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Stafford Act Declarations for COVID-19 FAQ

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April 22, 2020

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SUMMARY

On March 13, 2020, President Donald J. Trump declared an emergency under Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act; 42 U.S.C. §§5121 et seq.) in response to coronavirus disease 2019 (COVID-19). The declaration authorized assistance to all U.S. states, territories, tribes, and the District of Columbia. Specifically, the Stafford Act emergency declaration authorized one form of Federal Emergency Management Agency (FEMA) assistance: Public Assistance emergency protective measures (as authorized under Stafford Act Section 502). Subsequently, the President approved major disaster declaration requests under the Stafford Act for all 50 states, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands (authorized under Stafford Act Section 401).

This report provides answers to frequently asked questions (FAQs) regarding the Stafford Act disaster declarations made for COVID-19, federally available assistance, and sources of funding. The subjects to be covered include:

- Stafford Act declarations, including legal authorities, limitations on assistance, and other information related to the declaration request process;
- types of assistance available to state, territorial, and tribal governments, private nonprofit organizations, private entities, and individuals and households pursuant to the Stafford Act emergency and major disaster declarations for COVID-19;
- the Disaster Relief Fund (DRF), the source used to fund FEMA assistance provided pursuant to Stafford Act emergency and major disaster declarations; and
- additional references.

This report also includes the following appendices:

- **Appendix A** includes **Table A-1**, which lists the categories of FEMA assistance authorized pursuant to the major disaster declarations for COVID-19, organized by state and territory.
- **Appendix B** provides an example of different states, territories, and tribes that have received presidential emergency declarations under the Stafford Act for the same incident.

The scope of this report is limited to assistance authorized under the Stafford Act. There are, however, other types of assistance extrinsic to the Stafford Act that are activated by a Stafford declaration. This report does not address these other forms of assistance. The report is not a comprehensive review of all potential forms of federal assistance made available for COVID-19 response and recovery. It does not provide information on the assistance made available pursuant to the President's declaration of emergency under the National Emergencies Act (NEA; 50 U.S.C. §§1601 et seq.) or the declaration by the Secretary of Health and Human Services (HHS) of a Public Health Emergency under Section 319 of the Public Health Service Act (PHSA; 42 U.S.C. §247d).

Information included in this report is current as of April 22, 2020.

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Introduction

On March 13, 2020, President Donald J. Trump declared an emergency under Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act; 42 U.S.C. §5191(b)) in response to coronavirus disease 2019 (COVID-19).[1] The President's emergency declaration authorized assistance for COVID-19 response efforts for all U.S. states, territories, tribes, and the District of Columbia in accordance with Stafford Act Section 502. The emergency declaration authorized the Federal Emergency Management Agency's (FEMA's) Public Assistance (PA) program, which provides direct and financial assistance for emergency protective measures.

The President's March 13, 2020 emergency declaration letter to the Acting Secretary of the Department of Homeland Security, the Secretary of the Department of Treasury, the Secretary of the Department of Health and Human Services, and the Administrator of the Federal Emergency Management Agency, stated that the President "believe[s] that the disaster is of such severity and magnitude nationwide that requests for a declaration of a major disaster ... may be appropriate."[2] As of March 20, 2020, the President began approving major disaster declaration requests under the Stafford Act.[3] As of April 22, 2020, the President had approved major disaster declaration requests for all 50 states, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.[4]

This report provides answers to frequently asked questions (FAQs) regarding:

- Stafford Act declarations, including legal authorities, limitations on assistance, and other information related to the declaration request process;
- types of assistance available to state, territorial, and tribal governments, private nonprofit organizations, private entities, and individuals and households pursuant to the Stafford Act emergency and major disaster declarations for COVID-19;

[1] Letter from Donald J. Trump, President of the United States, to Acting Secretary Wolf, Secretary Mnuchin, Secretary Azar, and Administrator Gaynor, March 13, 2020, https://www.whitehouse.gov/wp-content/uploads/2020/03/LetterFromThePresident.pdf (hereinafter President Trump, "Emergency Declaration Letter"). The Stafford Act may be found at 42 U.S.C. §§5121 et seq.

[2] President Trump, "Emergency Declaration Letter." Compared to emergency declarations, major disaster declarations authorize a wider range of federal assistance.

[3] See the Federal Emergency Management Agency (FEMA), "Coronavirus (COVID-19) Response," resource webpage, https://www.fema.gov/coronavirus (hereinafter FEMA, "COVID-19 Response") for additional information on the federal response to the novel coronavirus 2019 (COVID-19). 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 (hereinafter FEMA, "COVID-19 Disaster Declarations"), and the FEMA "Disasters" webpage, available at https://www.fema.gov/disasters. Examples include the major disaster declarations for the states of New York, Washington, and California (see FEMA, "President Donald J. Trump Approves Major Disaster Declaration for New York," Release Number: HQ-20-019, March 20, 2020, https://www.fema.gov/news-release/2020/03/20/president-donald-j-trump-approves-major-disaster-declaration-new-york (hereinafter FEMA, "Major Disaster for New York"); FEMA, "President Donald J. Trump Approves Major Disaster Declaration for Washington," Release Number: HQ-20-020, March 22, 2020, https://www.fema.gov/news-release/2020/03/22/president-donald-j-trump-approves-major-disaster-declaration-washington (hereinafter FEMA, "Major Disaster for Washington"); and FEMA, "President Donald J. Trump Approves Major Disaster Declaration for California," Release Number: HQ-20-021, March 22, 2020, https://www.fema.gov/news-release/2020/03/22/president-donald-j-trump-approves-major-disaster-declaration-california (hereinafter FEMA, "Major Disaster for California")).

[4] As of April 22, 2020, "[a]ll 50 states, the District of Columbia, and 4 territories have been approved for major disaster declarations to assist with additional needs identified under the nationwide emergency declaration for COVID-19" (FEMA, "COVID-19 Disaster Declarations").

- the Disaster Relief Fund (DRF), the source of funding for the Stafford Act emergency and major disaster declarations; and
- additional references.

The scope of this report is limited to assistance authorized under the Stafford Act. There are, however, other types of assistance extrinsic to the Stafford Act that are activated by a Stafford declaration.[5] This report does not address these other forms of assistance.

Stafford Act Declarations

The Stafford Act authorizes the President to issue two types of declarations that could provide federal assistance to states and localities in response to a public health incident, such as an infectious disease outbreak: (1) an "emergency declaration" (authorized under Stafford Act Section 501), or (2) a "major disaster declaration" (authorized under Stafford Act Section 401). The following questions relate to the Stafford Act declarations for COVID-19.[6]

Terms

Within this report, the term "state" refers to states and territories. For purposes of the Stafford Act, "'State' means any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands" (42 U.S.C. §5122(4)).

The term "tribes" refers to Indian tribal governments. Per the Stafford Act, "[t]he term 'Indian tribal government' means the governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe under the Federally Recognized Indian Tribe List Act of 1994" (42 U.S.C. §5122(6)).

Generally, Stafford Act assistance is requested by the "governor" (i.e., "the chief executive of any State" (42 U.S.C. §5122(5)), or the "chief executive" (i.e., "the person who is the Chief, Chairman, Governor, President, or similar executive official of an Indian tribal government" (42 U.S.C. §5122(12)).

The term "Recipient" in this report refers to "[a] non-Federal entity that receives a Federal award directly from a Federal awarding agency to carry out an activity under a Federal program"; and the term "Applicant" refers to "[a] non-Federal entity submitting an application for assistance under the Recipient's Federal award," per FEMA, *Public Assistance Program and Policy Guide (PAPPG)*, FP 104-009-2, April 2018, p. x, https://www.fema.gov/media-library-data/1525468328389-4a038bbef9081cd7dfe7538e7751aa9c/PAPPG_3.1_508_FINAL_5-4-2018.pdf (hereinafter FEMA, *PAPPG*).

[5] For example, the Small Business Administration (SBA) may provide programs to assist businesses and individuals. For more information on assistance to small businesses, see CRS Report R46284, *COVID-19 Relief Assistance to Small Businesses: Issues and Policy Options*, by Robert Jay Dilger, Bruce R. Lindsay, and Sean Lowry. For more information on SBA assistance to individuals, see CRS Report R45238, *FEMA and SBA Disaster Assistance for Individuals and Households: Application Processes, Determinations, and Appeals*, by Bruce R. Lindsay and Elizabeth M. Webster.

[6] For more information on the declaration process, see CRS Report R43784, *FEMA's Disaster Declaration Process: A Primer*, by Bruce R. Lindsay.

The President declared an emergency for COVID-19. Do states, territories, and tribes still need to request a COVID-19 emergency declaration?

The President's emergency declaration authorized assistance for COVID-19 response efforts for all U.S. states, territories, tribes, and the District of Columbia; specifically, it authorized FEMA Public Assistance (PA) emergency protective measures. Thus, states, territories, and tribes do not need to request separate emergency declarations in addition to the President's emergency declaration.[7] If, however, a state, territory, or tribe needs supplementary federal assistance, the governor or chief executive may request that the declaration be amended to include additional areas or types of assistance.[8] FEMA can approve a request for additional areas or forms of assistance after a presidential emergency declaration.[9]

The assistance provided pursuant to an emergency declaration is limited (see **Table 1**, which lists the forms of assistance available pursuant to each type of declaration). If a state, territory, or tribe needs assistance that is only available pursuant to a major disaster declaration, they may submit a major disaster declaration request to the President (through FEMA).[10] Although the President can declare an emergency unilaterally in certain circumstances, a major disaster declaration would need to be requested by state, territory, or tribal governments (see "Why didn't the President declare a national major disaster for COVID-19?").

Does the President have the authority to unilaterally declare an emergency under the Stafford Act?

Section 501(b) of the Stafford Act allows the President to unilaterally declare an emergency for certain emergencies involving federal primary responsibility.[11] The President's nationwide emergency declaration for COVID-19 was made under Stafford Act Section 501(b) on the grounds that

> the entire country is now facing a significant public health emergency ... [and] [o]nly the Federal Government can provide the necessary coordination to address a pandemic of this national size and scope.... It is the preeminent responsibility of the Federal Government to take action to stem a nationwide pandemic that has its origins abroad, which implicates its authority to regulate matters related to interstate matters and foreign commerce and to conduct the foreign relations of the United States.[12]

[7] FEMA, "COVID-19 Emergency Declaration," Release Number: HQ-20-017-FactSheet, March 13, 2020, https://www.fema.gov/news-release/2020/03/13/covid-19-emergency-declaration (hereinafter FEMA, "COVID-19 Emergency Declaration"); see also FEMA, "Coronavirus (COVID-19): FEMA Assistance for Tribal Governments," fact sheet, March 26, 2020, https://www.fema.gov/news-release/2020/03/26/coronavirus-covid-19-fema-assistance-tribal-governments (hereinafter FEMA, "COVID-19: FEMA Assistance for Tribal Governments"). FEMA's "COVID-19 Disaster Declarations" webpage also states that the President's nationwide emergency declaration was intended "to avoid governors needing to request individual emergency declarations."

[8] 44 C.F.R. §206.40(c).

[9] 44 C.F.R. §206.40(c).

[10] 44 C.F.R. §206.36.

[11] 42 U.S.C. §5191(b).

[12] President Trump, "Emergency Declaration Letter."

This is the first time a President has unilaterally declared a Stafford Act emergency for a public health incident—specifically, an infectious disease outbreak. Unilateral presidential declarations, however, have been made for incidents on a limited scale.[13]

Is there a cap on the amount of funding FEMA can spend under an emergency declaration?

Although Stafford Act Section 503 sets a statutory "cap" of $5 million on spending for a single emergency, there is an exception.[14] The $5 million limit may be exceeded when the President determines that:

> (A) continued emergency assistance is immediately required;
>
> (B) there is a continuing and immediate risk to lives, property, public health or safety; and
>
> (C) necessary assistance will not otherwise be provided on a timely basis.[15]

If the $5 million "cap" is exceeded, the President must report to Congress on the "nature and extent of emergency assistance requirements and shall propose additional legislation if necessary."[16]

Although the President's emergency declaration for COVID-19 covers the entire nation, each disaster-affected state and the District of Columbia, as well as some tribal governments, received a distinct emergency declaration (i.e., 57 separate emergency declarations).[17] Therefore, it appears that each distinct emergency declaration may count as a "single emergency" for purposes of Stafford Act Section 503 and that the $5 million "cap" is not the nationwide limit on the amount of emergency assistance that FEMA can provide (see **Appendix B** for an example of a time when different states, territories, and tribes received presidential emergency declarations under the Stafford Act for the same incident).

