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WHEREAS, the 1967 *Bellas Hess* and the 1992 *Quill* Supreme Court decisions denied states the authority to require the collection of sales and use taxes by out-of-state sellers that have no physical presence in the taxing state; and

WHEREAS, the combined weight of the inability to collect sales and use taxes due on remote sales through traditional carriers and the tax erosion from electronic commerce threatens the future viability of the sales tax as a stable revenue source for state and local governments; and

WHEREAS, a report from the National Taxpayers Union has estimated that from 2015 to 2025 states will be unable to collect $340 billion in sales taxes that are owed from out-of-state purchases; and

WHEREAS, the Remote Transactions Parity Act is bi-partisan legislation that was introduced in the United States House of Representatives, which authorizes each member state under the Streamlined Sales and Use Tax Agreement to require all sellers not qualifying for a small-seller exception to collect and remit sales and use taxes with respect to remote sales, and allows a state that is not a member state under the Agreement to require sellers to collect and remit sales and use taxes with respect to remote sales sourced to such state if the state adopts and implements certain minimum simplification requirements; and
WHEREAS, unlike federal proposals, such as the Online Sales Simplification Act (OSSA), which would determine a product’s taxability based on the location of the seller, the Remote Transactions Parity Act does not preempt or impose new requirements on states that choose not to comply with the legislation’s requirements and simplifications; and

WHEREAS, unlike federal proposals, such as the Online Sales Simplification Act (OSSA), which would determine a product’s taxability based on the location of the seller, the Remote Transactions Parity Act does not: impose new taxes on consumers, fundamentally change how states raise revenue, establish tax havens, or jeopardize the viability of consumption taxes as a revenue source for states; and

WHEREAS, it has been over four years since the United States Senate overwhelming passed similar legislation, the Marketplace Fairness Act, yet the Remote Transactions Parity Act has not even received a hearing, despite the fact that it has 65 cosponsors and enjoys broad support in the committee of jurisdiction and congress; and

THEREFORE, BE IT RESOLVED, that the National Conference of State Legislatures (NCSL) appreciates the leadership of U. S. Senators Richard Durbin (Ill.), Mike Enzi (Wyo.), Lamar Alexander (Tenn.) and Heidi Heitkamp (N.D.) for championing this issue in the Senate; and

BE IT FURTHER RESOLVED, that the National Conference of State Legislatures appreciates the leadership of Congresswoman Kristi Noem (SD) and her colleagues for reintroducing the Remote Transactions Parity Act and urges Congress to pass the legislation, co-sponsored in the House by Congressman Steve Womack (Ark.), Congressman John Conyers (Mich.), Congresswoman Jackie Speier (CA.), Congressman Peter Welch (Vt.), and dozens of their colleagues; and,

BE IT FURTHER RESOLVED, that the National Conference of State Legislatures opposes federal remote sales tax legislation that preempts the laws of states that choose to not comply with the legislation’s requirements; and,
BE IT FURTHER RESOLVED, that the National Conference of State Legislatures opposes federal remote sales tax legislation that does not establish parity at the point of purchase, which is necessary to level the playing field between remote sellers and in-state businesses;

BE IT FURTHER RESOLVED, that the National Conference of State Legislatures supports amending the Remote Transactions Parity Act to allow states to collect sales taxes on all transactions regardless of the platform on which the sales occurred;

BE IT FURTHER RESOLVED, that the National Conference of State Legislatures opposes the No Regulation Without Representation Act, H.R. 2887, which would prevent states from collecting taxes they are currently collecting, including various business taxes, and would preempt hundreds or thousands of state laws that serve to protect the general welfare of the citizens of each state, and

BE IT FURTHER RESOLVED, that the National Conference of State Legislatures opposes federal remote sales tax legislation that does not establish a destination sourcing tax regime, and,

BE IT FURTHER RESOLVED, while the National Conference of State Legislatures supports a federal framework for the collection and remittance of sales taxes, should the Supreme Court of the United States overturn the 1992 Quill decision, NCSL will be reluctant to support a federal legislation that would restrict the ability of states to enforce their tax laws; and

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the President of the United States and to all of the members of the 115th Congress.
WHEREAS, twenty-nine states, Washington, D.C., Guam, and Puerto Rico have legalized certain forms of cannabis usage; and

WHEREAS, Arkansas, North Dakota, and Florida most recently passed measures permitting the use of medical marijuana; and

WHEREAS, Alaska, California, Colorado, Maine, Massachusetts, Nevada, Oregon, and Washington are creating substantial regulatory regimes with respect to the cannabis industry to ensure compliance with laws related to the growth, sale and usage of cannabis; and

WHEREAS, these new regulatory schemes relating to cannabis have created a significant expansion of the cannabis industry authorized under state law; and

WHEREAS, business enterprises need access to financial institutions that provide capital, security, efficiency, and record keeping; and

WHEREAS, cannabis remains illegal at the federal level as a Schedule I drug under the federal Controlled Substances Act; and

WHEREAS, the federal Bank Secrecy Act and its implementing regulations impose substantial administrative and operational burdens, compliance risk and regulatory risk that serve as a barrier to banks and credit unions providing banking services to businesses and individuals involved in the cannabis industry; and

WHEREAS, providing banking services to cannabis related businesses entails additional risk to banks and credit unions arising from the fact that cannabis is a Schedule I drug under the Controlled Substances Act, substantially increasing risk of
civil or criminal liability; and

WHEREAS, the majority of financial institutions have determined that there has been insufficient federal guidance for providing banking services to cannabis related businesses; and

WHEREAS, federal guidance for the banking industry in working with cannabis related businesses is inadequate to create a regulatory environment as it does not change applicable federal laws, imposes significant compliance burdens and is subject to change at any time; and

WHEREAS, without banking options, cannabis related businesses are forced to operate exclusively in cash; and

WHEREAS, a large and growing cash-only industry attracts criminal activity and creates substantial public safety risks; and

WHEREAS, a cash-only industry reduces transparency in accounting and makes it difficult for the state to implement an effective regulatory regime that ensures compliance; and

WHEREAS, the inability of cannabis related businesses to pay taxes in a form other than cash, which may only be remitted in person, creates a large burden on state to develop new infrastructure to handle the influx of cash, and on the business owners who may have to travel long distances with large sums of cash; and

WHEREAS, states have been forced to take expensive security measures to mitigate public safety risks to taxpayers utilizing the system, state employees and the public at large; and

WHEREAS, states do not have any control over the enforcement of federal laws and cannot enact legislation that provides banks and credit unions with protections necessary to overcome federal law; and

NOW, THEREFORE, BE IT RESOLVED, that the National Conference of State Legislatures believes that the Controlled Substances Act should be amended to remove cannabis from scheduling thus enabling financial institutions the ability to provide
banking services to cannabis related businesses; and

