



Policy Directives and Resolutions for Consideration

Tampa, Florida

CONSENT CALENDAR

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1 **COMMITTEE: BUDGETS & REVENUE**

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

4 **TYPE: 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

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

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

13

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

16 **General**

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

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29 **Transition**

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

39 **Do No Harm**

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

51 **Tax-Exempt Financing/Bonds**

- 52 • Preserve tax-exempt financing for infrastructure and capital projects, including
53 the use of public-private partnerships.
- 54 • Maintain the tax-exempt status of state and local government bonds and lift
55 existing restrictions on state and local government use of tax-exempt bonds.
- 56 • Avoid provisions that weaken the fiscal integrity of state and local governments.
57 This includes: the arbitrage rebate provisions, which essentially are a one-

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58 hundred percent tax on the interest income of state and local governments; the
59 alternative minimum tax, which now taxes interest from otherwise tax-exempt
60 bonds; volume caps, which have unduly restricted the use of bonds for projects
61 that have increasingly become governmental responsibilities; and restrictions on
62 advance refunding which increases the cost of government.

- 63 • Support the Mortgage Revenue Bond (MRB) program and the low-income
64 housing tax credit.

65 **Enforcement**

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

71 **Payment in Lieu of Taxes**

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

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

82 **State Legislators' Tax Issues**

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

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

98 **Other**

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

112

113 NCSL calls upon Congress to pass legislation that provides a framework for the taxation
114 of digital goods and services, that provides certainty, stability and consistency for state
115 and local governments in the taxation of digital goods and services, while protecting
116 consumers from multiple and discriminatory taxation and supporting the continued
117 growth of the digital economy.

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118 As state and local governments seek to modernize their tax structures to include various
119 forms of digital commerce, establishing a national framework would:

- 120 • Establish uniform sourcing rules for state and local taxation of digital goods and
121 services similar to those developed for mobile telecommunication services in
122 2000.
- 123 • Provide certainty to those sellers required to collect such taxes allow state and
124 local governments that choose to tax digital goods and services to do so in a fair
125 and rational manner.

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

3 **POLICY: BANKING & FINANCIAL SERVICES**

4 **TYPE: DIRECTIVE**

5 **STATE SOVEREIGNTY IN FINANCIAL SERVICES**

6 The National Conference of State Legislatures (NCSL) is concerned that Congress, the
7 federal financial services regulators, and the federal courts have sought to nationalize
8 control of financial services in Washington, D.C. NCSL has consistently and strongly
9 advocated for state sovereignty in financial services regulation. NCSL has opposed any
10 federal preemption of state legislative or regulatory authority in financial services. A high
11 threshold that federal action is necessary, such as a national financial crisis, should be
12 met before any preemption of state financial services laws and regulations is warranted.

13

14 **Preservation of Dual Banking System**

15 NCSL is committed to the preservation of the dual banking system. The dual banking
16 system enables state governments to apply laws and regulations to state-chartered
17 banks, thrifts, and non-bank financial services, including financial technology entities
18 that serve the needs of local economies and that respond to the values and concerns of
19 local citizens. In recognition of the advantages of the dual banking system to the public
20 and to the health of the financial services industry, NCSL opposes any efforts by the
21 federal government to restrict state authority to charter, supervise, or regulate the
22 powers of state-chartered banks, thrifts, and non-bank financial services, including
23 financial technology entities. NCSL opposes any federal attempts to tax state banks for
24 federal oversight services already performed by the appropriate state banking agencies
25 and departments. NCSL recognizes that the states have a duty to use their powers
26 responsibly and in a way that does not endanger the deposit insurance system and the
27 nation's financial stability.

28

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29 NCSL urges Congress to continue close scrutiny of federal banking regulators to limit
30 preemption of state consumer protections.

31

32 **Federal Regulatory Consolidation**

33 NCSL recognizes the need for the federal government to reduce the federal regulatory
34 burden that can impede the economic vitality of our nation's financial services
35 industries. In consolidating the federal banking regulators, Congress must ensure that
36 any consolidation does not invalidate the regulatory independence of the dual banking
37 system.

38

39 NCSL opposes any federal regulatory consolidation plan that would:

- 40 ▪ Preempt, limit, or interfere with the rights of states to regulate state-chartered
41 banks, thrifts, and non-bank financial services, including financial technology
42 entities;
- 43 ▪ Require federal reporting requirements and examinations that duplicate state
44 efforts;
- 45 ▪ Place state-chartered banks, thrifts, and non-bank financial services, including
46 financial technology entities at a competitive disadvantage with national banks
47 or federal thrifts; and
- 48 ▪ Grant oversight authority for state-chartered banks, thrifts, and non-bank
49 financial services, including financial technology entities to federal banking
50 regulators.

51

52 **Federal Preemption**

53 NCSL strongly believes that a high burden of proof must be established before federal
54 preemption of state banking authority is ever justified and that only Congress—and not
55 federal regulatory agencies—can preempt the actions of elected state leaders. NCSL
56 strongly opposes any effort by federal banking regulators to assert its regulatory
57 authority to weaken the standard of preemption or shield national banks and bank
58 operating subsidiaries from state consumer protection laws and enforcement.

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59

60 **Dual Chartering of Credit Unions**

61 NCSL believes that state credit union supervisors have the primary responsibility for
62 assuring the safety and soundness of credit unions chartered by and operating under
63 state law and regulation. NCSL supports the authority of state governments to
64 determine how state-chartered financial entities must be insured and opposes any
65 efforts by the federal government to preempt state authority to govern state deposit
66 insurance requirements.

67

68 NCSL additionally acknowledges that federal deposit insurance agencies, like the
69 National Credit Union Administration (NCUA), have a legitimate role to play if state
70 authorized powers lead to unreasonable risks for NCUSIF. However, NCUA regulations
71 and policies should be crafted in a way that minimizes the preemption of state authority.
72 NCSL opposes any effort by the Administration and Congress to erode the dual
73 chartering system for credit unions by preempting state credit union laws and
74 regulations that do not adversely impact the financial well-being of state-chartered credit
75 unions and thus the NCUSIF. Any preemption of state credit union laws or regulatory
76 authority should only occur if an imminent risk to the credit unions' share insurance fund
77 is threatened.

78

79 **Consumer Protection**

80 There is overlapping state and federal legislative jurisdiction that ensures consumer
81 access to basic financial services; to protect the privacy of consumers of financial
82 services and the security of their personal financial information; to provide protection for
83 consumers from abusive lending practices; to ensure disclosure of information about
84 credit terms, interest rates, fees, and balances; to regulate branch closing; and to
85 otherwise protect the public. In recognition that this is an area of overlapping federal
86 and state jurisdiction, NCSL will ordinarily not oppose such federal consumer protection
87 measures, provided that there is no preemption of complementary state consumer
88 protection legislation.

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89

90 **Financial Services and Economic Development**

91 NCSL recognizes that racial, ethnic, or gender discrimination by financial services
92 entities may have an impact on the ability of residents in distressed communities to
93 obtain financial assistance. NCSL also recognizes the need for financial institutions to
94 make safe, sound, and profitable investments, recognizing the responsibility that each
95 state has for financial regulation, solvency and ensuring fair lending to their constituents
96 NCSL recognizes that each state legislature has the responsibility to address the unique
97 needs of its state. Congress must not mandate federal guidelines that impede the
98 states' abilities to regulate financial services.

99

100 **Financial Technology**

101 As online financial services products continue to grow, clear rules must be established
102 as to which jurisdiction's consumers protections apply to a given transaction. NCSL
103 believes that any such rules should be crafted through a partnership between state and
104 federal regulators and should not place state-chartered financial institutions at a
105 disadvantage in their ability to provide services over the internet. State banking laws
106 provide thorough consumers protections and NCSL strongly opposes any efforts by
107 Congress or federal regulators to preempt state banking authority in regulating financial
108 technology companies that would limit the financial protections states provide to their
109 citizens.

110

111 NCSL believes that state banking regulators should maintain primary responsibility of
112 chartering and supervising financial technology companies that operate in their state.
113 States have implemented the Nationwide Multistate Licensing System to make the
114 licensing and registration process more uniform and efficient for companies across the
115 country while still providing rigorous protections to consumers. States have also created
116 standards to protect the data privacy of citizens and reduce discrimination in financial
117 services while encouraging innovation. Regulatory sandboxes are often utilized by
118 states to encourage new technologies and innovation without prohibitive government

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119 regulation so that states can determine the best regulatory framework for the new
120 technology. These unique solutions should not be infringed upon so that states can
121 continue to inspire innovation while protecting the public.

122

123 **Securities Regulation**

124 NCSL recognizes that the federal government has an interest in efficient and fair capital
125 markets. NCSL also acknowledges that state' securities agencies are indispensable
126 partners with their federal counterparts engaging in the pursuit of fair and efficient
127 capital markets by protecting local investors, workers, and communities by ensuring
128 compliance with securities laws.

129

130 NCSL is concerned that the preemption of state securities laws and regulations will
131 serve only to erode investor trust in the capital markets by further weakening a system
132 designed to protect investors and putting the financial well-being of hard-working
133 Americans at risk. NCSL opposes such federal preemption and the creation of self-
134 regulatory organizations that usurp state authority. Instead, NCSL supports
135 congressional efforts to expand the restoration of state securities regulators' authority.

136

137 **Mortgage Industry**

138 Currently states regulate a significant portion of mortgage lending. Federal intervention
139 in this area of supervision will displace the state regulatory system and could erode, or
140 even eliminate, the current authority the states have to supervise and license mortgage
141 professionals. The local nature of real estate and consumer protection necessitates
142 direct state authority.

143

144 States, through the Conference of State Bank Supervisors (CSBS) and the American
145 Association of Mortgage Regulators (AARMR), developed the Nationwide Multistate
146 Licensing System (NMLS) to improve and coordinate mortgage supervision. This state
147 system enhances consumer protection and streamlines the licensing process for

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148 regulators and the industry. NCSL supports the NMLS to encourage a more coordinated
149 system of state and federal supervision.

150

151 **FINANCIAL INFORMATION SECURITY**

152 NCSL believes that states should continue to play a vital role in protecting the privacy,
153 confidentiality, and security of sensitive nonpublic personal financial information. States
154 long have sought to balance the economic value of information sharing with reasonable
155 safeguards against the unnecessary disclosure and inappropriate acquisition of
156 sensitive nonpublic personal financial information, such as credit information, account
157 numbers, account balances, and Social Security numbers. Understanding local and
158 regional economic situations and the unique needs of consumers within these markets,
159 states consistently have ensured the protection of sensitive nonpublic personal financial
160 information.

161

162 NCSL recognizes that financial information security is an area of overlapping federal
163 and state jurisdiction. Therefore, NCSL does not oppose federal baseline standards for
164 the protection of financial information, provided that these standards generally do not
165 preempt complementary state laws. NCSL believes that states should have the
166 authority and flexibility to adopt standards for the acquisition, retention, disclosure, and
167 sharing of financial information by and among financial institutions and nonaffiliated third
168 parties that address local concerns or respond in a timely way to incidences of neglect
169 or abuse that may be local or regional in nature. NCSL specifically believes that
170 Congress should preserve state authority to exceed federal baseline standards for
171 information sharing among nonaffiliated third parties.

172

173 **Credit Reporting**

174 NCSL acknowledges the benefit to the nation's economy of a uniform national credit
175 reporting system and does not oppose the limited areas that were subject to federal
176 preemption by the 1996 Amendments of the Fair Credit Reporting Act and made
177 permanent by the Fair and Accurate Credit Transactions Act. In doing so, NCSL

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178 supports the continued exemption of the state laws that were in existence prior to the
179 1996 Amendments and thus are currently exempted from the preemption provisions.

180

181 **Data Security Breach Disclosure**

182 Consistent with NCSL’s general policy for safeguarding financial information, NCSL
183 does not oppose baseline federal data security breach notification standards, provided
184 that the requirements do not preempt state authority to adopt standards that provide
185 affected consumers additional protection and notification. NCSL also supports allowing
186 state financial regulators and attorneys general to enforce any new federal data security
187 breach notification standards.

188

189 In the event that Congress decides to preempt state law, NCSL urges that the
190 preemption be narrowly construed to preempt only state laws that are inconsistent with
191 the federal standard while preserving state laws that apply to entities that may be
192 excluded from the federal act. Additionally, should Congress decide to preempt state
193 data security breach notification laws, NCSL would support a strong federal law that
194 would require notification of the affected consumers when sensitive personally
195 identifiable information has been, or is reasonably believed to have been, accessed or
196 acquired. In this instance, exceptions should be made only when it is concluded that
197 there is no significant risk that the breach has resulted in, or will result in, harm to the
198 individual whose information has been breached.

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

3 **POLICY: TELECOMMUNICATIONS**

4 **TYPE: DIRECTIVE**

5 **Deployment and Adoption**

6 Internet connectivity is essential to the success of families, businesses, and government
7 services. NCSL urges Congress and the administration to invest in universal internet
8 connectivity, provide flexibility to states in federal programs and funding, and initiate
9 proactive, meaningful engagement and consultation with states during the process of
10 program development and implementation. NCSL also encourages prioritization of
11 anchor institutions in federal funding and programs, as these schools, libraries, and
12 hospitals are often cornerstones of community access. NCSL further recognizes the
13 special challenges of middle and last mile deployment and encourages Congress and
14 the administration to provide support to communities working towards universal service.
15 Federal funding and deployment programs should also address affordability and access
16 among rural, unserved, and minority communities. NCSL urges Congress and the
17 administration to provide targeted resources for reducing the digital divide, such as
18 digital inclusion funding, training, and digital literacy. NCSL further encourages funding
19 for tribal connectivity.

