## Policy Directives and Resolutions for Consideration

### 2022 Legislative Summit
Denver, Colorado

### CONSENT CALENDAR

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WHEREAS, advance refunding of tax-exempt municipal bonds can be a financial tool that saves state and local governments billions of dollars by allowing them to provide more comprehensive savings at lower costs to taxpayers; and

WHEREAS, the refunding of tax-exempt municipal bonds is a mechanism by which states and localities finance infrastructure projects, utilities, education, and other general purpose bonds; and

WHEREAS, a refunding occurs when the proceeds from one bond are used to pay off another bond, typically at a lower interest rate; and

WHEREAS, the bipartisan Investing in our Communities Act as introduced in the 117th Congress restores the ability for states to advance refund their tax-exempt municipal bonds, which was eliminated by the Tax Cuts and Job Act of 2017; and

NOW, THEREFORE, BE IT RESOLVED that the National Conference of State Legislatures urges Congress to pass legislation that restores the ability of states to finance public infrastructure that is cost-effective and consistent with NCSL principles of preserving fiscal viability and tax reform.
WHEREAS, The Intergovernmental Cooperation Act of 1968 (P.L. 90-577) allowed federal government agencies to provide certain services to state and local governments. While most of this Act was repealed in 1982, the ability for the federal government agencies to provide these services to states and localities was preserved and recodified in 31 U.S.C. 6505; and

WHEREAS, for many years, NCSL has advocated for federal agencies to engage in meaningful consultation with states on agency proposals and to provide greater transparency and communication with states. As implementors of federal agency actions, states are important stakeholders and are a level of government representing the people of the United States; and

WHEREAS, S. 3890, the “Improving Intergovernmental Cooperation and Reducing Duplication Act of 2022” seeks to remedy the lack of transparency and communication between federal agencies and states with respect to the provision of important services to states, and clarifies that states “should have the option, without being coerced or required, to adopt and use important information, infrastructure, capabilities, and services from the federal government if such offerings are made to benefit taxpayers and the constituents served by those offerings;” and

WHEREAS, S. 3890 would require federal agency heads to do whatever may be necessary to increase cooperation and reduce administrative burdens between states and federal agencies and requires the creation of strategic plan in consultation with state, local, territorial, and Tribal governments; and
WHEREAS, NCSL, as the national bipartisan organization representing our nation’s states and territories must be part of the development of the strategic plan as a relevant stakeholder; and

NOW, THEREFORE, BE IT RESOLVED, that NCSL urges Congress to pass S. 3890, the “Improving Intergovernmental Cooperation and Reducing Duplication Act of 2022” so that states and NCSL have a voice in improving intergovernmental cooperation and transparency between states and the federal government.
The committee voted unanimously to sunset this directive. A copy of the directive can be found here: https://www.ncsl.org/ncsl-in-dc/task-forces/policies-communication.aspx#corporate%20formations
COMMITTEE: COMMUNICATIONS, FINANCIAL SERVICES, & INTERSTATE COMMERCE
POLICY: INSURANCE
TYPE: DIRECTIVE

INSURANCE REGULATORY MODERNIZATION

The National Conference of State Legislatures (NCSL) is committed to state regulation of the business of insurance. NCSL acknowledges the responsibility of states to adjust state systems to meet the needs of the modern economy. NCSL opposes any proposal to establish either a federal or a dual system of regulation of insurance, to cede any state authority to regulate financial institutions involved in the business of insurance or to obtain Congressional ratification of trade agreements that preempt state regulation of insurance.

States and insurance commissioners continue to develop a shared vision of insurance regulatory reform to meet the needs of the modern marketplace while preserving the advantages of the state system. NCSL supports the efforts of states to streamline and simplify insurance regulation. NCSL endorses state participation in the Interstate Insurance Product Regulation Commission, which creates a national state-based system to make regulatory decisions quickly on life insurance products according to uniform national standards.

NCSL believes that state efforts to enact significant reforms in critical areas represent tremendous progress, and NCSL will continue to support further efforts as states move forward to achieve widespread reform in all areas in the years ahead.

State-Federal Partnership

Individually and at the national level, states work to modernize insurance regulation. However, state legislatures recognize a legitimate federal role in overseeing and promoting well-functioning insurance markets.

Title V of the Dodd-Frank Wall Street Reform and Consumer Protection Act established The Federal Insurance Office (FIO) within the U.S. Department of Treasury. While NCSL and other state groups were successful in limiting the scope of the FIO’s
authority, concern remains that the FIO will serve as a vehicle to promote a greater federal role in the historically state-regulated industry of insurance.

Therefore, NCSL opposes any administrative action by the FIO or federal legislation that: relies on wholesale preemption of state authority, would compel state compliance with federal standards or those of any non-governmental third party, or conditions, restricts or redirects state insurance revenues, including insurance premium taxes, fees and fines, either directly or as a condition of a state’s refusal to submit to federal standards or federal efforts to commandeer a state executive branch official to participate in a federal regulatory program.

Moreover, some in Congress and industry support federal legislation to establish a single federal regulator of insurance or allow for dual federal and state insurance regulation. NCSL opposes any provision of federal legislation that preempts state authority through the creation of a federal insurance official, commission or entity with the authority to regulate insurance, to implement federal standards, to enforce state compliance with federal standards, or to initiate or participate in judicial proceedings to resolve differences between federal standards and state law.

State legislators perform a critical role in the development of insurance public policy. However, despite this important function, state legislators are oftentimes overlooked for service on federal advisory boards and committees related to the regulation of the business of insurance. Recognizing this recurring oversight, NCSL requests an enhanced effort from the federal government to incorporate state legislators onto associated insurance advisory panels.

**Insurance Company Solvency**

The safety and soundness of insurance companies operating in the United States are the prime objective of state insurance regulation. State legislatures have endeavored to strengthen state insurance departments and to create standards for financial regulation that have improved the solvency of insurance companies.
NCSL opposes any proposal to establish federal standards for state solvency regulation that cedes any authority to federal agencies to regulate financial institutions involved in the business of insurance, including congressional ratification of trade agreements that would preempt state regulation of insurance for solvency purposes. Although NCSL continues to support the National Association of Insurance Commissioners’ Financial Regulation Standards and Accreditation Program, NCSL acknowledges that state legislatures and governors have the responsibility to enact policy, which state regulators enforce. NCSL recognizes that interstate compact proposals have the potential of addressing binding uniformity and effectiveness in specific areas of regulation.

NCSL also objects to actions taken or contemplated by the Internal Revenue Service or other federal agencies to assert priority claims to the assets of failed insurers. The states should first be allowed to distribute an insolvent company’s assets to pensioners, family businesses, other policyholders and others protected by the McCarran-Ferguson Act’s delegation of the business of insurance to the states.