BE IT FURTHER RESOLVED, that the National Conference of State Legislatures acknowledges that each of its members will have differing and sometimes conflicting views of cannabis and how to regulate it, but in allowing each state to craft its own regulations we may increase transparency, public safety, and economic development where it is wanted.
COMMITTEE: COMMUNICATIONS, FINANCIAL SERVICES, & INTERSTATE COMMERCE

POLICY: NCSL SUPPORTS AND URGES ENACTMENT OF THE REMOTE TRANSACTIONS PARITY ACT

TYPE: DEBATE RESOLUTION

WHEREAS, the 1967 Bellas Hess and the 1992 Quill Supreme Court decisions denied states the authority to require the collection of sales and use taxes by out-of-state sellers that have no physical presence in the taxing state; and

WHEREAS, the combined weight of the inability to collect sales and use taxes due on remote sales through traditional carriers and the tax erosion from electronic commerce threatens the future viability of the sales tax as a stable revenue source for state and local governments; and

WHEREAS, a report from the National Taxpayers Union has estimated that from 2015 to 2025 states will be unable to collect $340 billion in sales taxes that are owed from out-of-state purchases; and

WHEREAS, the Remote Transactions Parity Act is bi-partisan legislation that was introduced in the United States House of Representatives which authorizes each member state under the Streamlined Sales and Use Tax Agreement to require all sellers not qualifying for a small-seller exception to collect and remit sales and use taxes with respect to remote sales, and allows a state that is not a member state under the Agreement to require sellers to collect and remit sales and use taxes with respect to remote sales sourced to such state if the state adopts and implements certain minimum simplification requirements; and

WHEREAS, unlike federal proposals, such as the Online Sales Simplification Act (OSSA), which would determine a product’s taxability based on the location of the seller, the Remote Transactions Parity Act does not preempt or impose new requirements on states that choose not to comply with the legislation’s requirements and simplifications; and
WHEREAS, unlike federal proposals, such as the Online Sales Simplification Act (OSSA), which would determine a product’s taxability based on the location of the seller, the Remote Transactions Parity Act does not: impose new taxes on consumers, fundamentally change how states raise revenue, establish tax havens, or jeopardize the viability of consumption taxes as a revenue source for states; and

WHEREAS, it has been over three years since the United States Senate overwhelming passed similar legislation, the Marketplace Fairness Act, yet the Remote Transactions Parity Act has not even received a hearing, despite the fact that it has 65 cosponsors and enjoys broad support in the committee of jurisdiction and congress; and

NOW, THEREFORE BE IT RESOLVED, that the National Conference of State Legislatures (NCSL) appreciates the leadership of U. S. Senators Richard Durbin (Ill.), Mike Enzi (Wyo.), Lamar Alexander (Tenn.) and Heidi Heitkamp (N.D.) for championing this issue in the Senate; and

BE IT FURTHER RESOLVED, that the National Conference of State Legislatures opposes federal remote sales tax legislation that preempts the laws of states that choose to not comply with the legislation’s requirements; and

BE IT FURTHER RESOLVED, that the National Conference of State Legislatures opposes federal remote sales tax legislation that does not establish parity at the point of purchase, which is necessary to level the playing field between remote sellers and in-state businesses;

BE IT FURTHER RESOLVED, that the National Conference of State Legislatures opposes federal remote sales tax legislation that does not establish a destination sourcing tax regime, and

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the President of the United States and to all of the members of the 115th Congress.
WHEREAS, intellectual property (IP) rights and innovation are primary drivers of job creation and America’s economic growth; and

WHEREAS, over 45 million jobs are directly and indirectly supported by IP-intensive industries, according to the U.S. Department of Commerce 2016 report, as significant drivers of GDP, exports and wages in every state of the Union; and

WHEREAS, IP-intensive industries are responsible for $6.6 trillion in private sector output (GDP); and

WHEREAS, according to the U.S. Chamber of Commerce, the average worker in an IP-intensive industry earns 30 percent higher wages than those of non IP-intensive industries; and

WHEREAS, IP-intensive industries drive American exports accounting for approximately $1 trillion (74 percent of total U.S. exports); and

WHEREAS, given the important role that IP plays in sustaining a long-term economic growth, policymakers should give high priority to fostering innovation and protecting intellectual property; and

WHEREAS, protecting and enforcing the IP rights of businesses are critical to advancing global economic recovery, driving competitiveness and export growth, and creating high-quality jobs; and
WHEREAS, IP protections, though vital, must be balanced with other priorities, including the right of citizens to access affordable drugs and medical devices and the ability of state governments to contain Medicaid costs; and

WHEREAS, the National Conference of State Legislatures believes that balanced efforts to promote innovation through intellectual property protection and affordable healthcare are critical to improving the nation’s long-term competitiveness in a global market, and to achieving certain socioeconomic improvements in the quality of American life;

NOW, THEREFORE, BE IT RESOLVED, that the National Conference of State Legislatures calls upon all levels of governments to work cooperatively with the private sector, nonprofits, and academia to create, develop and implement robust pro-IP awareness and enforcement; and,

BE IT FURTHER RESOLVED, the National Conference of State Legislatures supports efforts to ensure the Intellectual Property Enforcement Coordinator within the Executive Office of the President has sufficient staff, budget, and authority to fulfill the obligations and achieve the goals outlined in the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (PRO-IP Act) and the National IP Strategy; and

BE IT FURTHER RESOLVED, the National Conference of State Legislatures supports robust and balanced IP protection and enforcement provisions in trade agreements, protecting U.S. jobs and wages while ensuring that excessive monopoly protections do not saddle states or individuals with burdensome costs that limit healthcare options or endanger public health;

BE IT FURTHER RESOLVED, that the National Conference of State Legislatures supports existing efforts to shut down the top illegal rogue websites globally that are willfully selling counterfeit goods and facilitating digital theft; and

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the President of the United States and all members of the 115th Congress.
WHEREAS, digital goods and services are online purchases that are downloaded directly by, or services that are provided electronically to, consumers that can transcend numerous state and local boundaries across the United States; and

WHEREAS, the exponential growth of digital commerce has demonstrated the importance of digital products to the American economy; and

WHEREAS, state policymakers recognize that the continued deployment of broadband infrastructure and adoption of broadband services is vital to economic growth and participation in the global economy; and

WHEREAS, digital goods and services are a major driver of the rapidly growing 21st Century digital economy and as such, fair and rational tax policies are needed that will not impede the continued growth of this segment of the economy; and

WHEREAS, due to the complex nature of the way digital commerce is transacted, current state and local tax laws governing the taxation of sales transactions are outdated and ill equipped to address many of the issues that surface in taxing today’s “borderless” digital economy; and

