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Emergency Authorities Under the National Emergencies Act, Stafford Act, and Public Health Service Act

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SUMMARY

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Emergency Authorities Under the National Emergencies Act, Stafford Act, and Public Health Service Act

The Supreme Court has explained that the President's authority "must stem either from an act of Congress or from the Constitution itself." Because Article II of the Constitution does not grant the Executive general emergency powers, the President generally must rely on Congress for such authority. Congress has historically given the President robust powers to act in times of crisis.

These emergencies powers are scattered throughout the *U.S. Code* and touch on matters ranging from international emergencies to public health crises to natural disasters, among many other things. Many of these authorities are triggered from declarations made under three frameworks: the National Emergencies Act (NEA), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), and the Public Health Service Act (PHSA).

The NEA establishes a framework to provide enhanced congressional oversight for measures taken in response to a national emergency declared by the President. It establishes procedures for declarations of national emergencies, requiring their publication and congressional notification of the measures to be invoked. The Stafford Act establishes various authorities that the executive branch may exercise in an "emergency" or during a "major disaster," as defined by statute. Section 319 of the PHSA allows the HHS Secretary to determine that "a public health emergency" exists and "take such action as may be appropriate to respond to the public health emergency." Each type of emergency triggers executive powers or relaxes otherwise applicable requirements or restrictions under other provisions of the *U.S. Code*.

These frameworks have played a significant role in the federal government's response to a number of threats to U.S. security or to the health and welfare of the general public. On March 13, 2020, President Trump invoked the National Emergencies Act to declare a national emergency concerning the Coronavirus Disease 2019 (COVID-19) pandemic confronting the United States and other countries. The declaration permits the Secretary of Health and Human Services (HHS) to temporarily waive or modify certain requirements of the Medicare, Medicaid, and State Children's Health Insurance Program, as well as the Health Insurance Portability and Accountability Act Privacy Rule. These waivers and modifications last for the duration of the public health emergency that Secretary of HHS Alex Azar declared on January 31, 2020, under the PHSA. The President subsequently invoked additional national emergency statutes. The President also announced on March 13 that he was declaring an emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act). The President subsequently declared major disasters under the Stafford Act in a number of states.

These actions highlight the potential availability of numerous federal authorities during an emergency, while also raising questions about the difference in types of emergencies under various statutes and the authorities that become available—or come into effect automatically—when the executive branch declares an emergency under these statutes. This report provides a brief explanation of the three types of emergencies—those declared under the NEA, the Stafford Act, and the PHSA—and the report lists in tabular form the statutory authorities made available to the President or executive agencies in each type of emergency.

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The Supreme Court has explained that the President's authority "must stem either from an act of Congress or from the Constitution itself."[1] Because Article II of the Constitution does not grant the Executive general emergency powers, the President generally must rely on Congress for such authority. Congress has historically given the President robust powers to act in times of crisis.

These emergency powers are scattered throughout the *U.S. Code*, and touch on matters ranging from international crises to public health emergencies to natural disasters, among other things. Many of these authorities are triggered from declarations made under three frameworks: the National Emergencies Act (NEA),[2] the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act),[3] and the Public Health Service Act (PHSA).[4]

These frameworks have played a significant role in the federal government's response to a number of threats to U.S. security or to the health and welfare of the general public. On March 13, 2020, President Trump invoked the NEA to declare a national emergency concerning the Coronavirus Disease 2019 (COVID-19) pandemic confronting the United States and other countries.[5] The declaration invokes Section 1135 of the Social Security Act[6] to permit the Secretary of Health and Human Services (HHS) to waive or modify temporarily certain requirements of the Medicare, Medicaid, and State Children's Health Insurance programs and of the Health Insurance Portability and Accountability Act Privacy Rule. This authority will remain active throughout the duration of the public health emergency Secretary of HHS Alex Azar declared on January 31, 2020, under the PHSA in response to the COVID-19 outbreak.[7] The President also announced in a letter dated March 13 that he was declaring an emergency under the Stafford Act.[8] Subsequently, the President declared major disasters in a number of states, also under the Stafford Act.[9] The President also invoked the Stafford Act to direct the Secretary of

[1] Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 585 (1952).

[2] Pub. L. No. 94-412, 90 Stat. 1255 (1976), codified as amended at 50 U.S.C. §§ 1601-1651.

[3] Pub. L. No. 93-288, 88 Stat. 143 (1974), codified at 42 U.S.C. §§ 5121-5207.

[4] Pub. L. No. 78-409, 58 Stat. 682 (1944), codified as amended at 42 U.S.C. §§ 201-300mm–61.

[5] Proclamation No. 9994, Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak, 85 Fed. Reg. 15,337 (Mar. 13, 2020), https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/. The President subsequently issued at least two executive orders invoking additional statutory authorities pursuant to Proclamation 9994. *See* Exec. Ord. No. 13,912, National Emergency Authority to Order the Selected Reserve and Certain Members of the Individual Ready Reserve of the Armed Forces to Active Duty, 85 Fed. Reg. 18,407 (Mar. 27, 2020) (invoking 10 U.S.C. § 12302; 14 U.S.C. §§ 2127, 2308, 2314, & 3735); Exec. Ord. No. 13,916, National Emergency Authority To Temporarily Extend Deadlines for Certain Estimated Payments, 85 Fed. Reg. 22,915 (Apr. 18, 2020) (invoking 19 U.S.C. § 1318(a)).

[6] 42 U.S.C. § 1320b–5.

[7] Determination that a Public Health Emergency Exists (Jan. 31, 2020), https://www.phe.gov/emergency/news/healthactions/phe/Pages/2019-nCoV.aspx. The determination describes the public health emergency as dating back to January 27, 2020.

[8] Letter from President Donald J. Trump on Emergency Determination Under the Stafford Act (Mar. 13, 2020), https://www.whitehouse.gov/briefings-statements/letter-president-donald-j-trump-emergency-determination-stafford-act/.

[9] For a listing of current Stafford Act disasters and major disasters, see the Federal Emergency Management Agency (FEMA) website at https://www.fema.gov/disasters. For information about Stafford Act declarations related to COVID-19, see CRS Report R46326, *Stafford Act Declarations for COVID-19 FAQ*, by Elizabeth M. Webster, Erica A. Lee, and William L. Painter.

Defense and Secretary of Homeland Security to coordinate and fund, respectively, certain National Guard efforts to mitigate the pandemic.[10]

Congress then enacted the Coronavirus Aid, Relief, and Economic Security (CARES) Act,[11] which contains several provisions that are triggered or remain in effect so long as these declarations or determinations remain in effect, along with a few others that apply more generally during an emergency.

This report describes differences in types of emergencies under various statutes and the authorities that become available when emergencies are declared under these statutes. The report provides a brief explanation of the three types of emergencies under the NEA (**Table 1**), the Stafford Act (**Table 2**), and the PHSA (**Table 3**). Listed in tabular form are the statutory authorities available in each type of emergency. The tables have some overlap because some statutes may be triggered by a declaration under more than one emergency framework.[12] Each table arranges the listed statutory authorities by *U.S. Code* title, followed by a brief description of each activated authority.

This report does not address all federal statutes that may be useful to tackle an emergency, in particular those that address emergencies under frameworks other than the three mentioned above, those that do not augment executive power during an emergency, those that are applicable only for a specific time period and with reference to a specific event (e.g., authorities available only to respond to the COVID-19 pandemic specifically, but not any other declared emergency), or those that do not require the declaration of any type of emergency. For an example of the last, the President issued an executive order on March 18, 2020,[13] invoking the Defense Production Act (DPA)[14] for the potential production of medical supplies and equipment. The authorities conferred by the DPA do not require the declaration of an emergency to be activated, although certain requirements are waived in the event of a national emergency.[15]

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[10] *See, e.g.* Executive Office of the White House, Memorandum for the Secretary of Defense and the Secretary of Homeland Security, Providing Federal Support for Governors' Use of the National Guard to Respond to COVID–19, 85 Fed. Reg. 16,997 (Mar. 22, 2020); Executive Office of the White House, Memorandum for the Secretary of Defense and the Secretary of Homeland Security, Providing Federal Support for Governors' Use of the National Guard to Respond to COVID–19, 85 Fed. Reg. 21,737 (Apr. 13, 2020); Executive Office of the White House, Memorandum for the Secretary of Defense and the Secretary of Homeland Security, Providing Continued Federal Support for Governors' Use of the National Guard to Respond to COVID–19, 85 Fed. Reg. 28.839 (May 8, 2020). For more information about the National Guard role in the pandemic, see CRS In Focus IF11483, *The National Guard in the COVID-19 Pandemic Response: Framework for Action*, by Alan Ott.

[11] Pub. L. No. 116-136, 134 Stat. 285 (2020). This report does not summarize provisions that are in effect only during the national emergency the President declared to address the COVID-19 outbreak.

[12] *See, e.g.*, 42 U.S.C. § 204 (establishing in the Public Health Service a commissioned Corps and Reserve Corps "for the purpose of securing a reserve for duty in the Service in time of public health or national emergency").

[13] Executive Order on Prioritizing and Allocating Health and Medical Resources to Respond to the Spread of Covid-19, Exec. Order No. 13909, 85 Fed. Reg. 16,227 (Mar. 18, 2020), https://www.whitehouse.gov/presidential-actions/executive-order-prioritizing-allocating-health-medical-resources-respond-spread-covid-19/.

[14] The Defense Production Act (DPA) of 1950, Pub. L. No. 81-774, 64 Stat. 798, codified as amended at 50 U.S.C. §§ 4501-4568. For information about the DPA, see CRS Report R43767, *The Defense Production Act of 1950: History, Authorities, and Considerations for Congress*, by Michael H. Cecire and Heidi M. Peters; CRS Insight IN11231, *The Defense Production Act (DPA) and COVID-19: Key Authorities and Policy Considerations*, by Michael H. Cecire and Heidi M. Peters.

[15] *See* **Table 1** under Title 50.

The National Emergencies Act

Enacted in 1976 to rein in presidential emergency powers,[16] the NEA provides a framework to apply whenever the President wishes to employ any "power or authority" granted by statute for use during a national emergency.[17] The NEA does not define "national emergency,"[18] but provides mechanisms for enhanced congressional oversight of emergency declarations and prevents those declarations from continuing in perpetuity. The NEA establishes procedures for declarations of national emergencies, requiring the President to

- specify which statutory emergency authorities he intends to invoke upon a declaration of a national emergency;[19]
- publish the proclamation of a national emergency in the *Federal Register* and transmit it to Congress;[20]
- maintain records and transmit to Congress all rules and regulations promulgated to carry out such authorities;[21] and
- provide an accounting of expenditures directly attributable to the exercise of such authorities for every six-month period following the declaration.[22]

The NEA further provides that a national emergency will end (1) automatically after one year unless the President publishes a notice of renewal in the *Federal Register*, (2) upon a presidential declaration ending the national emergency, or (3) if Congress enacts a joint resolution terminating the emergency (which would likely require the votes of two-thirds majorities in each house of Congress to override a presidential veto).[23] While the NEA directs each house of Congress to meet every six months to consider whether to end a national emergency by joint resolution,[24] Congress had never met to consider such a vote under that deadline prior to 2019.[25]

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[16] For an explanation of the NEA's legislative history, see generally CRS Report 98-505, *National Emergency Powers*, by L. Elaine Halchin.

[17] 50 U.S.C. § 1631 (providing that "no powers or authorities made available by statute for use in the event of an emergency shall be exercised unless and until the President specifies the provisions of law under which he proposes that he, or other officers will act").

[18] For a discussion of possible means of interpreting the meaning of "national emergency" as Congress intended it, see CRS Legal Sidebar LSB10267, *Definition of National Emergency under the National Emergencies Act*, by Jennifer K. Elsea.

[19] 50 U.S.C. §§ 1621, 1631. Applicable statutes include those that apply to any national emergency and are not limited to statutes that apply upon a presidential declaration of a national emergency. *See* Applicability of the Nat'l Emergencies Act to Statutes That Do Not Expressly Require the President to Declare A Nat'l Emergency, 2016 WL 10590109, at *5 (O.L.C. Aug. 24, 2016).

[20] 50 U.S.C. § 1621.

[21] *Id.* § 1641.

[22] *Id.*

[23] *Id.* § 1622. Although the original NEA authorized termination through a concurrent resolution, which does not require the President's signature, Congress amended the provision in 1985 to require a joint resolution as a response to a 1983 Supreme Court decision holding that legislative vetoes were unconstitutional. *See* INS v. Chadha, 462 U.S. 919 (1983).

[24] 50 U.S.C. § 1622.

[25] For information about congressional efforts to terminate a national emergency, see CRS Report R45908, *Legal Authority to Repurpose Funds for Border Barrier Construction*, by Jennifer K. Elsea and Edward C. Liu.

Although one purpose of the NEA was to end perpetual states of emergency, the law does grant the President authority to renew an emergency declaration.[26] There are currently 34 national emergency declarations in effect,[27] some of which have been renewed for decades.[28]

Methodology

Table 1 identifies 116 sections of the *U.S. Code* potentially activated by a presidential declaration of a national emergency. The table arranges the listed statutes by *U.S. Code* title, followed by a brief description of each activated authority.[29] CRS compiled this list by searching all of Westlaw's *U.S. Code* database for "*TE("national emergenc!")*."[30] CRS then used Westlaw's "*Citing References*" function to identify all provisions of the *U.S. Code* that cross-reference 50 U.S.C. §§ 1621–1651, the provisions of the *U.S. Code* in which the NEA is codified.

CRS cross-checked these results against similar compilations, including a study prepared by the Brennan Center for Justice[31] and one included in an earlier CRS Report.[32]

Not every search result satisfied criteria for inclusion in **Table 1**. For example, a statute was excluded if

- the relevant statutory provision has been transferred or repealed;[33]
- the statute does not confer additional authority for the President or executive agency but instead, for example, provides an exception to general legal requirements for nongovernment entities, or requires that the executive branch notify Congress of certain actions taken;[34]

[26] *Id.* § 1622(d).

[27] For a list of active national emergencies, see CRS Report 98-505, *National Emergency Powers*, by L. Elaine Halchin.

