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Report to the Committee on Homeland Security and Governmental Affairs, U.S. Senate

June 2007

EMERGENCY MANAGEMENT ASSISTANCE COMPACT

Enhancing EMAC's Collaborative and Administrative Capacity Should Improve National Disaster Response

G A O

Accountability ★ Integrity ★ Reliability

EMERGENCY MANAGEMENT ASSISTANCE COMPACT

Enhancing EMAC's Collaborative and Administrative Capacity Should Improve National Disaster Response

Why GAO Did This Study

The Emergency Management Assistance Compact (EMAC) is a collaborative arrangement among member states that provides a legal framework for requesting resources. Working alongside federal players, including the Federal Emergency Management Agency (FEMA) and the National Guard Bureau, EMAC members deployed an unprecedented level of assistance in response to hurricanes Katrina and Rita. Although EMAC played a critical role in our nation's response to these hurricanes, the magnitude of these events revealed limitations.

GAO was asked to (1) examine how the use of EMAC has changed since its inception; (2) assess how well existing policies, procedures, and practices facilitate collaboration; and (3) evaluate the adequacy of the EMAC network's administrative capacity to achieve its mission. GAO examined documents and interviewed officials from 45 federal, state, and local agencies and offices.

What GAO Recommends

GAO makes recommendations to the Secretaries of DHS and DOD to further enhance the administrative capacity required to support the EMAC network and to develop guidance and to formalize certain procedures to alleviate burdens experienced by EMAC members during catastrophic disasters. DHS concurred with all of our recommendations. DOD did not concur with one recommendation.

www.gao.gov/cgi-bin/getrpt?GAO-07-854.

To view the full product, including the scope and methodology, click on the link above. For more information, contact Stanley Czerwinski at (202) 512-6806 or Sharon Pickup (202) 512-9619.

What GAO Found

Since its inception in 1995, the EMAC network has grown significantly in size, volume, and the type of resources it provides. EMAC's membership has increased from a handful of states in 1995 to 52 states and territories today, and EMAC members have used the compact to obtain support for several types of disasters including hurricanes, floods, and the September 11, 2001 terrorist attacks. The volume and variety of resources states have requested under EMAC have also grown significantly. For example, after the September 11, 2001 terrorist attacks, New York requested 26 support staff under EMAC to assist in emergency management operations; whereas, in response to the 2005 Gulf Coast hurricanes, approximately 66,000 personnel—about 46,500 National Guard and 19,500 civilian responders— were deployed under EMAC from a wide variety of specialties, most of whom went to areas directly impacted by the storms.

EMAC, along with its accompanying policies, procedures, and practices, enables its members to overcome differences to achieve a common mission—streamlining and expediting the delivery of resources among members during disasters. While these policies, procedures, and practices have worked well for smaller-scale deployments, they have not kept pace with the changing use of EMAC, sometimes resulting in confusion and deployment delays. The EMAC network has taken steps to address several of these challenges, but additional improvements can be made in a number of areas including clarifying roles and responsibilities of EMAC members and improving existing systems that track resources deployed under EMAC. In addition, a lack of sufficiently detailed federal standards and policies has led to some reimbursement delays and additional administrative burdens.

While the EMAC network has developed a basic administrative capacity, opportunities exist for it to further build on and sustain these efforts. The EMAC network has adopted several good management practices, such as using after-action reports to learn from experiences and developing a 5-year strategic plan. However, the EMAC network can enhance its administrative capacity by improving how it plans, measures, and reports on its performance. FEMA provided $2 million to help build this capacity in 2003, but the agreement has recently expired. FEMA and EMAC leadership are in the process of finalizing a new 3-year cooperative agreement. Such an agreement would enhance the EMAC network's ability to support its collaborative efforts.

Source: FEMA.

United States Government Accountability Office

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United States Government Accountability Office
Washington, DC 20548

June 29, 2007

The Honorable Joseph I. Lieberman
Chairman
The Honorable Susan M. Collins
Ranking Member
Committee on Homeland Security and Governmental Affairs
United States Senate

Hurricanes Katrina and Rita provide powerful examples of how catastrophic events can overwhelm the capacity of individual states, requiring them to rely on outside sources for assistance. Over the past 12 years, states affected by disasters such as hurricanes Katrina and Rita have increasingly relied on the Emergency Management Assistance Compact (EMAC) as a means to access resources from other states, including emergency managers, National Guard assets, and first responders. For example, approximately 66,000 personnel from 48 states, 2 territories, and the District of Columbia deployed to the Gulf states in 2005 to assist in response and recovery efforts—by far the largest example of state mutual assistance to date. While this assistance was state to state, these resources played a critical role in the nation's overall disaster response efforts and cost the federal government hundreds of millions of dollars.

EMAC establishes a structure for member states to request and deploy assistance, reimburse states that provide assistance, and confer liability and workers' compensation protections.[1] As your committee and others have reported, EMAC enabled an unprecedented level of assistance in 2005 to be deployed to impacted areas in a timely and effective manner.[2] However, the magnitude of catastrophic events such as hurricanes Katrina and Rita strained the EMAC process and revealed limitations in the system to support operations. Responding to disasters involves many actors and the inclusion of every level of government, as well as the network of

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[1]GAO, *Catastrophic Disaster: Enhanced Leadership, Capabilities, and Accountability Controls Will Improve the Effectiveness of the Nation's Preparedness, Response, and Recovery System*, GAO-06-618 (Washington, D.C.: Sept. 6, 2006).

[2]U.S. Senate Committee on Homeland Security and Governmental Affairs, *Hurricane Katrina: A Nation Still Unprepared* (Washington, D.C.: May 2006), and White House Homeland Security Council, *The Federal Response to Hurricane Katrina: Lessons Learned* (Washington, D.C.: Feb. 23, 2006).

EMAC member states (EMAC network). As a result, effective collaboration between these members, as well as between the EMAC network and federal agencies such as the Federal Emergency Management Agency (FEMA) and the National Guard Bureau (NGB), is essential for states to identify, request, deploy, and reimburse resources under EMAC.

You asked us to determine (1) the extent to which EMAC membership and usage have changed since its inception in 1995; (2) the degree to which existing policies, procedures, and practices facilitate collaboration among EMAC's members and between the EMAC network and certain federal agencies; and (3) the extent to which the EMAC network has the administrative capacity—the ability to provide adequate human capital, financial, information technology, and other resources to support operations—to build and sustain the collaborative effort to achieve its mission.

To determine how EMAC membership and usage have changed, we reviewed and analyzed membership data and available data detailing previous activations of the EMAC process, including the volume and type of resources deployed for each activation. To assess the reliability of the data, we reviewed additional documents and conducted additional interviews with local, state, and federal emergency management officials for selected events captured by the database. In cases where the data were inaccurate, we supplemented them with data from more reliable sources. In addition, we selected past disasters for further analysis based on the type, scale, and timing of the disasters. We interviewed past and present leaders of the EMAC network and state officials who requested assistance in previous disasters under EMAC. We also reviewed relevant guidance, protocols, and law.

To determine the degree to which existing policies, procedures, and practices facilitated collaboration, we analyzed civilian and military guidance and laws that specified how the various players were to coordinate, and we compared them to actual coordination during the disasters. We also interviewed government officials at the state, local, and federal levels. Our interviews included officials from 29 states, civilian and National Guard responders, and EMAC leadership. In addition, we interviewed officials from localities including Hancock and Harrison counties, Mississippi, and New Orleans, Louisiana. To assess collaboration between levels of government, we interviewed officials from FEMA, NGB, and the Centers for Disease Control and Prevention, along with the state and local officials previously mentioned. In assessing the nature and extent of collaboration among EMAC members and between the EMAC

network and key federal players, we applied criteria we previously developed regarding successful collaborative practices.[3]

To determine the extent to which the EMAC network has the administrative capacity to build and sustain the collaborative effort, we interviewed EMAC leadership and officials from EMAC member states and analyzed EMAC strategic planning documents and state, federal, and EMAC after-action reports. For more information on our scope and methodology, see appendix I. We conducted our work from June 2006 through June 2007 in accordance with generally accepted government auditing standards.

Results in Brief

Since its inception in 1995, the EMAC network has grown significantly in membership as well as volume and type of resources it provides—responding to a myriad of disasters, including hurricanes, floods, wildfires, and the September 11, 2001 terrorist attacks.[4] During this time, EMAC membership has grown from 4 states to its current membership of 49 states, 2 territories, and the District of Columbia. The resources deployed through the EMAC network have also greatly increased in number and diversity. Prior to 2004, states used EMAC primarily to request emergency management personnel to support their emergency management operations centers. For example, in 2001, New York requested 26 emergency management personnel in response to the September 11 terrorist attacks. In 2004, the way states used EMAC to augment in-state assistance changed significantly. In response to the 2004 Florida hurricanes, approximately 2,500 National Guard and civilian personnel deployed to state operations centers as well as to impacted areas.[5] In response to the 2005 Gulf Coast hurricanes, the personnel deployed through EMAC increased to approximately 66,000 persons—about 46,500 National Guard and 19,500 state and local civilian responders—from a wide variety of specialties, most of whom were deployed to areas directly

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[3]GAO, *Results-Oriented Government: Practices That Can Help Enhance and Sustain Collaboration among Federal Agencies*, GAO-06-15 (Washington, D.C.: Oct. 21, 2005).

[4]For the purposes of this report, "disaster" refers to both natural or nonnatural disasters or emergencies.

[5]For the purposes of this report, "2004 Florida hurricanes" refers to hurricanes Charley, Frances, Ivan, and Jeanne as well as tropical storm Bonnie.

impacted by the storms.[6] In addition, resources deployed under EMAC in 2005 represented a substantial portion of overall out-of-state assistance. For example, on September 10, 2005, such deployments constituted more than half of all out-of-state personnel.

EMAC, along with its accompanying policies, procedures, and practices, facilitates successful collaboration among its members. The compact provides a framework for members to overcome differences in organizational cultures and established ways of doing business in order to achieve a common mission—streamlining and expediting the delivery of resources among members during disasters. Building on this framework, the EMAC network also delineates member roles and responsibilities for states requesting assistance in several areas, such as receiving and integrating emergency management personnel into their state emergency operations centers. In addition, to facilitate collaboration among members in times of a disaster, the EMAC network has established standards and systems regarding how members seek and provide assistance through EMAC. Finally, some members have developed practices that may provide models or insights to other members to enhance their ability to leverage resources under EMAC—providing additional benefits that would not otherwise be available. For example, through advanced planning and coordination with other states, Florida has been able to reduce the amount of time it takes to secure medical transportation for patients in the Florida Keys should such services be required following a disaster. Conversely, states have identified other scenarios where they will not likely be able to turn to the EMAC network for assistance, such as an influenza pandemic.

Although the EMAC framework and accompanying policies, procedures, and practices provide for collaboration, they have not kept pace with the growing use of EMAC. While delineated roles and responsibilities have worked well for smaller-scale deployments through EMAC, large-scale deployments, such as those in response to the 2004 Florida hurricanes and 2005 Gulf Coast hurricanes, revealed some shortcomings. For example, although the EMAC network delineates roles and responsibilities with regard to receiving and integrating emergency management personnel into state emergency operations centers, similar guidelines do not exist for the receipt and integration of first responders into impacted areas, sometimes resulting in confusion and deployment delays. Limitations in EMAC

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[6]For the purposes of this report, "2005 Gulf Coast hurricanes" refers to hurricanes Katrina and Rita.

standards and policies presented challenges with regard to efficient communication of resources and comprehensive resource tracking. As a result, emergency resources were delayed up to several days as mission specifications were clarified, and limitations in tracking resource requests yielded confusion as to the status of some missions. Limitations in EMAC standards and policies, coupled with a lack of understanding of these standards and policies, led to reimbursement delays. In addition, a lack of sufficiently detailed federal standards and policies resulted in reimbursement delays and additional administrative burdens.

The EMAC network has begun to develop the basic administrative capacity necessary to facilitate efficient and effective sharing of resources between members in a disaster, but opportunities exist to further build and sustain these efforts. The EMAC network has adopted several good management practices, such as using after-action reports to learn from past disasters and developing a 5-year strategic plan. Building on its progress, there are additional opportunities to improve the way the network plans, tracks, and reports on its performance. In 2003, FEMA provided $2 million to help build the EMAC network's administrative capacity, but this agreement has recently expired. FEMA and EMAC leadership are in the process of finalizing a new 3-year cooperative agreement. Such an agreement would enhance the EMAC network's ability to provide adequate human capital and information technology to support its collaborative efforts.

