



2021 Proposed National Municipal Policy Amendments & Resolutions

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REPORT OF THE

FINANCE, ADMINISTRATION AND

INTERGOVERNMENTAL

RELATIONS

FEDERAL ADVOCACY COMMITTEE

FAIR

PROPOSED POLICY AMENDMENTS

Only sections of the *NLC National Municipal Policy (NMP)* where modifications are proposed are reproduced in this report. The complete text of the current *NMP*, divided into seven policy chapters, can be found [here](#) or at <http://www.nlc.org/influence-federal-policy/resources/national-municipal-policy>.

Please note:

- Proposed new language is underlined;
- Proposed language for deletion is ~~struck out~~; and
- Existing, unchanged language is shown as plain text.

POLICY: There are no proposed amendments to existing policy.

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WHEREAS, state and local governments share with the federal government the responsibility to ensure public health and safety are addressed through competent, thoughtful, and comprehensive legislation and regulation that is reflective of local values and needs; and

WHEREAS, an increasing number of states have passed or are considering voter referenda or legislation to authorize the legal growth and distribution of cannabis for adults' recreational use; and

WHEREAS, nearly all states have passed voter referenda or legislation authorizing the legal growth, distribution, possession and use of cannabis for a variety of medical conditions for patients suffering from serious and chronic diseases; and

WHEREAS, cannabis' status as a Schedule I illicit substance on the Controlled Substances Act (CSA) and the CSA's coupling with the Bank Secrecy Act have created a condition under which the cannabis industry has severely limited access to the federally regulated banking industry; and

WHEREAS, this condition has led to a reliance on “cash only” models that involve the transportation of large sums of paper money through cities, increase the risks of theft crimes and tax evasion, and deny large groups of business owners the capital needed to enter the market; and

WHEREAS, the federal government has rescinded guidance that previously provided a minimal level of confidence for financial institutions looking to provide services to this growing industry.

NOW, THEREFORE, BE IT RESOLVED that, while it takes no stance on state-by-state efforts to legalize or prohibit any form of cannabis, NLC urges the federal government to resolve the conflict between state and federal cannabis laws, and to provide guidance to financial institutions that results in the cannabis market having access to the federally regulated banking system.

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WHEREAS, many local and state governments are struggling to provide retirement security for employees over the long term, while dealing with structural budget problems, tax base and investment losses from the economic downturn, and other fiscal pressures; and

WHEREAS, local and state governments are proposing changes to pension plan offerings that can address budget problems, while also reducing the cost of retirement benefits to public sector employees through their voluntary election of alternative plans; and

WHEREAS, the perpetual underfunding could jeopardize city services as a growing percentage of budgets are forced to reconcile these shortfalls; and

WHEREAS, the U.S. Department of the Treasury has been asked by several local and state governments to review such pension plan proposals and issue such guidance as provided prior to 2006.

BE IT FURTHER RESOLVED, NLC calls upon the U.S. Department of the Treasury to expeditiously promulgate clarifying guidelines or rules that ensure favorable tax treatment of certain retirement plan contributions picked up by governmental employers when employees are given an option to choose a lower-cost plan.

1 NLC RESOLUTION #3

2
3 PRESERVING THE TAX-EXEMPT STATUS OF MUNICIPAL BONDS

4
5 **WHEREAS**, the federal tax exemption for municipal bonds has been in place since the federal
6 income tax was instituted in 1913; and

7
8 **WHEREAS**, tax-exempt municipal bonds are the primary funding mechanism for state and local
9 government infrastructure projects with three-quarters of the total United States investment in
10 infrastructure being accomplished with tax-exempt financing from over 50,000 state and local
11 governments and authorities; and

12
13 **WHEREAS**, the tax-exemption for municipal bonds was granted to ensure affordable access to
14 credit for municipal projects that, among other things, provide for public health and well-being, and
15 as a result, local governments have saved taxpayers an average of 20 to 25 percent on interest costs
16 with tax-exempt municipal bonds as compared to taxable bonds; and

17
18 **WHEREAS**, a cap or elimination of the federal tax exemption for municipal bonds would place
19 federal, state, and local governments at cross-purposes because any savings realized by the federal
20 government as a result of tampering with the tax exemption would be more than offset by economic
21 losses at the state and local level due to higher credit costs, canceled infrastructure projects, fewer
22 job opportunities, and a greater burden on local taxpayers; and

23
24 **WHEREAS**, stability in the municipal bond market rests on the tax exemption for municipal bonds,
25 and market stability is essential to local and national economic recovery; and

26
27 **NOW, THEREFORE, BE IT RESOLVED** that the National League of Cities (NLC) calls on
28 members of Congress and the President to state their support for maintaining the tax exemption for
29 municipal bonds to promote employment and investment in our nation's cities and towns.