20
21 NCSL urges investment in wireless connectivity and facilities deployment, especially in
22 unserved and underserved communities. NCSL further encourages investment in
23 telecommunications workforce and advanced communications technology education
24 and training.

25
26 **Mapping and Data Collection**

27 Fair, efficient deployment of internet services is dependent on accurate mapping of
28 speeds, adoption rates, and coverage. NCSL encourages the federal government to

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29 ensure readily available data and technical support for accurate mapping. We also urge
30 Congress and the administration to provide sufficient funding for mapping and to
31 continue to provide easy-to-use, free online maps available to states and consumers.
32 NCSL recognizes the importance of protecting states' ability to do their own data
33 collection and ensure accuracy of deployment maps.

34

35 **Technology and Smart Communities**

36 Telecommunications technologies are constantly evolving, and states are finding
37 increasingly innovative ways to deploy connected devices. NCSL encourages additional
38 federal investment in the development of smart communities. We further urge federal
39 support for emerging telecommunications technologies, including those with
40 applications in telehealth, agriculture, smart infrastructure, and transportation. NCSL
41 also recognizes the need for investment in devices and connectivity equipment for
42 anchor institutions.

43

44 **Federal Funding and Cooperation**

45 The federal government, including Congress, the Federal Communications
46 Commission, National Telecommunications and Information Administration, and the
47 U.S. Department of Agriculture, must work in close partnership with states to reach
48 universal adoption. NCSL recognizes the essential leadership role of state policymakers
49 and regulators as many states have created broadband offices, task forces,
50 commissions, agencies, or frameworks. It is essential that federal regulatory agencies
51 participate in meaningful engagement and consultation with states in the development
52 and implementation of federal programs. NCSL encourages state legislature
53 representation on federal advisory committees and boards that oversee broadband and
54 consumer protection issues.

55

56 NCSL urges Congress and the administration to provide predictable, stable, and
57 sufficient funding for internet connectivity programs. If Congress enacts financing
58 opportunities, NCSL supports state flexibility in financing options in addition to sufficient

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59 program funding. We further emphasize the importance of partnership and
60 communication in funding decisions.

61

62 NCSL encourages responsible, nimble, and fair federal spectrum management as well
63 as meaningful engagement and consultation with states when determining the best use
64 for spectrum.

65

66 **Taxation**

67 NCSL recognizes that communications tax policies should encourage a level playing
68 field between communications service providers, enhance economic development, and
69 avoid discrimination between new and existing providers. Other than the prohibition of
70 taxes on internet access, NCSL opposes federal action that preempts the ability of
71 states to determine their own tax policies in all areas, including communications
72 services, unless where specifically supported by other NCSL policies.

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

3 **POLICY: STUDENT ATHLETE COMPENSATION**

4 **TYPE: DIRECTIVE**

5 In 2019, California became the first state to pass legislation that would allow student
6 athletes compensation for the use of their name, image, or likeness (NIL). The laws
7 would allow students in varying ways to sign endorsement deals, earn money for public
8 appearances, sell autographs or other items, and enter deals with companies for
9 marketing purposes. Over half of the states have taken similar action since then.
10 Numerous bills have been introduced in Congress that would provide a system for how
11 student athletes can negotiate contracts and otherwise profit off their NIL. NCSL urges
12 consultation with the states on all these issues.

13

14 NCSL strongly supports the ability of the states to determine the best system for their
15 student athletes. NCSL opposes any efforts by Congress to preempt state laws that
16 provide earning rights to students and believes that any federal legislation should be
17 complementary to state laws.

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1 **COMMITTEE: EDUCATION**

2 **POLICY: THE STATE-FEDERAL PARTNERSHIP IN**
3 **POSTSECONDARY EDUCATION**

4 **TYPE: DIRECTIVE**

5 Reauthorization of the Higher Education Act (HEA) offers another opportunity to renew
6 this country’s commitment to accessible and affordable postsecondary education and
7 remove barriers encountered by a changing student population. A strong higher
8 education system supports individual financial success, provides a foundation for
9 healthy state economies and ensures our nation’s position in a global economy. When
10 students fall through the cracks, they do not achieve their full potential and neither does
11 our country. The federal government has an important role to play in supporting low-
12 income students, conducting research on innovation and productivity, monitoring
13 national and regional programming efforts, and providing data and technical assistance
14 to help states examine and analyze our institutions.

15

16 Postsecondary Affordability

17 Reauthorization efforts directing federal aid to students who need it most and helping
18 them quickly become productive members in their communities without substantial debt
19 will help local, state, and national economies. If federal aid is limited, there are fiscal
20 impacts for state-funded efforts to support students.

21

22 The federal government should ensure adequate federal funding for the Pell Grant
23 program to help reduce dependency on student loans. Congress should review Pell
24 Grant award amounts to guarantee that the purchasing value of this important grant
25 does not continue to erode and consider moving Pell funding to the mandatory side of
26 the federal budget. Congress should also ensure Pell serves the broadest number of
27 students, including adult students enrolled part-time. The federal government should
28 continue to reduce barriers or obstacles that may prevent students from applying for
29 federal financial aid.

30

31 If Congress considers a new grant program to create a state-federal funding partnership
32 in higher education, the nation’s legislators remind Congress that states are primarily
33 responsible for funding and governing their higher education systems. While each state
34 has different traditions and goals for its higher education institutions, all institutions
35 participate in a national higher education marketplace that crosses state lines. Congress
36 must recognize this by ensuring that any new affordability programs can benefit
37 students and institutions of all types in all states and territories. Broad state participation
38 should be a fundamental goal of any state-federal partnership.

39

40 A state-federal funding partnership in higher education must:

- 41 • provide funding to states in block grants that allow states the flexibility to
42 distribute funds across institutions and state financial aid programs;
- 43 • Avoid a state maintenance of effort requirement (MOE). As states continue to
44 prioritize and address competing public needs, federal policy must acknowledge
45 this reality by noting the fiscal constraints states face in satisfying maintenance of
46 effort requirements for important postsecondary programs. If MOE is required,
47 allow states to use a wide range of resources as match for federal dollars, such
48 as state and local funds not used to match another federal program. MOEs
49 should be constructed to provide legislatures certainty they will comply with MOE
50 provisions when budgeting for the upcoming fiscal year;
- 51 • continue to defer to state authority in regulating postsecondary tuition levels;
- 52 • ensure that eligibility requirements are set at the state level; and
- 53 • ensure state legislative authority to appropriate the funds.

54

55 The federal government should design college savings incentives at the federal level so
56 as to stimulate and complement, rather than preempt, similar policy initiatives by states
57 and higher education institutions. Legislators support student aid programs that serve
58 state and national economic and workforce priorities.

59

60 **Accountability**

61 Legislators strongly urge the federal government to defer to the states' leadership in
62 ensuring the quality of postsecondary education, and to facilitate state efforts to
63 emphasize accountability. While the federal government has a role in monitoring
64 national and regional accrediting bodies, accountability of state higher education
65 programs and institutions is and should remain a state issue. The federal government
66 should continue to support state authorization reciprocity agreements, which support
67 expanded access to quality postsecondary distance learning opportunities nationwide.

68

69 **Teacher Preparation**

70 States have taken the lead in advocating for higher standards for teacher preparation
71 and performance, and vigorously acted to improve assessments of quality. As such, the
72 federal government must refrain from setting national standards. The National
73 Conference of State Legislatures (NCSL) encourages the expansion of several
74 programs embodied in the Higher Education Act and other federal legislation that
75 focuses on teacher quality. States should be included as eligible applicants or
76 encouraged as partners in federal grant projects, so that grant programs can be
77 developed with statewide goals in mind and best practices can be shared broadly.

78

79 **Student Success**

80 Our country will remain internationally competitive if more high school age, non-
81 traditional students, and working adults not only enroll in colleges and universities, but
82 complete postsecondary credentials and degrees. Ensuring students gain skills
83 competency no matter the means used to obtain that competency will help states and
84 the nation increase productivity, improve competitiveness, and prepare future
85 generations of leaders and citizens. States, working with national foundations,
86 institutions, and private partners, are implementing policies that focus on maintaining
87 access to postsecondary education and improving student performance and outcomes.
88 NCSL supports federal programs that complement state efforts to improve student
89 participation in and completion of postsecondary education. Legislators welcome federal
90 efforts, such as the College Scorecard, that provide prospective students with accurate
91 information on college costs and institution- and program-level student outcomes.

92 Increased transparency is critical to ensuring students are able to make informed
93 postsecondary choices.

94

95 Legislators are keenly aware that students benefit from a seamless progression
96 encompassing preschool through postsecondary education. A growing number of states
97 are looking at education as “P-16” rather than separate systems serving early
98 education, K-12 and postsecondary education and updating or amending their statutes
99 to facilitate this change. Important federal-state educational programs supported by the
100 states, such as the Perkins Act programs and the TRIO program, must be better
101 integrated with state postsecondary policy. The federal government has a significant
102 role and responsibility in working with states and supporting state efforts in college
103 readiness and providing research and technical assistance. Legislators welcome federal
104 efforts to facilitate the exchange of best practices around dual enrollment programs.

105

106 **Student Loans**

107 Increasingly the burden of higher education costs is borne by students and families.
108 This burden consists of significant educational debt held by students and their families.
109 Crippling education debt slows any recovery and limits state economic growth. The
110 federal government should make every effort to improve the federal student loan
111 program so that borrowers are able to successfully repay their loans and take
112 advantage of federal loan forgiveness programs.

113

114 The federal government should also recognize that many states now play a role in
115 ensuring borrowers are treated fairly and receive appropriate consumer protections. The
116 federal government should engage in collaborative federalism with states around
117 providing consumer protections to borrowers and conducting oversight of student loan
118 servicers.

1 **COMMITTEE: EDUCATION**

2 **POLICY: FEDERAL EDUCATION RELIEF AID**

3 **TYPE: RESOLUTION**

4

5 **WHEREAS**, state legislatures have the primary responsibility for funding and governing
6 their state’s K-12 and higher education systems; and

7

8 **WHEREAS**, each state has its own unique system for funding K-12 and higher
9 education; and

10

11 **WHEREAS**, fiscal conditions can vary significantly across states, especially during
12 times of national economic emergencies; and

13

14 **WHEREAS**, education is a significant part of state budgets, other compelling priorities
15 may make demands on state resources while states respond to and recovery from
16 emergencies; and

17

18 **WHEREAS**, Congress has included maintenance of effort provisions for both K-12 and
19 higher education funding from fiscal year 2020 to fiscal year 2023 as a condition of a
20 state receiving funds from the Elementary and Secondary School Emergency Relief
21 (ESSER) Fund; and

22

23 **WHEREAS**, Congress has also included “maintenance of equity” provisions for K-12
24 funding in fiscal years 2022 and 2023;

25

26 **NOW, THEREFORE**, the Secretary of Education should allow states the opportunity to
27 seek waivers from the maintenance of effort and “maintenance of equity” provisions
28 associated with the Elementary and Secondary School Emergency Relief (ESSER)
29 Fund; and

30

31 **NOW, THEREFORE, BE IT RESOLVED**, the National Conference of State Legislatures
32 believe state fiscal requirements for education relief aid should only ask states to
33 maintain aggregate funding levels or serve as a guide for how states can make cuts to
34 education if facing revenue declines.

35

36 **NOW, THEREFORE, BE IT FURTHER RESOLVED**, the National Conference of State
37 Legislatures believe state fiscal requirements should not be used to compel states to
38 make fiscal or policy decisions beyond the purposes enumerated above, which includes
39 requiring states to increase funding for education or distribute funds to local education
40 agencies by methods other than a state’s statutorily defined school funding formula.

41

42 **NOW, THEREFORE, BE IT FURTHER RESOLVED**, the National Conference of State
43 Legislatures believe unanticipated federal funding for education should not bypass state
44 legislative appropriations processes and should allow state legislatures broad discretion
45 in determining how those funds will best meet local and state education needs.

46

47 **BE IT FINALLY RESOLVED**, that NCSL send a copy of this resolution to Members of
48 Congress and the U.S. Department of Education.

1 **COMMITTEE: HEALTH AND HUMAN SERVICES**

2 **POLICY: HIV/AIDS PREVENTION AND TREATMENT**

3 **TYPE: DIRECTIVE**

4 NCSL supports federal initiatives that provide needed assistance to state and local
5 governments for the prevention and treatment of HIV/AIDS and related conditions.

6

7 **Prevention and Education**

8 NCSL Supports:

- 9 ▪ Prevention and education programs that are culturally sensitive, age
10 appropriate, evidence based, holistic, and tailored to be effective with a
11 specific audience.
- 12 ▪ The continuation of state flexibility with respect to needle exchange programs
13 and efforts to work with the federal government to develop best practices
14 regarding the prevention of new cases of blood borne conditions.

15

16 **Confidentiality and Civil Rights**

17 NCSL supports:

18 Federal efforts to sustain the privacy of personal medical records and is particularly
19 supportive of efforts to protect individuals with HIV/AIDS from experiencing
20 discrimination in employment, housing, insurance coverage and public
21 accommodations.

22

23 NCSL opposes:

- 24 • Federal legislation that would impose either a mandate for or a prohibition of
25 state partner notification requirements or contact disclosure or tracing
26 programs.
- 27 ▪ Federal legislation that would require states to establish civil and criminal
28 penalties for the knowing transmission of HIV. Provisions of this sort are

29 particularly onerous if the receipt of federal financial assistance is contingent
30 upon their passage.

