

112TH CONGRESS  
2D SESSION

# S. J. RES. 44

Granting the consent of Congress to the State and Province Emergency  
Management Assistance Memorandum of Understanding.

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IN THE SENATE OF THE UNITED STATES

JUNE 14, 2012

Mr. KOHL (for himself and Mr. HOEVEN) introduced the following joint resolution; which was read twice and referred to the Committee on the Judiciary

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## JOINT RESOLUTION

Granting the consent of Congress to the State and Province  
Emergency Management Assistance Memorandum of Understanding.

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       Congress consents to the State and Province Emer-  
5       gency Management Assistance Memorandum of Under-  
6       standing entered into between States of Illinois, Indiana,  
7       Ohio, Michigan, Minnesota, Montana, North Dakota,  
8       Pennsylvania, New York, and Wisconsin, and the Cana-

1 dian Provinces of Alberta, Manitoba, Ontario, and Sas-  
 2 katchewan. The compact is substantially as follows:

3 “ARTICLE I—PURPOSE AND AUTHORITIES

4 “The State and Province Emergency Management  
 5 Assistance Memorandum of Understanding, hereinafter  
 6 referred to as the ‘compact’, is made and entered into by  
 7 and among such of the jurisdictions as shall enact or  
 8 adopt this compact, hereinafter referred to as ‘parti-  
 9 cating jurisdictions’. For the purposes of this compact, the  
 10 term ‘jurisdictions’ may include any or all of the States  
 11 of Illinois, Indiana, Ohio, Michigan, Minnesota, Montana,  
 12 North Dakota, Pennsylvania, New York, and Wisconsin,  
 13 and the Canadian Provinces of Alberta, Manitoba, On-  
 14 tario, and Saskatchewan, and such other States and prov-  
 15 inces as may hereafter become a party to this compact.  
 16 The term ‘States’ means the several States, the Common-  
 17 wealth of Puerto Rico, the District of Columbia, and all  
 18 territorial possessions of the United States. The term  
 19 ‘Province’ means the 10 political units of government  
 20 within Canada.

21 “The purpose of this compact is to provide for the  
 22 possibility of mutual assistance among the participating  
 23 jurisdictions in managing any emergency or disaster when  
 24 the affected jurisdiction or jurisdictions ask for assistance,  
 25 whether arising from natural disaster, technological haz-

1 ard, manmade disaster or civil emergency aspects of re-  
2 sources shortages.

3       “‘This compact also provides for the process of plan-  
4 ning mechanisms among the agencies responsible and for  
5 mutual cooperation, including civil emergency prepared-  
6 ness exercises, testing, or other training activities using  
7 equipment and personnel simulating performance of any  
8 aspect of the giving and receiving of aid by participating  
9 jurisdictions or subdivisions of participating jurisdictions  
10 during emergencies, with such actions occurring outside  
11 emergency periods.

12           “ARTICLE II—GENERAL IMPLEMENTATION

13       “Each participating jurisdiction entering into this  
14 compact recognizes that many emergencies may exceed the  
15 capabilities of a participating jurisdiction and that inter-  
16 governmental cooperation is essential in such cir-  
17 cumstances. Each participating jurisdiction further recog-  
18 nizes that there will be emergencies that may require im-  
19 mediate access and present procedures to apply outside  
20 resources to make a prompt and effective response to such  
21 an emergency because few, if any, individual jurisdictions  
22 have all the resources they need in all types of emergencies  
23 or the capability of delivering resources to areas where  
24 emergencies exist.

1 “On behalf of the participating jurisdictions in the  
2 compact, the legally designated official who is assigned re-  
3 sponsibility for emergency management is responsible for  
4 formulation of the appropriate inter-jurisdictional mutual  
5 aid plans and procedures necessary to implement this com-  
6 pact, and for recommendations to the participating juris-  
7 diction concerned with respect to the amendment of any  
8 statutes, regulations, or ordinances required for that pur-  
9 pose.

10 “ARTICLE III—PARTICIPATING JURISDICTION  
11 RESPONSIBILITIES

12 “(a) FORMULATE PLANS AND PROGRAMS.—It is the  
13 responsibility of each participating jurisdiction to formu-  
14 late procedural plans and programs for inter-jurisdictional  
15 cooperation in the performance of the responsibilities list-  
16 ed in this section. In formulating and implementing such  
17 plans and programs the participating jurisdictions, to the  
18 extent practical, may—

19 “(1) share and review individual jurisdiction  
20 hazards analyses that are available and determine all  
21 those potential emergencies the participating juris-  
22 dictions might jointly suffer, whether due to natural  
23 disaster, technological hazard, man-made disaster or  
24 emergency aspects of resource shortages;

1           “(2) share emergency operations plans, proce-  
2           dures, and protocols established by each of the par-  
3           ticipating jurisdictions before entering into this com-  
4           pact;

