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It is the policy of the National Conference of State Legislatures to advance and defend a balanced, dynamic partnership among local, state and federal governments.

Tax reform efforts and tax actions at the federal level affect states because:

- Federal and state tax systems are inextricably linked;
- Federal programs rely on state participation for implementation; and
- Any federal reform will likely have serious fiscal and administrative ramifications on the states.

Therefore, NCSL urges that all federal tax reform and other actions be guided by the following principles:

**General**

- Preserve the fiscal viability and sovereignty of state governments.
- Encourage work, savings, equity and simplicity.
- Promote efficiency and predictability.
- Avoid intrusion upon the state excise tax base.
- Preserve states’ ability and discretion to tax certain revenue sources.
- Preserve the ability of state and local governments to adopt fair and effective tax systems. This includes authorizing states with sales and use taxes to require interstate sellers to collect and remit those taxes and restoring the full state and local income tax, sales tax and property tax for federal income tax purposes.
- Continue tax policies that reward work, specifically the Earned Income Tax Credit (EITC) and Individual Development Accounts (IDAs).
Transition

- Provide states with adequate transition time to implement and respond to new tax systems, preferably up to three or more years.
- Avoid the negative state impact of retroactive application of tax changes.
- Provide technical expertise to states to ease any transition of administrative responsibilities to the states resulting from federal tax reform.
- Provide adequate federal administrative funds for any federal tax reform that involves modified or increased collection responsibilities for the states.
- Ensure that federal tax changes are made in a manner that preserves federal data collection used by the states.

Do No Harm

- Provide flexibility and strengthen states’ ability to finance and administer programs for which they are traditionally responsible or have gained through devolution.
- Recognize that federal tax reductions should not compromise funding for existing and future commitments to mandated state-federal partnership programs.
- To the extent that a national sales, consumption, or value-added tax is considered as part of ongoing deficit reduction efforts, the historic role of such taxes as a major revenue source for state and local governments must be protected and all deliberations concerning such taxes must include representatives of the federal government’s partners in the nation’s cities and states.

Tax-Exempt Financing/Bonds

- Preserve tax-exempt financing for infrastructure and capital projects, including the use of public-private partnerships.
• Maintain the tax-exempt status of state and local government bonds and lift existing restrictions on state and local government use of tax-exempt bonds.

• Avoid provisions that weaken the fiscal integrity of state and local governments. This includes: the arbitrage rebate provisions, which essentially are a one-hundred percent tax on the interest income of state and local governments; the alternative minimum tax, which now taxes interest from otherwise tax-exempt bonds; volume caps, which have unduly restricted the use of bonds for projects that have increasingly become governmental responsibilities; and restrictions on advance refunding which increases the cost of government.

• Support the Mortgage Revenue Bond (MRB) program and the low-income housing tax credit.

Enforcement

• Increase enforcement efforts of the federal income tax laws so individual and business taxpayers are not bearing the burden of those who fail to pay owed taxes.

• Continue to take into account states’ reliance on federal tax rates and federal collection efforts.

Payment in Lieu of Taxes

The National Conference of State Legislatures supports federal efforts to:

• Continue, but reform the Payment in Lieu of Tax Program (PILT) program; to create a more predictable, fair and flexible system that accurately reflects the fiscal effects of federal lands on state and local governments.

• Provide full funding for the PILT program, provided that this goal is accomplished in a manner consistent with long-term federal debt management and deficit reduction; and

• Provide a more flexible payment system through authorization for the transfer of land of equivalent value from the federal government to states or counties in lieu of monetary payment, consistent with state statutes, and practice

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State Legislators’ Tax Issues

The National Conference of State Legislatures supports the standard deduction allowed state legislators under section 162 (h) of the Internal Revenue Code. Regulation, interpretation, or other statutes should not undermine the section. Regulations implementing this code section should reflect the intent of Congress and should include the following recommendations:

- A "session day" should mean a day in session as defined by the laws or rules of the state of residence of the legislator.
- A "committee" of the legislature should mean 1) a committee of one or more legislators conducting the business of [or reporting to] the legislature, or 2) a committee created by state or federal statute, resolution, order or rule on which the legislator serves in his or her capacity as a legislator. This definition of "committee" should include caucuses that conduct the business of the legislature.
- "State legislator" should include newly-elected legislators who attend official organizational meetings prior to administration of their oath of office.

Other

- Prohibit further preemption of state courts by refusing to give federal courts jurisdiction to establish the valuation of property for state and local tax purposes or by refusing to give selected classes of state and local taxpayers procedural and substantive privileges unavailable to most taxpayers.
- NCSL also encourages Congress and the administration to review the Railroad Revitalization and Regulatory Reform Act (4-R Act) to determine if the courts have expanded the 4-R Act beyond the original intent of Congress and reject federal legislation that would extend to other industries 4-R type benefits.
- NCSL requests the federal government to respect the sovereignty of states to allow or prohibit games of chance or skill. Any effort by Congress or the administration to reform this regulation preempts states and diminishes the
flexibility of state legislatures to use this mechanism as a revenue-related tool to meet the unique needs of residents of each state.
The National Conference of State Legislatures (NCSL) believes that the federal government must respect the sovereignty of states to allow or prohibit games of chance and skill within their borders.

**Internet Gambling**

The National Conference of State Legislatures (NCSL) believes the federal government must respect the sovereignty of states to allow or to prohibit Internet gambling by its residents.

The 2011 ruling by the United States Justice Department on the Federal Wire Act of 1961, 18 U.S.C. §1084, clarifies that intra-state online gambling is lawful. Any effort by Congress or the administration to reverse this ruling is preemptive and diminishes the flexibility of state legislatures to be innovative and responsive to the unique needs of the residents of each state.

NCSL requests Congress to consider the perspective of the states as it examines this issue and asks that it involve state legislators in any federal efforts that seek to reform the regulation of online gaming. NCSL strongly opposes any effort by the federal government to overturn the Justice Department’s ruling or consideration of legislation overruling state authority by legalizing or regulating gambling at the federal level. NCSL also requests that federal lawmakers be respectful of state legislatures that prohibit online gaming or other forms of gaming within their state.

**Sports Gambling**
The National Conference of State Legislatures (NCSL) believes the federal government must recognize the sovereignty of states to allow or to prohibit sports gambling by its residents.

On May 14, 2018, the Supreme Court of the United States declared the Professional and Amateur Sports Protection Act (PASPA), 28 U.S.C. §§ 3701-3704, unconstitutional as violative of the Court’s 10th Amendment anti-commandeering jurisprudence. The Court’s judgement on PASPA exemplifies the failings of a one-size-fits-all federal solution to complex questions of policy, regulation and law enforcement. With the shackles of federal preemption removed, states can begin creating innovative and tailored sports gambling policies that represent the will of voters.

The choice to legalize sports wagering is an important policy question, the answer to which is different among our nation’s diverse states. Forcing state policy flexibility and innovation to retreat under threat of federal preemption not only undermines the basic tenants of our nation’s founding documents, but it strains state-federal relations and suppresses the direct will of voters. Conversely, by encouraging state policy innovation and unique legislative solutions, federalism is strengthened and voters are more engaged with the legislative process.

NCSL requests Congress respect the sovereignty of states to regulate and tax sports gambling in the current post-PASPA environment. This includes not preempting states’ legislative authority to legalize, regulate and tax sports gambling activities. NCSL also requests that federal lawmakers respect state legislatures that chose to maintain their prohibitions on sports gambling or and other forms of gambling within their state.

Daily Fantasy Sports

The National Conference of State Legislatures (NCSL) believes the federal government must respect the sovereignty of states to allow or to prohibit daily fantasy sports by its residents.
The Unlawful Internet Gambling Enforcement Act of 2006 specifically excludes a fantasy or simulation sports game that “has an outcome that reflects the relative knowledge of the participants, or their skill at physical reaction or physical manipulation (but not chance), and, in the case of a fantasy or simulation sports game, has an outcome that is determined predominantly by accumulated statistical results of sporting events”. Therefore, NCSL will oppose any effort by Congress or the administration to diminish the flexibility of state legislatures to be innovative and responsive to the unique laws and regulations of each state.

