Policy Directives and Resolutions for Consideration
2016 NCSL Capitol Forum, Washington, D.C.

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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 level governments.

Too often, the federal government has responded to budget pressures by simply shifting costs and exporting deficits to the states. The federal government should resist accomplishing national goals through unfunded mandates on state and local governments.

NCSL believes that the federal government must:

- Maintain its financial commitment to federal programs that rely on state participation for implementation and provide stable and predictable funding for state-federal partnership programs;
  - Maintain its matching rate for federal programs for which it shares responsibility with state governments. Where match rate reductions are proposed for shared programs, there should be a corresponding reduction in the regulatory and administrative burdens imposed on states; and
  - Avoid delaying the release of funds for state-federal programs within a fiscal year.
- Affirm the role of state legislatures in their appropriation and oversight of federal funds;
  - Streamline the waiver process that states are subject to concerning education, the environment, human services, Medicaid, health and other programs; and
  - Limit the federal oversight role of state grant funds to audit and evaluation.
Avoid unfunded mandates and underfunded national expectations in state-federal partnerships;
  - Avoid increasing federal domestic programs at the expense of funding for state administration or state sharing ratios; and
  - Fully fund the long-term maintenance as well as the short-term startup costs of federal mandates; and
  - Avoid capping federal entitlement spending while retaining the legal entitlement obligation of the states; and
  - Avoid the long-term commitment of funds based on short-term revenue projections.

- Minimize the imposition of state maintenance of effort requirements in existing and future federal fiscal assistance-related legislation;
- Avoid transferring a disproportionate and excessive burden to states in any efforts to reduce the federal deficit;
  - Provide commensurate relief from obligations imposed by federal laws, regulations, and practices if funding to states is reduced; and
  - Provide a fiscal analysis of the potential intergovernmental and federalism implications of any recommended actions.

NCSL believes the federal government should maintain its guaranteed financial commitment to federal-state programs. Any devolution of federal responsibilities to the states should constitute a serious attempt at restoring balance to the state-federal partnership and not result in any reduction of the federal financial commitment to affected programs either in the short or long run. To that end, NCSL has developed a set of principles for any new block grant the federal government considers. Because state legislatures are the bodies that are most involved in the decision-making process with regard to program delivery in the states, we urge Congress and the administration to adhere to the following principles when constructing any new block grant plan or revising any existing block grant program:
• Funding levels for block grants must be adequate to finance mandated programs long-term and to respond to economic changes through countercyclical assistance.

• In the event that Congress imposes "maintenance of current level of services" mandates on funds appropriated for any federal grant program, Congress should provide the funds necessary to maintain and support the current levels of services existing at the time of such mandates. State "maintenance of effort" (MOE) clauses are inappropriate for program consolidations. Requiring states to spend a fixed amount while implementing decreases in federal funding for block grants is equivalent to an unfunded mandate.

• The consolidation of categorical programs into a single funding stream should not be accompanied by a limitation in the types of services provided or constitute new mandatory categories of services.

• Language should be included in any block grant legislation that allows federal block grant funds to be distributed or expended "according to state law." Federal law must allow each state to choose the manner of appropriation of federal block grants. States should be authorized to determine the agency within state government that is responsible for carrying out public participation requirements.

• Maximum flexibility in terms of program implementation and administration should be maintained.

• Technical assistance to states by federal agencies during transition to any block grant should be provided.

• State reporting requirements should not be burdensome or require the use of funds that would otherwise be spent on program delivery.

• The federal government should not create new entities to oversee the implementation of any block grants to the states.

• Federal agencies and their administrators should rely on the single audits prepared by the states. The federal government should pay the full costs for performing these audits.
Given the interdependency of federal government activities with state and local economies, and recognizing that a federal government shutdown has serious implications for state and local governments, NCSL believes that in the event of a federal government shutdown, the federal government must:

- Establish a National Incident Management System (NIMS) structure, including an Incident Command System (ICS), to integrate and manage the shutdown and to involve all levels of government in the coordination of the incident;
- Provide flexible, temporary authority to states that have a federally-approved contingency plan to assume basic-level operations of selected national parks and laboratories; and
- Reimburse state funding with interest that was spent providing services that otherwise would have been paid for with federal funds.
NCSL recognizes the need for strong cybersecurity policies to appropriately protect information and ward off increasing cyber threats. NCSL urges Congress and the Administration to view state and local governments as critical stakeholders in the cybersecurity arena.

Attacks on the nation’s information infrastructure are 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 believes this collaboration is fundamental for ensuring networks are secure, reliable, and adequately protected.

