



## Policy Directives and Resolutions for Consideration

**2023 Legislative Summit  
Indianapolis, Indiana**

### **DEBATE CALENDAR**

#### [Table of Contents](#)

##### **LAW CRIMINAL JUSTICE AND PUBLIC SAFETY**

POLICY: INCREASING VISA CAPS AND LEGAL IMMIGRATION TO END LABOR SHORTAGE..... 1

##### **NATURAL RESOURCES AND INFRASTRUCTURE**

POLICY: NATIONAL APPLIANCE EFFICIENCY STANDARDS..... 3

POLICY: RECOVERING AMERICA’S WILDLIFE..... 5

POLICY: SURFACE TRANSPORTATION FEDERALISM..... 7

1 **COMMITTEE: LAW, CRIMINAL JUSTICE, AND PUBLIC SAFETY**

2 **POLICY: INCREASING VISA CAPS AND LEGAL IMMIGRATION**  
3 **TO END LABOR SHORTAGE**

4 **TYPE: DEBATE**

5 **WHEREAS**, there is currently a labor shortage in key U.S. industries and increased  
6 cultural and ethnic diversity is a recognized benefit to our society; and

7 **WHEREAS**, the pandemic highlighted the need for a diverse and robust workforce able  
8 to withstand shocks and unforeseen circumstances, particularly in industries such as  
9 healthcare, manufacturing, agriculture, education, and trade industries that continue to  
10 experience shortages, amounting in total to over 10 million unfilled jobs; and

11 **WHEREAS**, immigrants tend to be of optimal working age and eager to find  
12 employment; and

13 **WHEREAS**, employment-based visa holders are non-citizen workers that complement  
14 U.S. workers and help to fill labor gaps in critical industries; and

15 **WHEREAS**, employment-based visa holders benefit the country not only with their  
16 gainful employment but also by contributing to the tax base, as they pay federal, state,  
17 Social Security, and Medicare taxes proportional to their wages; and

18 **WHEREAS**, according to the United States Department of State, permanent  
19 employment-based immigration is statutorily limited to 140,000 principals and  
20 dependents annually. To illustrate the low number of visas available in certain sectors,  
21 the number of H-2B visas is statutorily limited to 66,000, and the number of H-1B visas  
22 is limited to 65,000 with an additional 20,000 visas available for those with a master's  
23 degree or doctorate. There are countless other industries with statutory visa caps that  
24 are not commensurate with workforce needs; and

25 **WHEREAS**, these visa caps are often met within the first few months of each year; and

26 **WHEREAS**, many visa recipients must reapply yearly and these applications can be

27 lengthy and burdensome; and

28 **NOW, THEREFORE, BE IT RESOLVED**, the National Conference of State Legislatures

29 urges Congress to significantly increase the statutory visa caps and simplify the

30 application and reapplication processes to allow employment-based visa recipients to

31 easily maintain their visa status; and

32 **LET IT BE FURTHER RESOLVED**, the National Conference of State Legislatures

33 urges Congress and the Administration to create legal pathways to immigration and

34 streamline the process for immigration into our country in order to fortify the labor

35 market and achieve economic prosperity.

1 **COMMITTEE: NATURAL RESOURCES AND NFRASTRUCTURE**

2 **POLICY: NATIONAL APPLIANCE EFFICIENCY STANDARDS**

3 **TYPE: DEBATE**

4 **WHEREAS**, energy efficiency standards as promulgated by the U.S. Department of  
5 Energy following enactment of the Energy Policy and Conservation Act of 1975,  
6 National Appliance Energy Conservation Act of 1987 and 1988 (NAECA), Energy Policy  
7 Act of 1992, Energy Policy Act of 2005 and the Energy Independence and Security Act  
8 of 2007, for appliances, equipment, and lighting protect consumers, are a cost-effective  
9 means to reduce energy and water waste, lower utility bills and decrease pollutants and  
10 atmospheric emissions including greenhouse gas emissions; and,

11

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

14

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

17

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

20

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

23

24 **NOW, THEREFORE, BE IT RESOLVED**, that the NCSL urges the Congress and the  
25 Department of Energy (DOE) to fully fund and continue this highly successful program;  
26 and,

27

28 **BE IT FURTHER RESOLVED**, that the NCSL strongly urges DOE to amend standards  
29 as stipulated by law and in accordance with the review schedule dictated by Congress;  
30 and,

31

32 **BE IT FURTHER RESOLVED** that Congress continue to require DOE to regularly  
33 review standards for appropriate updates and to resist any attempt to repeal existing  
34 standards.