WHEREAS, as state and local governments continue to seek to modernize their tax base to include various forms of digital commerce, doing so without establishing a national framework could potentially subject consumers to multiple states claiming the right to tax the same transaction or subject such transactions to discriminatory taxation at rates higher than the rates imposed on the in-state sales of similar goods or services; and

WHEREAS, establishing a national framework would clearly identify which state and local jurisdiction can tax a digital transaction, providing much needed certainty to
consumers, providers required to collect such taxes and state and local governments
seeking to tax such goods and services in a fair, uniform and rational manner; and

WHEREAS, establishing a national framework as set forth in the Digital Goods and
Services Tax Fairness Act as introduced in the 114th Congress preserves state
sovereignty as the decision to tax digital commerce or not remains solely with the
states; and

WHEREAS, the Mobile Telecommunications Sourcing Act (P.L. 106-252) established
uniformity in sourcing mobile telecommunications services for state and local tax
purposes using similar concepts to those contained in the Digital Goods and Services
Tax Fairness Act as introduced in the 114th Congress; and

WHEREAS, NCSL has worked with other state and local organizations as well as
members of the Download Fairness Coalition to develop the principles contained in the
legislation and is poised to assist states as needed in complying with the federal
legislation; and

NOW, THEREFORE, BE IT RESOLVED, that the National Conference of State
Legislatures urges Congress to introduce and pass legislation that provides a
framework for the taxation of digital goods and services consistent with NCSL principles
in conjunction with or after consideration of the Remote Transactions Parity Act, to
establish a national framework providing certainty and uniformity for state and local
governments in the taxation of digital goods and services, while protecting consumers
from multiple and discriminatory taxation and supporting the continued growth of the
digital economy.
NCSL believes that the work of designing and sustaining a system of support for low-income families must be a bipartisan partnership among the federal, state, and local governments and community stakeholder organizations to reduce poverty of low-income families and alleviate the problem of homelessness. NCSL urges the federal government to continue to provide flexibility to states to innovate with programs and services that move low-income families to financial independence, build self-sufficiency, diminish the long-term effects of poverty, and enable states to find solutions for the problem of homelessness. NCSL also believes that the federal government should encourage and support state efforts to address the underlying causes of poverty and support preventive strategies that improve outcomes for families and children living in poverty.

Measures of Poverty and Child Well-being

NCSL believes that the federal, state, and local government partnership should be supported to address the underlying causes of poverty, and to employ prevention strategies to improve outcomes for children and low-income families living in poverty. It is critical that anti-poverty efforts use measures that accurately capture economic needs, resources, and other factors that accurately depict elements which impact or influence the economic health of families. NCSL supports efforts to create new measures alongside the current poverty measure which was created in 1963 by Mollie Orshansky, based on food expenditures. NCSL supports efforts to include the value of non-cash benefits and tax credit, count costs for health care, transportation, child care, housing and utilities, and geographic cost of living differences.

NCSL believes that the current measure alone does not give state policymakers the ability to accurately measure the effectiveness of ongoing and new initiatives to combat
poverty. NCSL does not believe new poverty measures should be used to determine eligibility or level of assistance. New measures should emphasize the importance of strategies and actions that address the needs and opportunities of families and individuals rather than causing debate about the “perfect” measure.

NCSL supports bipartisan bicameral efforts to provide for a comprehensive child well-being measure that documents the effect of growing up in poverty.

**Anti-Poverty Efforts**

NCSL believes that any new federal initiative on poverty should identify key goals for state efforts, but allow states flexibility in deciding which goals to emphasize and how to harness state and community efforts to address those goals. Part of this framework should include outcome-based measures (well-being measures based in family and community conditions) that federal and state efforts measure and report. Accountability should be focused on these outcome measures, rather than program structure and rules.

States need flexibility to restructure their human services, workforce, health care and educational programs to address poverty strategically and in ways adapted to their goals and circumstances.

Federal efforts should:

- be designed to avoid shifting costs to the states,
- foster and enable state-based initiatives and strategies that reach across the full range and government, business and community based efforts to effectively reduce poverty,
- alleviate the effects of growing up in poverty, and
- build states' workforce training, economic and job development efforts.

NCSL opposes charitable choice legislation that preempts state and local laws, is retroactive in its application, undermines existing state-federal grant programs and partnerships by offsetting their funding, creates new rights for states to be sued in federal court, and mandates participation on the states per federal guidelines.
Earned Income Tax Credit (EITC)

NCSL supports the federal EITC as a means of reducing poverty among working poor families, and ensuring that the benefits of work surpass the benefits of public assistance. NCSL believes that increasing public awareness is essential to the success of this program. NCSL strongly urges the federal government to work with states as partners to develop new and creative outreach strategies and information for eligible taxpayers. NCSL supports:

- federal efforts to increase the value of the credit, adjust the credit for family size, and eliminate the marriage penalty,
- expanding the EITC to single workers, especially noncustodial parents, to have the same impact on low-skilled workers,
- continuation of federal practices that allows states to use Temporary Assistance for Needy Families (TANF) and State Maintenance-of-Effort (MOE) funds for the state EITC, and this support should not be counted as “assistance” under the welfare law, nor should federal data reporting for assistance programs apply.

NCSL objects to increases to the credit that result in cost shifts to states. NCSL encourages the administration to provide states the maximum flexibility to administer their EITC programs, and believes the federal government should simplify the application for the federal EITC, which will reduce the paperwork burden and reduce errors.

Temporary Assistance for Needy Families (TANF)

NCSL supports the purposes of the TANF block grant, which provides grant funding to the 50 states, the District of Columbia and the territories for a wide range of benefits, services, and activities. It provides states the flexibility to meet specified goals of the program including:

- Providing assistance to needy families so that children can be cared for in their own homes or in the homes of relatives,
Ending dependence of needy parents on government benefits through work, job preparation, and marriage,

Reducing the incidence of out-of-wedlock pregnancies, and

Promoting the formation and maintenance of two-parent families.

NCSL opposes federal regulatory actions that would limit state flexibility, constrain state policy choices or leave states facing financial penalties for not meeting federal work participation rates. States must be able to adopt a variety of goals for their TANF programs within a broad federal structure, including welfare to work and welfare avoidance programs for youth and low-wage workers.

NCSL supports:

The concept that individuals receiving public assistance should be engaged in efforts toward self-sufficiency. NCSL urges the federal government to support the success that states have had with strategies to get welfare recipients into unsubsidized jobs in the private sector.

Regulations that authorize states to deem compliant individuals with disabilities who fail to meet the work threshold or activity standards which TANF requires.

Permitting states to determine if individuals applying for Social Security Income (SSI) meet the SSI threshold for an exclusion from the work rate calculation because they are unable to work prior to a Social Security Administration (SSA) determination.