[28] *See id.*

[29] The survey overlaps considerably with similar lists compiled by other entities. Because of differences in methodologies employed, however, these surveys are not identical. For example, whereas **Table 1** identifies 116 statutes that provide authorities upon a national emergency declaration by the President, a study by the Brennan Center for Justice, BRENNAN CENTER FOR JUSTICE, A GUIDE TO EMERGENCY POWERS AND THEIR USE (2019), https://www.brennancenter.org/sites/default/files/legislation/Emergency%20Powers_Printv2.pdf, cited in congressional hearings, *e.g.*, *Hearing on the National Emergencies Act of 1976 Before the Subcomm. on the Constitution of the H. Comm. on the Judiciary* (116th Cong. 2019) (statement of Elizabeth Goitein, Co-Director, Liberty and National Security Program of the Brennan Center for Justice), identified 136 statutes triggered by emergency declarations. The Brennan Center study includes some statutes omitted from **Table 1** because they did not meet criteria for inclusion (e.g., statutory authorities that may only be triggered by a congressional declaration of a national emergency; statutory authorities that have been repealed; statutory authorities that do not implicate the NEA).

[30] The TE segment in Westlaw restricts searches to the statutory text.

[31] BRENNAN CENTER FOR JUSTICE, *supra* note 29.

[32] CRS Report RL31133, *Declarations of War and Authorizations for the Use of Military Force: Historical Background and Legal Implications*, by Jennifer K. Elsea and Matthew C. Weed. The 2014 Report lists various statutory authorities triggered by a declaration of a national emergency (either by the President or Congress), a declaration of war, or the existence of military hostilities.

[33] For example, the survey in CRS Report RL31133 identified 10 U.S.C. § 871(b), which allowed for the commutation of a court-martial sentence of dismissal to a reduction in grade "in time of war or national emergency" and which was repealed after the CRS Report's publication.

[34] *See, e.g.*, 50 U.S.C. § 1703 (requiring the President to submit a report to Congress whenever he exercises emergency authorities under the International Emergency Economic Powers Act); 20 U.S.C. § 1091c (providing that a student who is absent from an institution of higher education by reason of service in the uniformed services can seek readmission if the cumulative absence does not exceed five years, but that period is tolled for service performed because of a "war or national emergency declared by the President"); 22 U.S.C. § 4056 (providing that a member of the Foreign Service

- the statute limits executive authority in some way;[35]
- the statute imposes a requirement on executive officers that is not discretionary;[36]
- the authority can only be activated by a *congressional* declaration of a national emergency;[37]
- the statute includes measures in preparation for potential emergencies that may occur in the future, but does not include any grants of power that are triggered by an emergency declaration;[38]
- the statute does not refer to a "national emergency"[39]—meaning, for example, that the survey excludes (1) statutory authorities concerning the production and transfer of natural gas that may be activated if the President declares a "natural gas supply emergency,"[40] and (2) statutory authorities concerning disaster relief

who has left the Service to enter military service "during a period of war, or national emergency proclaimed by the President or declared by the Congress" has not, for retirement benefit purposes, left the Service unless more than 5 years expire prior to return); 37 U.S.C. § 202 (entitling an officer in the Coast Guard who holds a permanent appointment as rear admiral (lower half) on the retired list, and who "in time of war or national emergency has served satisfactorily on active duty for two years in that grade or in a higher grade," to the pay of a rear admiral when on active duty); 38 U.S.C. § 4312 (limiting the reemployment rights of those absent from their jobs because of service in the uniformed service to five years unless a longer absence is because the individual, inter alia, was "ordered to or retained on active duty (other than for training) under any provision of law because of a war or national emergency declared by the President or Congress, as determined by the Secretary concerned").

[35] *See, e.g.*, 10 U.S.C. § 8386 (providing that the Secretary of the Navy may not release a member of the Fleet Reserve or the Fleet Marine Corps Reserve from active duty "in time of war or national emergency declared by Congress or by the President" unless certain conditions are met); 20 U.S.C. § 1087dd (providing that "[n]o repayment of principal of, or interest on, any loan from a student loan fund assisted under this part shall be required during any period during which the borrower is serving on active duty during a war or other military operation or national emergency; or is performing qualifying National Guard duty during a war or other military operation or national emergency, and for the 180-day period following the demobilization date for the service").

[36] *See, e.g.*, 15 U.S.C. § 637 (requiring the Small Business Administration to "utilize, as appropriate, its entrepreneurial development and management assistance programs, including programs involving State or private sector partners, to provide business counseling and training to any small business concern adversely affected by the deployment of units of the Armed Forces of the United States in support of a period of military conflict," which includes "a period of war declared by Congress [or] a period of national emergency declared by the Congress or the President . . . ").

[37] *See, e.g.*, 10 U.S.C. § 519 (providing that "in time of war or of national emergency declared by Congress" enlistments in the armed forces shall be for the duration of the war or emergency plus six months). The Brennan Center study identifies 13 statutes triggered by a congressional declaration of a national emergency. *See* BRENNAN CENTER FOR JUSTICE, *supra* note 29.

[38] *See, e.g.*, 31 U.S.C. § 3727 (permitting a contract with DOD, the General Services Administration (GSA), and the Department of Energy to provide, or to be changed without consideration to provide, that a future payment under a contract to an assignee is not subject to reduction or setoff "during a war or national emergency proclaimed by the President or declared by law and ended by proclamation or law"); 46 U.S.C. § 53107 (requiring the Secretary of Transportation to include in each operating agreement with merchant security fleet contractors an Emergency Preparedness Agreement providing that, "upon a request by the Secretary of Defense during time of war or national emergency, or whenever determined by the Secretary of Defense to be necessary for national security or contingency operation . . . , a contractor for a vessel covered by an operating agreement under this chapter shall make available commercial transportation resources (including services)"); *id.* § 57105 (providing that "[t]he Secretary of Transportation may acquire a vessel, by purchase or otherwise, if the Secretary of the Navy has certified to the Secretary of Transportation that the vessel is suitable for economical and speedy conversion into a naval or military auxiliary or otherwise suitable for use by the United States Government in time of war or national emergency").

[39] *See, e.g.*, 10 U.S.C. § 978 (providing that, "[i]n time of war, or time of emergency declared by Congress or the President," the President may suspend the requirement to screen recruits for drug or alcohol use or dependence).

[40] *See, e.g.*, 15 U.S.C. §§ 3361-3364 (providing authorities for the purchase and allocation of emergency supplies of gasoline, along with the imposition of special requirements on pipelines for the transportation of natural gas, upon the President's declaration of a "natural gas supply emergency").

and emergency assistance that become available when an "emergency" is declared under the Stafford Act, which are addressed in **Table 2** of this report;[41] or

- the statute applies to a specific emergency that had already been declared, and these statutory authorities will lapse once the declared emergency is over, such as some provisions of the CARES Act applicable only to the "national emergency" declared with respect to the COVID-19 pandemic.[42]

Although these criteria were intended to help ensure that only statutory authorities activated by a presidential declaration of a "national emergency" were captured, they also led to the exclusion of certain statutes that, while not using the term "national emergency," might nonetheless be considered relevant.[43] The table lists definitional statutes where a term is defined in reference to a declared emergency, but the table does not list statutes that use that term in lieu of specifically referencing a declared national emergency.[44]

Limitations

A search using the methodology described above was performed on June 2, 2020. The search may not have captured all relevant authorities currently in effect. For example, for purposes of manageability, the methodology captures only statutes codified in the *U.S. Code*.[45] The criteria used to identify statutes also excluded some potentially relevant authorities that do not expressly refer to a "national emergency," because these do not require a proclamation under the NEA, but some may nonetheless have functionally served similar purposes.[46]

[41] Disaster Relief Act of 1974, Pub. L. No. 93-288, 88 Stat. 1143 (1974) (retitled the Robert T. Stafford Disaster Relief and Emergency Assistance Act and codified, as amended, at 42 U.S.C. §§ 5121-5207). This authority is described below in "The Stafford Act."

[42] *See, e.g.*, 22 U.S.C. § 8791 note (imposing sanctions "in connection with the national emergency with respect to Syria"); 10 U.S.C. § 2326 note (providing "the head of an agency may waive the provisions of section 2326(b) of title 10, United States Code, with respect to a contract of such agency if the head of the agency determines that the waiver is necessary due to the national emergency for the Coronavirus Disease 2019 (COVID–19)").

[43] *See, e.g.*, 10 U.S.C. § 12243 (enabling the President to suspend any law relating to the promotion or mandatory retirement or separation of permanent reserve warrant officers "in time of war, or of emergency declared after May 29, 1954, by Congress or the President").

[44] *See, e.g.*, 42 U.S.C. § 204a (defining "[u]rgent or emergency public health care need" as "a health care need, . . . arising as the result of a national emergency declared by the President under the National Emergencies Act (50 U.S.C. §§ 1601, *et seq*.). . . ."); *id*. § 215 (permitting the Secretary of HHS to deploy members of the Commissioned Corps of the Public Health Service outside of HHS to address an "urgent or emergency health care need").

[45] In short, a search of all laws ever enacted would have been a daunting undertaking, and statutory provisions not codified in the *U.S. Code* would be unlikely to fit other criteria used to determine inclusion (e.g., the laws had expired, or concerned a provision that did not augment the authorities of the implementing agency, such as a reporting requirement or instruction for the agency to engage in a study). For Information about the codification of statutes, see the Office of the Law Revision Counsel, About Classification of Laws to the United States Code, https://uscode.house.gov/about_classification.xhtml.

[46] *See, e.g.*, 10 U.S.C. § 978.

Table 1. Statutory Authorities Triggered by a Presidential Declaration of a National Emergency

Citation	Description
Title 5—Government Organization and Employees	
5 U.S.C. § 5303 *Annual adjustments to pay schedules*	Allows the President, "because of national emergency or serious economic conditions affecting the general welfare," to alter the annual adjustment in pay schedules that would otherwise be effective for federal employees.
5 U.S.C. § 5304a *Locality-based comparability payments*	Allows the President, "because of national emergency or serious economic conditions affecting the general welfare," to alter the locality-based comparability pay increases that would otherwise be effective.
Title 7—Agriculture	
7 U.S.C. § 1332 *National marketing quota*	Requires the Secretary of Agriculture to increase or terminate a national marketing quota for wheat as necessary in case of "a national emergency or . . . a material increase in the demand for wheat." (Note: This authority was suspended from 1996 to 2002, 7 U.S.C. § 7301(a), and from 2002 to 2007, 7 U.S.C. § 7992(a)(1). For other suspensions, see note to 7 U.S.C. § 1332.)
7 U.S.C. § 1371 *General adjustment of quotas*	Requires the Secretary of Agriculture to increase or terminate a national marketing quota or acreage allotment for cotton or rice, if necessary to meet "a national emergency or . . . a material increase in export demand."
7 U.S.C. § 1743 *Reduction of set-aside*	Allows the Commodity Credit Corporation to dispose of commodity set-asides "in accordance with the directions of the President . . . to meet any national emergency declared by the President."
7 U.S.C. § 4208 *Limitations*	Provides that the policies stated in the Farmland Protection Policy Act (7 U.S.C. §§ 4201-4208) do not apply "to the acquisition or use of farmland for national defense purposes during a national emergency."
7 U.S.C. § 5712 *Export reporting and contract sanctity*	Allows the President to prohibit or curtail the export of any agricultural commodity "during a period for which the President has declared a national emergency or for which the Congress has declared war."
Title 10—Armed Forces	
10 U.S.C. § 123 *Authority to suspend officer personnel laws during war or national emergency*	Authorizes the President to "suspend the operation of any provision of law relating to the promotion, involuntary retirement, or separation of commissioned officers of the Army, Navy, Air Force, Marine Corps, or Coast Guard Reserve . . . in time of war, or of a national emergency declared by Congress or the President" until one year after the war or national emergency terminates.
10 U.S.C. § 123a *Suspension of end-strength and other strength limitations in time of war or national emergency*	Authorizes the President to defer any end-strength limitation prescribed by law for any military or civilian component of the armed forces if "there is in effect a war or national emergency" until six months after the war or national emergency terminates.
10 U.S.C. § 155 *Joint Staff*	Lifts the four-year limitation on the tours of duty of officers assigned or detailed to duty on the Joint Staff of the Joint Chiefs of Staff "in time of war; or during a national emergency declared by the President or Congress."

Citation	Description
10 U.S.C. § 194 *Limitations on personnel*	Lifts the caps on the number of armed forces and civilian employees that can be assigned or detailed to permanent duty in management headquarters activities or otherwise in the Defense Agencies and DOD Field Activities "in time of war; or during a national emergency declared by the President or Congress."
10 U.S.C. § 527 *Authority to suspend sections 523, 525, and 526*	Allows the President to suspend the limitations placed on the number of general officers in the Army, Air Force, and Marines and of flag officers in the Navy, and the number of such officers who may be designated in various ranks, "in time of war, or of national emergency declared by Congress or the President" until up to one year after the war or national emergency terminates.
10 U.S.C. § 603 *Appointments in time of war or national emergency.*	Allows the President to appoint "any qualified person" to any officer grade in the Army, Navy, Air Force, and Marines up to major general or rear admiral "in time of war, or of national emergency declared by the Congress or the President" for up to two years or six months after the war or national emergency has terminated, whichever occurs first.
10 U.S.C. § 620 *Active-duty lists*	Allows the Secretary of a military department to exclude a reserve officer ordered to active duty "during a war or national emergency" from the active duty roster of officers.
10 U.S.C. § 688 *Retired members: authority to order to active duty*	Waives the 12-month limitation on the period for which retired members of the armed forces can be recalled to active duty and the prohibition on recalling certain categories of retired officers to active duty "in time of war or of national emergency declared by Congress or the President."
10 U.S.C. § 690 *Retired members ordered to active duty: limitations on number*	Waives the limitation on the number of retired general officers and flag officers who may be on active duty at any one time "in time of war or of national emergency declared by Congress or the President."
10 U.S.C. § 708 *Educational leave of absence*	Allows the Secretary of a military department to cancel a leave of absence granted for educational purposes "in time of war, or of national emergency declared by Congress or the President."
10 U.S.C. § 712 *Foreign governments: detail to assist*	Allows the President to detail members of the armed forces to any foreign country he deems advisable to assist in military matters "during a war or a declared national emergency."
10 U.S.C. § 857 *Effective date of sentences*	Provides that in time of war or national emergency the Secretary of a military service or designee may commute a sentence of dismissal of a commissioned officer, cadet, or midshipman to reduction to any enlisted grade. "A person so reduced may be required to serve for the duration of the war or emergency and six months thereafter."
10 U.S.C. § 1076a *TRICARE dental program*	Permits the Secretary of Defense, during a "national emergency declared by the President or Congress," to waive the charges otherwise payable by a member of the Selected Reserve of the Ready Reserve or a member of the Individual Ready Reserve for dental insurance coverage if necessary to ensure readiness for deployment.
10 U.S.C. § 1491 *Funeral honors functions at funerals for veterans*	Allows the Secretary of Defense to waive the requirement that a funeral honors detail be provided for the funeral of any veteran if "necessary . . . to meet the requirements of war, national emergency, or a contingency operation or other military requirements."
10 U.S.C. § 1580 *Emergency essential employees*	Allows the Secretary of Defense or of the military department concerned to designate any employee of DOD as an emergency essential employee if they provide immediate support to combat operations in a combat zone "in connection with a war, a national emergency declared by Congress or the President, or the commencement of combat operations of the armed forces in the zone."