We are making recommendations to the Secretaries of Homeland Security and Defense to enhance the administrative capacity required to support the EMAC network and to develop guidance and to formalize procedures to alleviate financial and administrative burdens EMAC members have experienced in response to catastrophic disasters. We provided a draft of this report to the Secretary of Homeland Security and the Secretary of Defense for comment. The Director of FEMA's Office of Policy and Program Analysis provided oral comments, concurring with all of our recommendations. FEMA also provided technical comments that were incorporated as appropriate. The Department of Defense (DOD) did not concur with one recommendation and its response is reprinted in appendix II. In his written comments on a draft of this report, the Assistant Secretary of Defense for Reserve Affairs did not agree with our recommendation that the Secretary of Defense work with the Secretary of Homeland Security to amend the National Response Plan's Catastrophic Incident Supplement Execution Schedule to include early consideration of the use of Title 32 in situations where the Secretary of Defense deems it appropriate. The Assistant Secretary stated that use of National Guard

forces in Title 32 status is an inherent DOD function outside the purview of the Secretary of Homeland Security. We agree that the use of National Guard forces in Title 32 status is an inherent DOD function, and our recommendation is consistent with this statement. However, the Secretaries of Homeland Security and Defense, per Homeland Security Presidential Directive-5, shall establish appropriate relationships and mechanisms for cooperation and coordination in response to catastrophic disasters. Our reference to the Secretary of Homeland Security was simply to acknowledge DHS's coordinator role for the National Response Plan. DOD also stated that amending the National Response Plan as we suggested could be interpreted to imply that it is DOD policy to place National Guard forces into Title 32 status. However, our recommendation does not state that DOD should place National Guard forces into any particular status. Instead, we call for a mechanism to trigger DOD's consideration of whether authorization of Title 32 status is appropriate in the earlier stages of a catastrophic event. We also provided the draft report to the Chair of the EMAC Executive Task Force and the Executive Director of the National Emergency Management Association. Relevant sections of the draft report were provided to state and local emergency offices whose experiences we reference. Technical suggestions from these groups have been incorporated as appropriate.

Background

Interstate compacts are legal agreements between states that allow them to act collectively to address issues that transcend state borders.[7] Interstate compacts that may affect the balance of power between states and encroach upon or impair the supremacy of the United States must have congressional consent.[8] Since the late 1940s, states have entered into interstate compacts to facilitate the sharing of resources across state lines in response to disasters. In passing the Federal Civil Defense Act of 1950,[9] Congress encouraged states to enter into interstate agreements that provided a legal framework for mutual defense aid and disaster assistance. By the early 1950s, virtually all states and other jurisdictions entered into defense aid and disaster compacts. However, after years of minimal

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[7]GAO, *Interstate Compacts: An Overview of the Structure and Governance of Environment and Natural Resource Compacts*, GAO-07-519 (Washington, D.C.: Apr. 3, 2007).

[8]*Virginia v. Tennessee*, 148 U.S. 503, 517–18 (1893).

[9]The Federal Civil Defense Act of 1950, June 12, 1951. ch. 1228, 64 Stat. 1245.

financing and public support, the Federal Civil Defense Act did not play a significant role in facilitating disaster response.

After Hurricane Andrew devastated southern Florida in 1992, Congress enacted many of the repealed provisions of the Federal Civil Defense Act into the Robert T. Stafford Disaster Relief and Emergency Assistance Act in 1994.[10] Responding to similar concerns raised following Hurricane Andrew, the Southern Governors' Association created the Southern Regional Emergency Management Assistance Compact to enable member states to provide mutual aid in managing any emergency or disaster that had been designated as such by the governor of the impacted state. It also provided for mutual emergency-related activities, testing, and training. In 1995, the Southern Governors' Association opened membership to all U.S. states and territories, revising the terms of the agreement and adopting the new name, the Emergency Management Assistance Compact (EMAC). Congress consented to the compact in 1996.[11]

Member States Provide Governance for EMAC Network While NEMA Provides Administrative Support

EMAC is a mutual aid agreement among member states and is not a government agency.[12] Overall governance is provided by the EMAC Committee, whose chair is selected annually by the President of the National Emergency Management Association (NEMA).[13] Day-to-day work of the EMAC Committee is carried out by an EMAC Executive Task Force whose members are elected by the EMAC membership. The Chair of the EMAC Committee works with the Executive Task Force to develop policies and issue guidance. NEMA provides administrative oversight for the EMAC network. Since 2003, NEMA has assigned one person to serve as the EMAC Coordinator—the only paid employee dedicated full time to EMAC—as well as a part-time consultant who serves in the position of

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[10]Pub. L. No. 103-337, Div. C, § 3401, 108 Stat. 2663 (Jan. 25, 1994).

[11]Pub. L. No. 104-321, 110 Stat. 3877 (Oct. 19, 1996).

[12]For the purposes of this report, "states" includes the 50 states, the Commonwealth of Puerto Rico, the District of Columbia, and U.S. territorial possessions.

[13]NEMA is a nonprofit, nonpartisan association of emergency management and homeland security professionals with a mission to provide national leadership and expertise in comprehensive emergency management; serve as a vital emergency management information and assistance resource; and advance continuous improvement in emergency management through strategic partnerships, innovative programs, and collaborative policy positions. NEMA has tax-exempt status under § 501(c)(3) of the Internal Revenue Code.

EMAC Senior Advisor.[14] Both of these positions have been funded through a cooperative agreement between FEMA and NEMA to provide administrative and management support for EMAC.
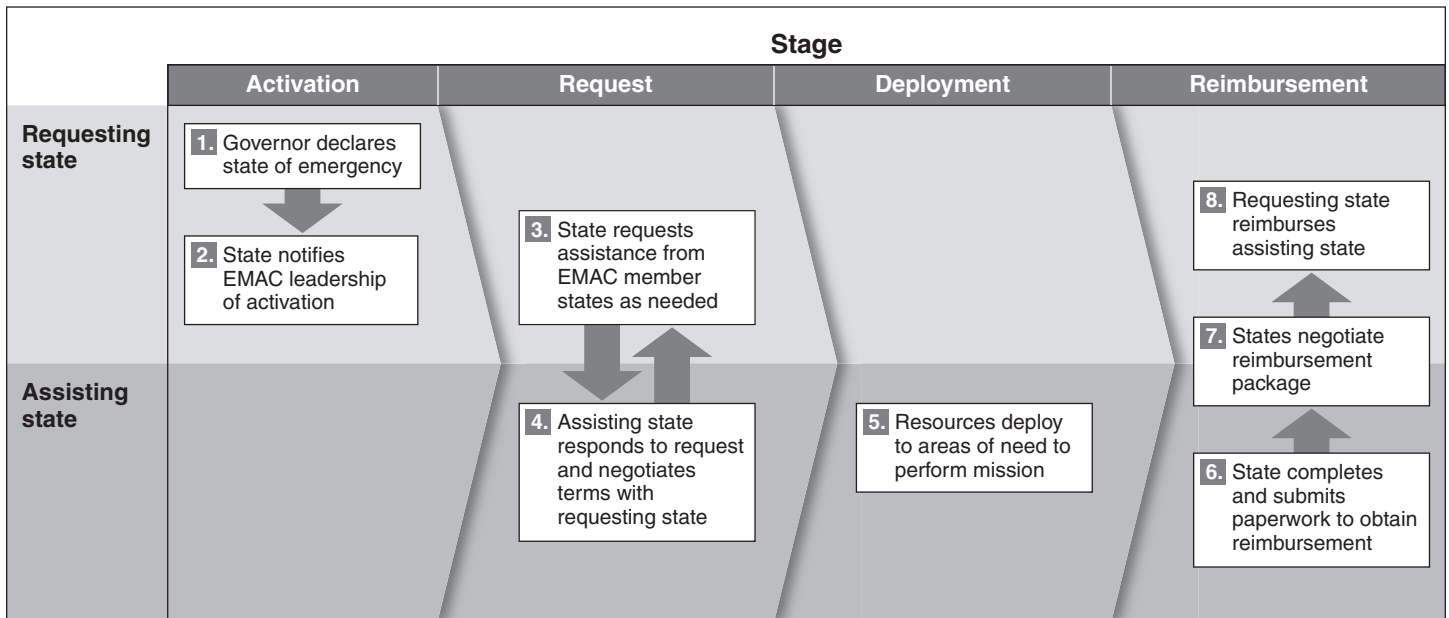
Process for Requesting and Providing Assistance under EMAC

EMAC operating protocols outline one process for member states to request and provide assistance, whether these resources are civilian or National Guard. The process describes how to request, provide, receive, and reimburse assistance from other member states in response to a disaster. Before resources can be deployed under EMAC, the governor of an impacted state must first declare an emergency. Representatives from the impacted state then contact EMAC leadership to inform them that interstate assistance may be needed. If desired, the impacted—or requesting—state can ask the EMAC leadership to send a team of emergency management personnel to the state's emergency operations center to assist with subsequent resource requests under EMAC. The requesting state can then request additional resources through the EMAC network from other member states. These states—often referred to as assisting states—work with the requesting state to identify resources required and other details. Once both the requesting and assisting states approve the final details, resources are deployed to the area of need. Once the missions have been completed and resources have returned home, the assisting states prepare formal requests for reimbursement, which are then sent to, and processed by, the requesting state. Figure 1 provides a summary of this process.

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[14]For the purposes of this report, "EMAC" refers to the compact itself and "EMAC leadership" refers to the state representatives who have been selected by EMAC members to oversee day-to-day operations relating to EMAC as well as the Chair of the EMAC Committee, EMAC Coordinator, EMAC Senior Advisor, and NEMA Legal Committee Chair who provide administrative and other assistance to the EMAC network.

Figure 1: The EMAC Process

Stage			
Activation	**Request**	**Deployment**	**Reimbursement**

Requesting state

1. Governor declares state of emergency
2. State notifies EMAC leadership of activation
3. State requests assistance from EMAC member states as needed
8. Requesting state reimburses assisting state

Assisting state

4. Assisting state responds to request and negotiates terms with requesting state
5. Resources deploy to areas of need to perform mission
7. States negotiate reimbursement package
6. State completes and submits paperwork to obtain reimbursement

Source: GAO analysis of EMAC operating procedures.

In cases when a disaster strikes multiple states, FEMA has a standing agreement with NEMA to request a team of emergency managers to deploy to its national or regional coordination centers to help coordinate EMAC network and federal activities, as appropriate.

Impacted States Can Request Assistance From FEMA to Help Cover Eligible Costs for Missions Under EMAC

Although EMAC is an agreement between states, catastrophic disasters can overwhelm the resources of an impacted state, requiring it to seek assistance from the federal government. In the case of a presidentially declared disaster, impacted states can work with FEMA to seek federal financial assistance to cover costs associated with emergency response efforts that may include eligible missions conducted under EMAC. In such cases, the impacted state prepares project worksheets—a form used to collect and document information on the scope and estimated cost for public assistance projects—and submits them to FEMA for review. Once approved, FEMA will obligate funds for the project to the impacted state, which in turn reimburses the assisting state directly. As of June 2007, Mississippi and Louisiana are in the process of seeking financial assistance from FEMA to cover approximately $200 million for missions conducted under EMAC.

NGB Is the Coordinator of National Guard Assets

The National Guard Bureau's (NGB) mission is to participate with the Army and Air Force staffs in the formulation, development, and coordination of all programs, policies, concepts, and plans for the National Guard. NGB has visibility of all National Guard assets and advises the states on force availability to support all requirements. NGB serves as a coordinator between the Secretaries of the Army and Air Force and state National Guard assets. This is achieved through coordinating with state governors and adjutant generals. NGB also monitors and assists the states in the organization, maintenance, and operation of their National Guard units.