1 **COMMITTEE: NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY: RECOVERING AMERICA’S WILDLIFE**

3 **TYPE: DEBATE**

4 **WHEREAS**, habitat loss, wildlife diseases, invasive species, pollution, and the impacts  
5 of climate change pose significant threats to fish and wildlife species; and

6

7 **WHEREAS**, over 1,600 United States’ native species are federally protected under the  
8 Endangered Species Act and estimates suggest one in five native species is at risk of  
9 extinction; and

10

11 **WHEREAS**, State Wildlife Action Plans have identified nearly 12,000 Species of  
12 Greatest Conservation Need (SGCN), including federal and state endangered and  
13 threatened species and other rare and at-risk fish and wildlife species; and

14

15 **WHEREAS**, current funding is far below what is necessary to conserve the species  
16 most at-risk; and

17

18 **WHEREAS**, the Blue Ribbon Panel on Sustaining America's Diverse Fish and Wildlife  
19 Resources recommended that up to \$1.3 billion a year of existing revenue from energy  
20 and mineral resources development on federal lands and waters be redirected to the  
21 Wildlife Conservation Restoration Program; and

22

23 **WHEREAS**, the Recovering America’s Wildlife Act would provide the additional funding,  
24 providing state wildlife agencies the money necessary to accelerate implementation of  
25 State Wildlife Action Plans; and

26

27 **WHEREAS**, the additional funding will help states to address at-risk wildlife before they  
28 require protection under the federal Endangered Species Act which can be more costly  
29 and disruptive.

30

31 **NOW, THEREFORE, BE IT RESOLVED**, that the National Conference of State  
32 Legislators urges the President of the United States and Members of Congress to act to  
33 pass and sign into law the Recovering America's Wildlife Act, and

34

35 **BE IT FURTHER RESOLVED**, that copies of this resolution be immediately transmitted  
36 to the President of the United States, the President of the United States Senate, the  
37 Speaker of the House of Representatives, and each member of Congress.

1 **COMMITTEE: NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY: SURFACE TRANSPORTATION FEDERALISM**

3 **TYPE: DEBATE**

4 The National Conference of State Legislatures (NCSL) calls on Congress to work  
5 closely with states to develop a shared, long-term vision for financing and funding  
6 surface transportation systems that will enhance the nation's prosperity and the quality  
7 of life of all Americans.

8

9 The federal government plays a vital role in supporting a national surface transportation  
10 system that meets national defense needs, addresses fairly and equally the mobility  
11 needs of all Americans and facilitates interstate commerce. NCSL supports the  
12 continuation and preservation of a federal-aid surface transportation program. The  
13 federal program should direct spending to national priorities while allowing for state and  
14 insular area flexibility in local and regional variations. It is also essential that the federal-  
15 aid surface transportation program incorporate requirements and foster goals of other  
16 national policies that impact transportation decision-making.

17

18 Recent federal reauthorizations have recognized the unique contributions of each  
19 transportation mode to the productivity of the states and the nation, and to the ability of  
20 this nation to compete globally in the emerging and existing international  
21 economies. These laws contemplate an integrated transportation system for the  
22 movement of both goods and people, with increased emphasis on adopting  
23 technologies that improve productivity. NCSL urges Congress to provide states  
24 enhanced programming flexibility to meet a multitude of national goals. States should  
25 have maximum flexibility in deciding how to generate and leverage transportation  
26 revenues and how to use state and federal dollars. The ability of states to maintain  
27 flexibility in decision making and comply with environmental and other mandates is  
28 dependent upon regulatory flexibility as well as adequate and reliable funding. Such  
29 flexibility to move funds among programs allows states to better align limited federal  
30 dollars to individual state needs.



31

32 **National Vision**

33 The surface transportation system in the United States needs a new vision to guide it  
34 beyond the Interstate Highway era into the 21st century and the needs and challenges  
35 that lie ahead. Congress should look at surface transportation anew, authorizing a new  
36 program that better meets current and future needs for interstate mobility.

37

38 Congress must clearly articulate this new national vision for surface transportation. In  
39 doing so, Congress should consider the following as federal objectives:

- 40 • Interstate commerce and freight mobility,
- 41 • Interstate movement of people,
- 42 • National defense and homeland security,
- 43 • Safety,
- 44 • Environmental and air quality preservation and improvements,
- 45 • Research and innovation, and
- 46 • Economic productivity.

