

NCSL STANDING COMMITTEE on COMMUNICATIONS, FINANCIAL SERVICES, & INTERSTATE COMMERCE
POLICY DIRECTIVES AND RESOLUTIONS

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1 **COMMITTEE: COMMUNICATIONS, FINANCIAL SERVICES, &**
2 **INTERSTATE COMMERCE**

3 **POLICY: ONLINE CHILD PRIVACY PROTECTION**

4 **TYPE: RESOLUTION**

5 **Whereas**, the internet presents certain risks for children under the age of 13 years who
6 may not be able to recognize dangerous situations online.; and
7

8 **Whereas**, Congress passed the Children’s Online Privacy Protection Act of 1998
9 (COPPA) to limit personally identifiable information from children without their parents’
10 consent. In 2000, the Federal Trade Commission (FTC) issued a rule implementing
11 COPPA that requires websites to post a complete privacy policy, notify parents directly
12 about their information collection practices, and obtain verifiable parental consent before
13 collecting personal information from their children or sharing it with others; and
14

15 **Whereas**, since COPPA’s enactment, research on children’s mental health and their
16 online interactions has become available, showing a disturbing increase in youth mental
17 health issues commensurate with social media presence. Studies have found that youth
18 who spend over three hours per day on social media have double the risk of
19 experiencing poor mental health outcomes such as depression and anxiety; and
20

21 **Whereas**, full compliance with COPPA has yet to occur and it has become a concern of
22 the states to protect children online as their presence on social media platforms and
23 other online websites has increased significantly since COPPA’s enactment and the
24 FTC promulgated its rule; and
25

26 **Whereas**, states have begun to introduce and enact legislation to provide enhanced
27 protections for children on the internet; and
28

29 **Now therefore be it resolved** that, given that Congress has already established a
30 baseline structure for regulating content shown to children, and that there is a federal

31 agency in place to establish a regulatory framework, NCSL supports updating COPPA to
32 reflect current concerns, encouraging compliance within the private sector, and creating
33 reasonable federal standards to better protect children's data that recognize important
34 state interests and do not preempt state laws or create unimplementable, burdensome,
35 or costly mandates for states.

1 **COMMITTEE: COMMUNICATIONS, FINANCIAL SERVICES, &**
2 **INTERSTATE COMMERCE**

3 **POLICY: SUPPORTING THE AFFORDABLE CONNECTIVITY**
4 **PROGRAM (ACP) THROUGH PERMANENT**
5 **CONGRESSIONAL FUNDING**

6 **TYPE: RESOLUTION**

7 **WHEREAS**, internet connectivity is essential to the success of families, businesses, and
8 government services; and

9

10 **Whereas**, Congress created the Affordable Connectivity Program (ACP) in 2021 to
11 make broadband service and connected devices available to lower-income households
12 at discounted prices from providers that opt to participate in the program; and

13

14 **WHEREAS**, ACP has enabled low-income individuals and families to access online
15 educational resources, gain employment opportunities, access vital services such as
16 telehealth and government assistance, and participate in our civic life; and

17

18 **Whereas**, as of July 2023, more than 19 million low-income American households rely
19 on support from ACP for access to the internet, and growing, many of whom receive
20 broadband access effectively free after the ACP discount; and

21

22 **Whereas**, after state and federal broadband expansion investments, the ACP will help
23 more Americans, including persons of color and residents in rural communities, stay
24 connected; and

25

26 **WHEREAS**, many states are requiring recipients of the Department of Treasury's
27 Capital Projects Funds to participate in ACP; and

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29 **WHEREAS**, states and territories may require recipients of Broadband Equity, Access,
30 and Deployment (BEAD) funding to participate in ACP or any successor program; and

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WHEREAS, current ACP funding could be exhausted in early 2024; and

WHEREAS, allowing funding for the ACP program to lapse will impose a hardship on the millions of families that rely on such support to secure broadband services that are necessary for jobs, for homework, and for staying connected with loved ones; and

WHEREAS, in addition to impacts on broadband adoption, the end of ACP would also impede the success of ongoing federal and state efforts to close the digital divide through the construction of new infrastructure to help reach those in unserved and underserved parts of the country; and

WHEREAS, it is crucial for Congress to prioritize the continuity and sustainability of ACP to ensure that low-income American families can continue to afford broadband internet access service; and

NOW, THEREFORE BE IT RESOLVED that the National Conference of State Legislatures urges Congress to fund the ACP program to ensure the continuation of the program ensuring that all Americans can have access to broadband service; and

BE IT FINALLY RESOLVED that a copy of this Resolution be sent to the President of the United States and all members of Congress.