In the same vein, NCSL is concerned by federal bankruptcy rulings under the federal bankruptcy code that would allow alien insurers and reinsurers to move certain trust fund assets to bankruptcy proceedings in their domicile country. The trust funds established by alien insurers and reinsurers are to serve as collateral for insurance and reinsurance underwriting in the United States. Federal bankruptcy rulings have allowed such alien insurers and reinsurers to be exempt from state solvency regulation and have placed these collateral trust funds out of the reach of state insurance departments, which are solely responsible for solvency protection. NCSL urges Congress to rectify this situation by amending federal law to eliminate or limit this exemption for alien insurers and reinsurers under the bankruptcy code.

**Insurance Information Security**

NCSL opposes any federal effort to preempt state laws and regulations or to enact federal standards that address the use of financial and credit information in insurance.
INSURANCE FRAUD - FEDERAL CRIMINALIZATION

NCSL recognizes the toll that policyholder and claimant initiated fraud has on the cost of insurance and the solvency of the insurer. We applaud the action taken in various states to pass laws that make it more difficult to file a false claim, increase the penalties for those who are guilty of fraudulent activities, and expand state insurance department fraud units.

NCSL believes that the prosecution of policyholder and claimant fraud should and must remain in the jurisdiction of state and local law enforcement officials. However, in cases of internal insurer fraud that may be the result of interstate and international conspiracies to defraud, loot or plunder an insurance company, states and the federal government should cooperate to prosecute such criminal activity.

As a result of financial services modernization, the various federal and state financial institutions regulators need to coordinate anti-fraud activities. However, federal legislation to assist the coordination of state and federal anti-fraud activities should not unnecessarily preempt state anti-fraud laws and regulations nor grant audit or subpoena authority to a federal entity over a state agency operating under appropriate state constitutions and laws.

NCSL's endorsement of federal involvement in the criminal prosecution of certain kinds of insurance fraud does not diminish our support for continued state regulation of the insurance business. Federal criminal sanctions will assist state regulators in state efforts to prevent future insolvencies.

EQUAL ACCESS TO FBI CRIMINAL HISTORY RECORDS

State regulators should have efficient access to the Federal Bureau of Investigation’s (FBI) Criminal Justice Information System in order to establish dependable procedures for licensing officers, directors, and agents of insurance companies across the United States.

NCSL calls on Congress to give state insurance regulators statutory access to FBI fingerprint files. This information is currently available to federal and state banking and
securities regulators. Access will help safeguard insurance consumers from the unnecessary risk of having known fraud artists or violent offenders engaged in the insurance business.

NATURAL DISASTER MITIGATION AND INSURANCE
NCSL urges Congressional action that would: (a) provide federal grants, tax credits or deductions to assist consumers to strengthen their homes to better withstand catastrophic natural disasters; and (b) create a commission to determine what other action is necessary and appropriate to support and enhance the ability of existing insurance and reinsurance mechanisms to cope with catastrophic natural disasters. However, any such action must not displace private sector risk transfer mechanisms, adversely impact a state’s ability to levy premium taxes, regulate the business of insurance and set solvency standards for property and casualty insurers.

TERRORISM RISK INSURANCE
NCSL requests Congress work with state insurance regulators to ensure that the property and casualty insurance and group life insurance industries develop the products to protect Americans from financial losses associated with terrorism and to ensure an available and affordable insurance market for American consumers and businesses.
NCSL continues to believe that any reauthorization of the Terrorism Risk Insurance Act should recognize the temporary nature of the program, and therefore encourages efforts to further promote development of the private insurance markets. Any federal plan for a temporary and limited federal backstop for terrorism insurance coverage must not adversely impact a state’s ability to levy premium taxes, regulate the business of insurance and set solvency standards for property and casualty and group life insurers.
WHEREAS, since the 1999 Columbine High massacre, over 300 school shootings have been reported resulting in more than 180 children, educators, and other people murdered and more than 300 injured; and

WHEREAS, on May 24, 2022, a mass shooting at Robb Elementary School in Uvalde, Texas took the lives of 19 students and 2 educators; and

WHEREAS, the shockwaves of this horrific act of violence were not limited to the Great State of Texas; the people of the entire United States mourn the 21 innocent lives lost in this unimaginable yet palpably real tragedy; and

WHEREAS, one of the primary roles of government is stewardship over the future of our society and our nation, which is represented by our nation’s youth; as such, it is incumbent upon those in public office to provide adequate resources for the protection of our future; and

WHEREAS, one of the most critical challenges facing future generations is the rising mental health crisis in our nation and around the world, and its contributing effect to the current escalation of violence; and

WHEREAS, in light of these recent incidents of violence, school safety and security are now especially at the forefront of our nation’s concerns; and

WHEREAS, state legislatures are more responsive to the needs of their constituents and are more aware of the need for increased school safety for children and educators in their state, as well as the increasing demand for mental health services and support;
therefore, state legislatures are aware of the best methods to achieve these dual goals within their unique areas; and

**WHEREAS**, therefore, this body finds it fitting and proper that state legislatures be equipped with any and all resources necessary to address the dual crises of school security and mental health;

**NOW, THEREFORE, BE IT RESOLVED**, that the National Conference of State Legislatures supports federal action resulting in the issuance of federal funding and resources to support school security and the safeguarding of student mental health; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the National Conference of State Legislatures firmly believes that the best structure for this endeavor is a collaborative approach between the federal government and the states, consisting of federal funding and other means of support which are flexible enough to allow state legislatures to directly leverage these resources where they are most direly needed; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that when emergencies warrant the swift provision of federal funding and resources to support school security and student mental health, that such funds are distributed through existing programs or provided through flexible block grants to states; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the National Conference of State Legislatures believes that the federal government should not mandate or incentivize specific strategies or approaches to school security and student mental health; and

**BE IT FINALLY RESOLVED**, that the National Conference of State Legislatures directs that a copy of this resolution be delivered to Members of Congress and the U.S. Department of Education.
The National Conference of State Legislatures (NCSL) strongly supports the Older Americans Act programs and the services funded through this act. NCSL urges Congress to:

- appropriate sufficient funding to meet the growing demands for the OAA programs, especially the National Family Caregiver Support Program;
- provide states flexibility to establish standards and decide how program funds will be distributed;
- ensure that OAA programs reach low-income, minority and rural elderly households;
- increase effort to inform those eligible about services available to them under the OAA and other state and federal programs;
- strengthen the authority of state government through designated State Units on Aging to ensure that service funds under the Act are used to support independence in older populations and the most vulnerable members of the population, the very old, the frail, the isolated, and limited English-speaking individuals, with particular attention to low-income minority persons; and
- provide states the authority to distribute funds based on their own criteria.

