



# ADOPTED Policy Directives and Resolutions

2017 NCSL Legislative Summit

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1 **COMMITTEES: COMMUNICATIONS, FINANCIAL SERVICES, AND**  
2 **INTERSTATE COMMERCE**  
3 **BUDGETS & REVENUE**

4 **POLICY: NATIONAL CONFERENCE OF STATE LEGISLATURES**  
5 **SUPPORTS PASSAGE OF THE FEDERAL DIGITAL**  
6 **GOODS & SERVICES TAX FAIRNESS ACT**

7 **TYPE: CONSENT RESOLUTION**

8 **WHEREAS**, digital goods and services are online purchases that are downloaded  
9 directly by, or services that are provided electronically to, consumers that can transcend  
10 numerous state and local boundaries across the United States; and

11 **WHEREAS**, the exponential growth of digital commerce has demonstrated the  
12 importance of digital products to the American economy; and

13 **WHEREAS**, state policymakers recognize that the continued deployment of broadband  
14 infrastructure and adoption of broadband services is vital to economic growth and  
15 participation in the global economy; and

16 **WHEREAS**, digital goods and services are a major driver of the rapidly growing 21st  
17 Century digital economy and as such, fair and rational tax policies are needed that will  
18 not impede the continued growth of this segment of the economy; and

19 **WHEREAS**, due to the complex nature of the way digital commerce is transacted,  
20 current state and local tax laws governing the taxation of sales transactions are  
21 outdated and ill equipped to address many of the issues that surface in taxing today's  
22 "borderless" digital economy; and

23 **WHEREAS**, as state and local governments continue to seek to modernize their tax  
24 base to include various forms of digital commerce, doing so without establishing a  
25 national framework could potentially subject consumers to multiple states claiming the

26 right to tax the same transaction or subject such transactions to discriminatory taxation  
27 at rates higher than the rates imposed on the in-state sales of similar goods or services;  
28 and

29 **WHEREAS**, establishing a national framework would clearly identify which state and  
30 local jurisdiction can tax a digital transaction, providing much needed certainty to  
31 consumers, providers required to collect such taxes and state and local governments  
32 seeking to tax such goods and services in a fair, uniform and rational manner; and

33 **WHEREAS**, establishing a national framework as set forth in the Digital Goods and  
34 Services Tax Fairness Act as introduced in the 114<sup>th</sup> Congress preserves state  
35 sovereignty as the decision to tax digital commerce or not remains solely with the  
36 states; and

37 **WHEREAS**, the Mobile Telecommunications Sourcing Act (P.L. 106-252) established  
38 uniformity in sourcing mobile telecommunications services for state and local tax  
39 purposes using similar concepts to those contained in the Digital Goods and Services  
40 Tax Fairness Act as introduced in the 114<sup>th</sup> Congress; and

41 **WHEREAS**, NCSL has worked with other state and local organizations as well as  
42 members of the Download Fairness Coalition to develop the principles contained in the  
43 legislation and is poised to assist states as needed in complying with the federal  
44 legislation; and

45 **NOW, THEREFORE, BE IT RESOLVED**, that the National Conference of State  
46 Legislatures urges Congress to introduce and pass legislation that provides a  
47 framework for the taxation of digital goods and services consistent with NCSL  
48 principles, in conjunction with or after consideration of the Remote Transactions Parity  
49 Act, to establish a national framework providing certainty and uniformity for state and  
50 local governments in the taxation of digital goods and services, while protecting  
51 consumers from multiple and discriminatory taxation and supporting the continued  
52 growth of the digital economy.

1 **COMMITTEE: BUDGETS AND REVENUE**

2 **POLICY: STATE AND FEDERAL BUDGETING: PARTNERING TO**  
3 **MAKE**

4 **TYPE: CONSENT DIRECTIVE**

5 It is the policy of the National Conference of State Legislatures to advance and defend a  
6 balanced, dynamic partnership among local, state and federal level governments.

7 Too often, the federal government has responded to budget pressures by simply shifting  
8 costs and exporting deficits to the states. The federal government should resist  
9 accomplishing national goals through unfunded mandates on state and local  
10 governments.

11 NCSL believes that the federal government must:

- 12 • Maintain its financial commitment to federal programs that rely on state  
13 participation for implementation and provide stable and predictable funding for  
14 state-federal partnership programs;
  - 15 ○ Maintain its matching rate for federal programs for which it shares  
16 responsibility with state governments. Where match rate reductions are  
17 proposed for shared programs, there should be a corresponding reduction  
18 in the regulatory and administrative burdens imposed on states; and
  - 19 ○ Avoid delaying the release of funds for state-federal programs within a  
20 fiscal year.
- 21 • Affirm the role of state legislatures in their appropriation and oversight of federal  
22 funds;
  - 23 ○ Streamline the waiver process that states are subject to concerning  
24 education, the environment, human services, Medicaid, health and other  
25 programs; and
  - 26 ○ Limit the federal oversight role of state grant funds to audit and evaluation.

- 27 • Avoid unfunded mandates and underfunded national expectations in state-  
28 federal partnerships;
  - 29 ○ Avoid increasing federal domestic programs at the expense of funding for  
30 state administration or state sharing ratios; and
  - 31 ○ Fully fund the long-term maintenance as well as the short-term startup  
32 costs of federal mandates; and
  - 33 ○ Avoid capping federal entitlement spending while retaining the legal  
34 entitlement obligation of the states; and
  - 35 ○ Avoid the long-term commitment of funds based on short-term revenue  
36 projections.
- 37 • Minimize the imposition of state maintenance of effort requirements in existing  
38 and future federal fiscal assistance-related legislation;

39 NCSL believes the federal government should maintain its guaranteed financial  
40 commitment to federal-state programs. Any devolution of federal responsibilities to the  
41 states should constitute a serious attempt at restoring balance to the state-federal  
42 partnership and not result in any reduction of the federal financial commitment to  
43 affected programs either in the short or long run. To that end, NCSL has developed a  
44 set of principles for any new block grant the federal government considers. Because  
45 state legislatures are the bodies that are most involved in the decision-making process  
46 with regard to program delivery in the states, we urge Congress and the administration  
47 to adhere to the following principles when constructing any new block grant plan or  
48 revising any existing block grant program:

- 49 • Funding levels for block grants must be adequate to finance mandated programs  
50 long-term and to respond to economic changes through countercyclical  
51 assistance.
- 52 • In the event that Congress imposes "maintenance of current level of services"  
53 mandates on funds appropriated for any federal grant program, Congress should

54 provide the funds necessary to maintain and support the current levels of  
55 services existing at the time of such mandates. State "maintenance of effort"  
56 (MOE) clauses are inappropriate for program consolidations. Requiring states to  
57 spend a fixed amount while implementing decreases in federal funding for block  
58 grants is equivalent to an unfunded mandate.

59 • The consolidation of categorical programs into a single funding stream should not  
60 be accompanied by a limitation in the types of services provided or constitute  
61 new mandatory categories of services.

62 • Language should be included in any block grant legislation that allows federal  
63 block grant funds to be distributed or expended "according to state law." Federal  
64 law must allow each state to choose the manner of appropriation of federal block  
65 grants. States should be authorized to determine the agency within state  
66 government that is responsible for carrying out public participation requirements.

67 • Maximum flexibility in terms of program implementation and administration  
68 should be maintained.

69 • Technical assistance to states by federal agencies during transition to any block  
70 grant should be provided.

71 • State reporting requirements should not be burdensome or require the use of  
72 funds that would otherwise be spent on program delivery.

73 • The federal government should not create new entities to oversee the  
74 implementation of any block grants to the states.

75 • Federal agencies and their administrators should rely on the single audits  
76 prepared by the states. The federal government should pay the full costs for  
77 performing these audits.

78 Given the interdependency of federal government activities with state and local  
79 economies, and recognizing that a federal government shutdown has serious

80 implications for state and local governments, NCSL believes that in the event of a  
81 federal government shutdown, the federal government must:

- 82 • Establish a National Incident Management System (NIMS) structure, including an  
83 Incident Command System (ICS), to integrate and manage the shutdown and to  
84 involve all levels of government in the coordination of the incident;
- 85 • Provide flexible, temporary authority to states that have a federally-approved  
86 contingency plan to assume basic-level operations of selected national parks and  
87 laboratories; and
- 88 • Reimburse state funding with interest that was spent providing services that  
89 otherwise would have been paid for with federal funds.



1 **COMMITTEE: BUDGETS & REVENUE**

2 **POLICY: STATE AND FEDERAL BUDGETING: PRINCIPLES FOR**  
3 **FUNDAMENTAL TAX REFORM**

4 **TYPE: CONSENT DIRECTIVE**

5 It is the policy of the National Conference of State Legislatures to advance and defend a  
6 balanced, dynamic partnership among local, state and federal governments.

7 Tax reform efforts and tax actions at the federal level affect states because:

- 8 • Federal and state tax systems are inextricably linked;
- 9 • Federal programs rely on state participation for implementation; and
- 10 • Any federal reform will likely have serious fiscal and administrative ramifications  
11 on the states.

12 Therefore, NCSL urges that all federal tax reform and other actions be guided by the  
13 following principles:

14 **General**

- 15 • Preserve the fiscal viability and sovereignty of state governments;
- 16 • Encourage work, savings, equity and simplicity;
- 17 • Promote efficiency and predictability;
- 18 • Avoid further intrusion upon the state excise tax base;
- 19 • Preserve states' ability and discretion to tax certain revenue sources; and
- 20 • Preserve the ability of state and local government to adopt fair and effective tax  
21 systems. This includes authorizing states with sales and use taxes to require  
22 interstate sellers to collect and remit those taxes and preserving the state and  
23 local income tax, sales tax and property tax deductions for federal income tax  
24 purposes.
- 25 • Continue tax policies that reward work, specifically the Earned Income Tax Credit  
26 (EITC) and Individual Development Accounts (IDAs).

## 27 **Transition**

- 28 • Provide states with adequate transition time to implement and respond to new  
29 tax systems, preferably up to three or more years.
- 30 • Avoid the negative state impact of retroactive application of tax changes.
- 31 • Provide technical expertise to states to ease any transition of administrative  
32 responsibilities to the states resulting from federal tax reform.
- 33 • Provide adequate federal administrative funds for any federal tax reform that  
34 involves modified or increased collection responsibilities for the states.
- 35 • Ensure that federal tax changes are made in a manner that preserves federal  
36 data collection used by the states.

## 37 **Do No Harm**

- 38 • Provide flexibility and strengthen states' ability to finance and administer  
39 programs for which they are traditionally responsible or have gained through  
40 devolution.
- 41 • Recognize that federal tax reductions should not compromise funding for existing  
42 and future commitments to mandated state-federal partnership programs.
- 43 • To the extent that a national sales, consumption, or value-added tax is  
44 considered as part of ongoing deficit reduction efforts, the historic role of such  
45 taxes as a major revenue source for state and local governments must be  
46 protected and all deliberations concerning such taxes must include  
47 representatives of the federal government's partners in the nation's cities and  
48 states.

## 49 **Tax-Exempt Financing/Bonds**

- 50 • Preserve tax-exempt financing for infrastructure and capital projects, including  
51 the use of public-private partnerships.
- 52 • Maintain the tax-exempt status of state and local government bonds and lift  
53 existing restrictions on state and local government use of tax-exempt bonds.

- 54       • Avoid provisions that weaken the fiscal integrity of state and local governments.  
55       This includes: the arbitrage rebate provisions, which essentially are a one-  
56       hundred percent tax on the interest income of state and local governments; the  
57       alternative minimum tax, which now taxes interest from otherwise tax-exempt  
58       bonds; volume caps, which have unduly restricted the use of bonds for projects  
59       that have increasingly become governmental responsibilities; and restrictions on  
60       advance refunding which increases the cost of government.
- 61       • Support the Mortgage Revenue Bond (MRB) program and the low-income  
62       housing tax credit.

### 63   **Enforcement**

- 64       • Increase enforcement efforts of the federal income tax laws so individual and  
65       business taxpayers are not bearing the burden of those who fail to pay owed  
66       taxes.
- 67       • Continue to take into account states' reliance on federal tax rates and federal  
68       collection efforts.

