Tampa, Florida

CONSENT CALENDAR

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

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

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

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

**General**

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

• Provide states with adequate transition time to implement and respond to new tax systems, preferably up to three or more years.

• Avoid the negative state impact of retroactive application of tax changes.

• Provide technical expertise to states to ease any transition of administrative responsibilities to the states resulting from federal tax reform.

• Provide adequate federal administrative funds for any federal tax reform that involves modified or increased collection responsibilities for the states.

• Ensure that federal tax changes are made in a manner that preserves federal data collection used by the states.

Do No Harm

• Provide flexibility and strengthen states’ ability to finance and administer programs for which they are traditionally responsible or have gained through devolution.

• Recognize that federal tax reductions should not compromise funding for existing and future commitments to mandated state-federal partnership programs.

• To the extent that a national sales, consumption, or value-added tax is considered as part of ongoing deficit reduction efforts, the historic role of such taxes as a major revenue source for state and local governments must be protected and all deliberations concerning such taxes must include representatives of the federal government’s partners in the nation’s cities and states.

Tax-Exempt Financing/Bonds

• Preserve tax-exempt financing for infrastructure and capital projects, including the use of public-private partnerships.

• Maintain the tax-exempt status of state and local government bonds and lift existing restrictions on state and local government use of tax-exempt bonds.

• Avoid provisions that weaken the fiscal integrity of state and local governments. This includes: the arbitrage rebate provisions, which essentially are a one-
hundred percent tax on the interest income of state and local governments; the alternative minimum tax, which now taxes interest from otherwise tax-exempt bonds; volume caps, which have unduly restricted the use of bonds for projects that have increasingly become governmental responsibilities; and restrictions on advance refunding which increases the cost of government.

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

**Enforcement**

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

**Payment in Lieu of Taxes**

The National Conference of State Legislatures supports federal efforts to:

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

**State Legislators’ Tax Issues**

The National Conference of State Legislatures supports the standard deduction allowed state legislators under section 162 (h) of the Internal Revenue Code. Regulation, interpretation, or other statutes should not undermine the section. Regulations implementing this code section should reflect the intent of Congress and should include the following recommendations:
• A “session day” should mean a day in session as defined by the laws or rules of the state of residence of the legislator.

• A “committee” of the legislature should mean 1) a committee of one or more legislators conducting the business of [or reporting to] the legislature, or 2) a committee created by state or federal statute, resolution, order or rule on which the legislator serves in his or her capacity as a legislator. This definition of "committee" should include caucuses that conduct the business of the legislature.

• "State legislator" should include newly-elected legislators who attend official organizational meetings prior to administration of their oath of office.

Other

• Prohibit further preemption of state courts by refusing to give federal courts jurisdiction to establish the valuation of property for state and local tax purposes or by refusing to give selected classes of state and local taxpayers procedural and substantive privileges unavailable to most taxpayers.

• NCSL also encourages Congress and the administration to review the Railroad Revitalization and Regulatory Reform Act (4-R Act) to determine if the courts have expanded the 4-R Act beyond the original intent of Congress and reject federal legislation that would extend to other industries 4-R type benefits.

• NCSL requests the federal government to respect the sovereignty of states to allow or prohibit games of chance or skill. Any effort by Congress or the administration to reform this regulation preempts states and diminishes the flexibility of state legislatures to use this mechanism as a revenue-related tool to meet the unique needs of residents of each state.

NCSL calls upon Congress to pass legislation that provides a framework for the taxation of digital goods and services, that provides certainty, stability and consistency for state and local governments in the taxation of digital goods and services, while protecting consumers from multiple and discriminatory taxation and supporting the continued growth of the digital economy.
As state and local governments seek to modernize their tax structures to include various forms of digital commerce, establishing a national framework would:

- Establish uniform sourcing rules for state and local taxation of digital goods and services similar to those developed for mobile telecommunication services in 2000.
- Provide certainty to those sellers required to collect such taxes allow state and local governments that choose to tax digital goods and services to do so in a fair and rational manner.
STATE SOVEREIGNTY IN FINANCIAL SERVICES

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

Preservation of Dual Banking System

NCSL is committed to the preservation of the dual banking system. The dual banking system enables state governments to apply laws and regulations to state-chartered banks, thrifts, and non-bank financial services, including financial technology entities that serve the needs of local economies and that respond to the values and concerns of local citizens. In recognition of the advantages of the dual banking system to the public and to the health of the financial services industry, NCSL opposes any efforts by the federal government to restrict state authority to charter, supervise, or regulate the powers of state-chartered banks, thrifts, and non-bank financial services, including financial technology entities. NCSL opposes any federal attempts to tax state banks for federal oversight services already performed by the appropriate state banking agencies and departments. NCSL recognizes that the states have a duty to use their powers responsibly and in a way that does not endanger the deposit insurance system and the nation’s financial stability.
NCSL urges Congress to continue close scrutiny of federal banking regulators to limit preemption of state consumer protections.

**Federal Regulatory Consolidation**

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

NCSL opposes any federal regulatory consolidation plan that would:

- Preempt, limit, or interfere with the rights of states to regulate state-chartered banks, thrifts, and non-bank financial services, including financial technology entities;
- Require federal reporting requirements and examinations that duplicate state efforts;
- Place state-chartered banks, thrifts, and non-bank financial services, including financial technology entities at a competitive disadvantage with national banks or federal thrifts; and
- Grant oversight authority for state-chartered banks, thrifts, and non-bank financial services, including financial technology entities to federal banking regulators.