NCSL urges Congress to provide states flexibility in the administration of the OAA and the authority to:

- transfer funds between the nutrition program and the social services program according to a state's needs;
- to transfer funds between congregate and home delivered meals; and
- determine the type and circumstances under which Area Agencies on Aging (AAA)'s can directly provide services.

NCSL supports additional resources for the ombudsman program.
NCSL believes that participants with incomes below 125 percent federally established level of poverty, should not be subject to cost sharing. Fees collected through this mechanism should provide for expanded services and increased availability of services to those elderly with the greatest economic and social need. This will also enhance the coordination and equity between OAA, the Social Services Block Grant, and state-financed programs that are often funded on a sliding fee scale.

**Senior Community Service Employment Program**

NCSL supports the Senior Community Service Employment Program. NCSL calls for increased cooperation between the states and the national contractors. NCSL supports congressional proposals to provide states and national contractors more flexibility on administrative costs while keeping these costs to a minimum.

**Federal Policies on Aging**

NCSL urges Congress to:

1. preserve the financial integrity of the Social Security system;
2. eliminate all forms of age discrimination against older workers;
3. provide funds for direct services for the elderly;
4. fund the development of integrated, coordinated, community-based continued care systems to help prevent the unnecessary institutionalization of the elderly; and
5. provide additional support for gerontological research, education and training.
NCSL urges Congress to continue its support of state initiatives to offer high-quality and safe child care. In partnership, state and federal governments can address the wide spectrum of needs for child care offered in varied delivery settings while ensuring parent choice, quality and affordability.

Child Care Development Block Grant (CCDBG)

NCSL supports the Child Care Development Block Grant Fund (CCDBG) program, which serves as the main source of federal funding dedicated primarily to child care subsidies for low-income working families and parents engaged in job training or other educational opportunities.

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

- enabling families receiving public assistance on wait lists to gain employment,
- ensuring that former families on public assistance become economically stable,
- meeting the special needs of children with disabilities,
- providing care for infants and older children in after-school care, and
- ensuring access to care for children of parents who work traditional and non-traditional hours.

NCSL supports the following program flexibility options for states:

- offering differential payment rates for providers of higher quality services or who serve children with special needs;
- permitting states discretion to govern the establishment of rules on the registration of unlicensed providers;
allowing parental choice of providers within a state regulatory framework;
permitting the inclusion of quality supply and system building activities as acceptable expenditures in addition to reimbursement;
permitting states to make child care services accessible to all individuals’ subject to work requirements with federal funding support; and
providing states the option to extend the age of eligible children beyond age 13, especially children with special needs, to give states more flexibility to use these funds for out of school time care for older adolescents.

- allowing states to use TANF funds to support programs that serve grandparents raising grandchildren.

**Funding**

NCSL urges Congress to continue its commitment to support the CCDBG program at sufficient levels to complement ongoing state efforts to provide high-quality child care services to low- and moderate-income working families.

NCSL opposes earmarking CCDBG increases in funding as they would reduce state flexibility, which is crucial to state innovation. The portion of unobligated CCDBG funds should remain consistent with congressional intent and leave the use of those funds to the discretion of the state for their CCDBG programs. NCSL urges the federal government to not withhold funding from states that choose to operate their programs under stricter standards than the federal standards.

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

Child care is a critical component that enables states to meet increased requirements for work participation, and imposing a state match may serve as a barrier for some states in accessing badly needed child care funds. Maintenance of effort (MOE) requirements also make it difficult for states to take advantage of federal funds when they face difficult decisions about how to fund all human services programs. NCSL supports maintenance of effort flexibility.
If an administrative cap is imposed, it should be limited to a strict definition of administrative funds. Services such as inspections, licensing, automation, eligibility determination, resource and referral, case management, training, and rate setting are required and critical to the provision of quality services and should be defined as services. NCSL urges the federal government to provide technical assistance to states to improve the coordination and financing of child care programs.

**TANF and Child Care**

NCSL strongly supports child care as an eligible use of the Federal TANF block grant and state maintenance of effort (MOE) funds. NCSL supports state options to transfer up to 30% of their federal TANF block grant allotments to the CCDBG. We urge the administration and the Congress to eliminate the distinction between how child care is treated for working families based on funding stream.

NCSL urges the federal government to reconsider the distinction in TANF regulations that counts child care and other work supports for the unemployed as assistance. NCSL supports families having a reliable source of child care support while they look for another job rather than offering an incentive for them to return to cash assistance.

**Standards**

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

**Taxes and Benefits**

NCSL supports options through use of federal and state tax incentives that can encourage creation of child care programs and help parents better afford child care services. NCSL supports:
• Tax credits for employers that establish, operate, supply and/or support child care programs,
• Public or private incentives for a child's primary caregiver to have the option to stay at home during the child's early developing stages;
• Tax credits for taxpayers with dependents under compulsory school age;
• Child care benefits as an option in employer-sponsored cafeteria plans, including pre-tax flexible spending accounts;
• Retention of the Dependent Care Tax Credit as it exists under current law; and
• Tax incentives to encourage individuals to establish and/or operate child care programs;
• Options that enable states to create or allow the development of public-private partnerships to strengthen the child care system.
The National Conference of State Legislatures (NCSL) supports the state-federal partnership to provide nutrition assistance to those in need. State legislators are concerned about the vast numbers of hungry individuals, and particularly the severity of hunger among childhood and aging populations. The Supplemental Nutrition Assistance Program (SNAP), The Emergency Food Assistance Program (TEFAP), the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), and Child Nutrition programs alleviate and prevent hunger and enable families to improve their health and be more productive at school and at work.

SNAP: Supplemental Nutrition Assistance Program/Food Stamps
NCSL urges continued federal funding of the SNAP program at levels sufficient to provide assistance to all that are eligible or in need due to the rising cost of food. NCSL also urges the administration and Congress to continue to make SNAP and Temporary Assistance to Needy Families (TANF) block grants more compatible through the broad-based categorical eligibility option. This is a policy option for states by which households may become categorically eligible for SNAP because they qualify for Temporary Assistance for Needy Families or state maintenance of effort-funded benefits. In times of economic hardship, SNAP, along with other nutrition assistance programs, offers a vital safety net for low-income Americans.

NCSL opposes proposals that would impose costly administrative burdens and unfunded mandates on state governments, or remove state flexibility that is critical to cost-effective administration of SNAP.

NCSL supports U.S. Department of Agriculture (USDA) initiatives to provide administrative flexibility through the waiver process by allowing states to implement administrative efficiencies such as telephone interviews, utilize Combined Application
projects, simplified application forms, the creation of mobile-friendly software for SNAP recipients, and develop partnerships with community stakeholder organizations to improve quality, efficiencies, and overall nutrition access. NCSL supports additional waivers that increase administrative flexibility during a public health emergency.