### 69   **Payment in Lieu of Taxes**

70   The National Conference of State Legislatures supports federal efforts to:

- 71       • Continue, but reform the Payment in Lieu of Tax Program (PILT) program; to  
72       create a more predictable, fair and flexible system that accurately reflects the  
73       fiscal effects of federal lands on state and local governments; and
- 74       • Provide full funding for the PILT program, provided that this goal is accomplished  
75       in a manner consistent with long-term federal debt management and deficit  
76       reduction; and
- 77       • Provide a more flexible payment system through authorization for the transfer of  
78       land of equivalent value from the federal government to states or counties in lieu  
79       of monetary payment, consistent with state statutes, and practice.

### 80   **State Legislators' Tax Issues**

81 The National Conference of State Legislatures supports the standard deduction allowed  
82 state legislators under section 162 (h) of the Internal Revenue Code. Regulation,  
83 interpretation, or other statutes should not undermine the section. Regulations  
84 implementing this code section should reflect the intent of Congress and should include  
85 the following recommendations:

- 86 • A "session day" should mean a day in session as defined by the laws or rules of  
87 the state of residence of the legislator.
- 88 • A "committee" of the legislature should mean 1) a committee of one or more  
89 legislators conducting the business of [or reporting to] the legislature, or 2) a  
90 committee created by state or federal statute, resolution, order or rule on which  
91 the legislator serves in his or her capacity as a legislator. This definition of  
92 "committee" should include caucuses that conduct the business of the  
93 legislature.
- 94 • "State legislator" should include newly-elected legislators who attend official  
95 organizational meetings prior to administration of their oath of office.

96 **Other**

- 97 • Prohibit further preemption of state courts by refusing to give federal courts  
98 jurisdiction to establish the valuation of property for state and local tax purposes  
99 or by refusing to give selected classes of state and local taxpayers procedural  
100 and substantive privileges unavailable to most taxpayers.
- 101 • NCSL also encourages Congress and the administration to review the Railroad  
102 Revitalization and Regulatory Reform Act (4-R Act) to determine if the courts  
103 have expanded the 4-R Act beyond the original intent of Congress and reject  
104 federal legislation that would extend to other industries 4-R type benefits.
- 105 • NCSL requests the federal government to respect the sovereignty of states to  
106 allow or prohibit games of chance or skill. Any effort by Congress or the  
107 administration to reform this regulation preempts states and diminishes the  
108 flexibility of state legislatures to use this mechanism as a revenue-related tool to  
109 meet the unique needs of residents of each state.

1 **COMMITTEE: COMMUNICATIONS, FINANCIAL SERVICES, &**  
2 **INTERSTATE COMMERCE**

3 **POLICY: NCSL URGES THE UNITED STATES CONGRESS TO**  
4 **SWIFTLY PASS “THE STOP ACT”**

5 **TYPE: CONSENT RESOLUTION**

6 **WHEREAS**, the United States has experienced a significant increase in the illegal use,  
7 sale, and trafficking of dangerous and potentially fatal synthetic drugs, including  
8 synthetic cannabinoids, opioids, and carfentanils;

9 **WHEREAS**, an opioid epidemic is sweeping the United States and has reached crisis  
10 proportions, killing thousands of Americans, straining the ability of first responders, and  
11 pressuring already critically stressed state and local budgets;

12 **WHEREAS**, there are more than 300 synthetic drugs imported into the United States  
13 and more than 500 distributed globally, most of them produced in China, according to  
14 the United States Department of State;

15 **WHEREAS**, the United States Customs and Border Protection has implemented  
16 advance electronic manifesting and security screening as a key tool for identifying and  
17 intercepting high-risk shipments that may include illegal or dangerous goods such as  
18 synthetic drugs;

19 **WHEREAS**, the Trade Act of 2002 required the provision of advance electronic  
20 manifests and security screening data to the U.S. Customs and Border Patrol on all  
21 shipments into the United States except for parcel shipments from foreign posts;

22 **WHEREAS**, this gap in security screening of goods entering the U.S. constitutes a  
23 threat to U.S. national security;

24 **WHEREAS**, a major avenue for the importation of synthetic drugs is the shipment of  
25 small parcels through the international mail system via foreign postal services, and such  
26 shipments are the only commercial import shipments that do not currently provide  
27 advance electronic manifests and security screening data to federal agencies;

28 **WHEREAS**, the steady growth of internet commerce and electronic platforms that  
29 facilitate online purchases has resulted in an enormous increase in the volume of  
30 shipments that are imported into the United States from sellers in other countries;

31 **WHEREAS**, the lack of data necessary for the U.S. Customs and Border Patrol to  
32 screen imported purchases has made it easier to import illegal products, including  
33 opioids and synthetic substances, into the United States; and

34 **NOW, THEREFORE, BE IT RESOLVED**, the National Conference of State Legislatures  
35 urges the United States Congress to swiftly pass and send to the President's desk for  
36 enactment the Synthetics Trafficking and Overdose Prevention Act ("The STOP Act"),  
37 which would require advance electronic data screening of all inbound shipments to the  
38 United States to facilitate identification and interception of illegal synthetic drugs and  
39 chemicals, and other dangerous, counterfeit or illicit goods.

1 **COMMITTEE: COMMUNICATIONS, FINANCIAL SERVICES, &**  
2 **INTERSTATE COMMERCE**

3 **POLICY: SUPPORTING THE DEVELOPMENT OF A BALANCED**  
4 **NATIONAL SPECTRUM POLICY THAT INCLUDES**  
5 **UNLICENSED ACCESS IN THE 5GHZ BAND TO MEET**  
6 **THE DEMAND FOR WIRELESS TECHNOLOGIES**

7 **TYPE: CONSENT RESOLUTION**

8 **WHEREAS**, States have an interest in policies that preserve and encourage continued  
9 private investment to deploy broadband technologies, support small and minority  
10 businesses and entrepreneurs' participation in the digital economy, and equip minority  
11 communities with the skills and education to take advantage of these technologies; and

12 **WHEREAS**, Wi-Fi spectrum in the 2.4 GHz band has become highly congested,  
13 especially in densely populated urban areas making it difficult for Wi-Fi providers to  
14 deliver the kinds and quality of service that consumers have come to expect and will  
15 only accelerate as the number of wireless devices continues to grow; and

16 **WHEREAS**, the 5 GHz band has enormous potential to support continued growth in  
17 unlicensed wireless services, including the next generation of Wi-Fi which will create a  
18 platform for technological innovation, investment, and economic growth; and

19 **WHEREAS**, the Federal Communications Commission acknowledges the critical role  
20 that next generation Wi-Fi technologies can have on consumers and has agreed to take  
21 a first step in the 5 GHz band by adding over 100 MHz of spectrum for Wi-Fi, making it  
22 available for indoor and outdoor use; and

23 **WHEREAS**, Wi-Fi is essential to unleashing the enormous economic potential of the  
24 internet in communities where broadband adoption lags; and

25 **WHEREAS**, while according to the Pew Research Center more Americans are gaining  
26 access to broadband in their homes, adoption rates for African Americans and Latinos  
27 still lag those of whites by 13 to 20 percentage points respectively and, when

28 accounting for income, only 54 percent of those with a household income under  
29 \$30,000 had high speed broadband or a computer at home, increasing the importance  
30 of Wi-Fi for these communities; and

31 **WHEREAS**, broadband access through Wi-Fi is critical to empowering minority and  
32 women entrepreneurs to develop, grow and improve productivity of their businesses as  
33 well as strengthening U.S. competitiveness nationally and worldwide; and

34 **WHEREAS**, unlicensed Wi-Fi is a critical issue that, if left unresolved, will hinder the  
35 broadband industry's ability to grow, innovate and compete and limiting access to this  
36 important resource will jeopardize consumers' ability to access Wi-Fi; and

37 **WHEREAS**, NCSL agrees that the proliferation of smartphones, tablets and other  
38 mobile devices with internet access has grown significantly, placing a greater demand  
39 on both licensed and unlicensed spectrum, and adding additional capacity is essential  
40 to support continued innovation and achieve the potential to transform many different  
41 areas of the American economy by providing a platform for innovation and is likely to  
42 have a substantial impact on jobs, growth and investment; and

43 **WHEREAS**, NCSL strongly believes that ensuring the long-term success of unlicensed  
44 services in the 5 GHz band for Wi-Fi will enable the broadband industry to provide  
45 reliable and affordable services to broadband customers, particularly given communities  
46 of colors' high usage of mobile broadband technology as a primary means of connecting  
47 to the Internet with the majority of these connection now being Wi-Fi connections;

48 **NOW, THEREFORE, BE IT RESOLVED**, that NCSL supports the Federal  
49 Communications Commission's move to allocate additional 5 GHz band spectrum for  
50 unlicensed use in order to meet increased demand for wireless technologies; and

51 **BE IT FINALLY RESOLVED**, that NCSL send a copy of this resolution to the President  
52 of the United States, Members of Congress, the Federal Communications Commission,  
53 State Legislatures and Governors.



1 **COMMITTEE: COMMUNICATIONS, FINANCIAL SERVICES, &**  
2 **INTERSTATE COMMERCE**

3 **POLICY: SMALL CELL DEPLOYMENT**

4 **TYPE: RESOLUTION**

5 **WHEREAS**, wireless communication is a critical part of our everyday lives; and

6 **WHEREAS**, there were 395 million U.S. wireless subscriber connections in 2016  
7 representing more than a 4.7% increase from 2015 connections and almost 18 million  
8 net add year over year; and

9 **WHEREAS**, demand for wireless service and bandwidth continues to soar as U.S.  
10 consumer data usage continued to climb in 2016 with over 13.72 trillion megabytes  
11 (MBs) of data used, 1.66 trillion text messages exchanged, and 277.9 billion MMS  
12 messages; and

13 **WHEREAS**, the U.S. wireless ecosystem continues to be the recognized global leader  
14 in the deployment and adoption of 4th Generation (4G) technology; and

15 **WHEREAS**, the U.S. wireless industry is preparing for the deployment of 5th  
16 Generation (5G) technology that will unleash further innovation in the agricultural,  
17 education, energy, finance, health care, public safety, and transportation sectors; and

18 **WHEREAS**, Ericsson forecasts nearly 29 billion connected devices by 2022, including  
19 around 18 billion related to Internet of Things (IoT) which will ultimately necessitate  
20 wireless carrier network upgrades; and

21 **WHEREAS**, U.S. cities are looking to use wireless technology to introduce “Smart City”  
22 solutions by employing information and communications technology to improve the  
23 efficiency of government services, including transportation and traffic management,  
24 public safety, lighting and energy usage, and water and waste management; and

25 **WHEREAS**, U.S. wireless carriers continuously strive to buildout their networks to keep

26 pace with the ever-increasing demand for mobile broadband services, including more  
27 than \$203 billion to improve their coverage and capacity and better serve Americans,  
28 with \$26.34 billion invested in 2016 alone; and

29 **WHEREAS**, the wireless industry’s deployment of network facilities is evolving to meet  
30 the demands of the future and therefore includes the use of more small cell or micro-cell  
31 equipment; and

32 **WHEREAS**, the deployment of wireless infrastructure using both micro cell and macro  
33 cell wireless facilities is contingent upon approval by local governments; and

34 **WHEREAS**, the streamlining of the permitting process for all wireless facilities would  
35 greatly enhance the deployment of such facilities; and

36 **WHEREAS**, access to public rights-of-ways for the placement of wireless facilities will  
37 enhance broadband deployment and provide additional resources to both state and  
38 local governments for a variety of services; and

39 **WHEREAS**, in 2009, the Federal Communications Commission promulgated  
40 regulations, subsequently upheld by the U.S. Supreme Court, that defined timeframes  
41 for state and local action on wireless facilities siting requests, while preserving the  
42 authority of states and localities to make the ultimate determination on local zoning and  
43 land use policies; and

44 **WHEREAS**, in 2012, the President of the United States signed the “Middle Class Tax  
45 Relief and Job Creation Act,” which prohibits state and local governments from denying  
46 eligible wireless facilities’ requests to modify existing wireless towers or base stations if  
47 the modification does not substantially change the dimensions of the facility; and

48 **WHEREAS**, more than 24 states have recently enacted legislation to assist in  
49 expediting the placement of both macro and micro wireless facilities, including the  
50 enforcement of the Federal Communications Commission’s application processing  
51 timelines;

52 **NOW, THEREFORE, BE IT RESOLVED**, that in order to avoid federal preemption,

53 NCSL encourages states to provide regulatory certainty for the deployment of wireless  
54 facilities, including micro-cell infrastructure, by streamlining local jurisdiction application  
55 processes, allowing access to public rights-of-ways, and adopting a fair fee structure;  
56 and

57 **BE IT FURTHER RESOLVED**, that NCSL encourages wireless carriers to work  
58 cooperatively with all levels of government to modernize laws and regulations in order to  
59 facilitate the deployment and timely placement of wireless facilities while maintaining  
60 proper local authority over the siting of such facilities.

