NCSL CONTACTS:
Molly Ramsdell, Director, Washington Office, molly.ramsdell@ncsl.org
Susan Parnas Frederick, Sr. Federal Affairs Counsel, susan.frederick@ncsl.org

Issue Description
NCSL’s federalism policy is our organization’s cornerstone policy. Through this policy, we urge the federal government to seek to restore “balance to federalism through changes in the political process, thoughtful consideration, and broad national debate.” To this end, NCSL has supported various iterations of the Executive Order on Federalism (EO 13132) beginning with President Ronald Reagan and ending with President Barack Obama. EO 13132 states that agencies must have an internal process in place that allows for early, “meaningful and timely input” from state and local officials or their national associations. Agencies must also have a person in place who shall submit a description of that agency’s consultation process to the Office of Management and Budget and provide a federalism impact summary in the preamble to any rule that is published in the Federal Register. Currently, few, if any federal agencies adhere to the consultation requirements of EO 13132.

NCSL Position
NCSL urges the administration and congress to prioritize the codification of EO 13132. Good governance legislation that codifies the consultation requirements of EO 13132 will ensure that agencies are held accountable for engaging in meaningful consultation with states or their national associations early in the rulemaking process. This legislation should include the following:

- **Mandatory consultation** - Mandatory state consultation will help prevent the promulgation of rules with detrimental state impact.
- **Early consultation** - The most effective time for federal agencies to understand how a proposed rule will impact state and local governments is before, not after, its publication. Early and frequent consultation is vital to ensuring the best possible result for all stakeholders.
- **Dedicated Intergovernmental Staff** - Legislation must require federal agencies to establish formal intergovernmental teams that meet with state and local representatives several times per year to engage in a meaningful dialogue to solicit input from state-local-tribal leaders and provide an update on the agency’s actions.