



How States use the Emergency Assistance Compact to Combat COVID-19

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July 22, 2020

Overview

Emergencies impose a challenging situation for most lawmakers and governments. And the interrelationship between state and federal response to unforeseen and rapidly evolving crises can be overwhelming. Yet, the goal is still the same: protect the well-being of those affected and their communities.

Perhaps less well-known is the [Emergency Management Assistance Compact](#) (EMAC) and how it has been deployed in response to the COVID-19 pandemic. During governor-declared emergencies, EMAC allows a state to enter a contractual agreement with another state to exchange supplies, personnel, and vehicles with an agreed upon repayment. Federal dollars are leveraged through the State Emergency Management Agency to coordinate requests for assistance within EMAC, and states are therefore able to cooperate and aid one another during emergencies.

Fortunately, state governments can also employ a range of tools to address disaster and provide relief. Ranging from disaster accounts, reserve funds, supplemental appropriations, and transfer of authority. In the case of Delaware, the state [utilizes](#) a designated emergency account, promotes transfer of funds within agencies for disasters, and provides supplemental appropriations to fill impending budget shortfalls.

This brief will cover the uses of EMAC across the United States and outline the advantages and challenges of its operations. It will conclude with additional legislative tactics that can buffer Delaware both financially and logistically when future disasters occur.

EMAC Use and COVID-19

- **Delaware**
The California Governor's Office of Emergency Services sent 50 [ventilators](#) to Delaware, in April, in addition to supplying Maryland and D.C. with medical shipments.
- **Virginia**
As Governor Northam prepared to reopen, he received approval from FEMA to obtain [decontamination equipment](#) for PPE. Generators for the systems were supplied by West Virginia through EMAC. Decontamination will be available for use to neighboring states.
- **Minnesota**
Lawmakers sent letters to Minnesota's Governor [requesting](#) the use of EMAC for acquiring out of state medical professionals.
- **Brooklyn, N.Y.**
Virginia Department of Transportation has sent a crisis management expert to Brooklyn. He is managing [relief for hospitals](#) experiencing high death rates.
- **Other Disasters**
In 2018, the Delaware Emergency Management Agency used EMAC to send safety officials to Hawaii during a 24-hour [rainfall event](#) that caused server flooding.

Advantages of the System

- **A unique, statewide response to unprecedented disasters.** EMAC's governance structure is a straightforward means to improve state outcomes beyond alternative economic policy responses.
- **Variety of aid is exchangeable with approved repayment contract to the serving state.** Assistance ranges from medical supplies, disaster planners, National Guard units, and other relief resources.
- **Multi-state exchange of information and resources.** When a state receives assistance through EMAC, it can extend its new resources to other states as well. Additionally, the transfer of

personnel can later facilitate new ideas brought back to the state sending the assistance.

Challenges from COVID-19 and State Resource Exchanges

- **Nationwide emergencies impact resource distribution decisions.** COVID-19 has brought hardships to every state government. Essentially, demand for supplies combined with medical shortages can lead to less resource sharing in the short-term.

Liability of EMAC Agreements

- **A joint resolution from Congress authorized the implementation of EMAC.** Additionally, the exchange of medical equipment between states also [shifts tort liability](#) to the requesting state.
- **Article VI provides immunity language.** A party state and its employees are not liable when participating in an exchange of resources in good faith.

Resources for Delaware Legislators

- EMAC is one of many policy tools to assist states in emergencies. As noted in a [report](#) from Pew, Delaware has several budgeting strategies that may require change to address future unprecedented emergencies.