NCSL strongly opposes any effort by the federal government that would overrule state authority by regulating daily fantasy sports at the federal level. NCSL believes the federal government must recognize the sovereignty of states to regulate and tax daily fantasy sports. NCSL also requests that federal lawmakers be respectful of state legislatures that prohibit daily fantasy sports within their state.
COMMITTEE: COMMUNICATIONS, FINANCIAL SERVICES, & INTERSTATE COMMERCE

LAW, CRIMINAL JUSTICE AND PUBLIC SAFETY

POLICY: NCSL URGES THE UNITED STATES CONGRESS TO SWIFTLY PASS THE “STOP ACT”

TYPE: RESOLUTION

WHEREAS, The United States has experienced a significant increase in the illegal use, sale, and trafficking of dangerous and potentially fatal synthetic drugs, including synthetic cannabinoids, opioids, and carfentanils;

WHEREAS, An opioid epidemic is sweeping the United States and has reached crisis proportions, killing thousands of Americans, straining the ability of first responders, and pressuring already critically stressed state and local budgets;

WHEREAS, there are more than 300 synthetic drugs imported into the United States and more than 500 distributed globally, most of them produced in China, according to the United States Department of State;

WHEREAS, the United States Customs and Border Protection has implemented advance electronic manifesting and security screening as a key tool for identifying and intercepting high-risk shipments that may include illegal or dangerous goods such as synthetic drugs;

WHEREAS, the Trade Act of 2002 required the provision of advance electronic manifests and security screening data to the U.S. Customs and Border Patrol on all shipments into the United States except for parcel shipments from foreign posts;
WHEREAS, this gap in security screening of goods entering the U.S. constitutes a threat to U.S. national security;

WHEREAS, a major avenue for the importation of synthetic drugs is the shipment of small parcels through the international mail system via foreign postal services, and such shipments are the only commercial import shipments that do not currently provide advance electronic manifests and security screening data to federal agencies;

WHEREAS, the steady growth of internet commerce and electronic platforms that facilitate online purchases has resulted in an enormous increase in the volume of shipments that are imported into the United States from sellers in other countries;

WHEREAS, the lack of data necessary for the U.S. Customs and Border Patrol to screen imported purchases has made it easier to import illegal products, including opioids and synthetic substances, into the United States; and

NOW, THEREFORE, BE IT RESOLVED, the National Conference of State Legislatures urges the United States Congress to swiftly pass and send to the President's desk for enactment the Synthetics Trafficking and Overdose Prevention Act (“The STOP Act”), which would require advance electronic data screening of all inbound shipments to the United States to facilitate identification and interception of illegal synthetic drugs and chemicals, and other dangerous, counterfeit or illicit goods.
WHEREAS, wireless communication is a critical part of our everyday lives; and

WHEREAS, there were 395 million U.S. wireless subscriber connections in 2016 representing more than a 4.7% increase from 2015 connections and almost 18 million net add year over year; and

WHEREAS, demand for wireless service and bandwidth continues to soar as U.S. consumer data usage continued to climb in 2016 with over 13.72 trillion megabytes (MBs) of data used, 1.66 trillion text messages exchanged, and 277.9 billion MMS messages; and

WHEREAS, the U.S. wireless ecosystem continues to be the recognized global leader in the deployment and adoption of 4th Generation (4G) technology; and

WHEREAS, the U.S. wireless industry is preparing for the deployment of 5th Generation (5G) technology that will unleash further innovation in the agricultural, education, energy, finance, health care, public safety, and transportation sectors; and

WHEREAS, Ericsson forecasts nearly 29 billion connected devices by 2022, including around 18 billion related to Internet of Things (IoT) which will ultimately necessitate wireless carrier network upgrades; and

WHEREAS, U.S. cities are looking to use wireless technology to introduce “Smart City” solutions by employing information and communications technology to improve the efficiency of government services, including transportation and traffic management, public safety, lighting and energy usage, and water and waste management; and
WHEREAS, U.S. wireless carriers continuously strive to buildout their networks to keep pace with the ever-increasing demand for mobile broadband services, including more than $203 billion to improve their coverage and capacity and better serve Americans, with $26.34 billion invested in 2016 alone; and

WHEREAS, the wireless industry’s deployment of network facilities is evolving to meet the demands of the future and therefore includes the use of more small cell or micro-cell equipment; and

WHEREAS, the deployment of wireless infrastructure using both micro cell and macro cell wireless facilities is contingent upon approval by local governments; and

WHEREAS, the streamlining of the permitting process for all wireless facilities would greatly enhance the deployment of such facilities; and

WHEREAS, access to public rights-of-ways for the placement of wireless facilities will enhance broadband deployment and provide additional resources to both state and local governments for a variety of services; and

WHEREAS, in 2009, the Federal Communications Commission promulgated regulations, subsequently upheld by the U.S. Supreme Court, that defined timeframes for state and local action on wireless facilities siting requests, while preserving the authority of states and localities to make the ultimate determination on local zoning and land use policies; and

WHEREAS, in 2012, the President of the United States signed the “Middle Class Tax Relief and Job Creation Act,” which prohibits state and local governments from denying eligible wireless facilities' requests to modify existing wireless towers or base stations if the modification does not substantially change the dimensions of the facility; and

WHEREAS, more than 24 states have recently enacted legislation to assist in expediting the placement of both macro and micro wireless facilities, including the enforcement of the Federal Communications Commission’s application processing
timelines;

NOW, THEREFORE, BE IT RESOLVED, that in order to avoid federal preemption, NCSL encourages states to provide regulatory certainty for the deployment of wireless facilities, including micro-cell infrastructure, by streamlining local jurisdiction application processes, allowing access to public rights-of-ways, and adopting a fair fee structure; and

BE IT FURTHER RESOLVED, that NCSL encourages wireless carriers to work cooperatively with all levels of government to modernize laws and regulations in order to facilitate the deployment and timely placement of wireless facilities while maintaining proper local authority over the siting of such facilities.
States Regulation on Cannabis Usage
The National Conference of State Legislatures (NCSL) recognizes that the majority of states and territories have legalized medical cannabis usage. Further, NCSL recognizes that a growing number of states have legalized adult-use recreational cannabis. Many of these states are creating substantial regulatory regimes with respect to the cannabis industry to ensure compliance with the law, prevent diversion into the illegal market and provide transparent financial oversight of licensed businesses.

Harm to Financial Institutions
These new regulatory schemes relating to cannabis have created a significant expansion of the cannabis industry authorized under state law. NCSL acknowledges that due to the expansion of legal cannabis, legitimate business enterprises need access to financial institutions that provide capital, security, efficiency, and record keeping. Despite many states passing their own regulations, cannabis remains illegal at the federal level as a Schedule I drug under the federal Controlled Substances Act. NCSL is concerned that under this law, the federal Bank Secrecy Act and concordant 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. NCSL believes that this form of federal prohibition on cannabis jeopardizes the financial services industry as well as the cannabis industry. Providing banking services to cannabis related businesses entails additional risk to banks and credit unions because cannabis is a Schedule I drug under the Controlled Substances Act, substantially increasing risk of civil or criminal liability.
Business Protection

Current federal regulations force financial institutions to incur inordinate risk, should they decide to provide banking services to licensed cannabis businesses. The National Conference of State Legislatures recognizes that allowing access to banking services will improve the regulation of cannabis businesses. NCSL recognizes that the current federal guidance for providing financial services to cannabis businesses is insufficient, as it does not change applicable federal laws, imposes significant compliance burdens and is subject to change at any time. NCSL recognizes that without banking options, cannabis related businesses are forced to operate exclusively in cash, while a large and growing cash-only industry attracts criminal activity and creates substantial public safety risks. NCSL acknowledges that a cash-only industry reduces transparency in accounting and makes it difficult for states to implement an effective regulatory regime that ensures compliance. NCSL is concerned with the inability of cannabis related businesses to pay taxes in a form other than cash, which may only be remitted in person. NCSL acknowledges that this creates a substantial burden for state governments to develop new infrastructure to handle the influx of cash and for business owners who may have to travel long distances with large sums of cash. 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. NCSL is concerned that 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 secure their business interests in light of federal law.

