# NCSL Standing Committee on Natural Resources and Infrastructure

## POLICY DIRECTIVES AND RESOLUTIONS

2022 Legislative Summit  
*Submitted Resolutions & Directives as of 6.23.2022*

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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 standard. Further, as exemptions are granted, NCSL implores the department to provide such information to states, in a timely manner.

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

Cybersecurity Information Sharing
Cybersecurity is a vital aspect of autonomous vehicles. As vehicles begin to communicate with each other (vehicle-to-vehicle or V2V) as well with infrastructure (vehicle-to-infrastructure, V2I, and V2X), the potential risk of cyberattacks and security breaches greatly increases. NCSL urges both the administration and Congress to both share any threat information with state governments and to work with states to ensure that such threats and affected vehicle populations do not become endemic. A collaborative effort is vital in ensuring such safety.
WHEREAS, Chronic Wasting Disease (CWD) affects cervids such as deer, elk, and moose and has been detected in at least 25 states, according to the CDC’s August 2021 survey; and

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

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

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

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

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

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

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

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

WHEREAS, microplastics have been found in human stools; and

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

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

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

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

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Attorney General William Barr, President Donald Trump, 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.
The National Conference of State Legislatures (NCSL) believes that maintaining a strong production agriculture capacity is critical to our nation’s strength and is a matter of national security. NCSL recognizes that decisions affecting American agriculture must reflect a working partnership of the federal government with the states in both the formulation and implementation of policy.

Agricultural Fiscal Policy

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

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

**Secondary Market for Long-Term Loans:** NCSL urges the federal government to work with states to assure that the provisions of the Agricultural Credit Act of 1987 continue to be fully implemented.

**Bankruptcy law:** NCSL supports federal legislation to permanently extend allowing farm operations to declare Chapter 12 bankruptcy.

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

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

**Agricultural Bonds:** NCSL supports exempting agricultural bonds from the federal volume cap placed on industrial revenue bonds in each state. Furthermore, NCSL recommends that the President and U.S. Congress amend the federal Internal Revenue Code to make the use of agricultural bonds more attractive to banks and other financial institutions. NCSL also recommends that the federal government permit deductibility for loans financed by issuers that are not necessarily small issuers as defined by the
Crop Insurance: NCSL supports a state-federal partnership to develop a fair and affordable crop insurance program that complements other risk management tools available in the marketplace for all crops. NCSL supports an efficient program that promotes informed production and management decisions. NCSL also supports federal efforts to encourage private-sector development of innovative risk management tools. However, any plan for crop insurance must not adversely impact a state's ability to levy premium taxes, regulate the business of private insurance or set solvency standards for private crop insurers.

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

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

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

**Competition**

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

**Natural Resource Conservation**

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

We encourage significant federal investment in state-supported projects -- with an emphasis on watershed-based public-private partnerships -- that provide for accountability and transparency, as evidenced by the establishment of goals, timelines, milestones, monitoring, measurement and regular public reporting documenting improvements in the quality of water in public waterways. Fundamentally, NCSL believes that states must be given a much stronger voice in ensuring that federal wetlands, endangered species, and land management policies respect the rights of local landowners and states.
Wetlands and Endangered Species

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

Pollinator Health

NCSL recognizes the importance of pollinators and stresses the negative ramifications of continued pollinator loss, while supporting federal efforts to protect pollinators. We also recognize the key roles that the federal government plays as a landowner and manager, regulator of pesticide products, and financial and technical assistance provider to farmers and other private landowners. As such NCSL supports and calls upon the federal government to:

- develop best management practices and enhance pollinator habitat on federally owned or managed lands;
- incorporate pollinator health as a component of all future federal restoration and reclamation projects;
- revise guidance documents for designed landscapes and public buildings in order to incorporate pollinator-friendly practices;
- increase both the acreage and forage value of pollinator habitat in the Conservation Reserve Program and other federal conservation programs; provide technical assistance in collaboration with land-grant university-based cooperative extension services to federal departments and agencies, state, local, and tribal governments, and other entities and individuals including farmers and ranchers;
- assist states and state wildlife organizations, as appropriate, in identifying and implementing projects to conserve pollinators through the revision and implementation of State Wildlife Action Plans;
• assess the effects of systemic pesticides and parasites on bee and other pollinator health and take corresponding action, as appropriate, to protect pollinators from pesticides and parasites;