- 31 ▪ Federal initiatives regarding confidentiality and civil rights must enhance,
32 strengthen, and underscore the states' responsibility for action in these areas and
33 allow state flexibility in such initiatives.

34

35 **Counseling and Testing**

36 NCSL supports:

- 37 • The promotion of rapid testing programs and the use of rapid testing in non-
38 medical settings when appropriate and when counseling is available and
39 provided on-site.

40

41 **Health Professionals Providing HIV Treatment and Care**

42 NCSL supports:

- 43 • The decision by the Centers for Disease Control and Prevention (CDC) to
44 continue to permit state and local health officials establish guidelines regarding
45 procedures that health care workers infected with HIV or Hepatitis B should be
46 permitted to perform.
- 47 ▪ The Blood-Borne Pathogen Standard rule promulgated by the Occupational
48 Safety and Health Administration (OSHA) and the Needlestick Safety and
49 Prevention Act.

50

51 **Ryan White CARE Act**

52 Federal grants supporting state efforts to provide prevention, care and treatment to
53 people with at risk of or living with HIV/AIDS should provide maximum flexibility to states
54 to enable them to develop programs that best meet the needs of their residents.

55 NCSL supports:

- 56 ▪ Continued and adequate funding for states through the Ryan White C.A.R.E.
57 Act and through cooperative agreements with the CDC and federal partners,

- 58 ▪ Permitting states to demonstrate, in their state plan, that they have addressed
- 59 the needs of all populations within their boundaries, in lieu of federal statutory
- 60 mandates, and
- 61 ▪ Ongoing federal resources to provide for the development and distribution of
- 62 prevention and treatment medications. It is important the funding keep pace
- 63 with the approval and availability of new prevention drugs and treatment
- 64 therapies.

65

66 NCSL opposes:

- 67 ▪ The imposition of state matching or maintenance of effort requirements in
- 68 these programs.

1 **COMMITTEE:** **HEALTH AND HUMAN SERVICES**

2 **POLICY:** **NCSL RECOGNIZES THE IMPACT OF "BENEFIT**
3 **CLIFFS"**

4 **TYPE:** **DIRECTIVE**

5
6 NCSL supports efforts to minimize “benefits cliffs” or “the cliff effect,” which refers to the
7 sudden decrease in or elimination of public benefits that can occur with a small increase
8 in personal earnings. When income increases families sometimes lose some or all
9 economic supports, including Temporary Assistance for Needy Families (TANF),
10 Supplemental Nutrition Assistance Program (SNAP), Medicaid and health care, child
11 care assistance, housing and school breakfast and lunch programs.

12 NCSL strongly encourages federal partners to work with states to find a timely solution
13 that would remove barriers for individuals to enter or remain in the workforce and
14 increase their household income. NCSL supports federal efforts, in conjunction with
15 states, that would explore how to better align TANF, SNAP, Child Care and Medicaid as
16 work supports, from eligibility and enrollment to recertification, training and employment
17 – and how to better align these work supports to mitigate benefit cliffs and increase
18 family financial security.

1 **COMMITTEE: HEALTH AND HUMAN SERVICES**

2 **POLICY: PUBLIC HEALTH**

3 **TYPE: DIRECTIVE**

4 The U.S. Department of Health and Human Services (HHS), the Centers for Disease
5 Control and Prevention (CDC) and the National Institutes of Health (NIH), plays an
6 important role in supporting state and local public health infrastructure. HHS provides
7 national surveillance of infectious disease, applied research to develop new or improved
8 diagnoses, disease prevention and control strategies, and helps strengthen states'
9 capacity to respond to outbreaks of new or reemerging disease. Federal support
10 through grants and cooperative agreements, research and technical assistance is key to
11 the stabilization and effective operation of the nation's public health system and
12 provides critical support for the state and local public health infrastructure.

13 NCSL urges the administration and Congress to continue to support: (1) grants and
14 cooperative agreements to state and local governments for a broad range of public
15 health activities; and (2) research and technical assistance, which assists states in the
16 development and implementation of effective programs. In addition, NCSL supports
17 efforts to foster the development of public and private sector partnerships to increase
18 community accessibility to public health information and public health programs.

19 **Health Disparities**

20 HHS and its offices, institutes, and centers, should work with NCSL and state
21 policymakers to reduce and eliminate health disparities by: (1) identifying social
22 determinants which lead to health disparities; and (2) helping to create and enhance
23 standards for the collection and reporting of data on:

- 24 1. race, ethnicity, sex, primary language, disability status;
25 2. those living in rural, underserved metropolitan and frontier areas; and
26 3. other characteristics identified by the Secretary of HHS by federally-funded
27 health and health care programs in order to analyze and monitor health

28 disparity trends and develop promising practices and programs to eliminate
29 disparities, based on the data collected.

30

31 **Reporting Requirements** - NCSL believes reporting requirements are important, but
32 should be limited to requirements where there is a reasonable expectation that the data
33 will be used to: (1) analyze trends; (2) improve patient outcomes; (3) improve programs;
34 and (4) eliminate health disparities. In addition, efforts must be made to impose data
35 collection and reporting requirements in the least burdensome way possible.

36

37 **Funding** - NCSL urges the President and Congress to maintain funding to HHS,
38 including the CDC, OMH, and NIH, to:

- 39 1. support the continued efforts of the HHS Office of Minority Health’s National
40 Partnership for Action to End Health Disparities (NPA)’s efforts to mobilize a
41 nationwide, comprehensive, community-driven, and sustained approach to
42 combating health disparities, and;
- 43 2. continue support for the Regional Blueprints for Action, which aligns with the
44 National Stakeholder Strategy to help guide action at the local, state, and
45 regional levels;
- 46 3. augment outreach and other efforts targeting populations, including racial and
47 ethnic minorities, at higher risk of chronic diseases and illnesses;
- 48 4. provide quality and efficient care;
- 49 5. improve health outcomes;
- 50 6. increase cost-effectiveness;
- 51 7. meet legislative, organizational, and accreditation standards; and
- 52 8. develop additional evidence-based prevention and interventions targeting ethnic
53 and racial minorities.

54

55 **Clinical Trials and Research** - NCSL urges the federal government to make every
56 effort to include more women and minorities in clinical trials and other research
57 initiatives to improve health care strategies and programs and to eliminate disparities.

58

59 **Health Promotion and Disease Prevention**

60 NCSL urges the administration and Congress to continue to support public health
61 education initiatives that are culturally sensitive, language accessible, and age
62 appropriate,. It is imperative that these public health education initiatives integrate (1)
63 healthy lifestyle choices and (2) disease prevention messages and (3) strategies
64 targeted for all communities and ages as well as other specifically identified populations
65 within the community who have special healthcare concerns, needs and risks.

66 **Healthy and Responsible Lifestyle Choices** - NCSL supports programs that promote
67 voluntary healthy lifestyle choices and reduce high-risk behaviors through education,
68 counseling and, treatment, and encourages federal government to provide adequate
69 funding for these programs.

70

71 **Preventive Health and Health Services Block Grant** - NCSL urges Congress to
72 continue to support this program. Under this program, states are given maximum
73 flexibility to design and implement programs that meet the needs of their citizens.

74

75 **Preventive Health Screenings and Check-Ups** - NCSL urges Congress to increase
76 support for initiatives to promote regular preventive health screenings and check-ups.
77 NCSL is particularly supportive of efforts that provide information about and promote
78 screening for cardiovascular disease, dental disease, obesity, asthma, diabetes, and
79 cancer. NCSL also supports efforts to ensure that children receive age-appropriate
80 check-ups and screenings that include recommended childhood immunizations,
81 comprehensive dental, vision and hearing screenings, and recommended follow-up
82 treatment.

83

84 **Chronic Disease Management** - NCSL urges Congress to continue to support
85 initiatives that promote affordable access to care and the management of chronic
86 conditions such as obesity, cardiovascular disease, dental disease, diabetes, asthma,
87 kidney disease, mental health disorders, and a wide range of autoimmune diseases.

88 NCSL is supportive of initiatives that provide case management services to children with
89 one or more chronic conditions.

90

91 **Oral Health** - NCSL supports federal initiatives that promote oral health by encouraging
92 individuals to have regular check-ups and to practice good oral hygiene. These
93 initiatives should include educational activities that emphasize the importance of good
94 dental care to overall good health. NCSL supports efforts to increase access to quality,
95 affordable dental care, including initiatives to improve public and private sector
96 coverage of dental services, and improve oral health literacy within the public. NCSL
97 also urges HHS to provide states flexibility to develop innovative Medicaid dental
98 programs to increase access to and the utilization of oral health care services.

99

100 **Health Education for Health Care Professionals** - NCSL supports efforts to
101 encourage institutions that train health professionals to include in their curriculum a
102 greater emphasis on culturally competent health promotion and disease prevention
103 information.

104

105 **Access to Health Screenings and Disease Treatment** - NCSL supports efforts to
106 encourage insurers and other third-party payers, including Medicare and Medicaid, to
107 cover cancer screening tests. NCSL supports federal initiatives to improve coverage of
108 cancer screenings, tests, and treatments that have been shown based on evidence-
109 based evaluation to be beneficial for the population served.

110

111 **Technical Assistance to States to Improve the Quality, Capacity, and Access of**
112 **Mental Health Services** - NCSL urges HHS to provide technical assistance to states to
113 monitor and improve the provision of mental health services to adults and children and
114 to work with the medical community to develop guidance regarding behavior therapies
115 that may replace or be used in concert with medications to reduce the
116 dependence of on psychotropic medications as the primary or sole treatment.

117

118 **Mental Health Treatment of Children**

119 NCSL encourages the federal government to support efforts to:

- 120 1. develop treatment protocols to be used before advancing to pharmacotherapies;
- 121 2. offer guidance to the primary care community on the alternatives to
- 122 pharmacotherapies for mental illness in children; and
- 123 3. increase the pediatric mental health workforce.

124

125 **Vaccines and Immunizations**

126 **Childhood Immunizations** - NCSL supports efforts designed to increase the overall
127 number of children immunized and the use of alternative sites such as schools,
128 community health centers, or other community settings to deliver vaccines to children
129 when appropriate, cost effective, and convenient. NCSL urges the federal government
130 to increase public education initiatives designed to provide parents with the most up-to-
131 date information regarding recommended immunizations for children and supports
132 continued research to improve the safety and efficacy of childhood immunizations.
133 NCSL urges Congress and the Administration to work with states to ensure every child
134 receives the recommended childhood immunizations and to improve immunization
135 delivery, education, funding and other policies to help meet that goal over the long term.
136 Finally, NCSL asks Congress to continue to allow states to set child vaccine coverage
137 policy.

138 **Adult Immunizations** - NCSL urges Congress to continue efforts to increase the
139 number of adults who receive recommended immunizations and encourages continued
140 special efforts to ensure high-risk adults, young adults, and older adults receive all
141 recommended immunizations.

142

143 **Vaccine Supply** - NCSL urges the administration and Congress to provide or
144 appropriate sufficient funds to maintain a reasonable stockpile of pediatric
145 immunizations and vaccine, seasonal influenza vaccine and vaccines that may be used
146 during a pandemic so that everyone who needs an immunization can be served.

147

148 **Workplace Safety and Health Care Workers**

149 **Occupational Hazards/Workplace Safety** - NCSL urges the federal government to
150 increase awareness of occupational hazards and ways to avoid accidents in the
151 workplace. Information must be provided to employers and employees and should be
152 included in the national effort to emphasize health promotion and disease prevention.
153

154 **Pandemic and All-Hazards Preparedness**

155 State and local governments are the first line of defense against acts of bioterrorism and
156 other public health emergencies. State legislators are committed to enhancing the ability
157 of their states to prepare for and respond to these events. A strong partnership between
158 states, the federal government, and other public and private non-profit entities is the
159 best way to accomplish this goal. NCSL urges to the administration and Congress

- 160 1. provide states, territories, and the District of Columbia with direct, sufficient and
161 stable funding to enable them to continue to build and maintain an infrastructure
162 to support ongoing efforts to respond to bioterrorism and other public health
163 emergencies;
- 164 2. pass federal funds through the states for distribution to local governments,
165 hospitals and other entities, permitting state officials to take the lead in planning
166 on a regional and statewide basis and utilize federal funds in the most efficient
167 and effective way;
- 168 3. require grantees to collaborate with their respective states and coordinate all of
169 their activities with the state plan;
- 170 4. provide states the flexibility necessary to meet their diverse needs and priorities;
- 171 5. build upon existing national and state efforts;
- 172 6. ensure that regulations and requirements imposed on states are accompanied by
173 sufficient funding and deadlines to support implementation, both immediately
174 and in the long term; and
- 175 7. authorize the appropriate federal official to temporarily waive or modify the
176 application of federal laws that may impede implementation of state plans during
177 a bioterrorist attack or other public health emergency.

178

179 **Public Health and the Environment**

- 180 • **Lead Poisoning** - NCSL supports federal efforts to prevent and detect lead
181 poisoning in children. and the environment NCSL urges the federal
182 government to continue to assist state and local health officials in addressing
183 this serious health care problem.

184

185 **Vector-Borne Illness** - NCSL supports the efforts of the CDC to abate vector-borne
186 illness, including-Chikungunya, Eastern equine encephalitis virus (EEEV), Lyme-
187 Disease, Malaria, Rocky Mountain spotted fever, and West Nile Virus, and Zika
188 virus—by:

- 189 1. providing training and assistance to front-line disease surveillance
190 and response staff;
191 2. offering clinical education programs;
192 3. collaborating with state and local health departments; and
193 4. providing funding to states to support epidemiology and response activities
194 addressing vector-borne disease.