Major disaster declarations do not have a statutory or regulatory spending cap. As of April 22, 2020, all 50 states, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American

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[13] For more information on President Donald J. Trump's emergency declaration under the Stafford Act, see CRS Insight IN11264, *Presidential Declarations of Emergency for COVID-19: NEA and Stafford Act*, by L. Elaine Halchin and Elizabeth M. Webster.

[14] 42 U.S.C. §5193(b).

[15] 42 U.S.C. §5193(b)(2). The ability to make this determination has been delegated to the FEMA Administrator per 44 C.F.R. §206.66.

[16] 42 U.S.C. §5193(b)(3). The congressional reporting responsibility has been delegated to the FEMA Administrator per 44 C.F.R. §206.67. FEMA has explained that the Section 503 $5 million "cap" is not a "hard limit," and spending in excess of the cap is "relatively common" (FEMA, "Statement Regarding FEMAs Emergency Declaration $5 Million Cap," Release Number: EM-3426-PR NR 001, January 13, 2020, https://www.fema.gov/news-release/2020/01/13/statement-regarding-femas-emergency-declaration-5-million-cap). CRS is unaware of whether a formal report has been made to Congress with regard to emergency declarations for COVID-19. However, funds expended on an emergency declaration are counted as major disaster funds once a major disaster declaration is approved (see the "Funding for Stafford Act Declarations" section for additional information).

[17] According to FEMA's website, "As of March 20, 2020, all 50 states, the District of Columbia, five territories and one tribe are working directly with FEMA under the Nationwide Emergency Declaration for COVID-19." FEMA, "COVID-19 Response." This information has been updated; as of April 22, 2020, FEMA's "COVID-19 Disaster Declarations" webpage states, "All 50 states, the District of Columbia, and 4 territories have been approved for major disaster declarations to assist with additional needs identified under the nationwide emergency declaration for COVID-19. Additionally, 32 tribes are working directly with FEMA under the emergency declaration."

Samoa, and the Commonwealth of the Northern Mariana Islands have received major disaster declarations for COVID-19.[18] For more information on the funding available for the emergencies and major disasters declared for COVID-19, see the "Funding for Stafford Act Declarations" section.

Is the COVID-19 emergency assistance time limited?

The federal assistance provided must respond to the effects of the incident warranting an emergency or major disaster declaration "which took place during the incident period or was in anticipation of that incident."[19] The emergency and major disaster declarations for COVID-19 currently list the incident period as "January 20, 2020 and continuing."[20] In previous ongoing disasters, the "continuing" incident period has changed to a set date marking the end of the emergency or major disaster. In the case of COVID-19, the incident period may vary for each state, territorial, and tribal government as the threat of COVID-19 abates. According to federal regulations, FEMA determines the incident period[21] in the FEMA-State Agreement.[22] In May 2016, the agency released a fact sheet on responding to an infectious disease event, which states, "[i]n the event of an emergency declaration, FEMA would determine the incident period in coordination with HHS."[23] The governor of each declared state or territory, or the chief executive for each declared Indian tribal government, must execute a FEMA-State Agreement in order to receive assistance pursuant to their COVID-19 emergency declaration.[24]

It is also possible to extend the incident period. Extensions of the incident period, and program extensions and end dates may be announced via news releases on FEMA's website.[25]

[18] FEMA, "COVID-19 Disaster Declarations."

[19] The *incident period* is the "time interval during which the disaster-causing incident occurs" 44 C.F.R. §206.32(f). The incident period and associated assistance requirements also apply to major disaster declarations.

[20] See the FEMA "Disasters" webpage, available at https://www.fema.gov/disasters. See, for example, FEMA, "District of Columbia (DC) Covid-19 (EM-3447)," last accessed April 22, 2020, https://www.fema.gov/disaster/3447; and FEMA, "District of Columbia (DC) Covid-19 Pandemic (DR-4502)," last accessed April 22, 2020, https://www.fema.gov/disaster/4502, both of which list "January 20, 2020 and continuing" as the incident period (as of April 22, 2020).

[21] 44 C.F.R. §206.32(f).

[22] 44 C.F.R. §206.32(f). Per FEMA's COVID-19 guidance, "FEMA assistance will require execution of a FEMA-State/Tribal/Territory Agreement, as appropriate" (FEMA, "COVID-19 Emergency Declaration"). When an emergency is declared, the governor of the affected state and the FEMA Regional Administrator (or designee) execute a FEMA-State Agreement, which "states the understandings, commitments, and conditions for assistance under which FEMA disaster assistance shall be provided" (44 C.F.R. §206.44(a)). Per FEMA's regulations, "[n]o FEMA funding will be authorized or provided to any grantees or other recipients, nor will direct Federal assistance be authorized by mission assignment, until such time as this Agreement for the Presidential declaration has been signed, except where it is deemed necessary by the Regional Administrator to begin the process of providing essential emergency services.... " (44 C.F.R. §206.44(a)).

[23] FEMA, "Infectious Disease Event," fact sheet, FP 104-009-001, May 2016, https://www.fema.gov/media-library-data/1464717519589-ba4712cb1eab5dfb47636b8a2a108676/InfectiousDiseaseFactSheetORR05132016.pdf.

[24] 44 C.F.R. §206.44(a); and FEMA, "COVID-19 Emergency Declaration."

[25] As an example, see FEMA, "FEMA Extends Incident Period for February Storms and Flooding," Release Number: DR-4429-MS NR 017, October 24, 2019, https://www.fema.gov/news-release/2019/10/24/fema-extends-incident-period-february-storms-and-flooding.

Why didn't the President declare a national major disaster for COVID-19?

Stafford Act Section 401 states "[a]ll requests for a declaration by the President that a major disaster exists shall be made by the Governor of the affected State" or "[t]he Chief Executive of an affected Indian tribal government may submit a request for a declaration by the President that a major disaster exists.... "[26] Although the President is not authorized by the Stafford Act to unilaterally declare a major disaster on behalf of a state, territory, or tribe, the President stated in his emergency declaration letter to the Acting Secretary of the Department of Homeland Security, the Secretary of the Department of Treasury, the Secretary of the Department of Health and Human Services, and the Administrator of the Federal Emergency Management Agency that he "believe[s] that the disaster is of such severity and magnitude nationwide that requests for a declaration of a major disaster ... may be appropriate."[27]

As of March 20, 2020, the President began approving major disaster declaration requests under the Stafford Act.[28] As of April 22, 2020, all 50 states, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands have received major disaster declarations for COVID-19.[29]

Have states, territories, and tribes ever received a major disaster declaration for an outbreak of an infectious disease, such as COVID-19?

The President started approving major disaster declaration requests for COVID-19 as of March 20, 2020.[30] These declarations are the first major disaster declarations issued under the Stafford Act for an infectious disease outbreak.

Does it take a long time to approve a request for a major disaster declaration?

The State of New York was the first state to receive a major disaster declaration for COVID-19. According to FEMA's "Daily Operations Briefing for Wednesday, March 18, 2020," New York requested a major disaster declaration on March 17, 2020.[31] The President authorized New York's request on March 20, 2020.[32] Other state requests for a major disaster for COVID-19 have also

[26] 42 U.S.C. §5170(a)-(b).

[27] President Trump, "Emergency Declaration Letter."

[28] FEMA, "COVID-19 Response"; and see, for examples, FEMA, "Major Disaster for New York"; FEMA, "Major Disaster for Washington"; and FEMA, "Major Disaster for California."

[29] FEMA, "COVID-19 Disaster Declarations."

[30] FEMA, "COVID-19 Response"; and see, for examples, FEMA, "Major Disaster for New York"; FEMA, "Major Disaster for Washington"; and FEMA, "Major Disaster for California."

[31] FEMA, "Daily Operations Briefing for Wednesday, March 18, 2020," https://content.govdelivery.com/attachments/USDHSFEMA/2020/03/18/file_attachments/1404252/FEMA%20Daily%20Ops%20Briefing%2003-18-2020.pdf (hereinafter FEMA, "Daily Operations Briefing for Wednesday, March 18, 2020"). Note that FEMA's "Declaration Requests in Process" table notes that New York requested a major disaster declaration on March 17, 2020, but the New York "Declaration Request" page lists March 16, 2020, as the request date.

[32] FEMA, "New York Covid-19 Pandemic (DR-4480)," https://www.fema.gov/disaster/4480.

been processed within days of their submission.[33] FEMA lists the approved presidential major disaster declarations for COVID-19 on the agency's "COVID-19 Disaster Declarations" and "Disasters" webpages.[34] As of April 22, 2020, all 50 states, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands have received major disaster declarations for COVID-19.[35]

Types of Stafford Act Assistance

Different types of federal assistance are available pursuant to each type of declaration, with emergency declarations providing more limited forms of assistance than major disaster declarations. Federal assistance made available pursuant to Stafford Act declarations is intended to supplement local efforts to respond to and recover from emergencies and major disasters. Federal assistance may support state, territorial, tribal, and local governments, certain nonprofit organizations, and individuals and households. **Table 1** lists the forms of assistance available pursuant to each type of declaration. The following questions relate to the federal response efforts for COVID-19, including assistance available to state, territorial, tribal, and local governments, private nonprofit organizations, private entities, and individuals and households.

Table 1. Assistance Available under Stafford Act Declarations

	Emergency Declaration	Major Disaster Declaration
Public Assistance (PA)	*Emergency Work*	*Emergency Work*
	Category A–Debris Removal	Category A–Debris Removal
	Category B–Emergency Protective Measures	Category B–Emergency Protective Measures
		Permanent Work
		Category C–Roads and Bridges
		Category D–Water Control Facilities
		Category E–Buildings and Equipment
		Category F–Utilities
		Category G–Parks, Recreational, Other
Individual Assistance (IA)	Individuals and Households Program (IHP)	IHP
		Crisis Counseling Program
		Disaster Case Management
		Disaster Unemployment Assistance
		Disaster Legal Services
		Disaster Supplemental Nutrition Assistance Program

[33] For example, the State of Iowa requested a major disaster declaration on March 19, 2020 (FEMA, "Daily Operations Briefing for Friday, March 20, 2020," https://content.govdelivery.com/attachments/USDHSFEMA/2020/03/20/file_attachments/1406484/FEMA%20Daily%20Ops%20Briefing%2003-20-2020.pdf). Iowa's request was approved on March 23, 2020 (FEMA, "Iowa Covid-19 Pandemic (DR-4483)," https://www.fema.gov/disaster/4483).

[34] FEMA, "COVID-19 Disaster Declarations."

[35] FEMA, "COVID-19 Disaster Declarations."

	Emergency Declaration	Major Disaster Declaration
Hazard Mitigation Assistance (HMA)	Not Available	Hazard Mitigation Grant Program

Source: Developed by CRS based on the Federal Emergency Management Agency's (FEMA's) webpage on "The Disaster Declaration Process," available at https://www.fema.gov/disaster-declaration-process.

What is Emergency Declaration Assistance?

Emergency declarations authorize some forms of Public Assistance (PA) and Individual Assistance (IA) but the assistance is generally more limited than assistance that is made available under a major disaster declaration.[36] **Table 1** lists the forms of assistance available pursuant to an emergency declaration.

Emergency declarations often authorize certain forms of PA, which supplement the ability of a state, territory, or tribe to respond to an incident. Emergency declarations may authorize PA "emergency work" undertaken "to save lives, protect property and public health and safety, and lessen or avert the threat of a catastrophe, including precautionary evacuations," per Section 502 of the Stafford Act.[37] FEMA's two categories of PA "emergency work" are debris removal (Category A) and emergency protective measures (Category B).[38] Stafford Act emergency declarations for public health incidents have previously authorized emergency protective measures undertaken to reduce an immediate threat to life, public health, or safety, including emergency shelter and medicine, hazard communication, and provision and distribution of necessities.[39]

Individual Assistance, which helps individuals and households respond to post-disaster needs, can also be made available through an emergency declaration. One form of IA—the Individuals and Households Program (IHP) (authorized under Stafford Act Section 408) may be authorized pursuant to an emergency declaration.[40]

[36] Emergency declarations, including those made for COVID-19 response and recovery efforts, do not authorize Hazard Mitigation Assistance (HMA) for projects that may reduce the loss of life and property from future disasters.

[37] 42 U.S.C. §5192, Section 502 of the Stafford Act (P.L. 93-288).