• take immediate measures to support pollinators with proper habitat and nutrition during the current growing season and thereafter, including planting pollinator-friendly vegetation, increasing flower diversity in plantings, limiting mowing practices, and reduce or avoid, when necessary, the use of pesticides in sensitive pollinator habitats through the use of integrated vegetation, pest and colony management practices; and

• work closely with the states to align pollinator protection efforts and share best practices.

NCSL and the states identify as willing partners in the federal government’s pollinator protection efforts and will closely monitor federal actions and progress on these, and related efforts of utmost importance to the states and our nation’s food supply, urban and rural agriculture economies, environment and natural resources.

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

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

NCSL supports requiring that each farm have and follow an approved soil and water conservation plan in order to obtain government assistance. Benefits may be denied if a crop is grown in violation of this requirement. Further, NCSL supports continued extension of the Conservation Reserve Program and federal efforts to protect pollinators, including those that are vital to American food production.

Cover Crop Research

NCSL supports federal efforts to further the development of and proliferation and use of cover crops given the growing concerns about water quality, soil fertility, weed control, nematode control, water retention and biodiversity. NCSL recognizes that cover crops have proven to increase yields in university studies as well as in replicated farm research; are an increasingly popular way to keep soil healthy; helps reduce the need for Nitrogen and other nutrients, and create a healthier soil environment that resists disease and pests; inhibit weed growth by shading them out, by preventing emergence, and by compounds exuded by the roots; are shown to reduce populations of pathogenic nematodes and encourage populations of beneficial ones; break up soil compaction whether it is naturally occurring or a result of heavy cultivation and tillage; add diversity to the natural biological life in heavily farmed soils, often working in synergy with cash crops for bottom line benefits; add diversity to the natural biological life in heavily farmed soils, often working in synergy with cash crops for bottom line benefits.

Research and Development

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

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

**Intellectual Property Rights in Publicly Funded Research**

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

**Beginning Farmer Programs**

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

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

**Agriculture Biofuels**

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

**Support State Regulation of Agricultural Biotechnology**

NCSL supports the responsible use of the beneficial qualities of agricultural biotechnology such as in improved crop production techniques, pharmaceuticals, anti-immune disease control, biodegradable plastics, and other potential benefits to people in their states, the nation, the world and the global environment. NCSL supports the continued regulation of agricultural biotechnology through state and territorial governments working in close collaboration and partnership with the Coordinated Framework for Regulation of Biotechnology administered by the U.S. Environmental Protection Agency (EPA), USDA, and U.S. Food and Drug Administration (FDA).

**Industrial Hemp Farming**

NCSL supports federal legislation to define industrial help as a distinct agricultural crop (1% or less THC content) and allow states to regulate commercial hemp farming. Currently 33 states have laws allowing hemp research or farming. NCSL believes that hemp has a long history as a sustainable and a profitable crop, and has great potential as a new crop for American agriculture and industry. According to Vote Hemp, an estimated $687 million worth of hemp products were sold in the U.S. in 2016, including
foods, body care products, clothing, auto parts, building materials, and paper. Most of these products were made from imported hemp due to federal policy that prohibits commercial hemp farming. NCSL believes that federal policies that obstruct industrial hemp farming are outdated and must be changed.

Avian Flu Response
The highly pathogenic avian influenza (HPAI) represents a significant threat to U.S. agriculture and the ability of our farmers to feed a growing world population. The federal government plays a key role in harnessing resources and providing assistance to farmers, states, and others affected by the virus. NCSL fully supports:

- federal efforts to protect poultry production and the nation’s food supply by aggressively working to contain and remediate outbreaks when they occur;
- federal efforts to serve as technical advisors and the clearinghouse of information for all sectors and employing time sensitive approaches to sharing information;
- federal agencies working closely with the states to align HPAI efforts and share best practices; and
- increasing federal funding necessary for state and federal agencies to continue development of biosecurity containment strategies; more aggressive research into the causes of avian influenza; why some fowl are more susceptible; and prevention measures, including the development of vaccines that can be taken.