195

196 **Maternal and Child Health**

- 197 ▪ **Maternal and Child Health (MCH) Block Grant** - The MCH block grant allows
198 states to meet a broad range of health services for mothers and children.
199 NCSL supports the MCH block grant and urges Congress to continue to
200 provide adequate funding. NCSL opposes efforts to transfer program
201 responsibilities to the MCH block grant without the funding to accompany it,
202 thereby reducing the funding available to functions currently funded through
203 the block grant.

204

205 **The Maternal, Infant and Early Childhood Home Visiting Program (MIECHV)** –
206 The MIECHV program facilitates collaboration and partnership at the federal, state,
207 and community levels to improve the health of at-risk children through evidenced-
208 based home visiting programs. NCSL supports community-based, state-federal

209 partnerships and initiatives that working with parents and caregivers provides a
210 supportive environment to:

- 211 1. improve maternal and child health;
- 212 2. promote healthy child development and school readiness;
- 213 3. improve parenting skills; and
- 214 4. prevent child abuse and neglect.

215

- 216 ▪ NCSL urges Congress to continue financial support for the MIECHV program
217 and to provide state flexibility in the administration of the program based on
218 needs assessments that identify community and family vulnerabilities.

219

220 **Universal Newborn Screening** - The Universal Screening program provides
221 competitive grants to states for the implementation of a national program of universal
222 newborn screening ,that includes using a few drops of blood from a newborn’s heel
223 within 24-48 hours after birth to screen for certain genetic, endocrine and metabolic
224 disorders, as well as newborn hearing screening. Newborn hearing screening consists
225 of: (1) physiologic testing prior to hospital discharge; (2) audiologic evaluation by three
226 months of age; and (3) entry into a program of early intervention by six months of age.
227 NCSL supports the State Universal Newborn Screening program and urges Congress to
228 continue to provide adequate funding. NCSL supports the autonomy of each state to
229 execute its state screening program and supports federal efforts that incentivize states
230 to screen for every disorder included on the federal Recommended Uniform Screening
231 Panel (RUSP) and to include new conditions added to the RUSP in the future to the
232 state screening panel in a timely manner.

233

234 **Teen Pregnancy Prevention** - The federal government offers a range of programs and
235 supports to state governments to help reduce teen pregnancies recognizing that state,
236 tribal, and local governments are best situated to determine the best programs for their
237 constituents. NCSL supports the full range of programs available to state, tribal, and
238 local governments and researchers to help prevent unplanned teen pregnancies. NCSL
239 supports continued funding for these critically important programs.

1 **COMMITTEE: HEALTH AND HUMAN SERVICES**

2 **POLICY: SOCIAL SECURITY DISABILITY INSURANCE**

3 **TYPE: DIRECTIVE**

4 The National Conference of State Legislatures (NCSL) continues to support the Social
5 Security Disability Insurance (SSDI) program which provides needed income and
6 medical support for disabled Americans. NCSL is particularly supportive of: (1)
7 initiatives to accelerate the disability determination and appeals process and to assure
8 that individuals with intellectual disabilities have effective access to the appeals
9 process; (2) the Compassionate Allowance process that identifies conditions that are
10 almost certain to qualify an individual for SSDI coverage, shortening the eligibility
11 process; and (3) continued improvements to the Ticket to Work program.

12

13 With only a few exceptions, individuals who become eligible for SSDI due to a severe
14 disability must wait two years before they become eligible for Medicare. These can be
15 individuals who are severely ill with almost no health care coverage options. The
16 provisions of the Patient Protection and Affordable Care Act that become effective in
17 2014 may help some SSDI beneficiaries receive Medicare coverage, but coverage gaps
18 could continue for many. NCSL recommends that the Congress consider waiving the
19 waiting period in some cases.

1 **COMMITTEE:** **HEALTH AND HUMAN SERVICES**
2 **POLICY:** **SOCIAL SERVICES AND SUPPORTS FOR**
3 **FAMILIES AND INDIVIDUALS**
4 **TYPE:** **DIRECTIVE**

5 **Social Services Block Grant (SSBG)**

6 NCSL urges the federal government to:

- 7 • Fund the Social Services Block Grant (SSBG) at the level agreed to as part of
8 the enactment of the 1996 welfare reform act, \$2.8 billion.
- 9 • Keep the amount states can transfer from their TANF grants to the SSBG
10 remains at least 10% and is not reduced. SSBG funds programs that
11 complement TANF's goal of self-sufficiency. Further reductions in funding for this
12 grant would mean programmatic losses and service reductions.
- 13 • Avoid imposing federal earmarks or set-asides within the SSBG.

14

15 NCSL opposes:

- 16 • Earmarking SSBG for any of the populations served by the block grant.

17

18 Finally, if Congressional proposals to substantially reduce or eliminate funding for SSBG
19 are enacted, state maintenance of effort requirements related to expected expenditures
20 from SSBG, must be removed or modified.

21

22 **Community Services Block Grant**

23 NCSL supports full funding and reauthorization of the Community Services Block Grant
24 Act. NCSL also supports efforts to improve program effectiveness and to measure
25 program performance and effectiveness.

26 **Low Income Home Energy Assistance Program (LIHEAP)**

27 NCSL also supports:

- 28 • The use of interest subsidized loans to assist households to weatherize their
29 homes.
- 30 • Funding at the highest authorized level for this program.
- 31 • Finally, NCSL supports federal efforts to ensure the following are maintained in
32 the LIHEAP program:
 - 33 ○ Including all states in the funding allocation formula,
 - 34 ○ Affording states the flexibility to shape the program in a way which best
35 suits the needs of its citizens and maintains strong state oversight of such
36 programs,
 - 37 ○ Targeting assistance to households with the lowest incomes and to
38 households with infant, elderly and/or disabled members,
 - 39 ○ Authorizing states to draw down program funds on an as needed basis,
 - 40 ○ And prohibiting counting energy assistance payments as income for the
41 purpose of determining eligibility and/or benefit levels in other public
42 assistance programs.

1 **COMMITTEE: HEALTH AND HUMAN SERVICES**

2 **POLICY: ADDRESSING HEALTH WORKFORCE**
3 **SHORTAGES TO HELP RURAL AND**
4 **UNDERSERVED POPULATIONS**

5 **POLICY TYPE: DIRECTIVE**

6 NCSL supports federal efforts to address health workforce shortages. In particular:

7 **National Health Services Corps**

8 NCSL urges Congress through the National Health Service Corps (NHSC) programs to:

- 9 1. develop additional mechanisms to recruit and retain minority participants;
- 10 2. augment informal efforts to match communities with specific cultural traditions
11 with health care providers with shared cultural experiences, or who are
12 specifically trained in culturally diverse community-based systems of care;
- 13 3. increase and formalize efforts to recruit and place health professionals who
14 represent racial and ethnic minorities in communities who request them;
- 15 4. improve training to encompass cultural competency that considers
16 geographical/regional differences that may affect the health delivery system;
- 17 5. more directly involve communities in the recruitment, selection and retention of
18 health care professionals through community sponsorships;
- 19 6. increase the emphasis on public/private partnerships, including faith-based
20 institutions, to enhance community involvement and contractual arrangements
21 with independent health care providers;
- 22 7. develop programs to assist remote communities, those too small for community
23 health centers, but large enough to need assistance in obtaining primary health
24 care for its citizens; and
- 25 8. provide technical assistance to states and local communities in implementing
26 NHSC programs and maximizing resources.

27
28 **The Conrad 30 State J-1 Visa Program**

29 NCSL urges Congress to:

- 30 ▪ Permanently authorize the Conrad 30 State J-1 Visa program;
- 31 ▪ Make additional waivers in states for academic medical centers;
- 32 ▪ Increase the current cap on the number of visa waivers per state;
- 33 ▪ Allow physicians who work in underserved areas for five years (three of which
- 34 could be through the Conrad 30 program) would be eligible for a green card
- 35 through the physician National Interest Waiver (NIW) program and exempt from
- 36 the worldwide cap on employment-based green cards;
- 37 ▪ Allow physicians who serve in Conrad 30 "flex" spots to be eligible for the
- 38 National Interest Waiver (NIW) green card program.
- 39 ▪ Allow physicians who enter the country on a J visa to receive graduate medical
- 40 education or training with the intent to immigrate permanently; and
- 41 ▪ Allow spouses and children or physicians on J visas to be exempt from the two-
- 42 year home country return requirement.

43

44 **HRSA Health Professions Grants and Cooperative Agreements**

45 The Health Resources and Services Administration (HRSA), through a number of grants
46 and cooperative agreements, supports innovations and targeted expansions in health
47 professions education and training. Most of these programs focus on: (1) increasing the
48 diversity of the health care workforce; (2) preparing health care providers to serve
49 diverse population; and (3) preparing health care providers to practice in the nation's
50 medically underserved communities. NCSL urges Congress to continue to support
51 these important programs.

52

53 **Community Health Centers, Rural Health Centers and Federally-Qualified Health** 54 **Centers**

55 NCSL urges Congress to continue its support of community health centers, rural health
56 centers and Federally Qualified Health Centers and similar and related facilities play
57 critical role in the health care safety net.

58

59 NCSL urges Congress to adopt legislation that amends the Public Health Service Act to
60 deem a health professional volunteer providing primary health care to an individual at a

61 community health center or rural health center to be an employee of the Public Health
62 Service for purposes of any civil action that may arise from providing services to
63 patients.

64

65 This protection would apply when:

- 66 1. the service is provided to the individual at a community health center or rural
67 health center through offsite programs or events carried out by the center; and
- 68 2. the health care practitioner does not receive any compensation for providing the
69 service, except repayment for reasonable expenses.

70

71 **Rural Health Programs and State Rural Health Offices**

72 NCSL urges Congress to:

- 73 • Support discretionary rural health programs that provide important health service
74 support and resources to rural and remote areas of the country. Programs
75 include, but are not limited to:
 - 76 ○ Rural health outreach grants
 - 77 ○ Rural health research program
 - 78 ○ Rural health flexibility grants
 - 79 ○ Telehealth programs

80 NCSL urges Congress to continue its support of the State Office of Rural Health
81 Grant Program. Today's state offices provide an institutional framework that links
82 small rural communities with state and federal resources and develops long-term
83 solutions to rural health problems. States have become a major agent for change in
84 rural health policy and service delivery, due in part to the work performed by the
85 state rural health offices.

86

87 **Workforce Training**

88 NCSL urges Congress to consider legislation that will promote cultural competency
89 training for health care providers, thus helping to decrease the racial, ethnic, gender
90 language, disability and socio-economic disparities apparent today within health care.

1 **COMMITTEE: HEALTH AND HUMAN SERVICES**

2 **POLICY: VETERAN'S HEALTH**

3 **TYPE: DIRECTIVE**

4 NCSL supports federal initiatives to improve the accessibility and quality of health care
5 services to U.S. veterans and their families. NCSL is particularly supportive of efforts to:

- 6 ▪ increase access to health care services to veterans and their families;
- 7 ▪ improve and expand mental health services both in person and remotely;
- 8 ▪ provide assistance to veterans and their families regarding the range of health
9 care services available to them and the appropriate means of accessing the
10 services;
- 11 ▪ expand and improve services to veterans who are amputees, who have
12 traumatic brain injuries or other conditions or injuries sustained during active
13 duty. NCSL urges the Department of Defense and the Department of Veterans
14 Affairs to work closely with state and local governments to when they can
15 assist in the implementation of these initiatives, including sharing information
16 with state Veteran’s Departments regarding the status of veterans residing in
17 the state;
- 18 ▪ improve the operation of the Veterans Health Administration.

19

20 **Extension of TRICARE Prime to Veterans in the U.S. Commonwealths and**
21 **Territories**

22 NCSL supports the extension of TRICARE prime to American Samoa, Guam, the
23 Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico and
24 the Virgin Islands.

1 **COMMITTEE:** **HEALTH AND HUMAN SERVICES**
2 **POLICY:** **GENERAL GUIDING PRINCIPLES: FEDERALISM**
3 **AND HEALTH, HUMAN SERVICES (HHS),**
4 **MEDICAID AND CHIP PROGRAMS**

5 **TYPE:** **RESOLUTION**

6 **Guiding Principles:**

7 The underlying goal of the Medicaid program should be to achieve mutually agreed
8 upon goals, improved outcomes for patients, and flexibility in administration of programs
9 and savings for states, territories and local governments. NCSL supports accountability
10 and transparency from their federal partners and welcomes public feedback and
11 participation in Medicaid oversight and we also understand that flexibility requires
12 accountability and transparency on their part. We ask the federal government to
13 consider that not all state legislative sessions are on a year-round basis, and ask them
14 to be sensitive to state, territories and local governments' legislative schedules and
15 resources when making changes to Medicaid programs.

16 NCSL also urges Congress and the Administration to seek the counsel and expertise of
17 state and territory legislators as new Medicaid initiatives are being developed. It is
18 important that federal agencies take the state and territory consultation requirement
19 seriously when drafting legislation and regulations to implement changes. Federal
20 partners must give states a fair amount of time to review and ultimately implement any
21 new changes. We also caution against uniform proposals and changes as they can
22 compromise the effectiveness of programs by making it difficult for states and territories
23 to respond to local conditions.

24 **Medicaid Landscape:**

25 NCSL sees the following Medicaid issues as most pertinent to states, territories and
26 local governments:

27 **Block Grant and Cost Shifting Proposals:**

28 When Congress and the Administration are exploring block grant programs, flexibility
29 needs to be a key principle. Any proposals should refrain from establishing unfunded
30 mandates and any cost shifting requirements for implementing a block grant program in
31 states and territories.