5           “(3) share policies and procedures for resource  
6           mobilization, tracking, demobilization, and reim-  
7           bursement;

8           “(4) consider joint planning, training, and exer-  
9           cises;

10          “(5) assist with alerts, notifications, and warn-  
11          ings for communities adjacent to or crossing partici-  
12          pating jurisdiction boundaries;

13          “(6) consider procedures to facilitate the move-  
14          ment of evacuees, refugees, civil emergency per-  
15          sonnel, equipment, or other resources into or across  
16          boundaries, or to a designated staging area when it  
17          is agreed that such movement or staging will facili-  
18          tate civil emergency operations by the affected or  
19          participating jurisdictions; and

20          “(7) provide, to the extent authorized by law,  
21          for temporary suspension of any statutes or ordi-  
22          nances that impeded the implementation of respon-  
23          sibilities described in this section.

24          “(b) REQUEST ASSISTANCE.—The authorized rep-  
25          resentative of a participating jurisdiction may request as-

1 sistance of another participating jurisdiction by contacting  
2 the authorized representative of that jurisdiction. These  
3 provisions only apply to requests for assistance made by  
4 and to authorized representatives. Requests may be verbal  
5 or in writing. If verbal, the request must be confirmed in  
6 writing within 15 days of the verbal request. Requests  
7 must provide the following information:

8           “(1) A description of the emergency service  
9           function for which assistance is needed and of the  
10          mission or missions, including but not limited to fire  
11          services, emergency medical, transportation, commu-  
12          nications, public works and engineering, building in-  
13          spection, planning and information assistance, mass  
14          care, resource support, health and medical services,  
15          and search and rescue.

16           “(2) The amount and type of personnel, equip-  
17          ment, materials, and supplies needed and a reason-  
18          able estimate of the length of time they will be need-  
19          ed.

20           “(3) The specific place and time for staging of  
21          the assisting participating jurisdictions’s response  
22          and a point of contact at the location.

23           “(c) CONSULTATION AMONG PARTICIPATING JURIS-  
24          DICTION OFFICIALS.—There shall be periodic consultation

1 among the authorized representatives who have assigned  
2 emergency management responsibilities.

3 “ARTICLE IV—LIMITATION

4 “It is recognized that any participating jurisdiction  
5 that agrees to render mutual aid or conduct exercises and  
6 training for mutual aid will respond as soon as possible.  
7 It is also recognized that the participating jurisdiction ren-  
8 dering aid may withhold or recall resources to provide rea-  
9 sonable protection for itself, at its discretion. To the ex-  
10 tent authorized by law, each participating jurisdiction will  
11 afford to the personnel of the emergency contingent of any  
12 other participating jurisdiction while operating within its  
13 jurisdiction limits under the terms and conditions of this  
14 agreement and under the operational control of an officer  
15 of the requesting participating jurisdiction the same treat-  
16 ment as is afforded similar or like human resources of the  
17 participating jurisdiction in which they are performing  
18 emergency services. Staff comprising the emergency con-  
19 tingent continue under the command and control of their  
20 regular leaders but the organizational units come under  
21 the operational control of the emergency services authori-  
22 ties of the participating jurisdiction receiving assistance.  
23 These conditions may be activated, as needed, by the par-  
24 ticipating jurisdiction that is to receive assistance or upon  
25 commencement of exercises or training for mutual aid and

1 continue as long as the exercises or training for mutual  
 2 aid are in progress, the emergency or disaster remains in  
 3 effect or loaned resources remain in the receiving partici-  
 4 pating jurisdictions, whichever is longer. The receiving  
 5 participating jurisdiction is responsible for informing the  
 6 assisting participating jurisdiction when services will no  
 7 longer be required.

8                   “ARTICLE V—LICENSES AND PERMITS

9           “Whenever a person holds a license, certificate, or  
 10 other permit issued by any participating jurisdiction evi-  
 11 dencing the meeting of qualifications for professional, me-  
 12 chanical, or other skills, and when such assistance is re-  
 13 quested by the receiving participating jurisdiction, such  
 14 person is deemed to be licensed, certified, or permitted by  
 15 the jurisdiction requesting assistance to render aid involv-  
 16 ing such skill to meet an emergency or disaster, subject  
 17 to such limitations and conditions as the requesting juris-  
 18 diction prescribes by Executive order or otherwise.

19                   “ARTICLE VI—LIABILITY

20           “Any person or entity of a participating jurisdiction  
 21 rendering aid in another jurisdiction pursuant to this com-  
 22 pact is considered an agent of the requesting jurisdiction  
 23 for tort liability and immunity purposes. Any person or  
 24 entity rendering aid in another jurisdiction pursuant to  
 25 this compact is not liable on account of any act or omis-



1 sion in good faith on the part of such forces while so en-  
 2 gaged or on account of the maintenance or use of any  
 3 equipment or supplies in connection therewith. Good faith  
 4 in this article does not include willful misconduct, gross  
 5 negligence, or recklessness.