SNAP Benefits and Program Design
NCSL recommends that the administration and Congress incorporate the following issues regarding SNAP benefits and program access into future legislative and regulatory action:

- Elimination of the annually indexed caps on excess shelter deductions to allow families to deduct high shelter costs;
- Exclusion of the first $150 a month by a non-custodial parent paid as child support from consideration as income in determining the SNAP allotment;
- Elimination of the rules concerning the value of a vehicle that a recipient may own and still receive SNAP benefits;
- Federal support and technical assistance for state outreach;
- Enhancement and simplification of application and eligibility determination procedures through supporting Web-based screening tools, permitting seniors and the disabled to apply at Social Security offices, reduced length application forms, and allowing use of joint applications;
- Continuation of state options regarding child support cooperation as a condition of eligibility for SNAP. NCSL supports the elimination of the fee for SNAP recipients’ child support collection efforts as a further incentive toward child support enforcement participation.
- Continuation of state options to disqualify for SNAP eligible individuals who fail to cooperate with child support enforcement authorities or who are in arrears on child support obligation. NCSL supports this option and opposes changes that would mandate these actions;
• permit the promotion and acceptance of SNAP at farmers' markets and
other non-grocery store, produce-oriented venues, for example: from a
small farmer; and

• Continue to support current state options regarding categorical
eligibility and "heat and eat."

SNAP and Legal Immigrants
NCSL supports SNAP eligibility for legal immigrant children and families. NCSL
commends USDA's outreach efforts to assist eligible legal immigrants, including their
work to translate materials into more than 34 languages. NCSL continues to support
restoring eligibility to the small number of legal immigrants who were not covered under
previous restoration. NCSL urges the administration and Congress to include state
lawmakers in making decisions that would alter the eligibility status for any category of
immigrants legally present in the United States.

SNAP Employment and Training Program (SNAP E&T)
NCSL supports the objectives of self-sufficiency promoted by the SNAP Employment
and Training program (SNAP E&T), and will work with the federal government toward
that goal. NCSL urges the administration and Congress to allow states flexibility to
create, fund, and integrate SNAP E&T programs with similar state programs, particularly
TANF and the Workforce Innovation and Opportunity Act (WIOA). NCSL also supports
program simplification and coordination between TANF and SNAP.
In addition, NCSL appreciates the USDA's willingness to grant states waivers of the
three-month time limit for non-working able-bodied adults without dependents in areas
impacted by high unemployment and USDA's technical assistance to states.

SNAP Program Quality Control (QC)/Judicial Waiver
NCSL supports the original intent of quality control, which is to provide states with a
management tool to identify problems in public assistance administration and to
facilitate corrective actions. However, many problems in the current system have been
documented, including statistical flaws and the levying of excessive financial penalties
on states. NCSL strongly supports the move away from a system based on error rates to one that awards bonuses for accuracy. NCSL urges the federal government to improve systems related to appeals of waiver decisions and reinvestment of claims, including outcome measures of program goals.

NCSL supports efforts to focus on program measurement and evaluation through positive incentives and urges Congress to reexamine funding levels. State legislators urge the USDA to continue to settle QC claims through state reinvestment in program improvement.

**Electronic Benefit Transfer and Automated Systems (EBT)**

NCSL supports the current implementation of EBT systems and supports allowing cards to be used for multiple programs.

NCSL believes that states should be allowed to negotiate the terms of EBT with food marketers, farmers' markets, and financial institutions. NCSL opposes preemption of state laws that govern financial institutions pertaining to a nationwide EBT system. As additional income support programs are added to EBT systems that are state-only or state-federally governed, the federal government must not preempt state benefits law.

NCSL also encourages the administration and Congress to continue initiatives around summer feeding and EBT to secure a permanent summer EBT program, including adding monthly funding to family's EBT cards and including funding for state startup costs.

**SNAP Program Flexibility and Waivers**

NCSL believes that the federal waiver process should recognize state participation and need. States need flexibility for further innovation and state legislators prefer to have options rather than waivers for policy changes that are not in need of further evaluation. State legislators need to be included in the waiver process prior to a waiver being
granted. Plan approval and the results of demonstration grants should be shared with state legislators.

Emergency Food Assistance and Commodity Distribution

NCSL urges Congress to fully fund The Emergency Food Assistance Program (TEFAP) at its authorized level. NCSL believes that Congress should provide adequate administrative funds to facilitate the efficient distribution of food, and should include sufficient safeguards to prevent program abuse. NCSL urges the USDA to make additional surplus commodities available to states, upon request, when additional surplus food becomes available. We also urge the USDA to provide administrative funding support for sorting, packaging, processing, and transporting donated food. NCSL supports federal programs that deliver commodities through farmers’ markets and the child nutrition commodity programs.

Child Nutrition

NCSL urges Congress to reauthorize legislation to continue and fully fund child nutrition programs. NCSL urges the USDA to emphasize the importance of nutritionally-appropriate foods, and avoiding those high in sugar, fat, and sodium.

Accurate eligibility determination is important in any federal program, but efforts to ensure that only eligible children are served must not be a deterrent to program participation. NCSL supports the USDA’s proposal to create a pilot program for school districts to provide more nutritious alternatives that would allow experimentation without risk of financial loss to those schools.

WIC

NCSL supports the objectives of the WIC program to educate and inform participants with the best sources of nutrition to reduce the incidence of low birth weight, improve infant nutrition in the first year of life, and to improve the health of participants. NCSL encourages the administration and Congress to ensure flexibility for the time it takes to
process and approve applications for WIC applicants and ensure continued financial support to maximize WIC coverage for women, infants, and children in need.

NCSL supports congressional efforts to improve program administration by authorizing limited borrowing between fiscal years for the WIC program, and by requiring the timely apportionment of WIC funds to the states. NCSL supports funding to allow technological improvements to WIC and to allow the implementation of WIC EBT.

School Breakfast and Lunch Programs
NCSL strongly supports the National School Lunch Program (NSLP) and the School Breakfast Programs (SBP) as critically important to the well-being, education, and self-sufficiency of young children. State legislators support the cash subsidies to schools for moderate- and high-income children under the provisions of the school lunch and school breakfast programs. Additionally, NCSL encourages more flexibility for community eligibility provisions (CEP), which help reduce paperwork for parents and schools with a high percentage of eligible students.

The provision of federally-funded start-up grants would enable many schools with large numbers of low-income children to initiate the school breakfast program. NCSL recommends that a study be conducted that would consider alternative financing scenarios that would retain program consistency. NCSL urges the USDA to emphasize nutritionally-appropriate foods.

Summer Food Service Program for Children (SFSPC)
NCSL supports SFSPC and the restoration of meal reimbursement rates that allow low-income children to receive a nutritious lunch in the summer. NCSL supports policies that will make it easier for non-profit community groups and public entities to sponsor the program, and will allow the program to be available in more neighborhoods and rural areas.