Excluding individuals unable to work due to temporary disabilities and ineligible for SSI from the work rate calculation.

State options to collaborate and contract with religious organizations for family assistance services, within the boundaries of state and local laws.

NCSL urges the federal government to work with states on any changes made to the TANF to ensure the continuance of innovation in state and county programs. NCSL opposes the use of earmarks, preemption of state authority, or mandates on states as they compromise the spirit of the state-federal partnership. In addition, NCSL believes that altering regulatory standards on work requirements without partnering with states in
their development could constrain state flexibility. NCSL urges Congress and the U.S. Department of Health and Human Services (HHS) to provide states with sufficient flexibility in making strategic TANF policy decisions to design their own programs in accord with community needs.

**Individual Development Account (IDA)**

NCSL supports federal efforts to provide incentives for the creation of Individual Development Accounts (IDAs) as a tool to promote financial self-sufficiency that complements state efforts to reform welfare and to support working families' efforts to move out of poverty. NCSL urges the federal government to continue to allow states to have the flexibility to use TANF funds for IDA programs.

NCSL supports changes in the federal tax code that would expand opportunities for IDAs including a tax credit for financial institutions that participate with matching funds and for private entities that invest in nonprofits that administer IDAs. NCSL urges HHS to examine and eliminate barriers in the TANF program, including those associated with the Cash Management Improvement Act, to simplify administration of IDAs.

**TANF Funding**

NCSL strongly opposes congressional proposals to reduce the welfare block grant in TANF, the Social Services Block Grant (SSBG), Low Income Home Energy Program (LIHEAP) or any related welfare program. NCSL urges Congress to continue to provide full financial support for the TANF block grant, supplemental grants, and the contingency fund, which provides additional financial support for qualifying states during an economic downturn.

NCSL believes that MOE requirements should continue to retain flexibility for the use of funds in any manner “reasonably calculated” to achieve TANF’s statutory purpose. NCSL opposes regulatory actions that restrict TANF’s use to a narrow list of programs and eliminates their use to meet work participation rates, or attach federal requirements to separate state programs should be stopped.

**Inflationary Adjustment**
NCSL urges Congress and the administration to consider an inflationary adjustment to the overall TANF block grant. An inflationary adjustment would enable states to respond to the increased demand for non-cash assistance, economic uncertainty and any emerging expectations of welfare reform. NCSL would oppose any imposition of an MOE requirement as a condition of receipt of funding unless the receipt of the additional funds were optional.

**State Legislative Authority** ("The Brown Amendment")

A critical component of the 1996 law explicitly gave state legislatures the specific authority to appropriate their state’s TANF, child care, and welfare-to-work funds. This authority invests state legislators fully in the TANF program and increases state oversight of TANF funds. NCSL strongly supports maintaining this language.

**Rewarding Work and Reducing Poverty**

NCSL believes that work is a critical component of welfare reform and federal law should support state efforts to create a continuum of self-sufficiency. Federal policy should facilitate and inform and encourage state-based and/or community and local comprehensive strategies.

NCSL supports the current work requirement, that after 24 months, all families should be engaged in work, as defined by the state, but NCSL urges the administration to make the following changes in the work participation rates:

- Eliminate the work participation standard states must meet that requires a higher work participation standard for the two-parent portion of their assistance caseload, which will help strengthen families by removing a barrier to marriage.
- Allow states to count all recipient work effort.
- Provide states greater flexibility to define what activities count as work, especially the combination of activities such as work, job training and preparation, education and treatment for alcohol and other substance abuse, and mental illness, and activities to meet the requirements of a domestic violence plan.
- Retain the 30-hour work participation rate as the standard.
▪ Continue to provide states credit for those who leave welfare. If the current caseload reduction credit is reduced or eliminated, it must be phased out to give states time to adjust to any changes.

▪ Provide states the option of including education leading to employment as part of the first 20 hours of work with the purpose of meeting state work participation rates and give states the flexibility to count post-secondary programs that lead directly to good jobs.

▪ The time limit on post-secondary education programs should be extended from 12 months to 24 months.

▪ Retain 20-hour requirement for a parent with a child under six.

▪ The focus on work should not come at the exclusion of necessary basic or vocational education that would enhance skills, job retention and earnings. NCSL has always urged the federal government to leave the decision on when and how education should count for each client up to the states, like other TANF benefit and services decisions. The current policy that limits the amount of time and caps the number of clients engaged in vocational education does not consider state decision making. State legislators support efforts to expand the length of time a recipient can be in vocational education, and to lift or increase the cap on a percentage of the caseload that can be counted. NCSL supports giving states more flexibility to define education, and to give credit to those engaged in Adult Basic Education and English as a Second Language and post-secondary education.

▪ Continue to support states ability to use TANF funds for subsidized employment programs.

▪ Permit states the flexibility to define sanctions for noncompliance with welfare rules including work requirements.

NCSL supports:
The adoption of credits to reward state success in moving families to employment. Such credits would benefit states that focus their efforts to get recipients into jobs that promote long-term self-sufficiency.

Continued state flexibility to address issues of drug use among TANF recipients, and opposes new federal mandates in this area.

**Time Limits**

NCSL believes that federal policy should always encourage work, educational or career training goals. When a parent is working, and receiving benefits, states should have an option to extend or exempt these workers and their families from the federal time limits. NCSL believes the current policy should continue to:

- Provide states flexibility to determine their own time limits.
- Allow states to decide to maintain separate state programs under MOE or segregate their MOE spending in an existing program, to use the funds with greater flexibility.
- Maintain the ability of states to exempt 20 percent of their caseload, as defined by the state, from federal time limits.

NCSL supports efforts that would distinguish cash support from non-cash support. Currently housing, food and cash count as "assistance" and NCSL urges Congress to separate housing from other forms of assistance.

NCSL urges Congress and the administration to carefully examine how the SSI and SSDI programs can be better coordinated with the TANF program and state efforts to help everyone achieve the maximum level of self-sufficiency possible.

**Data Collection and Reporting Requirements**

NCSL opposes the establishment of a national error rate for TANF and Child Care and Development Block Grant (CCDBG) programs under the Improper Payments Act.

**Welfare Waivers**

NCSL strongly believes that states need flexibility for further innovation, and that states should be given options for policy changes, rather than waivers for policy changes.
which require further evaluation. NCSL strongly believes that states must be able to continue current federal waivers as well as receive new federal waivers for welfare reform. The elimination of current state waivers will substantially undermine current state programs.

