
The Emergency Management Assistance Compact (EMAC)

Introduction:

The Emergency Management Assistance Compact (EMAC), is the first national disaster-relief compact since the Civil Defense and Disaster Compact of 1950 to be ratified by Congress. Since its ratification and signing into law in 1996 (Public Law 104-321), all 50 states, the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands have enacted legislation to become EMAC members. Hawaii became a member in 2006 and currently Hawaii and Guam are the only members in the Pacific.

The strength of EMAC and the quality that distinguishes it from other plans and compacts lie in its governance structure; its relationship with federal organizations, states, counties, territories, and regions; and the ability to move just about any resource one state has to assist another state, including medical resources.

EMAC offers the following benefits:

- EMAC assistance may be more readily available than other resources.
- EMAC allows for a quick response to disasters using the unique human resources and expertise possessed by member states.
- EMAC offers state-to-state assistance during governor-declared states of emergency: EMAC offers a responsive and straightforward system for states to send personnel and equipment to help disaster relief efforts in other states. When resources are overwhelmed, EMAC helps to fill the shortfalls.
- EMAC establishes a firm legal foundation: Once the conditions for providing assistance to a requesting state have been set, the terms constitute a legally binding contractual agreement that makes affected states responsible for reimbursement. Responding states can rest assured that sending aid will not be a financial or legal burden, and personnel sent are protected under workers compensation and liability provisions. The EMAC legislation solves the problems of liability and responsibilities of cost and allows for credentials to be honored across state lines.
- EMAC provides fast and flexible assistance: EMAC allows states to ask for whatever assistance they need for any type of emergency, from earthquakes to acts of terrorism. EMAC's simple procedures help states dispense with bureaucratic wrangling.
- EMAC can move resources such as medical provisions that other compacts can't.

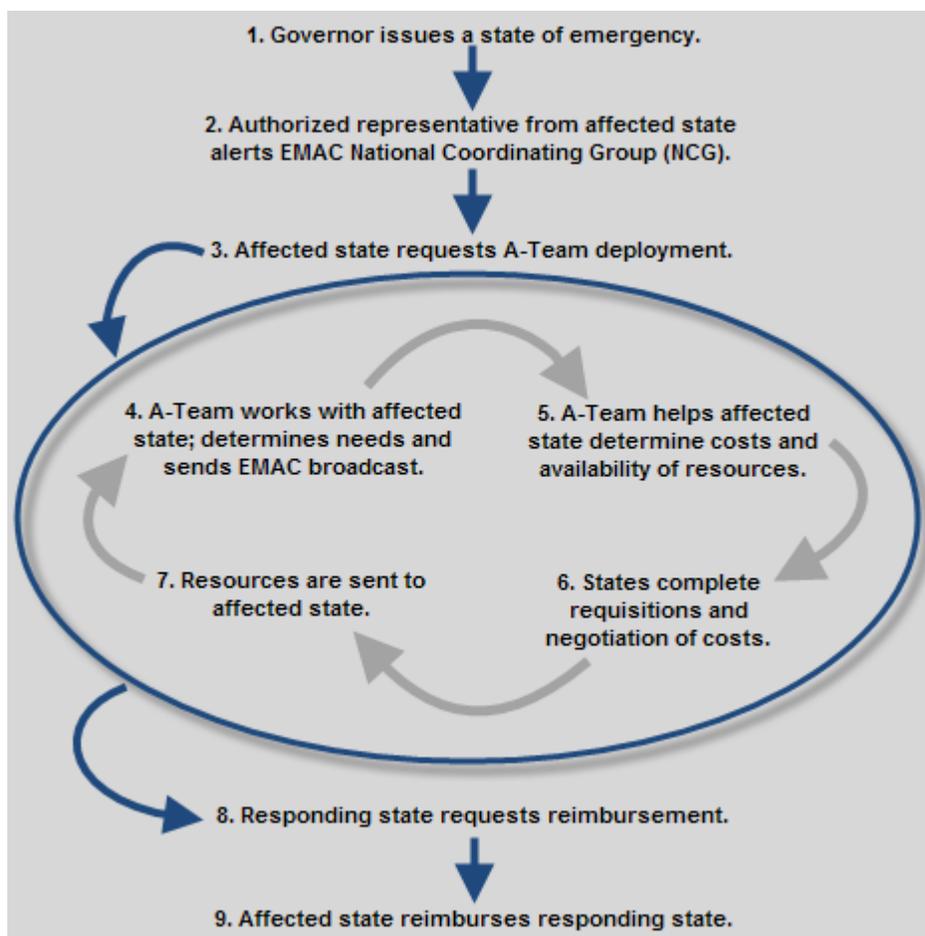
Through EMAC, states are able to join forces and help one another when they need it the most, whenever disaster strikes. This allows states to work together at the state level to share personnel and resources. EMAC is administered by NEMA, the National Emergency Management Association, which provides the day-to-day support and technical backbone for EMAC education and operations. During times of an emergency, NEMA staff works with EMAC member states to ensure that a smooth relay of information passes through the EMAC system to coordinate relief efforts.