47

48 Congress should focus federal programs and funds on these interstate goals. In doing  
49 so, Congress should heed the Tenth Amendment and not intervene in or interfere with  
50 state-specific transportation priorities.

51

52 **Funding and Financing**

53 A federal trust fund, financed by user fees, should be retained as the primary method of  
54 funding federal-aid surface transportation programs. It must provide states a sustained,  
55 reliable source of transportation funding. It is critical that the Highway Trust Fund (HTF)  
56 retain spending firewalls that ensure that user fees will be deposited in the HTF to be  
57 used on surface transportation and will not be subject to non-transportation federal  
58 discretionary spending. NCSL supports states having maximum flexibility in the use of  
59 funds they receive from the HTF. Additional surface transportation financing and  
60 investment priorities include the following:

- 61 • User fees previously collected and diverted from the HTF must be reclaimed.

- 62 • Transit agencies, including commuter rail operations, should be exempt from  
63 federal fuel or energy taxes.
- 64 • Unobligated revenues should not be allowed to accumulate in the  
65 HTF. Moreover, federal highway spending should not be artificially reduced so  
66 that HTF revenues will accumulate unspent, thereby appearing to lower the  
67 federal deficit.
- 68 • Annual appropriations should equal authorized spending levels. Obligation  
69 ceilings should be set and maintained to reflect gross receipts, plus interest  
70 earned.
- 71 • Any federal user fee or container fee assessed for transportation security or  
72 infrastructure should provide for state flexibility in project selection and may  
73 include private sector input when programming projects funded by a security or  
74 infrastructure user fee or container fee.
- 75 • User fees designated for deposit in the HTF should be made available for flexible  
76 transportation usage by states. States should have flexibility in the use of funds  
77 for intercity passenger rail service, including Amtrak. The federal match should  
78 encourage state efforts in specific programs of national significance, but not  
79 discourage flexibility in state or insular area transference of categorical  
80 funds. Despite separate federal authorizing legislation for Amtrak, Congress must  
81 ensure that surface transportation authorizing legislation acknowledges and fully  
82 supports the role of passenger rail for ensuring interstate mobility. States that  
83 invest in or otherwise support passenger rail services to complement highway  
84 mobility options should be rewarded and encouraged.
- 85 • Any examination undertaken on the advisability and feasibility of establishing a  
86 federal capital budgeting program should preserve the ability of states to set  
87 surface transportation infrastructure priorities.
- 88 • Prioritize formula-based funding which allows federal funds to be distributed  
89 through a predictable and stable manner, allowing for efficient project and multi-  
90 year program delivery wherein transportation needs and projects are identified by  
91 states, metropolitan planning organizations and local elected officials for funding  
92 prioritization.

- 93
- 94
- 95
- 96
- 97
- 98
- 99
- 100
- 101
- 102
- 103
- 104
- 105
- 106
- 107
- 108
- 109
- 110
- 111
- 112
- 113
- 114
- 115
- 116
- 117
- 118
- 119
- 120
- 121
- 122
- 123
- 124
- Federal formulas designed to distribute discretionary highway funds should consider all state, insular area, and local efforts to fund highways and not be limited to fuel taxes raised.
  - An increase in federal highway transportation funding is needed in the short-term to provide sufficient funding for the next authorization to meet the new vision and until a new, more stable long-term funding mechanism for surface transportation can be put in place. Any fees or taxes imposed on carbon-based fuels used by vehicles should be recognized as a traditional source for transportation funding and should remain dedicated to the Highway Trust Fund. Congress must migrate the Highway Trust Fund from a gas tax to a new national funding stream. In order to accomplish this, Congress must examine innovative ways that capture all system users. Congress should encourage pilot programs in states for experimentation with approaches, methods and mechanisms. Any system should ensure the privacy of users.
  - As the U.S. Department of Transportation (DOT) establishes the National Motor Vehicle Per-Mile User Fee Pilot as required by Congress in the Infrastructure Investment and Jobs Act, NCSL encourages the following:
    - DOT should ensure that state legislators are represented on the Federal System Funding Advisory Board. Since the early 2000s, state legislatures have been at the forefront of discussions to explore possible replacements for the motor fuel tax, often leading the call for studies and demonstration projects.
    - The framework of the National User Fee Pilot Program should rely heavily upon existing state expertise and in coordination with states who are considering, and who have established alternative transportation funding mechanisms.
  - Apart from the existing Highway Trust Fund flows for transit, NCSL discourages expansion of federal-local funding streams without appropriate coordination with state legislatures as these complicate state-local relationships, financial arrangements, and state match expectations for transportation programs. States possess expertise with federal regulatory and statutory requirements, providing for efficient delivery of projects and ensuring that federal requirements are followed.