Controlled Substances Act

National Conference of State Legislatures calls on Congress to amend the Controlled Substances Act to remove cannabis from scheduling, thus enabling financial institutions the ability to provide banking services to cannabis related businesses. NCSL additionally acknowledges 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 there is support to do so.
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, Smart Community technologies can strengthen America’s cities, states and regions by improving the overall quality of life, economic opportunity, and security for those who live in America’s communities; and

WHEREAS, the development and deployment of Smart Community technologies in the communication, energy, and transportation sectors provides new opportunities to increase overall public health and facilitates economic growth across urban and rural communities;

WHEREAS, such Smart Community innovation encompasses a range of technological solutions to modernize and improve the delivery of state and local government services; and

WHEREAS, Smart Community technologies can achieve community goals, such as increasingly clean and efficient transportation, improved energy management, integration of distributed and renewable energy resources, increase access to better quality broadband connectivity and enhanced transportation mobility; and

WHEREAS, partnerships between state and local governments and the private sector can support ‘Smart Community’ innovations across all communities and help overcome resource constraints and impediments, and facilitate the efficient coordination of services; and

WHEREAS, these public-private partnerships can help accelerate Smart Community advancements and new technology deployments that benefit residents and constituents
across cities, states, and regions; and ensure that Smart Community technologies are efficiently integrated and provide maximum benefit to the communities they serve; and

WHEREAS, the infrastructure of the communications, energy, and transportation sectors are not only interconnected, but serve as the foundational elements to enable the deployment of new Smart Community technologies in all communities; and

THEREFORE, agencies, such as the Department of Transportation, Federal Communications Commission, Federal Aviation Administration, the Department of Agriculture and the Department of Energy should fund grant programs and opportunities for state and local governments that support efficient investments in Smart Communities; and

NOW, THEREFORE, BE IT RESOLVED, that the National Conference of State Legislatures believes that policymakers, as well as partners from the communications, energy and transportation sectors, should continue to work at the local, state, and federal levels to develop policies that facilitate and accelerate the development and deployment of Smart Community technologies that can maximize benefits for all communities at the local, state, and regional levels.

NOW, BE IT FURTHER RESOLVED, that the National Conference of State Legislatures supports additional federal funding toward the development of Smart Communities, and that the Department of Transportation should re-launch the 2015 Smart City Challenge, and expand the number of communities eligible to receive awards across the nation.
WHEREAS, states have an interest in policies that preserve and encourage continued private investment to deploy broadband technologies, support small and minority businesses and entrepreneurs' participation in the digital economy, and equip minority communities with the skills and education to take advantage of these technologies; and

WHEREAS, Wi-Fi spectrum in the 2.4 GHz band has become highly congested, especially in densely populated urban areas making it difficult for Wi-Fi providers to deliver the kinds and quality of service that consumers have come to expect and will only accelerate as the number of wireless devices continues to grow; and

WHEREAS, the 5 GHz band has enormous potential to support continued growth in unlicensed wireless services, including the next generation of Wi-Fi which will create a platform for technological innovation, investment, and economic growth; and

WHEREAS, the Federal Communications Commission (FCC) acknowledges the critical role that next generation Wi-Fi technologies can have on consumers and has agreed to take a first step in the 5 GHz band by adding over 100 MHz of spectrum for Wi-Fi, making it available for indoor and outdoor use; and

WHEREAS, Wi-Fi is essential to unleashing the enormous economic potential of the internet in communities where broadband adoption lags; and

WHEREAS, while according to the Pew Research Center, more Americans are gaining access to broadband in their homes, adoption rates for African Americans and Latinos
still lag those of whites by 10 to 20 percentage points respectively and when accounting
for income only 54 percent of those with a household income under $30,000 had high
speed broadband or a computer at home increasing the importance of Wi-Fi for these
communities; and

WHEREAS, broadband access through Wi-Fi is critical to empowering minority and
minority women entrepreneurs to develop, grow and improve productivity of their
businesses as well as strengthening U.S. competitiveness nationally and worldwide;
and

WHEREAS, unlicensed Wi-Fi is a critical issue that, if left unresolved, will hinder the
broadband industry’s ability to grow, innovate and compete and limiting access to this
important resource will jeopardize consumers ability to access Wi-Fi; and

WHEREAS, NCSL agrees that the proliferation of smartphones, tablets and other
mobile devices with Internet access has grown significantly, placing a greater demand
on both licensed and unlicensed spectrum, and adding additional capacity is essential
to support continued innovation and achieve the potential to transform many different
areas of the American economy by providing a platform for innovation and is likely to
have a substantial impact on jobs, growth and investment; and

WHEREAS, NCSL strongly believes that ensuring the long-term success of unlicensed
services in the 5 GHz band for Wi-Fi will enable the broadband industry to provide
reliable and affordable services to broadband customers, particularly given communities
of colors’ high usage of mobile broadband technology as a primary means of connecting
to the Internet with the majority of these connection now being Wi-Fi connections; and

NOW, THEREFORE, BE IT RESOLVED, that NCSL supports the Federal
Communications Commission’s move to allocate additional 5 GHz band spectrum for
unlicensed use in order to meet increased demand for wireless technologies; and

BE IT FINALLY RESOLVED, that NCSL send a copy of this resolution to the President
of the United States, Members of Congress, the Federal Communications Commission, State Legislatures and Governors.
With the passage of the Every Student Succeeds Act (ESSA) in December 2015, the United States Congress fixed issues with the well-intentioned No Child Left Behind law, including the test-and-punish model of accountability and the Adequate Yearly Progress (AYP) proficiency measure. ESSA puts much of the decision-making authority back into the hands of state and local policymakers. The nation’s legislators and legislative staff are committed to its effective implementation.

The National Conference of State Legislatures (NCSL) believes that the following principles should be the basis of any federal action on the ongoing implementation of the new law:

**Consultation**

- Ensure that the “timely and meaningful consultation” process involved in the creation of, and any revisions to, state plans is thorough and ongoing, honoring the constitutional and statutory authority over education policy that rests with state legislatures.
- Support collaborative discussions on state and local education policy after the initial ESSA state plans are developed.

**Accountability**

- Recognize that Congress passed a law that maintains safeguards to protect our most vulnerable students while also giving states and districts the flexibility to innovate and pursue meaningful change in accountability systems.
• Understand that there is no single path forward on accountability. The federal government should therefore avoid drafting regulations that would restrict or mandate how states design their accountability systems, including by unnecessarily defining terms or assigning weights to indicators.

Assessment

• Recognize the desire of states, districts, parents, students, and other stakeholders to lessen the burden of testing, while encouraging high quality assessments that accurately measure the achievement of all students and subgroups of students.

• Promote the innovative assessment pilot program in ESSA with an eye toward possible future expansion of the pilot and by ensuring that lessons learned from pilot states are broadly disseminated.

NCSL calls upon the U.S. Department of Education to refrain from pursuing regulatory action that conflicts with the spirit and letter of ESSA as written by Congress. The law seeks to allow states and districts to take charge of their educational systems, and excessive regulation would impede this effort.

NCSL appreciates ongoing communication and technical assistance in place of regulatory action and will continue to work with the U.S. Department of Education to provide insight into the informational needs of state legislators and legislative staff. NCSL additionally encourages Congress to continue its oversight of ESSA’s implementation so that states and districts are given the flexibility that Congress intended.
The Administration on Aging and the programs authorized and funded by the Older Americans Act are extremely important to the states, their senior citizens, and their families. The National Conference of State Legislatures (NCSL) strongly supports Older Americans Act programs and believes that the services funded through this act should be both cost effective and responsive to the special needs of the elderly. NCSL appreciates the support of Congress and the Administration for the Older Americans Act (OAA) and the National Family Caregiver Support Program.

Recognizing the challenges our country faces in providing services for the increasing number of elderly citizens, NCSL urges Congress to continue its support for the programs of the OAA by appropriating sufficient funding for them, especially the National Family Caregiver Support Program.

NCSL supports the National Family Caregiver Support program, which recognizes the need to support both those caring for older individuals and older individuals caring for children. States must be given the flexibility to establish standards in this program and decide how program funds will be distributed.

NCSL supports increased efforts in the reauthorized Act to ensure that Older Americans Act programs do reach low-income, minority and rural elderly households and to inform them about services available to them under the Older Americans Act and other state and federal programs. The authority of state government through designated State Units on Aging should be strengthened to ensure that service funds under the Act are used to support independence in older populations and the most vulnerable members of the population- the very old, the frail, the isolated, and limited English-speaking
individuals, with particular attention to low-income minority persons. States must have
the authority to distribute these funds based on their own criteria.

NCSL believes that states should continue to be afforded considerable flexibility in the
administration of the OAA. NCSL supports permitting states to transfer funds between
the nutrition program and the social services program according to a state's need and to
transfer funds between congregate and home delivered meals. States should also
continue to be able to determine if Area Agencies on Aging (AAA)'s should directly
provide services and to determine which services AAA's can provide.

