

Federal Emergency and Major Disaster Declarations for the COVID-19 Pandemic

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In early 2020, the federal government began to express concerns over the global spread of Coronavirus Disease 2019 (COVID-19). In the months following, President Donald J. Trump and other executive officials issued dozens of emergency and major disaster declarations under at least four different statutory authorities:

1. On January 31, 2020, then-Secretary of Health and Human Services (HHS) Alex Azar declared a Public Health Emergency under the Public Health Service Act (PHSA) for the COVID-19 pandemic;
2. On March 13, 2020, President Trump issued Proclamation 9994 under the National Emergencies Act (NEA);
3. On the same day, President Trump also declared a nationwide emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) for the pandemic. President Trump later approved major disaster declaration requests under the Stafford Act for all 50 states, five territories, the District of Columbia, and the Seminole Tribe of Florida. President Joseph R. Biden Jr. would later go on to approve major disaster declaration requests from the Navajo Nation and the Poarch Band of Creek Indians; and
4. On March 16, 2020, then-Administrator of the U.S. Small Business Administration (SBA) Jovita Carranza began issuing disaster declarations under the Small Business Act, authorizing Economic Injury Disaster Loans to businesses suffering economic injury as a result of the pandemic.

These declarations remain in effect as of June 4, 2021.

This report summarizes the provisions, durations, and interrelationships of these four types of federal declarations issued for the COVID-19 pandemic. These declarations provide distinct authorities and forms of assistance deployed in the federal pandemic response.

This report focuses on authorities and assistance activated specifically by the federal declarations for the COVID-19 pandemic. It does not provide in-depth discussions of the statutory frameworks behind these emergency authorities, nor is it a catalogue of federal statutes, regulations, or policies contingent upon these types of declarations. Rather, it focuses on the key emergency declarations in effect for the COVID-19 pandemic response. Under these declarations, the Trump and Biden Administrations have accessed enhanced executive authorities, furnished assistance of many types, and taken other administrative actions to facilitate response and recovery. Many of these contingent authorities and actions will lapse when the declarations themselves lapse or are terminated.

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Introduction

On January 31, 2020, then-Secretary of Health and Human Services (HHS) Alex Azar declared a Public Health Emergency under Section 319 the Public Health Service Act (PHSA) for the Coronavirus Disease 2019 (COVID-19) pandemic.¹ On March 13, 2020, President Donald J. Trump simultaneously issued Proclamation 9994, which declared a national emergency pursuant to the National Emergencies Act (NEA),² and declared an emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) for the pandemic.³ Subsequently, the President approved major disaster declaration requests under the Stafford Act for all 50 states, five territories, the District of Columbia, and the Seminole Tribe of Florida.⁴ President Joseph R. Biden Jr. later approved major disaster declaration requests from the Navajo Nation, and the Poarch Band of Creek Indians for the COVID-19 pandemic. Additionally, on March 16, 2020, then-Administrator of the U.S. Small Business Administration (SBA) Jovita Carranza began issuing disaster declarations for SBA Economic Injury Disaster Loans (EIDL) authorized under the Small Business Act in response to states seeking assistance for small businesses.⁵

The issuance of multiple federal emergency declarations for COVID-19 has raised congressional interest in the authorities and duration of each declaration. This report summarizes the different declarations issued in response to the pandemic and tabulates the forms of assistance authorized pursuant to each declaration. This report does not discuss provisions activated by the declarations in six COVID-19 pandemic relief acts enacted in 2020 and 2021 that provided assistance to individuals, governments, and private organizations, among other measures.⁶ Many of the provisions in the pandemic relief acts referred to the federal declarations, including using them to define the duration of the assistance provided. Those provisions are beyond the current scope of this report. This report also does not discuss provisions external to the four emergency frameworks that may be activated by one or more declarations.

¹ PHSA, P.L. 78-410, as amended; 42 U.S.C. §§201-300mm-61; U.S. Department of Health and Human Services (HHS), “Public Health Emergency Declarations,” 2020: Determination that a Public Health Emergency Exists Nationwide as the Result of the 2019 Novel Coronavirus, January 31, 2020, <https://www.phe.gov/emergency/news/healthactions/phe/Pages/default.aspx>. The declaration was made retroactive to January 27, 2020, and has been renewed several times.

² NEA, P.L. 94-412, as amended; 50 U.S.C. §§1601 et seq.; the President of the United States of America, “Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak, Proclamation 9994 of March 13, 2020, 85 *Federal Register* 15337, March 18, 2020, <https://www.govinfo.gov/content/pkg/FR-2020-03-18/pdf/2020-05794.pdf>.

³ Stafford Act, P.L. 93-288, as amended; 42 U.S.C. §§5121 et seq.; Letter from Donald J. Trump, President of the United States, to Acting Secretary Wolf, Secretary Mnuchin, Secretary Azar, and Administrator Gaynor, March 13, 2020 (hereinafter President Trump, Letter on Stafford Act Emergency Declaration for COVID-19), <https://trumpwhitehouse.archives.gov/briefings-statements/letter-president-donald-j-trump-emergency-determination-stafford-act/>.

⁴ Specific presidential declarations of major disaster for novel coronavirus 2019 (COVID-19) are listed on the FEMA, “COVID-19 Disaster Declarations” webpage, available at <https://www.fema.gov/coronavirus/disaster-declarations>, and the FEMA “Disasters” webpage, available at <https://www.fema.gov/disasters>.

⁵ U.S. Small Business Administration, “Notice,” 85 *Federal Register* 20015, April 9, 2020.

⁶ Stafford Act Funeral Assistance is included in the report, as this assistance was included in amendments to Presidential Stafford Act declarations for the pandemic following authorization in two pandemic relief bills, as detailed below.

Terms

This report refers to authorities “activated” by a declaration to describe authorities that become available but are not necessarily invoked following one or more federal declarations of emergency or major disaster. For example, following the Stafford Act declarations of major disaster for COVID-19, the President may authorize various forms of assistance under Stafford Act Title IV. These authorities are “activated,” meaning that they are available for the President to invoke, rather than automatically invoked whenever the declaration is issued.

This report uses “triggered authorities” to refer to authorities automatically invoked pursuant to a federal declaration. For example, the declaration of a major disaster under the Stafford Act triggers the authorization of Small Business Economic Injury Disaster Loans (EIDLs) for certain entities, per the Small Business Act Section 7(b).

This report uses “contingent authorities” to refer to authorities external to the four identified emergency statutory frameworks that are activated or triggered by, or time-limited or otherwise related to, the declarations for COVID-19.

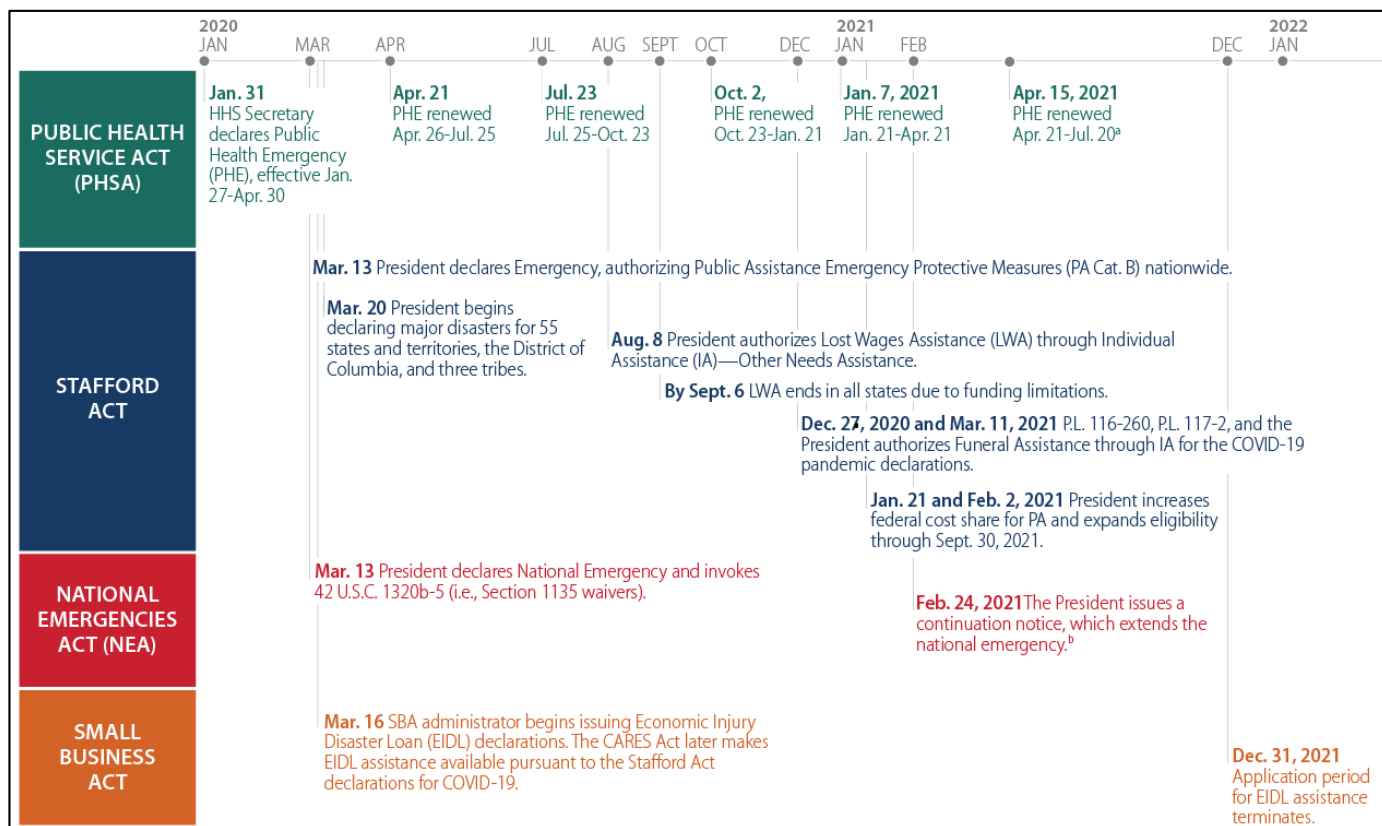
Federal Declarations for the COVID-19 Pandemic

Declarations of emergency authorized under the PHSA, the NEA, the Stafford Act, and the Small Business Act differ in scope, purpose, and procedure. This section briefly summarizes these different types of declarations, their terms, and their particular invocations for the COVID-19 pandemic.⁷ The timeline of declarations issued under the PHSA, the NEA, the Stafford Act, and the Small Business Act for the COVID-19 pandemic are delineated in **Figure 1**.