61

1

1 **COMMITTEE: EDUCATION**

2 **POLICY: ENSURING CHILDREN ARE READY TO LEARN**

3 **TYPE: CONSENT DIRECTIVE**

4 State legislators have been in the forefront of efforts to create and improve early  
5 learning programs. Some states have maximized the use of the state and federally  
6 funded Child Care Development Fund (CCDF) and used even more of their state funds  
7 to increase the access, quality and effectiveness of early learning opportunities. Several  
8 states have special initiatives to improve the training and compensation of early learning  
9 teachers. States have voluntarily supplemented the federal Head Start program, and  
10 states have created their own pre-kindergarten programs. States have encouraged  
11 parental involvement to enhance children’s’ early learning experiences and have  
12 supported efforts to ensure a smooth transition between early learning programs and  
13 the K-12 education systems.

14 **The State-Federal Partnership in Early Learning**

15 Federal efforts to expand or improve early learning opportunities for young children  
16 must:

- 17 • avoid unfunded mandates and preserve state authority;
- 18 • provide funding to states in block grants that allow states the flexibility to meet  
19 local needs utilizing a wide range of early learning programs;
- 20 • avoid a state maintenance of effort requirement (MOE). If MOE is required, allow  
21 states to use a wide range of resources as match for federal dollars, such as  
22 state and local funds not used to match another federal program, private funds,  
23 and in-kind contributions such as facilities, equipment, and services;
- 24 • ensure that eligibility requirements are set at the state level;
- 25 • ensure state legislative authority to appropriate the funds;

- 26 • provide state legislatures access to student outcome data for students that participate in  
27 federally funded early childhood learning opportunities; and
- 28 • include state legislators as appropriate on advisory panels.

## 29 **Existing Federal Programs**

30 Federal efforts to support early learning programs should not be made at the expense of efforts  
31 to expand the Child Care Development Fund (CCDF). NCSL's Policy Directive on Child Care  
32 details state priorities in CCDF.

33 The federal Head Start program provides early learning services for low income families that  
34 foster school readiness. NCSL values the program's emphasis on parental involvement, which  
35 can benefit both parents and children. State legislators should be included in any discussions of  
36 options that provide states the opportunity to have more control over the program or better  
37 coordinate Head Start with other state early learning efforts. To ensure high-quality outcomes in  
38 the Head Start program, NCSL supports:

- 39 • strong staff development and training;
- 40 • greater coordination among Head Start, early learning programs, and elementary  
41 schools;
- 42 • funding for both quality, access, and multiple providers;
- 43 • expanding opportunities for grantees to use Head Start funding to meet community;  
44 needs in ways that complement state efforts;
- 45 • disseminating research findings from evaluations;
- 46 • providing state legislatures access to student outcome data for students that  
47 participate in Head Start; and
- 48 • encouraging legislative involvement in Early Childhood Advisory Councils.

## 49 **Family Support and Parental Involvement**

50 NCSL recognizes the vital role of parents, families, communities, and faith-based organizations  
51 in the healthy development of children and in creating systems of high-quality early learning in  
52 their states and local communities. NCSL supports states being provided maximum flexibility in  
53 using federal funds for early learning and to support a broad range of parent engagement

54 strategies, such as home visiting programs and two-generation approaches, and to develop new  
55 early learning policies and initiatives that support parents and families to ensure that their children  
56 and all children are ready to learn.

1 **COMMITTEE: EDUCATION**

2 **POLICY: IMPLEMENTING THE EVERY STUDENT**  
3 **SUCCEEDS ACT**

4 **TYPE: CONSENT RESOLUTION**

5 With the passage of the Every Student Succeeds Act (ESSA) in December 2015, the United  
6 States Congress fixed issues with the well-intentioned No Child Left Behind law, including the  
7 test-and-punish model of accountability and the Adequate Yearly Progress (AYP) proficiency  
8 measure. ESSA puts much of the decision-making authority back into the hands of state and  
9 local policymakers. The nation’s legislators and legislative staff are committed to its effective  
10 implementation.

11 The National Conference of State Legislatures (NCSL) believes that the following principles  
12 should be the basis of any federal action on the ongoing implementation of the new law:

13 **Consultation**

- 14 • Ensure that the “timely and meaningful consultation” process involved in the creation of,  
15 and any revisions to, state plans is thorough and ongoing, honoring the constitutional  
16 and statutory authority over education policy that rests with state legislatures.
- 17 • Support collaborative discussions on state and local education policy after the initial  
18 ESSA state plans are developed.

19 **Accountability**

- 20 • Recognize that Congress passed a law that maintains safeguards to protect our most  
21 vulnerable students while also giving states and districts the flexibility to innovate and  
22 pursue meaningful change in accountability systems.
- 23 • Understand that there is no single path forward on accountability. The federal  
24 government should therefore avoid drafting regulations that would restrict or mandate  
25 how states design their accountability systems, including by unnecessarily defining  
26 terms or assigning weights to indicators.

27 **Assessment**

28       • Recognize the desire of states, districts, parents, students, and other stakeholders to  
29       lessen the burden of testing, while encouraging high quality assessments that accurately  
30       measure the achievement of all students and subgroups of students.

31       • Promote the innovative assessment pilot program in ESSA with an eye toward possible  
32       future expansion of the pilot and by ensuring that lessons learned from pilot states are  
33       broadly disseminated.

34 NCSL calls upon the U.S. Department of Education to refrain from pursuing regulatory action  
35 that conflicts with the spirit and letter of ESSA as written by Congress. The law seeks to allow  
36 states and districts to take charge of their educational systems, and excessive regulation would  
37 impede this effort.

38 NCSL appreciates ongoing communication and technical assistance in place of regulatory  
39 action and will continue to work with the U.S. Department of Education to provide insight into the  
40 informational needs of state legislators and legislative staff. NCSL additionally encourages  
41 Congress to continue its oversight of ESSA's implementation so that states and districts are  
42 given the flexibility that Congress intended.



1 **COMMITTEE: EDUCATION**

2 **POLICY: STUDENT DATA PRIVACY**

3 **TYPE: CONSENT DIRECTIVE**

4 The National Conference of State Legislatures (NCSL) recognizes the need to ensure that  
5 parents and students can trust that data collected—e.g., attendance, course taking, grades and  
6 test scores—as part of the educational experience, is kept safe, secure and private. State  
7 legislators firmly believe that any efforts to change federal laws and regulations related to the  
8 collection, storage and use of student data, must preserve state and local flexibility and provide  
9 opportunities to support state autonomy and local control in this area. Any federal action must:

- 10 • Support state capacity to safeguard data by providing technical assistance;
- 11 • Align the multiple federal laws that affect student data;
- 12 • Reduce the burden on states in terms of collecting and reporting data;
- 13 • Promote transparency of data collection;
- 14 • Build the capacity of all stakeholders to use data in a way that promotes educational  
15 purposes and allows for personalized or adaptive learning, but protects student privacy;
- 16 • Allow state legislative auditors and program evaluators and other appropriate legislative  
17 staff access to student data, in a form determined by each state, in order to carry out  
18 their state constitutional and statutory duties to audit and evaluate educational programs;  
19 and
- 20 • Promote the building, maintaining and updating of state data infrastructure, including  
21 enhancing state longitudinal data systems.

1 **COMMITTEE: HEALTH AND HUMAN SERVICES**

2 **POLICY: HEALTH INFORMATION TECHNOLOGY**

3 **TYPE: CONSENT DIRECTIVE**

4 NCSL strongly supports the development of a secure interoperable system of electronic  
5 health information for the United States. Such a system has the potential to: (1) facilitate  
6 the coordination of health care regardless of patient location; (2) improve both the  
7 quality and efficiency of care; (3) provide easy access to health care information to both  
8 patients and health care providers, which can contribute to more informed decision-  
9 making on the part of patients; and (4) reduce medical errors and some of the fraud and  
10 abuse that plagues our health care system.

11 The potential benefits of an interoperable health information system cannot be realized  
12 unless: (1) consumers trust the system and want to participate in it; (2) the full range of  
13 health care providers trust the system and find it affordable and easy to use; (3)  
14 employers support the system and believe that it is cost-efficient and improves quality of  
15 care, and (4) states work collaboratively to address jurisdictional issues.

16 The key to the development of a successful interoperable electronic health information  
17 system is the development of a system that is secure and protects patient privacy. The  
18 Health Insurance Portability and Accountability Act (HIPAA) set important privacy  
19 standards that must be retained in such a system. It is critical that the current HIPAA  
20 law and regulations and subsequent laws and regulations enacted to facilitate an  
21 interoperable electronic health information system continue to establish a floor, but not a  
22 ceiling when it comes to protecting patient privacy and to the permissible use of stored  
23 data. Uses of stored health information data should be limited to those standards under  
24 federal law. Interoperability, not uniformity should be the focus of initiatives to get this  
25 important system in place. The security of the data must be a priority. Severe penalties  
26 should be established for individuals or entities that compromise information in the  
27 system. Every effort must be made to make the system available and affordable to the  
28 widest range of providers and consumers. NCSL also supports the establishment of  
29 grant, loan and demonstration programs to provide financial and technical support to

30 health care providers, state and local governments, and other entities that will play a  
31 key role in the development and successful operation of an interoperable health  
32 information system. States should be permitted to supplement federal financial support  
33 to physicians and hospitals with state grant or loan programs for up to 100 percent of  
34 costs. Finally, it is critical that publicly financed programs such as Medicaid and  
35 Medicare become active participants in the system and that creating this capacity be a  
36 priority within the federal budget.

1 **COMMITTEE: HEALTH AND HUMAN SERVICES**

2 **POLICY: CHILD CARE**

3 **TYPE: CONSENT DIRECTIVE**

4 NCSL urges Congress to continue its support of state initiatives and creative approaches  
5 in offering high quality and safe child care. In partnership, the state and federal  
6 governments can address the wide spectrum of needs for child care in the community  
7 offered in varied delivery settings ensuring parent choice quality and affordability.

8 **Child Care Development Block Grant (CCDBG)**

9 NCSL strongly supports full funding for the Child Care Development Block Grant Fund  
10 (CCDBG) program, which serves as the main source of federal funding dedicated  
11 primarily to child care subsidies for low-income working families. As child care needs  
12 vary in the states, NCSL opposes restrictive CCDF regulations that restrain state  
13 autonomy in directing the use of funds, and proposed changes to the CCDBG that include  
14 additional mandates.

15 In a varied child care marketplace, state legislators are faced with the demands of  
16 directing CCDBG funding where it is most needed to ensure the availability of high quality  
17 and affordable child care:

- 18 ▪ enabling welfare recipients on wait lists to gain employment,
- 19 ▪ ensuring that former welfare recipients do not return to the welfare rolls,
- 20 ▪ meeting the special needs of children with disabilities,
- 21 ▪ providing care for infants and older children in after school care, and
- 22 ▪ ensuring access to care for children of parents who work off shift and non-traditional  
23 hours.

24 NCSL urges Congress and the U.S. Department of Health and Human Services (HHS) to  
25 maintain and support state flexibility as they examine and revise the CCDBG. In addition,  
26 NCSL opposes earmarking CCDBG increases in funding as they would reduce state  
27 flexibility, which is crucial to state innovation. The portion of unobligated CCDBG funds

28 should remain consistent with congressional intent and leave the use of those funds to  
29 the discretion of the state for their CCDBG programs. NCSL urges the federal  
30 government to not withhold funding from states that choose to operate their programs  
31 under stricter standards than the federal standards.

32 NCSL supports the following program flexibility options for states:

- 33 ▪ Offering differential payment rates for providers of higher quality services or who serve  
34 children with special needs;
- 35 ▪ Permitting states discretion to govern the establishment of rules on the registration of  
36 unlicensed providers;
- 37 ▪ Allowing parental choice of providers within a state regulatory framework;
- 38 ▪ Permitting the inclusion of quality supply and system building activities as acceptable  
39 expenditures in addition to reimbursement;
- 40 ▪ Permitting states to make child care services accessible to all individuals' subject to  
41 welfare-to-work programs with federal funding support; and
- 42 ▪ Providing states the option to extend the age of eligible children beyond age 13,  
43 especially children with special needs, to give states more flexibility to use these funds  
44 for out of school time care for older adolescents.