30
31 **BE IT FURTHER RESOLVED** that NLC opposes any attempt to eliminate or limit the federal tax
32 exemption for municipal bonds as a part of a federal deficit reduction plan, pension reform
33 legislation or as a consequence of efforts to advance comprehensive tax reform; and

34
35 **BE IT FURTHER RESOLVED** that NLC supports maintaining the tax exemption for qualified
36 private activity bonds (PABs) to finance critical infrastructure, affordable housing projects and other
37 local services; and

38
39 **BE IT FURTHER RESOLVED** that NLC supports reinstating the tax exemption on advance
40 refunding bonds that allows cities to respond to market fluctuations, achieve lower interest rates,
41 responsibly save local taxpayer dollars and free up capital to make additional infrastructure
42 improvements; and

43
44 **BE IT FURTHER RESOLVED** that NLC supports efforts to reduce the cost and redundant
45 burdens of issuance and administration by eliminating redundant rules on arbitrage and private use;
46 and

48 **BE IT FURTHER RESOLVED** that NLC supports Congress and the Administration providing
49 greater certainty to municipal issuers of tax credit and other federally subsidized bonds by exempting
50 subsidies from sequestration rules.

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WHEREAS, the U.S. Census Bureau serves as the leading source of quality data about the nation's people and economy; and

WHEREAS, the U.S. Census Bureau conducts the decennial census to fulfill the constitutionally mandated enumeration of all persons living in the United States once a decade; and

WHEREAS, the data collected through the decennial census and related surveys are the basis for defining federal, state and local political districts; determining how more than \$800 billion of federal funding is distributed and allocated across state and local governments; and informing much of our research, planning and decision-making processes; and

WHEREAS, Title 13 of the United States Code requires the Census Bureau to keep personally identifiable information strictly confidential and ensure only necessary information is being collected.

BE IT FURTHER RESOLVED, that NLC supports the U.S. Census Bureau’s use of sound scientific and objective methods to apply statistical samplings, conduct surveys, and collect preliminary and supplemental statistics; and

BE IT FURTHER RESOLVED, that NLC recognizes the importance and necessity of the decennial census, American Community Survey, Economic Census, Census of Governments, Annual Population Estimates, and other related surveys and statistics to local governments across the nation; and

BE IT FURTHER RESOLVED, that NLC supports funding for and robust implementation of the decennial census and related surveys; and

BE IT FURTHER RESOLVED, that NLC opposes the addition of a citizenship question and other untested questions to the census, which are projected to depress self-reporting rates and lower the quality of data, to the decennial questionnaire; and

BE IT FURTHER RESOLVED, that NLC opposes legislation that would make the American Community Survey a voluntary survey, as well as any other bills that would eliminate the American Community Survey, Economic Census, Census of Governments, Annual Population Estimates, and other related surveys and statistics relevant to local governments across the nation; and

BE IT FURTHER RESOLVED, that NLC urges Congress, the administration, the U.S. Census Bureau and other federal agencies to ensure that personally identifiable information produced through the decennial census and related surveys will only be handled in compliance with Title 13 statutes; and

BE IT FURTHER RESOLVED, that NLC urges the U.S. Census Bureau and Department of Commerce to address the continuing challenges many of our communities face as a result of the digital divide when planning and executing the decennial census and related surveys.

OPPOSITION TO A “BALANCED BUDGET AMENDMENT” TO THE U.S. CONSTITUTION

BE IT FURTHER RESOLVED, that Congress and the Administration should work together to find bipartisan solutions that put the U.S. on a long-term trajectory to safe and sound fiscal conditions and sustained economic vitality.