Child and Adult Care Food Program (CACFP)
NCSL supports flexibility to allow seniors to transport uneaten food they receive while participating in the Child and Adult Care Food Program (CACFP). Proposals to eliminate or reduce this program ignore its valuable contribution to the expansion of child care and reduction of childhood hunger.

NCSL strongly supports efforts to expand CACFP to older children in after-school programs, and to ensure that the program is available in more neighborhoods and rural areas. Additionally, NCSL supports state options to expand this critical program to suppers in after-school programs.

**Combating Childhood and Adult Obesity**

NCSL supports federal efforts to find solutions for childhood and adult obesity without imposing mandates. NCSL urges Congress to fully fund these programs and supports a proposal to fund a pilot program for the states with the greatest incidence of childhood and adult obesity to develop policies and procedures to reduce obesity.

**Nutritional Quality Measures for Older Adults**

NCSL supports the quality measures used by the Centers for Medicare and Medicaid Services (CMS) to quantify health care processes, outcomes, patient perceptions, and systems that are associated with the ability to provide quality health care and/or that relate to “quality goals” for health care. CMS introduced four electronic clinical quality measures that would cover screening for malnutrition, assessment of those screened as at-risk for malnutrition, diagnosis of malnutrition, and creation of a nutrition care plan. NCSL urges CMS to adopt quality measures on malnutrition to heighten the importance of identification, evaluation, and treatment of malnutrition in the elderly.

NCSL also supports establishing malnutrition care as a measure of quality health care. NCSL urges the administration and Congress to support state efforts to reduce malnutrition in the elderly and heighten awareness of nutrition in elderly communities.
The development of a comprehensive approach to deliver support services for elderly persons and persons with disabilities is critical. Without such system, long-term care expenditures will continue to overwhelm state and federal health care budgets, limiting necessary expenditures for primary and preventive health care.

NCSL supports:

- states being provided new options for setting financial and functional criteria to qualify for these services;
- the development of expanded options for private long-term care insurance, flexible life insurance products, and home equity sharing programs, such as reverse annuity mortgages;
- initiatives to provide incentives for employers to offer and for individuals to establish health savings accounts and other innovative financing options to pay for a broad range of supportive services; and
- efforts to assist family members who are caregivers, including tax incentives and programs that provide support services, such as respite care.

Increasing Options for Home and Community-Based Care

NCSL continues to support the development of more home and community-based options under Medicaid to provide and integrate long term care services. NCSL supports the federal government encouraging states to develop innovative programs to improve the long-term care system. NCSL urges the Administration and Congress to work with states to develop assessment tools that will help states better identify what level of services individual clients need and the most appropriate settings for the client.
to receive care and these assessments should be made available to all elderly persons and persons with disabilities to help them plan for their long-term care needs.

**Long Term Care Insurance**

NCSL supports strong federal action to protect consumers of long-term care insurance from predatory pricing or inadequate benefit plans. NCSL urges the Administration and Congress to speed the development of long-term care insurance as a viable alternative or complement to Medicaid support for long-term care services. At the same time, tax credits, partnership programs, and other incentives should not be seen as a tool for reduced funding for Medicaid. While the states will continue to take primary responsibility for the regulation of long-term care insurance, NCSL supports the development and evaluation of programs and initiatives that would: (1) provide preferential tax treatment for individuals who purchase qualified long-term care insurance; (2) provide tax incentives for private employers and a Medicaid bonus program for state and local government employers to encourage them to offer long-term care insurance as a benefit; and (3) encourage and provide incentives to employers to offer long-term care insurance, as a condition of receiving federal benefits, such as business tax credits;

**Alzheimer's Disease and Related Disorders**

NCSL supports continued federal efforts that: (1) lead to the development of new drug treatments; (2) assist in disease management; and (3) improve the early diagnosis of these conditions.
NCSL strongly supports a secure interoperable system of electronic health information for the United States that:

- supports interoperability, not uniformity;
- makes security of the data a priority;
- provides strong consumer protections;
- establishes severe penalties for individuals or entities that compromise information in the system; and
- makes every effort to make the system available and affordable to the widest possible range of providers and consumers.

NCSL supports strong protections in circumstances where non-health care professionals need access to personal health care data. This includes requiring law enforcement representatives to have a court order to obtain information from an individual's medical record, recognizing legal exceptions that exist. This also includes retaining and strengthening existing research protocols and confidentiality standards for health care researchers.

NCSL also supports the establishment of grant, loan and demonstration programs to provide financial and technical support to health care providers, state and local governments, and other entities that will play a key role in the development and successful operation of an interoperable health information system. States must be permitted to supplement federal financial support to physicians and hospitals with state grant or loan programs for up to 100 percent of costs. It is critical that publicly financed programs such as Medicaid and Medicare become active participants in the system and that creating this capacity be a priority within the federal budget.

Health Insurance Portability and Accountability Act of 1996 (HIPAA)
Under the provisions of HIPAA, federal law supersedes state law, except when the Secretary of the Department of Health and Human Services determines that the state law is necessary:

- to prevent fraud and abuse;
- to ensure the appropriate state regulation of insurance or health plans; and
- for addressing controlled substances, or for other purposes.

NCSL supports a broad interpretation of this provision that would result in limited preemption of state laws. Federal legislation should provide a floor, not a ceiling and only preempt state laws that are less protective.

NCSL also supports:

- administrative simplification provisions of HIPAA. All affected entities, must be afforded adequate time to implement changes to these provisions; and
- Federal and state governments sharing information; however, confidentiality of medical records and information must be protected.
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:

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

**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 encourages the federal government to continue providing flexibility to carry out the program’s operation. 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.
COMMITTEE: HEALTH AND HUMAN SERVICES

POLICY: SUPPORTING REAUTHORIZATION OF THE CHILD NUTRITION ACT

TYPE: RESOLUTION

WHEREAS, state legislators are committed to supporting our nation’s health, economy and national security and to combatting the negative impacts of childhood hunger and food insecurity on their health, academic performance and overall well-being through the Child Nutrition and WIC Reauthorization Act; and

WHEREAS, regular access to healthy and affordable meals is a predictor of improved school performance, improved health and sound childhood development, and school meals in particular, can have a positive impact on grades, absenteeism and tardiness among students; and

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 millions of the nation's children through the National School Lunch Program (NSLP), School Breakfast Program (SBP), Summer EBT for Children (SEBTC), Pandemic-EBT (P-EBT), the Community Eligibility Provision (CEP), and Special Supplemental Nutrition Program for Women, Infants, and Children (WIC); and

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

WHEREAS, non-congregate meal delivery options were critical during the COVID-19 pandemic, especially in rural and hard-to-reach-communities and areas with transportation challenges, offering a blueprint for more effective summer meals operations in the future; and
WHEREAS, the Community Eligibility Provision (CEP) offers eligible schools the ability to serve breakfast and lunch to all students at no cost, increasing food security and academic outcomes, while also allowing schools to eliminate the collection of paper applications, reduce administrative costs, and streamline meal service operations; 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, persistent barriers prevent eligible women and children from participating in WIC, including a lack of remote appointments, short certification periods, and limited flexibilities in food purchasing, ordering, and delivery; and

WHEREAS, Congress has the opportunity to improve access to child nutrition programs for millions of children, particularly those of low-income, thereby improving child nutrition, school readiness, and well-being, through an adequately funded and evidence-based Child Nutrition Reauthorization (CNR) process.