**Federal Preemption**

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

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

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

Consumer Protection

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

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

Financial Technology

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

NCSL believes that state banking regulators should maintain primary responsibility of chartering and supervising financial technology companies that operate in their state. States have implemented the Nationwide Multistate Licensing System to make the licensing and registration process more uniform and efficient for companies across the country while still providing rigorous protections to consumers. States have also created standards to protect the data privacy of citizens and reduce discrimination in financial services while encouraging innovation. Regulatory sandboxes are often utilized by states to encourage new technologies and innovation without prohibitive government
regulation so that states can determine the best regulatory framework for the new technology. These unique solutions should not be infringed upon so that states can continue to inspire innovation while protecting the public.

Securities Regulation

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

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

Mortgage Industry

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

States, through the Conference of State Bank Supervisors (CSBS) and the American Association of Mortgage Regulators (AARMR), developed the Nationwide Multistate Licensing System (NMLS) to improve and coordinate mortgage supervision. This state system enhances consumer protection and streamlines the licensing process for
regulators and the industry. NCSL supports the NMLS to encourage a more coordinated system of state and federal supervision.

FINANCIAL INFORMATION SECURITY

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

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

Credit Reporting

NCSL acknowledges the benefit to the nation's economy of a uniform national credit reporting system and does not oppose the limited areas that were subject to federal preemption by the 1996 Amendments of the Fair Credit Reporting Act and made permanent by the Fair and Accurate Credit Transactions Act. In doing so, NCSL
supports the continued exemption of the state laws that were in existence prior to the 1996 Amendments and thus are currently exempted from the preemption provisions.

Data Security Breach Disclosure

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

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

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

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

Mapping and Data Collection

Fair, efficient deployment of internet services is dependent on accurate mapping of speeds, adoption rates, and coverage. NCSL encourages the federal government to
ensure readily available data and technical support for accurate mapping. We also urge Congress and the administration to provide sufficient funding for mapping and to continue to provide easy-to-use, free online maps available to states and consumers. NCSL recognizes the importance of protecting states’ ability to do their own data collection and ensure accuracy of deployment maps.

**Technology and Smart Communities**

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

**Federal Funding and Cooperation**

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

NCSL urges Congress and the administration to provide predictable, stable, and sufficient funding for internet connectivity programs. If Congress enacts financing opportunities, NCSL supports state flexibility in financing options in addition to sufficient
program funding. We further emphasize the importance of partnership and communication in funding decisions.

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

**Taxation**

NCSL recognizes that communications tax policies should encourage a level playing field between communications service providers, enhance economic development, and avoid discrimination between new and existing providers. Other than the prohibition of taxes on internet access, NCSL opposes federal action that preempts the ability of states to determine their own tax policies in all areas, including communications services, unless where specifically supported by other NCSL policies.
In 2019, California became the first state to pass legislation that would allow student athletes compensation for the use of their name, image, or likeness (NIL). The laws would allow students in varying ways to sign endorsement deals, earn money for public appearances, sell autographs or other items, and enter deals with companies for marketing purposes. Over half of the states have taken similar action since then. Numerous bills have been introduced in Congress that would provide a system for how student athletes can negotiate contracts and otherwise profit off their NIL. NCSL urges consultation with the states on all these issues.

NCSL strongly supports the ability of the states to determine the best system for their student athletes. NCSL opposes any efforts by Congress to preempt state laws that provide earning rights to students and believes that any federal legislation should be complementary to state laws.
Reauthorization of the Higher Education Act (HEA) offers another opportunity to renew this country’s commitment to accessible and affordable postsecondary education and remove barriers encountered by a changing student population. A strong higher education system supports individual financial success, provides a foundation for healthy state economies and ensures our nation’s position in a global economy. When students fall through the cracks, they do not achieve their full potential and neither does our country. The federal government has an important role to play in supporting low-income students, conducting research on innovation and productivity, monitoring national and regional programming efforts, and providing data and technical assistance to help states examine and analyze our institutions.

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

The federal government should ensure adequate federal funding for the Pell Grant program to help reduce dependency on student loans. Congress should review Pell Grant award amounts to guarantee that the purchasing value of this important grant does not continue to erode and consider moving Pell funding to the mandatory side of the federal budget. Congress should also ensure Pell serves the broadest number of students, including adult students enrolled part-time. The federal government should continue to reduce barriers or obstacles that may prevent students from applying for federal financial aid.
If Congress considers a new grant program to create a state-federal funding partnership in higher education, the nation’s legislators remind Congress that states are primarily responsible for funding and governing their higher education systems. While each state has different traditions and goals for its higher education institutions, all institutions participate in a national higher education marketplace that crosses state lines. Congress must recognize this by ensuring that any new affordability programs can benefit students and institutions of all types in all states and territories. Broad state participation should be a fundamental goal of any state-federal partnership.

A state-federal funding partnership in higher education must:

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

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

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

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

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

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

**Student Loans**

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

The federal government should also recognize that many states now play a role in ensuring borrowers are treated fairly and receive appropriate consumer protections. The federal government should engage in collaborative federalism with states around providing consumer protections to borrowers and conducting oversight of student loan servicers.
WHEREAS, state legislatures have the primary responsibility for funding and governing their state’s K-12 and higher education systems; and

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

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

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

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

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

NOW, THEREFORE, the Secretary of Education should allow states the opportunity to seek waivers from the maintenance of effort and “maintenance of equity” provisions associated with the Elementary and Secondary School Emergency Relief (ESSER) Fund; and
NOW, THEREFORE, BE IT RESOLVED, the National Conference of State Legislatures believe state fiscal requirements for education relief aid should only ask states to maintain aggregate funding levels or serve as a guide for how states can make cuts to education if facing revenue declines.

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

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

BE IT FINALLY RESOLVED, that NCSL send a copy of this resolution to Members of Congress and the U.S. Department of Education.
NCSL supports federal initiatives that provide needed assistance to state and local governments for the prevention and treatment of HIV/AIDS and related conditions.

