COVID-19 UPDATE: A NATIONAL EMERGENCY

THE STAFFORD ACT & FEMA EMERGENCY RESPONSE
January 31: President Trump declared a National Health Emergency Declaration under the Public Health Service Act.

March 13: President Trump declared a National Emergency Declaration under Stafford Act and National Emergencies Act (NEA).

March 18: President Trump invoked emergency authorities under the Defense Production Act via executive order.

March 19: President Trump named FEMA as the lead agency in the COVID-19 emergency response efforts.
Emergency declarations v. major disaster declarations

Scope of the March 13 COVID-19 national emergency declaration

- Public Assistance, Category B: “emergency protective measures”
  - Not Individual Assistance or (section 406) Hazard Mitigation
- SBA Economic Injury Disaster Loans
- Tax filing and payment extensions
FEMA has approved 29 states and territories for major disaster declarations:
- AL, CA, CO, CT, DC, FL, GA, GU, IA, IL, KS, KY, LA, MA, MD, MI, MO, NC, NJ, NY, OR, PA, PR, RI, SC, TN, TX, USVI, WA

7 states and territories have requested major disaster declarations, and await approval:
- AR, CNMI, HI, IN, NH, VA, WV

The only additional funds approved for Major declarations so far:
- Crisis counseling, under Individual Assistance
- This may expand, depending on implementation of the CARES Act
HOW CAN STATES ACCESS THIS ASSISTANCE?

- **Initially:**
  - Governors must work with the applicable FEMA regional administrators within their FEMA region to create and execute a FEMA-State Agreement.
  - States must activate their Emergency Operations Center.
  - There is a separate process for SBA Economic Injury Disaster Loans.

- **Later:**
  - Reimbursement under Public Assistance Category B and any other categories via major disaster declaration:
    - FEMA will only reimburse up to **75%** of eligible costs - states must cover **25%**
    - FEMA will not duplicate benefits
  - FEMA’s simplified COVID-19 Public Assistance application process
RESOURCES

- NCSL COVID-19 webpage
- NCSL summary of The Coronavirus Aid, Relief, and Economic Security Act (CARES), $2 trillion stimulus package
- NCSL brief on COVID-19 emergency powers
- NCSL Federal Announcements