6 “ARTICLE VII—SUPPLEMENTARY AGREEMENTS

7 “Because it is probable that the pattern and detail  
 8 of the compact for mutual aid among 2 or more partici-  
 9 pating jurisdictions may differ from that among the par-  
 10 ticipating jurisdictions that are party to this compact, this  
 11 compact contains elements of a broad base common to all  
 12 participating jurisdictions, and nothing in this compact  
 13 precludes any participating jurisdiction from entering into  
 14 supplementary agreements with another jurisdiction or af-  
 15 fects any other agreements already in force among partici-  
 16 pating jurisdictions.

17 “Supplementary agreements may include, but are not  
 18 limited to, provisions for evacuation and reception of in-  
 19 jured and other persons and the exchange of medical, fire,  
 20 public utility, reconnaissance, welfare, transportation and  
 21 communications personnel, equipment, and supplies.

22 “ARTICLE VIII—WORKERS’ COMPENSATION AND DEATH  
 23 BENEFITS

24 “Each participating jurisdiction shall provide, in ac-  
 25 cordance with its own laws, for the payment of workers’

1 compensation and death benefits to injured members of  
2 the emergency contingent of that participating jurisdiction  
3 and to representatives of deceased members of those forces  
4 if the members sustain injuries or are killed while ren-  
5 dering aid pursuant to this compact, in the same manner  
6 and on the same terms as if the injury or death were sus-  
7 tained within their own jurisdiction.

8 “ARTICLE IX—REIMBURSEMENT

9 “Any participating jurisdiction rendering aid in an-  
10 other jurisdiction pursuant to this compact shall, if re-  
11 quested, be reimbursed by the participating jurisdiction  
12 receiving such aid for any loss or damage to, or expense  
13 incurred in, the operation of any equipment and the provi-  
14 sion of any service in answering a request for aid and for  
15 the costs incurred in connection with those requests. An  
16 aiding participating jurisdiction may assume in whole or  
17 in part any such loss, damage, expense, or other cost or  
18 may loan such equipment or donate such services to the  
19 receiving participating jurisdiction without charge or cost.  
20 Any 2 or more participating jurisdictions may enter into  
21 supplementary agreements establishing a different alloca-  
22 tion of costs among those jurisdictions. Expenses under  
23 article VIII are not reimbursable under this section.

1                   “ARTICLE X—IMPLEMENTATION

2           “(a) This compact is effective upon its execution or  
3 adoption by any 1 State and 1 province, and is effective  
4 as to any other jurisdiction upon its execution or adoption  
5 thereby: subject to approval or authorization by the  
6 United States Congress, if required, and subject to enact-  
7 ment of provincial or State legislation that may be re-  
8 quired for the effectiveness of the Memorandum of Under-  
9 standing.

10          “(b) Additional jurisdictions may participate in this  
11 compact upon execution or adoption thereof.

12          “(c) Any participating jurisdiction may withdraw  
13 from this compact, but the withdrawal does not take effect  
14 until 30 days after the governor or premier of the with-  
15 drawing jurisdiction has given notice in writing of such  
16 withdrawal to the governors or premiers of all other par-  
17 ticipating jurisdictions. The action does not relieve the  
18 withdrawing jurisdiction from obligations assumed under  
19 this compact prior to the effective date of withdrawal.

20          “(d) Duly authenticated copies of this compact in the  
21 French and English languages and of such supplementary  
22 agreements as may be entered into shall, at the time of  
23 their approval, be deposited with each of the participating  
24 jurisdictions.

## 1                   “ARTICLE XI—SEVERABILITY

2           “This compact is construed to effectuate the purposes  
3 stated in Article I. If any provision of this compact is de-  
4 clared unconstitutional or the applicability of the compact  
5 to any person or circumstances is held invalid, the validity  
6 of the remainder of this compact and the applicability of  
7 the compact to other persons and circumstances are not  
8 affected.

## 9                   “ARTICLE XII—CONSISTENCY OF LANGUAGE

10          “The validity of the arrangements and agreements  
11 consented to in this compact shall not be affected by any  
12 insubstantial difference in form or language as may be  
13 adopted by the various states and provinces.”.

14   **SEC. 2. INCONSISTENCY OF LANGUAGE.**

15          The validity of the arrangements consented to by this  
16 Act shall not be affected by any insubstantial difference  
17 in their form or language as adopted by the States and  
18 provinces.

19   **SEC. 3. RIGHT TO ALTER, AMEND, OR REPEAL.**

20          The right to alter, amend, or repeal this Act is hereby  
21 expressly reserved.

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