Prevention and Education

NCSL Supports:

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

Confidentiality and Civil Rights

NCSL supports:

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

NCSL opposes:

- Federal legislation that would impose either a mandate for or a prohibition of state partner notification requirements or contact disclosure or tracing programs.
- Federal legislation that would require states to establish civil and criminal penalties for the knowing transmission of HIV. Provisions of this sort are
particularly onerous if the receipt of federal financial assistance is contingent upon their passage.

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

Counseling and Testing

NCSL supports:

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

Health Professionals Providing HIV Treatment and Care

NCSL supports:

- The decision by the Centers for Disease Control and Prevention (CDC) to continue to permit state and local health officials establish guidelines regarding procedures that health care workers infected with HIV or Hepatitis B should be permitted to perform.

- The Blood-Borne Pathogen Standard rule promulgated by the Occupational Safety and Health Administration (OSHA) and the Needlestick Safety and Prevention Act.

Ryan White CARE Act

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

NCSL supports:

- Continued and adequate funding for states through the Ryan White C.A.R.E. Act and through cooperative agreements with the CDC and federal partners,
 Permitting states to demonstrate, in their state plan, that they have addressed the needs of all populations within their boundaries, in lieu of federal statutory mandates, and

 Ongoing federal resources to provide for the development and distribution of prevention and treatment medications. It is important the funding keep pace with the approval and availability of new prevention drugs and treatment therapies.

NCSL opposes:

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

NCSL strongly encourages federal partners to work with states to find a timely solution that would remove barriers for individuals to enter or remain in the workforce and increase their household income. NCSL supports federal efforts, in conjunction with states, that would explore how to better align TANF, SNAP, Child Care and Medicaid as work supports, from eligibility and enrollment to recertification, training and employment – and how to better align these work supports to mitigate benefit cliffs and increase family financial security.
The U.S. Department of Health and Human Services (HHS), the Centers for Disease Control and Prevention (CDC) and the National Institutes of Health (NIH), plays an important role in supporting state and local public health infrastructure. HHS provides national surveillance of infectious disease, applied research to develop new or improved diagnoses, disease prevention and control strategies, and helps strengthen states’ capacity to respond to outbreaks of new or reemerging disease. Federal support through grants and cooperative agreements, research and technical assistance is key to the stabilization and effective operation of the nation’s public health system and provides critical support for the state and local public health infrastructure.

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

Health Disparities

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

1. race, ethnicity, sex, primary language, disability status;
2. those living in rural, underserved metropolitan and frontier areas; and
3. other characteristics identified by the Secretary of HHS by federally-funded health and health care programs in order to analyze and monitor health
disparity trends and develop promising practices and programs to eliminate disparities, based on the data collected.

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

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

1. support the continued efforts of the HHS Office of Minority Health’s National Partnership for Action to End Health Disparities (NPA)’s efforts to mobilize a nationwide, comprehensive, community-driven, and sustained approach to combating health disparities, and;

2. continue support for the Regional Blueprints for Action, which aligns with the National Stakeholder Strategy to help guide action at the local, state, and regional levels;

3. augment outreach and other efforts targeting populations, including racial and ethnic minorities, at higher risk of chronic diseases and illnesses;

4. provide quality and efficient care;

5. improve health outcomes;

6. increase cost-effectiveness;

7. meet legislative, organizational, and accreditation standards; and

8. develop additional evidence-based prevention and interventions targeting ethnic and racial minorities.

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

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

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

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

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

Chronic Disease Management - NCSL urges Congress to continue to support initiatives that promote affordable access to care and the management of chronic conditions such as obesity, cardiovascular disease, dental disease, diabetes, asthma, kidney disease, mental health disorders, and a wide range of autoimmune diseases.
NCSL is supportive of initiatives that provide case management services to children with one or more chronic conditions.

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

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

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

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

**Mental Health Treatment of Children**
NCSL encourages the federal government to support efforts to:

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

Vaccines and Immunizations

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

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

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

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

**Pandemic and All-Hazards Preparedness**

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

1. provide states, territories, and the District of Columbia with direct, sufficient and stable funding to enable them to continue to build and maintain an infrastructure to support ongoing efforts to respond to bioterrorism and other public health emergencies;

2. pass federal funds through the states for distribution to local governments, hospitals and other entities, permitting state officials to take the lead in planning on a regional and statewide basis and utilize federal funds in the most efficient and effective way;

3. require grantees to collaborate with their respective states and coordinate all of their activities with the state plan;

4. provide states the flexibility necessary to meet their diverse needs and priorities;

5. build upon existing national and state efforts;

6. ensure that regulations and requirements imposed on states are accompanied by sufficient funding and deadlines to support implementation, both immediately and in the long term; and

7. authorize the appropriate federal official to temporarily waive or modify the application of federal laws that may impede implementation of state plans during a bioterrorist attack or other public health emergency.
Public Health and the Environment

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

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

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

Maternal and Child Health

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

**The Maternal, Infant and Early Childhood Home Visiting Program (MIECHV)** – The MIECHV program facilitates collaboration and partnership at the federal, state, and community levels to improve the health of at-risk children through evidenced-based home visiting programs. NCSL supports community-based, state-federal
partnerships and initiatives that working with parents and caregivers provides a supportive environment to:

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

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

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

**Teen Pregnancy Prevention** - The federal government offers a range of programs and supports to state governments to help reduce teen pregnancies recognizing that state, tribal, and local governments are best situated to determine the best programs for their constituents. NCSL supports the full range of programs available to state, tribal, and local governments and researchers to help prevent unplanned teen pregnancies. NCSL supports continued funding for these critically important programs.
The National Conference of State Legislatures (NCSL) continues to support the Social Security Disability Insurance (SSDI) program which provides needed income and medical support for disabled Americans. NCSL is particularly supportive of: (1) initiatives to accelerate the disability determination and appeals process and to assure that individuals with intellectual disabilities have effective access to the appeals process; (2) the Compassionate Allowance process that identifies conditions that are almost certain to qualify an individual for SSDI coverage, shortening the eligibility process; and (3) continued improvements to the Ticket to Work program.