[38] FEMA, *Public Assistance Program and Policy Guide (PAPPG)*, FP 104-009-2, April 2018, p. 19, https://www.fema.gov/media-library-data/1525468328389-4a038bbef9081cd7dfe7538e7751aa9c/PAPPG_3.1_508_FINAL_5-4-2018.pdf (hereinafter FEMA, *PAPPG*).

[39] Until COVID-19, no public health incident had received a major disaster declaration since the enactment of the Stafford Act in 1988. See CRS Insight IN11229, *Stafford Act Assistance for Public Health Incidents*, by Bruce R. Lindsay and Erica A. Lee. Emergency declarations for the states of New York and New Jersey for West Nile Virus in 2000, the state of West Virginia for a Chemical Spill in 2014, and the state of Michigan for Water Contamination in 2016 authorized only PA Category B—Emergency Protective Measures. See Federal Emergency Management Agency (FEMA), "New York; Emergency and Related Determinations," 65 *Federal Register* 63589, October 24, 2000; FEMA, "New Jersey; Emergency and Related Determinations," 65 *Federal Register* 67747, November 13, 2000; FEMA, "West Virginia; Emergency and Related Determinations," 79 *Federal Register* 3609, January 22, 2014; and FEMA, "Michigan; Emergency and Related Determinations," 81 *Federal Register* 6030, February 4, 2016.

[40] 42 U.S.C. §5192(6). For more information on FEMA's Individual Assistance program, see CRS Report R46014, *FEMA Individual Assistance Programs: An Overview*, by Elizabeth M. Webster.

What assistance is available for states, territories, and tribes under the emergency declaration for COVID-19?

The emergency declarations issued for COVID-19 on March 13, 2020 authorized Public Assistance (PA) in accordance with Section 502 of the Stafford Act.[41] Under this declaration, FEMA may reimburse states, tribes, and territories for costs incurred while performing emergency protective measures.[42]

Specifically, the COVID-19 emergency declarations authorized PA Category B—Emergency Protective Measures.[43] States, territories, or tribes will be the PA grant Recipients and administer PA awards.[44] State, territorial, and tribal governments that have received emergency or major disaster declarations may apply to FEMA for funds as PA grant Recipients. Local governments and certain nonprofit entities may apply for funds through the PA grant Recipient.[45]

Eligible applicants are to be reimbursed for 75% of eligible costs incurred while performing emergency protective measures.[46] FEMA cannot provide financial assistance for activities that are covered by insurance, or any other source, including activities eligible for financial assistance from the Department of Health and Human Services (HHS).[47] For example, PA applicants cannot receive reimbursement for COVID-19 public health surveillance work or other activities already funded by the HHS Public Health Emergency Preparedness Cooperation Agreement Program.[48]

Emergency protective measures encompass a wide range of activities.[49] According to a FEMA news release on the COVID-19 emergency declaration, reimbursable activities may include "activation of State Emergency Operations Centers, National Guard costs, law enforcement and other measures necessary to protect public health and safety."[50] On March 19, 2020, FEMA released a non-exclusive list of eligible emergency protective measures that was later supplemented with a non-exclusive list of eligible emergency medical care.[51]

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[41] President Trump, "Emergency Declaration Letter."

[42] President Trump, "Emergency Declaration Letter."

[43] The declaration authorized this assistance in accordance with 42 U.S.C. §5192, Section 502 of the Stafford Act (P.L. 93-288).

[44] An Indian tribal government may elect to be a subrecipient under a state declaration or request its own declaration and be a PA grant Recipient. 44 C.F.R. §206.201(e); see also FEMA, "COVID-19: FEMA Assistance for Tribal Governments."

[45] 44 C.F.R. §206.202(a).

[46] FEMA, "Coronavirus (COVID-19) Pandemic: Eligible Emergency Protective Measures," fact sheet, March 19, 2020, https://www.fema.gov/news-release/2020/03/19/coronavirus-covid-19-pandemic-eligible-emergency-protective-measures (hereinafter FEMA, "COVID-19 Eligible Emergency Protective Measures"). See also 44 C.F.R. §206.65.

[47] 42 U.S.C. §5155.

[48] FEMA, "COVID-19 Eligible Emergency Protective Measures," and FEMA, "Coronavirus (COVID-19) Pandemic: Emergency Medical Care," fact sheet, March 31, 2020, https://www.fema.gov/news-release/2020/03/31/coronavirus-covid-19-pandemic-emergency-medical-care" (hereinafter, FEMA, "COVID-19: Emergency Medical Care"). See also Centers for Disease Control and Prevention (CDC), "Public Health Emergency Preparedness (PHEP) Cooperative Agreement," https://www.cdc.gov/cpr/readiness/phep.htm.

[49] For a non-exclusive list of emergency protective measures eligible for reimbursement under general FEMA guidance, see FEMA, *PAPPG*, pp. 57-82.

[50] FEMA, "President Donald J. Trump Directs FEMA Support Under Emergency Declaration for COVID-19," Release Number: HQ-20-017, March 13, 2020, https://www.fema.gov/news-release/2020/03/13/president-donald-j-trump-directs-fema-support-under-emergency-declaration (hereinafter, FEMA, "President Trump Directs FEMA Support").

[51] FEMA, "COVID-19 Eligible Emergency Protective Measures," and FEMA, "COVID-19: Emergency Medical Care."

Table 2. Eligible Emergency Protective Measures—COVID-19

- Management, control, and reduction of immediate threats to public health and safety:
  - Emergency Operation Center costs;
  - Training specific to the declared event;
  - Disinfection of eligible public facilities;
  - Technical assistance to state, tribal, territorial, or local governments on emergency management and control of immediate threats to public health and safety.
- Emergency medical care:
  - Triage and medically necessary tests and diagnosis related to COVID-19 cases;
  - Emergency medical treatment of COVID-19 patients;
  - Prescription costs related to COVID-19 treatment;
  - Use or lease of specialized medical equipment necessary to respond to COVID-19 cases;
  - Purchase of PPE, durable medical equipment, and consumable medical supplies necessary to respond to COVID-19 cases (note that disposition requirements may apply);
  - Medical waste disposal related to eligible emergency medical care;
  - Emergency medical transport related to COVID-19;
  - Temporary medical facilities and expanded medical care facility capacity for COVID-19 for facilities overwhelmed by COVID-19 cases and/or to quarantine patients infected or potentially infected by COVID-19;
  - Temporary facilities and expansions may be used to treat COVID-19 patients or non-COVID-19 patients, as appropriate.
- Medical sheltering (e.g., when existing facilities are reasonably forecasted to become overloaded in the near future and cannot accommodate needs):
  - All sheltering must be conducted in accordance with standards and/or guidance approved by U.S. Department of Health and Human Services (HHS)/Centers for Disease Control and Prevention (CDC) and must be implemented in a manner that incorporates social distancing measures.
  - Non-congregate medical sheltering may also be eligible, subject to prior approval by FEMA.[a]

    Non-congregate sheltering is defined as sheltering that affords a degree of privacy to individuals or households like hotels, motels, or dormitories. By contrast, FEMA refers to emergency mass sheltering in gymnasiums or schools as congregate sheltering.[b] Examples of non-congregate sheltering include sheltering for those who test positive for COVID-19 who do not require hospitalization but need isolation (including those exiting from hospitals); those who have been exposed to COVID-19 who do not require hospitalization; and asymptomatic high-risk individuals needing social distancing as a precautionary measure, such as people over 65 or with certain underlying health conditions (respiratory, compromised immunities, chronic disease).
  - Sheltering specific populations in non-congregate shelters should be determined by a public health official's direction or in accordance with the direction or guidance of health officials by the appropriate state or local entities. The request should specify the populations to be sheltered.
- Household pet sheltering and containment actions related to household pets in accordance with CDC guidelines;
- Purchase and distribution of food, water, ice, medicine, and other consumable supplies, to include personal protective equipment and hazardous material suits;
- Movement of supplies and persons;
- Security and law enforcement;
- Communications of general health and safety information to the public;
- Search and rescue to locate and recover members of the population requiring assistance;
- Reimbursement for state, tribe, territory, and/or local government force account overtime costs.[c]

Source: Federal Emergency Management Agency (FEMA), "Coronavirus (COVID-19) Pandemic: Eligible Emergency Protective Measures," fact sheet, March 19, 2020, https://www.fema.gov/news-release/2020/03/19/coronavirus-covid-19-pandemic-eligible-emergency-protective-measures; and FEMA, "Coronavirus (COVID-19) Pandemic: Emergency Medical Care," fact sheet, March 31, 2020, https://www.fema.gov/news-release/2020/03/31/coronavirus-covid-19-pandemic-emergency-medical-care. Note that FEMA may change guidance at any time.

Notes:

a. For more information, see FEMA, "Public Assistance: Non-Congregate Sheltering Delegation of Authority," fact sheet, March 19, 2020, https://www.fema.gov/news-release/2020/03/19/public-assistance-non-congregate-sheltering-delegation-authority; and FEMA, "Coronavirus (COVID-19) Pandemic: Non-Congregate Sheltering," frequently asked questions, March 31, 2020, https://www.fema.gov/news-release/2020/03/31/coronavirus-covid-19-pandemic-non-congregate-sheltering.

b. FEMA, *Public Assistance Program and Policy Guide (PAPPG)*, FP 104-009-2, April 2018, p. 66, https://www.fema.gov/media-library-data/1525468328389-4a038bbef9081cd7dfe7538e7751aa9c/PAPPG_3.1_508_FINAL_5-4-2018.pdf.

c. Per the FEMA *PAPPG*, "FEMA refers to the Applicant's personnel as 'force account.'" (FEMA, *PAPPG*, p. 23). For more information, see Stafford Act §403(d)(1)(B), 42 U.S.C. §5170b, and 44 C.F.R. §206.228(a)(2)(iii).

What assistance is available for private nonprofit organizations and businesses under the emergency declaration for COVID-19?

Under the Stafford Act, eligible private nonprofit organizations may receive reimbursement for costs incurred while performing eligible emergency protective measures through the PA program. For-profit entities are not eligible applicants for PA.[52]

President Trump's emergency declaration for COVID-19 authorized FEMA to reimburse state, territorial, tribal, and local government entities and certain nonprofit organizations (PNPs) for eligible costs incurred while performing emergency protective measures.[53] Under the Stafford Act, certain PNPs may be eligible for PA if they provide "critical services"[54] or non-critical, "essential"[55] services available to the general public. PNPs providing critical services include

[52] Private nonprofit organizations (PNPs) are defined in both the Stafford Act and FEMA regulations. 44 C.F.R. §206.221(f) defines PNPs as "any nongovernmental agency or entity that currently has: (1) An effective ruling letter from the U.S. Internal Revenue Service, granting tax exemption under sections 501(c), (d), or (e) of the Internal Revenue Code of 1954, or (2) Satisfactory evidence from the State that the nonrevenue producing organization or entity is a nonprofit one organized or doing business under State law." Additionally, Stafford Act Section 102(11)(A) and (B) define private nonprofit facilities (42 U.S.C. §5122 (11)(A) and (B)). The FEMA fact sheet for COVID-19 PNPs states that, "[t]o be eligible for Public Assistance, a PNP applicant must show that it has: [1] [a] ruling letter from the Internal Revenue Service granting tax exemption under sections 501(c), (d), or (e) of the Internal Revenue Code of 1954; or [2] [d]ocumentation from the state substantiating that the non-revenue producing organization or entity is a nonprofit entity organized or doing business under state law. Eligible PNPs must also own or operate an eligible facility. For PNPs, an eligible facility is one that provides an eligible service, which includes education, utilities, emergency, medical, custodial care, and other essential social services" (FEMA, "Coronavirus (COVID-19) Pandemic: Private Nonprofit Organizations," fact sheet, April 2, 2020, https://www.fema.gov/news-release/2020/04/02/coronavirus-covid19-pandemic-private-nonprofit-organizations). Section 403(a)(4) of the Stafford Act authorizes the President to reimburse state and local governments, as well as private nonprofit facilities, for essential assistance following a major disaster declaration (42 U.S.C. §5170b(a)(4)).

[53] FEMA, "COVID-19 Emergency Declaration."

[54] Eligible PNPs that provide critical services are "educational, utility, irrigation, emergency, medical, rehabilitational, and temporary or permanent custodial care facilities (including those for the aged and disabled) and facilities on Indian reservations," as defined at 42 U.S.C. §5122(11)(A), Section 102(11)(A) of the Stafford Act, and 44 C.F.R. §206.221(e). FEMA provides a full discussion on the eligibility of private non-profit organizations in FEMA, *PAPPG*, pp. 10-14.