**Other Work Supports**

NCSL believes that work associated expenses such as uniforms, tools and texts are an additional barrier to employment. NCSL urges the federal government to provide adequate funds and eligibility disallowance for work expenses. NCSL encourages the federal government to link programs that assist low-income families with housing needs and self-sufficiency efforts so that those who return to employment are not in danger of losing their housing assistance and can earn their way out of poverty.

**Financing Welfare Reform**

NCSL strongly opposes federal efforts to finance welfare reform through cost-shifting to the states through:

- unfunded mandates,
- transfer of support for needy populations to state government through elimination of programs for legal immigrants, persons misusing substances, homeless families and families in crisis, and benefit funding by the federal government and transferring the burden to state-funded, nonprofit programs, and public hospitals,
- capping current open-ended entitlements, and
- unrealistic assumptions about savings from recipients leaving welfare or receipt of child support enforcement.

**State-Federal Partnership for Anti-Poverty Efforts**

NCSL believes that federal policy should facilitate and inform state efforts, and urges the federal government to consider the impact of any new welfare strategies on other state and federal systems that serve children and their families. There must be coordination with the myriad employment and training, and retraining programs, and community revitalization programs.
NCSL urges that the federal government to include funds for technical assistance to states as part of any national reform efforts. NCSL believes adequate implementation time is necessary, especially if states must make changes in state law to comply with new federal requirements. Regulations must be issued in a timely fashion and continue to promote state flexibility.

**Alleviating Homelessness** (updated and pulled from the Homeless Directive)

NCSL believes a collaborative strategy among all levels of government is the most effective strategy to address homelessness, and the federal government, in cooperation with state efforts, must assume a leading role. NCSL urges Congress to continue funding for programs that were originally authorized in the McKinney-Vento Homeless Assistance Act including:

- Projects for Assistance in Transition from Homelessness (PATH),
- Grants for the Benefit of Homeless Individuals,
- Runaway and Homeless Youth Program,
- The Basic Center Program, which provides short-term shelter and services to youth under age 18,
- The Transitional Living Program, and
- The Street Outreach Program, which provides supports to runaways and homeless youth.

In addition, NCSL believes that McKinney-Vento Homeless Assistance Act funds should be used to augment existing state programs and to address individual state needs. To operate these programs in the most cost-effective and efficient manner states must be given flexibility with funding and program administration. NCSL encourages Congress and federal agencies to work with states to support their efforts by:

- Providing a consistent program funding stream,
- Disseminating information on available McKinney funding,
- Providing technical assistance, operational guidance and training, and administrative support, and
▪ Actively making available to states, localities and non-profit agencies, under-utilized or vacant federal properties as potential sites for shelter or other services.

▪ NCSL supports the efforts of the U.S. Interagency Council on Homelessness that leads the national effort to prevent and end homelessness in America. The Council drives action among 19 federal member agencies, and fosters partnerships at every level of government and with the private sector to achieve the goals of the federal strategic plan to prevent and homelessness.
NCSL supports federal efforts to protect and promote the welfare of all children; prevent child abuse, neglect, or exploitation; establish a system of family support services; permit children to remain in their own homes or return to them whenever it is safe and appropriate, or promotes kinship and guardianship placements when it is not; promotes safety, permanency, and well-being for children in a range of foster care alternatives or with adoptive families; strives to ensure educational stability for foster care children; and provides training to ensure a well-qualified child welfare workforce.

NCSL believes the primary goal of child welfare services should be to ensure the safety of children, to support the integrity of the family unit, and lessen the need for long-term intervention. Supportive services to families is critical in reducing the number of children in the foster care system and NCSL urges Congress to continue federal support of:

- programs that preserve the family unit, or reunify families after child welfare service intervention is required, and
- state initiatives and creative approaches in developing cost effective alternatives to foster care.

States must be able to rely on clear federal guidance, technical assistance, and support for training to successfully and efficiently implement this comprehensive system of child welfare services. However, states should be afforded flexibility to better administer and coordinate service delivery of these programs coupled with their various supporting systems including children’s mental health services, the juvenile justice system, and other programs offering Temporary Assistance for Needy Families (TANF), housing assistance, educational services, and health care delivery.

NCSL also supports federal efforts to improve and encourage judicial processes in child welfare cases to support state efforts to sustain the integrity and efficiency of these
programs through interagency training, budgeting, planning and conflict resolution as well as integrated data systems.

NCSL opposes any efforts to earmark or restrict the use of federal funding and urges the Department of Health and Human Services (HHS) to permit states to determine the use of funding within their communities. In addition, any caps on administrative funds should not categorize the vital work done by caseworkers as an administrative cost.

**Foster Care**

NCSL urges the federal government to support the Foster Care program as an open-ended entitlement program under the Title IV-E of the Social Security Act. These funds support out-of-home care, administrative costs, training for state agency staff and foster care advocates, adoptive and foster care parents. NCSL opposes any proposals to cap Title IV-E expenditures. In addition, technical assistance efforts are needed to help states understand the complicated reporting system, find effective ways to maximize federal dollars, and enhance revenues for innovative service techniques.

Specifically, NCSL urges the federal government to:

- Promptly pay state claims,
- Refrain from imposing stringent time limitations on the submission of state claims,
- Monitor and review state performance fairly while giving states tools for improvement,
- Continue to emphasize services and other programs designed to help children at risk of foster care placement remain with their families,
- Define and support the separation of states’ reporting foster care administration activities from child placement activity amounts,
- Entrust states to determine when and if a congregate care setting is appropriate for foster care placement,
- Support the concept of giving priority to custody and placement with family members over placement in a foster home with non-relatives, unless determined by the court that placement in the foster care system is in the best interest of the child. Federal
funds should also be made available to support services for caretaker relatives.

NCSL opposes federal actions that would eliminate federal reimbursement for relative foster care that is non-licensed or limits state flexibility in allowing a relative to care for these children,

- Support states in assisting youth 18-21 who are transitioning from foster care to self-sufficiency, and offer flexibility to expand services to different ages for foster care adoption and relative guardianship. Congress should support programs like the John H. Chafee Foster Care Independence Program, that funds education and training vouchers for youth aging out of foster care,

- Increase the recruitment of and training for foster care and special needs adoption providers, and supportive services inclusive of respite care as appropriate.

- Provide the necessary coordination of services to high risk children and families under the scrutiny of the child welfare system including:
  1. Health and mental health care,
  2. Drug and alcohol abuse treatment and services,
  3. Education and job training services, and

- Promote policies that keep children in their own communities and schools, and

- Not restrict state authority to determine the criteria for termination of parental rights if it should be necessary to do so,

- Support states in addressing the challenges they face in meeting the needs of Native American children within the federal and tribal government requirements.

Child Welfare Workforce

NCSL is concerned about the supply and quality of the child welfare workforce, and supports federal efforts to develop that workforce including funding for training, student loan forgiveness, and funding to states to improve staff training and reduce caseloads.