With only a few exceptions, individuals who become eligible for SSDI due to a severe disability must wait two years before they become eligible for Medicare. These can be individuals who are severely ill with almost no health care coverage options. The provisions of the Patient Protection and Affordable Care Act that become effective in 2014 may help some SSDI beneficiaries receive Medicare coverage, but coverage gaps could continue for many. NCSL recommends that the Congress consider waiving the waiting period in some cases.
Social Services Block Grant (SSBG)
NCSL urges the federal government to:

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

NCSL opposes:
- Earmarking SSBG for any of the populations served by the block grant.

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

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

Low Income Home Energy Assistance Program (LIHEAP)
NCSL also supports:
• The use of interest subsidized loans to assist households to weatherize their homes.

• Funding at the highest authorized level for this program.

• Finally, NCSL supports federal efforts to ensure the following are maintained in the LIHEAP program:
  o Including all states in the funding allocation formula,
  o Affording states the flexibility to shape the program in a way which best suits the needs of its citizens and maintains strong state oversight of such programs,
  o Targeting assistance to households with the lowest incomes and to households with infant, elderly and/or disabled members,
  o Authorizing states to draw down program funds on an as needed basis,
  o And prohibiting counting energy assistance payments as income for the purpose of determining eligibility and/or benefit levels in other public assistance programs.
COMMITTEE: HEALTH AND HUMAN SERVICES

POLICY: ADDRESSING HEALTH WORKFORCE SHORTAGES TO HELP RURAL AND UNDERSERVED POPULATIONS

POLICY TYPE: DIRECTIVE

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

National Health Services Corps

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

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

The Conrad 30 State J-1 Visa Program

NCSL urges Congress to:
HRSA Health Professions Grants and Cooperative Agreements

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

Community Health Centers, Rural Health Centers and Federally-Qualified Health Centers

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

NCSL urges Congress to adopt legislation that amends the Public Health Service Act to deem a health professional volunteer providing primary health care to an individual at a
community health center or rural health center to be an employee of the Public Health Service for purposes of any civil action that may arise from providing services to patients.

This protection would apply when:

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

Rural Health Programs and State Rural Health Offices

NCSL urges Congress to:

- Support discretionary rural health programs that provide important health service support and resources to rural and remote areas of the country. Programs include, but are not limited to:
  - Rural health outreach grants
  - Rural health research program
  - Rural health flexibility grants
  - Telehealth programs

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

Workforce Training

NCSL urges Congress to consider legislation that will promote cultural competency training for health care providers, thus helping to decrease the racial, ethnic, gender language, disability and socio-economic disparities apparent today within health care.
NCSL supports federal initiatives to improve the accessibility and quality of health care services to U.S. veterans and their families. NCSL is particularly supportive of efforts to:

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

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

NCSL supports the extension of TRICARE prime to American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico and the Virgin Islands.
Guiding Principles:

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

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

Medicaid Landscape:

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

Block Grant and Cost Shifting Proposals:
When Congress and the Administration are exploring block grant programs, flexibility needs to be a key principle. Any proposals should refrain from establishing unfunded mandates and any cost shifting requirements for implementing a block grant program in states and territories.

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

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

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

NCSL encourages federal partners to recognize and support the work of states and territories with their Medicaid managed care stakeholders in the following areas:
Children’s Health Insurance Program (CHIP):
As a partnership between the states and the federal government, CHIP is an essential program that must be authorized on time as it provides health care coverage to countless children across the country. NCSL also encourages the federal government to continue providing flexibility to carry out the program’s operation. Therefore, NCSL supports Congress’ multi-year authorization of CHIP funds moving forward.

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

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

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

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

Federal Demonstration Authority for States to Experiment with Innovative Health Care Reform Initiatives
NCSL supports federal initiatives to provide financial assistance and to authorize states to experiment with innovative approaches to:

- increase access to and affordability of health care services, including mental health, to the uninsured or underinsured,
- improve the quality and cost-effectiveness of our health care system and the flexibility to test new models that do so,
- increase access to the broad range of long-term care services including home and community-based services (HCBS) that will enable constituents to live in their own homes or communities that provide personalized and a high-quality care,
• support for health insurance plans that work to integrate physical, behavioral and social determinants of health with the aim of reducing costs and improving overall health outcomes for individuals, and
• explore a broad range of approaches and financing mechanisms to improve our health care system including reinsurance programs.
• Allow states to continue their work on addressing issues which include but are not limited to surprise medical billing, out-of-network and in-network billing practices and transparency for health care prices and health insurance plans and/or Certificate of Need regulated by states. This includes programs providing patients with the information they need to be an active consumer in healthcare pricing across providers and services. We also encourage federal partners as they pursue any changes to medical billing practices to not supersede states ongoing work or authority in state regulated health plans, and to involve states in a timely way when drafting any potential changes to medical billing practices and transparency along with adequate time to states to implement any changes.
WHEREAS, state legislators are committed to improving the health, academic performance and overall well-being of America's children through the reauthorization of the Child Nutrition Act; and

