

Administration of Donald J. Trump, 2020

Memorandum on Extension of Governors' Use of the National Guard To Respond to COVID-19 and To Facilitate Economic Recovery

December 3, 2020

Memorandum for the Secretary of Defense and the Secretary of Homeland Security

Subject: Extension of Governors' Use of the National Guard to Respond to COVID-19 and to Facilitate Economic Recovery

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the "Stafford Act"), and section 502 of title 32, United States Code, it is hereby ordered as follows:

Section 1. Policy. It continues to be the policy of the United States to foster close cooperation and mutual assistance among the Federal Government and the States and territories in the battle against the threat posed by the spread of COVID-19. To date, activated National Guard forces around the country have provided critical support to Governors as the Governors work to address the needs of those populations within their respective States and territories especially vulnerable to the effects of COVID-19, including those in nursing homes, assisted living facilities, and other long-term care or congregate settings. Additionally, the States and territories will need assistance in fighting hot spots as they emerge. Therefore, to continue to provide maximum support to the States and territories as they make decisions about the responses required to address local conditions in their respective jurisdictions with respect to combatting the threat posed by the COVID-19 pandemic and, where appropriate, facilitating their economic recovery, I am taking the actions set forth in sections 2, 3, and 4 of this memorandum:

Sec. 2. One Hundred Percent Federal Cost Share Termination. The 100 percent Federal cost share for the State's use of National Guard forces for the States of Florida and Texas shall terminate on December 31, 2020, in accordance with my prior memoranda dated August 3, 2020, each titled "Extension of the Use of the National Guard to Respond to COVID-19 and to Facilitate Economic Recovery."

Sec. 3. Seventy-Five Percent Federal Cost Share. To maximize assistance to the Governors of the States of Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wisconsin, and the territories of Guam, Puerto Rico, and the U.S. Virgin Islands, to facilitate Federal support with respect to the use of National Guard units under State and territorial control, I am directing the Federal Emergency Management Agency (FEMA) of the Department of Homeland Security to fund 75 percent of the emergency assistance activities associated with preventing, mitigating, and responding to the threat to public health and safety posed by the virus that these States and territories undertake using their National Guard forces, as authorized by sections 403 (42 U.S.C. 5170b) and 503 (42 U.S.C. 5193) of the Stafford Act.

Sec. 4. Seventy-Five Percent Federal Cost Share Termination. The 75 percent Federal cost share provided for in section 3 of this memorandum shall be available for orders of any length authorizing duty through March 31, 2021. Such orders include duty necessary to comply with

health protection protocols recommended by the Centers for Disease Control and Prevention of the Department of Health and Human Services or other health protection measures agreed to by the Department of Defense and FEMA.

Sec. 5. General Provisions. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

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

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

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

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

(d) The Secretary of Defense is authorized and directed to publish this memorandum in the *Federal Register*.

DONALD J. TRUMP

[Filed with the Office of the Federal Register, 8:45 a.m., December 3, 2020]

NOTE: This memorandum was published in the *Federal Register* on December 8.

Categories: Communications to Federal Agencies : COVID-19 response and economic recovery facilitation in various States and Territories, extension of National Guard use, memorandum.

Subjects: Armed Forces, U.S. : National Guard; Diseases : Coronavirus, domestic prevention efforts; Economy, national : Strengthening efforts.

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