⁷ For an in-depth analysis of the legal frameworks behind the three types of emergency authorities and the additional authorities that may be made available after invocation, see CRS Report R46379, *Emergency Authorities Under the National Emergencies Act, Stafford Act, and Public Health Service Act*, coordinated by Jennifer K. Elsea.

Figure I. Chronology of Federal Declarations for the COVID-19 Pandemic

Under the Public Health Service Act, the Stafford Act, the National Emergencies Act, and the Small Business Act, as of June 1, 2021



Source: CRS interpretation of notices of declarations for COVID-19 under the PHSA, the Stafford Act, the NEA, and the Small Business Act.

a. In January 2021, the Acting HHS Secretary stated “we have determined that the PHE will likely remain in place for the entirety of 2021, and when a decision is made to terminate the declaration or let it expire, HHS will provide states with 60 days’ notice prior to termination.” Acting HHS Secretary Norris Cochran, Letter to Governors, January 22, 2021.

b. If the President does not issue a continuation notice within the 90-day period prior to the anniversary date of the emergency declaration (March 13, 2020), the national emergency is terminated. 50 U.S.C. §1622(d).

Declaration of a Public Health Emergency: PHS Section 319

In General

The HHS Secretary may declare a public health emergency (PHE) under PHS Section 319 in order to invoke the authorities necessary to respond to and mitigate the threat of a disease or disorder. This is the broadest public health emergency authority, often referred to by its section number, “319.”⁸ The HHS Secretary may declare there to be a PHE under this provision if he/she

determines, after consultation with such public health officials as may be necessary, that—
(1) a disease or disorder presents a public health emergency; or (2) a public health emergency, including significant outbreaks of infectious diseases or bioterrorist attacks, otherwise exists.⁹

A Section 319 PHE declaration expires after 90 days unless the Secretary earlier determines the emergency no longer exists and terminates the declaration. The declaration also may be renewed for additional 90-day periods (see **Table 1**).¹⁰

A Section 319 PHE declaration activates numerous authorities specified in the section, or elsewhere in law.¹¹ These include, at the Secretary’s discretion, authority to waive requirements that otherwise apply to specified HHS administrative and regulatory actions, and to HHS grantees, among others.

If a Section 319 PHE is in effect concurrent with a presidential declaration under either the Stafford Act or the NEA, additional waiver authorities become available to the Secretary under Section 1135 of the Social Security Act (SSA) (42 U.S.C. §1320b-5). These “1135 waiver” authorities allow the HHS Secretary and certain other federal officials to waive specified requirements under the SSA, including requirements imposed on health care facilities and providers that receive payments from (i.e., “participate in”) the Medicare and Medicaid programs.¹² The 1135 waiver authority grants the HHS Secretary broader discretion to waive program requirements than is available through a PHS Section 319 declaration alone.

For the COVID-19 Pandemic Response

In January 2020, the federal government began to express concern over the global outbreak of COVID-19. By late January, the HHS Secretary had invoked certain standing authorities to direct

⁸ The HHS Secretary may invoke several other authorities that also refer to a “public health emergency” declared by the Secretary or other federal official. These include, among others, authorities delegated to the Commissioner of the U.S. Food and Drug Administration (FDA) to expedite the availability of medical products (drugs, vaccines, etc.) for emergency response. See 21 U.S.C. §360bbb-3(b). References to a public health emergency declared by the HHS Secretary ideally cite the specific authority that is invoked.

⁹ 42 U.S.C. §247d(a).

¹⁰ 42 U.S.C. §247d(a). Section 319 emergencies declared in response to the 2009 H1N1 influenza pandemic and the 2016-2017 Zika virus outbreak were each renewed several times. HHS, “Public Health Emergency Declarations,” <https://www.phe.gov/emergency/news/healthactions/phe/Pages/default.aspx>.

¹¹ HHS, Assistant Secretary for Preparedness and Response (ASPR), “Legal Authorities of the Secretary,” <https://www.phe.gov/Preparedness/support/secauthority/Pages/default.aspx>; see also CRS Report R46379, *Emergency Authorities Under the National Emergencies Act, Stafford Act, and Public Health Service Act*, coordinated by Jennifer K. Elsea.

¹² CRS Legal Sidebar LSB10430, *Section 1135 Waivers and COVID-19: An Overview*, by Jennifer A. Staman. See also HHS, ASPR, “1135 waivers,” <https://www.phe.gov/Preparedness/legal/Pages/1135-waivers.aspx>.

existing funds to respond to the outbreak. On January 31, 2020, then-HHS Secretary Alex Azar declared the outbreak to be a public health emergency pursuant to PHS Section 319, retroactively dated to January 27, 2020.¹³

On March 13, 2020, then-HHS Secretary Azar invoked several 1135 waiver authorities retroactive to March 1. He cited as authority the concurrent declarations under PHS Section 319 and the presidential declaration under the NEA, also issued on March 13, 2020, to address the outbreak (which had by then been declared a pandemic).¹⁴ (See “Declaration of a National Emergency Under the NEA”).¹⁵

Duplicate Statutory Reference to the Section 319 PHE Declaration

The Coronavirus Preparedness and Response Supplemental Appropriations Act (P.L. 116-123, the first pandemic relief act, signed on March 4, 2020) amended SSA Section 1135 (42 U.S.C. §1320b-5). The law added certain telehealth services waiver authority and enabled this specific 1135 waiver authority based solely on the Section 319 PHE declaration for the COVID-19 pandemic, dispensing with the requirement for a concurrent presidential declaration in this circumstance.

In the process, the amendment established a *duplicate statutory reference in the SSA to the Section 319 PHE declaration for the COVID-19 pandemic*. Specifically, the P.L. 116-123 amended 42 U.S.C. §1320b-5(g) by adding the reference to the Section 319 PHE declaration for the COVID-19 pandemic as subparagraph 1320b-5(g)(1)(B). This and subsequent pandemic relief acts include provisions that refer to “42 U.S.C. 1320b-5(g)(1)(B)”; “subparagraph (B) of paragraph (1) of 1320b-5(g)”; or comparable construction, to establish a contingency (such as the duration of a benefit) for another authority (e.g., unemployment insurance, payments under the Medicare and Medicaid programs, and others). Of note, whether such a contingent provision for the COVID-19 pandemic refers to the Section 319 PHE declaration, or the definition of the incident at 42 U.S.C. 1320b-5(g)(1)(B), the effect is the same. The contingency relates to the Section 319 PHE declaration for the COVID-19 pandemic.

¹³ U.S. Department of Health and Human Services (HHS), “Determination That a Public Health Emergency Exists Nationwide as the Result of the 2019 Novel Coronavirus,” January 31, 2020, “Public Health Emergency Declarations,” <https://www.phe.gov/emergency/news/healthactions/phe/Pages/default.aspx>. The declaration has been renewed several times.

¹⁴ World Health Organization (WHO), “WHO Director-General’s Opening Remarks,” media briefing, March 11, 2020, <https://www.who.int/director-general/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19—11-march-2020>.

¹⁵ HHS, “Waiver or Modification of Requirements Under Section 1135 of the Social Security Act,” March 13, 2020, <https://www.phe.gov/emergency/news/healthactions/section1135/Pages/covid19-13March20.aspx>.

Table 1. Public Health Emergency Authorities for the COVID-19 Pandemic Response: A Snapshot

As of June 1, 2021

Citations	Summary	Declaration(s) for COVID-19 Pandemic	Duration
Public Health Service Act (PHSA) §319; 42 USC §247d	The HHS Secretary may declare there to be a public health emergency under this provision if he/she “determines, after consultation with such public health officials as may be necessary, that—(1) a disease or disorder presents a public health emergency; or (2) a public health emergency, including significant outbreaks of infectious diseases or bioterrorist attacks, otherwise exists....” Upon such declaration the HHS Secretary and certain other federal officials may waive certain requirements and take such other actions as are specified in PHSA §319 or elsewhere in law.	On January 31, 2020, then-HHS Secretary Alex Azar declared that the COVID-19 pandemic was a public health emergency, nationwide, as of January 27, 2020.	Each declaration remains in effect for 90 days unless terminated by the HHS Secretary. The HHS Secretary may renew the declaration for additional 90-day periods, as long as he/she determines that the emergency still exists. The declaration of a Public Health Emergency under the PHSA was renewed on April 21, July 23, and October 2, 2020, and January 7, and April 21, 2021.^a
Social Security Act (SSA) §1135; 42 USC §1320b-5	The “1135 waivers” allow the HHS Secretary and certain other federal officials to waive certain requirements “to ensure to the maximum extent feasible, in any emergency area and during an emergency period [as defined] “(1) that sufficient health care items and services are available to meet the needs of individuals in such area enrolled in the programs under [the Medicare, Medicaid, and CHIP programs]; and “(2) that health care providers [as defined...] that furnish such items and services in good faith, but that are unable to comply with one or more [specified] requirements..., may be reimbursed for such items and services and exempted from sanctions for such noncompliance, absent any determination of fraud or abuse.” The 1135 waiver authority grants the HHS Secretary broader discretion to waive program requirements than is available through a PHSA §319 declaration alone. The authority requires a dual declaration; namely, a PHSA §319 declaration (made by the HHS Secretary) and a presidential declaration under either the Stafford Act or the National Emergencies Act (NEA).	On March 13, 2020, following the President’s NEA declaration and the HHS Secretary’s earlier PHSA § 319 declaration, then-HHS Secretary Alex Azar announced waivers and modifications of Medicare, Medicaid, and CHIP program requirements, retroactive to March 1, to address the COVID-19 pandemic.^b Under the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (P.L. 116-123, enacted on March 4, 2020), Congress amended the 1135 waiver authority to provide for the use of certain newly added telehealth services waiver authority in the geographic area and during the emergency period stated in “(i) the public health emergency declared by the Secretary pursuant to section 247d of this title on January 31, 2020, entitled ‘Determination that a Public Health Emergency Exists Nationwide as the Result of the 2019 Novel Coronavirus’; and (ii) any renewal of such declaration pursuant....” As a result of this construction, 1135 waivers for telehealth	The 1135 waiver authority is in effect for the time period during which the secretarial and presidential declarations are in effect concurrently. Then-HHS Secretary Alex Azar announced 1135 waivers, citing as authority the concurrent declarations under PHSA §319 and the National Emergencies Act. The NEA declaration was made by the President on March 13, 2020, also retroactive to March 1.^c Under the amendments made by Coronavirus Preparedness and Response Supplemental Appropriations Act, 1135 waivers for certain telehealth services are enabled for the duration of the COVID-19 PHSA §319 declaration.

