Table of Contents

EB-5 REGIONAL CENTER PROGRAM REAUTHORIZATION ............................................. 2
MILITARY AND VETERANS AFFAIRS........................................................................ 4
SERVICE DOGS FOR VETERANS ........................................................................ 7
SUPPORT THE TOXIC EXPOSURE RESEARCH ACT .............................................. 8
TRADE SOVEREIGNTY AND OPPOSITION TO THE TRANS-PACIFIC PARTNERSHIP 9
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 $16.2 billion in investments; and

WHEREAS, that investment has supported over 171,000 American jobs; and

WHEREAS, as of February 2016, there were 796 approved regional centers across the United States; and

WHEREAS, at the end of Q1 FY2016 there were about 22,000 pending applications for EB-5 related visas, representing nearly $11 billion in potential direct investment and 220,000 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 in public and private infrastructure; and

WHEREAS, in 2015 Congress passed legislation to reauthorize the EB-5 regional center program through September 30, 2016; and

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

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, 2016.

NOW, THEREFORE, BE IT RESOLVED, that The National Conference of State Legislatures urges Congress to reauthorize the EB-5 regional center program through legislation to include additional visa capacity, ensuring any reform of the EB-5 regional center program maintains the ability to deliver job-creating capital and infrastructure to American communities, permanent authorization of the regional center program, avoid retroactive application of new law on matters already filed, allow for economic impact models to be used in measuring job creation, improved processing systems to address backlogged petitions, streamlined approvals for all applications, and enhanced program integrity measures through improved reporting requirements and oversight that is not unduly burdensome.
Veterans Affairs

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

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

Federal Impact Aid

NCSL recognizes that School districts with military installations are potentially disadvantaged because of their inability to levy taxes against the federal government. NCSL recognizes the importance of Federal Impact Aid to help offset the loss of tax revenue and supports continued funding of the program.

Federal Funding Cuts and Base Realignment and Closing (BRAC)

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

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

Educational Assistance and GI Bill

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

Preserve the Army National Guard and the Air National Guard

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

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

NCSL recognizes that any effort to reduce our nation’s federal deficit requires reductions across all federal agencies. However, reductions should not be made without a thorough review of the overall Army force structure across the active, Guard and Reserve components.
NCSL further urges that any congressional or Department of Defense review of the Army structure, including the role of the ARNG, includes appropriate input from state policy makers.

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

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

Furthermore, NCSL supports equipment return, replacement, and upgrade to address destroyed material left abroad during deployment.
U.S. servicemembers deployed into combat zones often face physical, mental, and emotional challenges as they make their return home. One of the tools being used to successfully support these veterans and mitigate the difficulties they face is service dogs. They not only assist in daily tasks for those with physical impairments – their use as support animals for soldiers with conditions such as post-traumatic stress disorder is growing as well.

NCSL recognizes the need to ensure that the use of these canine companions is supported and expanded across the country for our returning veterans, including members of the states' National Guard. For this reason, NCSL supports federal policies that promote the use of these service animals. Specifically, NCSL commends the work being done on H.R. 2493, the Wounded Warrior Service Dog Act, introduced by Rep. McGovern (MA). This bill supports the study and use of service dogs for veterans – and NCSL urges its passage.

NCSL further calls upon Congress to enact legislation that would permit the Veterans Administration to consider certain costs associated with a certified service dog as a reimbursable medical expense.
NCSL recognizes the unique challenges faced by members of our military, including members of the states’ National Guard, both during deployment and upon their return. For many years and throughout many conflicts, American servicemembers have been exposed to harmful chemicals and other substances – from Agent Orange to mustard gas. While many of the effects of these toxic substances cannot be reversed in those exposed to them directly, the medical and military communities should seek to learn more about the impacts of these substances on the descendants of veterans to prevent the misdiagnosis of symptoms.