NCSL supports efforts to put additional resources into the ombudsman program. In
addition, NCSL supports Congressional proposals to fund programs on elder abuse,
home care, and programs to provide special assistance to the elderly. Provisions should
be developed which strengthen the capacity and expand the resources of State Units on
Aging and Area Agencies on Aging. This is critical on a wide range of elder rights
issues: quality of long term care, elder abuse, consumer protection, guardianship, age
discrimination, and beneficiary rights in entitlement programs. NCSL supports the
importance of nutrition education and counseling for seniors, which recognizes the
unique needs of the elderly.

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

Finally, NCSL continues to support the Senior Community Service Employment
Program (SCSEP). NCSL calls for increased cooperation between the states and the
national contractors. NCSL supports Congressional proposals to provide states and
national contractors more flexibility on administrative costs while keeping these costs to a minimum.

Federal Policies on Aging
NCSL urges that Congress: (1) preserve the financial integrity of the Social Security system; (2) eliminate all forms of age discrimination against older workers; (3) provide funds for direct services for the elderly; (4) fund the development of integrated, coordinated, community-based continued care systems to help prevent the unnecessary institutionalization of the elderly; and (5) provide additional support for gerontological research, education and training; (6) and ensure the flexibility for states to use TANF funds to support programs that serve grandparents raising grandchildren.
The development of a comprehensive approach to provide support services for elderly persons and persons with disabilities is critical. Without the development of such a system, long-term care expenditures will continue to overwhelm state and federal health care budgets, limiting necessary expenditures for primary and preventive health care. States should be given new options for setting financial and functional criteria to qualify for these services. In addition, NCSL supports the development of expanded options for private long-term care insurance, flexible life insurance products, and home equity sharing programs, such as reverse annuity mortgages. NCSL also supports initiatives to provide incentives for employers to offer and for individuals to establish health savings accounts and other innovative financing options to pay for a broad range of supportive services. Finally, much of the care provided to seniors and persons with disabilities today is provided by family members. NCSL supports efforts to assist family members who are caregivers, including tax incentives and programs that provide support services, such as respite care. It is critically important to acknowledge the important role of family caregivers as part of the continuum of care in the provision of long-term care services and to provide needed support to maintain this important component of our long-term care infrastructure.

**Increasing Options for Home and Community-Based Care**

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

**Long Term Care Insurance**

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

**Administration for Community Living**

NCSL applauds the reorganizational effort within the U.S. Department of Health and Human Services (HHS) that provides supportive services to seniors and persons with disabilities into the Administration for Community Living. NCSL looks forward to continuing to work with HHS to improve community living services and supports for all who need them. The purpose of this consolidation is to: (1) reduce the fragmentation among federal programs that address the community living service and support needs of seniors and persons with disabilities; (2) enhance access to quality health care and long-term care services.
services and supports for all individuals; (3) to promote consistency in community living policy across other areas of the federal government; and (4) complement the community infrastructure, as supported by both Medicaid and other federal programs, in an effort to better respond to the full spectrum of needs of seniors and with disabilities.

In addition to programs authorized by the Older Americans Act, the new entity includes the State Councils on Developmental Disabilities, the State Protection and Advocacy Systems and the Help American Vote Act program that provides grants to make polling places accessible to voters with disabilities.

**Alzheimer's Disease and Related Disorders**

NCSL supports continued federal funding for research that will: (1) lead to the development of new drug treatments; (2) assist in disease management; and (3) improve the early diagnosis of these conditions.

**National Plan to Address Alzheimer's Disease** - The Plan proposes to: (1) prevent and effectively treat Alzheimer's Disease by 2025; (2) optimize care quality and efficiency; (3) expand supports for persons with Alzheimer's Disease and their families; (4) enhance public awareness and engagement; and (5) track progress and drive improvement. The plan specifically calls for working with state, tribal and local governments to improve coordination and to identify model initiatives to advance Alzheimer's Disease awareness and readiness across all levels of government. The plan directs the U.S. Department of Health and Human Services to convene a meeting of state, tribal and local government leaders to develop a more concrete agenda. NCSL looks forward to assisting in this effort.
It is the policy of the National Conference of State Legislatures to advance and defend a balanced, dynamic criminal justice partnership between governments at the local, state and federal levels while preserving traditional areas of state authority in this area of the law.

NCSL urges Congress and the Administration to avoid federalizing crime policy and substituting national laws for state and local policy decisions affecting criminal and juvenile justice. Federal jurisdiction should be reserved for areas where a national problem has been identified and states are unable to adequately provide solutions due to scope, or is required to protect federal constitutional rights. The federal government should partner with states to examine ways to avoid unnecessary preemption of state laws; and should strive to maintain its current financial commitments to existing state-federal partnership programs.

NCSL believes that federal actions must recognize that states and local governments have the predominant responsibility to ensure public safety and the administration of justice, and must adhere to fundamental principles of federalism in all areas of criminal justice, including but not limited to:

**Improvement of the Structure of State Criminal Justice Systems**

NCSL urges the federal government to include states in the development stages and on the board of any commissions or task forces that work to improve or review state criminal justice structures. NCSL insists that the federal government not infringe on the legitimate rights of the states to determine their own criminal laws, but shall include
them in the process of working to create better state criminal justice systems overall.

As states strive to improve policies and practices related to criminal justice, NCSL supports direct participation by state policymakers in any federal policy efforts or proposed legislation to redefine how those relationships should be strengthened.

**Federal Financial Assistance**

States continue to improve criminal justice systems and policies, and recognize that federal funding is sometimes necessary to implement state reforms in this area. Funding levels for Department of Justice grants and reimbursements to states should be maintained or increased. These programs include the Edward Byrne Memorial Justice Assistance Grant (Byrne JAG) grant program, the Second Chance Act grant program, the State Criminal Alien Assistance state reimbursement program (SCAAP), the Violence Against Women grant programs (VAWA), and the Community Oriented Policing Services grant programs (COPS). NCSL also supports any other federal grant program that seeks to assist states in addressing state criminal justice issues, such as school violence or opioid abuse reduction.

NCSL opposes Congressional proposals or federal regulations that would withhold a portion of state Byrne/JAG funds, COPS funds, SCAAP funds, or any other state criminal justice funds as a penalty for noncompliance with federal criminal justice policies. NCSL opposes the withholding of any federal criminal justice funding as a penalty for state policy choices. NCSL urges the federal government to respect state criminal justice priorities and advance change through partnerships rather than mandates. Where new federal grant programs to states are created, NCSL maintains that funding should be directed to states rather than pass directly to local governments.

**Sex Offender Registration**

NCSL opposes federal mandates concerning registration of sex offenders, in particular those contained in the Title I SORNA provisions of the Adam Walsh Child Protection and Safety Act of 2006. The mandates imposed by this Act are not only preemptive,
they are inflexible and in some instances not able to be implemented by states. States should be permitted to classify and penalize sex offenders, and establish registration and notification requirements in accordance with their own state laws, particularly with respect to juveniles. States should define and decide which juvenile offenders meet criteria for sex offender registration, and be afforded the flexibility to implement state procedures that best address this population.

The federal government should provide technological support and federal funding assistance to states with regard to sex offender registration and public notice systems, including cooperation with the federal National Sex Offender Public Website (NCOPW). NCSL supports frequent and meaningful communication between the Department of Justice and state policymakers and implementing agencies so that information on procedures that meet or fail to meet federal guidelines and statutory requirements are effectively conveyed to the states.

NCSL urges the federal government to interpret “substantial compliance” as called for in the SORNA provisions of the Adam Walsh Act to allow state flexibility for matters such as tier systems, retroactivity, and juvenile registration, and allow for substantial implementation as long as a state’s compliance efforts have not frustrated the primary purpose of the Act. NCSL calls upon the federal government to exercise the utmost flexibility in determining whether to penalize states that are working in good faith toward compliance with federal law. States should not be responsible and penalized for absence of compliance by sovereign tribal jurisdictions.

**Juvenile Justice**

States must preserve authority to determine which juvenile offenders are treated like adults, under what circumstances, and for how long, with regard to sex offender registration and all other matters of juvenile and criminal justice policy.