32 **Waivers:**

33 NCSL supports Congress and the Administration in their ongoing efforts to grant
34 waivers, where appropriate, and in permitting states and territories to develop innovative
35 programs and service-delivery systems in health, and human services. Successful
36 waiver programs should be brought to scale and integrated into the underlying program
37 when appropriate and encourages federal efforts to streamline waiver applications,
38 reviews and approvals.

39 **Emergency Assistance and Countercyclical Assistance:**

40 NCSL urges Congress to study options to include a provision establishing emergency
41 and countercyclical assistance to states within the Medicaid statute. The provision
42 would become effective upon some triggering event, such as an economic downturn,
43 natural disaster, act of terrorism, pandemic or other public health emergency. In these
44 instances, it would be recommended to add any additional financial assistance to states
45 and territories through an enhanced federal match or some other mechanism that would
46 revert to the regular federal-state cost sharing formula when an emergency has been
47 resolved. This is a complex, but critical component to fiscal security for the Medicaid
48 program. NCSL looks forward to working with federal partners to identify options and
49 establish a program.

50 **Medicaid Managed Care:**

51 NCSL urges the Centers for Medicaid and Medicare Services (CMS) to work with states
52 and territories as stakeholders to continue to provide support in the operation and
53 upholding of quality standards for Medicaid managed care entities contracting with
54 states and territories.

55 NCSL encourages federal partners to recognize and support the work of states and
56 territories with their Medicaid managed care stakeholders in the following areas:

- 57 ▪ Expanding care to those with complex medical needs,
- 58 ▪ improving reach and support for rural health care populations,
- 59 ▪ improving the implementation of patient-centered care and facilities,
- 60 ▪ increased integration of physical and behavioral health care services,
- 61 ▪ continued development of value-based purchasing and payments focusing on health
- 62 outcomes over number of services delivered, and
- 63 ▪ the role of community health centers, safety-net hospitals and academic medical
- 64 services in providing primary and emergency care for Medicaid enrollees.

65

66 **Children’s Health Insurance Program (CHIP):**

67 As a partnership between the states and the federal government, CHIP is an essential
68 program that must be authorized on time as it provides health care coverage to
69 countless children across the country. NCSL also encourages the federal government to
70 continue providing flexibility to carry out the program’s operation. Therefore, NCSL
71 supports Congress’ multi-year authorization of CHIP funds moving forward.

72 As CHIP funding winds down from its previously increased Federal Medical Assistance
73 Percentages (FMAP) rate to participating states and territories, we encourage federal
74 partners to recognize states may require additional flexibilities for running the CHIP
75 program as a result. As these FMAP rates come back down to their original rates, and
76 the CHIP maintenance-of-effort (MOE) runs to ensure a source of health care cover for
77 children, NCSL recommends the following for the program:

- 78 ▪ support for states to develop and test systems of coverage for low-income children
- 79 and explore ways for states to share examples of best practices with each other,
- 80 ▪ eliminate any burdensome waiting periods for CHIP enrollment to ensure a reduction
- 81 in gaps of coverage for children, and
- 82 ▪ continued efforts to streamline and facilitate the CHIP and Medicaid application
- 83 process.

84

85 **Principles for Federal Health Insurance Reform**

86 States should regulate health insurance and should continue to set and provide
87 oversight on insurance matters. NCSL opposes any proposals that would expand the
88 preemption of state laws and regulations beyond those already established in the
89 Employee Retirement Income Security Act of 1974 (ERISA), the Patient Protection and
90 Affordable Care Act (ACA), and that would exempt any insurer or entity from state
91 health insurance standards and laws. Federal health insurance legislation that
92 establishes mandated benefits or uniform standards, should have inclusive state
93 feedback prior to implementation, and work to establish standards that work for all
94 states.

95 **Implementations of Health Reforms at the Federal Level:**

96 Any implementation of health reforms at the federal level should require state action to
97 comply and must allow a reasonable amount of time for state legislatures to debate and
98 enact any necessary legislation for their constituents. Where states already have similar
99 legislation in place, a process for declaring "substantial compliance" should also be
100 developed. Federal partners should also recognize health insurance programs in the
101 states and territories are where innovations in health insurance and healthcare delivery
102 happen and to utilize states models of health insurance and care moving forward.

103 **Federal Demonstration Authority for States to Experiment with Innovative Health** 104 **Care Reform Initiatives**

105 NCSL supports federal initiatives to provide financial assistance and to authorize states
106 to experiment with innovative approaches to:

- 107 ▪ increase access to and affordability of health care services, including mental health,
108 to the uninsured or underinsured,
- 109 ▪ improve the quality and cost-effectiveness of our health care system and the flexibility
110 to test new models that do so,
- 111 ▪ increase access to the broad range of long-term care services including home and
112 community-based services (HCBS) that will enable constituents to live in their own
113 homes or communities that provide personalized and a high-quality care,

- 114 ▪ support for health insurance plans that work to integrate physical, behavioral and
115 social determinants of health with the aim of reducing costs and improving overall
116 health outcomes for individuals, and
- 117 ▪ explore a broad range of approaches and financing mechanisms to improve our
118 health care system including reinsurance programs.
- 119 ▪ Allow states to continue their work on addressing issues which include but are not
120 limited to surprise medical billing, out-of-network and in-network billing practices and
121 transparency for health care prices and health insurance plans and/or Certificate of
122 Need regulated by states. This includes programs providing patients with the
123 information they need to be an active consumer in healthcare pricing across
124 providers and services. We also encourage federal partners as they pursue any
125 changes to medical billing practices to not supersede states ongoing work or
126 authority in state regulated health plans, and to involve states in a timely way when
127 drafting any potential changes to medical billing practices and transparency along
128 with adequate time to states to implement any changes.

1 **COMMITTEE:** **HEALTH AND HUMAN SERVICES**
2 **POLICY:** **SUPPORTING REAUTHORIZATION OF THE**
3 **CHILD NUTRITION ACT**
4 **TYPE:** **RESOLUTION**

5 **WHEREAS**, state legislators are committed to improving the health, academic performance
6 and overall well-being of America's children through the reauthorization of the Child
7 Nutrition Act; and

8

9 **WHEREAS**, federal child nutrition programs are critical for our nation's health, economy
10 and national security; and

11

12 **WHEREAS**, regular access to healthy and affordable meals has been proven to be one of
13 the strongest predictors of improved school performance, improved health and sound
14 childhood development; and

15

16 **WHEREAS**, research shows that childhood hunger and food insecurity have a range of
17 negative impacts on the health, academic performance and overall well-being of children;
18 and

19

20 **WHEREAS**, school nutrition programs offer the opportunity to provide healthy food and
21 improve dietary quality for students who may otherwise not eat; and

22

23 **WHEREAS**, school meals can also have a positive impact on grades, absences and
24 tardiness among students; and

25

26 **WHEREAS**, the COVID-19 pandemic led to a dramatic spike in the rate of children
27 experiencing hunger and food insecurity, peaking at 18% of families with children reporting
28 their household did not have enough to eat in December 2020 according to the Center on
29 Budget and Policy Priorities, and also created challenges to safely accessing child nutrition
30 programs; and

31
32 **WHEREAS**, the COVID-19 pandemic has caused an ongoing increase in the scope and
33 scale of children experiencing hunger and food insecurity with the most recent estimates
34 from Feeding America showing that 13 million may face hunger in 2021 compared with the
35 11 million who experienced hunger in 2019 according to USDA (an all-time low); and

36
37 **WHEREAS**, substantial racial and ethnic disparities in food insecurity exist among parents
38 of school-age children. Approximately 4 in 10 families with parents who are Hispanic/Latino
39 (39.1%) and parents who are Black (40.8%) reported food insecurity in the prior 30 days,
40 almost triple the rate of families with white parents (15.1%).

41
42 **WHEREAS**, the child nutrition programs are the front line of defense against childhood
43 hunger and food insecurity, promoting healthy eating and providing healthy, nutritious food
44 for the nation's children through the National School Lunch Program (NSLP), School
45 Breakfast Program (SBP), Summer EBT for Children (SEBTC), Pandemic-EBT, the
46 Community Eligibility Provision (CEP), and Special Supplemental Nutrition Program for
47 Women, Infants, and Children (WIC); and

48
49 **WHEREAS**, millions of children depend on these programs, including the 21.5 million low-
50 income children who participated in the school lunch program and the 12.4 million who
51 participated in the school breakfast program in the 2018-2019 school year, as well as the
52 6.3 million mothers and children who received food and nutrition education through WIC
53 and 2.8 million children who ate summer meals in 2019; and

54
55 **WHEREAS**, the SEBTC Program reaches children who most need additional food support
56 over summer and school breaks and is proven to reduce food insecurity among children;
57 and

58
59 **WHEREAS**, non-congregate meal delivery options were especially critical in distributing
60 meals to children in rural and hard to reach communities, or where transportation

61 challenges make it difficult for programs to distribute meals at a localized site; and

62

63 **WHEREAS**, the CEP program promotes equity and reduces stigma for families, and has
64 been proven to reduce hunger and improve student outcomes; and

65

66 **WHEREAS**, P-EBT, a temporary program providing a grocery benefit to children who have
67 lost access to free and reduced priced meals at school due to COVID-19, has been highly
68 effective at reducing food insecurity; and

69

70 **WHEREAS**, a proven barrier to continued participation in the WIC Program is unavailability
71 of remote appointments, short certification periods, and lack of flexibility in food
72 purchasing, ordering, and delivery; and

73

74 **WHEREAS**, the Healthy, Hunger Free Kids Act of 2010 has improved the nutritional
75 standards for school nutrition programs and as a result, kids have access to increased
76 fruits, vegetables and whole grains but less sugars, fats and sodium, and that Congress
77 has the opportunity to ensure that children continue to have access to nutritious and quality
78 meals to help prevent childhood hunger and obesity; and

79

80 **WHEREAS**, Congress has a unique opportunity to improve access and nutrition for millions
81 of children, particularly low-income children, through the 2021 Child Nutrition
82 Reauthorization (CNR) bill, by making permanent the COVID-19 waiver flexibilities that help
83 to better reach children and by including provisions that would increase access and reach
84 more kids through streamlining, reducing administrative burdens, and providing program
85 flexibility, giving them the access to quality meals that they have during the school year;
86 and

87

88 **WHEREAS**, an adequately funded and evidence-based reauthorization bill can reduce
89 childhood hunger and food insecurity in America, help reduce childhood obesity, improve
90 child nutrition and health, and enhance healthy child development and school readiness;

91 allowing children to reach their full potential; and

92

93 **NOW, THEREFORE, BE IT RESOLVED**, that the National Conference of State
94 Legislatures urges Congress to protect, strengthen and improve the child nutrition
95 programs through a Child Nutrition and WIC Reauthorization Act that builds on the Healthy,
96 Hunger Free Kids Act of 2010 to ensure that children continue to have access to nutritious
97 meals throughout the year; and

98

99 **BE IT FURTHER RESOLVED**, that the National Conference of State Legislatures urges
100 Congress to permanently authorize the operation of the SEBTC program, make program
101 funding mandatory and expand the reach of the program to kids eligible for free or reduced-
102 price school meals in all states, tribal nations and localities in order to close the summer
103 meals gap; and

104

105 **BE IT FURTHER RESOLVED**, that the National Conference of State Legislatures urges
106 Congress to allow for more flexibility around where children are able to access and eat
107 summer meals, by allowing for non-congregate models in communities where summer
108 meals sites are not available and lowering the threshold required to operate sites open to
109 all children; and

110

111 **BE IT FURTHER RESOLVED**, that the National Conference of State Legislatures urges
112 Congress to expand the well-documented benefits of CEP, which allows schools to serve
113 meals at no charge to all students if enough are identified as qualifying for other assistance
114 programs, by lowering the minimum identified student percentage (ISP), increasing the ISP
115 multiplier, expanding direct certification with Medicaid data nationwide, and supporting the
116 improvement of direct certification systems; and

117

118 **BE IT FURTHER RESOLVED**, that the National Conference of State Legislatures urges
119 Congress to permanently authorize the P-EBT system beyond the COVID-19 pandemic,
120 allowing authorities to quickly deliver increased nutritional aid during times of crisis; and

121

122 **BE IT FURTHER RESOLVED**, that the National Conference of State Legislatures urges
123 Congress to increase the flexibility of WIC appointments through increased access to
124 remote appointments and extended certification periods as well as to support equitable
125 access to the WIC food package through modernization efforts that increase access to
126 online ordering, online purchasing, and delivery; and

127

128 **BE IT FURTHER RESOLVED**, that the National Conference of State Legislatures urges
129 Congress to invest in the ability and resources of states to provide access to healthy and
130 affordable meals before, during and after school for all children, all year long; and

131

132 **BE IT FURTHER RESOLVED**, that the National Conference of State Legislatures urges
133 Congress to protect, strengthen and improve the child nutrition programs through a Child
134 Nutrition and WIC Reauthorization Act that builds on the Healthy, Hunger Free Kids Act of
135 2010 to ensure that children continue to have access to nutritious meals throughout the
136 year; and

137

138 **BE IT FURTHER RESOLVED**, that the National Conference of State Legislatures supports
139 the enactment of a Child Nutrition and WIC Reauthorization Act that ensures low income
140 children's improved access to and participation in child nutrition programs, and, that it
141 includes the policy goals stated above.

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

2 **POLICY: CRIMINAL JUSTICE**

3 **TYPE: POLICY DIRECTIVE**

4 It is the policy of the National Conference of State Legislatures to advance and defend a
5 balanced, dynamic criminal justice partnership between governments at the local, state,
6 and federal levels while preserving traditional areas of state authority in this area of the
7 law.