Citations	Summary	Declaration(s) for COVID-19 Pandemic	Duration
Other public health emergency authorities	The term “public health emergency” appears in several contexts in the U.S. Code. - Some uses of the term are within PHS § 319 itself or make explicit reference to that section.^d - Some provisions in law require official actions when it is determined that a “public health emergency” exists with respect to another specific purpose or hazard, distinct from the PHS § 319 authority. Examples include allowing the emergency use of a medical product (EUA),^e providing certain liability immunity related to designated medical “covered countermeasures,” or responding to a hazardous chemical exposure.^f - Some provisions simply use the term “public health emergency” to refer to a state of affairs without authorizing or requiring any particular action.	services are enabled for the duration of the COVID-19 PHS § 319 declaration alone. A concurrent presidential declaration under the NEA or Stafford Act is not required. On February 4, 2020, then-HHS Secretary Alex Azar determined that the COVID-19 pandemic was a public health emergency with significant potential to affect national security, justifying the authorization of emergency use (i.e., EUA) of certain drugs and biological products (including COVID-19 tests).^g Numerous products have since received EUA designations. On March 10, 2020, then-HHS Secretary Alex Azar determined that the COVID-19 pandemic presented a public health emergency for the purposes of providing certain liability immunity and injury compensation for losses relating to the administration or use of “Covered Countermeasures.” Per the announcement, “Covered Countermeasures are any antiviral, any other drug, any biologic, any diagnostic, any other device, or any vaccine, used to treat, diagnose, cure, prevent, or mitigate COVID-19, or the transmission of SARS-CoV-2 or a virus mutating therefrom, or any device used in the administration of any such product, and all components and constituent materials of any such product.”^h This action was taken pursuant to authorities in the Public Readiness and Emergency Preparedness Act (PREP Act).ⁱ	Variable.

Notes:

- HHS, “Public Health Emergency Declarations,” <https://www.phe.gov/emergency/news/healthactions/phe/Pages/default.aspx>.
- HHS, “Waiver or Modification of Requirements Under Section 1135 of the Social Security Act,” March 13, 2020, <https://www.phe.gov/emergency/news/healthactions/section1135/Pages/covid19-13March20.aspx>.
- CRS Insight IN11264, *Presidential Declarations of Emergency for COVID-19: NEA and Stafford Act*, by L. Elaine Halchin and Elizabeth M. Webster.

- d. These explicit references are found in Table 3 in CRS Report R46379, *Emergency Authorities Under the National Emergencies Act, Stafford Act, and Public Health Service Act*, coordinated by Jennifer K. Elsea.
- e. CRS In Focus IF10745, *Emergency Use Authorization and FDA's Related Authorities*, by Agata Bodie.
- f. CRS Report R41039, *Comprehensive Environmental Response, Compensation, and Liability Act: A Summary of Superfund Cleanup Authorities and Related Provisions of the Act*, by David M. Bearden.
- g. HHS, "Determination of Public Health Emergency," 85 *Federal Register* 7316, February 7, 2020. This determination, made pursuant to §564 of the Federal Food, Drug, and Cosmetic Act, is distinct from the Public Health Emergency declaration made pursuant to PHSA §319.
- h. HHS, "Declaration Under the Public Readiness and Emergency Preparedness Act for Medical Countermeasures Against COVID-19," 85 *Federal Register* 15198, March 17, 2020.
- i. CRS Legal Sidebar LSB10443, *The PREP Act and COVID-19: Limiting Liability for Medical Countermeasures*, by Kevin J. Hickey.

Declaration of a National Emergency Under the NEA

In General

Under the National Emergencies Act (NEA), the President may declare a national emergency.¹⁶ Upon issuing a declaration, or subsequently, he may invoke one or more emergency authorities, found in several different titles of the U.S. Code. These authorities allow the President or (in some cases) another government official to take action to respond to the emergency, such as exercising a specific authority, imposing a limitation, establishing an entity, or waiving or revising a requirement.¹⁷

Generally, although the initial duration of national emergencies has been one year,¹⁸ there is no established term. An emergency may be terminated at any time. Three options are available for terminating a national emergency (see **Table 2**).

- The President issues a proclamation terminating the emergency;¹⁹
- Congress passes and the President signs a joint resolution terminating the emergency;²⁰ or
- The President does not issue a continuation notice within 90 days prior to the anniversary date of the emergency declaration.²¹

If a President does issue a continuation notice within the prescribed 90-day time frame, then the emergency is extended for another year, unless earlier terminated.²²

¹⁶ 50 U.S.C. §§1601 et seq. The NEA does not contain a definition of *national emergency*. See CRS Report 98-505, *National Emergency Powers*, by L. Elaine Halchin, pp. 3-4, and CRS Legal Sidebar LSB10267, *Definition of National Emergency under the National Emergencies Act*, by Jennifer K. Elsea, for discussions of *emergency* and *national emergency*, respectively.

¹⁷ See CRS Report R46379, *Emergency Authorities Under the National Emergencies Act, Stafford Act, and Public Health Service Act*, coordinated by Jennifer K. Elsea, for a list of NEA emergency authorities relevant to the declaration of a national emergency related to the COVID-19 pandemic. The Brennan Center for Justice also has compiled a list of emergency authorities: A Guide to Emergency Powers and Their Use, at https://www.brennancenter.org/sites/default/files/legislation/Emergency%20Powers_Printv2.pdf.

¹⁸ See Table 3 in CRS Report 98-505, *National Emergency Powers*, by L. Elaine Halchin.

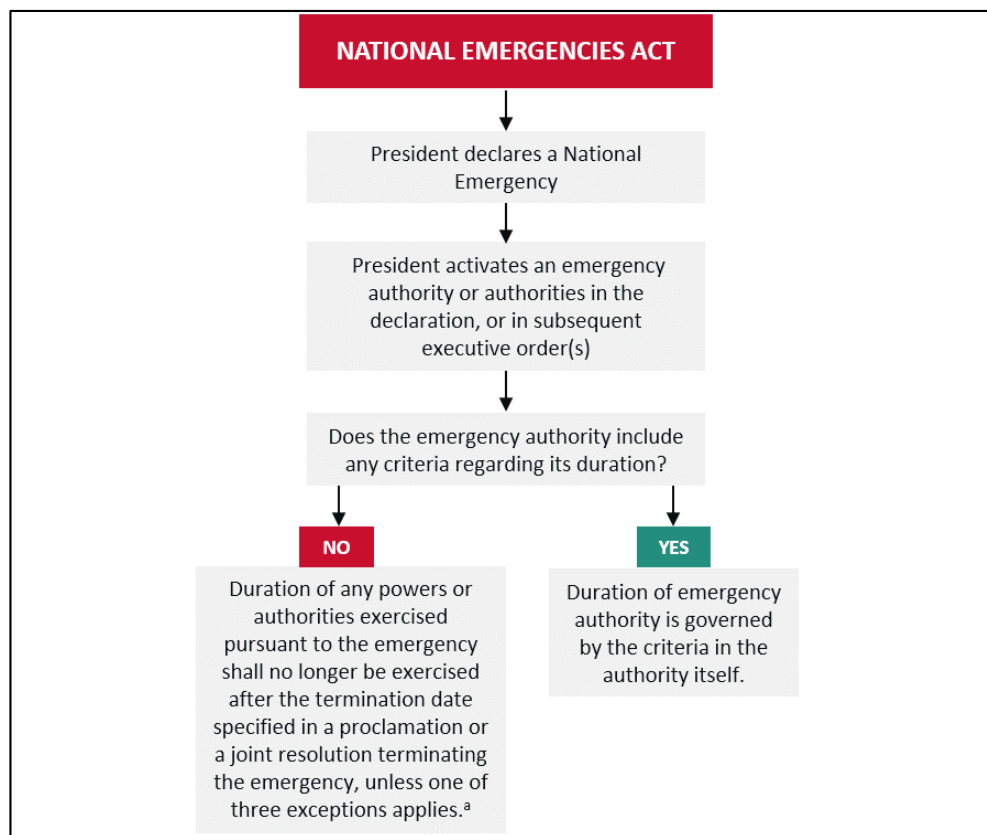
¹⁹ 50 U.S.C. §1622(a)(2).

²⁰ 50 U.S.C. §1622(a)(1).

²¹ 50 U.S.C. §1622(d).

²² *Ibid*.

Figure 2. Determining the Duration of Actions Ordered by the President Pursuant to the Declaration of a National Emergency Under the NEA



Source: CRS analysis and 50 U.S.C. §1622(a), (c)-(d).

- a. “[S]uch termination shall not affect [the duration of]—(A) any action taken or proceeding pending not finally concluded or determined on such date; (B) any action or proceeding based on any act committed prior to such date; or (C) any rights or duties that matured or penalties that were incurred prior to such date.” 50 U.S.C. §1622(a). While these exceptions would apply when a national emergency is terminated by presidential proclamation, or by a joint resolution terminating the emergency that has been passed by Congress and signed by the President, it appears they would not apply when a national emergency is terminated because the President did not issue a continuation notice within the 90-day period prior to the anniversary date of the emergency declaration.

For the COVID-19 Pandemic Response

On March 13, 2020, President Trump issued Proclamation 9994 in which he “proclaim[ed] that the COVID-19 outbreak in the United States constitutes a national emergency, beginning March 1, 2020.”²³ The President invoked SSA Section 1135 in this proclamation, which permitted the HHS Secretary “to temporarily waive or modify certain requirements of the Medicare, Medicaid, and State Children’s Health Insurance programs and of the Health Insurance Portability and Accountability Act Privacy Rule.”²⁴ Subsequently, the President issued two executive orders and one memorandum that invoked a total of seven additional emergency authorities (see **Table 3**). These additional emergency authorities involve customs duties (one emergency authority), the military’s ready reserve (one), the Coast Guard (four), and the Department of Veterans Affairs (one).

²³ The President of the United States of America, “Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak,” Proclamation 9994 of March 13, 2020, 85 *Federal Register* 15337, March 18, 2020, <https://www.govinfo.gov/content/pkg/FR-2020-03-18/pdf/2020-05794.pdf>.

