all other relevant factors. Such plans shall
13 provide that the party state receiving evacuees and the
14 party state from which the evacuees come shall mutually
15 agree as to reimbursement of out-of-pocket expenses in-
16 curred in receiving and caring for such evacuees, for ex-
17 penditures for transportation, food, clothing, medicines,
18 and medical care, and like items. Such expenditures shall
19 be reimbursed as agreed by the party state from which
20 the evacuees come. After the termination of the emergency
21 or disaster, the party state from which the evacuees come
22 shall assume the responsibility for the ultimate support
23 of repatriation of such evacuees.

1 “ARTICLE XI.

2 “IMPLEMENTATION.

3 “A. This compact shall become effective immediately
4 upon its enactment into law by any two states. Thereafter,
5 this compact shall become effective as to any other state
6 upon enactment by such state.

7 “B. Any party state may withdraw from this compact
8 by enacting a statute repealing the same, but no such
9 withdrawal shall take effect until thirty days after the
10 Governor of the withdrawing state has given notice in
11 writing of such withdrawal to the Governors of all other
12 party states. Such action shall not relieve the withdrawing
13 state from obligations assumed hereunder prior to the ef-
14 fective date of withdrawal.

15 “C. Duly authenticated copies of this compact and
16 of such supplementary agreements as may be entered into
17 shall, at the time of their approval, be deposited with each
18 of the party states and with the Federal Emergency Man-
19 agement Agency and other appropriate agencies of the
20 United States Government.

21 “ARTICLE XII.

22 “VALIDITY.

23 “This compact shall be construed to effectuate the
24 purposes stated in Article I. If any provision of this com-
25 pact is declared unconstitutional, or the applicability

1 thereof to any person or circumstances is held invalid, the
2 constitutionality of the remainder of this compact and the
3 applicability thereof to other persons and circumstances
4 shall not be affected.

5 “ARTICLE XIII.

6 “ADDITIONAL PROVISIONS.

7 “Nothing in this compact shall authorize or permit
8 the use of military force by the National Guard of a state
9 at any place outside that state in any emergency for which
10 the President is authorized by law to call into federal serv-
11 ice the militia, or for any purpose for which the use of
12 the Army or the Air Force would in the absence of express
13 statutory authorization be prohibited under § 1385 of
14 Title 18 of the United States Code.”.

15 **SEC. 2. RIGHT TO ALTER, AMEND, OR REPEAL.**

16 The right to alter, amend, or repeal this joint resolu-
17 tion is hereby expressly reserved. The consent granted by
18 this joint resolution shall—

19 (1) not be construed as impairing or in any
20 manner affecting any right or jurisdiction of the
21 United States in and over the subject of the com-
22 pact;

23 (2) not be construed as consent to the National
24 Guard Mutual Assistance Compact;

1 (3) be construed as understanding that the first
2 paragraph of Article II of the compact provides that
3 emergencies will require procedures to provide imme-
4 diate access to existing resources to make a prompt
5 and effective response;

6 (4) not be construed as providing authority in
7 Article III A.7. that does not otherwise exist for the
8 suspension of statutes or ordinances;

9 (5) be construed as understanding that Article
10 III C. does not impose any affirmative obligation to
11 exchange information, plans, and resource records
12 on the United States or any party which has not en-
13 tered into the compact; and

14 (6) be construed as understanding that Article
15 XIII does not affect the authority of the President
16 over the National Guard provided by article I of the
17 Constitution and title 10 of the United States Code.

18 **SEC. 3. CONSTRUCTION AND SEVERABILITY.**

19 It is intended that the provisions of this compact shall
20 be reasonably and liberally construed to effectuate the
21 purposes thereof. If any part or application of this com-
22 pact, or legislation enabling the compact, is held invalid,
23 the remainder of the compact or its application to other
24 situations or persons shall not be affected.

1 **SEC. 4. INCONSISTENCY OF LANGUAGE.**

2 The validity of this compact shall not be affected by
3 any insubstantial difference in its form or language as
4 adopted by the States.

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