[55] PNPs that provide "non-critical, essential" services are "any private nonprofit facility that provides essential social services to the general public (including museums, zoos, performing arts facilities, community arts centers, community centers, libraries, homeless shelters, senior citizen centers, rehabilitation facilities, shelter workshops, food banks,

educational, utility, irrigation, emergency, medical, rehabilitational, and temporary or permanent custodial care facilities.[56] PNPs providing non-critical but essential services include, but are not limited to, community centers, libraries, homeless shelters, food banks, broadcasting facilities, houses of worship, senior citizen centers, rehabilitation facilities, and shelter workshops.[57] Religiously affiliated PNPs must meet the same eligibility criteria as other PNPs.[58]

For-profit entities are not eligible to apply for reimbursement through the PA program. For-profit entities, however, may be eligible for COVID-19 assistance through the Small Business Administration (SBA).[59]

Eligible PA applicants and PA grant Recipients may also contract for-profit entities to perform emergency work.[60] For example, FEMA specified that eligible governments "may contract with medical providers, including private for-profit hospitals, to carry out any eligible activity described in the Eligible Emergency Medical Care Activities…."[61] FEMA may then reimburse PA grant Recipients for the federal share of eligible costs incurred during the execution of the work. PA grant Recipients may then reimburse PA Applicants for eligible associated costs.

What assistance is available for individuals under the emergency declaration for COVID-19?

Individual Assistance (IA) was not authorized by the President's initial emergency declaration for COVID-19.[62] However, IA—Crisis Counseling has been authorized for 10 states pursuant to their

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broadcasting facilities, houses of worship, and facilities that provide health and safety services of a governmental nature), as defined by the President. No house of worship may be excluded from this definition because leadership or membership in the organization operating the house of worship is limited to persons who share a religious faith or practice" as defined in 42 U.S.C. §5122(11)(B), Section 102(11)(B) of the Stafford Act, and 44 C.F.R. §206.221(e)(7). See also FEMA, *PAPPG*, pp. 10-14.

[56] FEMA, *PAPPG*, p. 12.

[57] FEMA, *PAPPG*, p. 13.

[58] The Bipartisan Budget Act of 2018 (P.L. 115-123) changed eligibility for houses of worship under the Stafford Act. Per 42 U.S.C. §5122(11)(B), "[n]o house of worship may be excluded from this definition because leadership or membership in the organization operating the house of worship is limited to persons who share a religious faith or practice."

[59] For more information, see CRS Report R46284, *COVID-19 Relief Assistance to Small Businesses: Issues and Policy Options*, by Robert Jay Dilger, Bruce R. Lindsay, and Sean Lowry.

[60] FEMA, *PAPPG*, pp. 30-33. FEMA released a memorandum for COVID-19 procurement; FEMA, "Procurement Under Grants Conducted Under Emergency or Exigent Circumstances for COVID-19," memorandum, March 17, 2020, https://www.fema.gov/media-library-data/1584457999950-7186ffa29ace3e6faf2ca2f764357013/Procurement_Under_EE_Circumstances_Memo_final_508AB.pdf. See also FEMA, "Procurement Under Grants: Under Emergency or Exigent Circumstances," fact sheet, March 20, 2020, https://www.fema.gov/news-release/2020/03/20/procurement-under-grants-under-exigent-or-emergency-circumstances.

[61] FEMA, "COVID-19: Emergency Medical Care."

[62] FEMA, "President Trump Directs FEMA Support." The FEMA release states that "[the] declaration does not make direct financial assistance available to individuals." In a separate FEMA release, the agency makes it clear that the emergency declaration makes only Public Assistance Category B—Emergency Protective Measures available. "State, Territorial, Tribal, local government entities and certain private non-profit (PNP) organizations are eligible to apply for Public Assistance.... In accordance with section 502 of the Stafford Act, eligible emergency protective measures taken to respond to the COVID-19 emergency at the direction or guidance of public health officials' may be reimbursed under Category B of the agency's Public Assistance program." FEMA, "COVID-19 Emergency Declaration." If IA were authorized pursuant to an emergency declaration for COVID-19, the FEMA Individuals and Households Program (IHP) is the only type of Individual Assistance (IA) that would be available. Stafford Act Section 502(a)(6) allows the President to "provide assistance in accordance with section 5174 of this title" (42 U.S.C. §5192(a)(6)). 42 U.S.C. §5174 relates to Stafford Act Section 408, the IHP. The IHP may provide Housing Assistance and Other Needs Assistance

major disaster declarations for COVID-19 (for more information, see "What assistance is available to individuals under a major disaster declaration?").[63] **Table A-1** includes a list of the categories of FEMA assistance—including Crisis Counseling—authorized pursuant to the major disaster declarations for COVID-19, organized by state and territory.

What types of assistance for medical care will FEMA reimburse under the Stafford Act declarations for COVID-19?

As of March 30, 2020, Stafford Act declarations for COVID-19 authorized FEMA to reimburse only state, territorial, tribal, and local governments and eligible nonprofits for the cost of uninsured emergency medical care. No assistance for individuals' medical costs has been authorized.

All major disaster and emergency declarations issued under the Stafford Act as of March 30, 2020, authorized PA Category B—Emergency Protective Measures, through which FEMA may reimburse eligible state, territorial, tribal, and local governmental entities and eligible private nonprofit entities for the cost of uninsured emergency medical care directly related to COVID-19.[64] Per Stafford Act Section 312, FEMA may not duplicate assistance provided by other entities, including the Department of Health and Human Services (HHS) or private medical insurers.[65]

FEMA may only reimburse medical care that is required as a result of COVID-19,[66] and that eliminates or lessens immediate threats to life, public health, or safety.[67] Typically, emergency medical care costs are eligible for up to 30 days from the date of an emergency or major disaster declaration. In the case of COVID-19, eligible emergency medical care costs are "eligible for the duration of the Public Health Emergency, as determined by HHS."[68] However, the cost of long-term medical treatment is not eligible for reimbursement through PA, including the costs of medical care for COVID-19 patients admitted to a medical facility on an inpatient basis. Also not eligible are the costs of treatment for COVID-19 patients beyond the duration of the Public Health Emergency, and administrative costs associated with the treatment of COVID-19 patients.[69]

The HHS Secretary has invoked several public health emergency authorities for the COVID-19 response. Although FEMA's list of authorized medical care does not specify which public health

(ONA). The FEMA IA programs are described in the FEMA *Individual Assistance Program and Policy Guide (IAPPG)*, FP 104-009-03, March 2019, https://www.fema.gov/media-library-data/1551713430046-1abf12182d2d5e622d16accb37c4d163/IAPPG.pdf (hereinafter FEMA, *IAPPG*). For example, Medical and Dental Assistance, a form of ONA, may allow FEMA to provide financial assistance to individuals with disaster-caused, uninsured medical and dental expenses (not to exceed $35,500 (FY2020)) (FEMA, *IAPPG*, pp. 140-143). For more information on the IHP and other forms of IA, see CRS Report R46014, *FEMA Individual Assistance Programs: An Overview*, by Elizabeth M. Webster.

[63] As of April 22, 2020, some states were authorized to receive Individual Assistance—Crisis Counseling (see, for example, FEMA, "Major Disaster for New York"). As of April 22, 2020, Puerto Rico, the U.S. Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, and Guam were only authorized to receive Public Assistance Category B pursuant to their major disaster declarations for COVID-19. These territories were not authorized to receive IA—Crisis Counseling (see FEMA, "COVID-19 Disaster Declarations").

[64] FEMA, "COVID-19: Emergency Medical Care."

[65] Stafford Act §312; 42 U.S.C. §5155. See also 44 C.F.R. §206.250(c).

[66] 44 C.F.R. §206.223(a)(1).

[67] 44 C.F.R. §206.225(3)(i).

[68] FEMA, "COVID-19: Emergency Medical Care."

[69] FEMA, "COVID-19: Emergency Medical Care."

emergency authority is meant in referring to the duration of eligibility, it probably refers to the declaration authority pursuant to Section 319 of the Public Health Service Act.[70] The "Section 319" authority allows the HHS Secretary to carry out a specified set of actions to address public health emergencies, such as expediting or waiving certain administrative requirements that would otherwise apply to federal activities or federally administered grants. The declaration of a Public Health Emergency for COVID-19 was made on January 31, 2020. It is in effect for 90 days, and is expected by many to be renewed and remain in effect for the duration of the response.[71]

Table 3 includes the types of emergency medical care necessary to saves lives or protect public health and safety that are listed by FEMA as eligible for PA for COVID-19, as of March 31, 2020.

Table 3. Eligible Emergency Medical Care Activities

as of March 31, 2020

- Triage and medically necessary tests and diagnosis related to COVID-19 cases;
- Emergency medical treatment of COVID-19 patients;
- Prescription costs related to COVID-19 treatment;
- Use or lease of specialized medical equipment necessary to respond to COVID-19 cases;
- Purchase of PPE, durable medical equipment, and consumable medical supplies necessary to respond to COVID-19 cases (note that disposition requirements may apply);
- Medical waste disposal related to eligible emergency medical care;
- Emergency medical transport related to COVID-19;
- Temporary medical facilities and expanded medical care facility capacity for COVID-19 for facilities overwhelmed by COVID-19 cases and/or to quarantine patients infected or potentially infected by COVID-19;
- Temporary facilities and expansions may be used to treat COVID-19 patients or non-COVID-19 patients, as appropriate.
- Medical sheltering (e.g., when existing facilities are reasonably forecasted to become overloaded in the near future and cannot accommodate needs)
    - All sheltering must be conducted in accordance with standards and/or guidance approved by HHS/CDC and must be implemented in a manner that incorporates social distancing measures.
    - Non-congregate medical sheltering may also be eligible, subject to prior approval by FEMA.
        - Examples include sheltering for those who test positive for COVID-19 who do not require hospitalization but need isolation (including those exiting from hospitals); those who have been exposed to COVID-19 who do not require hospitalization; and asymptomatic high-risk individuals needing social distancing as a precautionary measure, such as people over 65 or with certain underlying health conditions (respiratory, compromised immunities, chronic disease).
    - Sheltering specific populations in non-congregate shelters should be determined by a public health official's direction or in accordance with the direction or guidance of health officials by the appropriate state or local entities. The request should specify the populations to be sheltered.

[70] 42 U.S.C. §247d. For more information, see HHS, "Public Health Emergency Declaration," https://www.phe.gov/Preparedness/legal/Pages/phedeclaration.aspx.

[71] 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, https://www.phe.gov/emergency/news/healthactions/phe/Pages/default.aspx. An emergency determination under Section 319 terminates after 90 days, unless terminated earlier by the HHS Secretary, and is renewable for additional 90-day periods. Section 319 emergencies declared in response to the 2009 H1N1 influenza pandemic and the 2016-2017 Zika virus outbreak were each renewed several times.

Source: Federal Emergency Management Agency (FEMA), "Coronavirus (COVID-19) Pandemic: Emergency Medical Care," March 31, 2020, https://www.fema.gov/news-release/2020/03/31/coronavirus-covid-19-pandemic-emergency-medical-care.

FEMA may determine that other activities undertaken to reduce the threats to life, public health, or safety by COVID-19 are eligible emergency protective measures. To determine eligibility, FEMA's Regional Administrators may require that local, state, or federal officials certify that the work performed was necessary to cope with such threats.[72]

What measures must states, tribes, and territories take before FEMA may provide assistance for COVID-19 within their jurisdictions?

According to FEMA, all U.S. states, territories, and the District of Columbia, as well as tribes that have received independent emergency declarations for COVID-19, must execute a FEMA-State/Tribal/Territory Agreement (hereinafter FEMA-State Agreement), as appropriate, and execute an applicable emergency plan in order to receive FEMA assistance.[73] FEMA-State Agreements state the understandings, terms, and commitments under which FEMA disaster assistance is to be provided.[74] FEMA-State Agreements describe the emergency or disaster (incident), the incident period, the type and extent of assistance to be made available, the federal and nonfederal cost share, and other terms and conditions of the declaration and provision of assistance.[75] The state, territory, or tribe with an emergency or major disaster declaration becomes the PA grant Recipient and administers PA awards within its jurisdiction.[76]

FEMA also requires an Application for Federal Assistance and an update of a Public Assistance Plan before it will provide assistance through the PA program.[77] Recipients may register accounts for all PA Applicants on the PA Grants portal, a FEMA maintained database.[78] Eligible PA Applicants within the jurisdiction may then apply for PA, and awarded projects are tracked in the PA grants database.