NCSL supports the goals of the Juvenile Justice and Delinquency Prevention Act, and
urges the federal government to provide state flexibility in achieving these objectives. NCSL also supports the role of the federal government in providing states with financial resources to strengthen juvenile justice systems. This includes federal funding for state juvenile justice programs. Federal involvement should be confined to providing grants and technical assistance to states that facilitate effective juvenile justice policies; and the federal government should not attach mandates to the receipt of related federal funds, but should encourage states to implement effective policies and techniques for addressing juvenile delinquency, crime and justice.

Drug Control

NCSL supports a strong intergovernmental partnership to fight the illegal use of drugs; and asks that development of broad federal drug control strategies seek and include NCSL and other state and local consultation. NCSL supports a balanced federal approach for interdiction, law enforcement, prevention, education and treatment. NCSL encourages the federal government to take a proactive role in securing United States borders against importation of illicit drugs; and in detection and deterrence of interstate drug trafficking, including cooperation with state and local law enforcement. While money for law enforcement is critical, federal dollars also should help support diversion, treatment and prevention efforts, including but not limited to interdisciplinary drug court funding unaccompanied by testing or other mandates.

NCSL supports federal demonstration, funding and training roles that assist states in implementation and use of modern information systems that aid in detection and prevention of drug abuse, and for remediation of sites that have been used in illegal drug manufacture. NCSL encourages federal leadership and resources that assist state and local governments in other activities that address education, prevention, enforcement, and treatment related to illicit drugs, prescription drug abuse, and emerging drug threats, including but not limited to synthetic drugs and opioid abuse. NCSL opposes federal mandates or other preemptive policies with regard to addressing drug abuse and related drug crimes.
Sentencing, Corrections and Recidivism Reduction

Federal jurisdiction for crimes also covered under state law can create competition to escalate punishments and build more prisons. This competition is shortsighted, expensive and unnecessary. The national government should refrain from making federal crimes of state offenses or from enhancing sentences for crimes that are more properly the domain of states. NCSL supports federal leadership and funding for state criminal offender reentry initiatives and criminal justice reinvestment approaches. These initiatives assist states in addressing recidivism and reentry of offenders back into communities in meaningful, cost-effective ways. State and local governments should be afforded maximum flexibility in using federal funds within criminal justice systems, including but not limited to offender needs for drug treatment and mental health services. NCSL opposes any legislation that would restrict state flexibility in sentencing and corrections policy. NCSL urges the federal government to address federal expungement requirements which can impede reentry and job security.

NCSL also supports full funding of the Second Chance Act which provides grants to states that are used to promote the safe and successful re-integration of individuals who have been incarcerated. This in turn reduces recidivism, increases public safety and assists states in better responding to the growing numbers of people released from prisons and jails who are returning to the community.

The issues surrounding the creation of sound state policy with respect to justice involved individuals with behavioral health needs is of growing importance to states. Congress has also become aware of this issue and hopes to address it. NCSL supports federal legislation that would enhance state research and implementation of sound policies that address behavioral health needs in prisons. NCSL also supports federal legislation that seeks to partner with states as they create policy decisions regarding the mentally ill. NCSL supports federal legislation that seeks to enhance state treatment courts (mental health courts, drug courts, and veteran’s courts), training for state professionals that work with the justice involved with behavioral health needs, and
funding that will complement state innovative programs in this area.

Crime Records and Information
NCSL supports the use of the federal Interstate Identification Index (III) for exchange of criminal history record information; and the National Criminal Information Center (NCIC) for crime record and other criminal justice information including fugitives, stolen properties and missing persons. These systems provide means for information sharing under interstate compacts such as the National Crime Prevention and Privacy Compact, the Interstate Compact for Adult Offender Supervision, and the Interstate Compact for Juveniles. NCSL supports such state-federal information systems and sharing partnerships in the states; and asserts that records available via such systems should continue to be predominately state-maintained and that state policies for dissemination of those records should be recognized and adhered to under the systems. NCSL supports federal assistance in improving state criminal history records and related information systems. NCSL opposes any preemption of state authority related to crime records and information.

DNA Records
NCSL supports federal non-preemptive initiatives that use DNA records in crime-solving and the administration of justice, including the Combined DNA Index System (CODIS). Federal funds, including those for DNA analysis backlog elimination, should support the use of DNA as an interstate investigative tool while adhering to state law and placing no mandates on states regarding collection, dissemination or use of records.

Victims
NCSL supports a strong state-federal partnership to assist crime victims; and urges continued federal assistance to states provided for in the Victims of Crime Act (VOCA). NCSL encourages the Congress to preserve this primary means by which the federal government provides support to crime victims and their families, via state crime victims and assistance programs. NCSL opposes arbitrary caps which result in diminished
services and assistance for crime victims.

**Law Enforcement**

NCSL supports means for enhanced cooperation between state and federal law enforcement. NCSL opposes proposals that blur jurisdictional lines of responsibility and serve to disrupt rather than support efforts of state and local law enforcement. NCSL opposes proposals that seek to remove from states and communities the responsibility for determining disciplinary procedures for state and local law enforcement.

NCSL supports the full funding of the Community Oriented Policing Services (COPS) Act. COPS Hiring Grants have been instrumental in enhancing the effectiveness of community policing in America. Federal funding for the COPS program relieves the strain on state budgets to provide adequate and effective law enforcement personnel.

NCSL opposes proposals to shift traditional federal responsibility for civil immigration enforcement to state or local law enforcement agencies and personnel. State and local jurisdictions should have the authority to enter into cooperative, voluntary agreements with the federal government for this or other traditionally federal enforcement matters, but should not be compelled by federal law to do so.
The National Conference of State Legislatures (NCSL) condemns the trafficking of persons. Combating human trafficking requires a strong partnership between the federal government and the states. Regardless of the form trafficking takes, it is the exploitation of innocent victims, both domestic and foreign born, who require protection and separation from their traffickers.

NCSL encourages improved interdisciplinary coordination among federal agencies responsible for or involved in the crime of trafficking in persons. Any federal/state partnership should include proper training for law enforcement and other criminal justice personnel who will be in contact with the survivors and perpetrators of human trafficking. The federal government must enforce laws that address foreign-born persons brought into the United States via trafficking, smuggling or under false pretenses. This includes providing for effective prosecution and assistance to survivors of trafficking, who are in fact, victims of crime, including but not limited to survivors who require protection and separation from their traffickers, those who have had documents destroyed or withheld, and specialized assistance for the many survivors who are minors.

Services may also be necessary to help assist survivors with reintegration into society. Survivors of trafficking are often misidentified and treated as criminals rather than victims, especially commercially sexually exploited children, and do not receive adequate services. The federal government should provide resources and capacity to provide assistance to survivors of both sex and labor trafficking.

NCSL also encourages improved federal outreach, consultation, coordination and assistance to states and territories, including state lawmakers, with regard to strengthening trafficking enforcement and assistance to trafficking survivors, including

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minors. Such consultation and coordination should be conducted with an eye toward establishing and strengthening state/federal partnerships and not preempting existing state laws and policies or creating unfunded federal mandates. NCSL encourages specialized demonstration and discretionary grant programs that assist states in focusing on the growing intergovernmental concern of human trafficking on U.S. soil.

The United States is seeing an increase in trafficked persons who are foreign born and smuggled or brought in under false pretenses. The federal government needs to assist survivors whose traffickers have destroyed or withheld their documents as a means of coercion. NCSL supports the use of T and U visas to reduce barriers in the prosecution of traffickers. State legislators commend the Office of Refugee Resettlement (ORR) at HHS for work with states to assist survivors, particularly minors. NCSL encourages ORR to provide additional technical assistance to the states and include state legislators in their outreach and consultation efforts. ORR should take the lead in sharing its expertise in assisting trafficking survivors with DOJ, HHS and the states.

NCSL supports bipartisan Congressional efforts to establish voluntary grant programs and demonstration projects to assist victims of trafficking. NCSL urges Congress to fully fund the pilot projects authorized under HHS to provide safe and therapeutic shelters for minor survivors.

NCSL supports the enhancement of The National Criminal Information Center (NCIC) relative to children who are missing and exploited including children at high risk for sex trafficking. Federal funding will be necessary to ensure that states do not face an undue administrative burden. However, NCSL cannot support any federal legislation that would contain an unfunded federal mandate.

