

# NCSL Standing Committee on Labor and Economic Development

## POLICY DIRECTIVES AND RESOLUTIONS

2021 Policy Week Review Call  
Sept. 20-24, 2021

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1 **COMMITTEE: LABOR AND ECONOMIC DEVELOPMENT**

2 **POLICY: LABOR AND EMPLOYMENT**

3 **TYPE OF POLICY: DIRECTIVE**

4 Regarding matters of labor and employment, federal and state governments should  
5 continue their partnership to ensure that workers are protected on the job, when they  
6 are unemployed, after they retire, and that employers are given the assistance they  
7 need to comply with federal and state employment and labor laws. While the National  
8 Conference of State Legislatures (NCSL) recognizes federal lawmakers' obligations to  
9 implement measures under federal jurisdiction to make certain that the rights and needs  
10 of both employers and workers are protected, when states are required to implement  
11 federal laws, the federal government should ensure adequate federal funding for such  
12 initiatives, both for states' administrative and benefits cost.

### 13 **Wages**

14 NCSL supports the federalism structure adhered to between federal and state  
15 governments, reflected in such laws as the federal Fair Labor Standards Act and state  
16 wage and hour laws. NCSL supports adequate federal funding for all U.S. Department  
17 of Labor offices to fully enforce federal wage and hour laws.

### 18 **Workplace Safety**

19 Workplace Safety is another area where federal and state governments share  
20 jurisdiction. NCSL strongly supports efforts by the federal government to improve the  
21 safety of all workplaces. Federal action should not preclude or preempt states from  
22 pursuing stronger approaches that are appropriate for them. Where the federal  
23 workplace safety agencies as tasked with protecting workers' health and safety on the  
24 job, the federal government must ensure that these agencies have sufficient funding to

25 perform all of its important functions. In addressing workplace violations, these agencies  
26 should determine what remedial or punitive actions are required based on the severity  
27 of the infraction, the employer’s history of health and safety violations, and good faith  
28 efforts to comply with federal workplace safety laws and regulations in order to achieve  
29 effective enforcement and protection of workers.

### 30 **Leave Benefits**

31 NCSL supports the federalism structure as to workplace leave benefits granted by  
32 federal and state governments. The federal government should ensure that any new  
33 federal laws or regulations in this area do not unduly burden the states with unfunded  
34 mandates.

### 35 **Safety Net Benefits**

36 NCSL recognizes that federal safety net entitlement programs such as Unemployment  
37 Insurance, Social Security, and Medicare are partnerships between the federal  
38 government and state governments. These programs also reflect a commitment by the  
39 federal government to the American employers and wage earners who contribute  
40 directly into these systems. As such, NCSL calls on the federal government to fully  
41 honor these commitments to unemployed workers, and current and future retirees.

### 42 **Unemployment Insurance**

43 The basic unemployment insurance (UI) program is a well-established federal-state  
44 partnership. NCSL opposes federal laws or regulations that would create new barriers  
45 to the receipt of state UI benefits. NCSL supports adequate federal funding for state UI  
46 administrative costs, including the processing of UI claims, job search assistance, and  
47 reemployment programs. NCSL also supports federal funding to state UI programs to  
48 ensure adequate income support for the unemployed. And, NCSL supports ensuring

49 that payroll taxes in dedicated UI trust funds continue to be used solely for payment of  
50 unemployment compensation, as required by federal law. States should retain their  
51 broad authority under existing federal UI guidelines to define labor market attachment  
52 eligibility rules, benefit levels, and disqualification penalties for separations other than  
53 layoffs. New administrative burdens on state UI programs must be shown to be  
54 necessary to strengthen the programs and should be adequately funded by the federal  
55 government. The severely-underfunded Employment Service should receive additional  
56 federal funding so that it can carry out all of its important labor market functions in the  
57 states.

58 As a means of stabilizing the economy, NCSL supports extensions of the federal-state  
59 Extended Benefits (EB) program when unemployment rates are high. NCSL further  
60 supports the development of more effective triggers for EB so as to improve its  
61 responsiveness during periods of high unemployment. NCSL also supports continued  
62 reauthorization of the Federal Emergency Unemployment Compensation Program when  
63 unemployment is high.

64 NCSL urges the federal government to move the dedicated Federal Unemployment Tax  
65 Act (FUTA) trust fund from the discretionary to the mandatory side of the federal budget  
66 and to not use the fund to offset the federal budget deficit.