## 45 **Funding**

46 NCSL urges Congress to continue its commitment to support the CCDBG program at  
47 sufficient levels to complement ongoing state efforts to provide high quality child care  
48 services to welfare recipients and low and moderate income working families. Support  
49 of the CCDBG program also strengthens state efforts to employ welfare beneficiaries  
50 under TANF work requirements, which can only be enforced if access to child care is  
51 ensured. For these reasons NCSL believes that the preponderance of CCDBG grant  
52 funds must remain an entitlement to states.

53 NCSL supports the portion of the CCDBG that is funded by discretionary dollars and  
54 subject to the congressional appropriations process. However, any additional funds for  
55 the CCDBG must be an entitlement to the states.

56 Child care is a critical component that enables states to meet increased requirements for  
57 work participation, and imposing a state match may serve as a barrier for some states in

58 accessing badly needed child care funds. Maintenance of effort (MOE) requirements also  
59 make it difficult for states to take advantage of federal funds when they face difficult  
60 decisions about how to fund all human services programs.

61 If an administrative cap is imposed, it should be limited to a strict definition of  
62 administrative funds. Services such as inspections, licensing, automation, eligibility  
63 determination, resource and referral, case management, training, and rate setting are  
64 required and critical to the provision of quality services and should be defined as services.  
65 NCSL urges the federal government to provide technical assistance to states to improve  
66 the coordination and financing of child care programs.

### 67 **TANF and Child Care**

68 NCSL strongly supports child care as a legitimate use of the Federal TANF block grant  
69 and state MOE funds. NCSL supports state options to transfer up to 30 percent of their  
70 federal TANF block grant allotments to the CCDBG. We urge the administration and the  
71 Congress to eliminate the distinction between how child care is treated for working  
72 families based on funding stream.

73 NCSL appreciates that HHS signaled the importance of child care for working families by  
74 not considering it assistance, thus allowing families to have this vital service without  
75 having it count against their time-limited assistance. NCSL urges the federal government  
76 to reconsider the distinction in TANF regulations that counts child care and other work  
77 supports for the unemployed as assistance. This will be particularly important for families  
78 who receive Unemployment Insurance benefits.

79 NCSL supports these families having a reliable source of child care support while they  
80 look for another job rather than offering an incentive for them to return to cash assistance.  
81 Having this child care support count toward the time limits also raises equity issues and  
82 confusion since different rules apply to different funding sources. Additionally, research  
83 suggests that having a consistent child care provider is important to children's early  
84 development.

### 85 **Standards**

86 NCSL believes that states should retain regulatory, licensure, and operational oversight  
87 of child care facilities. Any regulatory requirements imposed by the federal government  
88 should serve as a floor and not a ceiling, and not restrict state flexibility in determining  
89 how child care facilities should function in their jurisdictions. NCSL urges the federal  
90 agencies to support state efforts through guidance and technical assistance, particularly  
91 in regard to building a child care workforce, provider education, development of models  
92 for special needs populations, and the homeless.

### 93 Taxes and Benefits

94 NCSL supports options through use of federal and state tax incentives that can  
95 encourage creation of child care programs and help parents better afford child care  
96 services. NCSL supports:

- 97 ▪ Tax credits for employers that establish, operate, supply and/or support child care  
98 programs,
- 99 ▪ Public or private incentives for a child's primary caregiver to have the option to stay at  
100 home during the child's early developing stages;
- 101 ▪ Tax credits for taxpayers with dependents under compulsory school-age;
- 102 ▪ Child care benefits as an option in employer-sponsored cafeteria plans, including pre-  
103 tax flexible spending accounts;
- 104 ▪ Retention of the Dependent Care Tax Credit as it exists under current law; and
- 105 ▪ Tax incentives to encourage individuals to establish and/or operate child care  
106 programs;

107 Options that enable states to create or allow the development of public private  
108 partnerships to strengthen the child care system.

1 **COMMITTEE: LABOR AND ECONOMIC DEVELOPMENT**

2 **POLICY: COMPACT OF FREE ASSOCIATION RESOLUTION**

3 **TYPE: CONSENT RESOLUTION**

4 The National Conference of State Legislatures (NCSL) urging Congress and the United  
5 States Department of Veterans Affairs to work together to develop a program or pass  
6 legislation to provide veterans from Compact of Free Association nations with access to  
7 high-quality medical care within their respective communities.

8 WHEREAS, the United States government entered into a Compact of Free Association  
9 (COFA) agreement with the Federated States of Micronesia, Republic of Palau,  
10 Republic of the Marshall Islands, and Commonwealth of the Northern Mariana Islands;  
11 and

12 WHEREAS, citizens of COFA nations are eligible to enlist in the United States armed  
13 services, and over the years, the United States has vigorously recruited Pacific  
14 Islanders from COFA nations to serve in the United States military; and

15 WHEREAS, Pacific Islanders from COFA nations have a long and distinguished history  
16 of military service stretching back to World War II; and

17 WHEREAS, upon completing their military service and returning to their respective  
18 communities, veterans from COFA nations are unable to secure Department of  
19 Veterans Affairs services, especially Department-approved basic medical services,  
20 which are non-existent in their own communities; and



21 WHEREAS, veterans from COFA nations must fly to Hawaii, at enormous cost to their  
22 personal financial well-being, to obtain proper medical care at Tripler Army Medical  
23 Center; now, therefore,  
24 BE IT RESOLVED that NCSL urges Congress and the United States Department of  
25 Veterans Affairs to work closely to develop a program or pass legislation to provide  
26 veterans from Compact of Free Association nations with access to high-quality medical  
27 care within their respective communities.

1 **COMMITTEE: LABOR AND ECONOMIC DEVELOPMENT**

2 **POLICY: EB-5 REGIONAL CENTER PROGRAM**  
3 **REAUTHORIZATION**

4 **TYPE: CONSENT RESOLUTION**

5 **WHEREAS**, EB-5 is the designation for the fifth employment-based preference  
6 immigrant visa category established by Congress in 1990; and

7 **WHEREAS**, Congress established the Immigrant Investor Pilot Program in 1992 to  
8 create regional centers which aid foreign investors, by directing and professionally  
9 managing their investments while concentrating pooled investments in defined  
10 distressed economic zones; and

11 **WHEREAS**, EB-5 allocates 10,000 visas annually to foreign investors and their families  
12 who invest at least \$1 million (or \$500,000 in a targeted employment area) which must  
13 generate at least 10 jobs; and

14 **WHEREAS**, EB-5 has become a vital source of regional economic development funds;  
15 and

16 **WHEREAS**, from FY1992 to present, the EB-5 visa has generated more than \$16.2  
17 billion in investments; and

18 **WHEREAS**, that investment has supported over 171,000 American jobs, according to a  
19 Department of Commerce study, but little is known about the type or quality of those  
20 jobs; and

21 **WHEREAS**, at the end of Q1 FY2016 there were about 22,000 pending applications for  
22 EB-5 related visas, representing nearly \$11 billion in potential direct investment and  
23 220,000 American jobs; and

24 **WHEREAS**, the EB-5 Program had record-breaking capital formation in FY2015 and Q1  
25 FY2016 with over \$4.3 billion and \$628.5 million in foreign direct investment  
26 respectively; and

27 **WHEREAS**, on April 28, 2017 Congress passed legislation to reauthorize the EB-5  
28 regional center program through September 30, 2017; and

29 **WHEREAS**, states and localities are working with private parties to use EB-5 foreign  
30 direct investment to finance job creating projects; and

31 **WHEREAS**, the rationale behind the EB-5 Program is to create jobs, so those jobs,  
32 including construction jobs lasting less than two years, should meet or exceed local  
33 wage, benefit and health and safety standards and help strengthen the communities  
34 deemed to be in need of economic stimulus and workforce development; and

35 **WHEREAS**, the law allows for state and local level input in designating targeted  
36 employment areas for EB-5 development, and incentivizing state and local oversight  
37 and cooperation on specific projects within those targeted employment areas would  
38 help ensure compliance with community and industry labor standards; and

39 **WHEREAS**, the EB-5 Program is in need of reform to increase accountability and  
40 transparency and enhance program integrity, including through requirements that  
41 Regional Centers publicly disclose annually for each project details on job creation  
42 methodology, prevailing wage, living wage, and other labor standards, if applicable;

43 **WHEREAS**, USCIS should annually publish a list of New Commercial Entities approved  
44 for EB-5 investment;

45 **WHEREAS**, USCIS should effectively monitor EB-5 projects to prevent fraud and  
46 ensure that jobs are created and workers are protected by having clear requirements  
47 prior to regional center designation and project approval, as well as by conducting  
48 regular oversight, including site visits to projects;

49 **WHEREAS**, any effort to extend or make permanent the EB-5 regional center program  
50 must balance investment in urban centers and rural areas in recognition of the potential  
51 benefits of the program in both; and

52 **WHEREAS**, without Congressional action the EB-5 regional center program will sunset  
53 on September 30, 2017.

54 **NOW, THEREFORE, BE IT RESOLVED**, that The National Conference of State  
55 Legislatures urges Congress to reform the EB-5 program to ensure integrity and  
56 appropriate oversight during reauthorization of the EB-5 regional center program  
57 through legislation, ensuring any reform of the EB-5 regional center program maintains  
58 the ability to deliver job-creating capital to American communities, including  
59 mechanisms to ensure the creation of quality jobs, close loopholes, prevent Federal  
60 officials or their family members from personally profiting off the program, bar  
61 developers and contractors found to have violated local, state and federal laws,  
62 including labor laws, from receiving EB-5 funding, improve processing systems to  
63 address backlogged petitions, streamline approvals for all applications, and enhance  
64 program integrity measures through improved reporting requirements and oversight that  
65 is not unduly burdensome.

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**COMMITTEE: LABOR AND ECONOMIC DEVELOPMENT**

**POLICY: MILITARY AND VETERANS AFFAIRS**

**TYPE: CONSENT DIRECTIVE**

**Veterans Affairs**

NCSL recognizes that the U.S. Department of Veterans Affairs (VA) provides benefits and services to veterans of America's armed forces, including a number of specialized programs for disabled, minority, homeless, and women veterans. NCSL supports and urges Congress and the President to protect VA funding of benefits for veterans from budget cuts.

NCSL further urges Congress to provide funding to streamline the VA processes for securing all benefits in a timely manner for those veterans coming home from deployment, including appropriate health care for physical injuries and psychological wounds.

**Federal Impact Aid**

NCSL recognizes that School districts with military installations are potentially disadvantaged because of their inability to levy taxes against the federal government. NCSL recognizes the importance of Federal Impact Aid to help off-set the loss of tax revenue and supports continued funding of the program.

**Federal Funding Cuts and Base Realignment and Closing (BRAC)**

When closing, or considering property transfers in a BRAC, NCSL supports federal grant incentives for community involvement during the re-development of bases.

**Employment of Veterans**

25 Regarding matters of labor and employment for veterans, the federal government  
26 should continue its partnership with states to assist veterans in their transition from  
27 military service to the civilian workforce. NCSL supports programs of the Small  
28 Business Administration (SBA) that help veteran-owned businesses. NCSL also  
29 supports and encourages federal assistance, including training and tax credits, for  
30 employers who hire veterans into their workforce.

31

### 32 **Educational Assistance and GI Bill**

33 NCSL urges Congress to fund, as authorized, all programs associated with educational  
34 opportunities for returning veterans to have those benefits equivalent to the GI Bill of  
35 previous years.

36

### 37 **Preserve the Army National Guard and the Air National Guard**

38 The National Conference of State Legislatures (NCSL) recognizes that the Army  
39 National Guard (ARNG) and the Air National Guard (ANG) are vital tools for helping  
40 states manage and respond to emergencies and natural disasters at home and  
41 abroad. With congressional reauthorization pending, a strong ARNG ensures an  
42 operational resource and a strategic reserve for our active duty military branches in  
43 combat roles overseas, as well as adapting to complex missions domestically.

44

45 NCSL urges the federal government to maintain current funding levels for the ARNG in  
46 order to preserve their highly regarded capabilities and to ensure that they are always  
47 prepared for duties in the states and abroad in service to our country.

48

49 NCSL recognizes that any effort to reduce our nation's federal deficit requires  
50 reductions across all federal agencies. However, reductions should not be made

51 without a thorough review of the overall Army force structure across the active, Guard  
52 and Reserve components.