²⁴ *Ibid.*

Table 2. Duration of the National Emergencies Act (NEA) Declaration for the COVID-19 Pandemic

As of June 1, 2021

Declaration (Date Signed)	Statutory Authority	Emergency Authorities	Scope	Time Period	Relationship to Other COVID- 19 Federal Declarations
Proclamation 9994 (March 13, 2020)	National Emergencies Act 50 U.S.C. §§1601 et seq.	Upon declaring a national emergency, or subsequent to doing so, a President may invoke one or more emergency authorities. ^a	Nationwide	Emergency declaration effective March 1, 2020. The national emergency declaration will be terminated when: (1) the President issues a proclamation that terminates the national emergency; (2) the President does not issue a continuation notice within 90-days prior to the anniversary of the declaration; ^b or (3) Congress passes and the President signs a joint resolution that terminates it. ^c	The declaration of a national emergency under the NEA does not depend upon other executive declarations. However, certain emergency authorities invoked under the NEA may be contingent upon other declarations, as detailed in Table 3 .

Notes:

- a. See Table 3 for the specific emergency authorities invoked pursuant to the emergency declared in Proclamation 9994.
- b. If the President does not issue a continuation notice within the specified time frame, the emergency will terminate.
- c. 50 U.S.C. §1622(a), (c), (d).

Table 3. Duration of Emergency Authorities Invoked Pursuant to the Declaration of a National Emergency for the COVID-19 Pandemic

As of June 1, 2021

Emergency Authority	Invocation of Emergency Authority for the COVID-19 Pandemic (Date Signed)	Applicability	Action Authorized by Invocation of Emergency Authority^a	Duration of Emergency Authority
10 U.S.C. §12302	E.O. 13912 (March 27, 2020)	Dept. of Defense	"An authority designated by the Secretary [of Defense] ... may, without the consent of the persons concerned, order any unit, and any member not assigned to a unit organized to serve as a unit, in the Ready Reserve under the jurisdiction of that Secretary [of the Air Force, Navy, or Army] to active duty for not more than 24 consecutive months."	The authority shall cease to be exercised after the date of termination of the national emergency, unless one of three exceptions applies. ^b
14 U.S.C. §2127	E.O. 13912 (March 27, 2020)	U.S. Coast Guard	The Secretary of Homeland Security "may order any regular officer on the retired list to active duty."	The authority shall cease to be exercised after the date of termination of the national emergency, unless one of three exceptions applies. ^b
14 U.S.C. §2308	E.O. 13912 (March 27, 2020)	U.S. Coast Guard	The Commandant of the Coast Guard "may order any enlisted member on the retired list to active duty."	The authority shall cease to be exercised after the date of termination of the national emergency, unless one of three exceptions applies. ^b
14 U.S.C. §2314	E.O. 13912 (March 27, 2020)	U.S. Coast Guard	The Secretary of Homeland Security may prescribe regulations for detaining "an enlisted member beyond the term of his enlistment."	The authority shall cease to be exercised after the date of termination of the national emergency, unless one of three exceptions applies. ^b

Emergency Authority	Invocation of Emergency Authority for the COVID-19 Pandemic (Date Signed)	Applicability	Action Authorized by Invocation of Emergency Authority ^a	Duration of Emergency Authority
14 U.S.C. §3735	E.O. 13912 (March 27, 2020)	U.S. Coast Guard	The President is permitted to defer the end-strength limitation on the authorized number of officers in the Coast Guard Reserve if “at the end of any fiscal year there is in effect a declaration of war or national emergency ... for a period not to exceed 6 months after the end of the war or termination of the national emergency.”	The authority shall cease to be exercised after the date of termination of the national emergency, unless one of three exceptions applies. ^b
50 U.S.C. §§1431 et seq.	Presidential Memorandum (April 10, 2020)	Dept. of Veterans Affairs	The Secretary of Veterans Affairs is authorized to make advance payments to contractors who are performing work in support of the department’s efforts to combat COVID-19. This authority is subject to certain conditions and limitations specified in 50 U.S.C. §§1431 et seq.	The memorandum terminated on September 30, 2020.
19 U.S.C. §1318(a)	E.O. 13916 (April 18, 2020)	Dept. of the Treasury	The Secretary of the Treasury is permitted “to temporarily extend deadlines, for importers suffering significant financial hardship because of COVID-19, for the estimated payments described therein, other than those assessed pursuant to sections 1671, 1673, 1862, 2251, and 2411 of title 19, United States Code.”	The authority shall cease to be exercised after the date of termination of the national emergency, unless one of three exceptions applies. ^b

Notes:

- a. The sources for the information in this column are the respective statutory authorities listed in the first column (“Emergency Authority”) of this table.
- b. 50 U.S.C. §1622(a). “[A]ny powers or authorities exercised by reason of said emergency shall cease to be exercised after such specified date, except that such termination shall not affect—
 - (A) any action taken or proceeding pending not finally concluded or determined on such date;
 - (B) any action or proceeding based on any act committed prior to such date; or
 - (C) any rights or duties that matured or penalties that were incurred prior to such date.”

Declarations of Emergency and Major Disaster Under the Stafford Act

In General

The President may declare an emergency or major disaster under the Stafford Act to provide assistance to states, tribes, and territories affected by hazards, particularly natural catastrophes like hurricanes, fires, and tornadoes.²⁵

Stafford Act declarations do not expire, though statutes, regulations, and program guidance limit the duration of specific assistance programs authorized pursuant to Stafford Act declarations and administered by the Federal Emergency Management Agency (FEMA).²⁶ Additionally, FEMA determines the dates of the “incident period” or the interval during which an incident occurred; only costs incurred during this time are eligible for Stafford Act assistance.²⁷ For example, a hurricane’s incident period may reflect several days during which winds, flooding, and storm surge caused injuries and physical damage. In the case of emergency declarations, the incident period may begin prior to a hazard’s arrival, in order to provide advance assistance for emergency preparations. Stafford Act programs authorized through a declaration for the hurricane may then provide assistance to cover the cost of losses suffered during the incident period.

Individual forms of assistance authorized through Stafford Act declarations each have different periods of availability, though these may be extended.²⁸ When all of the individual projects and programs authorized through a Stafford Act declaration conclude, FEMA may close out the assistance authorized through the declaration.²⁹ As declaration closeouts are driven by the closeout of individual projects and programs, declaration durations differ.

For the COVID-19 Pandemic Response

On March 13, 2020, President Trump unilaterally declared an emergency pursuant to Stafford Act section 501(b), authorizing assistance for COVID-19 response efforts for all U.S. states,

²⁵ See CRS Report R42702, *Stafford Act Declarations 1953-2016: Trends, Analyses, and Implications for Congress*, by Bruce R. Lindsay.

²⁶ Time limitations for Stafford Act Assistance are established in 44 C.F.R. §206.204(c)-(d) for Public Assistance for state, tribal, territorial, local governments, and eligible private nonprofits; 42 U.S.C. §5174(c)(1)(B)(iii) and 44 C.F.R. §206.110(e) for the Individuals and Households Program, a form of Individual Assistance (IA), and FEMA’s *Individual Assistance Program and Policy Guide (IAPPG)*, FP 104-009-03, January 2019, for all forms of IA; and 44 C.F.R. §206.436 for FEMA’s Hazard Mitigation Grant Program for projects that may reduce the loss of life or property from future hazards.

²⁷ 44 C.F.R. §206.32(f). FEMA determines the “incident period” during which an incident occurred and caused sufficient injury or damage to warrant Stafford Act assistance.

²⁸ For example, see information on completion deadlines and extensions for FEMA’s Public Assistance grants for state, local, tribal, and territorial governments and eligible non-profits in 44 C.F.R. §206.204(c)-(d).

²⁹ As described in FEMA, *Public Assistance Program and Policy Guide V. 4*, effective June 1, 2020, pp. 199-203, https://www.fema.gov/sites/default/files/documents/fema_pappg-v4-updated-links_policy_6-1-2020.pdf, and Department of Homeland Security Office of Inspector General, *Opportunities to Improve FEMA’s Disaster Closeout Process*, OIG-10-49, January 2010, https://www.ecfr.gov/cgi-bin/text-idx?SID=389e9786fecc0ab915777f5184f9311&mc=true&tpl=/ecfrbrowse/Title44/44cfrv1_02.tpl#0.

territories, and the District of Columbia.³⁰ This emergency declaration for COVID-19 authorized one form of FEMA assistance: Public Assistance emergency protective measures.³¹

This emergency declaration was unprecedented in several ways. The declaration marked the first time any President has declared a Stafford Act emergency effective for all jurisdictions nationwide, and the first time the president issued such an expansive declaration unilaterally.³² Generally, the President issues an emergency declaration at the request of a governor or tribal chief executive when state, tribal, territorial, and local resources are insufficient to respond and recover.³³ Historically, unilateral declarations under Stafford Act 501(b) have authorized assistance for specific jurisdictions in relationship to the destruction of federal property—for example, providing aid to the State of Oklahoma following the bombing of the federal courthouse in Oklahoma City.³⁴ There is also limited precedent for issuing Stafford Act emergency declarations in response to public health incidents.³⁵

The Stafford Act does not authorize the President to unilaterally declare major disasters; the President may only make such declarations upon request from a governor or tribal chief executive. President Trump's Stafford Act emergency declaration explicitly invited governors and tribal chief executives to submit requests for major disaster declarations, stating:

I believe that the disaster is of such severity and magnitude nationwide that requests for a declaration of a major disaster as set forth in section 401(a) of the Stafford Act may be appropriate.... I encourage all governors and tribal leaders to consider requesting Federal assistance under this provision of the Stafford Act, pursuant to the statutory criteria. I stand ready to expeditiously consider any such request.³⁶

Subsequently, governors and tribal chief executives submitted requests for major disaster declarations for the COVID-19 pandemic, and President Trump declared major disasters for all 50 states, five territories, the District of Columbia, and the Seminole Tribe of Florida (see **Table 4** for details on the types of assistance authorized for the different Stafford Act declarations for the pandemic).³⁷ President Biden later approved the major disaster declaration requests of the Navajo Nation and the Poarch Band of Creek Indians for the COVID-19 pandemic. These declarations were also unprecedented; no president has issued major disaster declarations for any infectious

³⁰ Authorized pursuant to 42 U.S.C. §5191(b), §501 of the Stafford Act (P.L. 93-288). President Trump, Letter on Stafford Act Emergency Declaration for COVID-19.

³¹ Authorized pursuant to 42 U.S.C. §5192, Section 502 of the Stafford Act (P.L. 93-288). President Trump, Letter on Stafford Act Emergency Declaration for COVID-19.