## 67 **Social Security**

68 Any effort to balance the federal budget or reduce the federal debt should not be  
69 accomplished by reductions to Social Security benefits.

70 Congress and the Administration should continue to provide the expected and earned  
71 benefits promised by Social Security, and the important role of Social Security in  
72 alleviating poverty should not be lost in the efforts to restore long-term solvency or

73 reform the program.

74

75 NCSL opposes expansion of mandatory Social Security and Medicare coverage to

76 public employees of state and local governments who are not already covered.

77 **Pensions**

78 NCSL opposes federal regulation attempts of state and local pension plans, including

79 federal reporting requirements.

80 NCSL urges Congress to enact legislation that will reduce or eliminate the impact of the

81 Government Pension Offset (GPO) and the Windfall Elimination Provision (WEP) on

82 state and local government retirees, particularly those who have earned lower

83 uncovered government pension benefits or partial Social Security monthly benefits,

84 including Medicare.

85 **Retiree and Employee Healthcare Costs**

86 Congress should support federal policies that allow public sector retirees to deduct

87 health care premium costs and/or additional medical expenses from their taxable

88 income, as well as federal efforts to allow retirees to save for health care costs through

89 tax-preferred vehicles.

1 **COMMITTEE: LABOR AND ECONOMIC DEVELOPMENT**

2 **POLICY: ECONOMIC DEVELOPMENT**

3 **TYPE OF POLICY: DIRECTIVE**

4 The National Conference of State Legislatures (NCSL) strongly urges the federal  
5 government to better coordinate its economic development activities with the states.

6 NCSL urges the U.S. Department of Commerce, the U.S. Department of Agriculture, the  
7 U.S. Department of Labor and the Small Business Administration to each establish a  
8 designated liaison to coordinate economic development activities among the four  
9 agencies and with the states.

10

### 11 **Arts, Culture and Economic Development**

12 NCSL encourages the federal government to support arts and culture through  
13 investments in State and Local programs that will promote economic development, job  
14 creation and community revitalization.

15

16 NCSL encourages collaboration and coordination among the Federal Government's  
17 disparate arts, culture and economic development agencies as they consider State and  
18 local programs ensure that the policy and program outcomes meet the needs and goals  
19 identified by state policymakers.

20

### 21 **Workforce Innovation and Opportunity Act Reauthorization & Funding**

22 In order to train and maintain a highly skilled workforce NCSL believes that states  
23 should be given flexibility to meet the broad goals set out in the Workforce Innovation

24 and Opportunity Act (WIOA) and that state discretion to establish and administer  
25 workforce development services should be maintained.

26

27 Reauthorization of WIOA should not include inflexible federal mandates and restrictions  
28 on how funds can be used by states and the localities which deliver these services. In  
29 addition, workforce development reporting should be streamlined to promote program  
30 and administrative efficiencies.

- 31       ▪ NCSL believes that the components of an integrated WIOA system should be  
32           appropriately funded in appropriation and reauthorization.
- 33       ▪ NCSL believes that administrative and technological funding for One-Stops  
34           should be central to WIOA appropriation and reauthorization.

35

### 36 **Responsible Housing and Housing Finance**

37 NCSL encourages the Congress and the Administration to support flexibility and state  
38 discretion in housing programs and avoid unfunded mandates.

39 NCSL encourages efforts to promote a greater state role in administering federal  
40 housing programs, subject to sufficient funding and flexibility.

41

42 NCSL is encouraged and supportive of public private partnership programs and  
43 initiatives that increase the availability of financing for homeownership opportunities.

44 NCSL supports first time home buyer tax credits to promote homeownership prospects,  
45 preserving the Mortgage Interest Deduction, and low-income housing tax credits that  
46 produce new, affordable housing.

- 47           ▪ NCSL strongly urges the federal government to consult state legislators and  
48           other state officials as voucher program reforms are designed to ensure that  
49           they will meet state needs, provide the flexibility we desire, avoid cost shifts to  
50           states, and continue with ample federal funding for program and administrative  
51           costs.
- 52           ▪ Additionally, we urge the Congress to sustain funding levels sufficient to  
53           maintain existing vouchers, including the Department of Housing and Urban  
54           Development-Veterans Affairs Supportive Housing (HUD-VASH) programs  
55           and already committed project based Section 8 subsidies.