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 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 PEBT system beyond the COVID-19 pandemic, allowing authorities to quickly deliver increased nutritional aid during declared emergencies; and

BE IT FURTHER RESOLVED, that the National Conference of State Legislatures urges Congress to increase the WIC cash value benefit for fruits and vegetables and support improved, equitable access to WIC through extended certification periods and modernization efforts like remote appointments, online ordering and 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 through the
policy goals stated above.
WHEREAS, congregate care residential facilities include but are not limited to programs such as wilderness programs, residential treatment facilities, psychiatric residential treatment facilities, therapeutic boarding schools, special education schools, intermediate care facilities for children with intellectual and developmental disabilities and group homes; and

WHEREAS, an estimated 120,000-200,000 children and youth are placed in residential facilities each year by state child welfare and juvenile justice systems, mental health providers, refugee resettlement agencies, school district special education programs, and by parents; and

WHEREAS, the majority of these programs are not licensed by any health care agency and as such the children are not protected by the licensure requirements imposed on licensed health care providers; and

WHEREAS, some residential facilities still operate without any licensure at all; and

WHEREAS, many of these programs advertise treatment despite the lack of licensed health care licensure or eligibility for Medicaid or private insurance reimbursement; and

WHEREAS, the current regulatory and licensure framework makes it difficult for state agencies, parents and medical professionals to distinguish between high quality evidence based facilities and dangerous programs that exploit youth; and

WHEREAS, an estimated $23 billion dollars of public funds are annually used to place youth in residential programs and facilities and the cost per child, per day for residential treatment ranges from $250-$800; and
WHEREAS, many of these placements are funded solely by State General Funds or private funds from parents and as such are not subject to the conditions of participation under Medicaid or utilization review by commercial insurance; and

WHEREAS, children and youth are frequently placed in facilities outside their own state of residence; and

WHEREAS, the placement of children and youth across state lines creates uncertainty about jurisdiction, definitions of abuse and neglect and accountability measures for individuals or entities that engage in abuse or neglect of children in residential facilities; and

WHEREAS, state child welfare and juvenile justice agencies, journalists, and thousands of residential congregate care facility survivors have reported pervasive physical, emotional and sexual abuse, including hitting and choking, sexual assault, harassment, grooming, food and/or sleep deprivation, solitary confinement, inappropriate and punitive use of physical and chemical restraints, restricted access to bathrooms, forced labor, the use of attack therapy, sexual shaming and/or forced sexualized behavior as part of “treatment”; and

WHEREAS, news reports document more than 350 child deaths at these facilities and there are additional deaths not reported to the media; and

WHEREAS, children and youth in many residential facilities are routinely prohibited from communicating with parents, lawyers or child protection and advocacy agencies or are subject to monitoring of such communications; and

WHEREAS, the 2008 Government Accountability Office report "Residential Programs: Selected Cases of Death, Abuse, and Deceptive Marketing" found that “ineffective management and operating practices, in addition to untrained staff, contributed to the death and abuse of youth”; and

WHEREAS, the 2021 National Disability Rights Network's report showed that "Physical abuse, often masked as punishment or a control tactic, is not uncommon in [residential
facilities]” and that “children in [residential facilities] report sexual assault at the hands of staff”; and

WHEREAS, that same report found youth lacked “adequate access to clean water and proper sanitation & have limited recreational space… and some youths report that they are unable to obtain academic credit for education completed at [residential facilities], putting them at a significant disadvantage upon return to their communities.”; and

WHEREAS, the 2021 “Away From Home” study conducted by the nonprofit Think of Us surveyed 78 youth with recent lived experience in residential placements who reported that institutions failed to meet the mandate of child welfare, were carceral, punitive, traumatic and unfit for healthy child and adolescent development; and

WHEREAS, the 2022 Government Accountability Office report “HHS Should Facilitate Information Sharing Between States to Help Prevent and Address Maltreatment in Residential Facilities,” was conducted because “news media have reported several incidents of youth being maltreated by staff employed at residential facilities... Little information is publicly available about incidents of maltreatment in federally funded residential treatment facilities for youth;” and

WHEREAS, the GAO subsequently recommended that the Department of Health and Human Services, in consultation with the Department of Education, facilitate information sharing among and between states on promising practices for preventing and addressing maltreatment in residential facilities; and

WHEREAS, lack of clear national standards for licensing, oversight, abuse investigation and child abuse definitions have left States without needed authority and necessary information to appropriately oversee residential facilities for children and youth; and

WHEREAS, Senators Jeff Merkley (D-Oregon) and John Cornyn (R-Texas) and Representatives Ro Khanna (D-California) and Buddy Carter (R-Georgia) will be introducing federal legislation, currently referred to as the “Stop Institutional Child Abuse
Act” to assist states in protecting children and youth from abuse in residential facilities; and

WHEREAS, states need access to information about best practices, facility safety and quality and mechanisms to hold contractors to account for state funded services that fail to meet contract standards and harm children and youth; and

WHEREAS, youth residential providers need clear and consistent nationwide standards for accountability, oversight and quality service delivery to elevate the quality of services for children and youth; and

WHEREAS, children and youth in residential facilities deserve basic protections against all forms of abuse and neglect; access to an appropriate education and necessary medical care; freedom from inappropriate physical, mechanical or chemical restraint; freedom from solitary confinement, forced silence or restricted communication with trusted caregivers including parents, state agencies, advocacy organizations and first responders; and the freedom to report mistreatment anonymously without fear of reprisal;

NOW, THEREFORE, BE IT RESOLVED, that the National Conference of State Legislatures urges Congress to pass the bipartisan legislation currently referred to as the “Stop Institutional Child Abuse Act” to provide children and youth with protection from all forms of abuse and to empower States to demand accountability from providers to whom they entrust their children through greater oversight, transparency and accountability for residential care.
WHEREAS, the continuing COVID pandemic has contributed to a significant dislocation and displacement of the workforce, and

WHEREAS, the potential for an expanded registered apprenticeship program in the United States can help workers reconnect to the economy while enhancing their skills and opportunities, and

WHEREAS, innovative new registered apprenticeship programs in non-traditional economic sectors such as health care, technology, and personal services will open pathways for increased diversity and inclusion in those occupations, and