³² See CRS Insight IN11229, *Stafford Act Assistance for Public Health Incidents*, by Erica A. Lee and Bruce R. Lindsay; and CRS Insight IN11251, *The Stafford Act Emergency Declaration for COVID-19*, by Erica A. Lee, Bruce R. Lindsay, and Elizabeth M. Webster.

³³ As described in Stafford Act Section 401 (42 U.S.C. §5170(a)-(b)).

³⁴ FEMA, "Notice: Oklahoma; Emergency and Related Determinations," 60 *Federal Register* 22579, May 8, 1995.

³⁵ See CRS Insight IN11251, *The Stafford Act Emergency Declaration for COVID-19*, by Erica A. Lee, Bruce R. Lindsay, and Elizabeth M. Webster; and CRS Insight IN11229, *Stafford Act Assistance for Public Health Incidents*, by Erica A. Lee and Bruce R. Lindsay.

³⁶ President Trump, Letter on Stafford Act Emergency Declaration for COVID-19.

³⁷ Authorized pursuant to Stafford Act Section 401 (42 U.S.C. §5170(a)-(b)). Specific presidential declarations of major disaster for novel coronavirus 2019 (COVID-19) are listed on the FEMA, "COVID-19 Disaster Declarations" webpage, available at <https://www.fema.gov/coronavirus/disaster-declarations>, and the FEMA "Disasters" webpage, available at <https://www.fema.gov/disasters>.

disease incident.³⁸ The timeline of the declarations and assistance authorized pursuant to the Stafford Act declarations for COVID-19 is illustrated in **Figure 3**.

³⁸ See CRS Insight IN11229, *Stafford Act Assistance for Public Health Incidents*, by Erica A. Lee and Bruce R. Lindsay.

Table 4. Duration of Stafford Act Declarations for the COVID-19 Pandemic

As of June 1, 2021

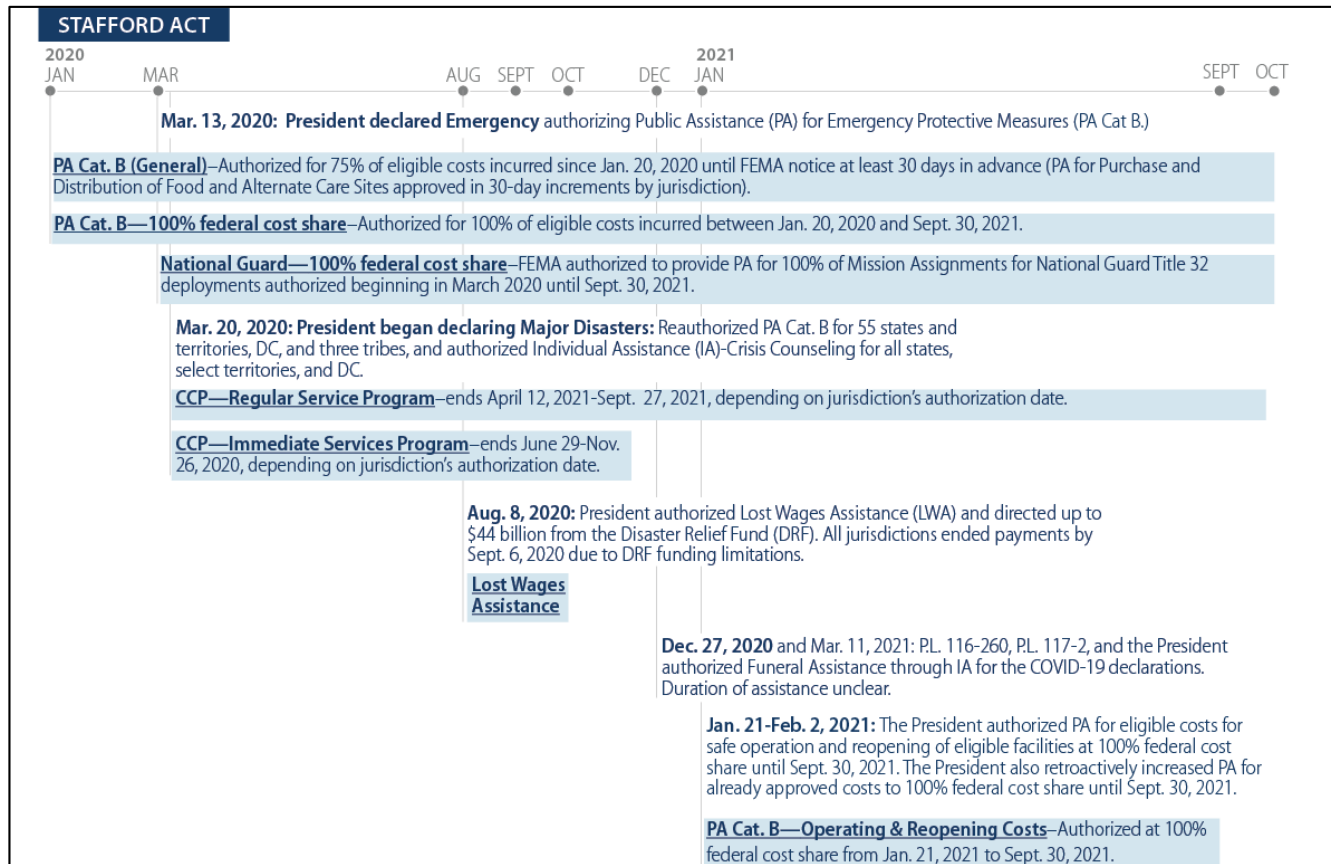
Declaration or Agency Action	Geography	Authorities	Assistance Provided	Duration
Stafford Act Declarations The President's March 13, 2020, Declaration of Emergency under Stafford Act §501(b) and subsequent Major Disaster Declarations under Stafford Act §401.	The Stafford Act Declaration of Emergency covers all jurisdictions within the United States All 50 states, five territories, three federally recognized tribes, and Washington, DC, have also been approved for major disaster declarations under the Stafford Act.	Public Assistance: Stafford Act §502 (42 U.S.C. §5192) for the Emergency Declaration, and Stafford Act §§402 and 403 (42 U.S.C. §§5170a and 5170b) for the Major Disaster Declarations. Individual Assistance: Stafford Act §416 (42 U.S.C. §5183) for some Major Disaster Declarations authorizing Crisis Counseling Assistance and Training Program (CCP); Presidential Memorandum—Authorization of the Lost Wages Assistance Program; and for Funeral Assistance, Title II of Division M of the Consolidated Appropriations Act, 2021 (P.L. 116-260), §4006 of the American Rescue Plan Act of 2021 (P.L. 117-2), and amendments to the pandemic major disaster declarations.	Public Assistance: The Emergency Declaration and all Major Disaster Declarations authorized FEMA Public Assistance—Emergency Protective Measures (as detailed in Table 5). Individual Assistance: 54 Major Disaster Declarations authorized Individual Assistance—Crisis Counseling Assistance and Training Program (CCP) (49 states, 3 territories, and Washington, DC, were authorized to receive CCP). Subsequently, the President authorized Lost Wages Assistance, a form of Other Needs Assistance (as detailed in Table 6).	Stafford Act declarations do not have specific end dates or periods established in regulations or statute. As of June 4, 2021, the incident periods ^a for the COVID-19 Stafford Act declarations were listed as “January 20, 2020 and continuing.” FEMA may determine the end of the incident period for COVID in coordination with HHS, per pre-established FEMA guidance. ^b Specific FEMA assistance programs have additional time limitations, which are generally associated with the date of the presidential declaration of emergency or major disaster (see Tables 5-6).

Source: FEMA, “COVID-19 Declarations,” <https://www.fema.gov/disasters/coronavirus/disaster-declarations#>.

Note:

- FEMA defines the time period during which the incident prompting a Stafford Act declaration occurs as the “incident period” (44 C.F.R. §206.32(e)). The incident period determines when costs eligible for Stafford Act assistance may be incurred.
- FEMA, “Infectious Disease Event,” FP 104-009-1, fact sheet, p. 2, <https://www.fema.gov/media-library-data/1464717519589-ba4712cb1eab5dfb47636b8a2a108676/InfectiousDiseaseFactSheetORR05132016.pdf>.

Figure 3. Timeline of Assistance Authorized Under Stafford Act Declarations for COVID-19
As of June 1, 2021



Source: CRS interpretation of presidential declarations and memoranda and FEMA guidance, including FEMA, “Coronavirus (COVID-19) Pandemic: Work Eligible for Public Assistance (Interim),” FEMA Policy FP 104-009-19, September 1, 2020; FEMA, “FEMA Statement on 100% Cost Share,” February 3, 2021; FEMA, “Public Assistance Disaster-Specific Guidance—COVID-19 Declarations.”

Note: The Stafford Act declarations authorized Public Assistance for eligible costs incurred after Jan. 20, 2020, the beginning of the “incident period” of the pandemic.

Public Assistance

Major disaster declarations for COVID-19 all authorized Public Assistance for emergency protective measures (see **Table 5**). FEMA determined that the “incident period” during which the COVID-19 pandemic took place began on January 20, 2020. As of June 4, 2021, the incident period is still “ongoing.”³⁹ FEMA guidance initially limited the availability of Public Assistance for the COVID-19 pandemic for particular types of activities (e.g., emergency medical care, alternate care sites, purchase and distribution of food, and sheltering), to the duration of the PHE under the PHSA.⁴⁰ FEMA has since eliminated these limitations and determined that PA would be provided indefinitely; any new deadlines will be announced at least 30 days before they come into effect.⁴¹ FEMA retained distinct deadlines for assistance for the mobilization of the National Guard under Title 32, which was authorized through March 31, 2021, under the Trump Administration.⁴²

President Biden revised certain terms of FEMA Public Assistance for the pandemic upon assuming office in January 2021, including those related to the mobilization of the National Guard. On January 21, 2021, the President issued an Executive Order that increased the federal cost share for Public Assistance for the costs of mobilizing the National Guard and for specific costs for the safe opening and operation of eligible public and nonprofit facilities to 100% through September 30, 2021.⁴³

³⁹ See incident period listed for specific declarations at FEMA, “COVID-19 Declarations,” <https://www.fema.gov/covid-19>.

⁴⁰ Authorized pursuant to Stafford Act Sections 402, 403, 418, 419, and 502 (42 U.S.C. §§5170a-5170b, 5173, 5185-86, 5192).