NCSL urges the Congressional Human Trafficking Caucus to discuss the intergovernmental issues surrounding human trafficking with state legislators. NCSL supports the creation of a multi-governmental Blue Ribbon Commission on combating human trafficking on U.S. soil.
Homeland Security

The National Conference of State Legislatures maintains that response to natural disasters and terrorist attacks begins at the local level where the event occurs, and involves state and federal response as local, then state, resources are overwhelmed by the magnitude of the event. NCSL urges Congress and the Administration to partner with NCSL and other organizations representing state and local government to prepare our nation for national disasters and threats to homeland security. NCSL urges Congress and the administration to:

1. Continue to channel funding directly to the states to ensure compliance with statewide strategies for maximum coordination and require that such funds be subject to the state legislative oversight or the state appropriation process;
2. Recognize the roles of state legislatures in the development of future guidance frameworks and Congressional legislation;
3. Provide state flexibility among grant program categories for spending-planning, training, equipment, and exercises allowing transfer of funds across categories;
4. Continue to provide a minimum grant in states that appear to have low risk, vulnerability, and criticality factors, in order to sustain the basic response infrastructure for public safety and public health emergencies;
5. Consult with NCSL and state legislatures regarding each state’s cost for the development and implementation of performance standards and other accountability measurements related to grant programs;
6. Ensure that funding for any new grant programs complements, and DOES NOT replace, existing funding sources for other key programs such as first responder programs;
• Permit citizen rescue and aid efforts to assist in disaster recovery pursuant to state Good Samaritan laws without fear of federal penalties; and

• Where practicable, allow states to purchase surplus emergency management equipment from the federal government following response and recovery efforts.

Congress must also recognize the strain on personnel, equipment, and other resources that activation of the National Guard for federal services poses for state and local ability to secure the homeland from terrorism and natural disasters; and must work with state legislatures to develop programs to ensure adequate resources to maintain domestic security. NCSL strongly opposes any effort to preempt domestic control of the National Guard from state authority.

NCSL urges the Department of Homeland Security (DHS) and the Federal Emergency Management Agency (FEMA) to develop a centralized grant application process for homeland security and emergency preparedness activities; utilize an all-hazards approach including terrorism, natural and man-made disasters, and public health emergencies; and avoid adding new compliance requirements to existing grant programs. NCSL insists that FEMA streamline grants administration processes at FEMA as well as work together with other federal agencies that oversee disaster assistance – such as the Department of Housing and Urban Development (HUD) and the Small Business Administration (SBA) – to streamline and improve the efficiency of disaster assistance administration as a whole. Where possible, grants should be administered at the state level.

NCSL supports the funding of the Emergency Management Planning Grants (EMPG) at a level that meets current needs, and supports funding for the Emergency Management Assistance Compact (EMAC).

The Department of Homeland Security (DHS) DHS should work closely with NCSL, individual state legislatures, state emergency management and public safety leaders to meet the goal of fully funded and fully operating Fusion Centers that blend relevant law
enforcement and intelligence information analysis and coordinate security measures to reduce threats in their communities and to continue to improve the quality and quantity of analytical intelligence products that are provided to state and local governments.

**Cybersecurity**

NCSL recognizes that the nation’s information infrastructure is rapidly becoming one of the most serious threats our country has ever encountered. In order to combat this increasing threat, it is essential that all levels of government work together to develop proper solutions. NCSL urges Congress and the Administration to:

- View state and local governments as critical stakeholders;
- Avoid unfunded federal mandates and preemptions on state and local partners;
- Collaborate with state and local governments to invest in cybersecurity awareness; and
- Maintain the civil liberties and privacy of all citizens while sustaining the safety and stability of the internet and electronic communications.

**Border Security and Enforcement**

Securing all of America’s borders, ports, and airports is essential to preserving our national security and maintaining the safety of all Americans. NCSL urges the federal government to fulfill its responsibilities with regard to border security and encourages a renewed state-federal cooperation in countering human trafficking, weapons and drug smuggling. NCSL calls on the federal government to increase its enforcement of these crimes and encourages countries of origin to provide reentry facilities, transition services and transportation for returned inmates.

NCSL supports full, federal funding for increases in Department of Homeland Security border enforcement personnel where they are most needed and necessary improvements in facilities, technology and infrastructure.
Emergency Management and Presidential Disaster Declarations

NCSL believes effective emergency management involves both preparing for and responding to disasters. According to a 2018 National Institute of Building Sciences (NIBS) study, every $1 invested in disaster mitigation by the federal government saves communities $6. Recognition that states need to allocate state funding and receive federal funding before a disaster strikes is a necessity in order to sufficiently prepare for disasters and ultimately save communities money. NCSL urges FEMA and Congress to make federal disaster assistance available for a range of pre-disaster mitigation activities – from flooding to wildfires and beyond - that will promote advance planning for disasters and save both states and the federal government money in the long run.

Specifically, NCSL urges:

- Congress to pass legislation that will increase assistance for wildfire mitigation, given the significant and increasing threat wildfires pose to air quality, water quality, and the safety of residents in affected states.

- FEMA to co-locate federal with state emergency management staff to 1) better administer disaster preparedness training on the state and local level and 2) learn from state and local staff the disaster risk profile specific to the area rather than assuming a one-size-fits-all approach.

In considering procedures for when disasters do occur, FEMA should not make changes to existing systems in the absence of state consultation. Upon the issuance of a Presidential Disaster Declaration (PDD), FEMA calculates federal aid to states based on a per capita equation tied to state or local population pursuant to 44 C.F.R. Section 206.4. FEMA uses this per capita figure as one of several contributing factors when deciding whether to grant public assistance to a state. NCSL urges FEMA to exercise caution when determining whether to alter this existing formula. While NCSL appreciates FEMA’s goals of reducing disaster costs overall and incentivizing pre-disaster planning and mitigation, any changes in the current statutory scheme must be constitutional, and must not contain burdensome cost shifts to states, or unwarranted preemption of state law. NCSL urges FEMA to engage in extensive consultation with...
state legislators in order to alleviate any intergovernmental issues that could aggravate the federal-state-local relationship. NCSL would oppose changes to the existing disaster declaration framework that would slow down the distribution of federal funds that contribute to state recovery from natural disasters.

NCSL calls upon the Administration to:

- Consult with states and requests transparency in its review and reform standards, policies, and procedures.
- When determining aid per capita for states, recognize and respect individual designations of localities within states. Likewise, when FEMA considers whether to recommend a disaster declaration for any given state, NCSL urges consideration of inordinately extensive impact to localities.
- Avoid federal action that would discourage Good Samaritan aid or inhibit liability protections for voluntary civilian aid at the state level.
- Exercise the greatest level of flexibility possible in granting FEMA public assistance disaster relief funds that respect the distinctiveness of different states.
The U. S. Constitution requires that a federal decennial census be conducted every ten years. This responsibility is delegated to the U.S. Census Bureau.

Since the first census was conducted in 1790, states have relied on federal census data. Currently, these data are used to redraw congressional and state legislative district boundaries and also to help federal, state, and local governments develop informed, cost-effective policies that promote economic growth, the well-being of individuals and families, and public safety in all communities.

The Census Bureau must be able to fulfill the constitutional mandate that is critically needed by the states and valued by all Americans. Adequate funding for the decennial census is necessary for an accurate count of the nation’s population and is critical for the Census Bureau to maintain the level of preparedness and planning necessary to conduct each decennial census. NCSL has long partnered with the U.S. Census Bureau to provide state legislators and staff with timely information on census activity and to provide feedback on their services and research.

NCSL supports a full and complete census count and will work with the U.S. Census Bureau to conduct its decennial census, related research programs and outreach efforts.
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, the EB-5 visa has generated more than $22.5 billion in investments; and

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

WHEREAS, at the end of Q1 FY2016 there were about 25,000, pending applications for EB-5 related visas, representing nearly $12.5 billion in potential direct investment and 400,000 American jobs; and

WHEREAS, the EB-5 Program had record-breaking capital formation in FY2015 and Q1 FY2016 with over $4.3 billion and $628.5 million in foreign direct investment respectively; and
WHEREAS, on March 23, 2018 Congress passed legislation to reauthorize the EB-5 regional center program through September 30, 2018; and

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

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

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

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

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

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

WHEREAS, any effort to extend or make permanent the EB-5 regional center program must balance investment in urban centers and rural areas in recognition of the potential benefits of the program in both; and
WHEREAS, without Congressional action the EB-5 regional center program will sunset on September 30, 2018.