53

54 NCSL further urges that any congressional or Department of Defense review of the  
55 Army structure, including the role of the ARNG, includes appropriate input from state  
56 policy makers.

57

58 NCSL also opposes any effort to preempt domestic control of the ARNG from state  
59 authority.

60 Services being provided to our veterans should also include members of the ARNG to  
61 help them transition into society and have equal access to job training and other  
62 benefits.

63

64 Furthermore, NCSL supports equipment return, replacement, and upgrade to address  
65 destroyed material left abroad during deployment.

### 66 **Service Dogs for Veterans**

67 U.S. service members deployed into combat zones often face physical, mental, and  
68 emotional challenges as they make their return home. One of the tools being used to  
69 successfully support these veterans and mitigate the difficulties they face is service  
70 dogs. They not only assist in daily tasks for those with physical impairments – their use  
71 as support animals for soldiers with conditions such as post-traumatic stress disorder is  
72 growing as well.

73

74 NCSL recognizes the need to ensure that the use of these canine companions is  
75 supported and expanded across the country for our returning veterans, including  
76 members of the states' National Guard. For this reason, NCSL supports federal policies  
77 that promote the use of these service animals. Specifically, NCSL commends the work

78 being done on the Wounded Warrior Service Dog Act. This bill supports the study and  
79 use of service dogs for veterans – and NCSL urges its passage.

80

81 NCSL further calls upon Congress to enact legislation that would permit the Veterans  
82 Administration to consider certain costs associated with a certified service dog as a  
83 reimbursable medical expense.



1

1 **COMMITTEE: LAW, CRIMINAL JUSTICE, AND PUBLIC SAFETY**

2 **POLICY: FEDERAL DECENNIAL CENSUS**

3 **TYPE: CONSENT RESOLUTION**

4 The U. S. Constitution requires that a federal decennial census be conducted every ten  
5 years. This responsibility is delegated to the U.S. Census Bureau.

6 Since the first census was conducted in 1790, states have relied on federal census  
7 data. Currently, these data are used to redraw congressional and state legislative  
8 district boundaries and also to help federal, state, and local governments develop  
9 informed, cost-effective policies that promote economic growth, the well-being of  
10 individuals and families, and public safety in all communities.

11 The Census Bureau must be able to fulfill the constitutional mandate that is critically  
12 needed by the states and valued by all Americans. Adequate funding for the decennial  
13 census is necessary for an accurate count of the nation’s population and is critical for  
14 the Census Bureau to maintain the level of preparedness and planning necessary to  
15 conduct each decennial census. NCSL has long partnered with the U.S. Census  
16 Bureau to provide state legislators and staff with timely information on census activity  
17 and to provide feedback on their services and research.

18 NCSL supports a full and complete census count and will work with the U.S. Census  
19 Bureau to conduct its decennial census, related research programs and outreach  
20 efforts.

1

1

1 **COMMITTEE: LAW, CRIMINAL JUSTICE, AND PUBLIC SAFETY**  
2 **COMMUNICATIONS, FINANCIAL SERVICES AND**  
3 **INTERSTATE COMMERCE**

4 **POLICY:** NCSL URGES THE UNITED STATES CONGRESS TO  
5 SWIFTLY PASS THE SYNTHETICS TRAFFICKING AND  
6 OVERDOSE PREVENTION ACT (“THE STOP ACT”)

7 **TYPE: CONSENT RESOLUTION**

8 **WHEREAS**, The United States has experienced a significant increase in the illegal use,  
9 sale, and trafficking of dangerous and potentially fatal synthetic drugs, including  
10 synthetic cannabinoids, opioids, and carfentanils;

11 **WHEREAS**, An opioid epidemic is sweeping the United States and has reached crisis  
12 proportions, killing thousands of Americans, straining the ability of first responders, and  
13 pressuring already critically stressed state and local budgets;

14 **WHEREAS**, there are more than 300 synthetic drugs imported into the United States  
15 and more than 500 distributed globally, most of them produced in China, according to  
16 the United States Department of State;

17 **WHEREAS**, the United States Customs and Border Protection has implemented  
18 advance electronic manifesting and security screening as a key tool for identifying and  
19 intercepting high-risk shipments that may include illegal or dangerous goods such as  
20 synthetic drugs;

21 **WHEREAS**, the Trade Act of 2002 required the provision of advance electronic  
22 manifests and security screening data to the U.S. Customs and Border Patrol on all  
23 shipments into the United States except for parcel shipments from foreign posts;

24 **WHEREAS**, this gap in security screening of goods entering the U.S. constitutes a  
25 threat to U.S. national security;

26 **WHEREAS**, a major avenue for the importation of synthetic drugs is the shipment of  
27 small parcels through the international mail system via foreign postal services, and such  
28 shipments are the only commercial import shipments that do not currently provide  
29 advance electronic manifests and security screening data to federal agencies;

30 **WHEREAS**, the steady growth of internet commerce and electronic platforms that  
31 facilitate online purchases has resulted in an enormous increase in the volume of  
32 shipments that are imported into the United States from sellers in other countries;

33 **WHEREAS**, the lack of data necessary for the U.S. Customs and Border Patrol to  
34 screen imported purchases has made it easier to import illegal products, including  
35 opioids and synthetic substances, into the United States; and

36 **NOW, THEREFORE, BE IT RESOLVED**, the National Conference of State Legislatures  
37 urges the United States Congress to swiftly pass and send to the President's desk for  
38 enactment the Synthetics Trafficking and Overdose Prevention Act ("The STOP Act"),  
39 which would require advance electronic data screening of all inbound shipments to the  
40 United States to facilitate identification and interception of illegal synthetic drugs and  
41 chemicals, and other dangerous, counterfeit or illicit goods.

1 **COMMITTEE: NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY: AVIAN FLU RESPONSE**

3 **TYPE: CONSENT RESOLUTION**

4 A resolution of the National Conference of State Legislatures, expressing support for  
5 federal efforts to increase funding for avian flu research and vaccine development  
6 efforts.

7  
8 **WHEREAS**, US farmers, poultry processing and food production plants supply a  
9 significant portion of poultry products consumed nationally and internationally; and,

10  
11 **WHEREAS**, agriculture is a key driver of rural and state economies and the tremendous  
12 productivity of United States farmers benefits the national economy and the country's  
13 international trade balance; and,

14  
15 **WHEREAS**, the highly pathogenic avian influenza (HPAI) H5N1 strain is a new mixed-  
16 origin virus that combines the H5 genes from the Asian HPAI H5N1 virus with N genes  
17 from native North American avian influenza viruses found in wild birds; and,

18  
19 **WHEREAS**, according to the USDA, since December 2014, confirmed cases of HPAI  
20 H5 have been reported in the Pacific, Central, and Mississippi flyways (or migratory bird  
21 paths). The disease has been found in wild birds, as well as in a few backyard and  
22 commercial poultry flocks. The Centers for Disease Control and Prevention (CDC)  
23 considers the risk to people from these HPAI H5 infections to be low; and,

24  
25 **WHEREAS**, 223 detections of HPAI H5 have been reported across 15 states, with the  
26 Midwest being hit the hardest, affecting over 48 million birds; and,

27  
28 **WHEREAS**, farmers and agriculture related businesses have seen significant losses in  
29 revenue and workers have been laid off or subject to reduced work hours; and,

30 **WHEREAS**, according to USDA statistics, nationwide, over 11% of the nation's laying  
31 hens and over 3% of the nation's annual turkey production have been impacted to date,  
32 resulting in a significant threat to United States agriculture and the ability of our farmers  
33 to feed a growing world population; and,

34  
35 **WHEREAS**, state and federal governments have invested millions of dollars to address  
36 the fallout associated with H5N1 and find solutions to the virus; and,

37  
38 **WHEREAS**, the USDA Agricultural Research Service (ARS), Southeast Poultry  
39 Research Lab (SEPRL) is working to evaluate and develop avian influenza (AI)  
40 vaccines; and,

41  
42 **WHEREAS**, the National Conference of State Legislatures (NCSL) recognizes the  
43 serious threats posed by the HPAI outbreak and the key role that the federal  
44 government plays in harnessing resources and providing assistance to farmers and  
45 others affected by the virus.

46  
47 **NOW, THEREFORE, BE IT RESOLVED** by the NCSL that it fully supports recent  
48 federal efforts to protect poultry production and the nation's food supply by aggressively  
49 working to contain and remediate outbreaks when they occur. NCSL also supports  
50 federal efforts to serve as technical advisors and the clearinghouse of information for all  
51 sectors, and investigating ways to stop the spread of the virus; and,

52  
53 **BE IT FURTHER RESOLVED**, that the NCSL strongly encourages the federal  
54 government to increase the funding necessary for state and federal agencies to  
55 continue development of biosecurity containment strategies, time sensitive approaches  
56 to sharing information, and more aggressive research into what is causing avian  
57 influenza, why some fowl are more susceptible, and prevention measures, including the  
58 development of vaccines, that can be taken; and,

59

60 **BE IT FURTHER RESOLVED**, that federal agencies should work closely with the states  
61 to align HPAI efforts and share best practices; and,

62

63 **BE IT FURTHER RESOLVED** that NCSL and the states are willing partners in the  
64 federal government's HPAI efforts and will closely monitor federal actions and progress  
65 on these and related efforts of utmost importance to the states and our nation's food  
66 supply, rural agriculture economies, environment, and natural resources.

1 **COMMITTEE: NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY: CLIMATE CHANGE**

3 **TYPE: CONSENT RESOLUTION**

4 NCSL urges the federal government to consult with state elected officials, their national  
5 representative organizations and existing interstate partnerships in developing a federal  
6 program. As Congress and the administration examine proposals for reducing  
7 greenhouse gas emissions, the National Conference of State Legislatures encourages  
8 the federal government to always take the following principles into account:

- 9 • Federal action should be flexible, allowing for a range of complementary  
10 strategies at the state and federal level maintaining a strong role for state, local  
11 and tribal government in any federal action.
- 12 • Federal legislation should provide states the authority and flexibility to work within  
13 an overall framework; to apply the law effectively to all sources of emissions and  
14 ensure achievement of climate change goals in the most cost effective, timely  
15 and efficient manner for each state.
- 16 • Federal legislation should not preempt state or local governments from enacting  
17 policy options that differ from federal choices or from enacting stricter or stronger  
18 measures within their jurisdiction.
- 19 • Federal legislation should afford states the flexibility to form regional  
20 cooperatives and implement innovative policies that advance federal efforts to  
21 reduce the effects of climate change.
- 22 • Congress must authorize and appropriate sufficient funds for federal, state and  
23 local governments to implement any federal legislation. These funds should be  
24 newly authorized appropriations, not reprogrammed resources.
- 25 • Federal legislation should ensure state legislative authority in any federal climate  
26 change legislation and affirm the active role played by state legislatures in both  
27 fiscal and substantive aspects of state policymaking.

- 28 • Federal legislation providing for the allocation of greenhouse gas reduction  
29 programs to states should include language making decisions related to such  
30 allowances subject to state legislative approval.

31

32 NCSL urges the federal government, should it choose to act on this issue, to take into  
33 account the following principles regarding program design components:

- 34 • Any national system must include short, medium and long-term goals and  
35 incorporate a rigorous oversight program that provide for ongoing study and  
36 analysis of the system to ensure it is achieving intended goals.
- 37 • A new national program should serve to address uncertainties that are  
38 hampering investment in generation, transmission and distribution and enhance  
39 the likelihood that appropriate technologies will be developed and other solutions  
40 implemented so as to achieve the desired reductions in GHG emissions in the  
41 most economical manner possible.
- 42 • Federal legislation should be designed appropriately to balance competing  
43 criteria, including, but not limited to, equity, economic efficiency and ease of  
44 administration.
- 45 • Revenue derived from a greenhouse gas reduction program should be directed  
46 to complimentary policies focused on mitigating climate change consumer costs  
47 including but not limited to energy research & development, weatherization,  
48 conservation and energy efficiency activities.
- 49 • A national program to reduce GHG emissions must also address adaptation  
50 issues.
- 51 • Auctioning of allowances may be the most economically efficient mechanism for  
52 achieving a GHG emissions reductions goal. However, the allocation of  
53 emissions allowances at no cost can serve as an appropriate transition measure  
54 necessary to ensure continued reliability, minimize economic dislocation resulting  
55 from the carbon intensity of the existing infrastructure, and allow for development  
56 and deployment of needed new technologies and measures to reduce emissions.
- 57 • Priority distribution of allowances at no cost should be to those entities in affected  
58 sectors where existing regulatory structure provides the necessary oversight to



59 ensure that the value of such allowances is accounted for in establishing price  
60 rates for consumers.