- 125 • Congress should continue to encourage and expand incentive-based programs,  
126 such as the Urban Partnerships program, to spur local and regional  
127 transportation innovation in full coordination with state authorities and to promote  
128 the use of tolling, congestion pricing, public transit, telecommuting, real-time  
129 traffic and other advanced technologies (also known as intelligent transportation  
130 systems), and other strategies in a comprehensive approach to achieve  
131 interstate mobility goals through urban congestion reduction.
- 132 • All funding and financing options must be available to state legislatures for state  
133 and federal-aid programs. All current federal restrictions on states' authority to toll  
134 should be removed so that states can optimize resources for capacity expansion,  
135 operations and maintenance while ensuring free flow of goods and  
136 people. Tolling, value-pricing and public-private partnerships (PPPs) should  
137 remain state provinces and are not appropriate federal funding and financing  
138 mechanisms.
- 139 • Federal guidelines should be designed to accommodate private sector support.  
140 The level of private sector participation is best determined by state and local  
141 authorities, and private participation should not be a prerequisite for receiving  
142 federal funds. Statutory or regulatory barriers to state and locally-granted  
143 revenues should be removed. States should continue to have flexibility in  
144 creating legislative and programmatic frameworks for public-private partnerships  
145 (PPPs), and full authority to select and engage in PPP projects.
- 146 • Congress should not mandate or prescribe state use of toll revenues or tolling  
147 mechanisms, though Congress may seek to incentivize states to avoid  
148 redirection of toll revenues to non-transportation uses.
- 149 • Congress should continue Transportation Infrastructure Finance and Innovation  
150 Act (TIFIA), Grant Anticipation Revenue Vehicles (GARVEE), private activity  
151 bond, and State Infrastructure Bank (SIB) programs. Congress should expand  
152 credit-based and loan guarantee programs to incentivize private sector  
153 investment—particularly for freight mobility by rail, highway and waterway—in  
154 projects sponsored by the public sector.

- 155       • Congressional earmarks on transportation spending or for transportation projects  
156       should represent additional funding, should be distributed from non-formula  
157       funds, and should not redirect base funding. Earmarks should fit within a national  
158       objective as defined in the surface transportation program's new vision and must  
159       appear in a state DOT's plan.

160

## 161 **Technology**

162 NCSL endorses the U.S. Department of Transportation's goal of deploying advanced  
163 technologies known as intelligent transportation systems for consumers of passenger  
164 and freight transportation across the nation. Intelligent Transportation Systems are  
165 advanced wireless technologies that maximize the safety, mobility and environmental  
166 performance of the surface transportation system. These services should be integrated,  
167 interoperable, intermodal and voluntary.

168

169 NCSL recognizes that the private sector and the federal government should lead in the  
170 development and bringing to market of reliable and affordable ITS. The federal  
171 government should also set national standards for original equipment manufacturers to  
172 install the necessary technology so that states can take full advantage of the efficiencies  
173 and safety benefits of intelligent transportation systems. Congress should require the  
174 Secretary of Transportation to initiate a rulemaking proceeding that new motor vehicles  
175 be equipped with platforms for interoperable systems that enable vehicle-to-vehicle and  
176 vehicle-to-roadside communications for the purposes of active safety and electronic  
177 tolling and tax collection and to provide a means of accelerating the deployment of this  
178 equipment in existing vehicles.

179

180 Congress should incentivize states to explore and deploy technology for intelligent  
181 infrastructure, making it a high priority and performance measurement benchmark in the  
182 restructured federal surface transportation program. Privacy protections must be  
183 developed and incorporated into all policies and practices governing use of intelligent  
184 transportation systems and technologies. ITS should not be mandated except for

185 legitimate governmental purposes. Any information collected with such technology  
186 should be governed by state laws.

187  
188 The federal government should encourage states to cooperate with the private sector in  
189 the development of real-time traffic information systems.