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WHEREAS, prior to January 1, 2018, municipal governments could issue tax exempt securities know as advance refunding bonds; and

WHEREAS, lower borrowing costs allowed issuers to save at least \$12 billion of local tax dollars per year in debt servicing costs and free up capital to invest in additional infrastructure improvements, better balance budgets and lower local tax rates; and

WHEREAS, the Tax Cuts and Jobs Act of 2017 eliminated the ability of municipalities to issue single use tax exempt advance refunding bonds.

BE IT FURTHER RESOLVED, that Congress and the Administration should not alter the tax exemption on municipal securities that remains critical to the fiscal health and proper functioning of our communities.

1 **NLC RESOLUTION #7**

2
3 **CALLING FOR THE MODERNIZATION OF THE SMALL BORROWER'S**
4 **EXEMPTION (BANK QUALIFIED DEBT)**
5

6 **WHEREAS**, small municipalities frequently struggle to access financing opportunities through
7 the traditional bond underwriting process; and
8

9 **WHEREAS**, local and community banks are typically disincentivized from purchasing and
10 holding municipal securities due to their inability to deduct the associated carrying costs from
11 their federal income tax returns; and
12

13 **WHEREAS**, governments issuing \$10 million or less in bonds per calendar year are able to have
14 their bonds designated as bank-qualified; and
15

16 **WHEREAS**, banks are able to deduct most of the carrying costs associated with holding bank-
17 qualified bonds and are therefore incentivized to buy directly from small municipalities; and
18

19 **WHEREAS**, these small municipalities are able to bypass the traditional underwriting process
20 by selling their bank-qualified bonds directly to local banks at a substantial cost savings to local
21 taxpayers; and
22

23 **WHEREAS**, more than three decades of inflation has reduced the utility of the \$10 million
24 threshold since it was set in 1986, leading to fewer small municipalities being able to issue bank-
25 qualified debt; and
26

27 **WHEREAS**, the threshold was temporarily increased to \$30 million from 2009 to 2010, which
28 created a market for thousands of small borrowings for small municipalities during the Great
29 Recession.
30

31 **NOW, THEREFORE, BE IT RESOLVED**, that the National League of Cities (NLC) supports
32 the modernization of the small borrower's exemption to allow more small municipalities,
33 struggling to finance critical projects through the traditional bond underwriting process, to issue
34 bank-qualified debt; and
35

36 **BE IT FURTHER RESOLVED**, that the small borrower's exemption threshold should be
37 permanently raised to \$30 million and indexed to inflation for all future calendar years;
38

39 **BE IT FURTHER RESOLVED**, that the small borrower's exemption should be modified to
40 apply to governmental issuers and the borrowing organizations separately regardless of the issuer
41 and permit 501(c)(3) organizations to provide the designation.

1 **NLC RESOLUTION #8**

2
3 **IN SUPPORT OF FEDERAL ACTION ON THE COVID-19 CRISIS**

4
5 **WHEREAS**, the ongoing COVID-19 pandemic presents an unprecedented threat to the
6 wellbeing of America's cities, towns and villages; and
7

8 **WHEREAS**, the COVID-19 pandemic and resulting economic fallout is overwhelming the
9 social safety net, public safety, health and medical infrastructure, education facilities, public
10 institutions, and businesses of American cities, towns and villages; and

11 **WHEREAS**, on March 13, 2020, President Trump proclaimed that the COVID-19 outbreak in
12 the United States constitutes a national emergency, and
13

14 **WHEREAS**, businesses and schools have closed to limit transmission and transitioned to
15 mandatory remote work or online learning, despite the large numbers of residents who lack
16 access to adequate broadband at home or cannot afford a subscription; and
17

18 **WHEREAS**, countless community events have been cancelled and local governments are
19 conducting meetings and business online in order to adhere to social distancing protocols as
20 established by the Administration; and
21

22 **WHEREAS**, local governments are on the frontlines of our nation's public health emergency
23 response and overall public safety efforts and need strong federal, state and local
24 intergovernmental collaboration to address this crisis; and
25

26 **WHEREAS**, the National League of Cities (NLC) undertook the Cities Are Essential campaign
27 aimed at making federal emergency aid available to all 19,000 cities, towns, and villages and
28 continues to fight hard on this front; and
29

30 **WHEREAS**, cities, towns and villages are experiencing unanticipated expenses due to the
31 COVID-19 crisis as well as declining local revenue streams as the economy slows; and
32