A State declaration of emergency by the Governor triggers the EMAC process for state to state aid. Coordination is made directly between states. If a Presidential declaration is made, the EMAC National Coordination Team will provide support to the requesting states and act as a conduit between the state and FEMA/DHS usually at the Joint Field Office level. This ensures coordination of state and federal efforts in a response. States are financially responsible for the resources they request from other states under a

Governor's emergency declaration. Under a Presidential declaration, states can be reimbursed up to 75% of eligible costs.

EMAC Structure and Operation:

In the simplest of terms, EMAC works as follows:



There are eight key players in EMAC operations:

- **Requesting State:** any EMAC member state that is asking for interstate assistance under the Compact. The governor of the requesting state must declare a state of emergency before the EMAC process can be initiated.
- **Assisting State:** any EMAC member state responding to a request for assistance from and providing resources to another EMAC member state through the Compact.
- **Authorized Representative (AR):** the person within a member state empowered to obligate state resources (provide assistance) and expend state funds (request assistance) under EMAC. In a requesting state, the AR is the person who can legally initiate a request for assistance under

EMAC. In an assisting state, the AR is the person who can legally approve the response to a request for assistance. State Emergency Management Directors are automatically ARs. The director may delegate this authority to other emergency management officials within the organization, as long as they possess the same obligating authority as the director.

- **Designated Contact (DC):** a person within a member state who is very familiar with the EMAC process. The DC serves as the point of contact for EMAC in his or her state and can discuss the details of a request for assistance. This person is not usually legally empowered to initiate an EMAC request or authorize EMAC assistance without direction from the AR.
- **EMAC National Coordination Group (NCG):** the nationwide EMAC point of contact during normal day-to-day, nonevent periods. The NCG is prepared to activate EMAC on short notice by coordinating with the ARs and DCs of the EMAC member states when an emergency or disaster is anticipated or occurs. The NCG is collocated with the current chair of the EMAC Operations Subcommittee and Executive Task Force. Because the chair of the EMAC Operations Subcommittee changes every year, the NCG changes every year as well.
- **EMAC National Coordinating Team (NCT):** If DHS/FEMA activates the National Response Coordination Center to coordinate the federal response and recovery operations during an emergency or disaster, DHS/FEMA may request a coordination element from EMAC. The EMAC NCT is the EMAC team that is deployed to serve as a liaison at the NRCC, located in Washington, D.C. From the NRCC, the EMAC NCT coordinates with the deployed EMAC components responding to the emergency or disaster and is the liaison between the EMAC assistance efforts and the federally provided assistance efforts. The costs for deploying and maintaining an EMAC NCT at the NEOC are reimbursed by DHS/FEMA through NEMA/CSG.
- **EMAC Regional Coordinating Team (RCT):** If DHS/FEMA activates a Regional Response Coordination Center (RRCC) to coordinate the regional response and recovery operations during an emergency or disaster, DHS/FEMA may request a coordination element from EMAC. The EMAC RCT is the EMAC team that is deployed to serve as a liaison at the RRCC. From the RRCC, the EMAC RCT coordinates with deployed EMAC components responding to the emergency in states within the region and is the liaison between the EMAC assistance efforts and the federally provided assistance efforts. The costs for deploying and maintaining an EMAC NCT at the NEOC are reimbursed by DHS/FEMA through NEMA/CSG.
- **Member states**