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

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

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

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

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

WHEREAS, the COVID-19 pandemic led to a dramatic spike in the rate of children experiencing hunger and food insecurity, peaking at 18% of families with children reporting their household did not have enough to eat in December 2020 according to the Center on Budget and Policy Priorities, and also created challenges to safely accessing child nutrition programs; and
WHEREAS, the COVID-19 pandemic has caused an ongoing increase in the scope and scale of children experiencing hunger and food insecurity with the most recent estimates from Feeding America showing that 13 million may face hunger in 2021 compared with the 11 million who experienced hunger in 2019 according to USDA (an all-time low); and

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

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

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

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

WHEREAS, non-congregate meal delivery options were especially critical in distributing meals to children in rural and hard to reach communities, or where transportation
challenges make it difficult for programs to distribute meals at a localized site; and

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

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

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

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

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

WHEREAS, an adequately funded and evidence-based reauthorization bill can reduce childhood hunger and food insecurity in America, help reduce childhood obesity, improve child nutrition and health, and enhance healthy child development and school readiness;
allowing children to reach their full potential; and

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

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

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

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

BE IT FURTHER RESOLVED, that the National Conference of State Legislatures urges Congress to permanently authorize the P-EBT system beyond the COVID-19 pandemic, allowing authorities to quickly deliver increased nutritional aid during times of crisis; and
BE IT FURTHER RESOLVED, that the National Conference of State Legislatures urges Congress to increase the flexibility of WIC appointments through increased access to remote appointments and extended certification periods as well as to support equitable access to the WIC food package through modernization efforts that increase access to online ordering, online purchasing, and delivery; and

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

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

BE IT FURTHER RESOLVED, that the National Conference of State Legislatures supports the enactment of a Child Nutrition and WIC Reauthorization Act that ensures low income children's improved access to and participation in child nutrition programs, and, that it includes the policy goals stated above.
COMMITTEE: LAW, CRIMINAL JUSTICE & PUBLIC SAFETY

POLICY: CRIMINAL JUSTICE

TYPE: POLICY DIRECTIVE

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

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

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

Improvement of the Structure of State Criminal Justice Systems

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

As states strive to improve policies and practices related to criminal justice, NCSL
supports direct participation by state policymakers in any federal policy efforts or proposed legislation to redefine how those relationships should be strengthened.

**Federal Financial Assistance**

States continue to improve criminal justice systems and policies and recognize that federal funding is sometimes necessary to implement state reforms in this area. Funding levels for Department of Justice grants and reimbursements to states should be maintained or increased. These programs include the Edward Byrne Memorial Justice Assistance Grant (Byrne JAG) grant program, the Second Chance Act grant program, the State Criminal Alien Assistance state reimbursement program (SCAAP), the Violence Against Women grant programs (VAWA), and the Community Oriented Policing Services grant programs (COPS). NCSL also supports any other federal grant program that seeks to assist states in addressing state criminal justice issues, such as school violence or opioid abuse reduction.

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

**Sex Offender Registration**

NCSL opposes federal mandates concerning registration of sex offenders, in particular those contained in the Title I SORNA provisions of the Adam Walsh Child Protection and Safety Act of 2006. The mandates imposed by this Act are not only preemptive, but they are also inflexible and, in some instances, not able to be implemented by states. States should be permitted to classify and penalize sex offenders and establish registration and notification requirements in accordance with their own state laws,
particularly with respect to juveniles. States should define and decide which juvenile
offenders meet criteria for sex offender registration and be afforded the flexibility to
implement state procedures that best address this population.

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

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

Juvenile Justice

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

NCSL supports the goals of the Juvenile Justice and Delinquency Prevention Act, and
urges the federal government to provide state flexibility in achieving these objectives.
NCSL also supports the role of the federal government in providing states with financial
resources to strengthen juvenile justice systems. This includes federal funding for state
juvenile justice programs. Federal involvement should be confined to providing grants
and technical assistance to states that facilitate effective juvenile justice policies; and
the federal government should not attach mandates to the receipt of related federal
funds, but should encourage states to implement effective policies and techniques for
addressing juvenile delinquency, crime and justice.

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

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

Sentencing, Corrections and Recidivism Reduction
Federal jurisdiction for crimes also covered under state law can create competition to
escalate punishments and build more prisons. This competition is shortsighted,
expensive and unnecessary. The national government should refrain from making
federal crimes of state offenses or from enhancing sentences for crimes that are more
properly the domain of states. NCSL supports federal leadership and funding for state
reentry and reintegration initiatives and criminal justice reinvestment approaches. These
initiatives assist states in addressing recidivism, reentry, and healthy communities.
State and local governments should be afforded maximum flexibility in using federal
funds that support criminal justice systems, including but not limited to drug treatment
and mental health services. NCSL opposes any legislation that would restrict state
flexibility in sentencing and corrections policy. NCSL recognizes the importance of
resources to address the mental health and substance misuses cases facing many
states and local communities. NCSL urges the federal government to address federal
expungement requirements which can impede reentry and job security.

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

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

Crime Records and Information
NCSL supports such state-federal information systems and sharing partnerships in the
states; and asserts that records available via such systems should continue to be
predominately state-maintained and that state policies for dissemination of those
records should be recognized and adhered to under the systems. NCSL supports federal assistance in improving state criminal history records and related information systems. NCSL opposes preemption of state authority related to crime records and information.

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

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

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

Law Enforcement
NCSL supports means for enhanced cooperation between state and federal law enforcement. NCSL opposes proposals that blur jurisdictional lines of responsibility and
serve to disrupt rather than support efforts of state and local law enforcement. NCSL opposes proposals that seek to remove from states and communities the responsibility for determining disciplinary procedures for state and local law enforcement.