33 **WHEREAS**, a survey by the NLC of elected officials and city/town manager from cities, towns
34 and villages from across the country found that local governments are taking a variety of actions
35 to address the public health crisis and keep vulnerable populations safe, such as closing facilities
36 and banning large gatherings, halting utility shutoffs and funding food delivery programs, like
37 school meal replacement; and
38

39 **WHEREAS**, based on results of a similar survey conducted by the International City/County
40 Management Association and the Government Finance Officers Association, it is estimated that
41 60% of local governments anticipate spending up to \$500,000 in the next six months on COVID-
42 19-related expenses.
43
44

NOW, THEREFORE, BE IT RESOLVED that NLC calls on Congress and the Administration to take immediate, direct action to support pandemic response and recovery at the local level; and

BE IT FURTHER RESOLVED that NLC calls on the federal government to develop and coordinate a comprehensive containment strategy that involves commitments of federal funding, supplies, equipment, training, expertise, personnel, countermeasures, and public health measures; and

BE IT FURTHER RESOLVED that NLC urges Congress to enact a stabilization fund for local government operations and services that makes emergency aid available to every unit of local government, including cities, counties and states; and that minimizes any new administrative burdens on state governments by providing uniform suballocation requirements for every state to clearly and efficiently transfer funding to all localities that do not meet requirements for direct federal aid, within 20 days for rapid-response and on-the-ground programming; and

BE IT FURTHER RESOLVED that NLC calls on Congress to provide substantial emergency supplemental appropriations to local governments for the purpose of stabilizing residents, households, and small businesses that have lost income and opportunity as a result of public measures to contain COVID-19, through existing programs including, but not limited to, the Community Development Block Grant (CDGB), the Surface Transportation Block Grant, the Social Services Block Grant, and the Community Services Block Grant; and

BE IT FURTHER RESOLVED that Congress should reduce burdensome reporting requirements and suspend the 15% public services cap on emergency supplemental funding for CDBG, which will allow for maximum flexibility in the use of the funds to assist vulnerable residents with critical social services (i.e., health services, food pantries, senior meals programs) and short-term rental assistance to help stave off evictions and assist people impacted by the massive slowdown occurring in local economies; and

BE IT FURTHER RESOLVED that Congress should support additional policies and programs that will provide local governments assistance, stimulate the economy and provide relief to residents and businesses, including but not limited to:

- funding for homelessness assistance, emergency rent relief, and other housing assistance funds to prevent housing instability and homelessness;
- supporting critical infrastructure services that depend on fares, including transit service and airports, which are essential to economic recovery; expanding access to the lifeline program for low-income residents to subscribe to broadband at home;
- deploying emergency rapid-response funding to schools and libraries to distribute wireless hotspots for residents without in-home broadband;
- providing a mix of grants and loans for economic development assistance;
- restoring tools for efficient use of government resources such as the advanced refunding tax exempt bonds;
- expanding tax supports for individuals and families including the Earned Income Tax Credit and the Child Tax Credit;

- ensuring the Federal Emergency Management Agency has enough resources to provide long-term technical, financial and procurement assistance to local governments to manage response and recovery efforts; and
- supporting local law enforcement, fire and emergency medical services.

BE IT FURTHER RESOLVED that NLC urges Congress to include a provision in law that provides tax credits to local governments for providing mandated paid sick and paid emergency family leave under the Families First Coronavirus Response Act; and

BE IT FURTHER RESOLVED that NLC urges the Congress to adopt the 2020 Census Deadline Extensions Act, a bipartisan, bicameral piece of legislation that would extend the apportionment data from December 31, 2020 to April 30, 2021 and extend the statutory delivery of redistricting data to the states from March 31, 2021 to July 31, 2021; and

BE IT FURTHER RESOLVED that NLC urges the Administration to extend agency comment periods and suspend federal shot clocks for a reasonable period of time to allow state and local leaders to focus on addressing the nation's immediate pandemic response needs and ensure their ability to devote proper consideration of agency regulations; and

BE IT FURTHER RESOLVED that NLC urges the federal government to respect local governance and local democracy during this unprecedented time; and

BE IT FURTHER RESOLVED that NLC urges Congress and the Administration to oppose measures that create new unfunded mandates on local governments, or those that preempt local authority.