NOW, THEREFORE, BE IT RESOLVED, that The National Conference of State Legislatures urges Congress to reform the EB-5 program to ensure integrity and appropriate oversight during reauthorization of the EB-5 regional center program through legislation, ensuring any reform of the EB-5 regional center program maintains the ability to deliver job-creating capital to American communities, including mechanisms to ensure the creation of quality jobs, close loopholes, prevent Federal officials or their family members from personally profiting off the program, bar developers and contractors found to have violated local, state and federal laws, including labor laws, from receiving EB-5 funding, improve processing systems to address backlogged petitions, streamline approvals for all applications, and enhance program integrity measures through improved reporting requirements and oversight that is not unduly burdensome.
The National Conference of State Legislatures (NCSL) urging Congress and the United States Department of Veterans Affairs to work together to develop a program or pass legislation to provide veterans from Compact of Free Association nations with access to high-quality medical care within their respective communities.

WHEREAS, the United States government entered into a Compact of Free Association (COFA) agreement with the Federated States of Micronesia, Republic of Palau, Republic of the Marshall Islands, and Commonwealth of the Northern Mariana Islands; and

WHEREAS, citizens of COFA nations are eligible to enlist in the United States armed services, and over the years, the United States has vigorously recruited Pacific Islanders from COFA nations to serve in the United States military; and

WHEREAS, Pacific Islanders from COFA nations have a long and distinguished history of military service stretching back to World War II; and

WHEREAS, upon completing their military service and returning to their respective communities, veterans from COFA nations are unable to secure Department of Veterans Affairs services, especially Department-approved basic medical services, which are non-existent in their own communities; and

WHEREAS, veterans from COFA nations must fly to Hawaii, at enormous cost to their personal financial well-being, to obtain proper medical care at Tripler Army Medical Center; now, therefore,

NOW, THEREFORE, BE IT RESOLVED that NCSL urges Congress and the United States Department of Veterans Affairs to work closely to develop a program or pass legislation to provide veterans from Compact of Free Association nations with access to high-quality medical care within their respective communities.
The automobile is on the cusp of a technological transformation with the potential to both revolutionize personal mobility and provide immeasurable safety benefits. As vehicles that operate on public roads are subject to both state, federal and local jurisdiction, the National Conference of State Legislatures (NCSL) understands the need to clearly define state and federal roles as well as avoid unnecessary federal preemption and burdensome federal mandates.

State Authority to Regulate Autonomous Vehicle Testing

NCSL agrees that the National Highway Traffic Safety Administration (NHTSA) should be the sole entity setting federal motor vehicle safety standards (FMVSS) for autonomous vehicles, equivalent to their current role for conventional vehicles. However, NCSL strongly believes that states are the sole authority when it comes to vehicle use—which includes vehicle registration; driver licensing and education; traffic laws, regulations and enforcement; and insurance and liability. NCSL is opposed to congressional or administration proposals that would seek to preempt this authority from states by prohibiting states from prescribing certain standards or regulations related to autonomous vehicle testing, including requirements related to the presence of a human driver.

FMVSS Exemptions

NCSL recognizes, appreciates, and agrees that authority to issue exemptions of FMVSS remains solely in the realm of the Secretary of Transportation. However, NCSL strongly encourages the Secretary (or applicable designated agency) to ensure that any exemption of existing motor vehicle safety standards provides a safety level at least equal to the safety level of the standard. Further, as exemptions are granted, NCSL implores the department to provide such information to states, in a timely manner.
Advisory Councils

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

Cybersecurity Information Sharing

Cybersecurity is a vital aspect of autonomous vehicles. As vehicles begin to communicate with each other (vehicle-to-vehicle or V2V) as well with infrastructure (vehicle-to-infrastructure, V2I, and V2X), the potential risk of cyberattacks and security breaches greatly increases. NCSL urges both the administration and Congress to both share any threat information with state governments and to work with states to ensure that such threats and affected vehicle populations do not become endemic. A collaborative effort is vital in ensuring such safety.
WHEREAS, 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.
The National Conference of State Legislatures (NCSL) urges the federal government to consult with state elected officials, their national representative organizations and existing interstate partnerships in developing a federal program. As Congress and the administration examine proposals for reducing greenhouse gas emissions, NCSL encourages the federal government to always take the following principles into account:

- Federal action should be flexible, allowing for a range of complementary strategies at the state and federal level maintaining a strong role for state, local and tribal government in any federal action.
- Federal legislation should provide states the authority and flexibility to work within an overall framework; to apply the law effectively to all sources of emissions and ensure achievement of climate change goals in the most cost effective, timely and efficient manner for each state.
- Federal legislation should not preempt state or local governments from enacting policy options that differ from federal choices or from enacting stricter or stronger measures within their jurisdiction.
- Federal legislation should afford states the flexibility to form regional cooperatives and implement innovative policies that advance federal efforts to reduce the effects of climate change.
- Congress must authorize and appropriate sufficient funds for federal, state and local governments to implement any federal legislation. These funds should be newly authorized appropriations, not reprogrammed resources.
- Federal legislation should ensure state legislative authority in any federal climate change legislation and affirm the active role played by state legislatures in both fiscal and substantive aspects of state policymaking.
Federal legislation providing for the allocation of greenhouse gas reduction programs to states should include language making decisions related to such allowances subject to state legislative approval.

NCSL urges the federal government, should it choose to act on this issue, to take into account the following principles regarding program design components:

- Any national system must include short, medium and long-term goals and incorporate a rigorous oversight program that provide for ongoing study and analysis of the system to ensure it is achieving intended goals.
- A new national program should serve to address uncertainties that are hampering investment in generation, transmission and distribution and enhance the likelihood that appropriate technologies will be developed and other solutions implemented so as to achieve the desired reductions in GHG emissions in the most economical manner possible.
- Federal legislation should be designed appropriately to balance competing criteria, including, but not limited to, equity, economic efficiency and ease of administration.
- Revenue derived from a greenhouse gas reduction program should be directed to complimentary policies focused on mitigating climate change consumer costs including but not limited to energy research & development, weatherization, conservation and energy efficiency activities.
- A national program to reduce GHG emissions must also address adaptation issues.
- Auctioning of allowances may be the most economically efficient mechanism for achieving a GHG emissions reductions goal. However, the allocation of emissions allowances at no cost can serve as an appropriate transition measure necessary to ensure continued reliability, minimize economic dislocation resulting from the carbon intensity of the existing infrastructure, and allow for development and deployment of needed new technologies and measures to reduce emissions.
- Priority distribution of allowances at no cost should be to those entities in affected sectors where existing regulatory structure provides the necessary oversight to
ensure that the value of such allowances is accounted for in establishing price
rates for consumers.

- The allocation of greenhouse gas reduction program to states under a federal
greenhouse gas reduction program should include language making decisions
related to such allowances subject to state legislative approval.

- The establishment of any new federal program should include provisions for
transparent reporting and accountability and incorporate the use of third party
verification to ensure reported outcomes are verifiable.

Unintended Consequences

NCSL believes that federal legislation regarding the reduction of greenhouse gases
should take into account the implications of actions and/or inactions on economic
development, energy security, and those most vulnerable citizens. Evaluation should
include the life cycle impacts of policy options including ancillary impacts.

NCSL believes that federal legislation should require continuing assessments of the
potential impacts to the United States of climate change, by state or region including
effects on water resources, agriculture, infrastructure, natural systems, environmental
quality, public health, biodiversity and the cultures of our native peoples. Such an
assessment will support the development of domestic and international adaptation-
mitigation strategies. The Environmental Protection Agency (EPA) should provide
funding and assist states in developing assessments and adaptation plans at the state
and regional level.

NCSL also urges the federal government to fully consider how legislation will affect low-
inecome households that already struggle to balance needs and expenses. NCSL
encourages the federal government to expand and enhance long-term funding for the
Department of Energy’s Weatherization Assistance Program and to ensure that any new
federal program does not undermine existing federal, state and private sector energy
assistance and outreach programs that assist our most vulnerable citizens.
Research and Development

NCSL strongly urges the federal government to authorize and appropriate funding and provide other incentives to spur expanded research and development (R&D), as well as advance the demonstration and deployment of new and existing technologies to improve energy efficiency, advance mitigation strategies and reduce greenhouse gas emissions.

NCSL urges the federal government:

- To ensure that legislation not limit the diversity of technologies supported, as future advancements cannot be predicted.
- To take into account state and regional differences, and not limit or specify the technologies used in each state and ensure sufficient flexibility for each State to determine how to best achieve nationally-set goals.
- To promote current and future innovations and expand the use of such technology through R&D transfer agreements with other countries.