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

NCSL opposes proposals to shift traditional federal responsibility for civil immigration enforcement to state or local law enforcement agencies and personnel. State and local jurisdictions should have the authority to enter into cooperative, voluntary agreements with the federal government for this or other traditionally federal enforcement matters but should not be compelled by federal law to do so.
WHEREAS, Hurricanes Harvey, Irma, and Maria, along with devastating Western wildfires and other natural catastrophes, totaling over $300 billion in damage made 2017 the costliest year on record for disasters in the United States, according to the National Oceanic and Atmospheric Administration; and

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

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

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

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

WHEREAS, Disasters affect every corner of affected communities – from homes, schools, roads, farms, prisons, electrical grids and hospitals suffering structural
damage, to the affected populations displaced across the country and the states that
receive them, and more; and

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

BE IT FURTHER RESOLVED, that NCSL urges the administration to make every effort
to streamline their procedures to deliver appropriated funds to governments and
individuals struggling to recover from devastating disasters
The automobile is on the cusp of a technological transformation with the potential to both revolutionize personal mobility and provide immeasurable safety benefits. As vehicles that operate on public roads are subject to both state, federal and local jurisdiction, the National Conference of State Legislatures (NCSL) understands the need to clearly define state and federal roles as well as avoid unnecessary federal preemption and burdensome federal mandates.

State Authority to Regulate Autonomous Vehicle Testing

NCSL agrees that the National Highway Traffic Safety Administration (NHTSA) should be the sole entity setting federal motor vehicle safety standards (FMVSS) for autonomous vehicles, equivalent to their current role for conventional vehicles. However, NCSL strongly believes that states are the sole authority when it comes to vehicle use—which includes vehicle registration; driver licensing and education; traffic laws, regulations and enforcement; and insurance and liability. NCSL is opposed to congressional or administration proposals that would seek to preempt this authority from states by prohibiting states from prescribing certain standards or regulations related to autonomous vehicle testing, including requirements related to the presence of a human driver.

FMVSS Exemptions

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

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

Cybersecurity Information Sharing

Cybersecurity is a vital aspect of autonomous vehicles. As vehicles begin to communicate with each other (vehicle-to-vehicle or V2V) as well with infrastructure (vehicle-to-infrastructure, V2I, and V2X), the potential risk of cyberattacks and security breaches greatly increases. NCSL urges both the administration and Congress to both share any threat information with state governments and to work with states to ensure that such threats and affected vehicle populations do not become endemic. A collaborative effort is vital in ensuring such safety.
The National Conference of State Legislatures (NCSL) urges the federal government to consult with state elected officials, their national representative organizations and existing interstate partnerships in developing a federal program. As Congress and the administration examine proposals for reducing greenhouse gas emissions, NCSL encourages the federal government to always take the following principles into account:

- Federal action should be flexible, allowing for a range of complementary strategies at the state and federal level maintaining a strong role for state, local and tribal government in any federal action.
- Federal legislation should provide states the authority and flexibility to work within an overall framework; to apply the law effectively to all sources of emissions and ensure achievement of climate change goals in the most cost effective, timely and efficient manner for each state.
- Federal legislation should not preempt state or local governments from enacting policy options that differ from federal choices or from enacting stricter or stronger measures within their jurisdiction.
- Federal legislation should afford states the flexibility to form regional cooperatives and implement innovative policies that advance federal efforts to reduce the effects of climate change.
- Congress must authorize and appropriate sufficient funds for federal, state and local governments to implement any federal legislation. These funds should be newly authorized appropriations, not reprogrammed resources.
- Federal legislation should ensure state legislative authority in any federal climate change legislation and affirm the active role played by state legislatures in both fiscal and substantive aspects of state policymaking.
Federal legislation providing for the allocation of greenhouse gas reduction programs to states should include language making decisions related to such allowances subject to state legislative approval.

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

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

• The allocation of GHG reduction program to states under a federal GHG reduction program should include language making decisions related to such allowances subject to state legislative approval.

• The establishment of any new federal program should include provisions for transparent reporting and accountability and incorporate the use of third-party verification to ensure reported outcomes are verifiable.

Unintended Consequences

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

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

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

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

NCSL urges the federal government:

• To ensure that legislation not limit the diversity of technologies supported, as future advancements cannot be predicted.
• To take into account state and regional differences, and not limit or specify the technologies used in each state and ensure sufficient flexibility for each State to determine how to best achieve nationally-set goals.
• To promote current and future innovations and expand the use of such technology through R&D transfer agreements with other countries.

Carbon Sequestration and Environmental Management
NCSL supports activities aimed at increasing the natural carbon sequestration of CO2 which includes, but is not limited to sustainable timber harvesting, control burns, reseeding and rehabilitation of natural and introduced grassland plants.

NCSL urges the federal government:

• To support carbon sequestration via regeneration techniques – including raising the cap on the U.S. Forest Service’s Reforestation Trust Fund to address the backlog, creating a national strategy to increase nursery capacity and funding for nurseries, and establishing new grant programs which serve to enhance urban and rural forests.
• To support carbon sequestration through improved forest management activities, including – streamlining environmental review for the protection of watersheds
and critical infrastructure to improve forest health and resiliency, permanently reauthorizing Good Neighbor Authority and expanding the uses of revenues for states to include reforestation, and authorizing funding for the State and Private Forest Landscape-Scale Restoration Program.