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WHEREAS, Opportunity Zone legislation was part of the Tax Cuts and Jobs Act of 2017 (“TCJA”); and

WHEREAS, Opportunity Zones are designed to provide equity investments in low-income communities nationwide; and

WHEREAS, the underlying incentive for Opportunity Zones is the tax treatment of capital gains; and

WHEREAS, Opportunity Funds invest in Opportunity Zone businesses; and

WHEREAS, residents and investors in Opportunity Zones might not have access to personal capital gains or capital gains from a Fund needed to start a business in an Opportunity Zone community; and

NOW, THEREFORE, BE IT RESOLVED, that NLC will work with Congress to help those who lack capital gains and those who cannot access capital through an existing Opportunity Zone Fund to use alternative mechanisms to allow businesses to qualify as an Opportunity Zone Business; and

BE IT FURTHER RESOLVED, that NLC will work with Congress to eliminate specific high-income census tracts that do not meet the spirit of the incentive and replace them with tracts more deserving of the designation; and

BE IT FURTHER RESOLVED, NLC will advocate for providing support to communities for capacity building and technical assistance that enhance a community’s ability to leverage the Opportunity Zones incentive to meet their economic development goals.

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WHEREAS, The IRS’s Volunteer Income Tax Assistance (VITA) and Tax Counseling for the Elderly (TCE) programs offer free basic tax return preparation to qualified individuals; and

WHEREAS, VITA/TCE services are not only free, they are also a reliable and trusted source for preparing tax returns. All VITA/TCE volunteers who prepare returns must take and pass tax law training that meets or exceeds IRS standards; and

WHEREAS, These sites generated over \$1.8 billion in refunds to households generally earning less than \$54,000 in annual income; and

NOW, THEREFORE, BE IT RESOLVED, that NLC will ask Congress to adequately fund both VITA and TCE.

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WHEREAS, the economic impact payments (CARES Act stimulus payments) generally require taxpayers to file a tax return for 2018 or 2019 to qualify; and

WHEREAS, VITA/TCE sites might experience shutdowns due to the ongoing COVID-19 pandemic during tax year 2020 filing season; and

WHEREAS, Free File is an easy way for low-income households with internet access to file a return—and become eligible for the payments-without having to leave their homes; and

WHEREAS, The Tax Policy Center estimates about 15 million households did not file returns in 2019, and the Joint Committee on Taxation found as many as 30 million individuals were nonfilers in 2011. Many non-filers otherwise would qualify for the financial support; and

WHEREAS, The average fee for a professional to prepare and submit a Form 1040 and state return with no itemized deductions is \$176. The average fee for an itemized Form 1040 with Schedule A and a state tax return is \$273, according to The National Society of Accountants Reports on Average Tax Return Preparation Fees; and

NOW, THEREFORE, BE IT RESOLVED, that NLC will advocate for as many individuals and taxpayers to take advantage of Free File and encourage the IRS to reauthorize the program with the Free File Alliance when it expires on October 31, 2020.

1 NLC RESOLUTION #12

2
3 **SUPPORT FOR REFORMING THE EARNED INCOME TAX CREDIT FOR**
4 **CHILDLESS WORKERS**
5

6 **WHEREAS**, The Earned Income Tax Credit (EITC) is a refundable credit to eligible workers.
7 Even if a worker does not owe any federal tax, the worker may benefit from it; and
8

9 **WHEREAS**, The EITC is the nation's largest cash antipoverty program, with a tax year 2016
10 (returns filed in 2017) total of \$66.7 billion claimed on 27.4 million tax returns. Most of the
11 claimed EITC dollars—\$64.7 billion, or 97% of total EITC dollars—were for taxpayers with
12 children compared to \$2.1 billion in claimed EITC for taxpayers with no qualifying children; and
13

14 **WHEREAS**, the EITC is so small for childless workers, it effectively does not lift them out of
15 poverty because the EITC for this group is much too small (and for some, isn't available at all) to
16 offset the income taxes and employee share of payroll taxes that they must pay; and
17

18 **WHEREAS**, this affects 5 million childless adults aged 21 through 66; and
19

20 **WHEREAS**, The maximum credit in 2018 is \$519 for a childless worker. In contrast, workers
21 with two children can get a maximum credit of \$5,716—more than 10 times as much; and
22

23 **WHEREAS**, The credit starts to phase out for single workers with no children at home once
24 they make \$8,490 (and is fully phased out once they make \$15,270). Single workers with two
25 children start seeing their credit phase out once earnings reach \$18,660 and continue to receive
26 some amount of the credit as long as their income is below \$45,802. Married couples start seeing
27 their credit phase out once they make \$24,350 and remain eligible for at least some EITC until
28 their incomes reach \$51,492; and
29

30 **WHEREAS**, Recipients without children must be at least 25 years old – there are no age
31 restrictions for parents; and
32

33 **NOW, THEREFORE, BE IT RESOLVED**, that NLC will support Congress making the EITC
34 for childless workers more robust as a way to help reduce poverty in cities.