190  
191 **Planning**

192 Congress must work with state legislators to establish in the next authorization a robust  
193 and cooperative state-federal system to set system plans and priorities for federal  
194 investment. Transportation program plans developed by entities other than those  
195 created by the states must be coordinated with state legislatures to ensure that  
196 proposals fit into state programmatic and funding plans.

197  
198 The federal government is uniquely situated to identify and collect data of importance to  
199 the development of, maintenance of, and planning for a national transportation  
200 system. Congress should incentivize states to share data with the federal government  
201 and not use mandates to elicit participation in data collection and analysis.

202  
203 NCSL supports a negotiated rule-making led by U.S. Department of Transportation  
204 (USDOT), or another collaborative process congressionally mandated and facilitated by  
205 the Transportation Research Board or American Association of State Highway and  
206 Transportation Officials (AASHTO), in which NCSL and state legislatures are fully  
207 represented to determine the necessary level of and standards for uniformity among  
208 states in data collection efforts.

209  
210 **Performance Measures**

211 NCSL encourages the federal government to establish a cooperative process through  
212 which performance measures can be crafted for gauging the success of  
213 programs. Federal funding should not be directly linked to performance measures;  
214 instead, a pilot program should be established in which states can voluntarily participate  
215 to gain incentives such as additional funding or reduced regulatory burdens upon

216 successful deployment and use of performance measures. Performance measures  
217 should be framed as goals for which states may determine the specific measures and  
218 benchmarks.

219  
220 Federal monitoring and compliance standards should accurately reflect compliance  
221 effort and unique state circumstances.

222

### 223 **Freight and Interstate Commerce**

224 Ensuring the safe and timely movement of goods across the nation is an appropriate  
225 federal transportation priority. Robust state-federal consultation should evaluate freight  
226 flows and collaboratively plan the routes and development necessary to maintain and  
227 expand the highway freight corridors.

228

229 Rail capacity expansion should be coordinated with the states to ensure intermodal  
230 cooperation and maximum public benefit.

231

232 The federal government should incentivize states to explore methods of separating  
233 highway freight traffic from passenger traffic for the purposes of efficiently moving  
234 interstate commerce and public safety.

235

236 Federal engagement with, and investment through, the states to ensure effective and  
237 efficient movement of freight through ports or other commerce choke-points is  
238 appropriate.

239

### 240 **Environmental Issues**

241 The federal government has a role to play in ensuring that national environmental policy  
242 meshes with national transportation policy while assuring efficient and cost-effective  
243 approaches to both goals.

- 244 • Efforts to streamline regulatory review processes must continue so that  
245 construction projects can again be realized on-time and on-budget. Congress  
246 should allow and enhance states' programmatic permitting.

- 247       • Incentives to states to achieve environmental quality standards through  
248       transportation projects should replace prescriptive federal regulation and punitive  
249       funding actions.

250

### 251   **Safety**

252   NCSL supports a continued federal role in helping to set national performance and  
253   safety goals. Safety programs should be expanded to incorporate emerging safety  
254   issues while respecting state sovereignty. Due to current prescriptive federal  
255   restrictions, many states are prevented from accessing certain federal funding for  
256   transportation safety. We urge Congress and USDOT to provide additional flexibility to  
257   states so as to ensure all states gain full access to federal funding for transportation  
258   safety.

259

260   Federal transportation safety programs should promote comprehensive safety programs  
261   in the states. NCSL opposes the use of federal sanctions or redirection penalties to  
262   enforce federal safety standards. Federal mandates that are enforced through the use  
263   of "reprogramming" sanctions should be repealed. Any existing federal compliance  
264   standards should reflect overall state effort to promote safety.

265

### 266   **Research and Innovation**

267   NCSL acknowledges that federal leadership and investment in transportation related  
268   research and innovation is needed and appropriate. In particular, NCSL supports  
269   federal research that promotes fuel efficiency, alternative fuels, high-mileage vehicles,  
270   safety and technology. Findings and best practices identified through federal research  
271   should be shared fully with states in an unbiased, nonpartisan and scientific manner.

272

### 273   **Indian Programs**

274   Transportation is an important service program that provides the infrastructure upon  
275   which American Indian tribes' initiatives can be achieved. NCSL recognizes the unique  
276   and extensive transportation funding needs on Indian lands. In an effort to ensure that  
277   these needs are adequately addressed, NCSL supports a direct planning relationship



278 between Indian Nations and state departments of transportation. NCSL further supports  
279 the continuation of the Federal Lands Program and its work with Indian reservations.  
280