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- Policies for Consideration at the 2023 Legislative Summit
- Subcommittee Member Survey
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To: NCSL Executive Committee
From: Molly Ramsdell, vice president, State-Federal Relations
Date: Aug. 13, 2023
Subject: Update on State-Federal Activities

Call to Action Results in New Co-Sponsors

In late June, NCSL made a call to action to add co-sponsors to three federal bills: the Disaster Assistance Simplification Act, the Restore the Partnership Act and the Secure and Fair Enforcement Banking Act. To date, the action has resulted in additional sponsors to the Safe Banking Act—eight in the House and two in the Senate, and one sponsor to the Senate Disaster Assistance Simplification Act.

NCSL continues to meet with congressional staff on the Farm Bill reauthorization, which has yet to be introduced.



Figure 1: NCSL Call to Action Tweet

NCSL Briefs New House Regional Leadership Council

NCSL’s Federal Affairs and Fiscal staff organized and held a briefing at the invitation of the House Regional Leadership Council, created by Minority Leader Hakeem Jeffries (D-N.Y.) and chaired by Rep. Steny Hoyer (D-Md.). The council consists of 12 members of Congress representing different regions of the country who are monitoring the economic impact of major pieces of federal legislation. NCSL Federal Affairs staff were invited to give feedback on these bills. NCSL staff provided valuable information to congressional staff regarding the implementation of the major pieces of federal fiscal legislation Congress passed in the 117th Congress. The briefing included information on state impact with respect to the American Rescue Plan Act, the Infrastructure Investment and Jobs Act, the Inflation Reduction Act, the Bipartisan Safer Communities Act, and the Creating Helpful Incentives to Produce Semiconductors and Science Act (CHIPS).

NCSL Comments Receive Direct Response from Education Department in Final Rule

In July, the Department of Education issued a final rule—Improving Income-Driven Repayment for the William D. Ford Federal Direct Loan Program and the Federal Family Education Loan (FFEL) Program. The final rule quoted from [NCSL’s letter](#), which raised concerns that the rule could “challenge the primacy of the Federal Pell Grant as the federal government’s primary strategy for college affordability and lead to the increased federalization of our higher education system...could incentivize increased borrowing, which would increase the Federal role in the governance of higher education, particularly on issues of institutional accountability, which are historically and currently a matter of state policy.” As expected, the department “disagreed that the rule increases the federal role in the governance of higher education,” and believes that they have “found the right balance of improving affordability and holding institutions accountable as part of our role in the triad.”

Addressing Federal Fiscal Challenges

NCSL continues to call on the administration and Congress to consider serious, long-term reforms that will reduce the national debt and put the country on more sustainable fiscal footing while ensuring states are not disproportionately or unreasonably burdened by federal deficit reduction or delays in the federal budget process, including passage of appropriations bills.

Highlights | Legislation NCSL Is Working On

Farm Bill: NCSL continues to meet with congressional staff on the Farm Bill reauthorization, which has yet to be introduced. Relatedly, NCSL is working with state and local stakeholders in opposing the Exposing Agricultural Trade Suppression Act which, if passed, would erode state and local sovereignty by prohibiting the establishment of laws and statutes that aim to protect the nation's food production and manufacturing.

Recovering America's Wildlife Act: NCSL continues to meet with congressional staff on the re-introduction of the Recovering America's Wildlife Act. It amends the existing Pittman-Robertson Act, which provides funding for the restoration and improvement of wildlife habitat and management to provide an additional \$1.3 billion per year for states and territories to assist in their efforts to conserve, restore and protect wildlife habitats via the congressionally mandated State Wildlife Action Plans. The bill has been reintroduced in the Senate but is awaiting revival in the House. See NCSL's letter to the Senate [here](#).

Federal Aviation Administration Reauthorization: NCSL continues to work toward reauthorization of the Federal Aviation Administration (FAA) and was successful in preventing an amendment in the House that would have ceased all funding to the Essential Air Service program. NCSL has now shifted gears to the Senate, and looks forward to an on-time, bipartisan reauthorization. See NCSL's shared stakeholder letter [here](#).

Autonomous Vehicle Preemption: As in previous Congresses, NCSL is ardently working to prevent Congress from moving forward with legislation on autonomous vehicles with provisions that would preempt state and local authorities. See NCSL's shared stakeholder letter [here](#).

CRA Action: NCSL continues efforts to overturn federal regulator actions using the Congressional Review Act, [visit NCSL's overview and tracking webpage](#).

Select High-Level Federal Meetings

Congressional Leadership: NCSL staff continues to meet regularly with House and Senate leadership offices.

Department of Education: Austin Reid and Molly Ramsdell participated in their quarterly meeting with Education Secretary Miguel Cardona on July 28. NCSL highlighted the work of its Higher Education Task Force, which will host a Summit this December in Washington, D.C., on the state-federal relationship in higher education. NCSL took the opportunity to invite Cardona to the event. NCSL staff also highlighted topics discussed during a recent NCSL meeting of 30 K-12 education committee chairs, including concerns legislators expressed over the rapid wind-down of ESSER funds and the potential budget gaps school districts will face.