Wildfire Funding
Due to the significant increases in suppression costs in the last decade, funding transfers have depleted resources from vital fire prevention and mitigation programs. Further, increased fire activity can have substantially negative impacts on air quality, water quality, greenhouse gas emissions as well as the reduction of downstream water storage as sediment runoff lowers the effective level of dams and reservoirs; Additionally, reduced restoration and mitigation funding makes it easier for invasive pests and diseases to infest vulnerable forests; and the anticipated changes in climate will also cause fire risk to escalate in drought-ridden regions, further increasing wildfire suppression costs. Therefore, NCSL urges the federal government to:
• Maintain budget mechanisms for wildfire suppression in order to fund catastrophic fires as natural disasters adopted as part of the Fiscal Year 2018 budget agreement that minimizes the risk of fire transfers from prevention and mitigation programs.

• Manage wildfires on a regional basis, understanding that increased risk for wildfires on federal lands ultimately will lead to increased costs for state wildfire programs; and

• Support policies that continue to reduce the legislative and regulatory barriers when performing vegetation management, both inside and outside the rights-of-ways (ROWs); developing and deploying new technologies, including from our national labs, that can enhance wildfire detection and response; and address liability concerns for public and private entities.

-Rural Mental Health

Farmers and ranchers, due to the nature of their work and a shortage of resources for rural mental health, suffer higher rates of depression and suicide than other professions – as described by the American Psychological Association’s Journal of Rural Mental Health. Difficult economic conditions are placing additional strain on our nation’s farmers and ranchers and their families, and the federal government can play a vital role in addressing this crisis by providing the states with additional resources for rural mental health services that are tailored to the unique needs of farmers, ranchers, and their families. The National Conference of State Legislatures urges Congress to include in pending legislation, funding for states to address this urgent need and assist our nation’s farmers, ranchers, and their family members during this time of great financial stress in American agriculture.
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.
WHEREAS, The American Society of Civil Engineers (ASCE) stated in its 2021 report card that the United States received a grade of C- regarding the current state of infrastructure and that more than six trillion dollars would be needed to restore the nation’s infrastructure to a state of good repair. Over two trillion dollars is currently not funded and necessary new, 21st Century projects are unfunded; and

WHEREAS, the infrastructure crisis is well documented. Every two minutes there is a water line break causing a loss of 6 billion gallons of treated water a day. 43% of our roadways are in poor or mediocre condition, and 46,000 bridges are in urgent need of repair; and

WHEREAS, Congress introduced HR 3339, The National Infrastructure Bank Act, to create a $5 trillion National Infrastructure Bank. This bank will require no new federal spending and no new federal taxes, and has been done successfully many times in U.S. history; and

WHEREAS, the National Infrastructure Bank will be a commercial bank created by Congress with a federal mandate to invest in all hard infrastructure needs of the nation; and,

WHEREAS, the $5 Trillion National Infrastructure Bank will complement the Bipartisan Infrastructure Law (BIL), which will spend only $550 billion of new money. The need is $5 trillion, and the BIL falls short on every category outlined by the civil engineers; and
WHEREAS, only a National Infrastructure Bank is capable of fixing everything. Congress plans no more spending, and states and cities do not have the resources to address the need; and

WHEREAS, the National Infrastructure Bank will create millions of new high-paying jobs, mandate Buy America policies, and increase GDP by 5% per annum. All states and jurisdictions will benefit equally; and

WHEREAS, twenty-five state legislatures have introduced resolutions urging congress to create this $5 trillion National Infrastructure Bank. Four passed one house and three have passed both houses. The National Black Caucus of State Legislators endorsed the legislation as have dozens of county and city councils.

NOW, THEREFORE, BE IT RESOLVED, that the National Conference of State Legislatures hereby calls Congress to pass HR 3339 the National Infrastructure Bank Act; and,

BE IT FURTHER RESOLVED, that NCSL will send copies of this resolution to all members of Congress and to the President of the United States.
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.