56

### 57 **The Federal Role in Career and Technical Education (CTE)**

58 The federal government should provide additional funding and support the authority of  
59 states for flexibility to allocate some funds through a competitive grant administered by  
60 the state in pursuit and support of innovative, high quality and effective programs.

- 61           ▪ NCSL believes that CTE competitive grant programs should be used to  
62           incentivize and modernize state and local programs in order to meet the  
63           evolving needs of students. NCSL supports adequate funding for CTE  
64           competitive grant programs.
- 65           ▪ These funding decisions can best be handled at the state level rather than by  
66           individual schools and/or districts.
- 67           ▪ States should continue to have the authority to determine the split between  
68           secondary and postsecondary CTE programs.
- 69           ▪ The existing CTE funding formula for the allocation of federal funds to the state  
70           should be maintained.



1 COMMITTEE: LABOR AND ECONOMIC DEVELOPMENT

2 **POLICY: INTERNATIONAL TRADE**

3 TYPE OF POLICY: DIRECTIVE

4 **Free Trade and Federalism**

5 The National Conference of State Legislatures (NCSL) supports expanding U.S. net  
6 exports through well-crafted international trade agreements that are consistent with  
7 traditional American values of constitutional federalism, and protect state legislative,  
8 judicial and regulatory authority.

9

10 NCSL supports federal legislation that promotes collaboration between the states and  
11 the federal government on trade policy. NCSL supports efforts to negotiate new trade or  
12 investment agreements and its implementing legislation that secure free and open  
13 access to overseas markets for American products. In negotiating new agreements,  
14 NCSL believes that federalism and state sovereignty protections must be included.

15

16 NCSL urges the Office of the United States Trade Representative (USTR) to collaborate  
17 with state legislatures as well as governors about trade policy that may affect state  
18 practices and policy on procurement, investment, services, and any action that would  
19 remove a foreign entity from state authority. USTR should not bind a state to an  
20 international procurement agreement without formal consent from the state legislature.

21

22 NCSL encourages USTR to utilize the “positive list” approach for making services,  
23 procurement, and investment commitments in trade agreements. Only state laws that  
24 are specifically committed should be covered in the agreement. Following appropriate

25 consultations with USTR, the states must be able to set and adjust their commitments –  
26 a right the states have and which USTR has repeatedly recognized. USTR should  
27 therefore make clear to trade negotiating partners that U.S. states retain the ability to  
28 make adjustments to commitments regarding state-level services, procurement, and  
29 investment policies.

30

31 NCSL will not support Bilateral Investment Treaties (BITs) or Free Trade Agreements  
32 (FTAs) with investment chapters that provide greater substantive or procedural rights to  
33 foreign companies than U.S. companies enjoy under the U.S. Constitution. Specifically,  
34 NCSL will not support any BIT or FTA that provides for investor/state dispute  
35 resolution. NCSL firmly believes that when a state adopts a non-discriminatory law or  
36 regulation intended to serve a public purpose, it shall not constitute a violation of an  
37 investment agreement or treaty, even if the change in the legal environment thwarts the  
38 foreign investors' previous expectations.

39

40 NCSL believes that BIT and FTA implementing legislation must include provisions that  
41 deny any private action in U.S. courts or before international dispute resolution panels  
42 to enforce international trade or investment agreements. Implementing legislation must  
43 also include provisions stating that neither the decisions of international dispute  
44 resolution panels nor international trade and investment agreements themselves are  
45 binding on the states as a matter of U.S. law.

46

47 NCSL supports the authorization and appropriation of resources to USTR, so they are  
48 equipped to fully collaborate with state legislatures, while representing their interests

49 and the American public's in trade negotiations and agreements.

50

51 NCSL encourages Congress to require the Government Accountability Office to develop  
52 state economic and sovereignty impact statements for international trade and  
53 investment agreements under negotiation.

54

55 NCSL urges the USTR to collaborate with state legislators as well as governors prior to  
56 the onset of trade negotiations about state procurement practices, investment, and  
57 services issues. NCSL supports federal efforts to provide Trade Adjustment Assistance  
58 (TAA) to affected workers.

59

60 NCSL supports federal efforts to assist in building the trade capacity and trade  
61 agreement compliance of developing countries, including funding infrastructure and  
62 rural development, and ensuring that laws and institutions related to labor and the  
63 environment are improved and strengthened.