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[72] 44 C.F.R. §206.225(2).

[73] The Application for Federal Assistance is Standard Form 424. FEMA, "COVID-19 Emergency Declaration." Although a modified declaration for a federal emergency, such as the emergency declarations issued pursuant to Stafford Act Section 501(b) for COVID-19, may or may not require a FEMA-State Agreement, depending on the type of assistance being provided (44 C.F.R. §206.44(d)), the March 13, 2020, COVID-19 Emergency Declaration requires the execution of FEMA-State Agreements (FEMA, "COVID-19 Emergency Declaration"). FEMA's regulations, however, note that although generally FEMA assistance will not be provided until the FEMA-State Agreement is signed, there is an exception. When it "is deemed necessary by the [FEMA] Regional Administrator to begin the process of providing essential emergency services.... " FEMA may begin providing assistance prior to the FEMA-State Agreement's being signed (44 C.F.R. §206.44(a)).

[74] 44 C.F.R. §206.44(a).

[75] 44 C.F.R. §206.44(b).

[76] 44 C.F.R. §206.202 and FEMA, *PAPPG*, p. 5.

[77] FEMA, "COVID-19 Emergency Declaration," and FEMA, "Coronavirus (COVID-19) Pandemic: Public Assistance Simplified Application," fact sheet, March 23, 2020, https://www.fema.gov/news-release/2020/03/23/coronavirus-covid-19-pandemic-public-assistance-simplified-application (hereinafter, FEMA, "COVID-19 Simplified PA Application"). For more information on FEMA-State Agreements, see FEMA, *PAPPG*, p. 5, and 44 C.F.R. §206.44. For more information on state emergency plans applicable to the PA program, see 44 C.F.R. §206.4. For more information on grant approval forms, see 44 C.F.R. §206.202 (e). For more information on state administrative plans, see 44 C.F.R. §206.207(b).

[78] FEMA, "COVID-19 Simplified PA Application."

Can states/tribes request to receive certain kinds of emergency protective measures?

FEMA has published guidance "on the types of emergency protective measures that may be eligible under FEMA's Public Assistance Program in accordance with the COVID-19 Emergency Declaration in order to ensure that resource constraints do not inhibit efforts to respond to this unprecedented disaster."[79] The list of eligible emergency protective measures is not exhaustive. Moreover, FEMA stated that

> In accordance with section 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"), eligible emergency protective measures taken to respond to the COVID-19 emergency at the direction or guidance of public health officials may be reimbursed under Category B of FEMA's Public Assistance program. FEMA will not duplicate assistance provided by the U.S. Department of Health and Human Services (HHS), to include the Centers for Disease Control and Prevention (CDC), or other federal agencies.[80]

FEMA and PA grant Recipients (i.e., the state, territory, or tribe that administers the PA award)[81] both review applications for Public Assistance to determine whether costs, work, and applicants[82] are eligible to receive PA.[83] FEMA may approve or decline requests for assistance (see **Table 2** for a list of eligible emergency protective measures for COVID-19).[84] FEMA regulations provide procedures by which an eligible PA Applicant, Subrecipient,[85] or Recipient "may appeal any determination previously made related to an application for or the provision of Federal assistance."[86]

May applicants receive PA for management and disposal of medical waste and human remains?

PA for disposal of medical waste and interment of human remains is included in eligible work authorized for all jurisdictions under PA Category B—Emergency Protective Measures.[87]

How long does it take to receive emergency assistance?

In the case of COVID-19, FEMA introduced streamlined procedures in an effort to expedite the delivery of PA emergency assistance. According to FEMA, "[f]unding is immediately available should state, tribal, territorial or local officials request expedited assistance."[88] On March 21, 2020, FEMA reported that the agency had obligated over $100 million in 24 hours for awards

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[79] FEMA, "COVID-19 Eligible Emergency Protective Measures."

[80] FEMA, "COVID-19 Eligible Emergency Protective Measures."

[81] Per the FEMA *PAPPG*, a "recipient" is "[a] non-Federal entity that receives a Federal award directly from a Federal awarding agency to carry out an activity under a Federal program" (FEMA, *PAPPG*, p. x).

[82] Per the FEMA *PAPPG*, an "applicant" is "[a] non-Federal entity submitting an application for assistance under the Recipient's Federal award" (FEMA, *PAPPG*, p. x).

[83] 44 C.F.R. §206.202 (d) and (e). See also FEMA, "COVID-19 Simplified PA Application."

[84] See 44 C.F.R. §206.225(a) and 44 C.F.R. §206.202(c)-(e).

[85] Per the FEMA *PAPPG*, a "subrecipient" is "[a]n Applicant that receives a subaward from a pass-through entity," which is defined as "[a] non-Federal entity that provides a subaward to an Applicant" (FEMA, *PAPPG*, p. x).

[86] 44 C.F.R. §206.206. See also FEMA, *PAPPG*, pp. 145-146.

[87] FEMA, "COVID-19 Eligible Emergency Protective Measures." See also FEMA, *PAPPG*, p. 58.

[88] FEMA, "COVID-19 Simplified PA Application."

authorized under the March 13, 2020 emergency declarations for COVID-19 authorized under the Stafford Act.[89]

Generally, the time elapsed during delivery of PA emergency assistance will vary by state, incident, applicant, and project. A number of different factors involved in the PA application and reimbursement process affect the delivery of PA. Relevant factors include, but are not limited to, the scope of the project[90] and the time required for the performance of eligible work.[91]

FEMA may obligate and disburse funds for small projects (those up to $131,100 in FY2020) upon the approval of a project worksheet, the form FEMA uses to document the details of the Applicant's work and costs claimed.[92] For large projects (those equal to or greater than $131,100 in FY2020), FEMA may obligate funds to the PA grant Recipient upon the approval of a project worksheet. Applicants may request reimbursement for work completed from the PA grant Recipient.[93]

Can declarations be amended to provide additional types of assistance?

After the President declares an emergency or major disaster, the governor or chief executive may request that the declaration be amended to include additional types of assistance.[94] FEMA can approve such a request.[95] It is not uncommon to authorize additional types of assistance subsequent to a presidential declaration.

If FEMA denies a requested amendment, the governor or chief executive may appeal the decision in writing.[96] The request and its justification must be submitted to the Assistant Administrator for the Disaster Assistance Directorate through the appropriate FEMA Regional Administrator for the FEMA region in which the state, territory, or tribe is located.[97] The appeal is a "one-time request for reconsideration"—FEMA's determination on the appeal is final.[98]

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[89] FEMA, "Coronavirus (COVID-19) Pandemic," Congressional Advisory, March 21, 2020, p. 2.

[90] For more information on reimbursement procedures, see 44 C.F.R. §206.205, and FEMA, "Strategic Funds Management—Implementation Procedures for the Public Assistance Program," SOP 9570.24, December 21, 2012, https://www.fema.gov/media-library-data/20130726-1902-25045-1202/sop_9570.24_strategic_funds_management___implementation_procedures_for_pa_program.pdf. After the COVID-19 Stafford Act declarations, FEMA updated guidance on procurement procedures for emergency and exigent circumstances. See FEMA, "Procurement Under Grants: Under Exigent or Emergency Circumstances," March 20, 2020, FEMA, "Procurement Under Grants: Under Exigent or Emergency Circumstances," March 20, 2020.

[91] See 44 C.F.R. §206.204(c).

[92] 44 C.F.R. §206.205(a). FEMA defines project size based on an annually adjusted cost threshold. In FY2020, a small project is a project above $3,300 and equal to or less than $131,100. FEMA, "Per Capita Impact Indicator and Thresholds," https://www.fema.gov/public-assistance-indicator-and-project-thresholds.

[93] 44 C.F.R. §206.205(b), and FEMA, "Per Capita Impact Indicator and Thresholds," https://www.fema.gov/public-assistance-indicator-and-project-thresholds. For more on the PA reimbursement process, see 44 C.F.R. §206.205 and FEMA, *PAPPG*, pp. 142-146.

[94] 44 C.F.R. §206.40(c).

[95] 44 C.F.R. §206.40(c); see also FEMA, *Tribal Declarations Pilot Guidance*, January 2017, p. 48, https://www.fema.gov/media-library-data/1523033284358-20b86875d12843441a521a6141c15099/Pilot_Guidance.pdf (hereinafter FEMA, *Tribal Declarations Guidance*).

[96] 44 C.F.R. §206.46(b); see also FEMA, *Tribal Declarations Guidance*, p. 49.

[97] 44 C.F.R. §206.46(b). Governors may also appeal a denial of a declaration request, for example, if they request and are denied for a major disaster declaration (44 C.F.R. §206.46(a)). A list of FEMA Regions and the states and territories in each FEMA Region is available on FEMA's "FEMA Regional Contacts" webpage at https://www.fema.gov/fema-regional-contacts.

[98] FEMA has different appeal processes for different programs. For example, the process by which an applicant may

Can the federal cost share be adjusted?

The President has the authority to adjust the federal share of Public Assistance programs.[99] The federal cost share may be increased at FEMA's recommendation when requested by a state, territory, or tribe.[100] The federal share is set at 75% for eligible emergency protective measures performed by states pursuant to the Stafford Act declarations for COVID-19 (authorized under Stafford Act Section 502 for the emergency declarations, and Section 403 for the major disaster declarations).[101]

A state may also receive a loan or advance to cover the nonfederal share (i.e., the portion of the costs not borne by the federal government) in certain extraordinary situations.[102] Specifically, Stafford Act Section 319 authorizes the President to either lend or advance the nonfederal share to an eligible Applicant or a state. This may be done when—

> (1) the State is unable to assume its financial responsibility under such cost-sharing provisions—
>
> (A) with respect to concurrent, multiple major disasters in a jurisdiction, or
>
> (B) after incurring extraordinary costs as a result of a particular disaster; and
>
> (2) the damages caused by such disasters or disaster are so overwhelming and severe that it is not possible for the applicant or the State to assume immediately their financial responsibility under this chapter.[103]

Any loan or advance must be repaid with interest.[104] FEMA's regulations, as a condition for making such a loan, require that the state or eligible Applicant not be delinquent in payment of any debts to FEMA.[105] If the governor's request for an advance is denied, the governor may appeal the decision in writing.[106] As with other appeals of federal decisions regarding assistance provided pursuant to a disaster declaration, this is a one-time request for reconsideration.[107]

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appeal a decision regarding Public Assistance eligibility is detailed in Stafford Act Section 423 and 44 C.F.R. §206.206 (see also FEMA, "Public Assistance Appeals," fact sheet, last updated April 2017, https://www.fema.gov/media-library-data/1494250080108-9576cc6b2f5e0b0b78a3a52698b4775d/PA_Appeals_Fact_Sheet.pdf; and FEMA, "Public Assistance Appeals & Arbitration under the Disaster Recovery Reform Act," fact sheet, last updated February 2020, https://www.fema.gov/media-library-data/1583884001266-0b7a81345b913331f5ac77dfc81cd153/FactSheet_DRRA_PA_Appeals_Arbitration.pdf).

[99] See, for example, 42 U.S.C. §5193(a), which states "[t]he Federal share for assistance provided under this subchapter [Subchapter IV—Major Disaster Assistance Programs] shall be equal to not less than 75 percent of the eligible costs"; and 42 U.S.C. §5170b(b), which states "[t]he Federal share of assistance under this section [essential assistance] shall be not less than 75 percent of the eligible cost of such assistance."

[100] 44 C.F.R. §206.47; see also FEMA, *Tribal Declarations Guidance*, p. 48. For more information, see CRS Report R41101, *FEMA Disaster Cost-Shares: Evolution and Analysis*, by Natalie Keegan and Elizabeth M. Webster.

[101] FEMA, "COVID-19 Eligible Emergency Protective Measures." The federal cost share is also 75% for the states that have received major disaster declarations for COVID-19 and have been authorized for emergency protective measures (Public Assistance Category B) authorized under Section 403 of the Stafford Act (see, for example, FEMA, "Major Disaster for New York"). For more information on cost shares, see CRS Report R41101, *FEMA Disaster Cost-Shares: Evolution and Analysis*, by Natalie Keegan and Elizabeth M. Webster.

[102] 42 U.S.C. §5162; see also 44 C.F.R. §206.45.