All **Member States** have the following responsibilities (as defined in the [EMAC Articles](#)):

- To be familiar with possible joint member situations
- To be familiar with other states' emergency plans
- To develop an emergency plan and procedures for managing and provisioning assistance
- To assist in warnings
- To protect and ensure uninterrupted delivery of services, medicine, water, food, energy and fuel, search and rescue, and critical lifeline equipment, services, and resources
- To inventory and set procedures for interstate loan and delivery of human and material resources, including procedures for reimbursement or forgiveness
- To provide for the temporary suspension of any statutes or ordinances that restrict implementation

EMAC can be used for *any* capability one member state has that can be shared with another member state. As long as there is a governor-declared state of emergency, EMAC can be called to action and used.

Training and Exercises:

In addition, member states must participate in EMAC training and education, such as the EMAC Train-the-Trainer Course (E430) and the EMAC A-Team Training Course (currently under development). Each State is responsible for compiling and training their A-Team to meet EMAC requirements.

EMAC should be incorporated into at least one state exercise annually. The state can choose to be either the Requesting or Assisting State, depending on the scenario. It is further recommended that agencies at the Federal level, such as DHS/FEMA, include EMAC in exercise scenarios and coordinate with NEMA and the state emergency management agencies.

NEMA can provide support to EMAC exercises that meet the following minimum requirements:

1. The NEMA EMAC Coordinator must be notified of the exercise date, level of EMAC play, and a list of states that will be participating in the exercise identified as either Requesting or Assisting States.
2. The state emergency management agencies must be included in the coordination of the requesting of and assisting of resources.
3. Access to the EMAC Operations System is not available outside of the state emergency management agencies for exercise and training activities.

EMAC Legislation:

In order request and provide aid legally, each state must pass the EMAC into legislation. The law shall include the 13 EMAC Articles of Agreement provided below.

EMAC Articles of Agreement**ARTICLE I - PURPOSE AND AUTHORITIES**

This compact is made and entered into by and between the participating Member States which enact this compact, hereinafter called party states. For the purposes of this agreement, the term "states" is taken to mean the several states, the Commonwealth of Puerto Rico, the District of Columbia, and all U.S. territorial possessions. The purpose of this compact is to provide for mutual assistance between the states entering into this compact in managing any emergency or disaster that is duly declared by the governor of the affected state(s), whether arising from natural disaster, technological hazard, man-made disaster, civil emergency aspects of resources shortages, community disorders, insurgency, or enemy attack. This compact shall also provide for mutual cooperation in emergency-related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party states or subdivisions of party states during emergencies, such actions occurring outside actual declared emergency periods. Mutual assistance in this compact may include the use of the states' National Guard forces, either in accordance with the National Guard Mutual Assistance Compact or by mutual agreement between states.

ARTICLE II - GENERAL IMPLEMENTATION

Each party state entering into this compact recognizes many emergencies transcend political jurisdictional boundaries and that intergovernmental coordination is essential in managing these and other emergencies under this compact. Each state further recognizes that there will be emergencies which require immediate access and present procedures to apply outside resources to make a prompt and effective response to such an emergency. This is because few, if any, individual states have all the resources they may need in all types of emergencies or the capability of delivering resources to areas where emergencies exist. The prompt, full, and effective utilization of resources of the participating states, including any resources on hand or available from the Federal Government or any other source, that are essential to the safety, care, and welfare of the people in the event of any emergency or disaster declared by a party state, shall be the underlying principle on which all articles of this compact shall be understood. On behalf of the governor of each state participating in the compact, the legally designated state official who is assigned responsibility for emergency management will be responsible for formulation of the appropriate interstate mutual aid plans and procedures necessary to implement this compact.

