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Memorandum on Authorizing the Other Needs Assistance Program for Major Disaster Declarations Related to Coronavirus Disease 2019

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MEMORANDUM FOR THE SECRETARY OF LABOR

THE SECRETARY OF HOMELAND SECURITY

THE ADMINISTRATOR OF THE FEDERAL

EMERGENCY

MANAGEMENT AGENCY

SUBJECT: Authorizing the Other Needs Assistance Program for Major Disaster Declarations Related to Coronavirus Disease 2019

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"), and in light of Proclamation 9994 of March 13, 2020 (Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak), which declared a national emergency by reason of the threat posed by the outbreak of the novel (new) coronavirus known as SARS-CoV-2, it is hereby ordered as follows:

Section 1. Policy. Protective measures enacted by States and localities across the country to prevent loss of life from COVID-19 have resulted in millions of Americans becoming

unemployed and in need of assistance. My Administration, recognizing the acute financial distress affecting families across the country, has worked to quickly provide billions of dollars in relief to supplement unemployment benefits and help businesses keep their workers employed, in addition to zeroing Federal student loan interest and delaying Tax Day. In total, nearly \$3 trillion has been appropriated for emergency funding related to COVID-19.

Because many of the relief programs created by the Congress have expired or will shortly expire, my Administration and the Republican leadership in the United States Senate have proposed multiple options to continue to provide needed relief to Americans. But Democratic Members of Congress have twice blocked temporary extensions of supplemental unemployment benefits. Political games that harm American lives are unacceptable, especially during a global pandemic, and therefore I am taking action to provide financial security to Americans.

The Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (Public Law 116-136) included \$150 billion appropriated directly to State, territorial, tribal, and some local governments through the Coronavirus Relief Fund (CRF) to cover costs incurred due to the COVID-19 emergency. As of the latest report from the Treasury Inspector General regarding State expenditures, more than \$80 billion of CRF dollars remain available, to supplement the billions of dollars States have received in other Federal assistance, such as the \$8.8 billion in emergency assistance provided under the Stafford Act (42 U.S.C. 5121 *et seq.*). In addition, the Department of Homeland Security's Disaster Relief Fund (DRF), has more than \$70 billion in emergency assistance funding available.

I am hereby directing the Federal Emergency Management Agency (FEMA) to assist in providing benefits from the DRF, and am calling upon the States to use their CRF allocation, to bring continued financial relief to Americans who are suffering from unemployment due to the COVID-19 outbreak.

Sec. 2. Providing Disaster Relief Funds. On March 13, 2020, I declared a national emergency recognizing the threat posed by COVID-19. I also determined that same day that the COVID-19 outbreak constituted an emergency, of nationwide scope, pursuant to section 501(b) of the Stafford Act (42 U.S.C. 5191(b)). All States have activated their

Emergency Operations Centers and are working to fight the spread of the virus. As of April 18, 2020, I have declared that a major disaster exists in all States and territories as a result of the virus, and have authorized Emergency Protective Measures (Category B) pursuant to section 403 of the Stafford Act (42 U.S.C. 5170b) for each.

To provide financial assistance for the needs of those who have lost employment as a result of the pandemic, I am directing up to \$44 billion from the DRF at the statutorily mandated 75 percent Federal cost share be made available for lost wages assistance to eligible claimants, to supplement State expenditures in providing these payments. At least \$25 billion of total DRF balances will be set aside to support ongoing disaster response and recovery efforts and potential 2020 major disaster costs.

Sec. 3. State Allocation. I am calling on States to use amounts allocated to them out of the CRF, or other State funding, to provide temporary enhanced financial support to those whose jobs or wages have been adversely affected by COVID-19. These funds, including those currently used to support State unemployment insurance programs, may be applied as the State's cost share with Federal DRF funds. To ensure that those affected by a loss in wages due to COVID-19 continue to receive supplemental benefits for weeks of unemployment ending no later than December 27, 2020, States should also identify funds to be spent without a Federal match should the total DRF balance deplete to \$25 billion.

Sec. 4. Assistance Program for Lost Wages. (a) For purposes of this memorandum, "State" includes the territories and the District of Columbia, and "Governor" includes the chief executive thereof.

(b) To help meet the needs of the American people during this unprecedented and continuously evolving public health crisis, the Secretary of Homeland Security (Secretary), acting through the FEMA Administrator, is authorized to make available other needs assistance for lost wages, in accordance with section 408(e)(2) of the Stafford Act (42 U.S.C. 5174(e)(2)) ("lost wages assistance"), to the people of a State, including the members of any tribe residing therein, if the Governor requests lost wages assistance and agrees to administer delivery and provide adequate oversight of the program, for a major disaster I declared pursuant to section 401 of the Stafford Act (42 U.S.C. 5170) for COVID-19, under

the following conditions:

(i) the Governor requests from the FEMA Administrator a grant for lost wages assistance pursuant to 42 U.S.C. 5174(f)(1)(A) and agrees to the cost-sharing requirement of 42 U.S.C. 5174(g)(2); and

(ii) the Governor administers delivery of financial assistance for lost wages in conjunction with the State's unemployment insurance system.

(c) In exercising this authority, the Secretary, acting through the FEMA Administrator, shall, subject to the limitations above, approve a lost wages assistance program that authorizes the Governor to provide a \$400 payment per week, which shall reflect a \$300 Federal contribution, to eligible claimants from the week of unemployment ending August 1, 2020.

(d) For purposes of this memorandum, the term "Eligible claimants" means claimants who:

(i) receive, for the week lost wages assistance is sought, at least \$100 per week of any of the following benefits:

(A) Unemployment compensation, including Unemployment Compensation for Federal Employees (UCFE) and Unemployment Compensation for Ex-Service members (UCX), under section 8501 of title 5, United States Code;

(B) Pandemic Emergency Unemployment Compensation (PEUC), under section 2107 of the CARES Act;

(C) Pandemic Unemployment Assistance (PUA), under section 2102 of the CARES Act;

(D) Extended Benefits (EB), under section 3304 of title 26, United States Code;

(E) Short-Time Compensation (STC), under section 3306(v) of title 26, United States Code;

(F) Trade Readjustment Allowance (TRA), under sections 2291 through 2293 of title 19, United States Code; and

(G) Payments under the Self-Employment Assistant (SEA) program, under section 3306(t) of title 26, United States Code; and

(ii) provide self-certification that the claimant is unemployed or partially unemployed due to disruptions caused by COVID-19.

(e) The authority vested in the Secretary, acting through the FEMA Administrator, to approve lost wages assistance shall not be construed to encompass authority to approve other forms of assistance.

Sec. 5. Additional Assistance. The Secretary of Labor shall provide, as appropriate, and consistent with applicable law, technical assistance to the FEMA Administrator and Governors in the implementation of lost wages assistance programs, including timely processing of advances from the Federal unemployment account pursuant to section 1321 of title 42, United States Code 321.

Sec. 6. Termination. (a) The lost wages assistance program described in section 4(b) of this memorandum shall be available for eligible claimants until the balance of the DRF reaches \$25 billion or for weeks of unemployment ending not later than December 6, 2020, whichever occurs first, at which time the lost wages assistance program shall terminate.

(b) The lost wages assistance program shall terminate upon enactment of legislation providing, due to the COVID-19 outbreak, supplemental Federal unemployment compensation, or similar compensation, for unemployed or underemployed individuals.

Sec. 7. General Provisions. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to

budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

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