Another aspect of NGB's coordination is working with other DOD agencies as it carries out responsibilities to address domestic emergencies assigned in accordance with the National Response Plan (NRP). The purpose of the NRP is to establish a comprehensive, national, all-hazards approach to domestic incident management across a spectrum of activities, including prevention, preparedness, response, and recovery. In addition, it contains a catastrophic incident annex that establishes the strategy for implementing and coordinating an accelerated proactive national response to a catastrophic incident, including strategies to rapidly provide key resources to augment state, local, and tribal response efforts during a catastrophic event. The NRP also contains a catastrophic incident supplement with a detailed execution schedule that lists steps that agencies should take at specific times ranging from within 10 minutes of the start of an incident time to within 96 hours after the incident occurs. The purpose of this supplement is to accelerate the delivery of federal and federally accessible resources and capabilities in support of a response to a no-notice or short-notice catastrophic incident. These are incidents in which the response capabilities and resources of the local jurisdiction (including mutual aid from surrounding jurisdictions) will be profoundly insufficient and quickly overwhelmed.
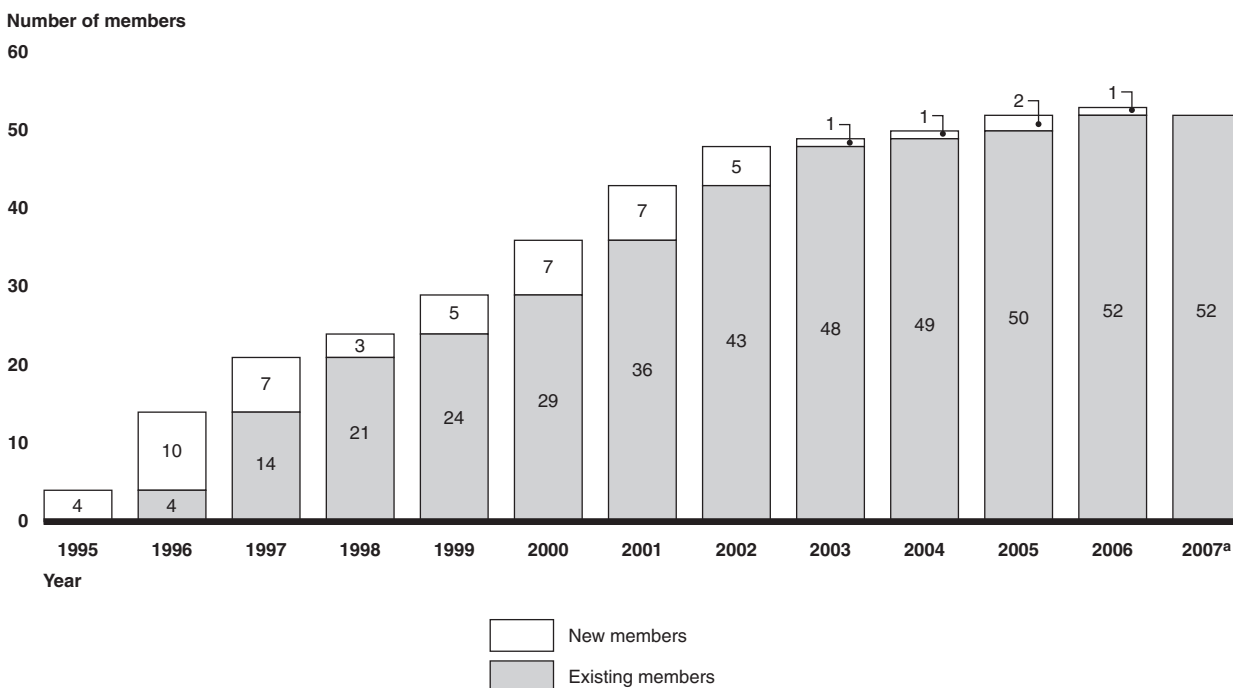
EMAC's Membership and Usage Have Grown Over Time to Include Different Types of Disasters and Responders

Since the inception of the EMAC in 1995, both the number of members and the volume and types of resources requested have grown considerably. States activated EMAC in response to a variety of emergencies, including hurricanes; floods; wildfires; and the September 11, 2001 terrorist attacks. In recent years, the volume and types of resources deployed under EMAC have also increased. Resources deployed under EMAC represented a substantial portion of overall out-of-state assistance deployed in response to the 2005 Gulf Coast hurricanes.

EMAC Membership Has Increased to 52

EMAC membership has grown from a handful of members in 1995 to 52 today. EMAC grew out of the Southern Regional Emergency Management Assistance Compact, which was created in August 1993 by the Southern Governors' Association and the Virginia Department of Emergency Services following Hurricane Andrew. When EMAC was formed in 1995, membership consisted of 4 states: Louisiana, Mississippi, Tennessee, and Virginia. Since that time, as figure 2 shows, EMAC membership has grown to 49 states, the U.S. Virgin Islands, Puerto Rico, and the District of Columbia.[15]

Figure 2: Growth in EMAC Membership from 1995 through 2007

Number of members

Source: GAO analysis of state laws.

[a]California's membership expired in March 2007.

During this period, states have used EMAC in response to a variety of emergency events, including natural disasters, terrorist attacks, and other

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[15]Although California became a member of EMAC on September 14, 2005, its membership expired on March 1, 2007. As of the date of this report, the California State Legislature is considering legislation, AB 1564, that will renew California's membership in EMAC.

disasters and emergencies. For example, the states activated the EMAC process in response to disasters such as the 2005 Gulf Coast hurricanes; tornadoes in Kansas and Kentucky; floods in West Virginia and New Hampshire; wildfires in Texas and Nebraska; the September 11, 2001 terrorist attacks; and a variety of other disasters and emergencies, such as the 2003 Rhode Island Nightclub Fire and the Space Shuttle Columbia Disaster.
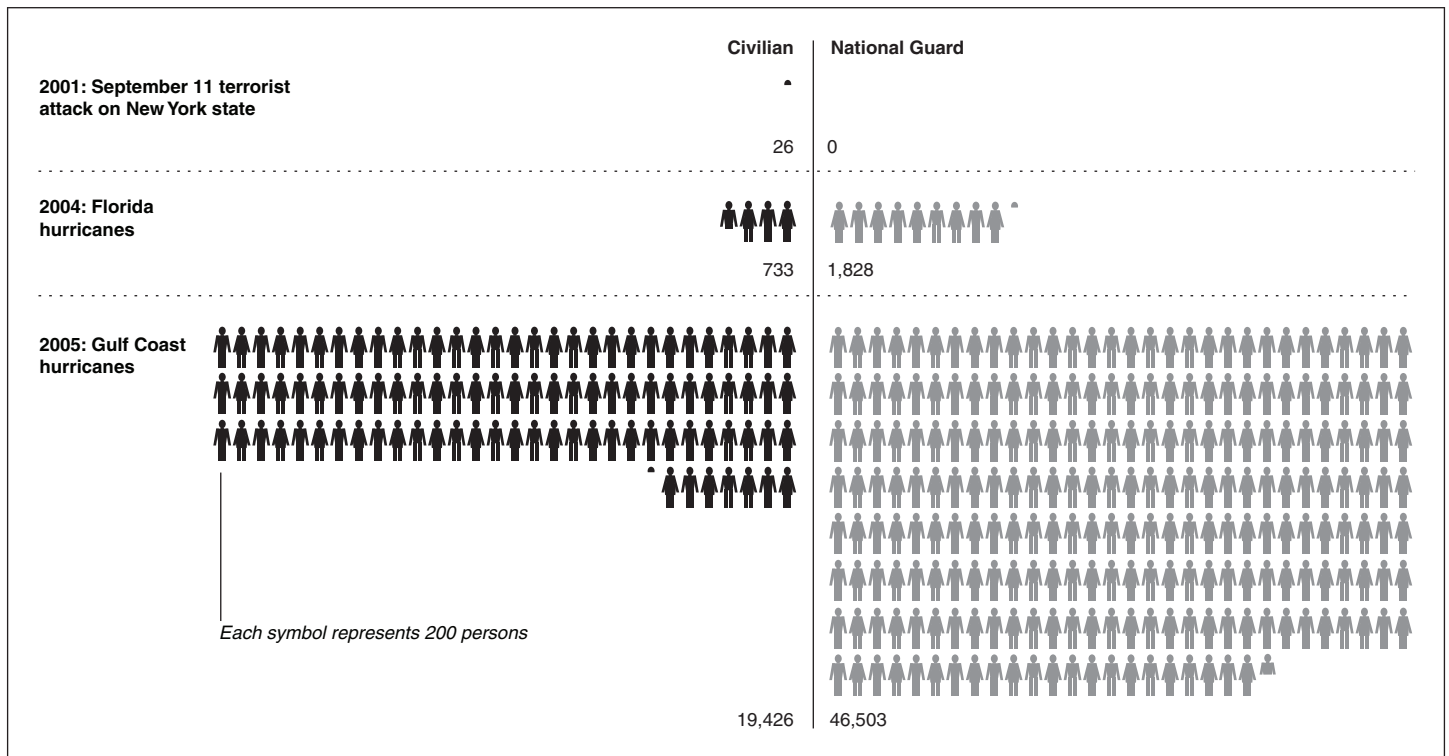
2004 and 2005 Deployments Exceeded Prior Years

In 2004 and 2005, the number and types of deployments under EMAC exceeded previous years' deployments. Although deployment data for 1995 through 2004 are incomplete, EMAC leadership reported that deployments were higher in 2004 than in previous years. Data compiled by the EMAC network demonstrate that the total civilian and National Guard deployments in response to the 2005 Gulf Coast hurricanes were more than 25 times the number of the deployments for the 2004 Florida hurricanes. Figure 3 shows EMAC deployment data for some significant disasters.

Figure 3: Number of Civilian and National Guard Personnel Deployed through EMAC in Response to Selected Disasters

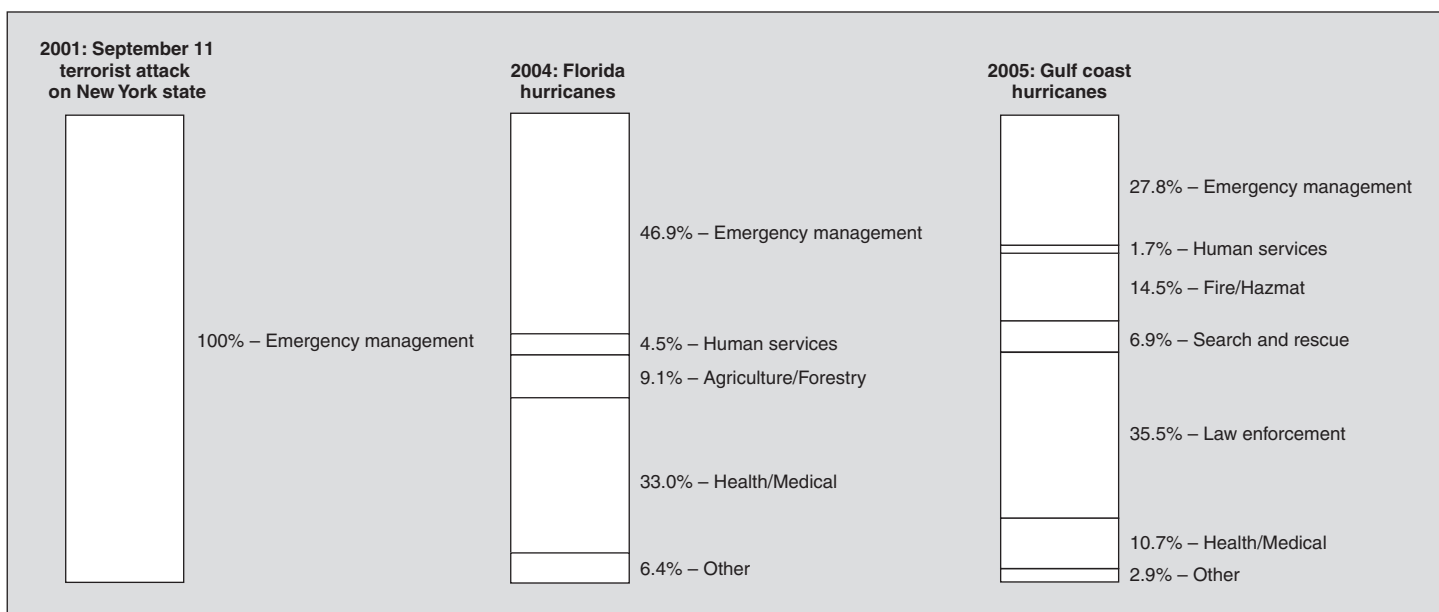|	Civilian	National Guard
2001: September 11 terrorist attack on New York state	26	0
2004: Florida hurricanes	733	1,828
2005: Gulf Coast hurricanes	19,426	46,503

Each symbol represents 200 persons

Source: GAO analysis of EMAC, New York, and Florida state data.

Note: Given the limited reliability of the aggregate data maintained by the EMAC network, we have supplemented the data where appropriate. See app. I for more details.