For this reason, NCSL supports S. 901/H.R. 1769, the Toxic Exposure Research Act, of the 114th Congress and urges their passage. NCSL commends Senators Jerry Moran (KS) and Rep. Dan Benishek (MI) for their leadership on introducing these companion bills.
COMMITTEE: LABOR AND ECONOMIC DEVELOPMENT

POLICY: TRADE SOVEREIGNTY AND OPPOSITION TO THE TRANS-PACIFIC PARTNERSHIP

TYPE: NEW RESOLUTION

SPONSORS: SEN. MARALYN CHASE (WASHINGTON); REP. JOHN KOWALKO (DELAWARE)

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

WHEREAS: NCSL supports efforts to negotiate new trade or investment agreements but believes that federalism and state sovereignty protections must be included, and,

WHEREAS: NCSL will not support Bilateral Investment Treaties (BITS) or Free Trade Agreements (FTAs) with investment chapters that provide greater substantive or procedural rights to foreign corporations and investors than U.S. companies and investors enjoy under the U.S. Constitution, and,

WHEREAS, NCSL recognizes that TPP creates a world of corporate sovereignty through the investor-state dispute settlement process which expands the transfer of sovereign power to ISDS arbitrators from legislatures, governments, and courts. These arbitrators would not be accountable like a legislature, they would not be capable of regulating like a government and would not be independent or fair like a court, and,

WHEREAS: the world of corporate sovereignty creates winners and losers across all known corporate sovereignty/ISDS cases:

- The largest corporations ended up with gains of around $6 Billion
- The thriving ISDS legal industry took home $2 Billion
- Wealthy individuals received around $1 Billion
Large companies picked up around $500 million

Countries who were sued by these groups had losses of around $10 billion, and,

WHEREAS, NCSL recognizes that 90% of ISDS fines against countries went to corporations with over $1 Billion in annual revenue or to individuals with over $100 million in net wealth. Furthermore, the success rate among the largest multinationals – those with turnovers of at least $10 billion – was 71% in the 48 cases they initiated, compared with a success rate for everyone else of 42%, and,

WHEREAS, NCSL asserts that at the core of the TPP’s threat to democracy and regulation is the uncertain and potentially huge price tag that its ISDS process would put on any law or regulation that is opposed by a large global corporation or a billionaire investor. The problem is not that foreign investors would be too big to fail; it is that the TPP would make the biggest and richest ones too risky to regulate, and,

WHEREAS: NCSL asserts that when a state adopts a non-discriminatory law or regulation intended to serve a public purpose, it shall not constitute a violation of an investment agreement or treaty, even if the change in the legal environment thwarts the foreign investors’ previous expectations, and,

WHEREAS: NCSL asserts that trade agreement implementing legislation must include provisions that deny any private action in U.S. courts or before international dispute resolution panels to enforce international trade or investment agreements, and,

WHEREAS: NCSL asserts that implementing legislation must include provisions stating that neither the decisions of international dispute resolution panels (ISDS) nor international trade and investment agreements themselves are binding on the states as a matter of U.S. law, and,

WHEREAS: NCSL believes that TPP was an opportunity for countries to step back from and reform the flawed system of foreign investor rights and ISDS. Instead, the TPP would expand the system massively. That decision is reason enough to reject the TPP.
in order to protect the established institutions of democracy, sovereignty, and the rule of law in TPP countries, and,

WHEREAS: NCSL ENCOURAGES Congress to require the GAO to develop state economic and sovereignty impact statements for international trade and investment agreements under negotiations, and,

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

NOW, THEREFORE, BE IT RESOLVED, that the National Conference of State Legislators (NCSL) asserts that the proposed Trans Pacific Partnership trade agreement violates federal, state and local governments’ sovereignty under our system of constitutional federalism, and

BE IT FURTHER RESOLVED that NCSL urges Congress, the USTR, and the President to reject the proposed Trans Pacific Partnership and send it back to be renegotiated, and,

BE IT FURTHER RESOLVED that NCSL requests that the President by Executive Order clarify that trade and investment agreements and bi-lateral or multi-lateral investment treaties negotiated by the USTR should avoid conflicts with state governing authority and sovereignty, under the same terms as the executive order on preemption, and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the President of the United States, to presiding officers of each house of Congress, and to each member of Congress.

BE IT FINALLY RESOLVED that NCSL requests that the President establish, by executive order, a more effective federal-state consultation system that includes greater involvement and notification of state legislatures.