8
9 NCSL urges Congress and the Administration to avoid federalizing crime policy and
10 substituting national laws for state and local policy decisions affecting criminal and
11 juvenile justice. Federal jurisdiction should be reserved for areas where a national
12 problem has been identified and states are unable to adequately provide solutions due
13 to scope, or is required to protect federal constitutional rights. The federal government
14 should partner with states to examine ways to avoid unnecessary preemption of state
15 laws; and should strive to maintain its current financial commitments to existing state-
16 federal partnership programs.

17
18 NCSL believes that federal actions must recognize that states and local governments
19 have the predominant responsibility to ensure public safety and the administration of
20 justice, and must adhere to fundamental principles of federalism in all areas of criminal
21 justice, including but not limited to:

22
23 **Improvement of the Structure of State Criminal Justice Systems**

24 NCSL urges the federal government to include states in the development stages and on
25 the board of any commissions or task forces that work to improve or review state
26 criminal justice structures. NCSL insists that the federal government not infringe on the
27 legitimate rights of the states to determine their own criminal laws, but shall include
28 them in the process of working to create better state criminal justice systems overall.

29 As states strive to improve policies and practices related to criminal justice, NCSL

30 supports direct participation by state policymakers in any federal policy efforts or
31 proposed legislation to redefine how those relationships should be strengthened.

32

33 **Federal Financial Assistance**

34 States continue to improve criminal justice systems and policies and recognize that
35 federal funding is sometimes necessary to implement state reforms in this area.

36 Funding levels for Department of Justice grants and reimbursements to states should
37 be maintained or increased. These programs include the Edward Byrne Memorial
38 Justice Assistance Grant (Byrne JAG) grant program, the Second Chance Act grant
39 program, the State Criminal Alien Assistance state reimbursement program (SCAAP),
40 the Violence Against Women grant programs (VAWA), and the Community Oriented
41 Policing Services grant programs (COPS). NCSL also supports any other federal grant
42 program that seeks to assist states in addressing state criminal justice issues, such as
43 school violence or opioid abuse reduction.

44

45 NCSL opposes Congressional proposals or federal regulations that would withhold a
46 portion of state Byrne/JAG funds, COPS funds, SCAAP funds, or any other state
47 criminal justice funds as a penalty for noncompliance with federal criminal justice
48 policies. NCSL opposes the withholding of any federal criminal justice funding as a
49 penalty for state policy choices. NCSL urges the federal government to respect state
50 criminal justice priorities and advance change through partnerships rather than
51 mandates. Where new federal grant programs to states are created, NCSL maintains
52 that funding should be directed to states rather than pass directly to local governments.

53

54 **Sex Offender Registration**

55 NCSL opposes federal mandates concerning registration of sex offenders, in particular
56 those contained in the Title I SORNA provisions of the Adam Walsh Child Protection
57 and Safety Act of 2006. The mandates imposed by this Act are not only preemptive, but
58 they are also inflexible and, in some instances, not able to be implemented by states.
59 States should be permitted to classify and penalize sex offenders and establish
60 registration and notification requirements in accordance with their own state laws,

61 particularly with respect to juveniles. States should define and decide which juvenile
62 offenders meet criteria for sex offender registration and be afforded the flexibility to
63 implement state procedures that best address this population.

64
65 The federal government should provide technological support and federal funding
66 assistance to states with regard to sex offender registration and public notice systems,
67 including cooperation with the federal National Sex Offender Public Website (NCOPW).
68 NCSL supports frequent and meaningful communication between the Department of
69 Justice and state policymakers and implementing agencies so that information on
70 procedures that meet or fail to meet federal guidelines and statutory requirements are
71 effectively conveyed to the states.

72
73 NCSL urges the federal government to interpret “substantial compliance” as called for in
74 the SORNA provisions of the Adam Walsh Act to allow state flexibility for matters such
75 as tier systems, retroactivity, and juvenile registration, and allow for substantial
76 implementation as long as a state’s compliance efforts have not frustrated the primary
77 purpose of the Act. NCSL calls upon the federal government to exercise the utmost
78 flexibility in determining whether to penalize states that are working in good faith toward
79 compliance with federal law. States should not be responsible and penalized for
80 absence of compliance by sovereign tribal jurisdictions.

81

82 **Juvenile Justice**

83 States must preserve authority to determine which juveniles involved with the justice
84 system are treated like adults, under what circumstances, and for how long, with regard
85 to sex offender registration and all other matters of juvenile and criminal justice policy.

86

87 NCSL supports the goals of the Juvenile Justice and Delinquency Prevention Act, and
88 urges the federal government to provide state flexibility in achieving these objectives.
89 NCSL also supports the role of the federal government in providing states with financial
90 resources to strengthen juvenile justice systems. This includes federal funding for state
91 juvenile justice programs. Federal involvement should be confined to providing grants

92 and technical assistance to states that facilitate effective juvenile justice policies; and
93 the federal government should not attach mandates to the receipt of related federal
94 funds, but should encourage states to implement effective policies and techniques for
95 addressing juvenile delinquency, crime and justice.

96

97 **Drug Control**

98 NCSL supports a strong intergovernmental partnership to fight the illegal use of drugs;
99 and asks that development of broad federal drug control strategies seek and include
100 NCSL and other state and local consultation. NCSL supports a balanced federal
101 approach for interdiction, law enforcement, prevention, education and treatment. NCSL
102 encourages the federal government to take a proactive role in securing United States
103 borders against importation of illicit drugs; substance misuse and in detection and
104 deterrence of interstate drug trafficking, including cooperation with state and local law
105 enforcement. While money for law enforcement is critical, federal dollars also should
106 help support diversion, treatment and prevention efforts, including but not limited to
107 interdisciplinary drug court funding unaccompanied by testing or other mandates.

108

109 NCSL supports federal demonstration, funding and training roles that assist states in
110 implementation and use of modern information systems that aid in detection and
111 prevention of drug abuse, and for remediation of sites that have been used in illegal
112 drug manufacture. NCSL encourages federal leadership and resources that assist state
113 and local governments in other activities that address education, prevention,
114 enforcement, and treatment related to illicit drugs, substance misuse, and emerging
115 drug threats, including but not limited to synthetic drugs and opioid abuse. NCSL
116 opposes federal mandates or other preemptive policies with regard to addressing drug
117 abuse and related drug crimes.

118

119 **Sentencing, Corrections and Recidivism Reduction**

120 Federal jurisdiction for crimes also covered under state law can create competition to
121 escalate punishments and build more prisons. This competition is shortsighted,
122 expensive and unnecessary. The national government should refrain from making

123 federal crimes of state offenses or from enhancing sentences for crimes that are more
124 properly the domain of states. NCSL supports federal leadership and funding for state
125 reentry and reintegration initiatives and criminal justice reinvestment approaches. These
126 initiatives assist states in addressing recidivism, reentry, and healthy communities.
127 State and local governments should be afforded maximum flexibility in using federal
128 funds that support criminal justice systems, including but not limited to drug treatment
129 and mental health services. NCSL opposes any legislation that would restrict state
130 flexibility in sentencing and corrections policy. NCSL recognizes the importance of
131 resources to address the mental health and substance misuses cases facing many
132 states and local communities. NCSL urges the federal government to address federal
133 expungement requirements which can impede reentry and job security.

134
135 NCSL also supports full funding of the Second Chance Act which provides grants to
136 states that are used to promote the safe and successful re-integration of individuals who
137 have been incarcerated. This in turn reduces recidivism, increases public safety and
138 assists states in better responding to the growing numbers of people released from
139 prisons and jails who are returning to the community.

140
141 The issues surrounding the creation of sound state policy with respect to justice
142 involved individuals with behavioral health needs is of growing importance to states.
143 NCSL supports federal legislation that would enhance state research and
144 implementation of sound policies that address behavioral health needs of justice-
145 involved. NCSL supports federal legislation that seeks to enhance state treatment
146 courts (mental health courts, drug courts, and veteran's courts), training for state
147 professionals that work with the justice involved with behavioral health needs, and
148 funding that will complement state innovative programs in this area.

149
150 **Crime Records and Information**

151 NCSL supports such state-federal information systems and sharing partnerships in the
152 states; and asserts that records available via such systems should continue to be
153 predominately state-maintained and that state policies for dissemination of those

154 records should be recognized and adhered to under the systems. NCSL supports
155 federal assistance in improving state criminal history records and related information
156 systems. NCSL opposes preemption of state authority related to crime records and
157 information.

158

159 NCSL supports the use of all federal databases including, but not limited to the
160 Interstate Identification Index (III) for exchange of criminal history record information;
161 and the National Criminal Information Center (NCIC) for crime record and other criminal
162 justice information including fugitives, stolen properties and missing persons. These
163 systems provide means for information sharing under interstate compacts such as the
164 National Crime Prevention and Privacy Compact, the Interstate Compact for Adult
165 Offender Supervision, and the Interstate Compact for Juveniles.

166

167 **DNA Records**

168 NCSL supports federal non-preemptive initiatives that use DNA records in crime-solving
169 and the administration of justice, including the Combined DNA Index System (CODIS).
170 Federal funds, including those for DNA analysis backlog elimination, should support the
171 use of DNA as an interstate investigative tool while adhering to state law and placing no
172 mandates on states regarding collection, dissemination or use of records.

173

174 **Victims**

175 NCSL supports a strong state-federal partnership to assist crime victims; and urges
176 continued federal assistance to states provided for in the Victims of Crime Act (VOCA).
177 NCSL encourages the Congress to preserve this primary means by which the federal
178 government provides support to crime victims and their families, via state crime victims
179 and assistance programs. NCSL opposes arbitrary caps which result in diminished
180 services and assistance for crime victims.

181

182 **Law Enforcement**

183 NCSL supports means for enhanced cooperation between state and federal law
184 enforcement. NCSL opposes proposals that blur jurisdictional lines of responsibility and

185 serve to disrupt rather than support efforts of state and local law enforcement. NCSL
186 opposes proposals that seek to remove from states and communities the responsibility
187 for determining disciplinary procedures for state and local law enforcement.

188
189 NCSL supports the full funding of the Edward Byrne Memorial Justice Assistance Grant
190 (Byrne JAG) grant program and the Community Oriented Policing Services (COPS) Act.
191 COPS Hiring Grants have been instrumental in enhancing the effectiveness of
192 community policing in America. Federal funding for the COPS program relieves the
193 strain on state budgets to provide adequate and effective law enforcement personnel.

194
195 NCSL opposes proposals to shift traditional federal responsibility for civil immigration
196 enforcement to state or local law enforcement agencies and personnel. State and local
197 jurisdictions should have the authority to enter into cooperative, voluntary agreements
198 with the federal government for this or other traditionally federal enforcement matters
199 but should not be compelled by federal law to do so.

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

2 **POLICY:** **TIMELY DISASTER AID TO STATES AND**
3 **TERRITORIES**

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

5 **WHEREAS**, Hurricanes Harvey, Irma, and Maria, along with devastating Western
6 wildfires and other natural catastrophes, totaling over \$300 billion in damage made
7 2017 the costliest year on record for disasters in the United States, according to the
8 National Oceanic and Atmospheric Administration; and

9
10 **WHEREAS**, Hurricane Michael on the east coast, the Camp Fire in California, and other
11 major disasters made 2018 a deadly and expensive year from coast to coast; and

12
13 **WHEREAS**, Congress in 2019 took over six months to appropriate long overdue
14 disaster aid. The delay featured a government shutdown, focus on tangential policy
15 priorities, and a general absence of productive compromise; and

16
17 **WHEREAS**, even when Congress appropriates needed assistance in a relatively timely
18 manner, the funds are further delayed due to inefficient disbursement to states and
19 territories. In 2019, the Department of Housing and Urban Development took more than
20 a year to provide guidance to disaster-stricken states and territories like Texas, Florida,
21 California, and Puerto Rico which delayed the grant application process. Negotiations
22 on aid for the next disaster season began and concluded before these funds were
23 disbursed; and

24
25 **WHEREAS**, Disasters affect states and territories in every corner of the nation, from
26 wildfires in California, Montana, Utah, and others to hurricanes in Florida, Texas, the
27 Midwest and more; and

28
29 **WHEREAS**, Disasters affect every corner of affected communities – from homes,
30 schools, roads, farms, prisons, electrical grids and hospitals suffering structural

31 damage, to the affected populations displaced across the country and the states that
32 receive them, and more; and

33

34 **NOW, THEREFORE, BE IT RESOLVED**, that the National Conference of State
35 Legislatures (NCSL) implores Congress to remain united in prioritizing the efficient
36 appropriation of needed aid to disaster-stricken states and territories; and

37

38 **BE IT FURTHER RESOLVED**, that NCSL urges the administration to make every effort
39 to streamline their procedures to deliver appropriated funds to governments and
40 individuals struggling to recover from devastating disasters

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

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

3 **TYPE:** **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:** **CLIMATE CHANGE**

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

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

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

- 58 • Priority distribution of allowances at no cost should be to those entities in affected
59 sectors where existing regulatory structure provides the necessary oversight to
60 ensure that the value of such allowances is accounted for in establishing price
61 rates for consumers.
- 62 • The allocation of GHG reduction program to states under a federal GHG
63 reduction program should include language making decisions related to such
64 allowances subject to state legislative approval.
- 65 • The establishment of any new federal program should include provisions for
66 transparent reporting and accountability and incorporate the use of third-party
67 verification to ensure reported outcomes are verifiable.