Citation	Description
10 U.S.C. § 2208 *Working-capital funds*	Allows the Secretary of Defense to waive the requirement that Congress be given written notification of the advance billing of a customer of a working-capital fund "during a period of war or national emergency."
10 U.S.C. § 2350j *Burden sharing contributions by designated countries and regional organizations*	Permits the Secretary of Defense, or Secretary of a military department authorized by Secretary of Defense, to carry out military construction project using funds contributed from NATO and other countries without a full report to Congress and waiting period "in which the project is carried out by reason of a declaration of war, or a declaration by the President of a national emergency . . . ."
10 U.S.C. § 2461 *Public-private competition required before conversion to contractor performance*	Provides that the conditions and prerequisites to privatizing a DOD commercial or industrial type function do "not apply during war or during a period of national emergency declared by the President or Congress."
10 U.S.C. § 2632 *Transportation to and from certain places of employment and on military installations*	Allows the Secretary of a military department to provide transportation for employees working in a private plant that is manufacturing material for that department "during a war or a national emergency declared by Congress or the President."
10 U.S.C. § 2662 *Real property transactions: reports to congressional committees*	Provides that the congressional notice and wait provisions governing certain real property transactions by the Secretary of a military department and by the General Services Administration (GSA) for the DOD do not apply, inter alia, if the transaction results from "a declaration of war . . . or a declaration of a national emergency by the President pursuant to the National Emergencies Act."
10 U.S.C. § 2808 *Construction authority in the event of a declaration of war or national emergency*	Provides that the Secretary of Defense and the Secretaries of the military departments, with the Secretary of Defense's authorization, may "without regard to any other provision of law" undertake military construction projects "not otherwise authorized by law" if necessary to support the use of the armed forces "in the event of a declaration of war or the declaration by the President of a national emergency under the National Emergencies Act that requires use of the armed forces."
10 U.S.C. § 7014 *Office of the Secretary of the Army*	Provides that the ceilings on the number of members of the armed forces, civilians, officers, and general officers that may be assigned or detailed for duty in the Office of the Secretary of the Army and on the Army Staff "do not apply in time of war or during a national emergency declared by the President or Congress."
10 U.S.C. § 7375 *Production of supplies and munitions: hours and pay of laborers and mechanics*	Prescribes that "during a national emergency declared by the President" the regular working hours of laborers producing military supplies or munitions for the Army are eight hours a day and 40 hours a week, but allows these limits to be exceeded under regulations prescribed by the Secretary of the Army.
10 U.S.C. § 8014 *Office of the Secretary of the Navy*	Provides that the ceilings on the number of members of the armed forces, civilians, officers, and general and flag officers that may be assigned or detailed for duty in the Office of the Secretary of the Navy, the Office of the Chief of Naval Operations, and the Headquarters Marine Corps "do not apply in time of war or during a national emergency declared by the President or Congress."

Citation	Description
10 U.S.C. § 8102 *Regular Navy: retired flag officers on active duty*	Provides that the limitation to ten on the number of retired flag officers who may be on active duty at any one time in the Regular Navy does not apply "in time of war or national emergency."
10 U.S.C. § 8103 *Suspension: preceding sections*	Authorizes the President to suspend any provision of the "preceding sections" during a war or national emergency. (The only relevant preceding section that has not been repealed, § 8102, has its own exception for war or national emergency.)
10 U.S.C. § 8385 *Members of the Fleet Reserve and Fleet Marine Corps Reserve: authority to recall*	Provides that members of the Fleet Reserve and Fleet Marine Corps Reserve may be ordered to active duty "in time of war or national emergency declared by Congress, for the duration of the war or national emergency and for six months thereafter, . . [and] in time of national emergency declared by the President . . . ."
10 U.S.C. § 8624 *Transportation on naval vessels during wartime*	Authorizes the Secretary of the Navy "[i]n time of war or during a national emergency declared by the President," to permit persons to be transported and subsisted on naval vessels at government expense.
10 U.S.C. § 9014 *Office of the Secretary of the Air Force*	Provides that the ceilings on the number of members of the armed forces, civilians, officers, and general officers that can be assigned or detailed for duty in the Office of the Secretary of the Air Force do not apply "in time of war or during a national emergency declared by the President or Congress."
10 U.S.C. § 9375 *Production of supplies and munitions: hours and pay of laborers and mechanics*	Provides that "during a national emergency declared by the President" the working hours of laborers and mechanics employed by the Department of the Air Force are eight hours a day and 40 hours a week but allows the Secretary of the Air Force to alter these hours by regulation.
10 U.S.C. § 12006 *Strength limitations: authority to waive in time of war or national emergency*	Allows the President, "in time of war, or of national emergency," to suspend the statutory ceilings placed on the number of reserve commissioned officers, reserve general officers, and rear admirals in the Army, Navy, Air Force, and Marine Corps reserves for up to one year beyond the end of the war or national emergency, notwithstanding the earlier termination date prescribed by the NEA.
10 U.S.C. § 12302 *Ready Reserve*	Allows the Secretary of a military department, "in time of national emergency declared by the President after January 1, 1953, or when otherwise authorized by law," to order any member or unit of the Ready Reserve to active duty without their consent for up to 24 months. With respect to reservists called up under this provision as well as some others. the President is authorized by 10 U.S.C. § 12305 to suspend any provision of law relating to promotion, retirement, or separation applicable to any member of the armed forces who the President determines is essential to the national security of the United States.
10 U.S.C. § 12311 *Active duty agreements*	Provides that if an agreement between the Secretary of the military service concerned and a member of the reserves specifying a set term of active duty expires "during a war or during a national emergency declared by Congress or the President," the Reserve may be kept on active duty without his consent.
10 U.S.C. § 14317 *Officers in transition to and from the active-status list or active-duty list*	Provides that reserve officers not on the active-duty list, when ordered to active duty "in time of war or national emergency," may be considered for promotion by a mandatory or special selection board; or in the case of an officer who "is serving on active duty in support of a contingency operation, by a vacancy promotion board."

Citation	Description
	Title 14—Coast Guard
14 U.S.C. § 104 *Removing restrictions*	Provides that legal changes lifting restrictions on the Navy "for the duration of a war or national emergency proclaimed by the President," including those regarding procurement and personnel, shall automatically apply to the Coast Guard.
14 U.S.C. § 932 *Administration of oaths*	Allows commissioned and warrant officers of the Coast Guard to perform all of the functions of a notary public "in time of war or national emergency."
14 U.S.C. § 2125 *Wartime temporary service promotions*	Allows the President, "in time of war, or of national emergency declared by the President or Congress," to suspend any section of this chapter with respect to the selection, promotion, or involuntary separation of Coast Guard officers and to promote to the next higher grade any officer serving on active duty in the grade of ensign or above and any warrant officer serving on active duty in a grade below chief warrant officer, until up to six months after the end of the war or national emergency.
14 U.S.C. § 2127 *Recall to active duty during war or national emergency*	Allows the Secretary of the department under which the Coast Guard is operating to order any regular officer of the Coast Guard on the retired list to active duty "in time of war or national emergency."
14 U.S.C. § 2308 *Recall to active duty during war or national emergency*	Allows the Commandant to order any enlisted member of the Coast Guard on the retired list to active duty "in times of war or national emergency."
14 U.S.C. § 2314 *Detention beyond term of enlistment*	Allows an enlisted member of the Coast Guard to be detained beyond the term of his enlistment "during a period of war or national emergency as proclaimed by the President, and, in the interest of national defense," for up to six months after the end of the war or emergency.
14 U.S.C. § 2317 *Aviation cadets; procurement transfers*	Requires that at least 20% of the aviation cadets procured in each fiscal year be qualified enlisted members of the Coast Guard, "except in time of war or national emergency."
14 U.S.C. § 2779 *Transportation to and from certain places of employment*	Allows the Secretary of the department under which the Coast Guard is operating to provide transportation to and from work for persons employed by a private plant manufacturing material for the Coast Guard "during a war or during a national emergency declared by Congress or the President."
14 U.S.C. § 3735 *Authorized number of officers*	Provides that the President may, if there is in effect a declaration of war or national emergency at the end of any fiscal year, suspend any end-strength limitation prescribed by law for the number of officers in the Coast Guard Reserve for a period not to exceed 6 months after the end of the war or national emergency.
14 U.S.C. § 4903 *Authorization of personnel end strengths*	Provides that the President may, if a declaration of war or national emergency is in effect at the end of any fiscal year, suspend any end-strength limitation prescribed by law for any military or civilian component of the Coast Guard for a period not to exceed six months after the end of the war or national emergency.

Citation	Description
Title 15—Commerce and Trade	
15 U.S.C. § 636 *Additional powers*	Provides for the deferral of the repayment of interest and principal on direct loans by the Small Business Administration to a member of a reserve component who is ordered to active duty during a "period of military conflict," defined to mean "a period of war declared by Congress [or] a period of national emergency declared by the Congress or the President . . . ."
Title 16—Conservation	
16 U.S.C. § 440 *Closure in times of national emergency*	Allows Fort McHenry to be closed "in case of a national emergency" and to be used for military purposes "during the period of the emergency."
Title 17—Copyrights	
17 U.S.C. § 710 *Emergency Relief Authority*	If the Register of Copyrights determines that a national emergency declared by the President "generally disrupts or suspends the ordinary functioning of the copyright system . . . the Register may, on a temporary basis, toll, waive, adjust, or modify any timing provision . . . for no longer than the Register reasonably determines to be appropriate to mitigate the impact of the disruption caused by the national emergency." This authority was added by the CARES Act and expires December 31, 2021.
Title 18—Crimes and Criminal Procedure	
18 U.S.C. § 793 *Gathering, transmitting or losing defense information*	Establishes criminal penalties for gathering or transferring information regarding the national defense for purposes of injuring the United States or giving advantage to a foreign nation, including information related to a prohibited place "designated by the President by proclamation in time of war or in case of national emergency in which anything for the use of the Army, Navy, or Air Force is being prepared or constructed or stored, information as to which prohibited place the President has determined would be prejudicial to the national defense."
18 U.S.C. § 2153 *Destruction of war material, war premises, or war utilities*	Provides criminal penalties for the destruction of war material, war premises, or war utilities "when the United States is at war, or in times of national emergency as declared by the President or by the Congress."
18 U.S.C. § 2154 *Production of defective war material, war premises, or war utilities*	Sets forth criminal penalties for the production of defective war material, war premises, or war utilities "when the United States is at war, or in times of national emergency as declared by the President or by the Congress,"

Citation	Description
	Title 19—Customs Duties
19 U.S.C. § 1318 *Emergencies*	Allows the Secretary of the Treasury, "whenever the President shall by proclamation declare an emergency to exist by reason of a state of war, or otherwise," to have additional time to perform any act prescribed by the Tariff Act of 1930, as amended, and to permit the import of food, clothing, and medical supplies for use in emergency relief work free of duty. (This function was transferred to the Secretary of Commerce, to be exercised in consultation with the Secretary of the Treasury, under Reorganization Plan No. 3 of 1979, 19 U.S.C. § 2171 note, and therefore does not appear to be subject to delegation to the Secretary of Homeland Security pursuant to 6 U.S.C. § 212.) Also authorizes the Secretary of the Treasury, "when necessary to respond to a national emergency declared under the National Emergencies Act," to eliminate, consolidate, or relocate temporarily any office of the Customs Service, to modify its hours of service or services rendered, and to "take any other action necessary to respond directly to the national emergency . . . ." (This authority may be delegated to the Secretary of Homeland Security pursuant to 6 U.S.C. § 212.)
	Title 20—Education
20 U.S.C. § 79 *Barro Colorado Island in Gatun Lake by set aside*	Directs that Barro Colorado Island in Gatun Lake in the Canal Zone be left in its natural state for scientific observation and investigation "except in the event of declared national emergency."
20 U.S.C. § 1087e *Terms and condition of loans*	Permits the Department of Education to defer student loans during which the borrower is serving on active duty or performing qualifying National Guard duty "during a war or other military operation or national emergency."
20 U.S.C. § 1098bb *Waiver authority for response to military contingencies and national emergencies*	Authorizes the Secretary of Education to waive or modify statutory and regulatory provisions applicable to student financial aid programs as the Secretary deems necessary "in connection with a war or other military operation or national emergency" for the relief of an affected individual.
20 U.S.C. § 1098ee *Definitions*	Defines an "affected individual," in *U.S. Code* chapter including provisions concerning the Secretary of Education's authority to waive certain requirements related to student financial aid programs, to mean one who is "serving on active duty during a war or other military operation or national emergency [declared by the President]" or "is performing qualifying National Guard duty during a war or other military operation or national emergency," among other things.
	Title 23—Highways
23 U.S.C. § 127 *Vehicle weight limitations-Interstate System*	Permits the Secretary of Transportation to waive vehicle weight limits on the portion of Interstate Route 95 in Maine between Augusta and Bangor for the purpose of making bulk shipments of jet fuel to the air National Guard Base at the Bangor International Airport "during a period of national emergency."
	Title 31—Money and Finance
31 U.S.C. § 3522 *Making and submitting accounts*	Extends the time for the armed forces to submit accounts to the Comptroller General from the usual 60 days to 90 days "during a war or national emergency and for 18 months after the war or emergency ends."