ARTICLE III - PARTY STATE RESPONSIBILITIES

A. It shall be the responsibility of each party state to formulate procedural plans and programs for interstate cooperation in the performance of the responsibilities listed in this article. In formulating such plans, and in carrying them out, the party states, insofar as practical, shall:

- i. Review individual state hazards analyses and, to the extent reasonably possible, determine all those potential emergencies the party states might jointly suffer, whether due to natural disaster, technological hazard, man-made disaster, emergency aspects of resource shortages, civil disorders, insurgency, or enemy attack.
- ii. Review party states' individual emergency plans and develop a plan which will determine the mechanism for the interstate management and provision of assistance concerning any potential emergency.
- iii. Develop interstate procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developed plans.
- iv. Assist in warning communities adjacent to or crossing the state boundaries.
- v. Protect and assure uninterrupted delivery of services, medicines, water, food, energy and fuel, search and rescue, and critical lifeline equipment, services, and resources, both human and material.
- vi. Inventory and set procedures for the interstate loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness.
- vii. Provide, to the extent authorized by law, for temporary suspension of any statutes or ordinances that restrict the implementation of the above responsibilities.

B. The Authorized Representative of a party state may request assistance of another party state by contacting the Authorized Representative of that state. The provisions of this agreement shall only apply to requests for assistance made by and to Authorized Representatives. Requests may be verbal or in writing. If verbal, the request shall be confirmed in writing within 30 days of the verbal request. Requests shall provide the following information:

- i. A description of the emergency service function for which assistance is needed, such as but not limited to fire services, law enforcement, emergency medical, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue.

- ii. The amount and type of personnel, equipment, materials and supplies needed, and a reasonable estimate of the length of time they will be needed.
- iii. The specific place and time for staging of the assisting party's response and a point of contact at that location.

C. There shall be frequent consultation between state officials who have assigned emergency management responsibilities and other appropriate representatives of the party states with affected jurisdictions and the United States Government, with free exchange of information, plans, and resource records relating to emergency capabilities.

ARTICLE IV - LIMITATIONS

Any party state requested to render mutual aid or conduct exercises and training for mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof; provided that it is understood that the state rendering aid may withhold resources to the extent necessary to provide reasonable protection for such state. Each party state shall afford to the emergency forces of any party state, while operating within its state limits under the terms and conditions of this compact, the same powers (except that of arrest unless specifically authorized by the receiving state), duties, rights, and privileges as are afforded forces of the state in which they are performing emergency services. Emergency forces will continue under the command and control of their regular leaders, but the organizational units will come under the operational control of the emergency services authorities of the state receiving assistance. These conditions may be activated, as needed, only subsequent to a declaration of a state of emergency or disaster by the governor of the party state that is to receive assistance or commencement of exercises or training for mutual aid and shall continue so long as the exercises or training for mutual aid are in progress, the state of emergency or disaster remains in effect or loaned resources remain in the receiving state(s), whichever is longer.

ARTICLE V - LICENSES AND PERMITS

Whenever any person holds a license, certificate, or other permit issued by any state party to the compact evidencing the meeting of qualifications for professional, mechanical, or other skills, and when such assistance is requested by the receiving party state, such person shall be deemed licensed, certified, or permitted by the state requesting assistance to render aid involving such skill to meet a declared emergency or disaster, subject to such limitations and conditions as the governor of the Requesting State may prescribe by executive order or otherwise.

ARTICLE VI - LIABILITY

Officers or employees of a party state rendering aid in another state pursuant to this compact shall be considered agents of the Requesting State for tort liability and immunity purposes; and no party state or its officers or employees rendering aid in another state pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith. Good faith in this article shall not include willful misconduct, gross negligence, or recklessness.