⁴¹ FEMA, “Coronavirus (COVID-19) Pandemic: Work Eligible for Public Assistance (Interim) FEMA Policy FP 104-009-19,” September 1, 2020, p. 7, https://www.fema.gov/sites/default/files/2020-09/fema_public-assistance-eligibility-for-covid_policy_9-1-2020.pdf; Assistant Administrator of FEMA Recovery Directorate Keith Turi, Memorandum regarding COVID-19 Emergency Work Completion Deadline, August 24, 2020, provided to CRS by FEMA Office of Congressional and Legislative Affairs.

⁴² FEMA, “National Guard Deployment Extended to Support COVID-19 Response,” updated December 14, 2020, <https://www.fema.gov/fact-sheet/national-guard-deployment-extended-support-covid-19-response>.

⁴³ President Joseph R. Biden Jr., “Memorandum to Extend Federal Support to Governors’ Use of the National Guard to Respond to COVID-19 and to Increase Reimbursement and Other Assistance Provided to States,” January 21, 2021, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/21/extend-federal-support-to-governors-use-of-national-guard-to-respond-to-covid-19-and-to-increase-reimbursement-and-other-assistance-provided-to-states/>; President Joseph R. Biden Jr., “Memorandum on Maximizing Assistance from the Federal Emergency Management Agency,” February 2, 2021, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/02/memorandum-maximizing-assistance-from-the-federal-emergency-management-agency/>.

Table 5. Duration of Public Assistance Authorized Under the Stafford Act Declarations for the COVID-19 Pandemic

As of June 1, 2021

Declaration or Agency Action	Geography	Authorities	Assistance Provided	Duration
The President's March 13, 2020, Declaration of Emergency under Stafford Act §501(b) and all subsequent Major Disaster Declarations under Stafford Act §401.	The Stafford Act Declaration of Emergency covers all jurisdictions within the United States. All 50 states, five territories, three federal recognized tribes, and Washington, DC, have been approved for major disaster declarations under the Stafford Act.	Stafford Act §502 (42 U.S.C. §5192) for the Emergency Declaration, and Stafford Act §§402-403 (42 U.S.C. §§5170a and 5170b) for Major Disaster Declarations.	Authorized Public Assistance for Emergency Protective Measures, which reimburses at least 75% of eligible costs incurred by state, tribal, territorial, local governments, and eligible private nonprofits (eligible Applicants) while performing eligible activities in response to COVID-19, as detailed below. President Biden increased the federal cost share of certain costs eligible for PA to 100% for specific time periods. Provides financial or direct assistance to Applicants for eligible emergency medical care.^c Provides financial or direct assistance to Applicants for vaccine administration and distribution, including for PPE, equipment, emergency medical supplies and care, transportation, facility support, additional staff, medical waste disposal, and communications.^d Provides financial or direct assistance to Applicants for alternate care sites, including temporary and expanded medical facilities.^f	For COVID-19, FEMA indefinitely authorized Public Assistance for emergency protective measures and will provide 30 days' notice prior to a new deadline.^a The 100% federal cost share is available for certain costs for specific periods of time, as detailed below.^b Indefinite, subject to a deadline FEMA will establish with 30 days' notice. 100% cost share applicable to costs incurred from January 20, 2020, through September 30, 2021.^b Indefinite, subject to a deadline FEMA will establish with 30 days' notice.^a 100% cost share applicable to costs incurred from January 20, 2020, through September 30, 2021.^{b, e} Indefinitely, subject to a deadline FEMA will establish with 30 days' notice.^a FEMA only approves assistance for costs for alternate care sites for

Declaration or Agency Action	Geography	Authorities	Assistance Provided	Duration
				specific states, tribes, and territories on a monthly basis. ^f 100% cost share applicable to costs incurred from January 20, 2020, through September 30, 2021. ^b
			Provides financial or direct assistance to Applicants for the purchase and distribution of food for specific populations, including high-risk populations and those diagnosed with or exposed to COVID-19. ^g	Indefinite, subject to a deadline FEMA will establish with 30 days' notice. ^a FEMA only authorizes assistance for food purchase and distribution costs for specific states, tribes, and territories in 30-day increments, based on documentation of need. ^g 100% cost share applicable to costs incurred from January 20, 2020, through September 30, 2021. ^b
			Provides financial or direct assistance to Applicants for non-congregate sheltering , including medical sheltering, for specific populations. ^h	Indefinite, subject to a deadline FEMA will establish with 30 days' notice. ^{a, h} 100% cost share applicable to costs incurred from January 20, 2020, through September 30, 2021. ^b
			Reimburses Applicants for the costs of the mobilization of National Guard executing eligible emergency protective measures in response to the COVID-19 pandemic. ^b	Indefinite, subject to a deadline FEMA will establish with 30 days' notice. ^a 100% cost share applicable to costs incurred from January 20, 2020, through September 30, 2021. ^b
President Trump's March 13, 2020, Declaration of Emergency under Stafford Act §501(b), all subsequent Major Disaster Declarations under Stafford Act §401, and President Biden's authorization of	The Stafford Act Declaration of Emergency covers all jurisdictions within the United States. All 50 states, five territories, three federal	Stafford Act §502 (42 U.S.C. 5192) for the Emergency Declaration, and Stafford Act §§402-403 (42 U.S.C. §§5170a-5170b) for Major Disaster Declarations	Provides financial or direct assistance to Applicants for the safe reopening and operation of certain eligible facilities during the COVID-19 pandemic. ^{b, i}	President Biden authorized PA for eligible facility reopening and operation costs of mobilizing at 100% federal cost share from January 21, 2021, through September 30, 2021. ^{b, i}

Declaration or Agency Action	Geography	Authorities	Assistance Provided	Duration
Public Assistance for reopening and operating costs. ^b	recognized tribes, and Washington, DC, have been approved for major disaster declarations under the Stafford Act.			

Source: CRS interpretation of FEMA, “Public Assistance Disaster-Specific Guidance—COVID-19 Declarations.”

Notes: Agency guidance may change at any time.

- a. Per 44 C.F.R. §206.204 (c)-(d), PA for emergency protective measures must be completed six months from the relevant Stafford Act declaration date. FEMA extended these deadlines indefinitely, and will provide 30 days’ notice in advance of the new deadline. See FEMA, “Coronavirus (COVID-19) Pandemic: Work Eligible for Public Assistance (Interim) FEMA Policy FP 104-009-19,” September 1, 2020, p. 7, https://www.fema.gov/sites/default/files/2020-09/fema_public-assistance-eligibility-for-covid_policy_9-1-2020.pdf; Assistant Administrator of FEMA Recovery Directorate Keith Turi, Memorandum regarding COVID-19 Emergency Work Completion Deadline, August 24, 2020, provided to CRS by FEMA Office of Congressional and Legislative Affairs.
- b. President Joseph R. Biden, Jr., “Memorandum to Extend Federal Support to Governors’ Use of the National Guard to Respond to COVID-19 and to Increase Reimbursement and Other Assistance Provided to States,” <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/21/extend-federal-support-to-governors-use-of-national-guard-to-respond-to-covid-19-and-to-increase-reimbursement-and-other-assistance-provided-to-states/>; and President Joseph R. Biden, Jr., “Memorandum on Maximizing Assistance from the Federal Emergency Management Agency,” February 2, 2021, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/02/memorandum-maximizing-assistance-from-the-federal-emergency-management-agency/>.
- c. FEMA, “Coronavirus (COVID-19) Pandemic: Medical Care Costs Eligible for Public Assistance,” FP 104-010-04, May 9, 2020, p. 3, https://www.fema.gov/sites/default/files/2020-06/PA_Medical_Care_Policy_for_COVID-19_508.pdf; FEMA, “Coronavirus (COVID-19) Pandemic: Medical Care Eligible for Public Assistance,” (Interim) (Version 2) FEMA Policy #104-21-0004, March 15, 2021, https://www.fema.gov/sites/default/files/documents/fema_public-assistance-covid-19-medical-care-v2-with-equity-job-aid_policy_3-15-2021.pdf.
- d. FEMA, “COVID-19 Pandemic: Vaccination Planning FAQ,” November 19, 2020, pp. 3-4, https://www.fema.gov/sites/default/files/documents/fema_covid-19-vaccination-planning_faq_11-19-2020.pdf.
- e. FEMA has announced reimbursement of 100% of vaccine administration and distribution costs for several states. See, for example, FEMA, “FEMA Obligates \$51.6 Million to Alabama for COVID-19 Vaccination Costs,” January 30, 2021, <https://www.fema.gov/press-release/20210131/fema-obligates-516-million-alabama-covid-19-vaccination-costs>.
- f. FEMA, “Coronavirus (COVID-19) Pandemic: Alternate Care Site (ACS) “Warm Sites,”” May 12, 2020, https://www.fema.gov/sites/default/files/2020-07/fema_covid_alternate-care-site_warm-sites_factsheet.pdf.
- g. FEMA, “Coronavirus (COVID-19) Pandemic: Purchase and Distribution of Food Eligible for Public Assistance,” FP 104-010-03, April 11, 2020, https://www.fema.gov/sites/default/files/2020-07/fema_covid_purchase-and-distributions-of-food_policy.pdf.
- h. FEMA, “Coronavirus (COVID-19) Pandemic: Non-Congregate Sheltering,” March 21, 2020, https://www.fema.gov/sites/default/files/2020-07/fema_covid_noncongregate-sheltering-faq_factsheet.pdf.
- i. FEMA, “Coronavirus (COVID-19) Pandemic: Safe Opening and Operation Work Eligible for Public Assistance (Interim),” FP-104-21-0003, April 5, 2021, https://www.fema.gov/sites/default/files/documents/fema_covid-19-pandemic-safe-opening-operation-work-eligible-public-assistance-interim-policy.pdf.

Individual Assistance

The President, the FEMA Administrator, and Congress have authorized select forms of Individual Assistance to support individuals affected by the COVID-19 pandemic. After a brief narrative history, **Table 6** details the general parameters of the types of IA provided for COVID-19.

The majority of the jurisdictions that received major disaster declarations under the Stafford Act were authorized to receive assistance through the Individual Assistance (IA)—Crisis Counseling Assistance and Training Program (CCP).⁴⁴ While the President made some authorizations of this assistance, on April 28, 2020, the FEMA Administrator was also authorized to approve requests for CCP pursuant to the pandemic to expedite assistance.⁴⁵ CCP provides community-based outreach and psycho-educational services to support individuals and communities recovering from disasters (see **Table 6**).