Citation	Description
Title 33—Navigation and Navigable Waters	
33 U.S.C. § 854a-1 *Temporary appointment or advancement of commissioned officers in time of war or national emergency*	Provides that "[p]ersonnel of the National Oceanic and Atmospheric Administration shall be subject in like manner and to the same extent as personnel of the Navy to all laws authorizing temporary appointment or advancement of commissioned officers in time of war or national emergency" subject to the certain limitations.
33 U.S.C. § 1902 *Ships subject to preventive measures*	States that provisions applying pollution control standards derived from the MARPOL Protocol to warships, naval auxiliaries, and vessels owned by the United States, other than submersibles, shall not apply "during time of war or a declared national emergency."
33 U.S.C. § 2293 *Reprogramming during national emergencies*	Authorizes the Secretary of the Army, "in the event of a declaration of war or a declaration by the President of a national emergency in accordance with the National Emergencies Act that requires or may require use of the Armed Forces," to terminate or defer Army civil works projects that he determines are not essential to the national defense and to apply the resources to projects that are essential.
33 U.S.C. § 2503 *Prohibition*	Lifts the prohibition on the ocean dumping of potentially infectious medical waste by public vessels "during time of war or a declared national emergency."
33 U.S.C. § 3030 *Temporary appointment or advancement of commissioned officers in time of war or national emergency*	Provides that the laws that pertain to the temporary appointment or advancement of commissioned officers "in time of war or national emergency" in the Navy shall also apply to officers of the National Oceanic and Atmospheric Administration, subject to a few limitations.
33 U.S.C. § 3061 *Cooperation with and transfer to military departments*	Authorizes the President, "whenever in his judgment a sufficient national emergency exists," to transfer such vessels, equipment, stations, and commissioned officers of NOAA to a military department "as he may deem in the best interests of the country."
Title 35—Patents	
35 U.S.C. § 181 *Secrecy of certain invention and withholding of patent*	Provides that an order by the Commissioner of Patents that a patent or patent application be kept secret for national security reasons, which otherwise must be renewed each year, shall remain in effect "during a time when the United States is at war" and for one year following the cessation of hostilities and "during a national emergency declared by the President" and for six months thereafter.
Title 37—Pay and Allowances of the Uniformed Services	
37 U.S.C. § 477 *Travel and transportation allowances: dislocation allowance*	Provides that the exceptions to the prohibition on members of the uniformed services receiving more than one dislocation allowance a year "does not apply in time of national emergency or in time of war."

Citation	Description
37 U.S.C. § 1009 *Adjustments of monthly basic pay*	Permits the President to provide for alternative pay adjustments if he considers the formula otherwise required by law to be inappropriate because of "national emergency or serious economic conditions affecting the general welfare," provided a plan for such alternative adjustment is submitted to Congress by September 1 of the preceding year.
Title 38—Veterans' Benefits	
38 U.S.C. § 1721 *Power to make rules and regulations*	Authorizes the Secretary of the Department of Veterans Affairs to prescribe rules for good conduct by those receiving services in Department facilities "during a period of national emergency (other than a period of war or an emergency described in section 8111A of [title 38])."
38 U.S.C. § 4303 *Definitions*	Includes within the definition of "uniformed services" for purposes of entitlement to the reemployment and other rights protected by the statute "the Armed Forces, the Army National Guard and the Air National Guard . . . , the commissioned corps of the Public Health Service, and any other category of persons designated by the President in time of war or national emergency."
38 U.S.C. § 8111A *Furnishing of health-care services to members of the Armed Forces during a war or national emergency*	Authorizes the Secretary of the Department of Veterans Affairs to provide hospital care, nursing home care, and medical services to members of the armed forces on active duty "during and immediately following a period of war, or a period of national emergency declared by the President or the Congress that involves the use of the Armed Forces in armed conflict."
Title 40—Public Buildings, Property, and Works	
40 U.S.C. § 545 *Procedure for disposal*	Allows the GSA to negotiate disposal and contracts for disposal of surplus property without first seeking public bids "during the period of a national emergency declared by the President or the Congress" subject to obtaining "such competition as is feasible under the circumstances, if necessary in the public interest."
40 U.S.C. § 905 *Waiver*	Allows the GSA to waive the procedures otherwise applicable to the disposal or acquisition of real property in urban areas "during any period of national emergency proclaimed by the President."
40 U.S.C. § 3147 *Suspension of this subchapter during a national emergency*	Allows the President to suspend the requirements of the Davis-Bacon Act mandating that laborers and mechanics on federal and DC construction and public works projects be paid prevailing wages "in the event of a national emergency."
40 U.S.C. § 8722 *Proposed Federal and district developments and projects*	Excludes from the consultation procedures mandated for federal and DC agencies with the National Capital Planning Commission for construction projects in DC "structures erected by the Department of Defense during wartime or national emergency within existing military, naval, or Air Force reservations, except that the appropriate defense agency shall consult with the Commission as to any developments which materially affect traffic or require coordinated planning of the surrounding area."
Title 41—Public Contracts	
41 U.S.C. § 1710 *Public-private competition required before conversion to contractor performance*	Provides that requirements for public-private competition prior to the conversion of an agency function to contractor performance do not apply "during war or during a period of national emergency declared by the President or Congress."

Citation	Description
41 U.S.C. § 3304 *Use of noncompetitive procedures*	Authorizes executive agencies to use noncompetitive procurement procedures if "it is necessary to award the contract to a particular source or sources in order (A) to maintain a facility, producer, manufacturer, or other supplier available for furnishing property or services in case of a national emergency or to achieve industrial mobilization . . . ."
	Title 42—The Public Health and Welfare
42 U.S.C. § 204 *Commissioned Corps and Ready Corps*	Establishes in the Public Health Service a Ready Reserve Corps for the purpose of securing a reserve for duty in the Service "in time of public health or national emergency," which is to "be available and ready for involuntary calls to active duty during national emergencies and public health crises, similar to the uniformed service reserve personnel."
42 U.S.C. § 204a *Deployment readiness*	Defines "[u]rgent or emergency public health care need," with reference to deployment of the Commissioned Corps of the Public Health Service, as "a health care need, as determined by the Secretary, arising as the result of a national emergency declared by the President under the National Emergencies Act (50 U.S.C. §§ 1601, *et seq.*); an emergency or major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, a public health emergency declared by the Secretary under section 247d of . . . title 42 or any emergency that, in the judgment of the Secretary, is appropriate for the deployment of members of the [Commissioned] Corps."
42 U.S.C. § 211 *Promotion of commissioned officers*	Allows commissioned officers in the Regular Corps of the Public Health Service to be recommended for promotion to any higher grade in their category, including the director grade, whether or not a vacancy exists in such grade, "in time of war or of national emergency proclaimed by the President."
42 U.S.C. § 300ff-83 *Public health emergency*	Authorizes the Secretary of HHS to waive requirements with respect to certain Human Immunodeficiency Virus programs during an emergency or disaster declared by the President pursuant to the NEA, among other authorities.
42 U.S.C. § 1320b-5 *Authority to waive requirements during national emergencies*	Authorizes the Secretary of HHS to waive or modify certain requirements of Medicare, Medicaid, the State Children's Health Insurance Program, and the Health Insurance Portability and Accountability Act, related to certification or licensing of health care providers, sanctions related to physician referrals, deadlines and other penalties, in response to an emergency declared by the President pursuant to the NEA, a Stafford Act emergency, or a public health emergency.
42 U.S.C. § 4625 *Relocation planning, assistance coordination, and advisory services*	Waives the requirement in the Uniform Relocation Assistance Act that a person displaced from their dwelling by a project of a federal agency or one undertaken with federal financial assistance not be required to move until afforded a reasonable opportunity to relocate to a comparable dwelling in the case of "a national emergency declared by the President."
42 U.S.C. § 6212a *Oil exports, safety valve, and maritime security*	Permits the President to impose export licensing requirements or other restrictions on the export of crude oil from the United States for a period of not more than 1 year, if the President declares a national emergency (among other reasons).
	Title 43—Public Lands
43 U.S.C. § 155 *Withdrawal, reservation, or restriction of public lands for defense purposes; "public lands" defined; exception*	States that the provisions of the Engle Act governing the use of the public lands of the United States by the Department of Defense for defense purposes shall not apply "in time of war or national emergency hereafter declared by the President or Congress."

Citation	Description
43 U.S.C. § 1341 *Reservation of lands and rights*	Allows the Secretary of the Interior to suspend leases on the outer Continental Shelf, on the recommendation of the Secretary of Defense, "during a state of war or national emergency declared by the Congress or the President of the United States after August 7, 1953."
	Title 46—Shipping
46 U.S.C. § 7507 *Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents*	Permits the Secretary of the department in which the Coast Guard is operating to extend a license or certificate of registry for not more than one year in response to a national emergency or natural disaster.
46 U.S.C. § 8103 *Citizenship and Navy Reserve requirements*	Allows the President to suspend the citizenship requirements that otherwise apply to the officers and seamen on documented vessels of the U.S. "during a proclaimed national emergency."
46 U.S.C. § 8301 *Minimum number of licensed individuals*	Allows the Secretary of the department in which the Coast Guard is operating to suspend the requirements relating to the number of licensed individuals that vessels subject to inspection must have "during a national emergency proclaimed by the President."
46 U.S.C. § 56102 *Additional controls during war or national emergency*	"During war, or a national emergency declared by Presidential proclamation," permission from the Secretary of Transportation is required to transfer any controlling interest in any vessel or related facility owned by a U.S. person to a noncitizen.
46 U.S.C. § 56301 *General authority*	Authorizes the Secretary of Transportation to requisition or purchase any vessel or other watercraft owned by citizens of the United States "whenever the President shall proclaim that the security of the national defense makes it advisable or during any national emergency declared by proclamation of the President" and to transfer the possession or control of any such vessel or watercraft to any other department or agency of the government.
46 U.S.C. § 57521 *Termination of charter during national emergency*	Permits the Secretary of Transportation to terminate any charter of Department of Transportation vessels "whenever the President shall proclaim that the security of the national defense makes it advisable, or during any national emergency declared by proclamation of the President."
46 U.S.C. § 70051 *Regulation of anchorage and movement of vessels during national emergency*	Authorizes the Secretary of Transportation, "whenever the President by proclamation or Executive order declares a national emergency to exist by reason of actual or threatened war, insurrection, invasion, or disturbance or threatened disturbance of the international relations of the United States," to adopt rules and regulations governing the anchorage and movement of all vessels, foreign and domestic, in the territorial waters of the United States and, if necessary, to take possession of such vessels; and also authorizes the President, "whenever the President finds that the security of the United States is endangered by reason of actual or threatened war, or invasion, or insurrection or subversive activity, or of disturbances or threatened disturbances of the international relations of the United States," to take steps to safeguard all vessels, harbors, ports, and waterfront facilities in the United States against destruction, loss, or injury.

Citation	Description
	Title 47—Telecommunications
47 U.S.C. § 308 *Requirements for license*	Allows the Federal Communications Commission to waive the requirement of a formal written application for construction permits and station licenses, and modifications and renewals thereof, "during a national emergency proclaimed by the President or declared by Congress and during the continuance of any war in which the United States is engaged and when such action is necessary for the national defense or security or otherwise in furtherance of the war effort."
47 U.S.C. § 606 *War powers of President*	Permits the President, "upon proclamation . . . that there exists war or a threat of war, or a state of public peril or disaster or other national emergency" to suspend or amend the rules and regulations applicable to any or all stations or devices capable of emitting electromagnetic radiations within the jurisdiction of the United States, close any radio station or shut down certain transmission devices, or "authorize the use or control of any such station or device and/or its apparatus and equipment, by any department of the Government under such regulations as he may prescribe upon just compensation to the owners."
	Title 49—Transportation
49 U.S.C. § 114 *Transportation Security Administration*	Gives the Administrator of the Transportation Security Administration the authority "during a national emergency" to coordinate all domestic transportation and oversee the transportation-related responsibilities of other nonmilitary federal departments and agencies but states that this authority "shall not supersede" the authority of other federal departments and agencies related to transportation.
49 U.S.C. § 47152 *Terms of conveyances*	Provides that the United States, "during a national emergency declared by the President or Congress," is entitled to use, control, or possess any part of a public airport that is on surplus property donated by the government.
49 U.S.C. § 5334 *Administrative provisions*	Provides that "[e]xcept for purposes of national defense or in the event of a national or regional emergency. . ., the Secretary [of Transportation] may not regulate the operation, routes, or schedules of a public transportation system" for which certain grants are made.
	Title 50—War and National Defense
50 U.S.C. § 98f *Special Presidential disposal authority*	Authorizes any person designated by the President, "(1) at any time the President determines the release of such materials is required for purposes of the national defense or (2) in time of war declared by the Congress or during a national emergency," to use, sell, or otherwise dispose of materials in the National Defense Stockpile that the designee determines are "required for purposes of the national defense."
50 U.S.C. § 1435 *Effective period*	Provides that the President's authority under 50 US.C. §§ 1431-1435 to modify defense contracts to "facilitate the national defense" without regard to other provisions of law regarding the making, performance, amendment, or modification of contracts is effective "only during a national emergency declared by Congress or the President" and for six months after the termination thereof.
50 U.S.C. § 1515 *Suspension; Presidential authorization*	Authorizes the President to suspend the provisions of law governing the production, transportation, location, testing, and disposal of lethal chemical and biological warfare agents "during the period of any war declared by Congress and during the period of any national emergency declared by Congress or by the President."