68

69 **Unintended Consequences**

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

74

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

83

84 NCSL also urges the federal government to fully consider how legislation will affect low-
85 income households that already struggle to balance needs and expenses. NCSL
86 encourages the federal government to expand and enhance long-term funding for the
87 Department of Energy's Weatherization Assistance Program and to ensure that any new

88 federal program does not undermine existing federal, state and private sector energy
89 assistance and outreach programs that assist our most vulnerable citizens.

90

91 **Research and Development**

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

106 **Carbon Sequestration and Environmental Management**

107 NCSL supports activities aimed at increasing the natural carbon sequestration of CO₂
108 which includes, but is not limited to sustainable timber harvesting, control burns,
109 reseeded and rehabilitation of natural and introduced grassland plants.

110

111 NCSL urges the federal government:

- 112 • To support carbon sequestration via regeneration techniques – including raising
113 the cap on the U.S. Forest Service’s Reforestation Trust Fund to address the
114 backlog, creating a national strategy to increase nursery capacity and funding for
115 nurseries, and establishing new grant programs which serve to enhance urban
116 and rural forests.
- 117 • To support carbon sequestration through improved forest management activities,
118 including – streamlining environmental review for the protection of watersheds

119 and critical infrastructure to improve forest health and resiliency, permanently
120 reauthorizing Good Neighbor Authority and expanding the uses of revenues for
121 states to include reforestation, and authorizing funding for the State and Private
122 Forest Landscape-Scale Restoration Program.

- 123 • To promote the elimination of taxation on grant funds and financial incentives to
124 producers for planting windbreaks, due to the many conservation benefits
125 windbreaks provide to the public including the sequestration of carbon.
- 126 • To support technical training for natural resource professionals to provide
127 assistance to producers for successful windbreak establishment and renovation
128 practices.

1 **COMMITTEE: NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY: CHRONIC WASTING DISEASE**

3 **TYPE: RESOLUTION**

4 **WHEREAS**, Chronic Wasting Disease (CWD) affects cervids such as deer, elk, and
5 moose and has been detected in at least 25 states, according to the CDC’s August
6 2021 survey; and

7

8 **WHEREAS**, the states currently grappling with CWD are incurring significant costs to
9 respond to the disease, often requiring the wildlife management agencies to divert
10 limited resources from other vital activities; and

11

12 **WHEREAS**, these diseases create great suffering and death of wildlife and threaten to
13 infect more animals; and

14

15 **NOW, THEREFORE, BE IT RESOLVED**, that the National Conference of State
16 Legislatures urges Congress to provide states with additional flexible federal funds for
17 research and response to emerging wildlife diseases, such as the Chronic Wasting
18 Disease Management Act in order to effectively address this multi-state wildlife disease
19 crisis and enable states to assure their wildlife populations are healthy. These funds
20 must be provided without federal mandates on state wildlife management.

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

2 **POLICY:** **MICROPLASTICS RESEARCH**

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

4 A resolution of the National Conference of State Legislatures, urging the federal
5 government to fund research on microplastics in the environment.

6
7 **WHEREAS**, microplastics are pieces of plastic that are less than five millimeters in size
8 which can result from the disposal and breakdown of products and industrial waste
9 containing plastics; and

10

11 **WHEREAS**, the majority of plastics in the United States are not recycled; and

12

13 **WHEREAS**, recent studies have shown that microplastics are pervasive in the
14 environment; and

15

16 **WHEREAS**, microplastics are easily ingested by plankton and filter feeding animals and
17 are found in many species of wildlife including fish and shellfish; and

18

19 **WHEREAS**, microplastics have been found in bottled water and other consumer
20 products intended for human consumption; and

21

22 **WHEREAS**, microplastics have been found in human stools; and

23

24 **WHEREAS**, scientists still know little about the effects of microplastics on the human
25 body or on wildlife; and

26

27 **WHEREAS**, water resources, including drinking water, and soils and sediments are
28 rarely tested or monitored for microplastics; and

29

30 **WHEREAS**, questions still remain as to the sources of microplastics in the environment,
31 including the contributions from wastewater treatment facilities; and

32

33 **WHEREAS**, research is needed to understand the impacts of microplastics on the
34 environment and human health and to develop testing and monitoring protocols.

35

36 **NOW, THEREFORE, BE IT RESOLVED**, by the National Conference of State
37 Legislatures that it urges to the United State Environmental Protection Agency to
38 increase research efforts on microplastics.

39

40 **BE IT FURTHER RESOLVED** that a copy of this resolution be sent to the Attorney
41 General, the President, and all members of Congress.

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

2 **POLICY:** **NATIONAL APPLIANCE EFFICIENCY**
3 **STANDARDS**

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

5 **WHEREAS**, energy efficiency standards as promulgated by the U.S. Department of
6 Energy following enactment of the Energy Policy and Conservation Act of 1975,
7 National Appliance Energy Conservation Act of 1987 and 1988 (NAECA), Energy Policy
8 Act of 1992, Energy Policy Act of 2005 and the Energy Independence and Security Act
9 of 2007, for appliances, equipment, and lighting protect consumers, are a cost-effective
10 means to reduce energy and water waste, lower utility bills and decrease pollutants and
11 atmospheric emissions including greenhouse gas emissions; and,

12
13 **WHEREAS**, an average U.S. household saves about \$500 per year on utility bills
14 because of these existing standards; and,

15
16 **WHEREAS**, U.S. businesses save about \$23 billion annually because of these existing
17 standards, money that can be invested in jobs or spent in local economies; and,

18
19 **WHEREAS**, efficiency standards stimulate innovative technologies, which are beneficial
20 to American manufacturers in a competitive global environment; and,

21
22 **WHEREAS**, lower energy and water use helps mitigate the need for new utility
23 infrastructure.

24
25 **NOW, THEREFORE, BE IT RESOLVED**, that the NCSL urges the Congress and the
26 Department of Energy (DOE) to fully fund and continue this highly successful program;
27 and,

28

29 **BE IT FURTHER RESOLVED**, that the NCSL strongly urges DOE to amend standards
30 as stipulated by law and in accordance with the review schedule dictated by Congress;
31 and,

32

33 **BE IT FURTHER RESOLVED**, that Congress continue to require DOE to regularly
34 review standards for appropriate updates and to resist any attempt to repeal existing
35 standards.

1 **COMMITTEE: NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY: PHASE OUT OF HYDROFLUOROCARBONS**

3 **TYPE: RESOLUTION**

4 **WHEREAS**, the American Innovation & Manufacturing Act of 2020, which directs the
5 Environmental Protection Agency (EPA) to phase down U.S. production & consumption
6 of hydrofluorocarbons (HFCs) was passed in December 2020 with broad bipartisan
7 support and was signed into law by President Donald Trump;

8

9 **WHEREAS**, this new law was widely championed by US industry for its important role in
10 supporting US manufacturing leadership;

11

12 **WHEREAS**, under section 612(d) of the Clean Air Act (42 U.S.C. §7671K(d)), any person
13 “may petition the Administrator to add a substance” to the lists of approved substances,
14 and Section 612(d) further provides the Administrator “shall grant or deny the petition
15 within 90 days after receipt...;”

16

17 **WHEREAS**, industry groups such as the Association of Equipment Manufacturers have
18 reported significant delays causing them to wait a year or more for EPA to grant or deny
19 petitions, resulting in financial and unnecessary environmental harm;

20

21 **WHEREAS**, timely EPA action to transition to environmentally preferable alternatives to
22 HFCs is necessary so as not to pose an undue burden on US manufacturing and to
23 help US industry meet the phase-down requirements of AIM Act; and

24

25 **WHEREAS**, the EPA Significant New Alternatives Policy (SNAP) program has
26 historically reviewed and listed acceptable alternatives that have fewer risks to human
27 health and the environment;

28

29 **NOW, THEREFORE, BE IT RESOLVED**, that the National Conference of State
30 Legislatures urges the EPA Administrator to expedite review and listing of alternatives
31 for HFCs under the Significant New Alternatives Policy program, adhering to the 90-day
32 window granted to EPA by Congress. If EPA is unable or unwilling to review petitions in
33 a timely manner, NCSL urges EPA to waive requirements for prior authorization and/or
34 SNAP listing for alternatives to hydrofluorocarbons, so that US industry is not
35 unreasonably burdened in its transition to environmentally preferable alternatives.

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

2 **POLICY:** **PRESERVATION OF SALINE LAKE**
3 **ECOSYSTEMS**

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

5 **WHEREAS**, the National Audubon Society released a study in 2017 finding that more
6 than half of the arid West’s saline systems have shrunk anywhere between 50 percent
7 to 95 percent over the past 150 years;

8
9 **WHEREAS**, the Great Salt Lake – the largest terminal lake in the Western Hemisphere
10 – has water levels at the lowest in recorded history, and per the U.S. Geological Survey,
11 has shown a long-term trend of decline.

12
13 **WHEREAS**, water leaves only through evaporation at terminal lakes, leaving minerals
14 and other dangerous contaminants to become airborne toxic dust, causing negative
15 health impacts for humans and wildlife;

16
17 **WHEREAS**, saline lakes in the West support global populations of birds, and are
18 critically important to migratory shorebird species, waterbirds, and waterfowl;

19
20 **WHEREAS**, it has been proven that decreasing water levels in saline lakes has resulted
21 in a loss of habitat, decreased water flows and air quality issues; and

22
23 **NOW, THEREFORE, BE IT RESOLVED**, that the National Conference of State
24 Legislatures urges Congress to pass the “Saline Lake Ecosystems in the Great Basin
25 States Program Act of 2021,” and direct the U.S. Geological Survey “to assess, monitor
26 and benefit the hydrology” of terminal water systems in collaboration with federal, state,
27 tribal, and other local stakeholders.

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

2 **POLICY:** **RECOVERING AMERICA’S WILDLIFE**

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

4 **WHEREAS**, habitat loss, wildlife diseases, invasive species, pollution, and the impacts
5 of climate change pose significant threats to fish and wildlife species; and

6
7 **WHEREAS**, over 1,600 United States’ native species are federally protected under the
8 Endangered Species Act and estimates suggest one in five native species is at risk of
9 extinction; and

10
11 **WHEREAS**, State Wildlife Action Plans have identified nearly 12,000 Species of
12 Greatest Conservation Need (SGCN), including federal and state endangered and
13 threatened species and other rare and at-risk fish and wildlife species; and

14
15 **WHEREAS**, current funding is far below what is necessary to conserve the species
16 most at-risk; and

17
18 **WHEREAS**, the Blue Ribbon Panel on Sustaining America's Diverse Fish and Wildlife
19 Resources recommended that up to \$1.3 billion a year of existing revenue from energy
20 and mineral resources development on federal lands and waters be redirected to the
21 Wildlife Conservation Restoration Program; and

22
23 **WHEREAS**, the Recovering America’s Wildlife Act would provide the additional funding,
24 providing state wildlife agencies the money necessary to accelerate implementation of
25 State Wildlife Action Plans; and

26
27 **WHEREAS**, the additional funding will help states to address at-risk wildlife before they
28 require protection under the federal Endangered Species Act which can be more costly
29 and disruptive.

30

31 **NOW, THEREFORE, BE IT RESOLVED**, that the National Conference of State
32 Legislators urges the President of the United States and Members of Congress to act to
33 pass and sign into law the Recovering America's Wildlife Act, and

34

35 **BE IT FURTHER RESOLVED**, that copies of this resolution be immediately transmitted
36 to the President of the United States, the President of the United States Senate, the
37 Speaker of the House of Representatives, and each member of Congress.

1 **COMMITTEE: NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY: RURAL MENTAL HEALTH**

3 **TYPE: RESOLUTION**

4 **WHEREAS**, farmers and ranchers, due to the nature of their work and a shortage of
5 resources for rural mental health, suffer higher rates of depression and suicide than
6 other professions – as described by the American Psychological Association’s Journal
7 of Rural Mental Health; and

8

9 **WHEREAS**, difficult economic conditions are placing additional strain on our nation’s
10 farmers and ranchers and their families. The United States Department of Agriculture
11 projects that net farm income will fall once again in 2018, continuing a sustained
12 downward trend that began in 2014; and

13

14 **WHEREAS**, the federal government can play a vital role in addressing this crisis by
15 providing the states with additional resources for rural mental health services that are
16 tailored to the unique needs of farmers, ranchers, and their families

17

18 **NOW, THEREFORE, IT BE RESOLVED**, that the National Conference of State
19 Legislatures urges Congress to include in pending legislation, funding for states to
20 address this urgent need and assist our nation’s farmers, ranchers, and their family
21 members during this time of great financial stress in American agriculture.

1 **COMMITTEE: NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY: WATER POLICY**

3 **TYPE: DIRECTIVE**

4 Jurisdiction for federal water projects is scattered throughout agencies of the federal
5 government and committees of Congress. The National Conference of State
6 Legislatures sees a need for clearer, more coordinated and more consistent federal
7 policies. These policies, however, should recognize and build upon the constitutions,
8 statutes, policies and programs of the states as the fundamental basis for a truly
9 national effort toward better water resources management. The federal government
10 should recognize that water resources policy can and must be developed at the state
11 level. The appropriate role for the federal government should be to provide technical,
12 research and financial assistance to the states at their request.