States have made larger requests for assistance under EMAC, and they have requested a wider range of resources. According to EMAC leadership, prior to 2004, states primarily requested emergency management personnel to support their state emergency operations centers. For example, of the estimated 40,000 people who responded to the September 11, 2001 terrorist attack on New York, New York officials requested only 26 emergency management personnel under EMAC to supplement state emergency management efforts. In 2004, Florida requested a wider variety of resources from other states under EMAC than had been requested in previous disasters. It requested first response personnel, health professionals, logistics support, and emergency management support for county emergency operations centers. In 2005, Louisiana, Mississippi, Texas, Alabama, and Florida requested an even greater variety of resources under EMAC, including 46,503 National Guard personnel, 6,882 law enforcement responders, 2,825 fire and hazardous

materials responders, and 9,719 other responders, many of whom were local government assets deployed directly to the impacted areas.[16] Figure 4 shows the variety of civilian personnel deployed under EMAC for selected significant disasters.

Figure 4: Types of Civilian Personnel Deployed through EMAC in Response to Selected Disasters

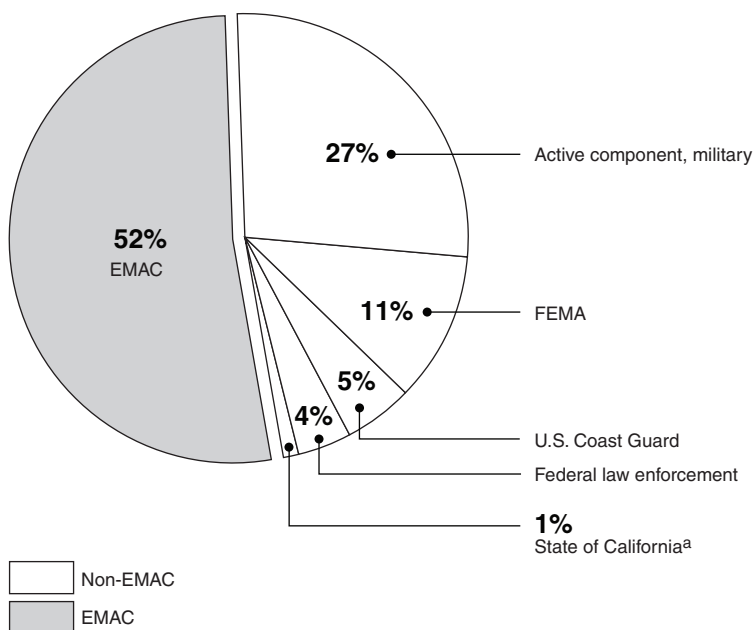Source: GAO analysis of EMAC and New York state data.

During the 2005 Gulf Coast Hurricanes, Resources Deployed under EMAC Represented a Substantial Percentage of Overall Out-of-State Response

Resources deployed under EMAC in response to the 2005 Gulf Coast hurricanes constituted a substantial portion of overall out-of-state response efforts. Following Hurricane Katrina in 2005, Louisiana and Mississippi both relied heavily on support from other states to supplement their own emergency response efforts. Although the exact number of personnel deployed to Louisiana and Mississippi in response to Hurricane Katrina is not known, data available on the response during the first 2 weeks clearly indicate that the share of personnel deployed under EMAC represented a significantly larger share of personnel deployed from out of

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[16]Other responders include professionals in engineering, animal resources, public works, transportation and highways, emergency management, agriculture and forestry, and search and rescue.

state than from any other contributor, including states that are not members of EMAC; the active component, military; FEMA; the U.S. Coast Guard; and federal law enforcement. Figure 5 shows the distribution of out-of-state personnel deployed to impacted states following Hurricane Katrina.

Figure 5: Percentage of Out-of-State Personnel Deployed on September 10, 2005, in Response to Hurricane Katrina

27% — Active component, military

52% EMAC

11% — FEMA

5% — U.S. Coast Guard

4% — Federal law enforcement

1% State of California[a]

☐ Non-EMAC

▨ EMAC

Source: GAO analysis of DOD, DHS, and EMAC data.

[a]California did not join EMAC until September 14, 2005.

EMAC Provides for Successful Collaboration, but Opportunities Exist for Improvement

EMAC, along with its accompanying policies, procedures, and practices, provides for successful collaboration that enables its members to request resources and provides timely assistance to states in need. However, opportunities exist to enhance and sustain collaborative efforts within the EMAC network and between the network and federal agencies and nongovernmental organizations. Our previous work identified a number of steps that can improve collaboration, including (1) clearly articulating roles and responsibilities; (2) establishing clear, consistent, and

compatible standards; and (3) identifying opportunities to leverage and share resources.[17] While the compact itself and the policies and procedures adopted by the EMAC network have clarified roles and responsibilities for some key operations, coordination can be improved among EMAC members to reduce confusion and delays when deploying resources. EMAC members have also adopted protocols, standards, and systems that work well for smaller-scale deployments, though gaps still exist with regard to requesting resource needs, tracking resource requests, and facilitating reimbursement following catastrophic disasters. Finally, some members have developed practices that may provide models or insights to other members to enhance their ability to leverage resources under EMAC.

EMAC Provides a Framework to Achieve a Common Mission

As we have previously found, to overcome differences in organizational cultures and established ways of doing business, collaborating organizations must have a clear and compelling rationale to work together.[18] This compelling rationale can be imposed through legislation or other directives or can come from the organizations' own perceptions of the benefits they can obtain from working together. Collaborating organizations must also work across organizational lines to define and articulate a common outcome consistent with their respective goals.

EMAC provides a framework that helps its members to overcome differences in missions, organizational cultures, and established ways of doing business in order to achieve a common outcome—streamlining and expediting the delivery of resources among members during emergencies. Each member must enact identical legislation to that of the EMAC legislation passed by Congress in 1996, ensuring that member states' goals are aligned with the goals outlined in the compact. The EMAC language sets the foundation for members to provide mutual assistance in a disaster or emergency, regardless whether it is a natural disaster or a man-made disaster, such as technological hazard, civil emergency, community disorder, or enemy attack. In addition, the compact language:

- outlines responsibilities for the members to formulate procedural plans and programs for interstate cooperation through EMAC;

[17]GAO-06-15.

[18]GAO-06-15.

- affords personnel from assisting states the same duties, rights, and privileges afforded to similar personnel within the requesting state (except for the power of arrest);
- accepts licenses, certificates, or other permits for skills requested;
- provides liability protection to responders from assisting states as agents of the requesting state for tort liability and immunity purposes;
- requires that assisting states provide workers' compensation for resources deployed from their states; and
- calls for the reimbursement of services rendered through EMAC.

By streamlining legal and other administrative requirements associated with sharing resources across state lines, EMAC enables states to more quickly provide emergency assistance in times of disaster than if these states worked outside of EMAC to seek and provide assistance. For example, although New York was not a member of EMAC prior to the September 11, 2001 terrorist attacks, it joined shortly thereafter. New York officials stated that they expedited the arrival of the supplemental assistance by requesting assistance from EMAC members.

The Lack of Clearly Defined Roles and Responsibilities in Some Areas Limits EMAC's Effectiveness

While the compact and its accompanying protocols establish roles and responsibilities that have worked well for smaller-scale deployments, they have not kept pace with the growing use of EMAC, sometimes resulting in delays and limiting EMAC's overall effectiveness. Our previous work has shown that defining roles and responsibilities among collaborating organizations both enhances and sustains collaboration.[19] In doing so, organizations clarify who will do what, thereby better organizing both joint and individual efforts and facilitating decision making. In 2004 and 2005, the lack of clearly defined roles and responsibilities with regard to receiving and integrating resources deployed under EMAC resulted in delays and confusion. During this same period, the EMAC network and NGB experienced challenges in effectively coordinating, though they have since made improvements.

A Lack of Clearly Defined Roles and Responsibilities in Some Areas Led to Delays and Confusion

The EMAC network delineates roles and responsibilities for requesting states to receive and integrate emergency management personnel deployed under EMAC through its protocols into states' emergency operations centers. For example, the *EMAC Operations Manual* recommends that requesting states provide workstations, equipment, and

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[19]GAO-06-15.

technology for emergency managers deployed to their states' emergency operations centers and that these resources be integrated into their states' emergency operations centers' organizational charts.

However, the roles and responsibilities of member states have not kept pace with the changing use of EMAC. While roles and responsibilities do exist for member states to receive and integrate emergency management personnel into state emergency operations centers, similar guidelines do not exist to define the roles and responsibilities of requesting states regarding how to receive and integrate first responders deployed under EMAC into impacted areas, leading to confusion and delays—this is especially important since most of the resources deployed under EMAC in 2004 and 2005 were deployed to areas outside state emergency operations centers. This, in turn, affected the overall ability of resources deployed under EMAC to provide the necessary assistance in response to the 2004 Florida hurricanes and the 2005 Gulf Coast hurricanes.

During the response to the 2005 Gulf Coast hurricanes, state officials managing response efforts on the ground were sometimes unaware of general EMAC policies and unprepared to receive or integrate resources deployed under EMAC into impacted areas. For example, although resources deployed under EMAC do not require additional certification to practice their respective professions in the impacted state, confusion arose when an emergency medical response team deployed, because Mississippi state health officials required the medical team to complete supplemental medical licensure applications. In addition, Florida health officials told us that they were initially not prepared to receive or integrate resources deployed under EMAC in response to the 2004 Florida hurricanes, causing some confusion and delaying deployments. Learning from their experiences in 2004, Florida officials stated that they resolved these shortcomings and had policies and procedures in place to receive and integrate out-of-state resources when Hurricane Katrina was approaching Florida in 2005.

Local officials we spoke with responsible for receiving and integrating resources deployed under EMAC—and many state and local responders who interacted with local officials responsible for receiving and integrating resources deployed under EMAC—stated that they had limited or no knowledge of what EMAC was or how it functioned, were not aware that resources had been requested or deployed to assist them, and did not have plans for how to employ these resources once they arrived. For example, local officials from counties in southern Mississippi told us they were unaware that emergency response teams from Florida or New York

were deployed and were not sure how to employ their assistance. As a result, rather than providing immediate assistance at full capacity, the emergency response teams spent critical time briefing local officials on basic EMAC processes and emergency procedures. In other circumstances, resources that were deployed to impacted areas experienced challenges in locating points of contact and integrating into local command structures. For example, a South Carolina National Guard Unit deployed under EMAC told us that it "wasted valuable time" waiting for mission assignments from local authorities following Hurricane Katrina.

EMAC leadership has taken steps in the past year to address the lack of clarity regarding roles and responsibilities of states receiving and integrating assistance. These include updating the *EMAC Operations Manual* to include specific language suggesting the need for members to establish procedures for requesting and receiving assistance. EMAC leadership has also taken steps to address EMAC knowledge gaps among state and local officials by creating an ad hoc task force to evaluate and improve training materials available to member states, such as a brochure to help personnel deployed under EMAC understand basic EMAC protocols. However, the EMAC network has not developed as clear guidance for receiving and integrating resources into impacted areas as it has for receiving and integrating emergency managers into state emergency operations centers.

The EMAC Network and NGB Have Improved Coordination in Response to Challenges Raised in 2005

In 2005, the EMAC network and NGB experienced coordination challenges. Although both the EMAC network and NGB facilitate the sharing of resources across state lines, they had limited visibility into each others' systems for initiating and fulfilling requests. For example, emergency management officials responsible for coordinating requests for assistance under EMAC in the first 3 weeks after Hurricane Katrina made landfall stated that they were frequently unaware of National Guard deployments under EMAC until after the resources had already returned to their home states. In addition, NGB officials responsible for coordinating deployments of National Guard resources stated that they were unaware of requests for assistance made through EMAC.

Learning from these challenges, the EMAC network and NGB have begun to work together to develop a better understanding of their mutual roles and responsibilities, as well as how they can collaborate to achieve an

outcome that benefits their respective missions. For example, to improve coordination between the EMAC network and key partners such as NGB, EMAC leadership created the EMAC Advisory Group in 2006.[20] NGB, along with other advisory group members, has recently been granted access to view reports on requests and deployments under EMAC during a disaster.