Citation	Description
50 U.S.C. § 1701 *Unusual and extraordinary threat; declaration of national emergency; exercise of Presidential authorities*	Authorizes the President to exercise the extensive powers with respect to the property of, and economic transactions with, a foreign country or entity granted by the International Emergency Economic Powers Act (IEEPA) "to deal with any unusual and extraordinary threat, which has its source in whole or substantial part outside the United States, to the national security, foreign policy, or economy of the United States, if the President declares a national emergency with respect to such threat."
50 U.S.C. § 1702 *Presidential authorities*	Exempts from any economic embargo imposed under IEEPA donations of articles such as food, clothing, and medicine intended to relieve human suffering unless the President determines, inter alia, that such donations "would seriously impair his ability to deal with any national emergency declared under section 1701 of this title."
50 U.S.C. § 1706 *Saving provisions*	Provides that foreign assets frozen pursuant to IEEPA may remain frozen beyond the date of the termination of the national emergency if necessary "on account of claims involving such country or its nationals."
50 U.S.C. § 3809 *Selective Service System*	Provides that the statutory ceiling on the number of armed forces personnel who may be assigned to the Selective Service System does not apply "during a time of war or a national emergency declared by Congress or the President" and mandates that the System be maintained as an active standby organization capable of immediate operation "in the event of a national emergency."
50 U.S.C. § 4309 *Claims to property transferred to custodian; notice of claim; filing; return of property; suits to recover; sale of claimed property in time of war or during national emergency*	Provides "[t]hat upon a determination made by the President, in time of war or during any national emergency declared by the President, that the interest and welfare of the United States require the sale of any property or interest or any part thereof claimed in any suit filed under this subsection and pending on or after October 22, 1962, the Alien Property Custodian or any successor officer, or agency may sell such property or interest or part thereof, in conformity with law applicable to sales of property by him, at any time prior to the entry of final judgment in such suit. No such sale shall be made until thirty days have passed after the publication of notice in the Federal Register of the intention to sell."
50 U.S.C. § 4531 *Presidential authorization for the national defense*	Provides that certain conditions that are prerequisite to the President's exercise of the authority under Title III of the Defense Production Act (DPA) to provide guarantees for the financing of contracts or other operations deemed necessary for the "procurement of materials or performance of services for the national defense" do not apply "during periods of national emergency declared by Congress or the President."
50 U.S.C. § 4532 *Loans to private business enterprises*	Provides that certain presidential determinations that are prerequisite to making direct federal loans under Title III of the DPA for the expansion of productive capacity and supply for the national defense do not apply and that the aggregate ceiling of $50 million on such loans and certain other procedural requirements may be waived "during periods of national emergency declared by the Congress or the President."
50 U.S.C. § 4533 *Other presidential action authorized*	Provides that a number of conditions and prerequisites to the exercise of the authority under Title III of the DPA to expand the productive capacity and supply of private industry for national defense purposes by means of purchase and resale of an industrial resource, a critical technology item, or a critical and strategic raw material may be waived "during periods of national emergency declared by the Congress or the President."

Source: Information compiled by CRS using Westlaw.

The Stafford Act

The Robert T. Stafford Disaster Relief and Emergency Assistance Act,[47] among other things, establishes various authorities that the executive branch may exercise in an "emergency."[48] The Act defines an "emergency" as any circumstance in which the President determines that federal assistance is necessary to supplement state and local efforts to protect public health and safety.[49]

There are three situations in which a President may declare an "emergency" under the Stafford Act.[50] *First*, subject to certain conditions and prerequisites, a state's[51] governor may ask the President to declare an "emergency" when the state and its localities lack the capability to respond to the situation at hand without federal assistance.[52] *Second*, the chief executive of an Indian tribe may ask the President to declare an "emergency" subject to similar conditions.[53] *Third*, in situations where the primary responsibility for responding to an emergency rests with the federal government, the President may declare an "emergency" without a request by a state or an Indian tribe.[54]

Besides empowering the President to declare an "emergency," the Stafford Act also authorizes the President to declare a "major disaster" under specified circumstances.[55] The Act defines "major disaster" to include an array of catastrophic events requiring federal assistance, including hurricanes, tornadoes, fires, and earthquakes.[56] Declaring a "major disaster" triggers a distinct set

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[47] *See* 42 U.S.C. §§ 5121-5207. For additional CRS products analyzing the Stafford Act, see, e.g., CRS Insight IN11229, *Stafford Act Assistance for Public Health Incidents*, by Bruce R. Lindsay and Erica A. Lee; CRS Report R42702, *Stafford Act Declarations 1953-2016: Trends, Analyses, and Implications for Congress*, by Bruce R. Lindsay.

[48] *See, e.g.*, 42 U.S.C. § 5192.

[49] *See id.* § 5122(1) ("'Emergency' means 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.").

[50] *See id.* § 5191(a)-(c).

[51] The Stafford Act defines "state" to include "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." *Id.* § 5122(4).

[52] *See id.* § 5191(a) ("All requests for a declaration by the President that an emergency exists shall be made by the Governor of the affected State. Such a request shall be based on a finding that the situation is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments and that Federal assistance is necessary. As part of such requests, and as a prerequisite to emergency assistance under this chapter, the Governor shall take appropriate action under State law and direct execution of the State's emergency plan. The Governor shall furnish information describing the State and local efforts and resources which have been or will be used to alleviate the emergency, and will define the type and extent of Federal aid required. Based upon such Governor's request, the President may declare that an emergency exists.").

[53] *See id.* § 5191(c)(1) ("The Chief Executive of an affected Indian tribal government may submit a request for a declaration by the President that an emergency exists consistent with the requirements of subsection (a)."). *See also id.* § 5122(12) (defining "Chief Executive" of an Indian tribal government).

[54] *See id.* § 5191(b) ("The President may exercise any authority vested in him by section 5192 of this title or section 5193 of this title with respect to an emergency when he determines that an emergency exists for which the primary responsibility for response rests with the United States because the emergency involves a subject area for which, under the Constitution or laws of the United States, the United States exercises exclusive or preeminent responsibility and authority. In determining whether or not such an emergency exists, the President shall consult the Governor of any affected State, if applicable. The President's determination may be made without regard to subsection (a)."). President Trump relied on this authority when he declared an emergency in response to the COVID-19 epidemic. *See* COVID-19 Emergency Declaration (Mar. 13, 2020), *available at* http://fema.gov/news-release/2020/03/13/covid-19-emergency-declaration.

[55] *See* 42 U.S.C. § 5170.

[56] *See id.* § 5122(2) ("'Major disaster' means any natural catastrophe (including any hurricane, tornado, storm, high

of statutory authorities that partially overlaps with the authorities available during an "emergency."[57] As with "emergencies," governors[58] and chief executives of Indian tribes[59] may ask the President to declare a "major disaster" subject to certain conditions and prerequisites. Unlike an "emergency" declaration, however, the President may not unilaterally declare a "major disaster"; the President may declare a "major disaster" only in response to a request by a state or Indian tribe.[60]

Methodology

Table 2 lists 94 statutory authorities that the executive branch may exercise after declaring either an "emergency" or a "major disaster" under the Stafford Act. CRS searched Westlaw's *U.S. Code* database for "*TE((declar!/5 emergenc!) or "major disaster" or "Disaster Relief #and Emergency Assistance" or "Stafford Disaster")*)." Next, CRS used Westlaw's "*Citing References*" function to identify all provisions of the *U.S. Code* that cross-reference 42 U.S.C. §§ 5170 and 5191—the provisions of the Stafford Act governing declarations of "major disasters" and "emergencies," respectively.

Not every search result satisfied the criteria for inclusion in **Table 2**. For example, a statute was excluded if

water, winddriven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), or, regardless of cause, any fire, flood, or explosion, in any part of the United States, which in the determination of the President causes damages of sufficient severity and magnitude to warrant major disaster assistance under this chapter to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.").

The statutory definition of "major disaster" does not expressly include a public health incident, such as an outbreak of a communicable disease. *See id.* § 5122(2); Lindsay & Lee, *supra* note 47. President Trump recently issued major disaster declarations for several states in response to the COVID-19 pandemic, which appears to be the first time a major disaster declaration has been authorized under current law in response to a public health incident *See id. See* Lindsay & Lee, *supra* note 37.

[57] *See generally, e.g.*, 42 U.S.C. §§ 5170-5189h.

[58] *See id.* § 5170(a) ("All requests for a declaration by the President that a major disaster exists shall be made by the Governor of the affected State. Such a request shall be based on a finding that the disaster is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments and that Federal assistance is necessary. As part of such request, and as a prerequisite to major disaster assistance under this chapter, the Governor shall take appropriate response action under State law and direct execution of the State's emergency plan. The Governor shall furnish information on the nature and amount of State and local resources which have been or will be committed to alleviating the results of the disaster, and shall certify that, for the current disaster, State and local government obligations and expenditures (of which State commitments must be a significant proportion) will comply with all applicable cost-sharing requirements of this chapter. Based on the request of a Governor under this section, the President may declare under this chapter that a major disaster or emergency exists.").

[59] *See id.* § 5170(b)(1) ("The Chief Executive of an affected Indian tribal government may submit a request for a declaration by the President that a major disaster exists consistent with the requirements of subsection (a).").

[60] *See id.* § 5170. *See also* Lindsay & Lee, *supra* note 47 ("The state or territorial governor or tribal chief executive must request a major disaster declaration.").

- the statute does not confer additional authority, but instead requires an executive agency to provide notice to Congress or other agencies;[61]
- the statute does not confer additional authority on the executive branch but instead provides an exception to general legal requirements for nongovernment entities;[62]
- the statute includes measures in preparation for potential emergencies that may occur in the future, but does not include any grants of power that are triggered by an emergency declaration;[63]
- the statute applies to an "emergency" or "major disaster" that has already been declared, such as with respect to the COVID-19 pandemic, and these authorities will lapse once that emergency or major disaster ends.[64]

Limitations

A search using the methodology described above was done on June 2, 2020. The search may not have captured all relevant authorities currently in effect. For example, for purposes of manageability, the methodology only captures statutes codified in the *U.S. Code*.[65] Moreover, the criteria used to identify statutes may have excluded some potentially relevant authorities that do not expressly refer to a "major disaster" or "emergency" under the Stafford Act but nonetheless have functionally served similar purposes.

[61] *See, e.g.*, 15 U.S.C. § 636k (requiring the Administrator of the Small Business Administration to provide various reports concerning disaster loan programs to Congress).

[62] *See, e.g.*, 10 U.S.C. § 1060c (allowing veterinary professionals to provide services anywhere in the United States, regardless of where they are licensed, in response to a "major disaster" or "emergency").

[63] *See, e.g.*, 42 U.S.C. § 5134 (directing the President to establish an interagency task force to coordinate the implementation of pre-disaster hazard-mitigation programs administered by the federal government).

[64] Several provisions of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) apply only during the "major disaster" or "emergency" related to COVID-19. *See, e.g.*, Pub. L. No. 116-136 § 3511 (authorizing the Secretary of Education to, upon the request of a state educational agency or Indian tribe, waive certain regulatory requirements after determining that such waiver is necessary and appropriate due to the COVID-19 "emergency").

[65] In short, a search of all laws ever enacted would have been a daunting undertaking, and statutory provisions not codified in the *U.S. Code* would be unlikely to fit other criteria used to determine inclusion (e.g., the laws had expired, or concerned a provision that did not augment the authorities of the implementing agency, such as a reporting requirement or instruction for the agency to engage in a study). For Information about the codification of statutes, see the Office of the Law Revision Counsel, About Classification of Laws to the United States Code, https://uscode.house.gov/about_classification.xhtml.

Table 2. Statutory Authorities Triggered by a Declaration of an "Emergency" or "Major Disaster" Under the Stafford Act

Citation	Description
	Title 2—The Congress
2 U.S.C. § 6318 *Additional home State office space for Senators; declaration of disaster or emergency*	Authorizes the Sergeant at Arms and Doorkeeper of the Senate, with the approval of the Committee on Rules and Administration of the Senate, to provide additional facilities, services, equipment, and office space for use by a Senator in that Senator's State in connection with a "major disaster" or "emergency."
	Title 5—Government Organization and Employees
5 U.S.C. § 6391 *Authority for leave transfer program in disasters and emergencies*	Authorizes the President to direct the Office of Personnel Management to establish an emergency leave transfer program under which employees of federal executive agencies may donate unused annual leave for transfer to employees affected by a "major disaster" or "emergency."
	Title 7—Agriculture
7 U.S.C. § 912a *Rescheduling and refinancing of loans*	Authorizes the Secretary of Agriculture to adjust and readjust the schedules for loans extended under the Rural Electrification Act of 1936 and to extend the maturity of such loans for up to forty years upon determining that such action is necessary because of the loss, destruction, or damage of a borrower's property as a result of a "major disaster."
7 U.S.C. § 1427 *Commodity Credit Corporation sales price restrictions*	Authorizes the Commodity Credit Corporation to make available any farm commodity or product to relieve distress related to a "major disaster."
7 U.S.C. § 1427a *Reserve inventories for alleviation of distress of natural disaster*	Authorizes the Secretary of Agriculture to dispose of certain commodity reserves to relieve distress caused by a "major disaster" or "emergency."
7 U.S.C. § 1942 *Purposes of loans*	Authorizes the Secretary of Agriculture to make direct loans for borrowers refinancing certain debts who have suffered a qualifying loss because of a "major disaster" or "emergency."
7 U.S.C. § 1961 *Eligibility for loans*	Authorizes the Secretary of Agriculture to make and insure certain loans to farmers, ranchers, and persons engaged in aquaculture whose operations have been substantially affected by a "major disaster" or "emergency."
7 U.S.C. § 1963 *Purpose and extent of loans*	Provides that loans under the relevant subchapter can be made or insured for crop or livestock changes necessitated by a "major disaster" or "emergency."
7 U.S.C. § 2008h *Loan and loan servicing limitations*	Authorizes the Secretary of Agriculture to make direct or guaranteed farm operating loans for paying the annual farm or ranch operating expenses of a borrower who received debt forgiveness on not more than one occasion resulting directly or primarily from a "major disaster" or "emergency."