- 61 • The allocation of greenhouse gas reduction program to states under a federal  
62 greenhouse gas reduction program should include language making decisions  
63 related to such allowances subject to state legislative approval.
- 64 • The establishment of any new federal program should include provisions for  
65 transparent reporting and accountability and incorporate the use of third party  
66 verification to ensure reported outcomes are verifiable.

67

### 68 **Unintended Consequences**

69 NCSL believes that federal legislation regarding the reduction of greenhouse gases  
70 should take into account the implications of actions and/or inactions on economic  
71 development, energy security, and those most vulnerable citizens. Evaluation should  
72 include the life cycle impacts of policy options including ancillary impacts.

73

74 NCSL believes that federal legislation should require continuing assessments of the  
75 potential impacts to the United States of climate change, by state or region including  
76 effects on water resources, agriculture, infrastructure, natural systems, environmental  
77 quality, public health, biodiversity and the cultures of our native peoples. Such an  
78 assessment will support the development of domestic and international adaptation-  
79 mitigation strategies. The Environmental Protection Agency (EPA) should provide  
80 funding and assist states in developing assessments and adaptation plans at the state  
81 and regional level.

82

83 NCSL also urges the federal government to fully consider how legislation will affect low-  
84 income households that already struggle to balance needs and expenses. NCSL  
85 encourages the federal government to expand and enhance long-term funding for the  
86 Department of Energy's Weatherization Assistance Program and to ensure that any new  
87 federal program does not undermine existing federal, state and private sector energy  
88 assistance and outreach programs that assist our most vulnerable citizens.

89

90 **Research and Development**

91 NCSL strongly urges the federal government to authorize and appropriate funding and  
92 provide other incentives to spur expanded research and development (R&D), as well as  
93 advance the demonstration and deployment of new and existing technologies to  
94 improve energy efficiency, advance mitigation strategies and reduce greenhouse gas  
95 emissions.

96

97 NCSL urges the federal government:

- 98 • To ensure that legislation not limit the diversity of technologies supported, as  
99 future advancements cannot be predicted.
- 100 • To take into account state and regional differences, and not limit or specify the  
101 technologies used in each state and ensure sufficient flexibility for each State to  
102 determine how to best achieve nationally-set goals.
- 103 • To promote current and future innovations and expand the use of such  
104 technology through R&D transfer agreements with other countries.
- 105 • To promote policies and procedures to increase natural carbon sequestration of  
106 CO<sub>2</sub> that will include sustainable timber harvesting, control burns, reseeded and  
107 rehabilitation of natural and introduced grassland plants

1 **COMMITTEE:** **NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY:** **COVER CROP RESEARCH**

3 **TYPE:** **CONSENT RESOLUTION**

4 **WHEREAS**, growing concerns about water quality, soil fertility, weed control, nematode  
5 control, water retention and biodiversity; and,

6

7 **WHEREAS**, farmers need real solutions to solve concerns and maintain yields and  
8 profits; and,

9

10 **WHEREAS**, cover crops have proven to increase yields in university studies as well as  
11 in replicated farm research on real-world field plots; are an increasingly popular way to  
12 keep soil healthy; help reduce the need for N and other nutrients, and create a healthier  
13 soil environment that resists disease and pests; inhibit weed growth by shading them  
14 out, by preventing emergence, and by compounds exuded by the roots; are shown to  
15 reduce populations of pathogenic nematodes and encourage populations of beneficial  
16 ones; break up soil compaction whether it is naturally occurring or a result of heavy  
17 cultivation and tillage; add diversity to the natural biological life in heavily farmed soils,  
18 often working in synergy with cash crops for bottom line benefits; add diversity to the  
19 natural biological life in heavily farmed soils, often working in synergy with cash crops  
20 for bottom line benefits.

21

22 **NOW, THEREFORE, BE IT RESOLVED**, that the National Conference of State  
23 Legislatures supports federal efforts to further the development of and proliferation and  
24 use of cover crops; and,

25

26 **BE IT FURTHER RESOLVED**, that this resolution be submitted to appropriate federal  
27 officials and the U.S. Congress.

1 **COMMITTEE:** **NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY:** **POLLINATOR HEALTH**

3 **TYPE:** **CONSENT RESOLUTION**

4 A resolution of the National Conference of State Legislatures (NCSL) Natural  
5 Resources and Infrastructure Committee, recognizing the importance of pollinators,  
6 stressing the negative ramifications of continued pollinator loss, and expressing support  
7 for federal efforts to protect pollinators.

8  
9 **WHEREAS**, farmers depend on pollinator species such as bees, ants, butterflies, birds  
10 and bats to successfully produce approximately one third of all United States  
11 agricultural output; and,

12  
13 **WHEREAS**, in addition to food, pollinators also are vital to the production of fibers,  
14 edible oils, medicines, and other products; and,

15  
16 **WHEREAS**, urban and rural beekeepers play an important role in state and federal  
17 agricultural production; and,

18  
19 **WHEREAS**, agriculture is a key driver of rural and state economies and the tremendous  
20 productivity of United States farmers benefits the national economy and the country's  
21 international trade balance; and,

22  
23 **WHEREAS**, pollinator loss poses a significant threat to United States agriculture and  
24 the ability of our farmers to feed a growing world population; and,

25  
26 **WHEREAS**, pollinators are essential organisms in the ecosystems that provide  
27 biodiversity, recreation and enjoyment for people and habitat for wild plants and  
28 animals; and,

29 **WHEREAS**, the NCSL recognizes the serious threats posed by pollinator loss and the  
30 key roles that the federal government plays as landowner and manager, regulator of  
31 pesticide products, and financial and technical assistance provider to farmers and other  
32 private landowners.

33  
34 **NOW, THEREFORE, BE IT RESOLVED** by the NCSL Natural Resources and  
35 Infrastructure Committee that it fully supports recent federal efforts to: develop best  
36 management practices and enhance pollinator habitat on federally owned or managed  
37 lands; incorporate pollinator health as a component of all future federal restoration and  
38 reclamation projects; revise guidance documents for designed landscapes and public  
39 buildings in order to incorporate pollinator-friendly practices; increase both the acreage  
40 and forage value of pollinator habitat in the Conservation Reserve Program and other  
41 federal conservation programs; provide technical assistance in collaboration with land-  
42 grant university-based cooperative extension services to federal departments and  
43 agencies, state, local, and tribal governments, and other entities and individuals  
44 including farmers and ranchers; assist states and state wildlife organizations, as  
45 appropriate, in identifying and implementing projects to conserve pollinators through the  
46 revision and implementation of State Wildlife Action Plans; assess the effects of  
47 systemic pesticides and parasites on bee and other pollinator health and take  
48 corresponding action, as appropriate, to protect pollinators from pesticides and  
49 parasites; and take immediate measures to support pollinators with proper habitat and  
50 nutrition during the current growing season and thereafter, including planting pollinator-  
51 friendly vegetation, increasing flower diversity in plantings, limiting mowing practices,  
52 and reduce or avoid, when necessary, the use of pesticides in sensitive pollinator  
53 habitats through the use of integrated vegetation, pest and colony management  
54 practices; and,

55  
56 **BE IT FURTHER RESOLVED** that states work closely with affected individuals and  
57 serve as laboratories of innovation in problem solving and policy making. Federal  
58 agencies should work closely with the states to align pollinator protection efforts and  
59 share best practices; and,

60

61 **BE IT FURTHER RESOLVED** that NCSL and the states are willing partners in the  
62 federal government's pollinator protection efforts and will closely monitor federal actions  
63 and progress on these and related efforts of utmost importance to the states and our  
64 nation's food supply, urban and rural agriculture economies, environment, and natural  
65 resources.

1 **COMMITTEE:** **NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY:** **STATE SOVERIGNTY IN AIR AMBULANCE**  
3 **REGULATION**

4 **TYPE:** **CONSENT RESOLUTION**

5 **WHEREAS**, as many rural hospitals have recently closed, air ambulance services have  
6 become increasingly necessary and are being used more frequently to transport  
7 patients to faraway hospitals in an emergency; and,  
8

9 **WHEREAS**, competition among air ambulance services have increased costs; and,  
10

11 **WHEREAS**, air ambulance services can cost patients tens of thousands of dollars out-  
12 of-pocket when companies do not accept a patient's insurance, and emergency patients  
13 rarely have the capacity to choose their own air ambulance company; and,  
14

15 **WHEREAS**, some air ambulance companies refuse to reveal actual costs to insurers,  
16 and some insurers are unwilling to pay market value for the service; and,  
17

18 **WHEREAS**, federal government Medicare reimbursements cover only a small portion of  
19 the actual cost of an air ambulance, forcing air ambulance companies to charge patients  
20 more; and,  
21

22 **WHEREAS**, under the Airline Deregulation Act, states cannot regulate routes, services  
23 or prices of air ambulances.  
24

25 **NOW, THEREFORE, BE IT RESOLVED**, that NCSL supports state sovereignty in air  
26 ambulance regulation in order to protect patients from overwhelming financial burdens  
27 for emergency medical services; and,  
28

29 **BE IT FURTHER RESOLVED**, that NCSL urges Congress to amend the Airline  
30 Deregulation Act in order to provide states the authority to enforce insurance regulations

31 on air ambulance providers to protect consumers.



1 **COMMITTEE: NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY: WILDFIRE FUNDING**

3 **TYPE: CONSENT RESOLUTION**

4 A resolution of the National Conference of State Legislators (NCSL) urging the federal  
5 government to address insufficient budget mechanisms for wildfire suppression and  
6 expressing support for federal efforts to fund catastrophic fires as natural disasters.

7

8 **WHEREAS**, Wildfire suppression costs have increased dramatically in the last decade;  
9 and,

10

11 **WHEREAS**, In the past two years, the U.S. Forest Service has had to transfer more  
12 than \$1 billion from other programs within the agency to pay for fighting wildfires; and,

13

14 **WHEREAS**, these fire transfers deplete resources from vital fire prevention and  
15 mitigation programs, including forest restoration and management activities to reduce  
16 future fire risk; and,

17

18 **WHEREAS**, increased fire activity can have substantially negative impacts on air  
19 quality, water quality, greenhouse gas emissions as well as reduce downstream water  
20 storage as sediment runoff lowers the effective level of dams and reservoirs; and,

21

22 **WHEREAS**, reduced restoration and mitigation funding also makes it easier for invasive  
23 pests and diseases to infest vulnerable forests; and,

24

25 **WHEREAS**, anticipated changes in climate will also cause fire risk to escalate in  
26 drought-ridden regions, further increasing wildfire suppression costs; and,

27

28 **WHEREAS**, federal funding for wildfire suppression is currently allocated using the 10-  
29 year average cost for wildfire suppression activities; and,

30 **WHEREAS**, NCSL recognizes that wildfires must be managed on a regional basis and  
31 that increased risk for wildfires on federal lands ultimately will lead to increased costs for  
32 state wildfire programs.

33

34 **NOW, THEREFORE, BE IT RESOLVED**, that NCSL urges Congress to address the  
35 budget structure of wildland fire accounts. NCSL believes that any federal policy on  
36 wildfires should minimize the risk of fire transfers from prevention and mitigation  
37 programs and support federal actions that would fund catastrophic wildfires similar to  
38 natural disasters.

1 **COMMITTEE:** **NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY:** **AUTONOMOUS VEHICLES**

3 **TYPE:** **CONSENT RESOLUTION**

4 The automobile is on the cusp of a technological transformation with the potential to  
5 both revolutionize personal mobility and provide immeasurable safety benefits. As  
6 vehicles that operate on public roads are subject to both state, federal and local  
7 jurisdiction, the National Conference of State Legislatures (NCSL) understands the  
8 need to clearly define state and federal roles as well as avoid unnecessary federal  
9 preemption and burdensome federal mandates.

10

### 11 **State Authority to Regulate Autonomous Vehicle Testing**

12 NCSL agrees that the National Highway Traffic Safety Administration (NHTSA) should  
13 be the sole entity setting federal motor vehicle safety standards (FMVSS) for  
14 autonomous vehicles, equivalent to their current role for conventional vehicles.

