
COVID-19 UPDATE: A NATIONAL EMERGENCY

THE STAFFORD ACT & FEMA EMERGENCY RESPONSE



TIMELINE OF COVID-19 PRESIDENTIAL EMERGENCY POWERS

- **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.



THE STAFFORD ACT & COVID-19

- 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



STATE MAJOR DISASTER DECLARATIONS

- 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
 - <https://www.ncsl.org/research/health/ncsl-coronavirus-covid-19-resources.aspx>
- NCSL summary of The Coronavirus Aid, Relief, and Economic Security Act (CARES), \$2 trillion stimulus package
 - <https://www.ncsl.org/ncsl-in-dc/publications-and-resources/coronavirus-stimulus-bill-states.aspx>
- NCSL brief on COVID-19 emergency powers
 - https://www.ncsl.org/documents/statefed/COVID-19_Emergency_Declaration_InfoAlert03162020.pdf
- NCSL Federal Announcements
 - <https://www.ncsl.org/ncsl-in-dc/publications-and-resources/covid-19-daily-announcements-from-federal-agencies.aspx>



Lucia Bragg
Senior Policy Specialist

Lucia.bragg@ncsl.org

202-624-3576

202-568-4883



NATIONAL CONFERENCE OF STATE LEGISLATURES