Citation	Description
7 U.S.C. § 7285 *Commodity Credit Corporation sales price restrictions*	Authorizes the Secretary of Agriculture to make available any commodity or product owned or controlled by the Commodity Credit Corporation for use in relieving distress in connection with a "major disaster," notwithstanding otherwise applicable price restrictions.
Title 10—Armed Forces	
10 U.S.C. § 123a *Suspension of end-strength and other strength limitations in time of war or national emergency*	Authorizes the President, when a declaration of a "major disaster" or "emergency" is in effect, to waive any statutory limit on the number of members of a reserve component who are authorized to be on active duty if he determines the waiver is necessary to provide assistance in responding to the "major disaster" or "emergency."
10 U.S.C. § 2662 *Real property transactions: reports to congressional committees*	Provides that the congressional notice-and-wait provisions governing certain real property transactions by the Secretary of a military department and by the General Services Administration (GSA) for the DOD do not apply, inter alia, if the transaction results from a "major disaster" or "emergency" declaration.
10 U.S.C. § 12304a *Army reserve, navy reserve, marine corps reserve, and air force reserve: order to active duty to provide assistance in response to a major disaster or emergency*	Authorizes the Secretary of Defense, when a governor requests assistance in responding to a "major disaster" or "emergency," to order any unit, and any member not assigned to a unit organized to serve as a unit, of the Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve to active duty for a continuous period of not more than 120 days to respond to the governor's request.
Title 12—Banks and Banking	
12 U.S.C. § 1706c *Insurance of mortgages*	Allows the Secretary of Housing and Urban Development (HUD) to raise certain numerical limitations related to federal mortgage insurance for low and moderate-income homeowners whose homes are destroyed or damaged because of a flood, fire, hurricane, earthquake, storm, or other catastrophe that has been designated a "major disaster."
12 U.S.C. § 1709 *Insurance of mortgages*	Among other things, authorizes the Secretary of HUD to insure specified mortgages when the President has declared a "major disaster" and the mortgagor establishes that the disaster has destroyed or damaged his home.
12 U.S.C. § 1715l *Housing for moderate income and displaced families*	Authorizes the Secretary of HUD to insure certain mortgages for persons displaced by a "major disaster."
12 U.S.C. § 3352 *Emergency exceptions for disaster areas*	Authorizes federal financial regulators to exempt specified transactions from certain legal requirements codified in the chapter of Title 12 pertaining to the Appraisal Subcommittee of Federal Financial Institutions Examination Council if the President declares a "major disaster."

Citation	Description
Title 14—Coast Guard	
14 U.S.C. § 1109 *Undefinitized contract actions*	Authorizes the Commandant of the Coast Guard to waive restrictions on the Coast Guard's ability to enter into undefinitized contracts if such waiver is necessary to support an operation in response to a "major disaster" or "emergency."
Title 15—Commerce and Trade	
15 U.S.C. § 636 *Additional powers*	Authorizes the Small Business Administration (SBA) to provide loans and other financial assistance to small businesses, individuals, and business development organizations in connection with a "major disaster."
15 U.S.C. § 636d *Disaster aid to major sources of employment*	Authorizes the SBA and the Farmers Home Administration (which has been replaced by the Office of Rural Development and the Farm Service Agency) to provide loans to any industrial, commercial, agricultural, or other enterprise that has constituted a "major source of employment" in an area suffering a "major disaster" and that is no longer in "substantial operation" because of such a disaster.
15 U.S.C. § 636i *Small business bonding threshold*	Authorizes the Administrator of the SBA to guarantee sureties against losses resulting from the breach of the terms of certain bonds in connection with procurements related to a "major disaster."
15 U.S.C. § 648 *Small business development center program authorization*	Allows the Administrator of the SBA to authorize a small business development center to provide advice, information, and assistance to out-of-state small business concerns located in areas for which the President has declared a major disaster.
15 U.S.C. § 657d *Federal and State Technology Partnership Program*	Authorizes the Administrator of the SBA to provide enhanced assistance to businesses that apply for an award or a cooperative agreement under the Federal and State Technology Partnership Program if the businesses are in an area affected by a "major disaster."
Title 16—Conservation	
16 U.S.C. § 1536 *Interagency cooperation*	Authorizes the President to make certain determinations that trigger exemptions from the Endangered Species Act in areas affected by a "major disaster."
Title 18—Crimes and Criminal Procedure	
18 U.S.C. § 1040 *Fraud in connection with major disaster or emergency benefits*	Makes fraud involving benefits disbursed in connection with a "major disaster" or "emergency" a criminal offense.
18 U.S.C. § 1341 *Frauds and swindles*	Makes mail fraud a criminal offense, and provides enhanced penalties for violations involving benefits paid in connection with a "major disaster" or "emergency."
18 U.S.C. § 1343 *Fraud by wire, radio, or television*	Makes wire fraud a criminal offense, and provides enhanced penalties for violations involving benefits paid in connection with a "major disaster" or "emergency."

Citation	Description
Title 20—Education	
20 U.S.C. § 1091b *Institutional refunds*	Among other things, authorizes the Secretary of Education to waive Federal Pell Grant repayment and grant assistance repayment requirements for students in a disaster area after the President has declared a "major disaster."
20 U.S.C. § 1161l-3 *Education Disaster and Emergency Relief Loan Program*	Authorizes the Secretary of Education to establish an Education Disaster and Emergency Relief Loan Program for institutions of higher education impacted by a "major disaster" or "emergency."
Title 23—Highways	
23 U.S.C. § 125 *Emergency relief*	In certain circumstances, authorizes the Secretary of Transportation to expend emergency funds for the repair and reconstruction of highways in response to a "major disaster" or "emergency."
Title 29—Labor	
29 U.S.C. § 3225 *National dislocated worker grants*	Authorizes the Secretary of Labor to award national dislocated worker grants to the Governors of states to which a substantial number of workers have relocated from an area in which a "major disaster" or "emergency" has been declared.
Title 30—Mineral Lands and Mining	
30 U.S.C. § 962 *Acceptance of contributions and prosecution of projects; cooperative programs to promote health and safety education and training; recognition and funding of Joseph A. Holmes Safety Association; use of funds for costs of mine rescue and survival operations*	Provides that "any funds available to the Department of Labor" may be used, with the approval of the Secretary of Labor, to provide for the costs of mine rescue and survival operations in the event of a "major disaster."
Title 33—Navigation and Navigable Waters	
33 U.S.C. § 2267b *Post-disaster watershed assessments*	Authorizes the Secretary of the Army to carry out a watershed assessment upon the declaration of a "major disaster" and identify specific flood risk reduction, hurricane and storm damage reduction, ecosystem restoration, or navigation project recommendations to rehabilitate and improve the resiliency of damaged infrastructure and natural resources.
33 U.S.C. § 701n *Emergency response to natural disasters*	Authorizes the Chief of Engineers of the Army Corps of Engineers, when otherwise performing work on an area for which a Governor has requested an "emergency" or "major disaster" declaration, to perform emergency work which is essential for the preservation of life and property for a period of ten days following the Governor's request.

Citation	Description
Title 37—Pay and Allowances of the Uniformed Services	
37 U.S.C. § 403 *Basic allowance for housing*	Authorizes the Secretary of Defense to prescribe a temporary increase in the rates of basic allowance for military housing in areas covered by a declaration of a "major disaster."
Title 38—Veterans' Benefits	
38 U.S.C. § 1785 *Care and services during certain disasters and emergencies*	Authorizes the Secretary of Veterans Affairs to furnish hospital care and medical services to individuals responding to, involved in, or otherwise affected by a "major disaster" or "emergency."
38 U.S.C. § 3703 *Basic provisions relating to loan guaranty and insurance*	Authorizes the Secretary of Veterans Affairs to subordinate liens related to certain federal real estate loans to liens in favor of public entities that have provided or will provide assistance in response to a "major disaster."
38 U.S.C. § 8111A *Furnishing of health-care services to members of the Armed Forces during a war or national emergency*	Authorizes the Secretary of Veterans Affairs to furnish hospital care and medical services to members of the armed forces on active duty responding to or involved in a "major disaster" or "emergency."
Title 40—Public Buildings, Property, and Works	
40 U.S.C. § 502 *Services for other entities*	Authorizes the Administrator of the General Services Administration (GSA) to provide for the use by state or local governments of federal supply schedules of the GSA for goods or services that are to be used to facilitate recovery from a "major disaster" to facilitate disaster preparedness or response, or to facilitate recovery from terrorism or nuclear, biological, chemical, or radiological attack.
Title 41—Public Contracts	
41 U.S.C. § 1903 *Special emergency procurement authority*	Raises certain limits on procurements of property or services by or for an executive agency that the head of the agency determines are to be used in support of a "major disaster" or "emergency."
41 U.S.C. § 2312 *Contingency Contracting Corps*	Authorizes the Director of the Office of Management and Budget to, upon request from an executive agency, deploy members of the Contingency Contracting Corps to respond to a "major disaster" or "emergency."

Citation	Description
	Title 42—The Public Health and Welfare
42 U.S.C. § 204a *Deployment readiness*	Defines "[u]rgent or emergency public health care need," with reference to deployment of the Commissioned Corps of the Public Health Service, as "a health care need, as determined by the Secretary, arising as the result of a national emergency declared by the President under the National Emergencies Act (50 U.S.C. §§ 1601, *et seq.*); an emergency or major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, a public health emergency declared by the Secretary under section 247d of . . . title 42 or any emergency that, in the judgment of the Secretary, is appropriate for the deployment of members of the [Commissioned] Corps."
42 U.S.C. § 300ff-83 *Public health emergency*	Authorizes the Secretary of HHS to waive certain requirements with respect to certain Human Immunodeficiency Virus programs to improve the health and safety of those receiving care under that subchapter and the general public in an area for which the President has declared a "major disaster" or "emergency."
42 U.S.C. § 300hh-14 *Protection of health and safety during disasters*	Authorizes the President (acting through the Secretary of HHS), upon a determination that certain harmful substances have been released in an area affected by a "major disaster" and have disrupted the transportation system of the United States, to carry out a program for the coordination, protection, assessment, monitoring, and study of the health and safety of individuals with high exposure levels to the relevant substances.
42 U.S.C. § 1320b-5 *Authority to waive requirements during national emergencies*	Authorizes the Secretary of HHS to waive or modify temporarily the application of certain Medicare, Medicaid, and State Children's Health Insurance Program requirements involving healthcare items and services furnished by a healthcare provider in areas for which the President has declared a "major disaster" or "emergency."
42 U.S.C. § 3030 *Disaster relief reimbursements*	Authorizes the Assistant Secretary for Aging to provide reimbursements to states, upon application, for funds that they make available to area agencies on aging for the delivery of supportive services and related supplies during a "major disaster."
42 U.S.C. § 3149 *Grants for economic adjustment*	In certain circumstances, authorizes the Secretary of Commerce to, upon application, make grants to develop public facilities, public services, business development (including funding of a revolving loan fund), planning, technical assistance, training, and any other assistance to alleviate long-term economic deterioration and sudden and severe economic dislocation in (among other areas) communities whose economies are injured by a "major disaster" or "emergency."
42 U.S.C. § 3538 *Rescheduling and refinancing of federal loans*	Authorizes the Secretary of HUD to refinance obligations upon finding that such refinancing is necessary because of the loss, destruction, or damage of property or facilities securing such obligations as a result of a "major disaster."
42 U.S.C. § 3539 *Housing and Urban Development Disaster Assistance Fund*	Authorizes the Secretary of HUD to establish a fund, and to transfer money from HUD to the fund, in such amounts as may be necessary to provide disaster assistance requested by the President under the Stafford Act.

Citation	Description
42 U.S.C. § 4057 *Alternative loss allocation system for national flood insurance claims*	Allows the Administrator of the Federal Emergency Management Agency (FEMA), upon the declaration of a "major disaster" relating to a named storm in a coastal state, to use the COASTAL Formula to pay for any flood loss covered under a standard insurance policy under the national flood insurance program if the loss is indeterminate.
42 U.S.C. § 5133 *Pre-disaster hazard mitigation*	Authorizes the President to provide certain financial assistance to states and local governments for pre-disaster hazard mitigation "only in States that have received a major disaster declaration in the previous 7 years." Also permits the President, with respect to each "major disaster," to set aside certain funds to provide technical and financial assistance to states and local governments for pre-disaster hazard mitigation.
42 U.S.C. § 5141 *Waiver of administrative conditions*	Allows federal agencies to waive certain administrative conditions for federal assistance programs after the President declares a "major disaster."
42 U.S.C. § 5143 *Coordinating Officers*	Requires or empowers the President to appoint certain state or federal appointing officers after declaring a "major disaster" or "emergency."
42 U.S.C. § 5152 *Use and coordination of relief organizations*	Authorizes the President to use, with their consent, the personnel of the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, long-term recovery groups, domestic hunger relief, and other relief or disaster-assistance organizations to provide relief and assistance under the relevant chapter of Title 42. Authorizes the President to enter into agreements with those groups to coordinate relief for "major disasters" and "emergencies."
42 U.S.C. § 5158 *Availability of materials*	Authorizes the President to, at the request of the governor of an affected state, provide for a survey of construction materials needed in the area affected by a "major disaster" on an emergency basis for housing repairs, replacement housing, public facilities repairs and replacement, farming operations, and business enterprises, and to take appropriate action to assure the availability and fair distribution of needed materials.
42 U.S.C. § 5187 *Fire management assistance*	Authorizes the President to provide assistance, including grants, equipment, supplies, and personnel, to any State or local government for the mitigation, management, and control of any fire on public or private forest land or grassland that threatens such destruction as would constitute a "major disaster."
42 U.S.C. § 5158 *Availability of materials*	Authorizes the President, at the request of the governor of an affected state, to provide for a survey of construction materials needed in an area affected by a "major disaster" and to take appropriate action to assure the availability and fair distribution of needed materials.
42 U.S.C. § 5160 *Recovery of assistance*	Provides that any person who intentionally causes a condition for which federal assistance is provided under the relevant chapter of the *U.S. Code* or under any other federal law as a result of a "major disaster" or "emergency" declaration shall be liable to the United States for the reasonable costs the United States incurs in responding to such disaster or emergency, to the extent that such costs are attributable to the intentional act or omission.
42 U.S.C. § 5162 *Advance of nonfederal share*	In certain circumstances, authorizes the President to lend or advance to states the portion of assistance for which they are responsible under the Stafford Act's cost-sharing provisions.

