

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. J. RES. 44

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IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2012

Referred to the Committee on Foreign Affairs

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## JOINT RESOLUTION

Granting the consent of Congress to the State and Province  
Emergency Management Assistance Memorandum of Under-  
standing.

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

## 1           “ARTICLE I—PURPOSE AND AUTHORITIES

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

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

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

10           “ARTICLE II—GENERAL IMPLEMENTATION

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

23       “On behalf of the participating jurisdictions in the  
24   compact, the legally designated official who is assigned re-  
25   sponsibility for emergency management is responsible for



1           “(3) share policies and procedures for resource  
2 mobilization, tracking, demobilization, and reim-  
3 bursement;

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

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

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

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

20           “(b) REQUEST ASSISTANCE.—The authorized rep-  
21 resentative of a participating jurisdiction may request as-  
22 sistance of another participating jurisdiction by contacting  
23 the authorized representative of that jurisdiction. These  
24 provisions only apply to requests for assistance made by  
25 and to authorized representatives. Requests may be verbal

1 or in writing. If verbal, the request must be confirmed in  
2 writing within 15 days of the verbal request. Requests  
3 must provide the following information:

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

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

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

19          “(c) CONSULTATION AMONG PARTICIPATING JURIS-  
20          DICTION OFFICIALS.—There shall be periodic consultation  
21          among the authorized representatives who have assigned  
22          emergency management responsibilities.

23                           “ARTICLE IV—LIMITATION

24           “‘It is recognized that any participating jurisdiction  
25          that agrees to render mutual aid or conduct exercises and

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

1 assisting participating jurisdiction when services will no  
2 longer be required.

3 “ARTICLE V—LICENSES AND PERMITS

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

14 “ARTICLE VI—LIABILITY

15 “Any person or entity of a participating jurisdiction  
16 rendering aid in another jurisdiction pursuant to this com-  
17 pact is considered an agent of the requesting jurisdiction  
18 for tort liability and immunity purposes. Any person or  
19 entity rendering aid in another jurisdiction pursuant to  
20 this compact is not liable on account of any act or omis-  
21 sion in good faith on the part of such forces while so en-  
22 gaged or on account of the maintenance or use of any  
23 equipment or supplies in connection therewith. Good faith  
24 in this article does not include willful misconduct, gross  
25 negligence, or recklessness.





1 and on the same terms as if the injury or death were sus-  
2 tained within their own jurisdiction.

3 “ARTICLE IX—REIMBURSEMENT

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

19 “ARTICLE X—IMPLEMENTATION

20 “(a) This compact is effective upon its execution or  
21 adoption by any 1 State and 1 province, and is effective  
22 as to any other jurisdiction upon its execution or adoption  
23 thereby: subject to approval or authorization by the  
24 United States Congress, if required, and subject to enact-  
25 ment of provincial or State legislation that may be re-

1 quired for the effectiveness of the Memorandum of Under-  
2 standing.

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

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

13 “(d) Duly authenticated copies of this compact in the  
14 French and English languages and of such supplementary  
15 agreements as may be entered into shall, at the time of  
16 their approval, be deposited with each of the participating  
17 jurisdictions.

18 “ARTICLE XI—SEVERABILITY

19 “This compact is construed to effectuate the purposes  
20 stated in Article I. If any provision of this compact is de-  
21 clared unconstitutional or the applicability of the compact  
22 to any person or circumstances is held invalid, the validity  
23 of the remainder of this compact and the applicability of  
24 the compact to other persons and circumstances are not  
25 affected.