1 NLC RESOLUTION #13

2
3 **EXPAND PENALTY FREE WITHDRAWALS FROM RETIREMENT ACCOUNTS FOR**
4 **THE LONG-TERM UNEMPLOYED**
5

6 **WHEREAS**, at the height of the pandemic recession 1.5 million state and local government
7 employees lost their jobs; and
8

9 **WHEREAS**, as of the August jobs report, government employment levels remain more than
10 800,000 jobs below their February numbers; and
11

12 **WHEREAS**, because unemployment compensation is available only for a limited period, some
13 long-term unemployed individuals may have no choice but to take distributions from an IRA or
14 tax qualified retirement plan to pay for basic necessities for themselves and their families; and
15

16 **Whereas**, although the 10-percent additional tax is intended to deter individuals from using
17 retirement savings for purposes other than retirement, imposing the additional tax on
18 distributions to a long-term unemployed individual further erodes the limited resources available
19 to the individual without having a substantial deterrent effect; and
20

21 **NOW, THEREFORE, BE IT RESOLVED**, as a way of stabilizing the economy and helping
22 prevent individuals and families from falling further onto the economic margins, this proposal
23 would expand the exception from the 10-percent additional tax to cover more distributions to
24 long-term unemployed individuals from an IRA and to include distributions to long-term
25 unemployed individuals from a section 401(k) or other tax-qualified defined contribution plan;
26 and
27

28 **BE IT FURTHER RESOLVED**, An individual would be eligible for this expanded exception
29 with respect to any distribution from an IRA, section 401(k), or other tax-qualified defined
30 contribution plan if: (1) the individual has been unemployed for more than 26 weeks by reason of
31 a separation from employment and has received unemployment compensation for that period (or,
32 if less, for the maximum period for which unemployment compensation is available under State
33 law applicable to the individual); (2) the distribution is made during the taxable year in which the
34 unemployment compensation is paid or in the succeeding taxable year; and (3) the aggregate of
35 all such distributions does not exceed \$100,000.

NLC RESOLUTION #14

ENCOURAGING CONGRESS TO CONSIDER LOW INCOME TAXPAYERS WHEN DEVELOPING POLICIES

WHEREAS, to receive economic impact payment from the CARES Act, most taxpayers had to file an income tax return for 2018 or 2019 to qualify; and

WHEREAS, many taxpayers who do not owe federal income taxes benefit from refundable tax credits, creating an incentive to file; and

WHEREAS, many low income taxpayers who do not qualify for refundable credits might skip filing a tax return if they have an income of approximately \$12,200 or less. This number represents 10 million single individuals; and

WHEREAS, since this group of individuals is not used to filing an income tax return, they might not have filed in 2019 and miss out on the economic impact payment; and

NOW, THEREFORE, BE IT RESOLVED, that NLC will advocate to Congress that when legislation impacting low income individuals is considered, lawmakers need to consider the effects that not needing to file a tax return will have on Americans' access to benefits.

EXEMPTS FROM TAXATION INCOME FROM LOAN MODIFICATION, FORGIVENESS OR CANCELLATION FOR SMALL BUSINESSES

WHEREAS, the recent economic downturn and lockdown forced many businesses for forgo significant amounts of revenue; and

WHEREAS, today, many small businesses are fighting for survival, and creditors face a choice of demanding payment under the original terms outlined in the agreement or engage in loan modification, forgiveness or cancellation; and

WHEREAS, the modification, forgiveness and cancellation of debt comes with its own burdens;
and

WHEREAS, for example, XYZ business has a loan with a bank with a balance of \$500,000, and modifies the loan to cancel 50 percent of the balance -- \$250,000. The business will receive a 1099-C stating it had income of \$250,000 for that tax year. The business might not have the corresponding cashflow to pay the taxes on the cancelled portion of the loan when the tax bill comes due and may have to close despite altering its loan terms to try to stay afloat.

