



NATIONAL CONFERENCE OF STATE LEGISLATURES

Law, Criminal Justice & Public Safety Committee
State-Federal Affairs Division

Hill Highlights

#1: President Trump Declares State of Emergency for COVID-19, Invokes Emergency Powers Under Multiple Acts

To date, President Donald Trump has activated emergency powers under four separate statutes for the COVID-19 response. Trump declared a public health emergency under the Public Health Service Act on Jan. 31, issued two emergency declarations under both [the Stafford Act](#) and the [National Emergencies Act](#) (NEA) on March 13, and invoked emergency powers via an executive order under the Defense Production Act on March 18. On March 19, Trump named the Federal Emergency Management Agency (FEMA) as the lead agency in the COVID-19 emergency response efforts, a designation previously held by the Department of Health and Human Services. These actions have varying implications but collectively allow the federal government to deliver virus response funds and other assistance to state and local governments in an effort to reduce the spread of the virus and protect the economy against its mounting impact.

The declaration comes as part of a broader effort to bolster the economy and contain the virus as it continues to quarantine workers and consumers, ground flights, close factories and schools, ban public events, disrupt supply chains, impact the stock market and cause other fallout. These developments will bolster efforts already underway by governors, mayors, county officials, state legislatures and others in state and local government nationwide who have stepped up to mitigate the spread.

For specifics on declaration authorities, what assistance is available to states, and how to access it, please read [NCSL's Alert](#).

#2: NCSL Urges Congressional Leadership to Support State Flexibility in COVID-19 Response

NCSL expressed support for COVID-19 response legislation that would maximize financial flexibility and continue to allow states to address the pandemic in the manner that best suits their own citizens and economies. In a [letter](#) sent to congressional leaders, NCSL urged Congress to continue to allow states to take the lead on addressing the enormous challenges the virus poses while allowing leaders to "manage federal funds through their established, transparent budget processes." Congress has been developing short-term responses, as well as longer-term stimulus packages to address the spread of the COVID-19 outbreak. On March 18, the president signed HR 6201, a COVID-19 response package, in part including:

- A 6.2% temporary increase in federal medical assistance percentages for Medicaid.
- Provisions for sick, family and medical leave.

- Additional funding for numerous nutrition programs.
- Additional funds for unemployment insurance, providing as much as \$1 billion for emergency transfers to states to pay for unemployment benefits.
- \$1.2 billion to cover testing costs, including a requirement that all commercial insurance cover testing and diagnosis for COVID-19 with no cost-sharing to the patient.

For more details, see NCSL's [bill summary](#). Senate Majority Leader Mitch McConnell indicated Wednesday that the Senate would not adjourn until it passed what lawmakers are describing as a "phase three" economic stimulus package in response to the coronavirus outbreak. Those negotiations are ongoing. Staff contacts include [Erlinda Doherty](#) (budget and revenue) and [Haley Nicholson](#) and [Margaret Wile](#) (health and human services).

#3: Attorney General William Barr and “Five Eyes” Nations Release Principles on Online Child Sexual Exploitation

Attorney General William Barr has [announced](#) new principles on online child exploitation prevention. The 11 “Voluntary Principles to Counter Online Child Sexual Exploitation and Abuse” are co-announced by the rest of the “Five Eyes”—Australia, Canada, New Zealand and the United Kingdom. The recommendations create a baseline framework for companies that provide online services to deter use of the internet as a tool for sexually exploiting and abusing children. The principles came out of a meeting in London last summer—the Five Country Ministerial Digital Industry Roundtable—between the five countries and senior representatives from Facebook, Google, Microsoft, Roblox, Snapchat and Twitter.

The announcement came as bipartisan legislation—the “Earn It Act”—was [introduced](#) in Congress that pressures the industry to take aggressive steps to thwart child sexual exploitation on the web or risk losing some long-standing legal protections, known as Section 230. This would spare certain tech companies from being held liable for dangerous content that goes viral on their platforms. The bill amends Section 230 of the Communications Decency Act to allow companies to “earn” their liability protection for violations of laws related to child sexual abuse material. For more details on the principles and legislation, read NCSL's [blog](#).

Bonus...

NCSL Coronavirus Resources Webpage

NCSL is committed to providing our members with timely responses to state research requests and the essential knowledge needed to guide state action. This [webpage](#) reflects new resources in policy areas ranging from education to health care costs and access. **Check back often—resources will be updated as they become available.**



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