Information Services
NCSL supports HHS efforts to develop a national information system to track data on families in the child welfare system to solicit critical child welfare data particularly with respect to outcomes for children and the impact of problems such as substance abuse and the effectiveness of treatment options.

**Adoption Assistance and Services**

Under Title IV-E of the Social Security Act, states, territories, or tribes with an approved Title IV-E plan are required to enter into an adoption assistance agreement with the adoptive parents of any child who is determined by the Title IV-E agency to have “special needs.” NCSL believes adoption incentive funds enable states to implement a range of programs including support for foster and adoptive parent, and other child welfare services. NCSL supports incentive criteria that considers the population of special needs children without defining them in terms of age alone. NCSL also supports assistance with post-legal adoptive and respite services that is critically needed for families adopting these children, many of whom may have health and mental health problems as they mature.

A state with a Title IV-E plan approved by HHS may seek federal reimbursement for a part of the cost of making payments agreed to under Title IV-E adoption assistance agreements and for related program administration costs, including training. NCSL urges HHS to reimburse states for program expenditures in a timely manner for claims owed to the state for adoption assistance. NCSL requests that Congress and the administration consider potential unintended consequences resulting from changes in the funding structure that might fundamentally alter the capabilities of the program.

The Interstate Compact on Adoption and Medical Assistance, which has been adopted by 49 states and the District of Columbia and governs procedures by which Medicaid coverage and other supportive services of adopted children may be transferred between states. For adoption subsidies to be effective, adoptive parents must be assured that coverage will be provided, regardless of their state of residence. In some cases, interstate adoption may present the only opportunity to place a child. Differences in state law and policy create special concerns with respect to the apportionment of legal and financial responsibilities. NCSL urges HHS to support these efforts and work with
states in providing continuity of services for adoptive families when they relocate to another state.

Flexible Funding for Children's Services

NCSL urges the federal government to provide states the flexibility they need to reform children’s services systems and to meet locally determined community needs, and remove federal regulatory barriers that often impede state efforts. States should also be given options to use a portion of their funding for foster care maintenance payments for child welfare and family services, especially when utilization of foster care funds is reduced.

NCSL opposes a reduction or limitation of funding that caps Title IV-E for these programs as a condition of children’s services proposals. NCSL urges Congress to consider delinking foster care eligibility from AFDC eligibility for all states and move towards reimbursement for all children in care, as the states determine.

Child Abuse and Neglect

NCSL supports early identification, intervention and treatment of children who are victims of or at risk for child abuse, neglect or trafficking, and believes in the importance of efforts to reduce the incidence of abuse, whether it be physical, sexual, emotional, or any neglect relative to a child’s health and welfare.

NCSL strongly supports the federal Child Abuse Prevention and Treatment Act and urges that it be fully funded at the levels authorized by Congress to assist states to respond to increased incidents of abuse and neglect.

NCSL encourages the federal government to support states in training mandatory reporters, and opposes federal preemption in defining who is a mandatory reporter.

Families with Addiction Treatment Needs

NCSL urges the federal government to support the addiction treatment needs of families who come under the scrutiny of the child welfare system. State legislators are concerned that many women with substance use disorders are pregnant and current treatment programs are ill-equipped to provide services to this population.
NCSL supports:

- Rehabilitation programs that include appropriate child care for children and addicted mothers, and federally-funded programs that do not deny access to drug and alcohol programs on-the-basis of pregnancy,
- Federal incentives for partnerships between substance abuse and child welfare agencies to conduct cross system training of staff, improve screening and assessment procedures, provide comprehensive treatment and prevention programs, after care services, and improve data collection,
- Federally-funded programs that recognize that public policy utilizing criminal penalties vs. rehabilitation and collaborative efforts can be a disincentive to women in seeking prenatal care, and these interventions must be properly funded and implemented to prevent substance use disorder before women become pregnant, and
- The use of employee assistance professionals at the worksite to help impaired employees become more productive in the workforce and in society.

Family Violence

NCSL supports the federal efforts designed to assist states in their efforts to prevent family violence, provide immediate shelter and related services to victims, and offer trauma informed training and strategies and technical assistance to state and local agencies on program administration.

Federal incentives for coordination between child welfare systems, domestic violence agencies, and juvenile courts, and services to at-risk households, such as emergency crisis services, in-home services, and parent and family counseling should be continued.

Demonstration grants to support state efforts to increase the number of supervised visitation centers as a neutral location for protective temporary transfers of custody and on-site supervised visits of children should be continued.
The National Conference of State Legislatures (NCSL) supports efforts to improve the safety and quality of our drug supply including the FDA Safety and Innovation Act which:

- Enhances the safety of the drug supply chain,
- Provides incentives to drug manufacturers to develop new antibiotics effective pharmacotherapies,
- Permanently authorizes the Best Pharmaceuticals for Children Act (BPCA) and the Pediatric Research Equity Act (PREA),
- Takes initial steps to address drug shortages; and
- Provides for expedited development and review of drugs for the treatment of serious or life-threatening conditions.

**Regulation of Internet Pharmacy** – NCSL supports Congressional actions through the Ryan Haight Online Pharmacy Consumer Protection Act to:

- Establish disclosure standards for internet pharmacies,
- Prohibit dispensing of prescription drugs over the internet to persons who have not been seen by a physician, and
- Authorize state attorney generals to shutdown non-complying sites by using the federal court system.

Unfortunately, NCSL believes the provisions of the Act have not been sufficient to control rogue websites and urges Congress and the Administration to increase efforts to prosecute organizations in violation of the law.
NCSL believes state drug pedigree laws should not be preempted unless, a national standard is adopted that provides at least the same level of protections as the state laws. The FDA should assign a high priority to initiatives to both identify quantities and ensure the quality of raw drugs entering the United States that are then remanufactured for retail sale to consumers here. The potential for human error in processing or acts of terrorism, and the serious consequences of either call for a vigorous and vigilant response by the federal government.

ACCESS TO AFFORDABLE PRESCRIPTION DRUGS

Importing Prescription Drugs - NCSL believes that it should be a national priority to expand access to affordable prescription drugs. NCSL supports efforts to explore the feasibility of importing prescription drugs from other countries to move toward goal of containing costs and improving access to safe, and effective pharmaceuticals.

Personal Use Policy - NCSL is opposed to the “criminalization” of drug importation and the effect it may have on individuals with limited options. The current federal policy on drug importation is confusing at best. NCSL urges the FDA to clarify its “personal use” policy and how the policy is to be enforced. Ultimately if it is determined that drug importation is not the right approach, NCSL urges Congress will to make it a priority to explore ways to: (1) increase the number of individuals with health insurance, thereby increasing access to prescription drug coverage; and (2) increase the affordability of prescription drugs.