1 **COMMITTEE: COMMUNICATIONS, FINANCIAL SERVICES, &**
2 **INTERSTATE COMMERCE**

3 **POLICY: RESOLUTION IN SUPPORT OF POSITION**
4 **STATEMENT RECOGNIZING CONGRESSIONAL**
5 **CONSENT TO THE INTERSTATE INSURANCE**
6 **PRODUCT COMPACT**
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8 **TYPE: MEMORIAL RESOLUTION**

9 **WHEREAS**, it is well established that states have primary jurisdiction and responsibility
10 for regulating insurance products offered by the life insurance industry to consumers in
11 their respective jurisdictions; and
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13 **WHEREAS**, the National Conference of State Legislatures (NCSL) strongly supports
14 rights of states to regulate their unique insurance markets while joining together to
15 support targeted modernization initiatives that protect insurance consumers and
16 streamline regulation; and
17

18 **WHEREAS**, NCSL endorsed the development and implementation of the *Interstate*
19 *Insurance Product Regulation Compact* (Insurance Compact) in 2004 and has actively
20 supported its mission with NCSL legislators serving on the Insurance Compact
21 Legislative Committee; and
22

23 **WHEREAS**, the Insurance Compact serves to bring states together to set national
24 Uniform Standards that apply as the product requirements for life insurance, annuity,
25 disability income, and long-term care insurance products, including requirements that in
26 certain cases may differ from state-specific product requirements; and
27

28 **WHEREAS**, the Insurance Compact is an instrumentality of the states serving as a
29 central clearinghouse for prompt and thorough product review and approval while
30 preserving state authority over all other areas of insurance regulation—including agent

31 licensing, market conduct, company licensing and solvency regulation—as well as
32 preserving applicable state filing fee revenues; and

33 **WHEREAS**, since it became operational in 2006, the Insurance Compact has
34 demonstrated sustained growth in the number of Compacting States, the number of
35 Uniform Standards for the authorized product lines, the number of filing companies and
36 product filings and has transformed the state-based product filing platform for
37 Compacting States, their regulated entities and insurance consumers.

38

39 **WHEREAS**, the Compacting States represent 46 jurisdictions comprising more than 70
40 percent of the nationwide premium volume for asset-protection insurance products; and

41

42 **WHEREAS**, more than 100 product Uniform Standards prepared and adopted by the
43 Insurance Compact member states have fulfilled the promise of stringent and detailed
44 requirements administered by knowledgeable, professional staff, with over 12,000
45 insurance products reviewed and approved for use in the Compacting States; and

46

47 **WHEREAS**, states' legislatures determine the extent and authority of participation in the
48 Insurance Compact, and further exercise their sovereign authority and rights, through
49 their legislatively designated representative to the Insurance Compact, who serves on
50 the Compact Commission, its governing body; and

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52 **WHEREAS**, the Insurance Compact has become an extremely important part of the
53 fabric of state-based product regulation for these authorized insurance products; and

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55 **WHEREAS**, a recent court opinion by the Colorado Supreme Court found that
56 congressional consent to an interstate compact would affect whether states could join
57 together to embrace provisions in duly promulgated uniform standards that may differ
58 from state laws; and

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60 **WHEREAS**, it is well-established in interstate compact case law that regulations
61 adopted by states pursuant to an interstate compact with congressional consent can
62 apply when different from state law; and

63 **WHEREAS**, the Insurance Compact is considering adoption of a position statement
64 known as Position Statement 1-2022 to document that Congress conferred implied
65 consent for the Insurance Compact in 2006 in the form of Public Law 109-356 enacted
66 by Congress and signed by President George W. Bush, which authorized the District of
67 Columbia to enter the Compact, and approved the delegation of authority necessary for
68 the Commission to achieve the purposes of the Compact; and

69
70 **NOW, THEREFORE BE IT RESOLVED** that NCSL reaffirms its endorsement of the
71 Insurance Compact as the legislative-regulatory state-based solution to making the
72 product submission, review, and approval process more uniform, efficient, and robust
73 across states; and

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75 **BE IT ALSO RESOLVED** that NCSL agrees that the Compact Commission, working
76 with legislators, regulators, and others in Compacting States, should take action to
77 further strengthen and inform on the legal foundation of the Insurance Compact, an
78 interstate agreement among the states requiring passage by their respective
79 legislatures; and

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81 **BE IT FURTHER RESOLVED** that at the recommendation of the Insurance Task Force
82 of the Communications, Financial Services and Interstate Commerce Committee, NCSL
83 supports the adoption by the Compact Commission of Position Statement 1-2022
84 acknowledging implied congressional consent was given to the Insurance Compact in
85 2006; and

86
87 **BE IT FINALLY RESOLVED** that a copy of this Resolution shall be distributed to the
88 Office of the Interstate Insurance Product Regulation Commission with instructions to
89 distribute to its members, members of the Legislative Committee and members of its
90 Consumer and Industry Advisory Committees.