NCSL also recognizes that protecting shared network technologies is an area of overlapping federal and state jurisdiction. As such, states should have the authority and flexibility to adopt standards to safeguard against cyber threats while receiving appropriate federal support in the way of funding, shared information, and other valuable resources. Shared digital networks are fundamental to the economy, business and government operations, and everyday communications. From financial services to emergency services to energy supply to health care to manufacturing, interconnected networks are a driving force behind a host of industries and entities.

As sectors of the economy continue to digitize, shielding government operations, critical infrastructure, and communication networks is paramount for protecting data from cyber threats. To that end, NCSL urges Congress and the Administration to:
• Collaborate with state and local governments to invest in securing networks;
• View state and local governments as critical stakeholders;
• Avoid unfunded mandates and preemptions on state and local partners;
• Maintain the civil liberties and privacy of all citizens while sustaining the safety and stability of the internet and electronic communications;
• Identify and share actionable information based on specific threats so as to allow states to respond effectively to known threats;
• Facilitate the communication of these threats from federal to state and from state to state; and
• Provide timely and effective information sharing with the states as an essential tool for collaboration on emerging threats.
NCSL strongly supports the development of an interoperable system of electronic health information for the United States. Such a system has the potential to: (1) facilitate the coordination of health care regardless of patient location; (2) improve both the quality and efficiency of care; (3) provide easy access to health care information to both patients and health care providers, which can contribute to more informed decision-making on the part of patients; and (4) reduce medical errors and some of the fraud and abuse that plagues our health care system.

The potential of benefits of an interoperable health information system cannot be realized unless: (1) consumers trust the system and want to participate in it; (2) the full range of health care providers trust the system and find it affordable and easy to use; and (3) employers support the system and believe that it is cost-efficient and improves quality of care.

The key to the development of a successful interoperable electronic health information system is the development of a system that is secure and protects patient privacy. The Health Insurance Portability and Accountability Act (HIPAA) set important privacy standards that must be retained in such a system. It is critical that the current HIPAA law and regulations and subsequent laws and regulations enacted to facilitate an interoperable electronic health information system continue to establish a floor, but not a ceiling when it comes to protecting patient privacy and to the permissible use of stored data. Uses of stored health information data should be limited to treatment, payment, public health and research. Interoperability, not uniformity should be the focus of initiatives to get this important system in place. The security of the data must be a priority. Severe penalties should be established for individuals or entities that compromise information in the system. Every effort must be made to make the system available and affordable to the widest range of providers and consumers.
NCSL also supports the establishment of grant, loan and demonstration programs to provide financial and technical support to health care providers, state and local governments, and other entities that will play a key role in the development and successful operation of an interoperable health information system. States should be permitted to supplement federal financial support to physicians and hospitals with state grant or loan programs for up to 100 percent of costs. Finally, it is critical that publicly financed programs such as Medicaid and Medicare become active participants in the system and that creating this capacity be a priority within the federal budget.
Whereas, the Virgin Islands is an unincorporated territory of the United States having been acquired by the United States from the kingdom of Denmark in 1917; and

Whereas, as a territory, the Virgin Islands is subject to the plenary powers granted to the Congress under the territorial clause of Article IV, Section 3, of the United States Constitution, and

Whereas, following such acquisition, the citizenship of Virgin Islanders was addressed by the Congress in Title 8 United States Code, Section 1406; and

Whereas, the Virgin Islands, like the other 50 continental states, participate in the democratic and republican nomination process for the Office of President of the United States; and

Whereas, the Democratic and Republican National Conventions are the Territory’s only opportunity to participate in the election of the President of the United States; and

Whereas, Virgin Islanders who reside in the continental United States have the right to vote for the President of the United States; and

Whereas, Virgin Islands residents, who are United States citizens, however, are denied voting rights and access to presidential election; and

Whereas, this denial began with the controversial and divided Supreme Court decisions known as the Insular Cases, which were decided shortly after the United States acquired overseas territories; and
Whereas, the Insular Cases established a doctrine of “separate and unequal” constitutional treatment for overseas U.S. territories; and

Whereas, the Insular Cases stand on the premise that the United States Constitution applies “only in part in unincorporated Territories” but “in full in incorporated Territories destined for statehood”; and

Whereas, the Constitution of the United States specifies that the President and the Vice President shall be elected by electors chosen by the States; and

Whereas, the Virgin Islands is not a part of any state; but, like states, are able to elect their own governor and legislature; and