Regulation of Compounding Pharmacy

NCSL urges the FDA to work closely with state legislators, state public health officials, state boards of pharmacy and other important state and local officials, and providers and industry representatives to develop procedures and systems that retain state regulatory authority where appropriate and that will improve the overall safety of the nation’s pharmaceutical supply chain, and the regulation of compounding pharmacies.

State Prescription Drug Monitoring Programs

NCSL supports the five-year reauthorization of the National All Schedules Prescription Electronic Reporting Act (NASPER) adopted in the Comprehensive Addiction and
Recovery Act (CARA). NCSL is particularly interested in continued discussions to increase the effectiveness and interoperability of State Prescription Drug Monitoring Programs (PDMPs) and looks forward to working with federal partners to expand and improve the programs.
The partnership between the states, territories and the federal government on health, and human services is critically important. The underlying goal should be to achieve mutually agreed upon goals that produce improved outcomes and achieve program efficiencies and savings for federal, state, territories and local governments. It is equally important that the basic tenets of federalism carry throughout the partnership.

State Sovereignty

When federal law requires a declaration be made on the part of the state, or territory the law should simply require “the state” or “the territory” to take the action and allow the state and territory to determine the appropriate state and territory entity to fulfill the requirement. Alternatively, when a federal agency implements the law, the agency should also let the state or territory determine the appropriate entity or individual instead of making its own determination. Federal laws authorizing grants to states and territories should include legislative language stating that grant funding should be expended “according to state or territory law”. NCSL supports accountability and transparency and welcomes public feedback and participation. NCSL supports a strong role for state and territory legislatures in program oversight and urges the federal government to give states and territories flexibility with regard to public notice and the solicitation of public input related to program proposals, program design and benefits, administration and implementation.

Consultation with States

NCSL also urges-Congress and the Administration to seek the counsel and expertise of state and
territory legislators as key health, and human services programs and initiatives are being developed. It is particularly important that federal agencies take the state and territory consultation requirement seriously when drafting legislation and developing regulations to implement programs. It is especially important that the agencies consider and detail the impact of federal regulations on state and territory governments. Finally, NCSL strongly urges Congress, when drafting legislation, and the Administration, when implementing laws, to respect the state and territory budget and legislative process and provide adequate time for states and territories to comply with federal requirements, which often requires the passage of state and territory legislation and the appropriation of funds.

State Flexibility
States and territories should be afforded maximum flexibility when implementing federal programs. We understand that this flexibility must be accompanied by accountability and transparency on the part of states and territories. Unnecessary uniformity compromises the effectiveness of programs by making it impossible for states and territories to respond to local conditions.

Reporting and Data Collection Requirements
Reporting requirements are important, but should be limited to requirements where there is a reasonable expectation that the data will be used to further program goals. In addition, efforts must be made to impose data collection and reporting requirements in the least burdensome way possible.

Program Funding
Cost-Shifting - NCSL opposes federal initiatives that would shift costs to states and territories by: (1) imposing unfunded mandates on states and territories; or (2) requiring states and territories to adhere to existing requirements while reducing the level of federal assistance.

Block Grant Restrictions - When individual programs and their funding are consolidated into a block grant, we urge Congress and the federal administration to
refrain from establishing set-asides and funding mandates that severely reduce the flexibility that states and territories expect from a block grant.

**Treatment of “Legacy States”** - Every effort should be made to fund programs in a way that is equitable across states and territories, while also recognizing and addressing the different circumstances among states and territories and the varying needs of their constituents. Too often, legacy states and territories—innovative states and territories that take the first step on a new approach—are disadvantaged when federal programs mirroring their own are enacted. These states and territories should receive special consideration and not be penalized for being innovative.

**Waivers** - NCSL urges Congress to authorize waivers and the Administration to grant waivers, where appropriate, to permit states and territories to develop innovative programs and service-delivery systems in health, and human services programs. Successful waiver programs should be brought to scale and integrated into the underlying program when and where appropriate, instead of requiring every state and territory to apply for the waiver.

**Technical Assistance** – NCSL supports technical assistance provided by our federal partners. This is an important component of the state-federal partnership and is critically important in facilitating strong relationships between federal, state and territory program administrators and state and territory elected officials.

**MEDICAID**

NCSL believes that the Medicaid program represents the state and territory federal partnership to improve the health of those vulnerable children and adults with healthcare needs in our communities.

**Funding** – Proposals to cap the Medicaid program fundamentally change the relationship between the states and territories and the federal government by inappropriately transforming a full partnership into a limited partnership, and shifting both costs and responsibility to state and territory governments without adequate authority to manage costs. If federal funds are capped, states and territories must be
authorized to reduce or limit services, eligibility and/or payments to beneficiaries and
service providers.

Provider Tax Limitations
NCSL opposes further restrictions beyond those imposed in the Medicaid Voluntary
Contributions and Provider-Specific Tax amendments of 1991 on states’ or territories
ability to impose provider-related taxes.

Waivers - NCSL urges the Administration to continue and to expand state and territory
flexibility in the Medicaid program through demonstration programs, Section 1115
waivers, and Section 1332 waivers. NCSL urges the Administration to permit bold,
innovative programs to be tested and to provide technical support to states and
territories as needed. Successful demonstration and waiver programs should be
replicated.

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, and provide additional financial
assistance to states and territories through an enhanced federal match or some other
mechanism that would revert back to the regular federal-state cost sharing formula
when the triggering event has been resolved. This is a complex, but critical component
to fiscal security for the Medicaid program. NCSL looks forward to working with
Congress and the Administration to identify options and to establish and implement a
program.

Judicial Reforms - NCSL urges the Administration and Congress to work with state and
territory officials on developing strategies to reduce litigation by clarifying and simplifying
Medicaid statutory provisions that are too vague or too prescriptive for states and
territories to properly administer. NCSL also urges HHS to provide technical assistance
to states and territories regarding Medicaid services/issues that are the subject of
litigation in several states and territories so that states and territories may find ways to
successfully provide the services in question without litigation. Under current law, it is
extremely difficult for states to vacate or modify the terms of consent decrees, which means policymakers are hobbled in their ability to govern responsibly. NCSL supports federal legislation that allows for periodic reexamination of consent decrees to which a state and territory is a party, other than consent decrees addressing school desegregation or other actions brought under Titles VI or VII of the Civil Rights Act of 1964, upon motion of the state and territory. This would make it easier for states and territories to vacate or modify consent decrees as current state and territory circumstances may require.

**Medicaid Options**

NCSL urges the HHS Secretary to support and explore a broad range of approaches to provide affordable coverage for low-income people through the Medicaid program.