Gaps in EMAC and Federal Policies, Standards, and Systems Have Contributed to Delays and Confusion

We previously reported that collaborating organizations need to address the compatibility of standards, policies, procedures, and data systems in their efforts to facilitate working across boundaries and prevent misunderstanding.[21] While the EMAC network has developed protocols, standards, and systems that have generally worked well for smaller-scale deployments, gaps emerged with the rapid growth in the number and types of resources deployed under EMAC. In addition, gaps in federal guidance and protocols resulted in administrative burdens and reimbursement delays. We identified challenges in five areas: (1) gaps in EMAC protocols with regard to communicating resource needs sometimes yielded deployment delays and confusion among requesting state officials and resource providers; (2) the lack of a comprehensive system to support the tracking of resource requests from initial offers of assistance through mission completion in 2005 caused delays, duplications of effort, and frustration; (3) existing reimbursement standards are not designed to facilitate timely reimbursement following catastrophic disasters; (4) the lack of federal guidance to obtain advance funding resulted in delaying some state-to-state reimbursements under EMAC; and (5) deployment of National Guard troops under two different authorities resulted in delays in reimbursement and additional administrative burdens.

EMAC Network Has Developed Standards for Communicating Mission Requirements, but Gaps Remain

To facilitate collaboration in times of a disaster, the EMAC network has established standard processes and systems regarding how its members request resources through EMAC. EMAC processes enable members to solicit assistance through the use of standardized e-mail requests which are broadcast to everyone in the network, or directly from a specific member either in writing or verbally. When an assisting state responds to a request for assistance, the requesting and assisting states communicate

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[20]The EMAC Advisory Group is intended to serve as a conduit between the EMAC network and the constituencies represented by the advisory group members, identify and share best practices, provide guidance for the strategic direction of the EMAC network, and provide a connection between other mechanisms that provide aid.

[21]GAO-06-15.

back and forth to negotiate mission details: (1) officials from the requesting state approve, sign, and fax the request to an assisting state; (2) officials from the assisting state provide details on the assistance they intend to provide, sign the request, and fax it back to the requesting state; and (3) once the agreement is finalized, requesting state officials approve, sign, and fax the finalized request for assistance back to the assisting state.

Although the EMAC network has developed these basic processes, gaps in some areas have led to confusion and delays among member states regarding the effective communication of resource needs when responding to the 2005 Gulf Coast hurricanes. For example, emergency managers deployed under EMAC to Louisiana told us that they received repeated requests simply for "search and rescue" teams and that these initial requests did not initially contain sufficient detail regarding the type of skills and equipment needed to carry out the particular operation that was needed. Search and rescue missions can vary significantly—one type of mission might require an aerial search and rescue team, while another might require a canine search and rescue team. Therefore, identifying and then clearly communicating the specific skills and equipment required is critical. According to these officials, requests that initially omitted critical mission details had to be clarified, causing delays in resource deployments of up to 3 or more days as requesting and assisting state officials went back and forth to clarify these details.

A second shortcoming in how requests were communicated during the 2005 Gulf Coast hurricanes was that requesting states did not provide sufficient details regarding conditions at the locations to which resources were deployed. This led to teams arriving in the area of operations without necessary support for responders. For example, the first firefighters deployed to New Orleans under EMAC were given incorrect information regarding the availability of food supplies and housing. Accordingly, these firefighters were told they would receive transportation, food, and lodging when they arrived. However, once they arrived at the initial staging area, they quickly realized that they were not going to receive any of these resources. As a result, they were delayed at the initial staging area until they located necessary supplies on their own.

Responding to concerns raised regarding the clarity of resource requests, the EMAC network has taken several steps to improve its processes and systems. For example, the EMAC network has adopted changes to the *EMAC Operations Manual* that require requesting states to include additional details such as the type of resources requested, specifying the particular skills, abilities, or equipment needed. EMAC leadership updated

the basic form used to request assistance so that it now includes additional mission details, such as the severity of conditions within the area of operations. EMAC leadership is currently transitioning part of the process to an online format with templates, pull-down menus, and other tools to help further specify mission details and improve the consistency of language used in the request process. The new version of the form to request assistance more effectively captures personnel deployment considerations (e.g., recommended immunizations), but it does not capture equipment considerations (e.g., fuel supplies, maintenance provisions, and ownership of equipment purchased for the activation).

Lack of Comprehensive System to Track Resource Requests through Mission Completion

The EMAC network does not have a comprehensive system in place to support the tracking of resources from initial offers of assistance through mission completion. Data systems in place to track resource requests and deployments when Hurricane Katrina made landfall in 2005 did not provide efficient tracking of resources deployed under EMAC. In addition, requesting states maintained duplicate and ad hoc systems for tracking resource requests and deployments. For example, when responding to the 2005 Gulf Coast hurricanes emergency management support personnel responsible for facilitating requests for assistance recorded the same mission-related information in two separate systems: an EMAC system that cataloged all resource requests and a state-specific spreadsheet to track resource requests solely for that individual state. In 2005, the EMAC network itself found that these separate systems were often not aligned with each other and required emergency managers to manually reenter data into the EMAC system.

Immediate access to these data systems was not given to personnel deployed to state operations centers to facilitate requests under EMAC, causing some to create ad hoc systems for tracking requests. In addition, emergency managers deployed to state emergency operations centers to facilitate requests under EMAC in the first weeks of the Hurricane Katrina response efforts told us that they maintained duplicative systems to track these requests, including using Post-Its™ and notepads. Emergency management officials responsible for coordinating assistance provided under EMAC with other efforts at the federal level did not have accurate information. In addition, there are no mechanisms in place to ensure that data electronically cataloged by the EMAC network are complete or accurate; of the 57 events for which the EMAC process was activated since 1995, the EMAC network has incomplete information for 72 percent of these events. As a result, aggregate data used to report on activities conducted by the EMAC network may not accurately reflect the number of

deployments, personnel deployed, or estimated costs of resources deployed under EMAC.

Officials from assisting states also expressed frustration at not knowing whether their offers for assistance had been accepted or rejected. For example, after responding to a broadcast message to EMAC members for assistance in responding to Hurricane Katrina, emergency management officials from two states said that they sometimes had to wait several days before finding out whether their offers to assist were ultimately accepted. During this period, both states continued to ready their resources for deployment although it had turned out that their offers to assist were not selected by the requesting state. Because these officials were not informed in a timely manner that they were not selected to provide assistance on these missions, they incurred additional, nonreimbursable costs. As a result, these officials stated that they were less likely to mobilize resources in advance of a finalized agreement—resulting in additional time to deploy once an agreement was reached. In addition, some state officials stated they were less likely to deploy resources under EMAC in the future as a result of this lack of communication.

Recognizing the need for a more coordinated data system, EMAC leadership has taken steps to link requests for assistance with its existing resource tracking system. EMAC leadership stated that by migrating part of the request process online, they hope to reduce steps and simplify the EMAC network's abilities to capture initial requests electronically. However, progress remains to be made in developing an integrated system that incorporates EMAC mission details into the existing resource tracking system.

Reimbursement Processes Are Not Designed for Large-Scale Deployments

The EMAC network developed a process for establishing basic standards and procedures for how states request and make reimbursements. While these standards and procedures worked sufficiently for smaller-scale deployments, shortcomings emerged when they were applied to larger-scale deployments in response to catastrophic disasters. These reimbursement delays caused some assisting states and localities to forgo or delay expenditures for equipment and other critical purchases. In some cases, these delays have caused states and localities to reconsider whether they would provide assistance through EMAC in the future. Following the 2005 Gulf Coast hurricanes, the EMAC network has taken steps to address some of the concerns associated with the reimbursement process and standards.

To facilitate reimbursement between states following a disaster, the EMAC network developed a process for establishing basic standards and procedures for how states request and award reimbursements. While EMAC leadership and state emergency managers stated that this process has worked reasonably well for smaller-scale deployments, EMAC members encountered significant challenges with it during the large-scale deployments in response to the Florida hurricanes of 2004 and the Gulf Coast hurricanes of 2005. For example, although EMAC standards in effect during these events required that disbursement of funds be made within 30 days after a mission ended, it took considerably longer to actually do so. Specifically, assisting states were not completely reimbursed until 10 months after the conclusion of their missions following the 2004 hurricanes, and according to the latest data from provided to us by Louisiana and Mississippi, 57 percent, or about $119 million, remains outstanding for missions completed in Mississippi and Louisiana following the 2005 Gulf Coast hurricanes.

One of the causes of these delays is the lack of awareness among EMAC members regarding recordkeeping requirements and how to process reimbursement packages. For example, while EMAC protocols state that the requesting state is obligated to reimburse assisting states for approved missions deployed under EMAC, assisting states must first file reimbursement packages with the requesting state documenting their expenses and providing supporting documentation. After the 2005 Gulf Coast hurricanes, the lack of awareness of this requirement on the part of several assisting states resulted in additional burdens for requesting states. In July 2006, Louisiana officials sent letters to 37 assisting states that had not yet submitted reimbursement packages with the state—11 months after Hurricane Katrina. In addition, assisting states were not always fully aware of the documentation required to support deployment activities. For example, officials from one state told us that they were not aware that under EMAC protocols they were expected to complete a predeployment inventory of all equipment and personnel taken into the impacted area. As a result, these officials encountered reimbursement challenges because the state could not document equipment lost during its response to the 2005 Gulf Coast hurricanes.

Reimbursement was further complicated by the lack of consistent understanding as to what is considered reasonably reimbursable according to criteria outlined in the *EMAC Operations Manual*. While EMAC protocols detailing reimbursement guidelines did identify a number of broad eligible costs—personnel costs, travel costs, equipment costs, contractual costs, commodities, and other expenses—they did not provide

any standards for how states were to determine what types of costs under these broad categories were considered reasonable.

The delays in reimbursing assisting state and local agencies in turn delayed or eliminated planned expenditures to cover budgetary shortfalls. For example, officials with the Virginia State Police told us that delays in receiving reimbursement for $1.8 million in assistance they provided in response to the 2005 Gulf Coast hurricanes forced them to delay or cancel the maintenance and purchase of critical equipment and supplies, such as ammunition, uniforms, and office supplies. Additionally, state and local officials told us that these reimbursement delays have caused them to reconsider the level of assistance they would be willing to provide through EMAC in the future.

Following the 2005 hurricane season, the EMAC network has taken steps to address some of these reimbursement concerns. For example, the EMAC network recently updated the *EMAC Operations Manual* to incorporate additional specificity on the types of costs eligible and not eligible for reimbursement. The manual also contains new flexibilities, including the elimination of the 30-day reimbursement requirement and the option for an assisting state to delay paying actual service providers, such as state agencies and local governments, until it first receives funds to cover these expenses from the requesting state.

Lack of Federal Guidance Delayed Some State-to-State Reimbursements under EMAC

Although EMAC is an agreement between states, the involvement of the federal government following presidentially declared disasters can affect state-to-state reimbursements. Under EMAC, requesting states are obligated to reimburse assisting states for missions performed under the compact. However, catastrophic disasters can overwhelm the resources of an impacted state, requiring it to seek financial assistance. While the EMAC reimbursement process is intended to be independent of any efforts by a requesting state to seek federal assistance, the federal government, through FEMA, can offer funding for eligible response efforts following a presidentially declared disaster. In such circumstances, a requesting state works with FEMA to obtain financial assistance for eligible missions. Once it receives this assistance, a requesting state can then reimburse assisting states for missions performed under EMAC.

Shortly after a presidentially declared disaster occurs, impacted states can work with FEMA to seek financial assistance while response and recovery efforts are under way to help cover anticipated costs. In 2004, in an effort to expedite the reimbursement of localities that responded to the 2004 Florida hurricanes, FEMA developed a process for impacted states to

request and receive advance funding based on disaster estimates included in an expedited project worksheet. Unlike standard project worksheets, expedited project worksheets require less specificity as to how funding should be spent, so long as the expedited project worksheets are reconciled against actual, authorized spending at a later point. These funds could be used to reimburse assisting states for responses provided under EMAC or cover other anticipated costs. According to a senior FEMA official for the Public Assistance Program, guidance on how to seek expedited project worksheets does not exist. In 2005, neither Louisiana officials nor Mississippi officials were aware that such payments existed. According to Louisiana officials, FEMA officials suggested that they obtain advance funding of $70 million to alleviate response and recovery costs—including assistance provided under EMAC. These officials added that this advanced funding enabled them to reimburse assisting states in the amount of almost $25 million, or slightly more than half of all reimbursements Louisiana provided to assisting states for missions conducted under EMAC in response to Hurricane Katrina. In contrast, Mississippi officials stated that they were not aware that expedited project worksheets could be used to cover eligible EMAC-related costs. Accordingly, they did not pursue the same opportunity, and as a result, Mississippi has only been able to pay 38 percent of the $113 million for missions provided under EMAC.