64

65 NCSL believes that all international services agreements entered into by the United  
66 States must include provisions that preserve the right of federal, state, and local  
67 governments to provide and regulate services in the public interest on a non-  
68 discriminatory basis.

69

## 70 **Divestment**

71 ■

72 NCSL upholds the continued ability of the states to divest from any country, or firms  
73 conducting business in that country, if the country is proven to be supporting or

74 engaging in terrorism or other serious criminal acts against the United States or its  
75 citizens, or proven to be engaging in serious human rights abuses, including genocide,  
76 slavery or human trafficking.

77

78 NCSL urges the federal government to provide authoritative information to U.S.  
79 investors, including state and local public pension plans, about foreign and domestic  
80 firms and their financial and investment activities in specific countries, such as those  
81 identified by the U.S. Department of State as State Sponsors of Terrorism.

82

### 83 **World Trade Organization Negotiations**

84 NCSL recognizes the benefits of international trade in creating jobs, raising living  
85 standards and stimulating growth in the United States. NCSL supports U.S. efforts to  
86 increase the transparency, accessibility, participation and accountability of the World  
87 Trade Organization (WTO). NCSL supports broadening participation in the WTO and  
88 addressing environmental and labor matters. NCSL also endorses the call within the  
89 WTO to further reduce trade barriers in manufactured products, agriculture and  
90 services.

91

92 NCSL will only support trade agreements that preserve state law and the authority of  
93 state legislatures.

94

95 Implementing legislation for trade and investment agreements must also be crafted to  
96 include protections for our constitutional system of federalism. Reservations must be  
97 made to trade and investment agreements to “grandfather” existing state laws that  
98 might otherwise be subject to challenge. NCSL opposes private rights of action in U.S.

99 courts or international dispute resolution panels based on international trade or  
100 investment agreements.

101

## 102 **General Agreement on Trade in Services**

103 NCSL urges a renewed commitment to state-federal collaboration in financial, energy,  
104 environment, distribution and education related services. NCSL also urges the USTR to  
105 oppose further WTO constraints on domestic regulation of the service sector.

106

107 NCSL calls upon Congress to renew the notice to include state government notification  
108 and approval provisions for the General Agreement on Trade in Services (GATS)  
109 negotiations as well.

110

111 USTR must recognize that governors are not authorized to bind state governments  
112 unless legislatively permitted and NCSL strongly recommends that USTR, for all future  
113 procurements, include state legislatures. The federal government must cooperate with  
114 state legislatures to provide that decisions about state procurement practices or other  
115 matters governed by state laws under our federal system are not made without the  
116 consent of the legislature. Additionally, NCSL encourages USTR to strictly observe the  
117 states' constitutional authority to set procurement policy to promote these public  
118 interests while negotiating any modifications to WTO's Agreement on Government  
119 Procurement (GPA) or procurement chapters in free trade agreements.

120

121 NCSL urges USTR to collaborate regularly and meaningfully with state governments  
122 during any renegotiations of the GPA.

123

124 **Export Promotion, Export Finance and Trade Agreements**

125 The states and the federal government have a role in export promotion, particularly to  
126 help small- and medium-sized businesses who may find it difficult to obtain financing or  
127 insurance for their goods.

128

129 NCSL urges the federal government to improve its coordination and cooperation with  
130 state programs.

131

132 NCSL urges continued funding for federal export programs such as the U.S.  
133 Commercial Service (USCS) of the Department of Commerce, which would permit it to  
134 properly staff overseas posts. Funding for the Export-Import Bank's direct and  
135 guaranteed loan programs should also be maintained, and NCSL particularly supports a  
136 constant level of funding for the Bank's City/State Program.

137

138 NCSL supports the federal government's efforts to work through multilateral  
139 negotiations to open markets that are currently closed to U.S. products and to reduce  
140 the use of trade-distorting subsidies.

141

142 NCSL supports increasing capacity at the Office of the USTR to work with state  
143 governments and ensure that our trading partners are adhering to the terms of our  
144 agreements.

145

146 NCSL strongly urges the federal government to support training for inspection  
147 professionals and the development of new technologies to secure the health and safety

148 of imported foods and agricultural products.

149

150 **Affirming and Strengthening the President’s Order on Safeguarding Federalism in**  
151 **Trade**

152 NCSL requests that the President by executive order clarify that trade and investment  
153 agreements and bi-lateral investment treaties negotiated by the USTR should avoid  
154 conflicts with state governing authority, under the same terms as the executive order on  
155 preemption.