**Program Integrity Initiatives**

NCSL is pleased that the Administration has proposed to coordinate and consolidate some of the existing program integrity programs enacted over the years to address duplication of effort and conflicting elements of the programs. NCSL urges Congress and the Administration to make the necessary legislative and regulatory changes to improve the cost effectiveness of the federal program integrity initiatives, to lessen the administrative burdens associated with them, and ultimately to improve our collective effort to eliminate fraud, waste and abuse in the Medicaid program.

**Data Collection Requirements**

Data is important and necessary to ensure program integrity and to improve program quality. NCSL urges Congress and HHS to carefully consider data collection requirements imposed on state and local governments. The costs, both financially and in staff time, must be commensurate with the contribution the collected data will make to the overall effort to improve access and quality.

**Dual-Eligibles**

**Federal Coordinated Health Care Office (Medicare-Medicaid Coordination Office)**

NCSL supports the establishment of the Federal Coordinated Health Care Office within the Centers for Medicare and Medicaid Services (CMS) office and looks forward to
working closely with its staff to improve access, care and services to this important
group of Medicaid and Medicare beneficiaries.

**State Demonstrations to Integrate Care for Dual Eligible Individuals** - NCSL

supports the new State Demonstrations to Integrate Care for Dual Eligible Individuals.
These projects will help states and territories design and implement new approaches to
better coordinate care for dual eligible individuals.

NCSL urges CMS to continue to provide funding and technical assistance to develop
person-centered approaches to coordinate care with providers across the health care
system for dual eligible individuals. NCSL is in support of these demonstration projects,
and believes they provide maximum flexibility to states and territories to explore options
that may improve the quality of life and health outcomes for dual eligible individuals.

**Effective Management in the Medicaid Program**

NCSL urges Congress and the Administration to give states flexibility to effectively
manage their Medicaid programs through innovative utilization and care management,
service delivery, and contracting models.

**Medicaid Managed Care**

NCSL urges CMS to: (1) work with states and territories as partners and stakeholders in
establishing minimum operational and quality standards for managed care entities
contracting with states and territories for the delivery of services and benefits to
Medicaid or CHIP beneficiaries; (2) to develop a process for technical assistance and
guidance to avert the imposition of punitive actions and sanctions that may impact a
state' federal matching funds, as the state and territory begins implementing new
requirements; (3) offer states and territories flexibility in administering their managed
Medicaid and CHIP programs so that each program meets the unique characteristics
and needs of the state and territory and its citizens; and (4) support state and territory
innovation.

**CHILDREN’S HEALTH INSURANCE PROGRAM (CHIP)**

NCSL continues to support CHIP and urges the Congress to ensure continued funding
and state and territory flexibility in the operation of the program.
COMMITTEE:  NATURAL RESOURCES AND INFRASTRUCTURE

POLICY:     BLACK VULTURE

TYPE:       DEBATE RESOLUTION

WHEREAS, the Black Vulture is a scavenger and feeds primarily on already-dead animals; and,

WHEREAS, they also feed on living animals, often attacking birthing animals; and,

WHEREAS, the species has proliferated over the last 30 years and broadened its geographical range; and,

WHEREAS, maintenance of the species must take into consideration that the Black Vulture is protected by the Migratory Bird Treaty Act; and,

WHEREAS, the US Fish & Wildlife Service (USFWS) is authorized, under certain conditions, to issue a depredation permit for Black Vultures; and,

WHEREAS, USFWS has developed pilot programs in Tennessee and Kentucky in which a single, statewide depredation permit is granted for each state; and,

WHEREAS, the holder of the statewide permit is authorized to include persons seeking relief from the damage caused by Black Vultures; and,

WHEREAS, the authorized “sub-permittees” are bound by all the terms of the primary permit.

NOW, THEREFORE, BE IT RESOLVED, that the National Conference of State Legislatures (NCSL), calls upon USFWS to make a transition in the statewide
depredation permit process from pilot program to standard operational procedure in the management of Black Vultures; and,

BE IT FURTHER RESOLVED, that USFWS, in each state that is experiencing livestock predation/injury from Black Vultures, determine the appropriate state agriculture/wildlife agency or non-governmental organization (NGO) recognized for farm advocacy and award that agency/NGO the aforementioned permit.

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

WHEREAS, US businesses save between $14 and $23 billion annually because of these existing standards, money that can be invested in jobs or spent in local economies; and,

WHEREAS, federal efficiency standards create a national marketplace and help 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 to fully fund the Department of Energy (DOE) Office of Energy and Renewable Energy to continue this highly successful program; and,
BE IT FURTHER RESOLVED, that the NCSL strongly urges DOE to amend standards when they are technically feasible and economically justified and do not eliminate customer choice of multiple efficient technologies 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 maintain enforcement of existing standards.
WHEREAS, the Federal Aviation Administration (FAA) anticipates there will be up to 4 million UAS by 2020. Already the FAA has registered more than 750,000 UAS operators for use in the National Airspace, far more than the 200,000 manned aircraft in the United States; and,

WHEREAS, the lack of formal rules and regulations pertaining to the use of UAS by hobbyists has resulted in a frontier mentality for use and judgment in that air space; and,

WHEREAS, the FAA does not yet have the preventative enforcement tools for rules or laws when developed; and,

WHEREAS, as of June 2017, every state has considered legislation addressing UAS, with 37 states having enacted laws; and,

WHEREAS, the National Conference of State Legislatures (NCSL) having previously created a UAS Foundation Partnership to facilitate candid discussions between state policymakers, industry leaders and end-users, to identify options for maximizing the benefits of UAS while also addressing privacy, safety and 4th Amendment concerns; and,

WHEREAS, the FAA continues its work to integrate UAS rules or laws into American airspace, state policymakers and their constituents are working to tap the potential of UAS for public and private applications; and,
WHEREAS, the U.S Court of Appeals for the District of Columbia eliminated an FAA requirement for UAS registration by hobbyists who operate their UAS purely for recreation; and,

WHEREAS, many examples of federal delegation of authority to states currently exist.

NOW, THEREFORE, BE IT RESOLVED, NCSL recognizes FAA’s general authority over the national airspace but believes it is imperative to preserve the authority of state governments to issue reasonable restrictions on the time, manner and place of UAS operations as they relate to states’ traditional police powers, including to protect public safety and security, personal privacy, property rights and manage land use; and,

BE IT FURTHER RESOLVED, NCSL believes without a federal UAS registration requirement states be allowed to implement their own such requirement; and,

BE IT FURTHER RESOLVED, NCSL strongly believes in the need for federal and state governments to work together to manage the organized deployment of recreational and commercial UAS and that states should be allowed to conduct enforcement of federal UAS rules if they so choose and that the federal government should ensure adequate resources be available to states for proper enforcement.