Deployment of National Guard Troops under Two Different Authorities Resulted in Delays in Reimbursement and Additional Administrative Burdens

During Hurricane Katrina, National Guard troops provided assistance in their State Active Duty status as well as in Title 32 status, and the EMAC process was used for the deployment of National Guard resources. When units operate in State Active Duty status, they are under the command and control of the assisting state's governor and missions are funded by the state. When units are in Title 32 status, units remain under the command and control of the governor and continue to deploy under EMAC, but their missions are federally funded. Under EMAC, the governor of the assisting state delegates operational control to the emergency services authorities of the state receiving assistance. If deemed appropriate, the Secretary of Defense can approve federal funding of National Guard troops under Title 32.

The first National Guard units that responded after Hurricane Katrina deployed under State Active Duty status. Then, on September 7, 2005—9 days after Hurricane Katrina made landfall in Louisiana—the Deputy Secretary of Defense authorized the use of DOD funding for National

Guard troops through Title 32, retroactive to August 29, 2005; all but two states elected to do so.[22]

While both requesting and assisting states were faced with administrative burdens and costs as they transitioned from State Active Duty status to Title 32 status, National Guard units deployed in State Active Duty status had more administrative requirements than those deployed in Title 32 status. Units that remained in State Active Duty status were required by EMAC procedures and their state emergency operations plans or other guidance to maintain cost-supporting documentation throughout their deployment, which was later used for reimbursement purposes. Following the disaster, states that deployed National Guard units in State Active Duty status submitted this documentation to the requesting state to obtain reimbursement, negotiating the final amount of the reimbursement with the requesting state. The requesting state, in turn, sought federal reimbursement through the Public Assistance Program at FEMA.

In contrast, states that deployed their units under EMAC in Title 32 status were not required to seek reimbursement from the requesting state directly, but were reimbursed by DOD. In Title 32 status, expenses are directly tracked against a funding-site code assigned by DOD, which enables direct payroll payment. Also, a record of equipment and maintenance costs is kept for reimbursement through charges against the funding-site code.

Use of Title 32 status in response to Hurricane Katrina reduced the administrative burdens on both the requesting and the assisting states, eliminated the need for requesting states to fund National Guard assistance from outside their states, and reduced the time assisting states had to wait to be reimbursed. Iowa's and South Carolina's experience during the 2005 Gulf Coast hurricanes illustrates the difference between keeping a responding state's National Guard units in State Active Duty status and switching to Title 32 status. For those units deployed in State Active Duty status, Iowa was required to follow standard EMAC processes for seeking reimbursement as opposed to being directly reimbursed for missions performed in Title 32 status. It took until October 2006 for Iowa to be reimbursed for a water purification unit that Iowa's National Guard sent to Mississippi while in State Active Duty status in September 2005—9

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[22]The two states that elected to continue to deploy in State Active Duty status after Title 32 status was made available were Delaware and Iowa.

months from the time the mission was completed. South Carolina National Guard troops performed a similar mission in Title 32 status, and the state was reimbursed within a month.

In addition, switching from State Active Duty status to Title 32 status has associated administrative costs. For example, one state recorded an estimated $87,000 in administrative costs for National Guard personnel and material expenses for making such a switch. Some of these costs were derived from rescinding State Active Duty orders; backing out of state payroll systems; performing audits to ensure that all data were adjusted appropriately; correcting faults discovered; compiling, reviewing, and transmitting troop personnel information for state processing; publishing Title 32 status orders; and estimating payroll expenses and equipment use costs.

Following Hurricane Katrina, many reviews of lessons learned focused on the failure of the federal government to implement the Catastrophic Incident Annex and Supplement of the NRP, which could have rapidly provided critical resources to assist and augment state and local response efforts. However, even if the Catastrophic Incident Supplement had been implemented, the decision to authorize the use of Title 32 might not have come any sooner, because the supplement's execution schedule does not specify a time at which DOD should consider whether it is appropriate to authorize the use of Title 32 funding for National Guard response efforts during an incident.[23]

States Can Enhance Their Ability to Identify and Request Assistance under EMAC

Some states have developed practices that may provide models or insights to other members to enhance their ability to leverage resources under EMAC—including legislation and planning efforts—providing additional benefits that would not be otherwise available. We have previously reported that organizations that effectively collaborate look for opportunities to address resource needs by leveraging each others' resources, obtaining benefits that would not be available if they were working separately.[24] To this end, states have found ways to leverage

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[23]As we have previously reported, the Catastrophic Incident Supplement lists very few specific tasks that DOD should perform during a catastrophe. For more information, see GAO, *Hurricane Katrina: Better Plans and Exercises Needed to Guide the Military's Response to Catastrophic Natural Disasters*, GAO-06-643 (Washington, D.C.: May 15, 2006).
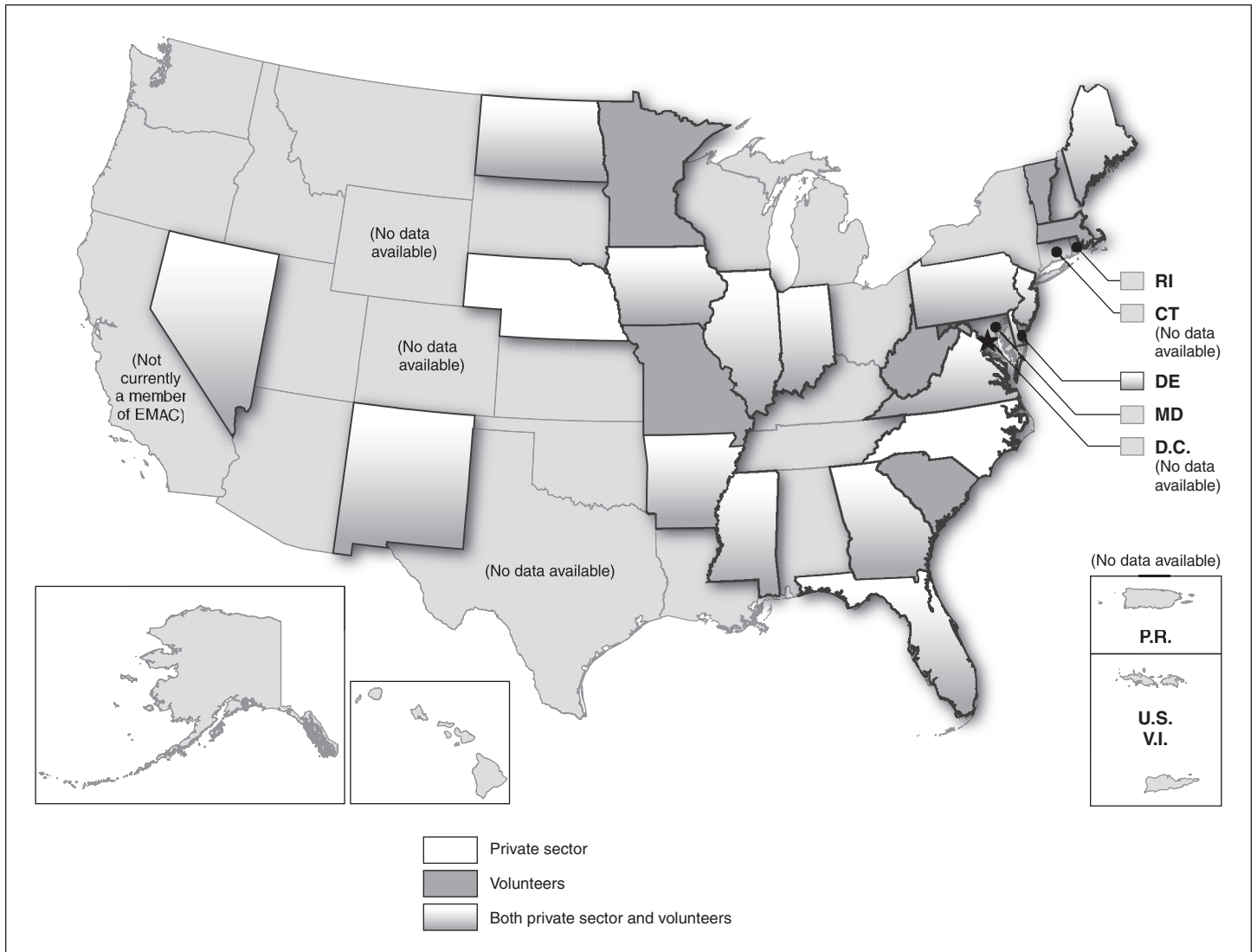
[24]GAO-06-15.

resources, including: (1) substantially broadening the resource pool from which they can draw through intrastate mutual aid and other similar agreements and (2) proactively considering how resources deployed under EMAC might be able to fill in-state resource gaps. At the same time, states have identified other scenarios where they will not likely be able to turn to the EMAC network for assistance, such as an influenza pandemic.

The Use of Intrastate Mutual Aid and Similar Agreements Can Broaden the Available Resources Deployed under EMAC

In addition to seeking and providing state-level resources deployed under EMAC, such as the National Guard, states are able to supplement these state-level resources with local and county resources through intrastate mutual aid and similar agreements. Intrastate mutual aid agreements create a system for mutual aid between participating state counties, parishes, or other political subdivisions in the prevention of, response to, and recovery from any disaster that results in a formal state of emergency. Firefighting, police, and medical personnel and equipment are examples of emergency response assets that can be leveraged within a state using such agreements. Through intrastate mutual aid, the types and volume of resources available under EMAC are substantially greater than those resources available solely at the state level. For example, in response to Hurricane Katrina in 2005, Illinois, New York, and Texas were able to deploy 1,663 local fire and hazardous materials response personnel and supporting equipment to Louisiana under EMAC—something that would likely not have been possible without these types of mutual aid.

Thirty-eight states have intrastate mutual or similar agreements in place that enable states to leverage local resources under EMAC. However, only 16 EMAC members have instituted intrastate mutual aid agreements that can also leverage private sector resources and 22 can deploy volunteer resources. For example, Indiana's intrastate mutual aid agreement includes a provision to call on state and private sector health professionals throughout the state. When this provision is applied, as in response to Hurricane Katrina deployment to Mississippi, through the Indiana Governor's Executive Order, the private sector personnel become temporary employees of the state's Department of Homeland Security. In this status, they are eligible to be deployed as a state asset under EMAC with all rights and licensing recognition afforded permanent state employees under that compact. Figure 6 shows which states are able to deploy private sector resources, volunteer resources, or both.

Figure 6: EMAC Members' Ability to Deploy Private Sector and Volunteer Assets through EMAC

(No data available)

(No data available)

(Not currently a member of EMAC)

(No data available)

(No data available)

RI

CT
(No data available)

DE

MD

D.C.
(No data available)

(No data available)

P.R.

U.S. V.I.

Private sector

Volunteers

Both private sector and volunteers

Sources: National Emergency Management Association data and Map Resources (map).

Some States Engage in Advanced Planning on How EMAC Can Fill Resource Gaps

Some states have begun to plan for how interstate resources deployed under EMAC can supplement in-state resources, thereby improving their ability to respond to a disaster more quickly and effectively. For example, the Florida National Guard has a standing Memorandum of Understanding with North Carolina for the use of C-130 aircraft for medical evacuation of patients from the Florida Keys if required during a disaster. By having this

agreement in place, Florida is able to bypass the need to solicit assistance across the EMAC network and reduce the time it would otherwise take to negotiate mission details.

Other states have also developed prescripted EMAC missions to fill in-state resource gaps. Louisiana, learning from its experiences during the 2005 Gulf Coast hurricanes, has been working with neighboring states to identify resources that can fill gaps identified through in-state planning efforts. For example, according to Louisiana National Guard officials, they have developed agreements to request security personnel from Arkansas and commodity distribution support from Oklahoma. These agreements include such details as: (1) mission description, (2) number of personnel required, (3) approximate length of deployment, (4) arrival location, (5) support/equipment requirements, (6) self-sustaining period (7) lodging arrangements, and (8) on-site point of contact information.

In addition, as states are more likely to turn to EMAC to fill in-state resource gaps caused by competing deployments related to national missions, such as missions in Iraq and Afghanistan, NGB is beginning to encourage the prescripting of National Guard assets for emergency response missions across several states. For example, officials from the Florida and South Carolina National Guards told us that deployments in support of Operation Enduring Freedom, Operation Iraqi Freedom, and Operation Jump Start have reduced their availability of in-state emergency assets required for responding to disasters.[25] These officials, citing similar and pending deployments that may diminish their emergency response capacity, stated that they expect an increased reliance on interstate assistance provided under EMAC as a result of such deployments.