15 However, NCSL strongly believes that states are the sole authority when it comes to  
16 vehicle use—which includes vehicle registration; driver licensing and education; traffic  
17 laws, regulations and enforcement; and insurance and liability. NCSL is opposed to  
18 congressional or administration proposals that would seek to preempt this authority from  
19 states by prohibiting states from prescribing certain standards or regulations related to  
20 autonomous vehicle testing, including requirements related to the presence of a human  
21 driver.

22

### 23 **FMVSS Exemptions**

24 NCSL recognizes, appreciates, and agrees that authority to issue exemptions of  
25 FMVSS remains solely in the realm of the Secretary of Transportation. However, NCSL  
26 strongly encourages the Secretary (or applicable designated agency) to ensure that any  
27 exemption of existing motor vehicle safety standards provides a safety level at least  
28 equal to the safety level of the standard. Further, as exemptions are granted, NCSL  
29 implores the department to provide such information to states, in a timely manner.

30

31 **Advisory Councils**

32 NCSL requests that state legislators be appointed to or included in any congressional or  
33 administration task force, council, or other advisory group related to the development of  
34 autonomous vehicles. NCSL encourages congressional and administration task forces  
35 to work with NCSL to help ensure the appropriate states are included.

36

37 **Cybersecurity Information Sharing**

38 Cybersecurity is a vital aspect of autonomous vehicles. As vehicles begin to  
39 communicate with each other (vehicle-to-vehicle or V2V) as well with infrastructure  
40 (vehicle-to-infrastructure, V2I, and V2X), the potential risk of cyberattacks and security  
41 breaches greatly increases. NCSL urges both the administration and Congress to both  
42 share any threat information with state governments and to work with states to ensure  
43 that such threats and affected vehicle populations do not become endemic. A  
44 collaborative effort is vital in ensuring such safety.

1 **COMMITTEE: NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY: FEDERAL CHEMICAL POLICY**

3 **TYPE: CONSENT DIRECTIVE**

4 In 2016 Congress passed the Frank R. Lautenberg Chemical Safety for the 21st  
5 Century Act (LCSA), updating the Toxic Substances Control Act (TSCA) of 1976, which  
6 provides the U.S. Environmental Protection Agency (EPA) with the authority to require  
7 reporting, record-keeping, and safety testing of chemical substances and/or mixtures.  
8 TSCA also gives EPA the power to restrict the use of chemicals. Certain substances are  
9 generally excluded from TSCA, including food, drugs, cosmetics, and pesticides, which  
10 are regulated under different federal laws.

11

### 12 **Ensure Statutory Implementation**

13 Amended TSCA now sets the global standard for the quality of scientific review of  
14 chemicals. Accordingly, NCSL strongly urges EPA to meet all statutory deadlines within  
15 LCSA in order to: maintain the public's confidence in the safety of consumer products  
16 containing toxic chemicals, implement new scientific standards and continue to keep  
17 pace with modern science, and to ensure that the United States continues to lead our  
18 trading partners in the quality of our public health and environmental reviews of all  
19 chemicals. EPA must assure that the nation's interest in a strong American business of  
20 chemistry is protected, and that the United States maintains its ability to produce  
21 products that save lives, protect our children, make our economy more energy efficient,  
22 and reduce greenhouse gas emissions.

23

### 24 **Appropriate Funding and Establish User Fees**

25 NCSL urges Congress to appropriate full funding for LCSA implementation and  
26 supports the requirement for EPA to collect fees for both new and existing chemicals.  
27 Section 26 of the Act provides EPA the authority to collect fees that help defray the  
28 costs of administering the provisions on collecting and managing information,  
29 implementing the new chemicals program, and evaluating and regulating existing

30 chemicals. NCSL strongly urges EPA to implement the user fee program as  
31 expeditiously as possible, assuring that EPA can continue to manage its new chemicals  
32 review program efficiently, as well as undertake and complete risk evaluations on  
33 schedule, and provide states with resources and assistance as necessary to implement  
34 the program. Efficient implementation of LCSEA will allow states to better target health  
35 and environmental programs to address matters of local and regional need and interest  
36 Additionally, as many states do not have the staff nor the resources to sufficiently  
37 protect their citizens from harmful chemicals, NCSL urges Congress to appropriate  
38 targeted funding for state grant programs under TSCA, in recognition of the enhanced  
39 state-federal relationship, allowing states to fund compliance monitoring programs to  
40 prevent or eliminate risks to health or the environment associated with chemical  
41 substances or mixtures.

42

#### 43 **Preserve State Authority and Improve State-Federal Coordination**

44 NCSL encourages EPA to interact regularly with states as it continues to build and  
45 deliver a strong national chemical regulatory system, while encouraging robust  
46 interstate commerce and domestic manufacturing that is globally competitive. NCSL  
47 urges EPA to continue a dialogue with states, providing outreach and education on  
48 LCSEA, ensuring that states are aware their authorities concerning chemical safety and  
49 opportunities to leverage EPA implementation of LCSEA to focus state resources for  
50 greater state benefit. Additionally, NCSL urges EPA to act in a timely and transparent  
51 manner on a state's chemical regulatory waivers as EPA completes its review of  
52 chemicals, limiting the scope of pause-preemption. NCSL strongly urges EPA to not  
53 preempt states further than statutorily allowed.

54

#### 55 **Prompt and Effective Action on Harmful Chemicals in Products and Places that** 56 **Could Harm People**

57 NCSL urges EPA to expedite reviews and elimination of persistent, bioaccumulative and  
58 toxic chemicals (PBTs) as they are uniquely dangerous and should be phased out of  
59 commerce except for critical uses that lack viable alternatives. NCSL also supports  
60 statutory requirements directing EPA to complete risk evaluations based solely on

61 human health and environmental considerations. The agency should also ensure that  
62 reviews of chemicals incorporate protection of vulnerable subpopulations, including  
63 children, low-income people, racial and ethnic minorities, workers, and pregnant  
64 women. Where vulnerable subpopulations are specific to geographic locations, whether  
65 local, state, or regional, NCSL urges EPA to make this identification early and seek  
66 state input, including from affected indigenous populations.

67

### 68 **Ensure Access to Mandatory Safety Data on All Chemicals**

69 Considering limitations on sharing confidential business information (CBI) with the  
70 public, NCSL urges EPA to provide unhindered access to mandatory safety data on all  
71 chemicals, and sharing of CBI data, with state governments, health and environmental  
72 professionals, and first responders in order for them to protect the public and those with  
73 potential exposure to chemicals. Further, to facilitate states' ability to receive CBI  
74 information about chemicals from EPA, NCSL urges EPA to promptly complete its  
75 guidance document for states.

76

77 Additionally, NCSL urges EPA to continue to provide appropriate contextual materials to  
78 affected communities to accompany Toxics Release Inventory (TRI) reports to assure  
79 that emergency response agencies will understand and be able to respond safely to  
80 chemical releases to protect people who live in the vicinity of facilities required to file  
81 TRI reports. EPA and the reporting industries should continue working to ensure that  
82 reported TRI data is communicated to the public in an understandable manner that  
83 includes a description of the risk of release specific chemicals pose to the public and  
84 emergency response teams, how these materials are managed to control release, and  
85 an assessment of the risk to public health and welfare in the event of regulated or  
86 accidental release.

1

1 **COMMITTEE: NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY: NATIONAL AGRICULTURE**

3 **TYPE: CONSENT DIRECTIVE**

4 The National Conference of State Legislatures (NCSL) believes that maintaining a  
5 strong production agriculture capacity is critical to our nation's strength and is a matter  
6 of national security. NCSL recognizes that decisions affecting American agriculture  
7 must reflect a working partnership of the federal government with the states in both the  
8 formulation and implementation of policy.

9

10 **Agricultural Fiscal Policy**

11 NCSL urges federal efforts designed to enhance farm income while increasing  
12 agricultural exports. Monetary policies must be implemented which promote low interest  
13 rates and maintain dollar exchange rates which enhance the potential for sale of this  
14 nation's commodities in international markets. The federal government must also  
15 maintain a stable financial network capable of supplying adequate amounts of  
16 affordable credit to the agricultural industry. The government must also continue to  
17 search for innovative financing tools which enhance the ability of agricultural producers  
18 to manage risk and stabilize income. In addition, any domestic farm program must work  
19 in conjunction with a strong, aggressive export program which protects and expands our  
20 export markets.

21

22 State legislators should be represented on any working or study group for the purpose  
23 of addressing long term agriculture lending and payment needs established by  
24 Congress or the executive branch. NCSL urges Congress to review the existing  
25 payment limitations for individual farmers and program eligibility requirements to ensure  
26 that they provide support to economically efficient farming operations and promote the  
27 preservation of the family farm. In addition, the Conference recommends that all federal  
28 agricultural adjustment payments, price-support program loans, payments and other  
29 benefits not related to soil conservation efforts be limited to citizens of this country or



30 aliens lawfully admitted for permanent residence.

31

### 32 **Secondary Market for Long-Term Loans**

33 NCSL urges the federal government to work with states to assure that the provisions of  
34 the Agricultural Credit Act of 1987 continue to be fully implemented.

35

### 36 **Bankruptcy law**

37 NCSL supports federal legislation to permanently extend allowing farm operations to  
38 declare Chapter 12 bankruptcy.

39

### 40 **Farm Credit System (FCS)**

41 NCSL encourages farm credit institutions to work with farmer-borrowers to restructure  
42 debt. NCSL urges that any disposition of land and assets held by the System or its units  
43 be conducted in an orderly fashion so that such disposition does not adversely affect  
44 the value of those assets or of other property within the community. NCSL also urges  
45 that FCS institutions continue to work with producers to provide necessary financing for  
46 changes in payments and crops resulting from adjustments to federal programs.

47

### 48 **Commercial Lending Institutions**

49 NCSL believes that as federal financial assistance is provided to member institutions of  
50 the FCS, assistance should also be provided to commercial lending institutions that  
51 provide credit to agriculture. Furthermore, Federal Deposit Insurance Corporation  
52 (FDIC) policies and federal bank regulation procedures must be reviewed to ensure that  
53 the maximum assistance is being provided to troubled borrowers, without compromising  
54 the safety and soundness of the institution or the assets of the FDIC.

55

### 56 **Agricultural Bonds**

57 NCSL supports exempting agricultural bonds from the federal volume cap placed on  
58 industrial revenue bonds in each state. Furthermore, NCSL recommends that the  
59 President and U.S. Congress amend the federal Internal Revenue Code to make the  
60 use of agricultural bonds more attractive to banks and other financial institutions. NCSL

61 also recommends that the federal government permit deductibility for loans financed by  
62 issuers that are not necessarily small issuers as defined by the Internal Revenue Code.

63

#### 64 **Crop Insurance**

65 NCSL supports a state-federal partnership to develop a fair and affordable crop  
66 insurance program that complements other risk management tools available in the  
67 marketplace for all crops. NCSL supports an efficient program that promotes informed  
68 production and management decisions. NCSL also supports federal efforts to  
69 encourage private-sector development of innovative risk management tools. However,  
70 any plan for crop insurance must not adversely impact a state's ability to levy premium  
71 taxes, regulate the business of private insurance or set solvency standards for private  
72 crop insurers.

73

#### 74 **Marketing**

75 NCSL seeks a federal policy that will sustain a vibrant agricultural marketplace and  
76 strong farm economy while providing for competition and fair practices. The federal  
77 government should cooperate fully with states' efforts to supplement private sector  
78 marketing programs by providing comprehensive marketing, promotion and market  
79 development activities. These should include, at a minimum, sustained commitments to  
80 the provision of data on market trends and consumer demands, technical assistance,  
81 financial assistance and public education campaigns.

82

83 Special emphasis must be placed upon the development of new markets through the  
84 creation of demand for new crops or products or additional sources of demand for  
85 existing commodities and products; the improvement of linkages between buyers and  
86 sellers; a shift toward the sale of processed, not raw, commodities and high value cash  
87 crops; and the identification and analysis of potential markets. All parties, both public  
88 and private sector, must work together to develop effective strategies to exploit those  
89 opportunities fully and to maintain an ongoing ability to respond to changing consumer  
90 demands.

91

92 **Direct Marketing Arrangements**

93 NCSL recommends that Congress review the Packers and Stockyards Act as a  
94 mechanism for addressing unfair practices that may occur under direct marketing  
95 arrangements, monitor activities in this area, and enact appropriate and timely  
96 legislation to safeguard the welfare of producers. NCSL urges Congress and USDA to  
97 strengthen and diligently enforce the provisions of the Packers and Stockyards Act in  
98 concert with the clear intent of the Act to curb monopolistic abuses in the concentrated  
99 meatpacking sector.