- To promote the elimination of taxation on grant funds and financial incentives to producers for planting windbreaks, due to the many conservation benefits windbreaks provide to the public including the sequestration of carbon.
- To support technical training for natural resource professionals to provide assistance to producers for successful windbreak establishment and renovation practices.
WHEREAS, Chronic Wasting Disease (CWD) affects cervids such as deer, elk, and moose and has been detected in at least 25 states, according to the CDC’s August 2021 survey; and

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

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

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

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

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

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

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

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

WHEREAS, microplastics have been found in human stools; and

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

WHEREAS, water resources, including drinking water, and soils and sediments are rarely tested or monitored for microplastics; and
WHEREAS, questions still remain as to the sources of microplastics in the environment, including the contributions from wastewater treatment facilities; and

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the NCSL urges the Congress and the Department of Energy (DOE) to fully fund and continue this highly successful program; and,
BE IT FURTHER RESOLVED, that the NCSL strongly urges DOE to amend standards as stipulated by law and in accordance with the review schedule dictated by Congress; and,

BE IT FURTHER RESOLVED, that Congress continue to require DOE to regularly review standards for appropriate updates and to resist any attempt to repeal existing standards.
WHEREAS, the American Innovation & Manufacturing Act of 2020, which directs the Environmental Protection Agency (EPA) to phase down U.S. production & consumption of hydrofluorocarbons (HFCs) was passed in December 2020 with broad bipartisan support and was signed into law by President Donald Trump;

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

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

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

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

WHEREAS, the EPA Significant New Alternatives Policy (SNAP) program has historically reviewed and listed acceptable alternatives that have fewer risks to human health and the environment;
NOW, THEREFORE, BE IT RESOLVED, that the National Conference of State Legislatures urges the EPA Administrator to expedite review and listing of alternatives for HFCs under the Significant New Alternatives Policy program, adhering to the 90-day window granted to EPA by Congress. If EPA is unable or unwilling to review petitions in a timely manner, NCSL urges EPA to waive requirements for prior authorization and/or SNAP listing for alternatives to hydrofluorocarbons, so that US industry is not unreasonably burdened in its transition to environmentally preferable alternatives.
WHEREAS, the National Audubon Society released a study in 2017 finding that more than half of the arid West’s saline systems have shrunk anywhere between 50 percent to 95 percent over the past 150 years;

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the National Conference of State Legislatures urges Congress to pass the “Saline Lake Ecosystems in the Great Basin States Program Act of 2021,” and direct the U.S. Geological Survey “to assess, monitor and benefit the hydrology” of terminal water systems in collaboration with federal, state, tribal, and other local stakeholders.
WHEREAS, habitat loss, wildlife diseases, invasive species, pollution, and the impacts of climate change pose significant threats to fish and wildlife species; and

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

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

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

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

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

WHEREAS, the additional funding will help states to address at-risk wildlife before they require protection under the federal Endangered Species Act which can be more costly and disruptive.
NOW, THEREFORE, BE IT RESOLVED, that the National Conference of State Legislators urges the President of the United States and Members of Congress to act to pass and sign into law the Recovering America’s Wildlife Act, and

BE IT FURTHER RESOLVED, that copies of this resolution be immediately transmitted to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress.
WHEREAS, farmers and ranchers, due to the nature of their work and a shortage of resources for rural mental health, suffer higher rates of depression and suicide than other professions – as described by the American Psychological Association's Journal of Rural Mental Health; and

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

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

NOW, THEREFORE, IT BE RESOLVED, that the National Conference of State Legislatures urges Congress to include in pending legislation, funding for states to address this urgent need and assist our nation’s farmers, ranchers, and their family members during this time of great financial stress in American agriculture.
Jurisdiction for federal water projects is scattered throughout agencies of the federal government and committees of Congress. The National Conference of State Legislatures sees a need for clearer, more coordinated and more consistent federal policies. These policies, however, should recognize and build upon the constitutions, statutes, policies and programs of the states as the fundamental basis for a truly national effort toward better water resources management. The federal government should recognize that water resources policy can and must be developed at the state level. The appropriate role for the federal government should be to provide technical, research and financial assistance to the states at their request.

NCSL endorses the following principles:

- Primary authority and responsibility for water resources management functions, including planning, development and regulation, rests with the states and their delegated interstate agencies. Water resources management, wetland protection, coastal zone management, and soil conservation projects should be clearly delineated by Congress as the primary responsibility of the states and their delegated interstate agencies, with federal oversight.

- A national water conservation initiative should be undertaken to encourage water conservation at the federal, state and local levels. Functions, such as navigation and flood control and other issues at the prerogative of the state, should continue to be shared with the federal government to the degree appropriate. Federal policy must recognize and respect the rights of the states to administer their individual water laws and to manage their water resources.

- The role of the federal government is four-fold: (1) to establish a framework of national objectives developed in cooperation with the states; (2) to provide assistance to the states in the development of programs to meet state needs...
within such a framework; (3) to be consistent with such state programs to the
maximum extent possible when undertaking direct federal actions pursuant to the
national interest; and (4) to coordinate agency activities through a national
coordinating entity reporting directly to the President and with provision for
adequate state and public input.

Federal policy should be directed toward strengthening the capacity of the state to act
as the integrator and manager of all programs affecting the water resources of the state.
To do so effectively, states need:

- Realistic and dependable financial support to integrate management activities
  through expansion of provisions for state assistance;
- Full funding of authorized programs consistent with congressional intent;
- A common platform for compiling and accessing data across programs and
  agencies that is available to local, state, interstate and federal stakeholders; and
- Assurance that direct federal actions will be consistent with state programs,
  responsive to national policy, and carefully evaluated against mutually agreed
  upon standards.

- Federal actions, projects and programs must be consistent with adopted state
  and interstate water and related resources plans and programs.
- Greater flexibility in the entire federal support system for water resource planning
  and management.
- Federal project evaluation, planning, financing, cost sharing, and cost recovery
  policies should be reviewed and simplified.
- Project evaluation should promote equal consideration of both structural and
  non-structural solutions.