Whereas, the Virgin Islands are approaching 100 years as a territory of the United States and Virgin Islanders almost as many years as citizens of the United States, though never given the opportunity to participate in the election of the President of the United States; and

Whereas, the Virgin Islands is effectively disenfranchised at the national level due to its inability to participate in the election of the President; and

Whereas, though unable to participate in the vote for President, the Virgin Islands must abide by and is subject to all national policies, rules, regulations and laws enacted by the Government of the United States; and

Whereas, young males who are Virgin Islanders, must register for the selective service and can be drafted by the same Commander in Chief that they cannot vote for; and

Whereas, a number of scholars have concluded that the United States national electoral process is not fully democratic due to U. S. Government disenfranchisement of United States citizens residing in United States territories;
THEREFORE BE IT RESOLVED, that the National Conference of State Legislators respectfully urges the Congress of the United States to review the United States Constitution as it relates to the disenfranchisement of Virgin Islands residents and the inability to participate in the election of a President and implement the necessary revisions to grant Virgin Islands residents the right to vote in the United States presidential elections;

BE IT FINALLY RESOLVED, that a copy of this resolution shall be forwarded to the President of the United States of America, Honorable Barack Hussein Obama; Honorable Paul Ryan, Speaker of the House of Representatives, each member of the United States Congress and the United States Virgin Islands Delegate to Congress, Honorable Stacey Plaskett.
WHEREAS, the United States Constitution that was ratified in 1788, provided the right to vote for representation in Congress to the “People living” on the land that would later be designated by the federal government for the nation’s capital as ceded by Maryland and Virginia to become the District of Columbia (D.C.); and,

WHEREAS, the “District of Columbia Organic Act of 1801,” disenfranchised D.C. residents from voting for representative Members of Congress for more than 214 years; and,

WHEREAS, District of Columbia residents pay among the highest per capita federal taxes in the nation, and more than 200,000 D.C. residents have served in the federal armed services, and yet have no vote in the United States Congress; and,

WHEREAS, no other democratic nation in the world denies the right of self-government, including participation in its national legislature, to the residents of its capital; and,

WHEREAS, the 660,000-plus residents of the District of Columbia, which is more populous than the states of Wyoming and Vermont, lack the full democracy, equality, and citizenship enjoyed by the residents of the 50 states; and,

WHEREAS, the Congress has repeatedly interfered with the District of Columbia’s limited self-government by enacting laws on how the District of Columbia spends its locally raised tax revenue, including barring the usage of locally raised revenue, thus violating the fundamental principle that states and local governments are best suited to enact legislation that represent the will of their citizens; and,

WHEREAS, in January 2015, District of Columbia Delegate Norton introduced H.R. 317, the New Columbia Admission Act providing for Statehood with a record number of 93
original co-sponsors, that would grant the District of Columbia budget and legislative autonomy, as well as congressional representation; and,

WHEREAS, in September 2014, the Senate Homeland Security and Governmental Affairs Committee held the first-ever Senate hearing on District of Columbia Statehood and the first Congressional hearing on Statehood in more than 20 years, and S. 1688 and H.R.317 have 18 co-sponsors in the Senate and 126 co-sponsors in the House, respectively; and,

WHEREAS, although the District of Columbia has timely passed a balanced budget for each of the last 20 years, it still faces the possibility of being shut down yearly because of Congressional deliberations over the federal budget; and,

WHEREAS, the residents of the District of Columbia have endorsed Statehood for the District of Columbia, and passed a District-wide referendum on budget autonomy; and,

WHEREAS, it has been 50 years since the passage of the Civil Rights Act and 41 years since the District of Columbia was granted Home Rule, and the residents of the District of Columbia have yet to obtain the same rights as the residents of the 50 states; and,

WHEREAS, the United Nations Human Rights Committee has called upon the U.S. Congress to address D.C.’s lack of political equality, and the Organization of American States (OAS) has declared the disenfranchisement of District of Columbia residents a violation of the OAS Charter agreement to which the United States is a signatory.

THEREFORE, BE IT RESOLVED that the National Conference of State Legislatures (NCSL) respectfully urges the Congress of the United States to support current legislation that will provide the residents of the District of Columbia with the same rights to self-government enjoyed by all other residents of America. These measures include legislation to grant the District local budget autonomy, legislative autonomy, and statehood.

BE IT FINALLY RESOLVED that a copy of this resolution shall be forwarded to the
President of the United States of America, the Speaker of the U.S. House of Representatives, each member of the United States Congress, and each state legislative body with the request they join in the fight for Statehood for the District of Columbia.