

**NATIONAL EMERGENCY MANAGEMENT ASSOCIATION
LEGISLATIVE COMMITTEE
POSITION PAPER
DRAFT**

DATE: March 10, 2008

SUBJECT: CROSS BORDER INTERNATIONAL MUTUAL AID
MEMORANDUMS OF UNDERSTANDINGS

BACKGROUND:

Current models of emergency management mutual aid can be traced back to the perceived threat of nuclear attack in 1949 and the subsequent creation of the Federal Civil Defense Administration by President Harry Truman in 1950. Congress quickly followed suit and passed three acts in 1950: The Federal Civil Defense Act, the Defense Production Act, and the Federal Disaster Relief Act. The Federal Disaster Relief Act of 1950 became the first comprehensive disaster relief law for natural and man-made disasters. In 1988, Congress passed the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq., which represents the statutory framework for a Presidential disaster declaration and the principal legislation governing federal disaster relief efforts.

Following the devastation of Hurricane Andrew in 1992, it became apparent that even with federal resources, states would need to call upon one another in times of emergencies. This then led to the creation of the Southern Regional Emergency Management Compact (SREMAC), which was adopted in 1993. By 1995, SREMAC was broadened to include all states and territories that wished to participate. The resulting agreement, the Emergency Management Assistance Compact (EMAC), became Public Law 104-321 after the United States Congress ratified the agreement in 1996. Currently, all fifty states, Puerto Rico, Guam, the U.S. Virgin Islands, and the District of Columbia are parties to EMAC.

In 1996-1997, the States of Alaska, Idaho, Oregon, and Washington and the Canadian Provinces of British Columbia and Yukon signed the Pacific Northwest Emergency Management Arrangement (PNEMA). The purpose of PNEMA is to provide for the possibility of mutual assistance among the participating states and provinces in managing any emergency or disaster when the affected state(s) or province(s) request assistance. PNEMA also provides for cooperative activities to improve civil preparedness and response across jurisdictional boundaries.

In 1998, PNEMA became the first and to date only international civil emergency preparedness and response agreement to receive authorization by the United States Congress. Under the U.S. Constitution, the U.S. Congress must approve any agreement in which a state enters into an agreement with either another state or country.

In 2000, the International Emergency Management Assistance Memorandum of Understanding (IEMAMOU) was developed and adopted by the New England Governors Conference and the Eastern Canadian Premiers. The IEMAMOU was entered into by the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut and the Provinces of Quebec, New Brunswick, Prince Edward Island, Nova Scotia, and Newfoundland. Similar to PNEMA, the IEMAMOU adopted by the New England Governors and the Eastern Canadian Premiers and modeled after the Emergency Management Assistance Compact would provide for the possibility of emergency management mutual assistance among the participating jurisdictions. Earlier in the 110th Congress, both the House and Senate approved Senate Joint Resolution 13 (S.J. Res. 13) that would grant Congressional consent to the IEMAMOU. On December 26, 2007, the President signed into law (P.L. 110-171) the S.J. Res. 13, thereby granting consent to the IEMAMOU.

DISCUSSION:

In response to natural disasters, technological hazards, man-made disasters and civil emergencies along our nation's borders, many states have begun to recognize the need to coordinate with our international partners in preparing for and responding to an array of emergency events. International mutual aid agreements would provide mutual assistance between individual states and international partner countries in order to manage an emergency or disaster situation.

Since many emergencies transcend political and international boundaries, intergovernmental coordination is essential to managing emergencies that require immediate access and outside resources to make a prompt and effective response. Few, if any, individual jurisdictions retain all the resources they need in all types of emergencies or the capability of delivering resources to areas where emergencies exist.

In addition, an international mutual aid agreement would allow for the development of planning mechanisms among participating jurisdictions to support mutual cooperation, including, if need be, emergency-related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of mutual aid by a participating jurisdiction during emergencies, with such actions occurring outside actual declared emergency periods.

States and international jurisdictions would be better prepared to address emergency and disaster situations as a result of coordinated exercises and increased cooperation among state and international border partners.

RECOMMENDATIONS:

The National Emergency Management Association urges the following regarding international mutual aid agreements:

1. Congress and the Administration should support and encourage states' efforts to engage in international mutual aid agreements by swiftly ratifying agreements that provide for international border partners to enter into mutual aid arrangements;

2. Congress and the Administration, in coordination with NEMA, should ensure that nothing contained in an international mutual aid agreement or in the implementing of the procedures of that agreement shall supersede EMAC; and
3. Congress and the Administration, in coordination with NEMA, should ensure that the implementation of a international mutual aid agreement be consistent with the National Response Framework; and
4. Congress and the Administration, in coordination with NEMA, should work to address the border security and credentialing issues that may adversely affect the ability of States and their international partners to effectively respond to urgent emergency requests for assistance across international boundaries.

Moved:
Second:

DISPOSITION:

Authenticated: _____

NEMA Secretary

NEMA Mid-Year Conference, March 9-13, 2008, The JW Marriott