While some states have identified situations where they will use EMAC to supplement in-state resources, others have identified scenarios where they were unlikely to do so. For example, EMAC leadership and emergency managers from several states we spoke with cited three reasons why they believe EMAC would not work well for an influenza pandemic. First, the officials stated that they would be reluctant to send personnel into a contaminated area. Second, the officials expressed their concern that resources would not be available should the pandemic spread to their

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[25]Operation Enduring Freedom includes ongoing operations in Afghanistan and in certain other countries; Operation Iraqi Freedom includes ongoing operations in Iraq; Operation Jump Start includes ongoing operations on the southern border of the United States.

respective states. Third, since EMAC member states are not required to provide assistance under EMAC and states cannot compel emergency response personnel to participate in any disaster response, these officials believe that emergency personnel would be reluctant to volunteer to respond to a pandemic event in another state.

EMAC Network Has Developed a Basic Administrative Capacity, but Opportunities Exist to Further Support Its Mission

The EMAC network has begun to develop a basic administrative capacity to support its operations; however, improvements in how it plans, tracks, and reports on its performance, along with a consistent source of funding, would help the network achieve its mission. Although the EMAC network has adopted several good management practices, such as using a structured approach to learn from past deployments and developing a 5-year strategic plan, opportunities exist to further enhance these efforts by considering the experience of leading organizations in results-oriented performance measurement. In addition, the EMAC network and FEMA entered into a cooperative agreement that provided some federal funding to help build the EMAC network's administrative capacity, but this agreement has recently expired. The EMAC network's ability to provide the adequate human capital, information technology, and other infrastructure required to support the collaborative efforts is likely to be affected by this loss of funds.

EMAC Network Has Recently Begun to Develop a Basic Administrative Capacity to Support the Collaborative Effort

The EMAC network has recently taken steps to develop a basic administrative capacity to support the sharing of resources between member states. Prior to 2003, the EMAC network's administrative capacity—that is, its ability to provide adequate human capital, financial resources, and information technology to support its operations—was very limited and was confined to situations when the EMAC process was activated in response to a disaster. Under such conditions, emergency managers from states whose members were serving in EMAC senior leadership posts would temporarily take on the responsibility of facilitating requests for assistance between member states, processing paperwork, and answering questions. There was no dedicated administrative support available to support routine activities, such as training, or to maintain regular coordination between the EMAC network and key federal players.

In 2003, the EMAC network, working through NEMA, entered into a cooperative agreement with FEMA that enabled it to hire a full-time staff member to serve as EMAC Coordinator. Among other things, this individual was tasked with supporting the development of training for

responders deploying under EMAC and creating an information technology system that would capture mission-level information for each disaster for which EMAC was activated. In addition, these funds were used to support other capacity-building activities, including the holding of after-action reviews to capture lessons learned as well as the development of the EMAC network's first strategic plan and operations manual.

EMAC Has Some Planning Mechanisms in Place but Would Benefit from More Specific Objectives and Appropriate Performance Measures

Over the last several years, EMAC leadership has taken steps to adopt a more systematic and rigorous approach to learning from its past experiences and planning for the future. These include using after-action reports following major events to identify ways in which the operation of the network might be improved and developing a strategic plan to help ensure that the activities and limited resources of the EMAC network are contributing to achieve its mission. We have previously reported that a structured, deliberate approach toward planning that includes long-term goals clearly linked to specific objectives and appropriate performance measures can provide a useful tool in helping organizations achieve their missions.[26]

In 2004 and 2005, the EMAC network conducted the first two of what it expects to be a series of after-action reviews to analyze its performance and identify areas where it performed well and issues needing improvement. As part of this process, the EMAC network contracted with an outside firm to conduct focus groups of operations and management personnel who either facilitated requests for assistance on behalf of EMAC member states or first responders who responded to requests for assistance. Federal officials from FEMA and NGB also participated in these sessions. In addition, the outside firm analyzed data from EMAC databases that cataloged requests for assistance and validated its research with EMAC leadership. Information from these reports was widely disseminated among EMAC members and also provided the foundation for several objectives and tasks contained in the *EMAC Strategic Plan.*

In 2005, EMAC developed its first 5-year strategic plan to more clearly identify goals and objectives that would assist it in achieving its mission of "facilitating the efficient and effective sharing of resources between member states during times of disaster or emergency." The plan, which

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[26]GAO, *Executive Guide: Effectively Implementing the Government Performance and Results Act*, GAO/GGD-96-118 (Washington, D.C.: June, 1996).

was updated in 2006, identifies four broad goals: (1) provide leadership on mutual aid issues, (2) sustain and enhance mutual aid capabilities, (3) promote mutual aid and strengthen relationships, and (4) align EMAC capabilities with nationwide preparedness and response priorities. Under each of these goals is a series of supporting objectives and still more specific tasks.

This plan represents a significant and positive first step; however, there are several areas where future efforts could be improved, particularly in the way the plan measures and reports on performance. We have previously reported on several key characteristics of effective plans, including performance measures.[27] Performance plans that include precise and measurable objectives for resolving mission-critical management problems are important to ensuring that organizations have the capacity to achieve results-oriented programmatic goals. Appropriate performance measures, along with accompanying targets, are important tools to enable internal and external stakeholders to effectively track the progress the organization is making toward achieving its goals and objectives. To this end, organizations may use a variety of performance measures—output, efficiency, customer service, quality, and outcome—each of which focuses on a different aspect of performance.

The EMAC leadership stated that they have informal mechanisms that assess targets for achieving objectives, such as regular status meetings. However, they do not have a formal implementation or action plan that operationalizes the goals and objectives outlined in the strategic plan. In the absence of such a plan, EMAC's current strategic plan contains no quantifiable measures or targets for its many goals and objectives. For example, EMAC's strategic plan calls for the development of a comprehensive training program, listing seven key tasks including evaluating training needs and developing training modules. However, the plan does not provide milestones for these activities or any performance measures for assessing whether these activities are in fact having their intended impact.

The lack of clear and formal performance measures is compounded by the regular rotation of senior leadership within the EMAC network. As we have previously reported, sustained focus and direction from top

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[27]GAO, *Managing for Results: Enhancing Agency Use of Performance Information for Management Decision Making*, GAO-05-927 (Washington, D.C.: Sept. 9, 2005).

management is a key component of effective management.[28] Management control requires that organizations consider the effect upon their operations if key leadership is expected to leave and then establish criteria for a retention or mitigation strategy. Each year, the Chair of the Executive Task Force, responsible for the day-to-day management of EMAC, changes. EMAC has reduced some of the challenges that may be associated with such regular transitions by requiring that each new chair of the Executive Task Force first serve in an observational role for 1 year before becoming the chair and then serve as a mentor to the incoming chair following a 1-year term. However, because the leadership changes annually and there are no formal performance measures to determine whether goals and objectives are being achieved, it may be difficult to clearly assess whether the EMAC network is operating effectively and efficiently. To alleviate potential challenges that may arise by the annual rotation of its leadership, the EMAC network has recently begun transitioning more management responsibilities to NEMA.

A Lack of Funding May Affect the EMAC Network's Ability to Build and Sustain the Collaborative Effort

Since its inception, the EMAC network has received disparate funding to sustain its administrative capacity. From 2000 through 2002, the EMAC network received minimal financial support from its members through voluntary annual contributions of approximately $1,000 per member. In 2003, FEMA and the EMAC network entered into a 3-year, $2 million cooperative agreement to fund EMAC operations through May 31, 2007.[29] This cooperative agreement enabled the EMAC network to develop an electronic system to collect, manage, and analyze the EMAC process; coordinate with FEMA on efforts to develop standard resource deployment packages; improve EMAC training initiatives; and hire one staff member to coordinate EMAC network operations.

In October 2006, Congress for the first time specifically authorized FEMA to obligate up to $4 million in grants in fiscal year 2008 to support EMAC operations and coordination activities.[30] In May 2007, Congress appropriated $2.5 million to FEMA for interstate mutual aid agreements,[31]

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[28]GAO, *Managing for Results: Next Steps to Improve the Federal Government's Management and Performance*, GAO-02-439T (Washington, D.C.: Feb. 15, 2002).

[29]The agreement was expected to expire on January 31, 2006, but FEMA extended the cooperative agreement to May 31, 2007.

[30]Pub L. No. 109-295, title VI, §661, 120 Stat. 1335, 1432-33 (Oct. 4, 2006).

[31]Pub L. No. 110-28, title III, ch.5, 121 Stat. 112, 142 (May 25, 2007).

and according to FEMA officials, FEMA and EMAC leadership are in the process of finalizing a 3-year cooperative agreement to improve the use and awareness of resource typing among its members, and develop training programs to improve awareness of EMAC at the federal, state, and local levels. Present and past EMAC leadership stated that if the EMAC network does not receive additional funding to support operations, efforts to build and sustain the administrative capacity will have to be scaled back. Specifically, they stated that the EMAC network will lose day-to-day administrative support, there will be no resources to maintain the electronic systems that facilitate requests under EMAC or the EMAC Web site, training initiatives organized and led by EMAC leadership will be suspended, and coordination between the EMAC network and key federal players will be curtailed.

Conclusions

EMAC's success relies on effective collaboration among its members. The compact provides a broad and flexible framework that enables its members to overcome differences in missions, organizational cultures, and established ways of doing business in order to achieve a common mission. The EMAC network has built upon this framework, establishing roles and responsibilities and developing standards and systems in some key areas. At the same time, we found that opportunities exist for the EMAC network—as well as individual members—to make improvements in several areas, such as (1) developing member roles and responsibilities regarding how first responders are received and integrated into impacted areas; (2) continuing to develop electronic systems that enable the EMAC network to track resources, from request through mission completion; (3) continuing to improve understanding of reimbursement guidelines and standards among member states, especially following large-scale deployments; (4) promoting good practices across the EMAC network that improve members' abilities to leverage resources; and (5) enhancing the EMAC network's strategic and management planning efforts by considering more robust performance measures.

In addition to helping states assist one another, EMAC has shown that it plays a critical role in our nation's disaster response. However, there will be times when the EMAC network will be strained, and our nation's next large-scale disaster will likely produce similar challenges to those encountered following the 2005 Gulf Coast hurricanes. With this in mind, opportunities exist at the federal level to help alleviate these challenges. One way to improve the nation's overall capacity to respond to disasters is to build the EMAC network's administrative capacity through mechanisms such as cooperative agreements, grants, or training initiatives. In doing so,

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planning and coordination within the EMAC network can be enhanced—key elements required for developing the capacities needed to respond to disasters.

Valuable opportunities also exist to reflect on lessons learned to alleviate financial and administrative burdens placed on both the assisting and requesting states in response to catastrophes. Opportunities exist to reduce confusion among states with regard to seeking and obtaining advance funding through expedited project worksheets to facilitate timely reimbursements under EMAC. Additionally, early consideration of whether it would be appropriate to authorize the use of Title 32 status for National Guard units responding to catastrophic incidents could decrease the administrative and financial burdens states endure when switching between State Active Duty status and Title 32 status.

Recommendations for Executive Action

We are making the following three recommendations:

To further enhance the administrative capacity required to support the EMAC network, we recommend that the Secretary of Homeland Security direct the Administrator of FEMA to look for ways to build the administrative capacity required to support the EMAC network, such as cooperative agreements, grants, and training initiatives.

In situations involving catastrophic disasters that require significant assistance from several states and in turn increase the financial and administrative burdens on EMAC members:

- We recommend that the Secretary of Homeland Security develop guidance for impacted states to efficiently seek and obtain advance funding through expedited project worksheets to facilitate more expedited reimbursement for those states providing assistance through EMAC to impacted areas.
- We recommend that the Secretaries of Defense and Homeland Security work together to amend the NRP's Catastrophic Incident Supplement Execution Schedule to include early consideration of the use of Title 32 in situations where the Secretary of Defense deems it appropriate.

Agency Comments and Our Evaluation

We provided a draft of this report to the Secretary of Homeland Security and the Secretary of Defense for comment. The Director of FEMA's Office of Policy and Program Analysis provided oral comments, concurring with all of our recommendations. FEMA also provided technical comments that were incorporated as appropriate. The Department of Defense did not

concur with the recommendation that calls for an expedited consideration of whether to offer Title 32 following catastrophic disasters requiring significant assistance from several states. DOD's response is reprinted in appendix II.