[103] 42 U.S.C. §5162(a).

[104] 42 U.S.C. §5162(b); see also 44 C.F.R. §206.45(c).

[105] 44 C.F.R. §206.45(a)(3).

[106] 44 C.F.R. §206.46(c).

[107] 44 C.F.R. §206.46(c).

Congress has, on occasion, adjusted the federal share through legislation. For example, Section 4501 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110-28) authorized 100% federal share for Public Assistance and Individual Assistance for specific states following Hurricanes Katrina, Wilma, Dennis, and Rita.

What is Major Disaster Assistance?

Different types of federal assistance are available pursuant to each type of declaration, with major disaster declarations providing more forms of assistance than emergency declarations. As of April 22, 2020, the President had approved major disaster declaration requests for all 50 states, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands for COVID-19.[108] The specific types of assistance that may be available under a major disaster declaration are listed in **Table 1**. Additionally, **Table 4** lists the categories of assistance and the Stafford Act section under which they are authorized.

When the President makes a major disaster declaration under the Stafford Act, states, tribes, and local governments, as well as certain private nonprofit organizations, may receive reimbursement through Public Assistance (PA) for "emergency work" undertaken to save lives, protect property, public health, and safety, and lessen or avert the threat of a catastrophe, or for "permanent work" undertaken to repair, restore, reconstruct, or replace disaster-damaged public and eligible private nonprofit facilities.[109] As noted previously, most assistance under the Stafford Act related to public health incidents has been delivered through PA Category B—Emergency Protective Measures, including emergency shelter and medicine, hazard communication, and provision and distribution of necessities.[110]

Individual Assistance (IA) provides aid to affected individuals and households. If a major disaster is declared, the forms of IA that may be authorized include assistance for housing and for other needs assistance through the Individuals and Households Program; crisis counseling; disaster unemployment assistance; disaster legal services; and disaster case management services.

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[108] As of April 22, 2020, "[a]ll 50 states, the District of Columbia, and 4 territories have been approved for major disaster declarations to assist with additional needs identified under the nationwide emergency declaration for COVID-19" (FEMA, "COVID-19 Disaster Declarations").

[109] Assistance for these PA program is authorized under Stafford Act Sections 402, 403, 407, 418, 419, and 502; 42 U.S.C. §§5170a-5170b, 5173, 5185-86, 5192. See also 44 C.F.R. §206.220 for general eligibility for public assistance. Per 44 C.F.R. §206.225(c) and (d), PA "emergency work" includes emergency communications and emergency transportation authorized under Stafford Act Sections 418 and 419. FEMA's Public Assistance guidance explains: "[a] State, Territorial, Tribal, or local government may provide emergency communication services and public transportation when existing systems are damaged to the extent vital functions of community life or incident response are disrupted. The costs of these services are not eligible for reimbursement. However, FEMA may provide short-term DFA [Direct Federal Assistance] for these services" (FEMA, *PAPPG*, p. 61).

[110] Until COVID-19, no public health incident had received a major disaster declaration since the enactment of the Stafford Act in 1988. CRS Insight IN11229, *Stafford Act Assistance for Public Health Incidents*, by Bruce R. Lindsay and Erica A. Lee. Emergency declarations for the states of New York and New Jersey for West Nile Virus in 2000, the state of West Virginia for a Chemical Spill in 2014, and the state of Michigan for Water Contamination in 2016 authorized only PA Category B—Emergency Protective Measures. See Federal Emergency Management Agency (FEMA), "New York; Emergency and Related Determinations," 65 *Federal Register* 63589, October 24, 2000; FEMA, "New Jersey; Emergency and Related Determinations," 65 *Federal Register* 67747, November 13, 2000; FEMA, "West Virginia; Emergency and Related Determinations," 79 *Federal Register* 3609, January 22, 2014; and FEMA, "Michigan; Emergency and Related Determinations," 81 *Federal Register* 6030, February 4, 2016.

Additionally, pursuant to a major disaster declaration the Hazard Mitigation Grant Program (HMGP) may be authorized.[111] The HMGP funds mitigation and resiliency projects, typically across the entire state or territory.[112] State, territorial, tribal, and local governments, as well as certain private nonprofit organizations, may apply for measures that reduce loss of life or property in future disasters or emergencies.[113] As of April 22, 2020, FEMA reported that all requests for Hazard Mitigation Assistance through the Hazard Mitigation Grant Program (HMGP) for COVID-19 are under review.[114]

Table 4. Categories of Public Assistance and Individual Assistance

FEMA Assistance Program	Stafford Act Section	Category of Assistance	What It Provides
Public Assistance	Section 407, 428, or 502	Category A[a]	Emergency Work: Debris Removal
	Section 402, 403. 418, 419, or 502	Category B[a]	Emergency Work: Emergency Protective Measures
	Section 406 or Section 428	Category C[b]	Permanent Work: Roads/Bridges
	Section 406 or Section 428	Category D[b]	Permanent Work: Water Control Facilities
	Section 406 or Section 428	Category E[b]	Permanent Work: Buildings/Equipment
	Section 406 or Section 428	Category F[b]	Permanent Work: Utilities
	Section 406 or Section 428	Category G[b]	Permanent Work: Parks, Recreational, and Other Facilities
Individual Assistance	Section 408	Individuals and Households Program[a]	Housing Assistance and Other Needs Assistance (ONA)
	Section 426	Disaster Case Management[b]	Case Management Services
	Section 416	Crisis Counseling Assistance and Training Program[b]	Supportive Crisis Counseling, Psycho-education, Development of Coping Skills, and Linkage to Appropriate Resources

[111] The Hazard Mitigation Grant Program (HMGP) is authorized under Stafford Act Section 404 (42 U.S.C. §5170c).

[112] 42 U.S.C. §5170c. For more information on Hazard Mitigation Assistance, see CRS Insight IN11187, *Federal Emergency Management Agency (FEMA) Hazard Mitigation Assistance*, by Diane P. Horn. See also FEMA, "Hazard Mitigation Grant Program," https://www.fema.gov/media-library-data/1437513326617-c124385de1b6061509f775a164c9aabd/FEMA_HMA_HMGP_tri_2015_508.pdf.

[113] FEMA, "Hazard Mitigation Grant Program," https://www.fema.gov/media-library-data/1437513326617-c124385de1b6061509f775a164c9aabd/FEMA_HMA_HMGP_tri_2015_508.pdf.

[114] The Hazard Mitigation Grant Program is authorized in Section 404 of the Stafford Act, 42 U.S.C. §5170c. For more information, see CRS Insight IN11187, *Federal Emergency Management Agency (FEMA) Hazard Mitigation Assistance*, by Diane P. Horn. The status of requests for HMGP are provided in FEMA, "FEMA Daily Operations Briefing" from March 21, 2020, through April 17, 2020.

FEMA Assistance Program	Stafford Act Section	Category of Assistance	What It Provides
	Section 415	Disaster Legal Services[b]	Legal Aid to Low-income Disaster Survivors (e.g., assistance with insurance claims and replacing legal documents)
	Section 410	Disaster Unemployment Assistance[b]	Unemployment Benefits and Re-employment Assistance Services

Sources: The Public Assistance information is drawn from the Federal Emergency Management Agency (FEMA), *Public Assistance Program and Policy Guide (PAPPG)*, FP 104-009-2, April 2018, p. 19, https://www.fema.gov/media-library-data/1525468328389-4a038bbef9081cd7dfe7538e7751aa9c/PAPPG_3.1_508_FINAL_5-4-2018.pdf. The Individual Assistance information is drawn from the FEMA, *Individual Assistance Program and Policy Guide (IAPPG)*, FP 104-009-03, March 2019, pp. 6-9, https://www.fema.gov/media-library-data/1551713430046-1abf12182d2d5e622d16accb37c4d163/IAPPG.pdf.

Notes: The Public Assistance (PA) categories of assistance (i.e., Categories A-G) do not align with the numbering in Section 403 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act, P.L. 93-288, as amended; 42 U.S.C. §§5121 et seq.).

a. This type of assistance may be made available if authorized pursuant to a presidential declaration of emergency or major disaster.

b. This type of assistance may only be made available if authorized pursuant to a presidential declaration of major disaster.

What assistance is available for states, territories, and tribes under a major disaster declaration for COVID-19?

Major disaster declarations issued as of April 22, 2020 for COVID-19 have all authorized Public Assistance (PA) Category B—Emergency Protective Measures.[115] Major disaster declarations issued for some states also authorized Individual Assistance through the Crisis Counseling Program.[116] **Table A-1** includes a list of the categories of FEMA assistance authorized pursuant to the major disaster declarations for COVID-19, organized by state and territory. Major disaster declarations may authorize Hazard Mitigation Assistance through the Hazard Mitigation Grant Program (HMGP).[117] As of April 22, 2020, FEMA reported that all requests for Hazard Mitigation Assistance through the Hazard Mitigation Grant Program (HMGP) for COVID-19 are under review.[118]

States, tribes, or territories may request that major disaster declarations be amended to include additional forms of assistance or increase the federal cost-share for PA above 75%[119] (see "Can

[115] News releases detailing the forms of assistance available for all major disaster declarations for COVID-19 may be found at FEMA, "COVID-19 Disaster Declarations." FEMA's fact sheet on the March 13 COVID-19 Emergency Declaration may be found at FEMA, "COVID-19 Emergency Declaration."

[116] FEMA, "COVID-19 Response."

[117] The Hazard Mitigation Grant Program is authorized in Section 404 of the Stafford Act, 42 U.S.C. §5170c. For more information, see CRS Insight IN11187, *Federal Emergency Management Agency (FEMA) Hazard Mitigation Assistance*, by Diane P. Horn.

[118] The Hazard Mitigation Grant Program is authorized in Section 404 of the Stafford Act, 42 U.S.C. §5170c. For more information, see CRS Insight IN11187, *Federal Emergency Management Agency (FEMA) Hazard Mitigation Assistance*, by Diane P. Horn. The status of requests for HMGP are provided in FEMA, "FEMA Daily Operations Briefing" from March 21, 2020, through April 17, 2020.

[119] 44 C.F.R. §206.40 (c) and §206.47. Generally, states, tribes, and territories may also request amendments to

declarations be amended to provide additional types of assistance?" and "Can the federal cost share be adjusted?").

What assistance is available for private nonprofit organizations and businesses under a major disaster declaration?

Certain private nonprofit organizations may be eligible for reimbursement for work performed for eligible emergency protective measures. Eligible PNPs may apply for PA as Applicants or may be contracted by other primary PA grant Recipients or Applicants to perform eligible work.

Businesses are not eligible for assistance authorized under the Stafford Act.[120]

PNPs may be eligible for PA if they provide "critical services" or non-critical, "essential" services available to the general public. PNPs providing critical services include educational, utility, irrigation, emergency, medical, rehabilitational, and temporary or permanent custodial care facilities.[121] PNPs providing non-critical but essential services include, but are not limited to, community centers, libraries, homeless shelters, food banks, broadcasting facilities, houses of worship, senior citizen centers, rehabilitation facilities, facilities that provide health and safety services of a governmental nature, and shelter workshops.[122] Religiously affiliated PNPs are eligible but must meet the same eligibility criteria of other PNPs.[123]

For-profit entities are not eligible to apply directly for public assistance as authorized under the Stafford Act.[124] However, eligible PA applicants and PA grant Recipients may contract with for-profit entities to perform emergency work.[125] FEMA may then reimburse PA grant Recipients for the federal share of eligible costs incurred during the execution of the work, and PA grant Recipients may then reimburse PA Applicants for eligible associated costs. For-profit entities may also be eligible for SBA COVID-19 assistance.[126]

What assistance is available to individuals under a major disaster declaration?

As of April 22, 2020, the FEMA Crisis Counseling Assistance and Training Program (CCP) is the only form of Individual Assistance that has been authorized for some states pursuant to their

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authorize major disaster declarations for additional jurisdictions.

[120] 44 C.F.R. §206.222.

[121] The definition of eligible Private Nonprofit Facilities is located in Sections 102(11)(A)-(B) of the Stafford Act, codified as amended at 42 U.S.C. §§5122(11)(A)-(B). See also 44 C.F.R. §206.221(e)(7) and FEMA, *PAPP*G, pp. 12-13.

[122] FEMA, *PAPPG*, p. 13.

[123] The Bipartisan Budget Act of 2018 (P.L. 115-123) changed eligibility for houses of worship under the Stafford Act. Per 42 U.S.C. §5122(11)(B), "No house of worship may be excluded from this definition because leadership or membership in the organization operating the house of worship is limited to persons who share a religious faith or practice."