Citation	Description
42 U.S.C. § 5165 *Mitigation planning*	Authorizes the President to increase the federal government's contribution to hazard-mitigation measures with respect to a "major disaster," if the relevant state has in effect an approved hazard-mitigation plan.
42 U.S.C. § 5170a *General Federal assistance*	Enumerates various types of federal assistance the President may provide "[i]n any major disaster," including helping state and local governments distribute food and medicine and directing federal agencies to use their authorities and resources to support state and local assistance response and recovery efforts.
42 U.S.C. § 5170b *Essential assistance*	Authorizes federal agencies, at the President's direction, to provide assistance essential to meet immediate threats to life and property resulting from a "major disaster," such as donating equipment and supplies to state and local governments or distributing medical equipment and food to disaster victims.
42 U.S.C. § 5170c *Hazard mitigation*	Authorizes the President to contribute up to 75% of the cost of hazard-mitigation measures which the President determines are cost effective and which substantially reduce the risk of, or increase resilience to, future damage, hardship, loss, or suffering in any area affected by a "major disaster."
42 U.S.C. § 5171 *Federal facilities*	Authorizes the President, under limited conditions, to allow federal agencies to repair or replace critical federal facilities damaged by a "major disaster" without specific authorizing legislation, an appropriation, or congressional committee approval.
42 U.S.C. § 5172 *Repair, restoration, and replacement of damaged facilities*	Authorizes the President, subject to certain conditions, to contribute money to repair, restore, or replace certain state, local, and private nonprofit facilities damaged by a "major disaster."
42 U.S.C. § 5173 *Debris removal*	Grants the President various powers to facilitate debris-removal efforts after a "major disaster," subject to specified limitations and conditions.
42 U.S.C. § 5174 *Federal assistance to individuals and households*	Authorizes the President to provide various types of financial assistance to individuals and households adversely affected by a "major disaster," including housing assistance and medical expenses.
42 U.S.C. § 5174a *Flexibility*	Authorizes the President, under specified circumstances, to waive certain debts that individuals or households owe to the United States for assistance erroneously provided under the Stafford Act.
42 U.S.C. § 5174b *Critical document fee waiver*	Among other things, authorizes the President to waive application and filing fees for various critical documents for individuals and families adversely affected by a major disaster, such as passports.
42 U.S.C. § 5177 *Unemployment assistance*	Authorizes the President, subject to certain conditions and limitations, to provide benefits and reemployment assistance to persons who are unemployed as a result of a "major disaster."
42 U.S.C. § 5177a *Emergency grants to assist low-income migrant and seasonal farmworkers*	Authorizes the Secretary of Agriculture to make certain grants to public agencies or private organizations to assist low-income migrant and seasonal farmworkers adversely affected by "a local, State, or national emergency or disaster."

Citation	Description
42 U.S.C. § 5179 *Benefits and distribution*	Authorizes the President to confer certain benefit allotments and surplus commodities upon low-income households who cannot purchase adequate amounts of nutritious food because of a "major disaster."
42 U.S.C. § 5183 *Crisis counseling assistance and training*	Authorizes the President to provide professional counseling services to victims of "major disasters."
42 U.S.C. § 5184 *Community disaster loans*	Authorizes the President, subject to various conditions, to loan money to local governments adversely affected by a "major disaster."
42 U.S.C. § 5185 *Emergency communications*	Authorizes the President to establish temporary communications systems during or in anticipation of an "emergency" or "major disaster" and make those systems available to state and local government officials.
42 U.S.C. § 5186 *Emergency public transportation*	Authorizes the President to provide temporary public transportation services to areas adversely affected by a "major disaster."
42 U.S.C. § 5187 *Fire management assistance*	Authorizes the President to provide various forms of assistance to state and local governments—including grants, equipment, supplies, and personnel—to fight and control fires that threaten destruction on the scale of a "major disaster."
42 U.S.C. § 5188 *Timber sale contracts*	Among other things, authorizes the Secretary of Agriculture and the Secretary of the Interior to cancel timber sale contracts entered into by their Departments in certain circumstances related to "major disasters." Authorizes the President to make grants to state and local governments for the removal of timber damaged by a "major disaster" from privately owned lands.
42 U.S.C. § 5189d *Case management services*	Authorizes the President to provide financial assistance or other services to state, local, and private entities to identify and address unmet needs of victims of "major disasters."
42 U.S.C. § 5189f *Public assistance program alternative procedures*	Authorizes the President, through the Administrator of FEMA, to approve certain projects related to "major disasters" and "emergencies" under alternative, streamlined procedures.
42 U.S.C. § 5192 *Federal emergency assistance*	Authorizes the President, subject to various limitations, to provide certain forms of assistance after declaring an "emergency." Such assistance may include (but is not limited to) helping state and local governments distribute food and medicine and providing the types of individual and household assistance that 42 U.S.C. § 5174 allows the President to provide after declaring a "major disaster."
42 U.S.C. § 5306 *Allocation and distribution of funds*	Authorizes the Secretary of HUD to make available to metropolitan cities and urban counties located or partially located in the areas affected by a "major disaster" any amounts that become available as a result of actions under section 5304(e) or 5311 of Title 42.
42 U.S.C. § 5321 *Suspension of requirements for disaster areas*	Authorizes the Secretary of HUD to suspend certain requirements for certain community-development funds in an area for which the President has declared a "major disaster."

Citation	Description
42 U.S.C. § 5154a *Prohibited flood disaster assistance*	Prohibits the use of federal flood disaster assistance to make payments for the repair, replacement, or restoration of property if the recipient has received flood disaster assistance that was conditional on that person first having obtained flood insurance under applicable federal law, if that person subsequently failed to obtain flood insurance. (42 U.S.C. § 5157 imposes civil penalties on persons who knowingly misapply the proceeds of aid under the relevant chapter of the *U.S. Code*).
42 U.S.C. § 8623 *State allotments*	Authorizes the Secretary of HHS to waive certain requirements related to low-income home energy assistance programs in geographical areas affected by a "major disaster" or "emergency" upon determining that compliance with the requirements is impracticable.
42 U.S.C. § 9835 *Allotment of funds*	Authorizes the Secretary of HUD to increase funding for Head Start agencies located in communities adversely affected by a "major disaster."
42 U.S.C. § 11364a *Availability of amounts recaptured from appropriated funds*	Authorizes the Secretary of HUD to make grants under the Emergency Solutions Grants program under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act to states or local governments to address the needs of homeless individuals or families or individuals or families at risk of homelessness in areas affected by a "major disaster," and whose needs are not otherwise served or fully met by existing federal disaster relief programs.
42 U.S.C. § 12576 *Other special assistance*	Authorizes the Corporation for National and Community Service to undertake activities to involve programs that receive assistance under the national service laws in "major disaster" relief efforts, and to support, nonprofit organizations and public agencies responding to the needs of communities experiencing "major disasters."
42 U.S.C. § 12653h *National Service Reserve Corps*	Authorizes the Administrator of the FEMA to task the National Service Reserve Corps to assist in responding to a "major disaster" or "emergency."
42 U.S.C. § 12750 *Matching requirements*	Authorizes the Secretary of HUD to reduce the matching requirements for states and localities that participate in the HOME Investment Partnerships Program and which are located in an area for which the President has declared a "major disaster" during any part of the relevant fiscal year.
42 U.S.C. § 12840 *Suspension of requirements for disaster areas*	Authorizes the Secretary of HUD to suspend certain statutory requirements connected to affordable-housing funds designated to address damage in an area for which the President has declared a "major disaster."
Title 49—Transportation	
49 U.S.C. § 5103 *General regulatory authority*	Authorizes the Secretary of Transportation to waive compliance with federal standards regarding the transportation of hazardous materials without notice and comment when the Secretary determines that such waiver is "necessary to facilitate the safe movement of hazardous materials into, from, and within an area of a major disaster or emergency," that the waiver is in the public interest, and that the waiver is not inconsistent with the safety of transporting hazardous materials.
49 U.S.C. § 5324 *Public transportation emergency relief program*	Authorizes the Secretary of Transportation, upon the declaration of a "major disaster," to make grants and enter into contracts and other agreements for (1) capital projects related to the equipment and facilities of public transportation systems damaged by the disaster, and (2) eligible operating costs of public transportation equipment and facilities in an area directly affected by the disaster.

Citation	Description
Title 51—National and Commercial Space Programs	
51 U.S.C. § 20143 *Full cost appropriations account structure*	Authorizes the National Aeronautics and Space Administration to transfer amounts among accounts for the immediate costs of recovering from damage caused by a "major disaster."

Source: Information compiled by CRS using Westlaw.

The Public Health Service Act

Section 319 of the PHSA, 42 U.S.C. § 247d, allows the Secretary of Health and Human Services (HHS Secretary) to determine that "a public health emergency" exists and "take such action as may be appropriate to respond to the public health emergency, including making grants, providing awards for expenses, and entering into contracts and conducting and supporting investigations into the cause, treatment, or prevention of a disease or disorder" as described in the provision. A public health emergency lasts for 90 days or until the Secretary determines the emergency no longer exists, and the public health emergency determination may be renewed. The Secretary must notify Congress with 48 hours of making or renewing a public health emergency determination.

Section 319 also establishes a Public Health Emergency Fund, which the HHS Secretary may use only upon declaration of a public health emergency. The provision allows the Secretary to waive certain reporting requirements and requirements of the Paperwork Reduction Act. It also provides that "upon request by the Governor of a State or a tribal organization," the HHS Secretary may "authorize the requesting State or Indian tribe to temporarily reassign, for purposes of immediately addressing a public health emergency in the State or Indian tribe, State and local public health department or agency personnel" that receive funding under the PHSA.

A determination[66] by the HHS Secretary that a public health emergency exists also triggers executive powers under other provisions of the *U.S. Code*.

Methodology

Table 3 identifies 33 sections of the *U.S. Code* activated by the declaration of a public health emergency. The table arranges the listed statutes by *U.S. Code* title, followed by a brief description of each activated authority. The table was compiled by searching Westlaw's *U.S. Code* database for "*TE("public health" /5 emergency)*." CRS then used Westlaw's "*Citing References*" function to identify all provisions of the *U.S. Code* that cross-reference 42 U.S.C. § 247d (Section 319) and by searching Westlaw's *U.S. Code* database for statutory provisions that refer to Section 319. CRS then cross-checked the results against other studies.[67]

Not every search result satisfied the criteria for inclusion in **Table 3**. For example, a statute was excluded if

[66] Section 319 refers to public health emergencies "determine[d]" and "declared" by the HHS Secretary, making no apparent distinction between the two terms. *See* 42 U.S.C. §§ 247d(a)(1), 247d(b)(1). Other statutes that reference Section 319 also use both terms. Accordingly, this section uses those two terms interchangeably.

[67] *See* BRENNAN CENTER FOR JUSTICE, *supra* note 29.

- the statute does not confer additional authority, but instead requires an executive agency to provide notice to Congress or other agencies;[68]
- the statute does not confer additional authority on the executive branch but instead provides an exception to general legal requirements for nongovernment entities;[69]
- the statute includes measures in preparation for potential emergencies that may occur in the future, but does not include any grants of power that are triggered by an emergency declaration;[70]
- the statute refers only to a declaration of a public health emergency under a statutory provision other than Section 319;[71] or
- the statute applies to a "public health emergency" that has already been declared, such as with respect to the COVID-19 pandemic, and these authorities lapse once the public health emergency ends.[72]

Although these criteria were intended to help ensure that only statutory authorities activated by a declaration of a "public health emergency" were captured, they also led to the exclusion of certain statutes that, while not using the term "public health emergency," might nonetheless be considered relevant.[73]

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[68] *See, e.g.*, 6 U.S.C. § 467 ("During the period in which the Secretary of Health and Human Services has declared the existence of a public health emergency under [Section 319], the Secretary of Health and Human Services shall keep relevant agencies, including the Department of Homeland Security, the Department of Justice, and the Federal Bureau of Investigation, fully and currently informed.").

[69] *See, e.g.*, 10 U.S.C. § 1060c (allowing veterinary professionals to provide services anywhere in the United States, regardless of where they are licensed, in response to a "public health emergency declared by the Secretary of Health and Human Services under" Section 319).

[70] For example, 38 U.S.C. § 1785 allows the Secretary of Veterans Affairs to provide hospital care and medical services to individuals responding to or affected by an "emergency in which the National Disaster Medical System . . . is activated." The National Disaster Medical System may be activated following a declaration of a public health emergency under Section 319. *See* 42 U.S.C. § 300hh-11. In addition, multiple provisions of the *U.S. Code* authorize executive agencies to take certain actions in preparation for potential emergencies that may occur in the future, but do not include any grants of power that are triggered by an emergency declaration. *See, e.g.*, 21 U.S.C. § 823; 42 U.S.C. §§ 247d-3c, 247d-4, 254q-1, 300hh-2, 300hh-10e, 300hh-13.

[71] *See, e.g.*, *id*. § 1395rr-1 (referring to 42 U.S.C. § 9604, which allows the President to declare "public health or environmental emergency" related to the actual or threatened release of a hazardous substance into the environment); 38 U.S.C. § 8117 (referring to a public health emergency as defined in section 2801 of the PHSA, 42 U.S.C. § 300hh). The *U.S. Code* contains several types of references to public health emergencies: (1) references to a "public health emergency" that do not require (or otherwise mention) a declaration under another section of the Code; (2) references to a public health emergency declared pursuant to Section 319; (3) references to a public health emergency "whether determined under [Section 319] or otherwise"; and (4) references to a public health emergency declared under 42 U.S.C. § 9604. **Table 3** includes the first three types of provisions and excludes the fourth.

[72] Many provisions of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) apply only during the public health emergency related to COVID-19. See, e.g., Pub. L. No. 116-136 § 20003 (providing that for purposes of Title X of the CARES Act, related to The Department of Veterans Affairs, "the term 'public health emergency' means an emergency with respect to COVID–19 declared by a Federal, State, or local authority"). See also, e.g., 29 U.S.C. § 2612 (provision of the Families First Coronavirus Response Act, enacted March 18, 2020, providing leave benefits for certain eligible employees "during the period beginning on March 18, 2020, and ending on December 31, 2020, because of a qualifying need related to a public health emergency").

[73] *See, e.g.*, 15 U.S.C. § 20103 (allowing the Secretary of Transportation to waive compliance with regulations as "necessary to address an actual or impending emergency situation or emergency event," defined to include a "biological outbreak").

Limitations

A search using the methodology described above was done on June 2, 2020. The search may not have captured all relevant authorities currently in effect. For example, for purposes of manageability, the methodology captures only statutes codified in the *U.S. Code*.[74] Moreover, the criteria used to identify statutes may have excluded some potentially relevant authorities, particularly when those statutes did not expressly refer to a "public health emergency" but nonetheless have functionally served similar purposes.