In written comments on a draft of this report, the Assistant Secretary of Defense for Reserve Affairs did not concur with our recommendation that the Secretary of Defense work with the Secretary of Homeland Security to amend the National Response Plan's Catastrophic Incident Supplement Execution Schedule to include early consideration of the use of Title 32 in situations where the Secretary of Defense deems it appropriate. The Department stated that use of National Guard forces in Title 32 status is an inherent DOD function and, in accordance with Homeland Security Presidential Directive-5, outside the purview of the Secretary of Homeland Security.

We agree that the use of National Guard forces in Title 32 status is an inherent DOD function, and our recommendation recognizes the authority of the Secretary of Defense to determine when use of that authority is appropriate. While making clear that the directive in no way impairs or affects the authority of the Secretary of Defense over DOD, Homeland Security Presidential Directive-5 also states that the Secretary of Defense and the Secretary of Homeland Security shall establish appropriate relationships and mechanisms for cooperation and coordination between their two departments. The Secretary of the Department of Homeland Security has responsibility for the National Response Plan, which already assigns responsibilities to DOD, as a cooperating agency, and changes to the plan must be coordinated through his department. Our reference to the Secretary of Homeland Security was simply to acknowledge DHS's coordinating role.

DOD also stated that amending the Catastrophic Incident Supplement Execution Schedule of the National Response Plan as we suggested "could be interpreted to imply that it is DOD policy to place National Guard forces into Title 32 status when in fact, the response to the event only requires National Guard in State Active Duty status." Our recommendation does not state that DOD should place National Guard forces into any particular status. The intent behind our recommendation is to create a mechanism that would trigger DOD's consideration of whether authorization of Title 32 status is appropriate in the earlier stages of an event, when the event has been designated as "catastrophic" under the National Response Plan. In our view, a decision point for consideration of Title 32 status does not imply that the decision should be made in favor of

or in opposition to authorizing Title 32. The Secretary of Defense may decide that it would not be appropriate to offer Title 32 status, and even if the Secretary did decide to offer Title 32, states would still be free to deploy their forces under State Active Duty status if they preferred. In addition, the Department of Defense would not be precluded from considering the issue again at a later time. However, a quicker decision from DOD concerning the appropriateness of Title 32 would, in circumstances where the authorization of Title 32 was deemed to be appropriate, allow states to deploy their National Guard forces under a single status rather than switching statuses in the midst of a catastrophe. This could enhance state responses because, as our report highlights, states face additional administrative burdens when they switch their National Guard forces from State Active Duty status to Title 32 status.

We also provided a draft of this report to the Chair of the EMAC Executive Task Force and to the Executive Director of NEMA. Relevant sections of the draft report were provided to state and local emergency offices whose experiences we reference. Technical suggestions from these groups have been incorporated as appropriate.

As agreed with your office, unless you publicly announce the contents of this report earlier, we plan no further distribution of it until 30 days from the date of this letter. We will then send copies of this report to interested congressional committees as well as the Secretaries of Defense and Homeland Security, members of the EMAC Executive Task Force, the Executive Director of the National Emergency Management Association, and state and local officials contacted for this report. We will also make this report available to others who are interested and make copies available to others who request them. In addition, this report will be available at no charge on the GAO Web site at http://www.gao.gov.

If you or your staff have any questions about this report, please contact Stanley J. Czerwinski at (202) 512-6806 or czerwinskis@gao.gov or Sharon L. Pickup at (202) 512-9619 or pickups@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix III.

Stanley J. Czerwinski
Director
Strategic Issues

Sharon L. Pickup
Director
Defense Capabilities Management

Appendix I: Scope and Methodology

To determine the extent to which the Emergency Management Assistance Compact's (EMAC) membership and its use have grown since its inception in 1995, we reviewed a number of disaster responses for which the EMAC process was activated based on the type, scale, and time frame of the event from information provided by EMAC officials. We also interviewed emergency management officials and analyzed sources that provided additional details for events for which the EMAC process was activated, including after-action reports. Our work was constrained by data limitations, since EMAC leadership maintained data only sporadically prior to 2005, and data capturing deployments under EMAC for disasters since 2005 were incomplete or inconsistent. To assess the reliability of the deployment data, we reviewed additional documents and conducted additional interviews with local, state, and federal emergency management officials for selected events captured by the database. In cases where the data were inaccurate, we supplemented them with data from more reliable sources. For example, in determining the number of civilian and military personnel deployed through EMAC for the September 11, 2001 terrorist attack on New York and the 2004 Florida hurricanes, we obtained additional data from New York and Florida officials. In addition, in determining the number of out-of-state personnel deployed on September 10, 2005, in response to Hurricane Katrina, we worked with the Department of Defense (DOD) to obtain more accurate data regarding National Guard and active component, military deployment figures. We also attended conferences that addressed interstate compacts and EMAC, and we conducted literature and legal reviews of mutual assistance compact structures and governance.

To determine the degree to which existing policies, procedures, and practices facilitate successful collaboration among EMAC members and between the EMAC network and federal agencies, we interviewed various local, state, and federal emergency management officials and analyzed the procedures and practices they used during their response. We focused on the 2005 Gulf Coast hurricanes emergency response since it presented the largest use of the EMAC process to date, with approximately 66,000 civilian and National Guard responders deployed across several disciplines. In addition, we also selected a cross section of disasters for further analysis based on the type, scale, and timing of the disaster. To gain firsthand knowledge of EMAC procedures, we held a combination of in person and telephone interviews with some of the actual civilian and National Guard emergency responders to the 2004 Florida hurricanes and the 2005 Gulf Coast hurricanes. In addition, we applied criteria for practices GAO previously developed to assess collaboration among EMAC

members and between the EMAC network and key federal officials. [1] We used the first six of these eight practices for this report:

- defining and articulating a common outcome;
- establishing mutually reinforcing or joint strategies;
- identifying and addressing needs by leveraging resources;
- agreeing on roles and responsibilities;
- establishing compatible policies, procedures, and other means to operate across agency boundaries;
- developing mechanisms to monitor, evaluate, and report on results;
- reinforcing agency accountability for collaboration efforts through agency plans and reports; and
- reinforcing individual accountability for collaborative efforts through performance management systems.

We did not use the last two practices because they were beyond the scope of this review, and the sixth practice is discussed in our assessment of the EMAC network's administrative capacity. We then selected examples that illustrated and supported the need for improvement in specific areas where the key practices could be used. We also spoke with individuals who were responsible for various roles during these disasters such as resource identification and requests, coordination, and reimbursement. These discussions were held with officials from the following offices and commands.

Local Officials

- Arlington County Office of Emergency Management, Arlington, Virginia
- Hancock County Emergency Management Agency, Louis, Mississippi
- Harrison County Emergency Management and Homeland Security Agency, Gulfport, Mississippi
- Henrico County Manager, Richmond, Virginia
- Maryland Emergency Management Agency, Charles County, Maryland
- Maryland Emergency Management Agency, Kent County, Maryland
- New Orleans Fire Department, New Orleans, Louisiana
- New York City Fire Department, Brooklyn, New York

State Officials

- California Department of Emergency Management, Sacramento, California
- California Highway Patrol, Sacramento, California
- California Incident Management Team, Sacramento, California
- Colorado Department of Local Affairs – Division of Emergency Management, Denver, Colorado

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[1]GAO-06-15.

- Council of State Governments, Midwestern Region, Lombard, Illinois
- Delaware National Guard, Wilmington, Delaware
- Florida Department of Community Affairs/Division of Emergency Management, Tallahassee, Florida
- Florida National Guard, St. Augustine, Florida
- Georgia Homeland Security – Emergency Management Agency, Atlanta, Georgia
- Indiana State Department of Health, Indianapolis, Indiana
- Iowa Homeland Security and Emergency Management Division, Johnston, Iowa
- Iowa National Guard, Johnston, Iowa
- Louisiana Governor's Office of Homeland Security and Emergency Preparedness, Baton Rouge, Louisiana
- Louisiana National Guard, Pineville, Louisiana
- Mississippi Emergency Management Agency, Pearl, Mississippi
- Mississippi National Guard, Jackson, Mississippi
- Montana Department of Emergency Affairs/Disaster and Emergency Services Division, Helena, Montana
- National Emergency Management Association, Lexington, Kentucky
- New Mexico Department of Public Safety/New Mexico State Police, Santa Fe, New Mexico
- New York State Emergency Management Office, Albany, New York
- North Carolina Department of Crime Control and Public Safety, Raleigh, North Carolina
- North Carolina Regional Coordinating Team, Raleigh, North Carolina
- North Dakota Department of Emergency Services-Homeland Security Division, Bismarck, North Dakota
- Oregon National Guard, Salem, Oregon
- South Carolina National Guard, Columbia, South Carolina
- South Carolina Department of Emergency Management, West Columbia, South Carolina
- Texas Governor's Division of Emergency Management, Austin, Texas
- Virginia Division of Emergency Management, Richmond, Virginia
- Washington D.C. Emergency Management Agency, Washington, D.C.

Federal Officials

- Centers for Disease Control and Prevention, Atlanta, Georgia
- Department of Defense – Office of General Counsel, Arlington, Virginia
- Department of Defense – Inspector General, Arlington, Virginia
- Department of Homeland Security, Washington, D.C.
- Federal Emergency Management Agency – Public Assistance, Washington, D.C.
- National Guard Bureau, Arlington, Virginia
- National Guard Crisis Action Team (Army), Falls Church, Virginia
- National Guard Crisis Action Team (Air Force), Camp Springs, Maryland

Furthermore, we reviewed the EMAC process through which state and local assets are requested and activated. In addition, we looked at how the deployment status of National Guard support affected the timeliness of reimbursement.

To determine the extent to which the EMAC network has the administrative capacity to build and sustain the collaborative effort to achieve its mission, we interviewed a select number of former and current EMAC leaders as well as emergency management officials from EMAC member states. We also reviewed and analyzed the EMAC strategic planning documents and selected after-action reports. We performed similar reviews of state and federal after-action reports for 2004 through 2006. These discussions and reviews helped us gain an understanding of EMAC organizational structure and developmental and funding plans.

We conducted our review from June 2006 through June 2007 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

We provided drafts of relevant sections of this report to state and local emergency management officials whose experiences we reference and we incorporated their technical corrections as appropriate. In addition, we requested comments on a draft of this report from DOD and DHS, as well as the Chair the EMAC Executive Task Force and the Executive Director of NEMA. Comments from DOD are reprinted in appendix II. Their comments are addressed in the Agency Comments section of this report. The Department of Homeland Security provided oral comments, concurring with all of our recommendations.

Appendix II: Comments from the Department of Defense

ASSISTANT SECRETARY OF DEFENSE
1500 DEFENSE PENTAGON
WASHINGTON, DC 20301-1500

JUN 2 2 2007

RESERVE AFFAIRS

Ms. Sharon L. Pickup
Director, Defense Capabilities and Management
U. S. Government Accountability Office
441 G Street, N.W.
Washington, DC 20548

Dear Ms. Pickup:

Thank you for the opportunity to review the GAO draft report, GAO-07-854, "EMERGENCY MANAGEMENT ASSISTANCE COMPACT: Enhancing EMAC's Collaborative and Administrative Capacity Should Improve National Disaster Response," dated June 1, 2007 (GAO Code 450479).

The Department nonconcurs with the recommendation contained in this report. Our detailed comments are enclosed.

My point of contact is COL Eric Lindner at 703-693-4204.

Sincerely,

T.F. Hall

Enclosure:
As stated

GAO DRAFT REPORT - DATED JUNE 1, 2007
GAO CODE 450479/GAO-07-854

"EMERGENCY MANAGEMENT ASSISTANCE COMPACT: Enhancing EMAC's
Collaborative and Administrative Capacity Should Improve National Disaster Response"

DEPARTMENT OF DEFENSE COMMENTS
TO THE RECOMMENDATION

RECOMMENDATION: The GAO recommends that the Secretaries of Defense and
Homeland Security work together to amend the National Response Plan's (NRP) Catastrophic
Incident Supplement Execution Schedule to include early consideration of the use of Title 32 in
situations where the Secretary of Defense deems it appropriate.

DOD RESPONSE: Nonconcur. An established approval process for Governors to request the
use of Title 32 already exists. Incorporating this into the Catastrophic Incident Supplement
Execution Schedule could be interpreted to imply that it is DoD policy to place National Guard
forces into a Title 32 status when in fact, the response to the event only requires National
Guard in State Active Duty status. Use of National Guard forces in a Title 32 status is an
inherent DoD function and in accordance with Homeland Security Presidential Directive-5
outside the purview of the Secretary of Homeland Security.

Appendix III: GAO Contacts and Staff Acknowledgments

GAO Contacts

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Acknowledgments