The program helps people understand their current situation and reactions and supports short-term interventions focused on mitigating stress, promoting the use or development of coping strategies, providing emotional support and encouraging links with other individuals and agencies who may help survivors in their recovery process.⁴⁶

Further, on August 8, 2020, President Trump issued a presidential memorandum that authorized FEMA to expend up to \$44 billion from the Disaster Relief Fund (DRF) for the Lost Wages Assistance (LWA) program to provide grants to states, territories, and the District of Columbia for supplemental lost wages payments to individuals receiving unemployment insurance (subject to a 25% nonfederal cost sharing requirement).⁴⁷ LWA was authorized under the Other Needs Assistance (ONA) statutory provision of FEMA’s Individuals and Households Program (IHP), which is a form of Individual Assistance.⁴⁸ ONA typically provides individuals with financial assistance for disaster-related necessary expenses and serious needs, such as replacing personal property or transportation, medical and dental assistance, and funeral assistance. According to FEMA, LWA—rather than Disaster Unemployment Assistance (DUA)—was used because of DUA’s limitations, which make assistance available only to individuals who are ineligible for regular Unemployment Insurance (UI) and limit the amount of assistance to the state/territory/District of Columbia-provided UI payment. The LWA, however, provided

⁴⁴ The Crisis Counseling Program requests submitted by American Samoa and the Seminole Tribe of Florida had not been approved as of May 2021 (FEMA, “American Samoa Covid-19 Pandemic (DR-4537-AS),” last accessed June 4, 2021, <https://www.fema.gov/disaster/4537>; FEMA “Seminole Tribe of Florida Covid-19 Pandemic (DR-4545),” last accessed June 4, 2021, <https://www.fema.gov/disaster/4545>; see also email from FEMA Congressional Affairs staff, December 7, 2020, noting the CCP requests from American Samoa and the Seminole Tribe of Florida were still under review and “[t]o program knowledge, there has been no denial, and the incident period is still open.

⁴⁵ FEMA, “FEMA Administrator Authority to Approve Crisis Counseling During Coronavirus,” release, April 28, 2020, <https://www.fema.gov/fact-sheet/fema-administrator-authority-approve-crisis-counseling-during-coronavirus>; and FEMA, “FEMA Administrator Approves 30 States for Crisis Counseling,” Release HQ-20-129, May 2, 2020, <https://www.fema.gov/news-release/20200726/fema-administrator-approves-30-states-crisis-counseling>.

⁴⁶ FEMA, “FEMA Approves Crisis Counseling Assistance for COVID-19 Response to Four States,” R8-20-NR-015, May 1, 2020, <https://www.fema.gov/news-release/20200807/fema-approves-crisis-counseling-assistance-covid-19-response-four-states>.

⁴⁷ President Donald J. Trump, “Memorandum on Authorizing the Other Needs Assistance Program for Major Disaster Declarations Related to Coronavirus Disease 2019,” August 8, 2020, <https://trumpwhitehouse.archives.gov/presidential-actions/memorandum-authorizing-needs-assistance-program-major-disaster-declarations-related-coronavirus-disease-2019/>. For additional information on FEMA’s Lost Wages Assistance (LWA) program, see CRS Insight IN11492, *COVID-19: Supplementing Unemployment Insurance Benefits (Federal Pandemic Unemployment Compensation vs. Lost Wages Assistance)*, by Katelin P. Isaacs and Julie M. Whittaker.

⁴⁸ Stafford Act Section 408(e)(2) (42 U.S.C. §5174(e)(2)).

supplemental payment in addition to state/territory/District of Columbia-provided UI payment.⁴⁹ Only South Dakota and American Samoa did not participate in the LWA program.⁵⁰

Most recently, on March 11, 2021, Funeral Assistance was authorized for the COVID-19 declarations through the enactment of the American Rescue Plan Act of 2021 (ARPA; P.L. 117-2). Through ARPA, Congress authorized FEMA Funeral Assistance for deaths associated with the COVID-19 pandemic at 100% federal cost share.⁵¹ Previously, Congress authorized FEMA Funeral Assistance through the Consolidated Appropriations Act of 2021 (P.L. 116-260) for deaths associated with the COVID-19 pandemic at 100% federal share, and appropriated an additional \$2 billion to the DRF for such purposes.⁵² Funeral Assistance through the Consolidated Appropriations Act of 2021, however, was limited to expenses incurred through December 31, 2020.⁵³ FEMA released an interim policy for the provision of “COVID-19 Funeral Assistance” authorized under ARPA and the Consolidated Appropriations Act of 2021,⁵⁴ and began accepting applications on April 12, 2021, through a dedicated call center, to reimburse disaster-caused funeral expenses incurred after January 20, 2020, for deaths attributed to the COVID-19 pandemic (e.g., eligible expenses associated with interment or reinterment⁵⁵).⁵⁶ In addition, President Biden authorized “COVID-19 Funeral Assistance” under ONA for the states, territories, and District of Columbia that received COVID-19 major disaster declarations, through 56 amendments issued March 11, 2021.⁵⁷

⁴⁹ FEMA, “FEMA Supplemental Lost Wages Payments Under Other Needs Assistance,” frequently asked questions, August 2020, p. 1, https://www.fema.gov/sites/default/files/2020-10/fema_supplement-lost-wages-payments-under-other-needs-assistance_faq_09-30-20.pdf.

⁵⁰ Per an email with FEMA Congressional Affairs staff dated January 25, 2021, the LWA program application period has concluded. According to FEMA’s website and releases on the LWA program, South Dakota and American Samoa did not participate in the LWA program (see FEMA, “Lost Wages Assistance Approved States,” last accessed February 2, 2021, <https://www.fema.gov/fact-sheet/lost-wages-assistance-approved-states>; see also FEMA, “FEMA Advisory: Coronavirus Pandemic Whole-of-America Response: ‘By the Numbers Update,’” February 1, 2021).

⁵¹ Section 4006 of the American Rescue Plan Act of 2021 (P.L. 117-2). Congress appropriated an additional \$50 billion to the DRF for the costs associated with major disaster declarations, including Funeral Assistance for the COVID-19 pandemic (Sections 4005 and 4006 of the American Rescue Plan Act of 2021 (P.L. 117-2)).

⁵² Title II of Division M of the Consolidated Appropriations Act, 2021 (P.L. 116-260). For additional information on FEMA Funeral Assistance for the COVID-19 declarations, see CRS Insight IN11582, *FEMA Funeral Assistance for COVID-19*, by Elizabeth M. Webster.

⁵³ Title II of Division M of the Consolidated Appropriations Act, 2021 (P.L. 116-260).

⁵⁴ FEMA, “FEMA Policy: COVID-19 Funeral Assistance Individuals and Households Program Policy (Interim),” FEMA Policy FD 104-21-0001, March 23, 2021, https://www.fema.gov/sites/default/files/documents/fema_policy_covid-19_funeral_assistance-updated.pdf.

⁵⁵ FEMA, “COVID-19 Funeral Assistance,” <https://www.fema.gov/disasters/coronavirus/economic/funeral-assistance>. A list of the eligible funeral expenses can be found in the FEMA, *Individual Assistance Program and Policy Guide (IAPPG)*, FP 104-009-03, January 2019, pp. 136-137.

⁵⁶ FEMA, “COVID-19 Funeral Assistance,” <https://www.fema.gov/disasters/coronavirus/economic/funeral-assistance>.

⁵⁷ FEMA National Watch Center, “Daily Operations Briefing,” March 30, 2021, pp. 8-14. See the “Disaster Federal Register Notices” tab associated with the COVID-19 major disaster declarations for the March 11, 2021, amendments authorizing Funeral Assistance. The three tribes that received major disaster declarations for the COVID-19 pandemic had not been authorized to provide Funeral Assistance via a declaration amendment as of the date of publication, but Section 4006 of the American Rescue Plan Act of 2021 (P.L. 117-2) and Title II of Division M of the Consolidated Appropriations Act, 2021 (P.L. 116-260) require FEMA to provide Funeral Assistance for all of the COVID-19 declarations.

Table 6. Duration of Individual Assistance Authorized Under the Stafford Act Declarations for the COVID-19 Pandemic

As of June 1, 2021

Declaration or Agency Action	Geography	Authorities	Assistance Provided	Time Period
Authorization of Individual Assistance—Crisis Counseling Program pursuant to most of the President’s Major Disaster Declarations under Stafford Act §401.	50 states, four territories, Washington, DC, and two tribes have been authorized to receive Individual Assistance—Crisis Counseling Assistance and Training Program (CCP)) pursuant to their major disaster declarations under the Stafford Act.	Authorized Individual Assistance Crisis Counseling Assistance and Training Program (CCP) under Stafford Act §416 (42 U.S.C. §5183) for some Major Disaster Declarations.	Provides grants to fund “state-provided crisis counseling services to residents struggling with stress and anxiety as a result of the coronavirus (COVID-19) pandemic.”	Immediate Services Program (ISP): provides funds for up to 60 days immediately following a major disaster declaration. Regular Services Program (RSP): provides funds for up to nine months following a major disaster declaration.
Presidential Memorandum—Authorization of the Lost Wages Assistance Program issued on August 8, 2020.	All 50 states, five territories, and Washington, DC, which have been approved for major disaster declarations under the Stafford Act. Only South Dakota and American Samoa did not participate in the Lost Wages Assistance (LWA) program.	President Trump’s “Memorandum on Authorizing the Other Needs Assistance Program for Major Disaster Declarations Related to Coronavirus Disease 2019,” ^a issued on August 8, 2020, authorized the LWA program under the Other Needs Assistance (ONA) statutory provision of FEMA’s Individuals and Households Program (IHP).	Authorized FEMA to expend up to \$44 billion from the Disaster Relief Fund (DRF) for the LWA program to provide grants to states, territories, and the District of Columbia for supplemental lost wages payments to individuals receiving unemployment insurance (subject to a 25% nonfederal cost sharing requirement).	The termination conditions for the LWA program included: • FEMA expending \$44 billion on LWA; • The DRF balance reaching \$25 billion; • Enactment of legislation providing supplemental federal unemployment compensation, or similar compensation, for unemployed or partially employed individuals due to COVID-19; or • The program end date of no later than December 27, 2020. All states ended LWA payments by September 6, 2020, as the amount of available funds in the DRF precluded additional payments.