WHEREAS, the traditional “earn while you learn,” approach of registered apprenticeship will reduce economic barriers to higher skilled occupations that currently are limited to paid tuition and fee based courses, and

WHEREAS, the traditional “on-the-job” learning requirements of registered apprenticeship are a successful learning style for many students who prefer learning skills through hands-on experience in addition to tradition classroom coursework, and

WHEREAS, providing incentives to employers to participate in registered apprenticeship programs in non-traditional sectors through tax policies and apprentice utilization agreements, when combined with long-term employer commitments, will establish a sustainable future for apprenticeship programs, and

WHEREAS, the success of traditional registered apprenticeship programs that are financially sustainable and jointly managed create tens of thousands high wage and high skilled jobs to ensure future generations of skilled apprentices for high demand occupations in our country, and
WHEREAS, replicating the success of traditional registered apprenticeship programs to non-traditional occupations will take significant resources and support from the United States Department of Labor,

WHEREAS, there are very successful apprenticeship programs in the United States and throughout the world,

THEREFORE, BE IT RESOLVED that the NCSL support federal initiatives and funding to expand state registered apprenticeship programs into both non-traditional occupations and careers, and also traditional apprenticeships or federal registered apprenticeship programs in states that do not have state registered apprenticeship programs considering best practices and policies found in other countries.
Debate over election policy has intensified and continues to attract national attention. Public confidence in the integrity of our elections is of utmost importance to both state and federal policymakers and is fundamental to our democracy.

The Constitution of the United States explicitly grants state legislatures the authority to regulate the time, place, and manner of elections. Even minor changes to federal election laws and policy affects states. Consequently, state legislatures must be equal partners with Congress when considering any potential election legislation.

As the organization representing state legislatures, National Conference of State Legislatures (NCSL) stands ready to partner with federal officials to develop appropriate federal legislation and/or regulations that respect state sovereignty.

NCSL encourages the fiscally responsible appropriation of federal funds to supplement the resources already allocated by state and local governments for the purposes of:

- Facilitating voter registration, maintenance, and accuracy of voter rolls;
- Improving ballot design and accessibility;
- Modernizing election equipment and systems;
- Providing training and educational opportunities for election personnel;
- Protecting equal access to the right to vote; and
- Enhancing the security of election procedures.

NCSL opposes any federal election mandates with insufficient federal funding or that preempt the authority granted to state legislatures by the U.S. Constitution.
State legislators recognize that data collection and related infrastructure in the criminal justice field, including the ability to track and understand information about the people who go through state criminal justice systems, is an important component for state legislatures when making policy decisions and allocating state resources to their criminal justice, juvenile justice, and court systems.

Any efforts undertaken by the federal government to consult on, collect or distribute criminal justice, juvenile justice, or court data should not infringe on state transparency, privacy, and data collection laws, however states could benefit from consultation with the U.S. Department of Justice regarding options for data collection and strategies for streamlining state practices to collect the best and most comprehensive information. Similarly, the federal government can assist states through federal grants that support state data infrastructure and collection.

The federal government is in the best position to urge collection and distribution of state criminal justice, juvenile justice, and court data that can be used for cross state comparison. States should be able to provide input to the U.S. Department of Justice on the data that is the most useful and ideas on how data collection can be improved and released timely.

The National Conference of State Legislatures supports efforts by the U.S. Department of Justice for collection of criminal justice, juvenile justice, and court data that is useful for cross-state comparison in the least burdensome manner possible and dissemination of the data in a timely and useful manner. The National Conference of State Legislatures also urges U.S. Department of Justice to provide funding for and technical assistance to states, localities, criminal and juvenile justice agencies, and courts for data collection and infrastructure.
WHEREAS, the Deferred Action for Childhood Arrivals (DACA) program, established by executive order in 2012, safeguarded individuals who applied for protection under the program from deportation. These individuals entered the country under the age of 16 prior to June 15, 2012, have continuously resided in the United States since 2007, have no prior serious criminal history, and have either served in the United States Armed Forces, completed, or are currently enrolled in high school or a GED program; and

WHEREAS, Dreamers are a broader category of young people who entered the United States as children but have not yet applied for or received DACA program protections. Both Dreamers and DACA recipients are most familiar with and loyal to the United States, not their birth country; and

WHEREAS, These young immigrants are hardworking and educated individuals who are tax paying members of the American workforce, annually contributing about $5.7 billion in federal taxes and $3.1 billion in state and local taxes according to the Center for American Progress; and

WHEREAS, DACA has been subject to near constant litigation in the federal court system regarding the constitutionality of the program. Congress has failed to pass legislation addressing this population causing instability that forces Dreamers and DACA recipients to live in fear of someday being arrested and deported to a country which, in many cases, they do not remember living in; and
NOW, THEREFORE, BE IT RESOLVED, the National Conference of State Legislatures urges Congress to pass a stand-alone piece of legislation that ensures that Dreamers and DACA recipients are allowed to reside in the United States without fear of deportation or persecution.
WHEREAS, the United States has a vested interest in securing its borders; and

WHEREAS, promoting legal immigration is paramount to the prosperity of the United States; and

WHEREAS, the right to seek and enjoy asylum from persecution is a commonly accepted human right in the international community that the United States upholds; and

NOW, THEREFORE, BE IT RESOLVED, the National Conference of State Legislatures urges Congress and the Administration to invest in procedural and technological improvements to its ports of entry and judicial system in order to facilitate a safe, efficient, timely, and humane immigration process for asylum seekers.
WHEREAS, there is currently a labor shortage in key U.S. industries and increased cultural and ethnic diversity is a recognized benefit to our society; and

WHEREAS, the pandemic highlighted the need for a diverse and robust workforce able to withstand shocks and unforeseen circumstances, particularly in industries such as healthcare, manufacturing, agriculture, education, and trade industries that continue to experience shortages, amounting in total to over 10 million unfilled jobs; and

WHEREAS, immigrants tend to be of optimal working age and eager to find employment; and

WHEREAS, employment-based visa holders are non-citizen workers that complement U.S. workers and help to fill labor gaps in critical industries; and

WHEREAS, employment-based visa holders benefit the country not only with their gainful employment but also by contributing to the tax base, as they pay federal, state, Social Security, and Medicare taxes proportional to their wages; and

WHEREAS, according to the United States Department of State, permanent employment-based immigration is statutorily limited to 140,000 principals and dependents annually. To illustrate the low number of visas available in certain sectors, the number of H-2B visas is statutorily limited to 66,000, and the number of H-1B visas is limited to 65,000 with an additional 20,000 visas available for those with a master’s degree or doctorate. There are countless other industries with statutory visa caps that are not commensurate with workforce needs; and