156

157 NCSL requests that the President establish, by executive order, a more effective  
158 federal-state consultation system that includes greater involvement and notification of  
159 state legislatures.

1 **COMMITTEE: LABOR AND ECONOMIC DEVELOPMENT**

2 **POLICY: MILITARY AND VETERANS AFFAIRS**

3 **TYPE OF POLICY: DIRECTIVE**

4 Veterans Affairs

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

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

14 Federal Impact Aid

15 NCSL recognizes that School districts with military installations are potentially  
16 disadvantaged because of their inability to levy taxes against the federal government.

17 NCSL recognizes the importance of Federal Impact Aid to help off-set the loss of tax  
18 revenue and supports continued funding of the program.

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

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

22 Employment of Veterans



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

#### 29 Educational Assistance and GI Bill

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

#### 33 Preserve the Army National Guard and the Air National Guard

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

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

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

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

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

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

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

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

#### 57 Service Dogs for Veterans

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

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

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

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

### 73 Compact of Free Association

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

78 The United States government entered into a Compact of Free Association (COFA)  
79 agreement with the Federated States of Micronesia, Republic of Palau, Republic of the  
80 Marshall Islands, and Commonwealth of the Northern Mariana Islands.

81 Citizens of COFA nations are eligible to enlist in the United States armed services, and  
82 over the years, the United States has vigorously recruited Pacific Islanders from COFA  
83 nations to serve in the United States military.

84 Pacific Islanders from COFA nations have a long and distinguished history of military  
85 service stretching back to World War II.

86 Upon completing their military service and returning to their respective communities,  
87 veterans from COFA nations are unable to secure Department of Veterans Affairs  
88 services, especially Department-approved basic medical services, which are non-  
89 existent in their own communities.

90 Veterans from COFA nations must fly to Hawaii, at enormous cost to their personal  
91 financial well-being, to obtain proper medical care at Tripler Army Medical Center.  
92 NCSL urges Congress and the United States Department of Veterans Affairs to work  
93 closely to develop a program or pass legislation to provide veterans from Compact of  
94 Free Association nations with access to high-quality medical care within their respective  
95 communities.

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**COMMITTEE: LABOR AND ECONOMIC DEVELOPMENT**

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

**TYPE: RESOLUTION**

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

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

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

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

**WHEREAS**, from FY1992 to present, qualified foreign investors from the EB-5 Program has generated more than \$33.3 billion in capital investments for American communities; and

24 **WHEREAS**, that investment has supported over 171,000 American jobs, according to a  
25 Department of Commerce study; and

26

27 **WHEREAS**, at the end of Q1 FY2019, there were more than 13,000 pending  
28 applications filed for EB-5 investors, representing nearly \$6.5 billion in potential direct  
29 investments and 208,000 American jobs; and

30

31 **WHEREAS**, according to the latest economic impact study, the EB-5 Program  
32 accounted for nearly \$12 billion in foreign direct investment between FY2014 and  
33 FY2015, contributing \$55 billion to the U.S. economic output and supporting more  
34 355,000 American jobs; and

35

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

39

40 **WHEREAS**, on February 15, 2019 Congress passed legislation to reauthorize the EB-5  
41 Regional Center Program through September 30, 2019; and

42

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

45

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

50  
51 **WHEREAS**, the law allows for state and local level input in designating targeted  
52 employment areas for EB-5 development, and incentivizing state and local oversight  
53 and cooperation on specific projects within those targeted employment areas would  
54 help ensure compliance with community and industry labor standards; and

55  
56 **WHEREAS**, the EB-5 Program is in need of reform to increase accountability and  
57 transparency and enhance program integrity, including through requirements that  
58 Regional Centers publicly disclose annually for each project details on job creation  
59 methodology, prevailing wage, living wage, and other labor standards, if applicable;

60  
61 **WHEREAS**, USCIS should annually publish a list of New Commercial Entities approved  
62 for EB-5 investment;

63  
64 **WHEREAS**, USCIS should effectively monitor EB-5 projects to prevent fraud and  
65 ensure that jobs are created, and workers are protected by having clear requirements  
66 prior to regional center designation and project approval, as well as by conducting  
67 regular oversight, including site visits to projects;

68

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

72

73 **WHEREAS**, without Congressional action the EB-5 regional center program will sunset  
74 on September 30, 2019.

75

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