[124] 44 C.F.R. §206.222.

[125] FEMA, *PAPPG*, pp. 30-33. FEMA released a memorandum for COVID-19 procurement; FEMA, "Procurement Under Grants Conducted Under Emergency or Exigent Circumstances for COVID-19," memorandum, March 17, 2020, https://www.fema.gov/media-library-data/1584457999950-7186ffa29ace3e6faf2ca2f764357013/Procurement_Under_EE_Circumstances_Memo_final_508AB.pdf. See also FEMA, "Procurement Under Grants: Under Emergency or Exigent Circumstances," fact sheet, March 20, 2020, https://www.fema.gov/news-release/2020/03/20/procurement-under-grants-under-exigent-or-emergency-circumstances.

[126] For more information, see CRS Report R46284, *COVID-19 Relief Assistance to Small Businesses: Issues and Policy Options*, by Robert Jay Dilger, Bruce R. Lindsay, and Sean Lowry.

major disaster declarations for COVID-19.[127] IA-CCP was not authorized for every state that received a major disaster declaration; nor were the territories of the Commonwealth of Puerto Rico, the U.S. Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, or Guam authorized to receive IA-CCP.[128] **Table A-1** includes a list of the categories of FEMA assistance authorized pursuant to the major disaster declarations for COVID-19, organized by state and territory.

The CCP provides financial assistance to state, territorial, tribal, and local government agencies through a grant or cooperative agreement, which allows them to either provide or contract for crisis counseling services.[129] The crisis counseling services are intended to assist disaster survivors "to prevent or mitigate adverse psychological effects caused or aggravated by a major disaster."[130] FEMA operates the CCP with the Substance Abuse and Mental Health Services Administration (SAMHSA) within the Department of Health and Human Services (HHS).

An emergency declaration or a major disaster declaration may be amended to allow for additional types of IA to be authorized (see **Table 1** for a list of IA programs). The governor may request that the declaration be amended to include additional types of assistance.[131] FEMA can approve a request for additional forms of assistance after a presidential declaration.[132] If a governor of an affected state requested types of IA be authorized in their major disaster declaration request, and those forms of IA were not authorized, the governor may appeal the decision in writing (if a request to amend a declaration to add types of IA is denied, that decision may also be appealed).[133]

Although the CCP is the only form of IA authorized to date, individual relief has been provided through other sources. For example, the supplemental appropriations acts for COVID-19 address

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[127] The FEMA releases regarding President Trump's approval of the major disaster declaration requests for COVID-19 that authorize IA state that "The President's action makes federal funding available for Crisis Counseling for affected individuals in all areas of the state.... " (see, for example, FEMA, "Major Disaster for New York"). For more information on the FEMA Crisis Counseling Assistance and Training Program (CCP), see FEMA, *IAPPG*, pp. 190-217.

[128] See FEMA, "COVID-19 Disaster Declarations."

[129] FEMA, *IAPPG*, p. 190. FEMA released a best practices resource for CCP related to COVID-19: "COVID-19 Best Practice Information: Crisis Counseling," available at https://www.fema.gov/media-library-data/1586012635278-78d2af2e31ce723c7ac9cd3805392e2d/COVID19CrisisCounseling.pdf.

[130] FEMA, *IAPPG*, p. 190.

[131] 44 C.F.R. §206.40(c).

[132] 44 C.F.R. §206.40(c).

[133] 44 C.F.R. §206.46(b). The appeal is a "one-time request for reconsideration," which must be submitted, along with an accompanying justification and/or additional information, to the Assistant Administrator for the Disaster Assistance Directorate through the appropriate FEMA Regional Administrator (44 C.F.R. §206.46(b)). Governors may also appeal a denial of a declaration request (44 C.F.R. §206.46(a)). Per the FEMA "Daily Operations Briefings" released between March 18, 2020, and March 26, 2020, some states that received major disaster declarations authorizing CCP also requested other forms of IA, such as the Individuals and Households Program and Unemployment Assistance (see FEMA, "Daily Operations Briefing for Wednesday, March 18, 2020"; and FEMA, "Daily Operations Briefing for Thursday, March 26, 2020"). For example, according to the FEMA "Daily Operations Briefing for Wednesday, March 18, 2020," New York requested the following types of Individual Assistance: the Individuals and Households Program, Crisis Counseling, and Unemployment Assistance (FEMA, "Daily Operations Briefing for Wednesday, March 18, 2020"). Only CCP was authorized for New York (FEMA, "Major Disaster for New York"; and FEMA, "Daily Operations Briefing for Saturday, March 21, 2020," https://content.govdelivery.com/attachments/USDHSFEMA/2020/03/21/file_attachments/1407621/FEMA%20Daily%20Ops%20Briefing%2003-21-2020.pdf). However, per the FEMA "Daily Operations Briefings," these requests for IA are under review (the status as of April 22, 2020, is not publicly available). As of April 22, 2020, no additional forms of IA have been authorized for the states and territories that received major disaster declarations for COVID-19.

some of the other unmet needs of individuals (e.g., Section 2102 of the CARES Act (P.L. 116-136) provides pandemic unemployment assistance).[134]

How do applicants receive funds through the Public Assistance program?

FEMA introduced procedures the agency says are designed to simplify the PA application process for COVID-19 response work.[135]

State, territories, and tribes that have received emergency declarations or major disaster declarations for COVID-19 are PA grant Recipients, which administer PA awards in their jurisdictions.[136] Prior to receiving funding, PA grant Recipients must execute FEMA-State/Tribal/Territorial Agreements, submit federal grant applications, and update Recipient Public Assistance Administrative Plans (see "What measures must states, tribes, and territories take before FEMA may provide assistance for COVID-19 within their jurisdictions?").[137]

Eligible applicants may apply for funding through the Recipient's PA award.[138] FEMA generally refers to PA Applicants as any entity that is responsible for PA-eligible work.[139] Applicants may be state, tribal, territorial, and local governments, as well as eligible private nonprofits. For example, the Texas Department of State Health Services applied for PA funds for COVID-19 response as a PA Applicant.[140] Those funds were administered by the state of Texas as the PA grant Recipient. As the PA Recipient, the state of Texas also administered funds through its PA award for state and local PA Applicants including the Texas Division of Emergency Management, Harris County, and the Texas Military Department.[141]

To receive PA funds, Applicants may submit a request for grant funds, a project worksheet describing the details of the work and costs claimed, and supporting documentation though the PA Grants Portal. FEMA and the PA grant Recipient evaluate these documents for eligibility and

[134] For example, the Families First Coronavirus Response Act (P.L. 116-127) and the CARES Act (P.L. 116-136) include unemployment assistance provisions. For more information on the unemployment insurance provisions in the Families First Coronavirus Response Act, see CRS Insight IN11249, *H.R. 6201: Paid Leave and Unemployment Insurance Responses to COVID-19*, by Sarah A. Donovan, Katelin P. Isaacs, and Julie M. Whittaker; and for more information on the provisions in the CARES Act, see CRS In Focus IF11475, *Unemployment Insurance Provisions in the CARES Act*, by Katelin P. Isaacs and Julie M. Whittaker.

[135] FEMA, "COVID-19 Simplified PA Application." For general PA application procedures, see 44 C.F.R. §§206.200-208, and FEMA, *PAPPG*, pp. 128-141.

[136] A Recipient is a "non-Federal entity that receives a Federal award directly from a Federal awarding agency to carry out an activity under a Federal program" See FEMA, *PAPPG*, pp. x. and 5, and 2 C.F.R. §200.

[137] FEMA, "COVID-19 Simplified PA Application." For more information on state administrative plans, see 44 C.F.R. §206.207(b).

[138] Application procedures for PA grant Recipients and Applicants are described in 44 C.F.R. §§206.202(a)-(f). See also FEMA, *PAPPG*, pp. 129-149.

[139] FEMA, *PAPPG*, p. x, and 44 C.F.R. §206.222.

[140] OpenFEMA, "Public Assistance Applicants—V1," https://www.fema.gov/openfema-dataset-public-assistance-applicants-v1. Accessed April 22, 2020. According to the dataset, the most recent data was last updated on April 22, 2020. This dataset defines Applicants as "the entity requesting Public Assistance Grant funding, noting that "eligible Public Assistance applicants are subgrantees" of the state, tribe, or territory's PA grant award.

[141] OpenFEMA, "Public Assistance Applicants—V1," https://www.fema.gov/openfema-dataset-public-assistance-applicants-v1. Accessed April 22, 2020. According to the dataset, the most recent data was last updated on April 22, 2020. This dataset defines Applicants as "the entity requesting Public Assistance Grant funding, noting that "eligible Public Assistance applicants are subgrantees" of the state, tribe, or territory's PA grant award.

reasonableness.[142] Once a project worksheet is approved, Applicants may receive reimbursement for eligible costs[143] incurred while executing eligible emergency protective measures.[144]

FEMA's fact sheet on PA Simplified Application procedures for COVID-19 notes that expedited assistance may be available in certain cases.[145] When expedited assistance is approved for large projects (in FY2020, projects over $131,100), FEMA obligates 50% of the total expected costs as soon as the project worksheet is approved, and the PA Applicant may be reimbursed at that time.[146] The remaining federal share may be reimbursed once the Applicant submits documentation of actual costs incurred while performing eligible work. FEMA has provided expedited PA for multiple COVID-19 response efforts.[147]

How do applicants receive financial or direct assistance through the Individual Assistance program?

The FEMA Crisis Counseling Assistance and Training Program (CCP) is the only form of IA that has been authorized for some states, as of April 22, 2020 (see **Table A-1** for the list of states that have been authorized for Crisis Counseling).[148] FEMA operates the CCP with the Substance Abuse and Mental Health Services Administration (SAMHSA) within the Department of Health and Human Services (HHS).[149] Local, state, territorial, or tribal governments may apply for a grant to administer the CCP, or may contract with local mental health service providers.[150] The CCP supports crisis counseling services for disaster survivors, and disaster survivors receive the assistance for free.[151] Generally, the CCP is designed to connect individuals with community resources.[152] CCP services may be advertised to disaster survivors through media outlets, websites, community events, etc.[153]

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[142] FEMA, "COVID-19 Simplified PA Application."

[143] FEMA, *PAPPG*, pp. 21-42, and 44 C.F.R. §206.228.

[144] FEMA, "COVID-19 Eligible Emergency Protective Measures," and 44 C.F.R. §206.223(a).

[145] FEMA, "COVID-19 Simplified PA Application."

[146] FEMA, "Submitting a Public Assistance Funding Request for COVID-19," updated April 10, 2020, pp. 2-3, https://www.caloes.ca.gov/RecoverySite/Documents/COVID-19%20Streamlined%20Project%20Application.pdf.

[147] FEMA, "FEMA Provides $36.5 Million to City and County of Denver for COVID-19 Response," news release, April 22, 2020, https://www.fema.gov/news-release/2020/04/22/fema-provides-365-million-city-and-county-denver-covid-19-response. FEMA, "FEMA Awards More Than $7.5 Million to Oregon for COVID-19 Response," news release, April 17, 2020, https://www.fema.gov/news-release/2020/04/17/4499/fema-awards-more-75-million-oregon-covid-19-response.

[148] FEMA, *IAPPG*, pp. 190-217.

[149] FEMA, *IAPPG*, p. 193.

[150] FEMA, *IAPPG*, p. 190. The Crisis Counseling Assistance and Training Program (CCP) includes two types of assistance, which are separate federal award programs: (1) Immediate Services Program (ISP); and (2) Regular Services Program (RSP). Each has different application requirements. For information on the ISP application requirements, see FEMA, *IAPPG*, pp. 195-200. For information on the RSP application requirements, see FEMA, *IAPPG*, pp. 204-208.

[151] A list of CCP activities can be found in "Figure 35: Characteristics of CCP" of the FEMA *IAPPG* on p. 191.

[152] Services provided under the FEMA CCP are different from typical mental health services. The FEMA *IAPPG* includes a comparison of CCP and traditional mental health services in "Figure 36: Mental Health vs Crisis Counseling Services" on p. 192.