Declaration or Agency Action	Geography	Authorities	Assistance Provided	Time Period
COVID-19 Funeral Assistance authorized in the Consolidated Appropriations Act, 2021 (P.L. 116-260), the American Rescue Plan Act of 2021 (P.L. 117-2), and through Stafford Act declaration amendments by the President dated March 11, 2021.	The Stafford Act Declaration of Emergency covers all jurisdictions within the United States. All 50 states, five territories, three federally recognized tribes, and Washington, DC, have been approved for major disaster declarations under the Stafford Act.	Title II of Division M of the Consolidated Appropriations Act, 2021 (P.L. 116-260) mandated that FEMA provide Funeral Assistance through the IHP for deaths associated with the COVID-19 pandemic at a 100% federal cost share, and appropriated an additional \$2 billion to the Disaster Relief Fund (DRF) for such purposes. §4006 of the American Rescue Plan Act of 2021 (P.L. 117-2) mandated FEMA provide Funeral Assistance through the IHP for deaths associated with the COVID-19 pandemic at 100% federal cost share, but did not include a time limitation.^b President Biden authorized Funeral Assistance under IHP-ONA through 56 amendments made to the COVID-19 major disaster declarations for the declared states, territories, and District of Columbia dated March 11, 2021.	Reimbursements for disaster-caused funeral expenses, including eligible expenses associated with interment or reinterment, for deaths attributed to the COVID-19 pandemic.	Provides reimbursements for eligible Funeral Assistance expenses. The application for assistance opened April 12, 2021.

Source: Stafford Act §408 (42 U.S.C. §5174); the Consolidated Appropriations Act, 2021 (P.L. 116-260); and the American Rescue Plan Act of 2021 (P.L. 117-2).

Notes:

- a. The archived presidential memorandum from President Donald J. Trump, “Memorandum on Authorizing the Other Needs Assistance Program for Major Disaster Declarations Related to Coronavirus Disease 2019,” issued August 8, 2020, is available at <https://trumpwhitehouse.archives.gov/presidential-actions/memorandum-authorizing-needs-assistance-program-major-disaster-declarations-related-coronavirus-disease-2019/>.
- b. Congress appropriated an additional \$50 billion to the Disaster Relief Fund for the costs associated with major disaster declarations, including Funeral Assistance for the COVID-19 pandemic (§§4005-4006 of the American Rescue Plan Act of 2021 (P.L. 117-2)).

Declarations for the Small Business Administration Disaster Loan Program

In General

Under the Small Business Act, the SBA Administrator may issue a disaster declaration authorizing Economic Injury Disaster Loans (EIDLs) when SBA receives a certification from a state governor that at least five small businesses have suffered substantial economic injury as a result of a disaster. This declaration is offered only when other viable forms of financial assistance are unavailable.⁵⁸ EIDLs may also be available following a major disaster declaration issued by the President under the Stafford Act that authorizes both Individual Assistance (IA) and Public Assistance (PA), or based on a notification from the Secretary of Agriculture or the Secretary of Commerce, if a governor certifies that eligible small businesses have suffered substantial economic injury as a result of commercial fishery failures or fishery resource disasters.⁵⁹

EIDLs generally provide up to \$2 million, with a loan term of up to 30 years, which can be used to pay for expenses that could have been met had the disaster not occurred, including working capital needs such as fixed debt and payroll and other operating expenses.⁶⁰ EIDLs are available only to businesses and private and nonprofit organizations that are located in a declared disaster area, have suffered substantial economic injury, are unable to obtain credit elsewhere, and are defined as small by SBA size regulations. Small businesses in declared counties (and contiguous counties) apply directly to the SBA for EIDLs.

For the COVID-19 Pandemic Response

Congress passed new provisions making COVID-19-related economy injury an eligible expense for Small Business Administration (SBA) Economic Injury Disaster Loans (EIDLs) in response to the COVID-19 pandemic's widespread adverse economic impact on the national economy.

COVID-19-related EIDLs have an interest rate of 3.75% for businesses and 2.75% for nonprofits. EIDLs also have an automatic one-year deferment on repayment (i.e., the first payment is not due for one full year, although interest does accrue).⁶¹

The CARES Act also established an "Emergency EIDL Grant program" (also referred to as an "EIDL advance") to provide applicants with advance payments of up to \$10,000.⁶² The advance payment did not have to be repaid, even if the borrower was later denied the EIDL. Due to high demand, the SBA limited the advance to \$1,000 per employee, up to the statutory cap of

⁵⁸ 13 C.F.R. §123.3(a)(5).

⁵⁹ 13 C.F.R. §123.3. For more information on SBA disaster assistance, see CRS Report R44412, *SBA Disaster Loan Program: Frequently Asked Questions*, by Bruce R. Lindsay.

⁶⁰ At the time of this writing, SBA has capped the maximum loan amount at \$500,000 due to significant demand for COVID-19 EIDL assistance and funding availability. See U.S. Small Business Administration, *COVID-19 Economic Injury Disaster Loan*, <https://www.sba.gov/funding-programs/loans/covid-19-relief-options/covid-19-economic-injury-disaster-loan#section-header-5>.

⁶¹ Due to high demand, the SBA started limiting COVID-19-related EIDLs to \$15,000 and, as discussed below, Emergency EIDL grants to \$1,000 per employee, up to the statutory cap of \$10,000.

⁶² For an overview of the SBA EIDL Emergency Grants, see CRS Insight IN11370, *SBA EIDL and Emergency EIDL Grants for COVID-19*, by Bruce R. Lindsay. For data on SBA EIDL Emergency Grants, see CRS Insight IN11379, *SBA EIDL and Emergency EIDL Grants: Data by State*, by Bruce R. Lindsay and Maura Mullins.

\$10,000.⁶³ The Emergency EIDL grant could be used to keep employees on payroll, pay for sick leave, meet increased production costs due to supply chain disruptions, or pay business obligations, including debts, rent, and mortgage payments.

The Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (P.L. 116-123) deemed the pandemic a disaster under Section 7(b)(2)(D) of the Small Business Act.⁶⁴ The provision allowed state governors to request a disaster declaration from the Administrator of the SBA. Upon enactment of P.L. 116-123, SBA began to accept state requests for EIDL assistance and issue declarations under the Small Business Act.

These declarations were superseded when Section 1110(f) of the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) established EIDL eligibility for businesses in all 50 states and U.S. territories pursuant to the President's emergency declaration under Section 501(b) of the Stafford Act. Additionally, Section 1110(f)(7) of the CARES Act made all political subdivisions eligible for EIDL. Accordingly, SBA announced on March 17, 2020, that it had eliminated the five business requirement to make disaster assistance loans available statewide for an economic injury declaration related to the COVID-19 pandemic.⁶⁵

According to SBA Standard Operating Procedure (SOP) the deadline for returning completed EIDL applications (unless extended) is nine months beginning the day after the date of declaration.⁶⁶ Under the CARES Act, however, the application deadline for all COVID-19 related EIDLs is December 31, 2021 (see **Table 7**).⁶⁷

⁶³ The American Rescue Plan (P.L. 117-2) established a "Targeted EIDL Advance" to provide EIDL advances to entities that did not receive the statutory cap. Under the American Rescue Plan the Targeted EIDL Advance is a payment of the difference between the amount the small business received and the \$10,000 maximum. Eligible businesses that received a previous advance in an amount less than \$10,000 are prioritized for the Targeted EIDL Advance. Second priority entities are those that applied for an EIDL advance before December 27, 2020, but did not receive the advance because funding was exhausted in mid-July 2020. Eligible businesses must be located in a low-income community as defined by section 45D(e) of the Internal Revenue Code; have suffered greater than 30% economic loss over an eight-week period since March 2, 2020, compared to the previous year; and have 300 or fewer employees. See U.S. Small Business Administration, *FAQ Regarding Targeted EIDL Advance*, April 27, 2021, p. 7, <https://www.sba.gov/document/support-faq-regarding-targeted-eidl-advance>.

⁶⁴ Title II of Division A of the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (P.L. 116-123).

⁶⁵ Prior to the revision, a county or political subdivision was required to have a minimum of five businesses suffering economic injury to be eligible for EIDL. See U.S. Small Business Administration, "SBA Updates Criteria on States for Requesting Disaster Assistance Loans for Small Businesses Impacted by Coronavirus (COVID-19)," March 16, 2020, <https://www.sba.gov/about-sba/sba-newsroom/press-releases-media-advisories/sba-updates-criteria-states-requesting-disaster-assistance-loans-small-businesses-impacted>.

⁶⁶ Small Business Administration, *Disaster Assistance Program*, SOP 50 30 9, May 31, 2018, pp. 14-15.

⁶⁷ SBA, "SBA Extends COVID-19 Economic Injury Disaster Loan Application Deadline Through Dec. 31, 2021," December 30, 2020, <https://www.sba.gov/article/2020/dec/30/sba-extends-covid-19-economic-injury-disaster-loan-application-deadline-through-dec-31-2021>.

Table 7. Duration of Small Business Administration Assistance Triggered by COVID-19 Declarations

As of June 1, 2021

Declaration	Geography	Authorities	Assistance Provided	Time Period	Relationship to other COVID-19 Declarations
The President's March 13, 2020, Declaration of Emergency under Stafford Act §501(b) and all subsequent Major Disaster Declarations under Stafford Act §401.	All 50 U.S. states, five U.S. territories, tribal nations, and the District of Columbia.	Economic Injury Disaster Loan (EIDL) assistance is triggered by a declaration of major disaster under the Stafford Act, per §7(b)(2)(A) of the Small Business Act.	EIDLs provide up to \$2 million which can be used to pay for expenses that could have been met had the disaster not occurred, including working capital needs such as fixed debt and payroll and other operating expenses. SBA reduced the maximum loan amount to \$500,000 due to COVID-19 assistance demand and funding availability.	EIDL assistance became available March 16, 2020. The application period for COVID-19-related EIDL assistance terminates December 31, 2021. Loan terms are up to 30 years.	The Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (P.L. 116-123) deemed coronavirus a disaster under §7(b)(2)(D) of the Small Business Act, which authorizes the SBA Administrator to declare a disaster authorizing EIDL. SBA began to issue declarations. These declarations were superseded when §1110(f) of the CARES Act established EIDL eligibility for businesses in all 50 states and U.S. territories pursuant to the President's emergency declaration under §501(b) of the Stafford Act.

Source: U.S. Small Business Administration, "Administrative Declarations of Economic Injury Disasters for the Entire United States and U.S. Territories," 85 *Federal Register* 19052, April 3, 2020, <https://www.federalregister.gov/documents/2020/04/03/2020-06934/administrative-declarations-of-economic-injury-disasters-for-the-entire-united-states-and-us>; U.S. Small Business Administration, "SBA Extends COVID-19 Economic Injury Disaster Loan Application Deadline through Dec. 31, 2021," December 30, 2020, at <https://www.sba.gov/article/2020/dec/30/sba-extends-covid-19-economic-injury-disaster-loan-application-deadline-through-dec-31-2021>.

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