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

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

Water Conservation

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

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

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

As such, NCSL recommends that:
• The research agenda of both the federal agencies and the federally-supported water resources research centers be developed in conjunction with the expressed research needs of the state.
• Congress recognize state primacy over all water rights within each state's boundaries and bring to closure the debate on the Federal Reserved Water Rights Policy.

• Congress respect and encourage state compacts for sharing and managing water resources.

Western Water Resource Management

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

• Federal investments should support states in implementing their state water plans and should provide both financial and technical support – if requested by the states – for watershed and river basin water management plans.

• Water resource planning, for all states, but particularly those in the West, must preserve state authority to manage water through policies which recognize the unique hydrological needs within individual states.

• Authorization of federal water resources development legislation and proposed federal surplus water rulemakings should recognize natural flows and defer to the states' legal right to allocate, develop, use, control, and distribute such waters.

• Congress should fully utilize the receipts accruing to the Reclamation Fund for their authorized and intended purpose in the conservation, development, and use of western water resources to meet western water-related needs.

• Congress should authorize and appropriate necessary levels of funding on an annual basis to programs which provide support to states to invest in water conservation projects and other water delivery infrastructure, including, but not limited to, the Bureau of Reclamation’s WaterSMART Program, and the U.S. Army Corps of Engineers' Planning Assistance to States.
Additionally, the federal government must work with its state partners in addressing the needs of communities suffering from drought-related impacts – the federal government should participate in drought-related research, and provide financial and other programmatic assistance, as requested, to afflicted communities.

Wetlands

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

NCSL urges Congress and the Administration to:

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

Federal agencies, in conjunction with states, the private sector, and nonprofit groups should expand their educational outreach programs.
The U.S. Army Corps of Engineers and the EPA should agree on strategies for effectively and expeditiously monitoring, verifying, and enforcing permits authorizing activities in wetlands. In addition Congress and other regulatory authorities should take any necessary action, including amending existing laws to prevent the willful alteration of wetlands characteristics to circumvent regulatory jurisdictions.

**Aquatic Nuisance Species**

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

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

**Water Pollution Control**

NCSL urges that:

- Congress fully fund the Sewer Overflow Control State Grants Program;
- Congress separately appropriate full funding for non-point source pollution and ensure the effectiveness of the provisions of this program to restore and protect our nation's waters;
- Congress initiate an incentive program to encourage water conservation in the states;
- Congress authorize and fully fund new grant programs for wastewater and drinking water infrastructure developments;
- Nutrient pollution be prioritized as a water quality improvement objective in watersheds and where such pollution from pervasive point and non-point sources
have been identified to create serious hypoxic conditions in waters of economic, ecological and/or recreational significance;

- The federal government foster and assist in the financing and support of working groups of state legislators within major watersheds where water pollution is a multi-state responsibility, with such working groups or compacts formed to coordinate the development of strategies, policies, statutes, regulations and spending priorities for the attainment of clean water, including goals, timelines and accountability for performance.

- EPA strengthen pretreatment pollution prevention requirements to reduce the amount of hazardous waste flowing to waters from wastewater treatment plants and from contaminated sludge; and that

- Uniform national wastewater monitoring standards and protocols should be required to assure achievement of water quality objectives, fair and uniform enforcement, and full disclosure of contamination.

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

Furthermore, NCSL supports the following provisions:

- Any federal mandate should afford states the necessary flexibility and authority to prioritize activities based on individual state public health needs.
• States should be able to use federal drinking water funds to consolidate public water systems when it is economically or environmentally beneficial, and/or in the best interest of the public health.

• Congress should direct EPA to base its standards on scientifically sound principles for protection of human health. The ability of EPA to require water systems to test for additional contaminants must take into account the human health risk posed by the contaminant. Congress should adequately fund EPA’s research efforts to develop scientifically sound standards which will assure safe drinking water.

• EPA should be directed to work in tandem with primacy states in establishing a comprehensive program of water testing which recognizes the potential of contaminants based upon source, storage and delivery of water. Human health protection should be the basis for establishing any contaminant management program.

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

State Revolving Funds (SRFs)

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

• Reauthorization of the CWSRF and DWSRF at levels commensurate with state needs.

• States should be able to extend the life of SRF loans as necessary to accommodate low-income communities provided the loan repayment period does not exceed the useful life of the project.

• States should be able to use the interest earnings from the SRF monies for grant assistance to low-income communities, or for other related projects as determined by the individual state.

• States should be allowed to use at least 6-8% of SRF funds for administrative costs.
• States should be able to use SRF funds to consolidate public water systems when it is economically or environmentally beneficial, and/or in the best interest of the public health.

• In years when federal funds increase by more than 20%, states may request a waiver of the increased match required, with current state funds used for state drinking water purposes qualifying as the match for that year.

• Any new requirements applied to the CWSRF or the DWSRF should not be applied retroactively to funding already in the SRF or projects currently in progress, and should any new requirements be applied states should be afforded flexibility in achieving them.

**Stormwater Management**

NCSL urges Congress and the Administration to:

• Commit to and provide full funding and resources for combined sewer overflows (CSOs), sanitary sewer overflows (SSOs) and storm water wet weather discharges.

• Include a federal cost share of at least 50 percent of the cost of remediation.

• Establish a zero-interest, or low interest, loan program for homeowners and businesses required to implement storm water management programs.

• Wet weather management funding should be in addition to, and not replace, other Federal funding programs.

NCSL further urges Congress and the Administration to:

• Authorize state environmental agencies to grant waivers for both municipal and private sector implementation based on economic hardship.

• Direct the EPA to encourage evidence-based abatement methods and promote compliance using alternative methods of abatement that are least costly to implement.

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

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

Publicly Owned Treatment Works

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