[153] FEMA and Substance Abuse and Mental Health Services Administration (SAMHSA), *Crisis Counseling Assistance and Training Program Guidance: CCP Application Toolkit*, v. 5.0, July 2016, pp. 16-17, https://www.samhsa.gov/sites/default/files/dtac/ccptoolkit/fema-ccp-guidance.pdf. The SAMHSA "Disaster Technical Assistance Center (DTAC)" website, available at https://www.samhsa.gov/dtac, includes resources for administering the CCP, including a "CCP

If other forms of IA are authorized pursuant to a major disaster declaration for COVID-19, those assistance programs would include different application requirements and processes. For example, if the Individuals and Households Program (IHP) is authorized, applicants in a declared disaster area may register for FEMA IA and Small Business Administration (SBA) disaster loan assistance.[154] Individuals and households can register for assistance online, by telephone, or in-person at a Disaster Recovery Center (DRC).[155] Individuals and households generally have 60 days from the date of a declaration to apply for FEMA IHP assistance.[156]

Funding for Stafford Act Declarations

The following questions relate to the funding sources for the federal assistance under the Stafford Act that may supplement state, tribal, and local response efforts for COVID-19.

Where does funding for Stafford Act assistance come from?

Many forms of assistance made available pursuant to a Stafford Act declaration are funded through the Disaster Relief Fund (DRF), which is the primary source of funding for the federal government's domestic general disaster relief programs.

The DRF is managed by FEMA, but as a funding structure, it predates both FEMA and the Stafford Act, having first been funded in 1948.[157]

Is there enough funding in the DRF for COVID-19?

As a result of prior-year appropriations to fund long-term recovery work from previous disasters, the DRF had about $42.6 billion in unobligated balances as of the beginning of March 2020. Division B of the CARES Act (P.L. 116-136), included $45 billion more for the DRF. This put the balance of funding in the DRF at its highest level in history.

DRF resources are available for past, current, and future incidents. However, the majority of its funding is specifically set aside for the costs of major disasters.[158] $41.6 billion of what was in the DRF was specifically for the costs of major disasters, and roughly $600 million was potentially available for emergencies. Of the funding provided in the CARES Act for the DRF, $25 billion was for major disasters and $15 billion was for any Stafford Act costs, including both emergency declarations and major disasters.[159]

Toolkit," which includes outreach guidance, materials, and templates.

[154] Additional information about the process by which applicants may receive IA is described in CRS Report R45238, *FEMA and SBA Disaster Assistance for Individuals and Households: Application Processes, Determinations, and Appeals*, by Bruce R. Lindsay and Elizabeth M. Webster.

[155] FEMA, *IAPPG*, p. 68.

[156] FEMA, *IAPPG*, p. 69.

[157] For more information about the Disaster Relief Fund and its history, see CRS Report R45484, *The Disaster Relief Fund: Overview and Issues*.

[158] A percentage is statutorily set aside for mitigation efforts through the National Public Infrastructure Pre-Disaster Mitigation Fund (established under §1234 of the Disaster Recovery Reform Act (P.L. 115-254, Division D)), and traditionally, the remainder is available for all other Stafford Act purposes, including funding emergency declarations.

[159] CARES Act (P.L. 116-136).

It is not clear what the total draw on the DRF will be, since the pandemic is an evolving situation, there are other federal programs providing resources, and there is no precedent for using the Stafford Act to respond to a public health crisis.

Is DRF funding set aside for COVID-19?

DRF appropriations are not provided for specific emergencies or disasters; there is no COVID-19 account within the DRF.

The most recent iterations of the appropriations bill text for the DRF indicate the funds are provided for the "necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act," thus covering all past and future disaster and emergency declarations. Previous versions of the appropriations language going back to 1950 also referenced the legislation authorizing general disaster relief rather than targeting specific disasters. On a number of occasions, specific disasters have been mentioned in the appropriation, but funding was not specifically directed to one disaster over others.

While many disaster supplemental appropriations bills are associated with a specific incident or incidents—such as P.L. 113-2, "the Sandy Supplemental"—the language in such acts does not limit the use of the supplemental appropriations to specific incidents. It provides funding "for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act."[160] This is also the case with the funding provided in Division B of the CARES Act. The DRF supplemental appropriation itself includes no incident-specific direction, or reference to COVID-19. While one of the general provisions of the law states that the funds provided in the act "may only be used to prevent, prepare for, and respond to coronavirus,"[161] the last subsection of that general provision indicates that restriction does not apply to the title that included the DRF appropriation.[162]

References

Additional sources of assistance may be available to support the nation's response to and recovery from the COVID-19 pandemic. CRS has developed products on various topics related to the COVID-19 pandemic, including global issues, public health, economic impacts on individuals, impacts on business and the U.S. economy, executive branch response, congressional response and legislation, and legal analysis. The CRS COVID-19 resources are available at https://www.crs.gov/resources/coronavirus-disease-2019. Some select products CRS has developed related to the COVID-19 pandemic and Stafford Act assistance programs are included below.

- For more information on the President's declarations under the Stafford Act for COVID-19, see CRS Insight IN11264, *Presidential Declarations of Emergency for COVID-19: NEA and Stafford Act*, by L. Elaine Halchin and Elizabeth M. Webster; 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 Bruce R. Lindsay and Erica A. Lee.

[160] P.L. 113-2, 127 Stat. 28.

[161] P.L. 116-136, Section 23004(a).

[162] P.L. 116-136, Section 23004(c).

- Stafford Act major disaster declarations for COVID-19 will automatically authorize Small Business Administration (SBA) Economic Injury Disaster Loans (EIDL) for businesses in declared counties and contiguous counties. For more information, see CRS Report R46284, *COVID-19 Relief Assistance to Small Businesses: Issues and Policy Options*, by Robert Jay Dilger, Bruce R. Lindsay, and Sean Lowry For additional information about relief and assistance resources for small businesses, see CRS Insight IN11301, *Small Businesses and COVID-19: Relief and Assistance Resources*, by Maria Kreiser.
- For additional information about the actions taken by the U.S. federal government to quell the introduction and spread of COVID-19 in the United States, see CRS Report R46219, *Overview of U.S. Domestic Response to Coronavirus Disease 2019 (COVID-19)*, coordinated by Sarah A. Lister and Kavya Sekar.

Appendix A. COVID-19 Approved Major Disaster Declarations and Authorized Assistance

The following information is current as of April 22, 2020. Public Assistance Category B—Emergency Protective Measures has been authorized for all states and territories. Ten states have been authorized to receive Individual Assistance—Crisis Counseling Assistance and Training Program (CCP) (referred to in **Table A-1** as "Crisis Counseling").

Table A-1. FEMA Assistance Authorized Pursuant to Major Disaster Declarations for COVID-19 by State/Territory

As of April 22, 2020

State/Territory and Declaration Information	Public Assistance (PA) Authorized	Individual Assistance (IA) Authorized
American Samoa Covid-19 Pandemic (DR-4537)	Category B	—
Guam Covid-19 Pandemic (DR-4495)	Category B	—
Northern Mariana Islands Covid-19 Pandemic (DR-4511)	Category B	—
Puerto Rico Covid-19 Pandemic (DR-4493)	Category B	—
Virgin Islands Covid-19 Pandemic (DR-4513)	Category B	—
Alabama Covid-19 Pandemic (DR-4503)	Category B	—
Alaska Covid-19 Pandemic (DR-4533)	Category B	—
Arizona Covid-19 Pandemic (DR-4524)	Category B	—
Arkansas Covid-19 Pandemic (DR-4518)	Category B	—
California Covid-19 Pandemic (DR-4482)	Category B	Crisis Counseling
Colorado Covid-19 Pandemic (DR-4498)	Category B	—
Connecticut Covid-19 Pandemic (DR-4500)	Category B	—
Delaware Covid-19 Pandemic (DR-4526)	Category B	—
District of Columbia (DC) Covid-19 Pandemic (DR-4502)	Category B	—
Florida Covid-19 Pandemic (DR-4486)	Category B	Crisis Counseling
Georgia Covid-19 Pandemic (DR-4501)	Category B	—
Hawaii Covid-19 Pandemic (DR-4510)	Category B	—
Idaho Covid-19 Pandemic (DR-4534)	Category B	—
Illinois Covid-19 Pandemic (DR-4489)	Category B	Crisis Counseling
Indiana Covid-19 Pandemic (DR-4515)	Category B	—
Iowa Covid-19 Pandemic (DR-4483)	Category B	—
Kansas Covid-19 Pandemic (DR-4504)	Category B	—
Kentucky Covid-19 Pandemic (DR-4497)	Category B	—
Louisiana Covid-19 Pandemic (DR-4484)	Category B	Crisis Counseling
Maine Covid-19 Pandemic (DR-4522)	Category B	—
Maryland Covid-19 Pandemic (DR-4491)	Category B	—

State/Territory and Declaration Information	Public Assistance (PA) Authorized	Individual Assistance (IA) Authorized
Massachusetts Covid-19 Pandemic (DR-4496)	Category B	Crisis Counseling
Michigan Covid-19 Pandemic (DR-4494)	Category B	Crisis Counseling
Minnesota Covid-19 Pandemic (DR-4531)	Category B	—
Mississippi Covid-19 Pandemic (DR-4528)	Category B	—
Missouri Covid-19 Pandemic (DR-4490)	Category B	—
Montana Covid-19 Pandemic (DR-4508)	Category B	—
Nebraska Covid-19 Pandemic (DR-4521)	Category B	—
Nevada Covid-19 Pandemic (DR-4523)	Category B	—
New Hampshire Covid-19 Pandemic (DR-4516)	Category B	—
New Mexico Covid-19 Pandemic (DR-4529)	Category B	—
New Jersey Covid-19 Pandemic (DR-4488)	Category B	Crisis Counseling
New York Covid-19 Pandemic (DR-4480)	Category B	Crisis Counseling
North Carolina Covid-19 Pandemic (DR-4487)	Category B	—
North Dakota Covid-19 Pandemic (DR-4509)	Category B	—
Ohio Covid-19 Pandemic (DR-4507)	Category B	—
Oklahoma Covid-19 Pandemic (DR-4530)	Category B	—
Oregon Covid-19 Pandemic (DR-4499)	Category B	—
Pennsylvania Covid-19 Pandemic (DR-4506)	Category B	—
Rhode Island Covid-19 Pandemic (DR-4505)	Category B	—
South Carolina Covid-19 Pandemic (DR-4492)	Category B	—
South Dakota Covid-19 Pandemic (DR-4527)	Category B	—
Tennessee Covid-19 Pandemic (DR-4514)	Category B	—
Texas Covid-19 Pandemic (DR-4485)	Category B	Crisis Counseling
Utah Covid-19 Pandemic (DR-4525)	Category B	—
Vermont Covid-19 Pandemic (DR-4532)	Category B	—
Virginia Covid-19 Pandemic (DR-4512)	Category B	—
Washington Covid-19 Pandemic (DR-4481)	Category B	Crisis Counseling
West Virginia Covid-19 Pandemic (DR-4517)	Category B	—
Wisconsin Covid-19 Pandemic (DR-4520)	Category B	—
Wyoming Covid-19 Pandemic (DR-4535)	Category B	—

Source: Federal Emergency Management Agency (FEMA), "Disasters," webpage, https://www.fema.gov/disasters (filtered by "major disaster declaration") (as of April 22, 2020).

Appendix B. Example of Emergency Declarations for the Same Incident

Stafford Act emergencies have been declared for different states, territories, and tribes for the same incident. For example, the states of Florida, Georgia, South Carolina, and North Carolina, the U.S. Virgin Islands, and the Florida Seminole Tribe of Florida all received emergency declarations for Hurricane Dorian in 2019. The incident period and declaration date for the emergency declarations varied by state, territory, and tribe. This information is captured in **Table B-1**.

Table B-1. Emergency Declarations for Hurricane Dorian

State/Territory and Declaration Information	Incident Period	Emergency Declaration Date
Virgin Islands Hurricane Dorian (EM-3418)	August 26, 2019 to September 6, 2019	August 28, 2019
Florida Hurricane Dorian (EM-3419)	August 28, 2019 to September 9, 2019	August 30, 2019
Florida Seminole Tribe of Florida—Hurricane Dorian (EM-3420)	August 28, 2019 to September 4, 2019	August 31, 2019
Georgia Hurricane Dorian (EM-3422)	August 29, 2019 to September 7, 2019	September 1, 2019
South Carolina Hurricane Dorian (EM-3421)	August 31, 2019 to September 6, 2019	September 1, 2019
North Carolina Hurricane Dorian (EM-3423)	September 1, 2019 to September 9, 2019	September 3, 2019

Source: Federal Emergency Management Agency (FEMA), "Disasters," webpage, https://www.fema.gov/disasters.

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