FEDERAL EMERGENCY DECLARATIONS

A COMPARISON

This infographic compares federal emergency declarations authorized under three statutes: the National Emergencies Act, the Public Health Service Act, and the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act).[1] One or more of these declarations may be issued concurrently for the same incident, potentially activating additional authorities.[2]

	NATIONAL EMERGENCIES ACT	PUBLIC HEALTH SERVICE ACT	STAFFORD ACT
DEFINITION	The act does not include a definition of national emergency.	An emergency is present if the Secretary of Health and Human Services (HHS Secretary) determines after consultation with such public health officials as may be necessary that a disease or disorder presents a public health emergency or that a public health emergency exists (42 U.S.C. §247d).	An emergency[3] is "any occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States." (42 U.S.C. §5122)
OFFICIAL(S)	The President declares a national emergency, effective nationwide, and notifies Congress (50 USC 1621(a)).	The HHS Secretary declares a public health emergency (PHE) exists in designated areas and notifies Congress.	The President declares an emergency in selected localities, generally upon the request of a governor or tribal chief executive and the recommendation of the Federal Emergency Management Agency (FEMA).
AUTHORITIES	The President may invoke one or more emergency authorities in the initial declaration or in a subsequent presidential directive, such as an executive order.	The Public Health Service Act specifies that the HHS Secretary may take a variety of actions to respond to the PHE such as making grants, issuing waivers, and others.	The Stafford Act specifies different forms of emergency assistance that may be provided under a declaration. A declaration specifies which forms of assistance are available.
AGENCY LEAD	The emergency authorities activated by the President determine which agency or agencies are involved.	HHS, particularly the Assistant Secretary of Preparedness and Response (ASPR) and Centers for Disease Control and Prevention (CDC), leads federal response efforts and coordinates activated assistance following a PHE.	FEMA administers assistance provided under a Stafford Act declaration and generally leads the federal response to a Stafford-declared incident.
FUNDING	There is no dedicated funding.	Funding derives from the Public Health Emergency Fund, Infectious Disease Rapid Response Reserve Fund, Public Health and Social Services Emergency Fund, CDC Foundation Emergency Response Fund, and the Project Bioshield Special Reserve Fund.	Funding for Stafford Act assistance draws from the Disaster Relief Fund.
DURATION	The President may terminate an emergency by issuing a proclamation, or by choosing not to issue a continuation notice within a specified time period.	A PHE expires 90 days after the initial date of declaration or upon an HHS Secretary declaration that the PHE no longer exists. The Secretary may choose to extend the emergency declaration for subsequent 90-day periods, if necessary.	There is no set period for a declaration. FEMA determines the "incident period" when the hazard occurred and caused losses (44 C.F.R. §206.32). Assistance programs authorized under a declaration have distinct time limitations per regulations.

[1] The Public Health Service Act, P.L. 78-410, as amended, 42 U.S.C. §§201-300mm–61; the National Emergencies Act, P.L. 94-412, as amended, 50 U.S.C. §§1601-1651; the Stafford Act, P.L. 93-288, as amended, 42 U.S.C. §§5121-5207.
[2] For example, the HHS Secretary may waive certain program requirements (e.g., Social Security Act Section 1135 waivers) following concurrent declarations under both the Public Health Service Act and either the Stafford Act or the NEA.
[3] The President may also declare a major disaster, defined differently than an emergency, making available additional forms of assistance.

Information prepared on November 22, 2021, by Erica Lee, Analyst in Emergency Management and Disaster Recovery, Elaine Halchin, Specialist in American National Government, Hassan Sheikh, Analyst in Public Health Emergency Management and Jamie Hutchinson, Visual Information Specialist. For more information, see CRS Report R46379, *Emergency Authorities Under the National Emergencies Act, Stafford Act, and Public Health Service Act.*

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