Figure 2: Conversation with Secretary Miguel Cardona

Department of Commerce: Erlinda Doherty and Ramsdell met with Susie Feliz, assistant secretary for legislative and intergovernmental affairs, Office of Legislative and Intergovernmental Affairs. The conversation focused on ways Commerce can work closer with NCSL and its members. To start, NCSL will host a conversation with Feliz during NCSL Base Camp.

Department of Energy: Kristen Hildreth met with Spencer Thibodeau, deputy assistant secretary for intergovernmental affairs, on ways the department could work more closely with NCSL and its members. As a result of that conversation, the DOE will be joining the Energy Supply Task Force meeting, bringing David Howell, principal deputy director of the Office of Manufacturing and Energy Supply Chains, to talk on critical minerals and securing the domestic supply chain.

Department of Health and Human Services: Lauren Kallins and Wade Fickler met with Rebecca Jones Gaston, commissioner of the Administration on Children, Youth and Families (ACYF). The meeting was at her request to explore ways ACYF and NCSL might partner together.

Department of Labor: Deanna Ross and Zaakary Barnes participated in monthly DOL intergovernmental calls, where they received high-level briefings from senior department officials on apprenticeships, youth employment efforts, and the DOJ Servicemembers Civil Relief Act (SCRA) license portability amendment to protect servicemembers and their spouses. To foster more engagement between the department and NCSL members, Ross continued bi-weekly check-ins with Richard Cesar, director of intergovernmental affairs, and Nezly Silva, deputy director of intergovernmental affairs.

United States Trade Representative's (USTR) Office: Jon Jukuri participated in monthly USTR Intergovernmental Policy Advisory Committee calls outlining upcoming and ongoing international trade activities and economic cooperatives. He also attended additional meetings with Sophia Sokolowski, the director of intergovernmental affairs at USTR.

Recent NCSL Member Briefings on Federal Actions

Federal Student Loan Repayment Program: In July, Austin Reid, NCSL's director of federal education policy, hosted a virtual briefing for legislators and staff to discuss the recent federal actions to help borrowers successfully reenter student loan repayment and detailed the implications for state policymakers and student loan borrowers. Watch the webinar [here](#).

CHIPS Programs: In June, NCSL hosted a briefing for state legislators and staff during which Department of Commerce officials described the CHIPS programs and answered questions about how states and territories can participate. Watch the webinar [here](#).

NCSL Policy Directives and Resolutions

In preparation for the Legislative Summit, NCSL again hosted policy week—June 20-26. During that week, each committee hosted a one-hour call for legislators and legislative staff to learn about NCSL Standing Committee policy processes and discuss existing policy directives and resolutions scheduled for consideration at the Legislative Summit. The committees will be considering 40 policies this week during their meetings. Access the policies [here](#).

U.S. Supreme Court

NCSL in D.C. has been monitoring and reporting on U.S. Supreme Court rulings. Below are the latest:

Independent State Legislature Theory: In *Moore v. Harper*, the justices rejected a reading of the Constitution that would have given state legislatures largely unchecked power over federal elections. Read [more](#).

Student Loan Forgiveness Program: In addition to striking down the administration's student loan forgiveness program, the justices ruled that individual borrowers who challenged the plan because they did not qualify for the maximum amount of available relief lacked standing to bring their case. Read [more](#).

Immigration Rulings: The court issued two immigration rulings in its race to finish the final month of its 2022-23 term. The decisions in *U.S. v. Hansen* and *U.S. v. Texas* are victories for the Biden administration, which prevailed in both. Read [more](#).

Use of Race in the College Admissions Process: The justices held that admissions programs at Harvard and the University of North Carolina violate the equal protection clause of the 14th Amendment, and that race can no longer be used as a factor in admissions. Read [more](#).

Corporate Registration Law in Personal Jurisdiction Case: The court upheld the constitutionality of a Pennsylvania law requiring out-of-state companies that want to do business in the state to register and consent to appear in a Pennsylvania court if they are sued. Read [more](#).

Indian Child Welfare Act Case: In *Haaland v. Brackee*, the court upheld the constitutionality of the Indian Child Welfare Act in a case addressing sovereignty in adoption proceedings involving Native American children. Read [more](#).

Section 2 of the Voting Rights Act: The court ruled that the recently redistricted Alabama congressional map likely violated Section 2 of the Voting Rights Act by diluting the votes of Black residents. The justices maintained the status quo by siding with Black voters in the Alabama case and leaving the door open, for now, for cases that allege racial gerrymandering. Read [more](#).

NCSL in D.C. Publications, Letters and Comments

- [NCSL Joint Stakeholder Letter Opposing FAA Reauthorization Amendment to Strike EAS](#) (July 19, 2023)
- [NCSL Joint Stakeholder Letter to Congress Opposing Autonomous Vehicle Preemption](#) (July 17, 2023)
- [NCSL Letter in Support for the Recovering America's Wildlife Act](#) (June 21, 2023)