100

101 **Competition**

102 Family farmers ultimately derive their income from the agricultural marketplace.  
103 Congress must set rules to improve the competitive environment of agriculture so that  
104 farmers are able to retain a greater portion of their income.

105

106 **Natural Resource Conservation**

107 All federal government actions affecting natural resources should be conducted in close  
108 cooperation and only after consultation and coordination with the states. A strong  
109 commitment to conduct research, in the area of improved methods of natural resource  
110 conservation and protection, must be maintained. The federal government should work  
111 with state and local governments to develop agricultural land use policies, but should  
112 leave the responsibility for establishment of these policies to the state and local  
113 governments. NCSL favors a block grant approach that gives states maximum flexibility.  
114 NCSL supports the use of science, technology and effective practices to reduce nutrient  
115 losses to water, including nitrogen and phosphorus, from point and nonpoint sources.

116

117 We encourage significant federal investment in state-supported projects—with an  
118 emphasis on watershed-based public-private partnerships—that provide for  
119 accountability and transparency, as evidenced by the establishment of goals, timelines,  
120 milestones, monitoring, measurement and regular public reporting documenting  
121 improvements in the quality of water in public waterways. Fundamentally, NCSL  
122 believes that states must be given a much stronger voice in ensuring that federal

123 wetlands, endangered species, and land management policies respect the rights of  
124 local landowners and states.

125

### 126 **Wetlands and Endangered Species**

127 The federal government should delegate authority to states for the development,  
128 administration, and enforcement of wetlands protection and endangered species  
129 programs. The national government, acting through USDA, should set broad national  
130 goals and standards for wetlands protection and preservation of endangered species,  
131 but states should have the flexibility to meet those goals. The federal government,  
132 furthermore, should provide financial and technical assistance as incentives to  
133 encourage states to assume primacy over wetlands and endangered species programs.

134

### 135 **Land Management**

136 Devolution of authority to states should also be a goal of federal land management  
137 policies. Demonstration projects should be established to determine if state  
138 administration of national forests, grasslands, parks and other federal property will result  
139 in cost savings to taxpayers and greater sensitivity to the concerns of local citizens and  
140 property owners. NCSL, moreover, encourages Congress and federal agencies to hold  
141 hearings and public meetings in order to hear the concerns of state and local officials  
142 and of ordinary citizens and property holders regarding the impact of federal  
143 landownership and regulation.

144

### 145 **Soil Conservation**

146 NCSL supports an ongoing education program to make certain that producers are fully  
147 aware of the need for proper soil conservation practices and of the best methods to use  
148 in their implementation. Diligent efforts must be made by the federal government to  
149 ensure that proper soil conservation practices are adopted and that fragile, erodible land  
150 is protected.

151

152 NCSL supports requiring that each farm have and follow an approved soil and water  
153 conservation plan in order to obtain government assistance. Benefits may be denied if a

154 crop is grown in violation of this requirement. Further, NCSL supports continued  
155 extension of the Conservation Reserve Program and federal efforts to protect  
156 pollinators, including those that are vital to American food production.

157

### 158 **Research and Development**

159 NCSL supports the state-federal partnership in agricultural research at state  
160 universities. Furthermore, funds must be made available to support research and  
161 development of innovative products. Funds should also be used for dissemination of  
162 information about research discoveries both domestically and abroad. It is particularly  
163 important that the land grant universities maintain their commitment to agricultural  
164 research and development and that the federal government provide sufficient research  
165 dollars to support this vital effort.

166

167 NCSL urges the federal government to maintain a strong research program for the  
168 development of adequate, cost-effective and environmentally sound control measures  
169 to ensure the eradication of all insect and plant pests and animal diseases, which  
170 should be done in close cooperation with the states. Using existing mechanisms and  
171 institutions, the federal government should work with the states in providing the basic  
172 training and retraining opportunities necessary for the successful operation of an  
173 agricultural enterprise and for the continuing adjustment of producers to changing  
174 conditions in agriculture.

175

### 176 **Intellectual Property Rights in Publicly Funded Research**

177 NCSL calls on Congress to review the Bayh-Dole Act of 1980 and subsequent  
178 amendments for its impact on encouraging concentration and vertical integration within  
179 the agricultural sector, and for its consistency with the mission and purpose of the Land  
180 Grant College system. Further, Congress should increase federal support for  
181 agricultural research, and retain through grant and contract provisions greater portions  
182 of technology arising from such research within the public domain. Congress should  
183 also affirm as objectives of the Land Grant Colleges' agricultural research mission to  
184 achieve broad dissemination and producer access to crop technology, and preserve

185 and enhance the income and economic opportunities of producers.

186

### 187 **Beginning Farmer Programs**

188 The National Conference of State Legislatures supports a state-federal partnership to  
189 confront challenges faced by farmers and beginning farmers, including the use of  
190 federal tax incentives to support state-based development and loan programs. NCSL  
191 supports changes to the federal Internal Revenue code that reduce borrowing costs for  
192 qualifying farmers and strengthen state beginning farmer programs. NCSL is particularly  
193 supportive of beginning farmer and other training programs that provide assistance for  
194 military veterans and limited-resource farmers. Furthermore, NCSL supports raising the  
195 total volume of state bonding authority to free resources for beginner farmer programs if  
196 achieved in a manner consistent with a balanced federal budget.

197

198 In collaboration with state governments, as well as public and private local partners,  
199 NCSL supports investment in joint research, demonstration and development of food  
200 systems that provide opportunity to young and beginning farmers with limited assets, to  
201 produce and deliver affordable, healthy, fresh, nutritious food to consumers within the  
202 local and regional markets where the producers operate, toward a goal of national food  
203 self-sufficiency and optimal health.

204

### 205 **Agriculture Biofuels**

206 NCSL believes that the U.S. Department of Agriculture (USDA) should be the lead  
207 federal agency to examine regulatory issues as they develop for the algaculture  
208 (Farming Algae) industry.

209

### 210 **Support State Regulation of Agricultural Biotechnology**

211 NCSL supports the responsible use of the beneficial qualities of agricultural  
212 biotechnology such as in improved crop production techniques, pharmaceuticals, anti-  
213 immune disease control, biodegradable plastics, and other potential benefits to people  
214 in their states, the nation, the world and the global environment. NCSL supports the  
215 continued regulation of agricultural biotechnology through state and territorial

216 governments working in close collaboration and partnership with the Coordinated  
217 Framework for Regulation of Biotechnology administered by the U.S. Environmental  
218 Protection Agency (EPA), USDA, and U.S. Food and Drug Administration (FDA).

219

### 220 **Industrial Hemp Farming**

221 NCSL Supports federal legislation to define industrial hemp as a distinct agricultural crop  
222 (1% or less THC content) and allow states to regulate commercial hemp farming.

223 Currently 33 states have laws allowing hemp research or farming. NCSL believes that  
224 hemp has a long history as a sustainable and a profitable crop, and has great potential  
225 as a new crop for American agriculture and industry. According to Vote Hemp, an  
226 estimated \$687 million worth of hemp products were sold in the U.S. in 2016, including  
227 foods, body care products, clothing, auto parts, building materials, and paper. Most of  
228 these products were made from imported hemp due to federal policy that prohibits  
229 commercial hemp farming. NCSL believes that federal policies that obstruct industrial  
230 hemp farming are outdated and must be changed.

1 **COMMITTEE: NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY: WATERWAYS AND PORTS**

3 **TYPE: CONSENT DIRECTIVE**

4 The National Conference of State Legislatures (NCSL) recognizes the substantial  
5 benefits to the nation of the U.S. system of waterways and ports by providing access to  
6 the world's markets and the combined efforts of all levels of government and users in  
7 sharing the cost of port and waterway development and maintenance. NCSL further  
8 acknowledges the distinctive roles played by the states and the federal government in  
9 financing waterways and ports. The increase of state and local financial support in  
10 recent years should be concomitant with an increased planning authority, which is  
11 particularly important for the integration and support of other transportation systems for  
12 enhanced waterway and port activity.

13

#### 14 **Ports**

15 NCSL believes that in order to sustain U.S. leadership in global trade:

- 16 • The nation's ports must receive adequate federal funds to improve and maintain  
17 federal navigational channels.
- 18 • Congress should adequately fund deepening projects to modernize our ports and  
19 make full use of the Harbor Maintenance Trust Fund to maintain the nation's  
20 harbors.
- 21 • NCSL opposes the accumulation of harbor tax receipts at the federal level, as it  
22 is a break in faith from the purpose of the Harbor Maintenance Tax and results in  
23 the imposition of a competitive burden without providing needed improvements  
24 necessary to achieve efficiencies to offset added taxes.

25

#### 26 **Intermodal Connectors**

27 NCSL calls on Congress to significantly increase federal investment in highway, inland  
28 waterways, and rail infrastructure and provide states added flexibility to improve  
29 intermodal connectors and surface transportation systems near the nation's ports.



30 Where feasible, NCSL also encourages and supports the deployment of ferry crossings.

31

### 32 **Maritime Security**

33 NCSL believes that port security is a state-federal partnership, critical to the nation's  
34 homeland security strategy and that states need clear federal direction to ensure that  
35 resources are focused on the most needed security improvements.

36

37 As such, NCSL supports the Department of Homeland Security's Port Security Grant  
38 Program, which is vital to ports' abilities to make improvements quickly and comply with  
39 the Maritime Transportation Security Act of 2002. Federal assistance should fund  
40 federal directives and requirements regarding enhanced security of publicly operated  
41 ferries and the inspection of vehicles and freight in order to avoid unfunded federal  
42 mandates.

43

### 44 **Foreign Imports**

45 NCSL supports:

- 46 • Action by the Federal Maritime Commission to restrict foreign cargo shipments  
47 from nations that discriminate against U.S. carriers.
- 48 • Complying with the requirements, regarding the importation of hazardous  
49 materials, of the National Environmental Policy Act to insure proper notification  
50 and assessment of environmental impact.

51

### 52 **Inland Waterways**

53 NCSL supports the continued predominant federal role in inland waterway capital and  
54 operating expenditures due to the interstate commerce nature of this transportation  
55 system as well as the implementation of the 2014 Water Resources Reform and  
56 Development Act (WRRDA). NCSL also supports increased investment in the Inland  
57 Waterways Trust Fund to repair and modernize the existing infrastructure. The  
58 commercial barge and towing companies, joined by a diverse coalition of stakeholders,  
59 unanimously and voluntarily requested a 45 percent increase to the per gallon user fee  
60 to address the growing backlog of needed lock and dam construction. Congress

61 approved the increase in 2014, and should now increase the federal level of investment  
62 to lock and dam infrastructure commensurate with the increasing revenue deposited  
63 into the Inland Waterways Trust Fund, to ensure full use of these funds annually, based  
64 on industry-endorsed capital investment strategy recommendations on priority projects.  
65 NCSL supports the utilization of U.S. Department of Transportation discretionary funds  
66 for emergency assistance to states for ports and waterways.

67

## 68 **Waterways—General**

69 NCSL believes that:

- 70 • The role of the U.S. Coast Guard in directing waterborne traffic should be  
71 enhanced. As such, adequate emergency response plans should be developed  
72 with a review of existing contingency plans. Additionally, Congress should  
73 continue to fund the Coast Guard's Integrated Deepwater Systems program while  
74 maintaining existing funding for other transportation programs.
- 75 • The user fee method of financing expenses incurred primarily for the user's  
76 benefit is an appropriate mechanism. However, the effect of such charges in a  
77 competitive worldwide environment should be carefully scrutinized. Any  
78 assessed fees should be equitable and nondiscriminatory and should be  
79 protected in trust fund accounts with their expenditure limited to the purposes for  
80 which they were collected. As such, commercial barge and towing should be  
81 directed solely to the Inland Waterways Trust Fund. Recreational boat user fees  
82 should be directed solely to boating safety programs. Additionally, user fees  
83 should not be assessed on commercial traffic to recover uncompensated benefits  
84 to civilian navigation and search and rescue activities.
- 85 • A comprehensive liability and compensation system on marine environment  
86 should be maintained at the federal level to provide vulnerable states with a  
87 means of environmental restoration in the event of a shipping accident, or as a  
88 result of invasive species.

89

90 It should be the policy of the United States to require that domestic oil producers and  
91 common carriers develop the capability to safely transport crude oil and other liquefied

92 petroleum products and to quickly and effectively contain and clean up oil spills that  
93 occur.