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

WHEREAS, U.S. businesses save about $23 billion annually because of these existing standards, money that can be invested in jobs or spent in local economies; and,

WHEREAS, efficiency standards stimulate innovative technologies, which are beneficial to American manufacturers in a competitive global environment; and,

WHEREAS, lower energy and water use helps mitigate the need for new utility infrastructure.

NOW, THEREFORE, BE IT RESOLVED, that the NCSL urges the Congress and the Department of Energy (DOE) to fully fund and continue this highly successful program; and,
BE IT FURTHER RESOLVED, that the NCSL strongly urges DOE to amend standards as stipulated by law and in accordance with the review schedule dictated by Congress; and,

BE IT FURTHER RESOLVED, that Congress continue to require DOE to regularly review standards for appropriate updates and to resist any attempt to repeal existing standards.
WHEREAS, as many rural hospitals have recently closed, air ambulance services have become increasingly necessary and are being used more frequently to transport patients to faraway hospitals in an emergency; and

WHEREAS, competition among air ambulance services have increased costs; and

WHEREAS, air ambulance services can cost patients tens of thousands of dollars out-of-pocket when companies do not accept a patient’s insurance, and emergency patients rarely have the capacity to choose their own air ambulance company; and

WHEREAS, some air ambulance companies refuse to reveal actual costs to insurers, and some insurers are unwilling to pay market value for the service; and

WHEREAS, federal government Medicare reimbursements cover only a small portion of the actual cost of an air ambulance, forcing air ambulance companies to charge patients more; and

WHEREAS, under the Airline Deregulation Act, states cannot regulate routes, services or prices of air ambulances.

NOW, THEREFORE, BE IT RESOLVED, that the National Conference of State Legislatures (NCSL) supports state sovereignty in air ambulance regulation in order to protect patients from overwhelming financial burdens for emergency medical services; and,

BE IT FURTHER RESOLVED, that NCSL urges Congress to amend the Airline

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Deregulation Act in order to provide states the authority to enforce insurance regulations on air ambulance providers to protect consumers.
Aviation is a key component of a balanced transportation system and is vitally linked to regional growth and economic development efforts. The development and preservation of a balanced system of airports, which is responsive to the needs of all sectors of the nation, is the mutual responsibility of federal, state and local governments. Given this mutual responsibility, the National Conference of State Legislatures (NCSL) urges Congress and the administration to actively engage state legislatures in discussions on the development and preservation of our system of airports and to avoid federal mandates, preemption of state authority and where possible provide states maximum flexibility.

Finance
The following recommendations regarding aviation financing are to be viewed as a comprehensive package and not as individual parts to be implemented piecemeal. Recognizing the safety, security, economic, and other broad public benefits of the services provided by the Federal Aviation Administration (FAA), NCSL supports efforts to:

- continue a General Fund contribution, due to military and federal usage of airport facilities and services. Maintain the Airport and Airway Trust Fund, financed by existing dedicated user taxes and charges, as the primary method of funding federal-aid aviation projects. Any federal aviation fees collected from airline ticket taxes that are diverted to non-aviation purposes should be rededicated or repealed. NCSL supports federal grant assurance provisions barring diversion of airport revenue to non-airport purposes;
- maintain the current structure of federal aviation taxes which equitably distributes the financial burden on all users;
• continue to fully fund the Airport Improvement Program (AIP) at authorized levels annually on a multi-year basis to help support needed safety, security, capacity and noise projects;
• authorize states to use AIP funds for increased security measures required by federal law at a 100-percent federal share;
• provide states maximum flexibility in the prioritization and administration of trust fund allocations, this includes aviation-related planning activities being an allowable expense;
• remove the Trust Fund from the federal unified budget;
• create a mechanism to guarantee that all revenue dedicated to the Trust Fund is spent each year for its intended purpose and that Trust Fund revenue is classified as "mandatory" spending and operate as a "pay-as-you-go" program;
• remove statutory or regulatory barriers to state and locally-generated revenues that support airport activities;
• reduce aircraft noise and a continued set-aside of AIP funds for noise abatement projects;
• continue the Passenger Facility Charges (PFCs) as a supplementary revenue source to finance airport needs;
• exempt from federal tax laws airport municipal bonds; and
• allow the use of innovative financing methods, such as state infrastructure banks and revolving loans, whenever possible to enable states to meet the funding needs of smaller airports.

State Block Grant Program
The state block grant program should be extended and expanded so that all states are eligible to participate. NCSL believes that the program should be structured to allow states the maximum flexibility in the administration of grants.

Development
NCSL supports a coordinated national plan of development as long as state plans for investment are included. As part of the development of the National Airspace System
Architecture, the FAA should make every effort to consider state input. The economies of many parts of the country are dependent on the modernization of the nation's aviation system. Federal policies should support state efforts to address capacity problems through expansion. NCSL supports the increased use of former and current military airports to provide immediate capacity relief for the aviation system.

**Regulation**

NCSL supports efforts to increase airport capacity and competition within the airline industry. However, NCSL remains concerned over the preservation of state authority over certain airline actions and practices. An examination should be made of other provisions of law that pertain to the ability of the state to regulate or enforce airport safety standards and practice.

**Federal-Aid Program**

NCSL supports the Essential Air Service (EAS) program and urges the federal government to honor its commitment to EAS. Where EAS is terminated, proper and adequate notification to the affected community should be required and transition plans implemented.

**Organized Deployment of Unmanned Aerial Systems (UAS)**

Registrations of unmanned aircraft already outnumber manned aircraft which highlights the exponential growth of this technology. Although FAA has issued operational rules for commercial operators (Part 107) and is studying the potential expansion of operational rules through the drone Integration Pilot Program, they have yet to finalize formal operational rules and regulations pertaining to the use of UAS by hobbyists. This has resulted in a type of frontier mentality for use and judgment in that air space.

As the agency continues its work to integrate UAS rules and laws, 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. Further, 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.

Other
Federal support for research and development of facilities and equipment is critical to meet the demands of the next century's air travelers. Reforms in the FAA technology procurement process should be considered.

NCSL urges Congress to act expeditiously on program reauthorizations so as to ensure continuity and to minimize negative effects bred by short-term extensions of critical programs.
The National Conference of State Legislatures (NCSL) believes that maintaining a strong production agriculture capacity is critical to our nation’s strength and is a matter of national security. NCSL recognizes that decisions affecting American agriculture must reflect a working partnership of the federal government with the states in both the formulation and implementation of policy.

**Agricultural Fiscal Policy**

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

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

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

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

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

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

Agricultural Bonds: NCSL supports exempting agricultural bonds from the federal volume cap placed on industrial revenue bonds in each state. Furthermore, NCSL recommends that the President and U.S. Congress amend the federal Internal Revenue Code to make the use of agricultural bonds more attractive to banks and other financial institutions. NCSL also recommends that the federal government permit deductibility for loans financed by issuers that are not necessarily small issuers as defined by the
Internal Revenue Code.

Crop Insurance: NCSL supports a state-federal partnership to develop a fair and affordable crop insurance program that complements other risk management tools available in the marketplace for all crops. NCSL supports an efficient program that promotes informed production and management decisions. NCSL also supports federal efforts to encourage private-sector development of innovative risk management tools. However, any plan for crop insurance must not adversely impact a state's ability to levy premium taxes, regulate the business of private insurance or set solvency standards for private crop insurers.

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

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

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

**Competition**

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

**Natural Resource Conservation**

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

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

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

Pollinator Health

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Agriculture Biofuels**

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

**Support State Regulation of Agricultural Biotechnology**

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

**Industrial Hemp Farming**

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

**Avian Flu Response**

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

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

**Wildfire Funding**

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

• Manage wildfires on a regional basis, understanding that increased risk for wildfires on federal lands ultimately will lead to increased costs for state wildfire programs.
WHEREAS, Chronic Wasting Disease (CWD) affects cervids such as deer, elk, and moose and has been detected in more than twenty states; and

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

WHEREAS, bills proposed in the United States Senate and House of Representatives would fund crucial CWD research and provide federal support to states to address and contain the spread of CWD.

NOW, THEREFORE, BE IT RESOLVED, that the National Conference of State Legislatures urges swift enactment of federal legislation providing for research and response to emerging wildlife diseases, such as the Chronic Wasting Disease Management Act (H.R. 4454, 115) or the Chronic Wasting Disease Support for States Act (S. 2252, 115) that will provide federal resources that are crucial to effectively address this multi-state wildlife management crisis.