COMMITTEE: LAW, CRIMINAL JUSTICE, AND PUBLIC SAFETY
POLLICY: INCREASING VISA CAPS AND LEGAL IMMIGRATION TO END LABOR SHORTAGE
TYPE: RESOLUTION
WHEREAS, these visa caps are often met within the first few months of each year; and

WHEREAS, many visa recipients must reapply yearly and these applications can be lengthy and burdensome; and

NOW, THEREFORE, BE IT RESOLVED, the National Conference of State Legislatures urges Congress to significantly increase the statutory visa caps and simplify the application and reapplication processes to allow employment-based visa recipients to easily maintain their visa status; and

LET IT BE FURTHER RESOLVED, the National Conference of State Legislatures urges Congress and the Administration to create legal pathways to immigration and streamline the process for immigration into our country in order to fortify the labor market and achieve economic prosperity.
WHEREAS, Temporary Protected Status (TPS) is a crucial designation that allows those whose home countries have been ravaged by natural disasters and war to gain lawful entry and temporary residency in the United States; and

WHEREAS, violence and instability in Afghanistan, Yemen, Ukraine, Myanmar, Syria, and many other regions worldwide have created a global refugee population of over 30 million people, half of them being children according to the United Nations High Commissioner for Refugees; and

WHEREAS, nationals from 13 countries are currently eligible to apply for TPS in the United States through the stringent and thorough application process, consisting of background checks and application fees; and

WHEREAS, the majority of TPS holders have resided in the country for over a decade; and

WHEREAS, the Center for Migration Studies reports TPS holders have labor participation rates of over 80% and are thus beneficial to the economy, projected to contribute $164 billion to the economy over the next decade; and

WHEREAS, TPS recipients often do not have a clear pathway to citizenship. Those who have resided in the United States for long periods of time and have built a life for themselves in the country would face an uncertain future. Pursuant to Sanchez v. Mayorkas, the Supreme Court held that TPS recipients who entered the US without inspection must return to their country of origin to have their visa application processed.
by a consular post. This is a process that would prevent most TPS holders from gaining approval to re-enter the US for multiple years; and

WHEREAS, the Department of Homeland Security has the authority to designate countries for TPS, leaving TPS protections largely in the hands of the executive branch, which can change drastically in terms of priorities depending on the administration; and

NOW, THEREFORE, BE IT RESOLVED, the National Conference of State Legislatures urges Congress to pass legislation granting those in the United States with TPS a pathway to citizenship.

NOW THEREFORE BE IT FURTHER RESOLVED, the National Conference of State Legislatures urges Congress and the Administration to develop a fair and consistent process to evaluate and approve TPS applications on an expedited basis, without forcing applicants to return to the dangers in their home country while they await the outcome of their application.
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 that of a nonexempt vehicle. NCSL also encourages the Secretary (or applicable designated agency) to update FMVSS to account for innovative...
vehicle designs. NCSL encourages Congress to increase the number of exemptions granted to a manufacturer, to ensure vehicle production is not unnecessarily constrained pending updates to existing FMVSS. 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.
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.
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.
• The federal government shall restrict carbon capture and storage incentives for projects that involve the transfer of carbon by interstate pipelines to those certified by state public utility commissions or other state regulatory bodies to have demonstrated, by clear and convincing evidence, that a project will: 1) result in a net life-cycle reduction in atmospheric carbon, with financial awards tied to such reductions, pursuant to a state’s climate action plan adopted by the Legislature or approved by the governor; and 2) permanently restore damage to wetlands, woodlands, prairie, rivers, streams and other natural resources, as well as the productivity of disturbed farmland, as a result of construction, operation or future abandonment.”

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.
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 the United States Environmental Protection Agency to increase research efforts on microplastics.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the U.S. Attorney General, to the President of the United States, 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 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.
COMMITTEE: NATURAL RESOURCES AND INFRASTRUCTURE

POLICY: STATE-SUPPORTED GRADE CROSSING SAFETY ELIMINATION AND SEPARATION PROGRAMS

TYPE: RESOLUTION

WHEREAS, the National Conference of State Legislatures wishes to support sound public policies that encourage states to take matters into their own control to protect human life, preserve mobility and enhance economic development by creating state-funded, highway-railroad grade crossing safety enhancements, including roadway separations and eliminations; and

WHEREAS, there are more than 200,000 at-grade, public railroad crossings throughout the country; and

WHEREAS, thanks to billions of dollars of upgrades to grade crossing warning features including gates, lights and bells, since 1981 grade crossing collisions have decreased from 9,461 collisions, down 443%, to 2,131 collisions in 2021; and

WHEREAS, since 1981, grade crossing collisions have decreased from 728 fatalities, down 307%, to 237 fatalities in 2021; and

WHEREAS, since 1981 grade crossing collisions have decreased from 3,293 injuries, down 504%, to 653 injuries; and

WHEREAS, the National Association of County Officials (NACo), National League of Cities (NLC), and American Association of State Highway and Transportation Officials (AASHTO) have previously urged Congress to support improved rail safety programs, including supporting additional founding to local governments, state, and railroads to further improve grade crossings and separations allowing for safer interactions between road and rail traffic; and
WHEREAS, rail interstate networks between cities and regions provide essential transportation flow for American goods and passengers; and

WHEREAS, these rail interstate networks are essential to the American economy but in cities, towns, villages, and states throughout the country, their localized presence can cause negative externalities including road congestion for extended periods of time at rail crossings; and

WHEREAS, the federal Infrastructure Investment and Jobs Act includes approximately $3 billion in funding to be administered by the Federal Railroad Administration over the next 5 years to build new grade separations and eliminate more road-rail crossings throughout the nation; and

WHEREAS, some state legislatures have created their own, dedicated state grade crossing separation, elimination, and safety enhancement program to leverage those federal dollars in order to unlock new economic development, safety enhancements, and railroad fluidity opportunities throughout each state; and

WHEREAS, 23 U.S.C. Section 130’s Railway Highway Crossing Program was introduced in 1987 and over the past 35 years has annually funded several hundred million dollars of federal match for at-grade crossing enhancements, eliminations, and separations that have driven down vehicular and pedestrian fatalities, injuries, and collisions; and

WHEREAS, as part of IIJA, Congress increased incentive payments for grade crossing closures from the previous cap of $7,500 to the new level of $100,000 within the federal Section 130 Grade Crossing Safety Fund; and

WHEREAS, also as part of IIJA, Congress expanded the eligible activities under the Section 130 Program to now cover replacement of functionally obsolete warning
devices that were improved once before in the early years using Section 130 Program funds.

NOW THEREFORE BE IT RESOLVED, the National Conference of State Legislatures encourages Congress to continue to create, expand, and enhance state and local grade crossing protection funds which have the effect of improving safety, mobility and economic development potential for both the railroads and motoring public throughout the country.