Table 3. Statutory Authorities Triggered by Declaration of a Public Health Emergency

Citation	Description
	Title 2—The Congress
2 U.S.C. § 4123 *Authority of Attending Physician in response to medical contingencies or public health emergencies at Capitol*	Grants the Attending Physician to Congress "the authority and responsibility for overseeing and coordinating the use of medical assets in response to a bioterrorism event and other medical contingencies or public health emergencies occurring within the Capitol Buildings or the United States Capitol Grounds," including "the authority to enact quarantine and to declare death."
	Title 7—Agriculture
7 U.S.C. § 8401 *Regulation of certain biological agents and toxins*	Allows the Secretary of Agriculture to provide exemptions from regulations of biological agents or toxins "[u]pon request of the Secretary of Health and Human Services, after the granting by such Secretary of an exemption" under 42 U.S.C. § 262a(g)(3).
	Title 15—Commerce and Trade
15 U.S.C. § 2613 *Regulation of certain biological agents and toxins*	Allows the Administrator of the Environmental Protection Agency to disclose information exempt from disclosure under the Freedom of Information Act, 5 U.S.C. § 552(a), "in the event of an emergency to a treating or responding physician, nurse, agent of a poison control center, public health or environmental official of a State, political subdivision of a State, or tribal government, or first responder . . . if such person requests the information," subject to conditions including that the requesting person has a "reasonable basis to suspect" that "a medical, public health, or environmental emergency exists."

[74] In short, a search of all laws ever enacted would have been a daunting undertaking, and statutory provisions not codified in the *U.S. Code* would be unlikely to fit other criteria used to determine inclusion (e.g., the laws had expired, or concerned a provision that did not augment the authorities of the implementing agency, such as a reporting requirement or instruction for the agency to engage in a study). For Information about the codification of statutes, see the Office of the Law Revision Counsel, About Classification of Laws to the United States Code, https://uscode.house.gov/about_classification.xhtml.

Citation	Description
	Title 16—Conservation
16 U.S.C. § 1855 *Other requirements and authority*	Allows the Secretary of Commerce to promulgate emergency regulations "[i]f the Secretary finds that an emergency exists or that interim measures are needed to reduce overfishing for any fishery." Any emergency regulation "that responds to a public health emergency or an oil spill may remain in effect until the circumstances that created the emergency no longer exist, *Provided*, That the public has an opportunity to comment after the regulation is published, and, in the case of a public health emergency, the Secretary of Health and Human Services concurs with the Secretary's action." This provision appears to be limited to public health emergencies affecting fisheries.
	Title 21—Food and Drugs
21 U.S.C. § 356j *Discontinuance or interruption in the production of medical devices*	Allows the HHS Secretary to "determine[ ] that information on potential meaningful supply disruptions of [a] device is needed during, or in advance of, a public health emergency" and, upon such a determination, requires that the manufacturer of such a device shall "during, or in advance of, a public health emergency declared by the Secretary under section 319 of the Public Health Service Act, notify the Secretary" of any interruption or discontinuance of manufacturing "that is likely to lead to a meaningful disruption in the supply of that device in the United States, and the reasons for such discontinuance or interruption." This provision was added by the CARES Act, enacted March 27, 2020.
21 U.S.C. § 360 *Registration of producers of drugs or devices*	Allows the HHS Secretary to require registered drug manufacturers to report the amounts of drugs they have manufactured "at the time a public health emergency is declared by the Secretary under section 319 of the Public Health Service Act." Note: This provision, added by the CARES Act goes into effect 180 days after that Act's enactment on March 27, 2020. See Pub. L. No. 116-136, Div. A, Title III, § 3112(e), (g).
21 U.S.C. § 360bbb-3 *Authorization for medical products for use in emergencies*	Allows the HHS Secretary to "authorize the introduction into interstate commerce, during the effective period of [an emergency declaration], of a drug, device, or biological product intended for use in an actual or potential emergency." Such declaration may be based on "a determination by the Secretary that there is a public health emergency, or a significant potential for a public health emergency, that affects, or has a significant potential to affect, national security or the health and security of United States citizens living abroad, and that involves a biological, chemical, radiological, or nuclear agent or agents, or a disease or condition that may be attributable to such agent or agents."
21 U.S.C. § 360bbb-3a *Emergency use of medical products*	Authorizes the HHS Secretary to allow "deviations from current good manufacturing practice requirements" for certain medical products when warranted by "a domestic, military, or public health emergency or material threat" as defined in 21 U.S.C. § 360bbb-3(b).
21 U.S.C. § 360eee-1 *Requirements*	Requires the HHS Secretary to issue guidance establishing a process for entities to request a waiver of certain product tracing requirements, "which the Secretary may grant if the Secretary determines that such requirements would result in an undue economic hardship or for emergency medical reasons, including a public health emergency declaration pursuant to" Section 319.
21 U.S.C. § 802 *Definitions*	Allows the HHS Secretary, with the concurrence of the Attorney General, to designate geographic areas and controlled substances with respect to which to permit the practice of telemedicine "during a public health emergency declared by the Secretary under" Section 319, subject to certain requirements.

Citation	Description
	Title 29—Labor
29 U.S.C. § 1148 *Authority to postpone certain deadlines by reason of Presidentially declared disaster or terroristic or military actions*	Allows the Secretary of Labor to postpone certain deadlines under the Employee Retirement Income Security Act in circumstances including a public health emergency declared under Section 319. This provision was amended by the CARES Act on March 27, 2020, to include a public health emergency as one of the circumstances that may justify postponement.
	Title 42—The Public Health and Welfare
42 U.S.C. § 204 *Commissioned Corps and Ready Reserve Corps*	Establishes a Ready Reserve Corps of the Public Health Service to "be available for backfilling critical positions left vacant during deployment of active duty Commissioned Corps members during such emergencies, as well as for deployment to respond to public health emergencies, both foreign and domestic." This provision was amended by the CARES Act, enacted March 27, 2020.
42 U.S.C. § 204a *Deployment readiness*	Defines "[u]rgent or emergency public health care need," with reference to deployment of the Commissioned Corps of the Public Health Service, as "a health care need, as determined by the Secretary, arising as the result of a national emergency declared by the President under the National Emergencies Act (50 U.S.C. §§ 1601, *et seq.*); an emergency or major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, a public health emergency declared by the Secretary under section 247d of . . . title 42 or any emergency that, in the judgment of the Secretary, is appropriate for the deployment of members of the [Commissioned] Corps."
42 U.S.C. § 233 *Civil actions or proceedings against commissioned officers or employees*	Authorizes the HHS Secretary to "issue a declaration, pursuant to this paragraph, concluding that an actual or potential bioterrorist incident or other actual or potential public health emergency makes advisable the administration of a covered countermeasure to a category or categories of individuals." This subsection is entitled "Administration of smallpox countermeasures by health professionals" and appears intended to address public health emergencies related to smallpox.
42 U.S.C. § 238m *Use of fiscal agents*	Allows the HHS Secretary to enter into contracts with fiscal agents "to determine the amounts payable to persons who, on behalf of the Public Health Service, furnish health services to individuals pursuant to" Section 319.
42 U.S.C. § 247b-7 *Loan repayment program*	Authorizes the HHS Secretary to enter into contracts with certain "appropriately qualified health professionals" providing for repayment of certain educational loans if "such health professionals agree to conduct prevention activities or preparedness and response activities, including rapid response to public health emergencies and significant public health threats, as employees of the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry."
42 U.S.C. § 247d-4a *Infectious Diseases Rapid Response Reserve Fund*	Establishes an Infectious Diseases Rapid Response Reserve Fund, which may "be provided for an infectious disease emergency if the infectious disease emergency (1) is declared by the Secretary of Health and Human Services under [Section 319] to be a public health emergency; or (2) as determined by the Secretary, has significant potential to imminently occur and potential, on occurrence, to affect national security or the health and security of United States citizens, domestically or internationally."

Citation	Description
42 U.S.C. § 247d-6b *Strategic National Stockpile and security countermeasure procurements*	Directs the HHS Secretary to establish "a stockpile or stockpiles of drugs, vaccines and other biological products, medical devices, and other supplies . . . to provide for and optimize the emergency health security of the United States . . . in the event of a bioterrorist attack or other public health emergency." Authorizes the Secretary to "deploy the stockpile at the discretion of the Secretary to respond to an actual or potential public health emergency or other situation in which deployment is necessary to protect the public health or safety."
42 U.S.C. § 247d-6d *Targeted liability protections for pandemic and epidemic products and security countermeasures*	Provides that "if the Secretary makes a determination that a disease or other health condition or other threat to health constitutes a public health emergency, or that there is a credible risk that the disease, condition, or threat may in the future constitute such an emergency, the Secretary may make a declaration, through publication in the Federal Register, recommending, under conditions as the Secretary may specify, the manufacture, testing, development, distribution, administration, or use of one or more covered countermeasures, and stating that subsection (a) is in effect with respect to the activities so recommended." Subsection (a) provides immunity from suit with respect to "claims for loss caused by, arising out of, relating to, or resulting from the administration to or the use by an individual of a covered countermeasure."
42 U.S.C. § 247d-7a *Grants regarding training and education of certain health professionals*	Allows the HHS Secretary to "make awards of grants and cooperative agreements to appropriate public and nonprofit private health or educational entities . . . for the purpose of providing low-interest loans, partial scholarships, partial fellowships, revolving loan funds, or other cost-sharing forms of assistance for the education and training of individuals in any category of health professions for which there is a shortage that the Secretary determines should be alleviated in order to prepare for or respond effectively to bioterrorism and other public health emergencies."
42 U.S.C. § 247d-7c *Supplies and services in lieu of award funds*	Authorizes the HHS Secretary to provide supplies, equipment, and services in place of payments upon the request of a recipient of an award under Section 319.
42 U.S.C. § 262a *Enhanced control of dangerous biological agents and toxins*	Allows the HHS Secretary to exempt temporarily a person from regulatory controls of certain biological agents and toxins "if the Secretary determines that such exemption is necessary to provide for the timely participation of the person in a response to a domestic or foreign public health emergency (whether determined under [Section 319] or otherwise) that involves a listed agent or toxin."
42 U.S.C. § 289c *Research on public health emergencies*	Authorizes the HHS Secretary to "determine[ ], after consultation with the Director of [the National Institutes of Health], the Commissioner of the Food and Drug Administration, or the Director of the Centers for Disease Control and Prevention, that a disease or disorder constitutes a public health emergency," and, upon such a determination, directs the Secretary to take certain steps to support research and allows the Secretary to "provide administrative supplemental increases in existing grants and contracts to support new research relevant to such disease or disorder."
42 U.S.C. § 300d-73 *Maintenance of the poison control center grant program*	Allows the HHS to waive accreditation requirements for "a poison control center whose accreditation is affected by a public health emergency declared pursuant to" Section 319.

Citation	Description
42 U.S.C. § 300j-1 *Research, technical assistance, information, training of personnel*	Authorizes the Administrator of the Environmental Protection Agency to provide technical assistance and grants "to assist in responding to and alleviating any emergency situation affecting public water systems . . . which the Administrator determines to present substantial danger to the public health."
42 U.S.C. § 300x-67 *Public health emergencies*	Allows the HHS Secretary to "grant an extension, or waive application deadlines or compliance with any other requirement" applicable to certain grants related to mental health and substance abuse "[i]n the case of a public health emergency (as determined under [Section 319])."
42 U.S.C. § 300ff-83 *Public health emergency*	Allows the HHS Secretary, during "a public health emergency declared by the Secretary pursuant to" Section 319, to waive requirements with respect to certain Human Immunodeficiency Virus programs "to improve the health and safety of those receiving care under this subchapter and the general public."
42 U.S.C. § 300ff-138 *Miscellaneous provisions*	Allows the HHS Secretary to suspend infectious disease notification and reporting requirements if "the Secretary determines that, wholly or partially as a result of a public health emergency that has been determined pursuant to [Section 319], individuals or public or private entities are unable to comply with the requirements." The Secretary is required to notify Congress of the suspension and publish notice in the Federal Register "[b]efore or promptly after such a suspension."
42 U.S.C. § 300hh-11 *National Disaster Medical System*	Authorizes the HHS Secretary to activate the National Disaster Medical System to "provide health services, health-related social services, other appropriate human services, and appropriate auxiliary services to respond to the needs of victims of a public health emergency, including at-risk individuals as applicable (whether or not determined to be a public health emergency under [Section 319])."
42 U.S.C. § 300hh-15 *Volunteer Medical Reserve Corps*	Authorizes the HHS Secretary to "activate and deploy willing members" of a Medical Reserve Corps "to areas of need, taking into consideration the public health and medical expertise required, with the concurrence of the State, local, or tribal officials from the area where the members reside" during "a public health emergency."
42 U.S.C. § 1320b-5 *Authority to waive requirements during national emergencies*	Allows the HHS Secretary to waive numerous requirements in areas including licensing of health care professionals, program participation, transfer of patients, and more, when there exists both an emergency or disaster declared by the President under the Stafford Act and a public health emergency declared by the Secretary under Section 319. This provision was amended by the Families First Coronavirus Response Act, enacted March 18, 2020, to authorize the HHS Secretary to waive requirements related to the use of telehealth services based on the public health emergency declared by the Secretary pursuant to Section 319 on January 31, 2020, entitled "Determination that a Public Health Emergency Exists Nationwide as the Result of the 2019 Novel Coronavirus."
42 U.S.C. § 1395w-3a *Use of average sales price payment methodology*	Allows the HHS Secretary to use an alternative method to calculate the amount payable for a drug or biological under Medicare Part B when there is "a public health emergency under [Section 319] in which there is a documented inability to access drugs and biologicals, and a concomitant increase in the price, of a drug or biological which is not reflected in the manufacturer's average sales price for one or more quarters."
42 U.S.C. § 5403 *Construction and safety standards*	Subject to certain requirements, allows the HHS Secretary to issue an order related to manufactured home construction and safety standards without following certain statutory procedures "in order to respond to an emergency that jeopardizes the public health or safety."

Source: Information compiled by CRS using Westlaw.

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