13

14 NCSL endorses the following principles:

- 15 • Primary authority and responsibility for water resources management functions,
16 including planning, development and regulation, rests with the states and their
17 delegated interstate agencies. Water resources management, wetland
18 protection, coastal zone management, and soil conservation projects should be
19 clearly delineated by Congress as the primary responsibility of the states and
20 their delegated interstate agencies, with federal oversight.
- 21 • A national water conservation initiative should be undertaken to encourage water
22 conservation at the federal, state and local levels. Functions, such as navigation
23 and flood control and other issues at the prerogative of the state, should continue
24 to be shared with the federal government to the degree appropriate. Federal
25 policy must recognize and respect the rights of the states to administer their
26 individual water laws and to manage their water resources.
- 27 • The role of the federal government is four-fold: (1) to establish a framework of
28 national objectives developed in cooperation with the states; (2) to provide
29 assistance to the states in the development of programs to meet state needs

30 within such a framework; (3) to be consistent with such state programs to the
31 maximum extent possible when undertaking direct federal actions pursuant to the
32 national interest; and (4) to coordinate agency activities through a national
33 coordinating entity reporting directly to the President and with provision for
34 adequate state and public input.

35
36 Federal policy should be directed toward strengthening the capacity of the state to act
37 as the integrator and manager of all programs affecting the water resources of the state.

38 To do so effectively, states need:

- 39 • Realistic and dependable financial support to integrate management activities
40 through expansion of provisions for state assistance;
- 41 • Full funding of authorized programs consistent with congressional intent;
- 42 • A common platform for compiling and accessing data across programs and
43 agencies that is available to local, state, interstate and federal stakeholders; and
- 44 • Assurance that direct federal actions will be consistent with state programs,
45 responsive to national policy, and carefully evaluated against mutually agreed
46 upon standards.
- 47 • Federal actions, projects and programs must be consistent with adopted state
48 and interstate water and related resources plans and programs.
- 49 • Greater flexibility in the entire federal support system for water resource planning
50 and management.
- 51 • Federal project evaluation, planning, financing, cost sharing, and cost recovery
52 policies should be reviewed and simplified.
- 53 • Project evaluation should promote equal consideration of both structural and
54 non-structural solutions.

55
56 Many existing water programs create inherent financial biases which favor certain
57 solutions to water problems over others, sometimes resulting in the approval of
58 programs of only marginal utility. Accordingly, NCSL urges that:

- 59 • Cost-sharing policies should be consistent among alternative means for
60 achieving the same purpose.

- 61 • Cost sharing policies should be consistent among federal agencies for the same
62 purposes. There should be no financial grounds for non-federal participants to
63 "shop around" for the best deal.
- 64 • The public participation requirements of project planning and evaluation criteria
65 should be aggressively carried out.

66

67 **Water Conservation**

68 Water conservation must be a fundamental consideration in all future water
69 management programs.

70

71 Accordingly, NCSL recommends:

- 72 • A national water conservation initiative implemented by the states as a part of
73 their total water management programs with federal financial and technical
74 assistance including a component for evaluation of the true benefits and costs of
75 conservation;
- 76 • Encouraging comprehensive management of intermittently available freshwater
77 resources to maximize the availability of surface and groundwater supplies;
- 78 • Closely examining the incentives and disincentives for encouraging conservation,
79 recycling and reuse of water;
- 80 • Examining and promoting where feasible the practices of conjunctive use of
81 water supplies; and
- 82 • Congressional funding of research into the use of saltwater or grey water sources
83 as an alternative to the continued use of scarce freshwater resources.

84 Among water research programs, no specific mechanism exists which focuses the
85 water research establishment on the planning and management concerns of the
86 nation's principal water managers---the states.

87

88 As such, NCSL recommends that:

- 89 • The research agenda of both the federal agencies and the federally-supported
90 water resources research centers be developed in conjunction with the
91 expressed research needs of the state.

- 92 • Congress recognize state primacy over all water rights within each state's
93 boundaries and bring to closure the debate on the Federal Reserved Water
94 Rights Policy.
- 95 • Congress respect and encourage state compacts for sharing and managing
96 water resources.

97

98 **Western Water Resource Management**

99 NCSL supports federal water resource management, and necessary levels of federal
100 financial support to states to invest in water conservation and other water delivery
101 infrastructure projects. Additionally, NCSL supports the following principles for all states,
102 but particularly for those Western states where water quantity is of near-constant
103 concern:

104

- 105 • Federal investments should support states in implementing their state water
106 plans and should provide both financial and technical support – if requested by
107 the states – for watershed and river basin water management plans.
- 108 • Water resource planning, for all states, but particularly those in the West, must
109 preserve state authority to manage water through policies which recognize the
110 unique hydrological needs within individual states.
- 111 • Authorization of federal water resources development legislation and proposed
112 federal surplus water rulemakings should recognize natural flows and defer to the
113 states' legal right to allocate, develop, use, control, and distribute such waters.
- 114 • Congress should fully utilize the receipts accruing to the Reclamation Fund for
115 their authorized and intended purpose in the conservation, development, and use
116 of western water resources to meet western water-related needs.
- 117 • Congress should authorize and appropriate necessary levels of funding on an
118 annual basis to programs which provide support to states to invest in water
119 conservation projects and other water delivery infrastructure, including, but not
120 limited to, the Bureau of Reclamation's WaterSMART Program, and the U.S.
121 Army Corps of Engineers' Planning Assistance to States.

122

123 Additionally, the federal government must work with its state partners in addressing the
124 needs of communities suffering from drought-related impacts – the federal government
125 should participate in drought-related research, and provide financial and other
126 programmatic assistance, as requested, to afflicted communities.

127

128 **Wetlands**

129 NCSL supports a wetlands program that is flexible to balance the competing and
130 legitimate demands for conservation and use of the Nation's resources.

131

132 NCSL urges Congress and the Administration to:

- 133 • Reaffirm the national goal of eliminating the net loss of both wetlands acreage
134 and wetlands habitat values, as a result of any activities, and of increasing both
135 wetlands acreage and wetlands habitat values;
- 136 • Designate a single federal agency to be the lead agency responsible for the
137 overall development, implementation, and enforcement of a national wetlands
138 policy in partnership with the states;
- 139 • Facilitate the delegation of wetlands protection programs to the states and
140 provide technical and financial resources to assist states in developing and
141 operating their programs;
- 142 • Establish a clear preferred sequence of mitigation options that begins with
143 avoidance of adverse effects on wetlands followed by a reduction of unavoidable
144 adverse effects, and allowing compensation by creating, replacing or restoring
145 within the same ecosystem; and
- 146 • Recognize that private landowners have an economic stake in wetlands
147 resources and establish a strong program of economic incentives that
148 encourages and assists the private sector to exercise its management
149 responsibilities in a way that will protect the public values wetlands provide while
150 contributing to a reasonable return on investment.

151

152 Federal agencies, in conjunction with states, the private sector, and nonprofit groups
153 should expand their educational outreach programs.

154

155 The U.S. Army Corps of Engineers and the EPA should agree on strategies for
156 effectively and expeditiously monitoring, verifying, and enforcing permits authorizing
157 activities in wetlands. In addition Congress and other regulatory authorities should take
158 any necessary action, including amending existing laws to prevent the willful alteration
159 of wetlands characteristics to circumvent regulatory jurisdictions.

160

161 **Aquatic Nuisance Species**

162 To combat the threats to biodiversity in the nation's coastal and estuarine habitats as
163 well as inland navigable waters that are associated with aquatic nuisance species and
164 to help prevent their introduction into state waters, NCSL calls on Congress to:

- 165 • Provide for improved means for preventing the introduction of aquatic nuisance
166 species;
- 167 • Increase the support for international, national, and state efforts to control and
168 manage aquatic nuisance species; and
- 169 • Increase research and technical assistance resources available to federal, state,
170 and local officials.

171

172 **Water Pollution Control**

173 NCSL urges that:

- 174 • Congress fully fund the Sewer Overflow Control State Grants Program;
- 175 • Congress separately appropriate full funding for non-point source pollution and
176 ensure the effectiveness of the provisions of this program to restore and protect
177 our nation's waters;
- 178 • Congress initiate an incentive program to encourage water conservation in the
179 states;
- 180 • Congress authorize and fully fund new grant programs for wastewater and
181 drinking water infrastructure developments;
- 182 • Nutrient pollution be prioritized as a water quality improvement objective in
183 watersheds and where such pollution from pervasive point and non-point sources

184 have been identified to create serious hypoxic conditions in waters of economic,
185 ecological and/or recreational significance;

- 186 • The federal government foster and assist in the financing and support of working
187 groups of state legislators within major watersheds where water pollution is a
188 multi-state responsibility, with such working groups or compacts formed to
189 coordinate the development of strategies, policies, statutes, regulations and
190 spending priorities for the attainment of clean water, including goals, timelines
191 and accountability for performance.
- 192 • EPA strengthen pretreatment pollution prevention requirements to reduce the
193 amount of hazardous waste flowing to waters from wastewater treatment plants
194 and from contaminated sludge; and that
- 195 • Uniform national wastewater monitoring standards and protocols should be
196 required to assure achievement of water quality objectives, fair and uniform
197 enforcement, and full disclosure of contamination.

198

199 **Drinking Water**

200 NCSL urges Congress and the Administration to increase federal appropriations for safe
201 drinking water programs to necessary levels for states to not only be able to adequately
202 implement Safe Drinking Water Act requirements, but to also address both remediation
203 of lead contamination, and that of other emerging contaminants. A special consideration
204 for financial assistance should be given to those states that have communities and
205 water systems that have limited resources to deal with the requirements of the Safe
206 Drinking Water Act (SDWA). States should receive additional federal financial
207 assistance in order to develop and maintain the administrative and technical capacity
208 needed to implement the program's mandated objectives.

209

210 Furthermore, NCSL supports the following provisions:

- 211 • Any federal mandate should afford states the necessary flexibility and authority to
212 prioritize activities based on individual state public health needs.

- 213 • States should be able to use federal drinking water funds to consolidate public
214 water systems when it is economically or environmentally beneficial, and/or in the
215 best interest of the public health.
- 216 • Congress should direct EPA to base its standards on scientifically sound
217 principles for protection of human health. The ability of EPA to require water
218 systems to test for additional contaminants must take into account the human
219 health risk posed by the contaminant. Congress should adequately fund EPA's
220 research efforts to develop scientifically sound standards which will assure safe
221 drinking water.
- 222 • EPA should be directed to work in tandem with primacy states in establishing a
223 comprehensive program of water testing which recognizes the potential of
224 contaminants based upon source, storage and delivery of water. Human health
225 protection should be the basis for establishing any contaminant management
226 program.

227

228 Disapproval or withdrawal of primacy should not result in a decreased level of public
229 health protection in that state.

230

231 **State Revolving Funds (SRFs)**

232 With respect to the Clean Water State Revolving Fund (CWSRF) and the Drinking
233 Water State Revolving Fund (DWSRF), NCSL supports the following:

- 234 • Reauthorization of the CWSRF and DWSRF at levels commensurate with state
235 needs.
- 236 • States should be able to extend the life of SRF loans as necessary to
237 accommodate low-income communities provided the loan repayment period does
238 not exceed the useful life of the project.
- 239 • States should be able to use the interest earnings from the SRF monies for grant
240 assistance to low-income communities, or for other related projects as
241 determined by the individual state.
- 242 • States should be allowed to use at least 6-8% of SRF funds for administrative
243 costs.

- 244 • States should be able to use SRF funds to consolidate public water systems
245 when it is economically or environmentally beneficial, and/or in the best interest
246 of the public health.
- 247 • In years when federal funds increase by more than 20%, states may request a
248 waiver of the increased match required, with current state funds used for state
249 drinking water purposes qualifying as the match for that year.
- 250 • Any new requirements applied to the CWSRF or the DWSRF should not be
251 applied retroactively to funding already in the SRF or projects currently in
252 progress, and should any new requirements be applied states should be afforded
253 flexibility in achieving them.

254

255 **Stormwater Management**

256 NCSL urges Congress and the Administration to:

- 257 • Commit to and provide full funding and resources for combined sewer overflows
258 (CSOs), sanitary sewer overflows (SSOs) and storm water wet weather
259 discharges.
- 260 • Include a federal cost share of at least 50 percent of the cost of remediation.
- 261 • Establish a zero-interest, or low interest, loan program for homeowners and
262 businesses required to implement storm water management programs.
- 263 • Wet weather management funding should be in addition to, and not replace,
264 other Federal funding programs.

265

266 NCSL further urges Congress and the Administration to:

- 267 • Authorize state environmental agencies to grant waivers for both municipal and
268 private sector implementation based on economic hardship.
- 269 • Direct the EPA to encourage evidence-based abatement methods and promote
270 compliance using alternative methods of abatement that are least costly to
271 implement.

272

273 **Groundwater**

274 NCSL believes that the development of groundwater policy should take into account or
275 include the following:

- 276 • State primacy must be assured in the development of groundwater legislation.
- 277 • There needs to be federal assistance available to states in protecting
278 wellhead/recharge areas from contamination.
- 279 • A survey of state data collection and research needs should be completed to
280 assess future needs for financial and technical assistance with respect to aquifer
281 mapping, monitoring and classification.
- 282 • Any policy should recognize the diversity of hydrologic, climatic, economic, legal,
283 and social factors within various states and regions.
- 284 • States' primacy in devising appropriate financing mechanisms for groundwater
285 programs should be continued.
- 286 • Where necessary groundwater conservation programs with appropriate financing
287 should be developed jointly by the federal, state and local governments, but
288 implemented by state and local governments.
- 289 • A comprehensive review of groundwater contamination from pesticides should be
290 undertaken and recommendations based on this review should be implemented.

291

292 **Publicly Owned Treatment Works**

293 NCSL urges Congress to cooperate with states to eliminate barriers to local
294 government's ability to restructure assets or raise the capital necessary for costly
295 improvements to Public Owned Treatment Works (POTWs). While NCSL takes no
296 position with respect to whether any particular POTW should pursue a public-private
297 partnership, the decision to enter such a partnership should be made by the local unit of
298 government pursuant to state law and local ordinance.