ARTICLE VII - SUPPLEMENTARY AGREEMENTS

Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more states may differ from that among the states that are party hereto, this instrument contains elements of a broad base common to all states, and nothing herein contained shall preclude any state from entering into

supplementary agreements with another state or affect any other agreements already in force between states. Supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies.

ARTICLE VIII – COMPENSATION

Each party state shall provide for the payment of compensation and death benefits to injured members of the emergency forces of that state and representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within their own state.

ARTICLE IX - REIMBURSEMENT

Any party state rendering aid in another state pursuant to this compact shall be reimbursed by the party state receiving such aid for any loss or damage to or expense incurred in the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with such requests; provided, that any aiding party state may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving party state without charge or cost; and provided further, that any two or more party states may enter into supplementary agreements establishing a different allocation of costs among those states. Article VIII expenses shall not be reimbursable under this provision.

ARTICLE X - EVACUATION

Plans for the orderly evacuation and interstate reception of portions of the civilian population as the result of any emergency or disaster of sufficient proportions to so warrant, shall be worked out and maintained between the party states and the emergency management/services directors of the various jurisdictions where any type of incident requiring evacuations might occur. Such plans shall be put into effect by request of the state from which evacuees come and shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends, and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. Such plans shall provide that the party state receiving evacuees and the party state from which the evacuees come shall mutually agree as to reimbursement of out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care, and like items. Such expenditures shall be reimbursed as agreed by the party state from which the evacuees come. After the termination of the emergency or disaster, the party state from which the evacuees come shall assume the responsibility for the ultimate support of repatriation of such evacuees.

ARTICLE XI - IMPLEMENTATION

- A. This compact shall become operative immediately upon its enactment into law by any two (2) states; thereafter, this compact shall become effective as to any other state upon its enactment by such state.
- B. Any party state may withdraw from this Compact by enacting a statute repealing the same, but no such withdrawal shall take effect until 30 days after the governor of the withdrawing state has

given notice in writing of such withdrawal to the governors of all other party states. Such action shall not relieve the withdrawing state from obligations assumed hereunder prior to the effective date of withdrawal.

- C. Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party states and with the Federal Emergency Management Agency and other appropriate agencies of the United States Government.

ARTICLE XII - VALIDITY

This Act shall be construed to effectuate the purposes stated in Article I hereof. If any provision of this compact is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of this Act and the applicability thereof to other persons and circumstances shall not be affected thereby.

ARTICLE XIII - ADDITIONAL PROVISIONS

Nothing in this compact shall authorize or permit the use of military force by the National Guard of a state at any place outside that state in any emergency for which the President is authorized by law to call into federal service the militia, or for any purpose for which the use of the Army or the Air Force would in the absence of express statutory authorization be prohibited under Section 1385 of title 18, United States Code.

Compensation and Reimbursement:

EMAC provides provisions for state reimbursement and compensation. By agreeing to a standard legal process, member states are guaranteed reimbursement for all eligible assistance provided through EMAC. Under the Compact, it is the responsibility of states requesting assistance to pay back the states that provide it. This legal standard also helps to speed the process and reduce the paperwork required.

EMAC does not guarantee liability. Under the terms of EMAC, requesting states are responsible for the actions of workers from assisting states. In *State of Nevada v. John M. Hall* (1979), the Supreme Court ruled that states are not immune from being sued in the courts of another state. This means that without EMAC, emergency workers from assisting states might be sued in the courts of requesting states, costing states millions of dollars. Under EMAC, however, requesting states assume tort responsibility for out-of-state workers.

Hawaii EMAC POC: Hawaii State Civil Defense	Danny Tengan	808-733-4313 ext. 514
	Clem Jeung	808-733-4313 ext. 525
Guam EMAC POC: Guam Homeland Security Office of Civil Defense	Charles Ada II	671-687-8706
	Leo Espia	671-483-0361