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1 NLC RESOLUTION #17

2
3 ENHANCING PROTECTIONS FOR SMALL BUSINESSES THAT UTILIZED PPP
4 LOANS
5

6 **WHEREAS**, The Paycheck Protection Program (“PPP”) is a loan designed to provide a direct
7 incentive for small businesses to keep their workers on the payroll; and
8

9 **WHEREAS**, the Small Business Administration (“SBA”) will forgive loans if all employee
10 retention criteria are met, and the funds are used for eligible expenses; and
11

12 **WHEREAS**, a force reduction of full time employees (“FTE”) of 50 percent from the test—
13 period February 15 – December 31, 2019 or January 1, 2020 – February 29, 2020—when
14 compared against the period of the loan, would means the business who applied for the loan
15 would only have 50 percent of their loan forgiven; and
16

17 **WHEREAS**, to illustrate the previous clause, small business XYZ has a loan amount of
18 \$100,000. The loan period is 8 weeks (April 6- June 1, 2020). XYZ had 20 employees during the
19 pre-COVID testing period (February 15 – December 31, 2019). XYZ has 10 employees during
20 the loan period. The reduction in forgiveness computation is as follows: $\$100,000 - (\$100,000 \times$
21 $(10/20) = \$50,000$. Thus, the loan forgiveness is \$50,000; and
22

23 **WHEREAS**, the PPP program’s rules state if an employer makes a “good faith” effort to rehire
24 an employee and the employee declines, the employee will not count against the number of
25 employees during the loan period; and
26

27 **NOW, THEREFORE, BE IT RESOLVED**, for businesses with 500 employees or less, a
28 “good faith” effort mean as providing documentation of any kind to reflect an offer to return to
29 work was extended to an existing employee prior to local or state mandates; and
30

31 **BE IT FURTHER RESOLVED**, for businesses with 100 employees or less, the threshold for
32 receiving full forgiveness of the loan amount as it relates to maintaining employees should not be
33 100 percent employee retention, rather the threshold should be set at 75 percent.

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NLC RESOLUTION #18

SUPPORT FOR THE JOHN LEWIS VOTING RIGHTS ACT

WHEREAS, voting is fundamental to democracy in the United States’ form of government; and

WHEREAS, the Voting Rights Act of 1965 has provided millions of Black, Latinx, Asian American and Native American citizens who were previously denied suffrage with a more equitable opportunity to cast a ballot; and

WHEREAS, in the 2013 Shelby County v. Holder decision, the Supreme Court upheld Section 5 of the Voting Rights Act, requiring jurisdictions with a history of discrimination to submit any proposed changes in voting procedures to the U.S. Department of Justice or a federal district court in Washington, D.C. to ensure the change would not harm minority voters (known as “preclearance”); and

WHEREAS, the Supreme Court of the United States struck down Section 4(b) of the Voting Rights Act of 1965, which contained a coverage formula determining which jurisdictions are covered by Section 5 of the Act; and

WHEREAS, Section 5 of the Voting Rights Act of 1965 is rendered practically inoperable until Congress enacts a new coverage formula; and

WHEREAS, following the 2013 decision, states enacted new voting restrictions that would otherwise be subject to preclearance under Section 5 of the Voting Rights Act of 1965; and

WHEREAS, the House of Representatives of the United States, in a report entitled Voting Rights and Election Administration in the United States of America concluded that “without federal protections, new and old barriers to voting have emerged” that “disproportionately impact minority voters”; and

WHEREAS, the John Lewis Voting Right Advancement Act creates a new coverage formula that applies to all states; and

WHEREAS, the John Lewis Voting Right Advancement Act establishes a targeted process for reviewing voting changes in jurisdictions nationwide, focused on measures that have historically been used to discriminate against voters; and

WHEREAS, the National League of Cities is opposed to any federal laws that disenfranchise individuals from exercising their most fundamental constitutional right to vote;

NOW, THEREFORE, BE IT RESOLVED, that the National League of Cities supports the John Lewis Voting Rights Advancement Act and urges its enactment into law.

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WHEREAS, voting is fundamental to democracy in the United States' form of government; and

WHEREAS, NLC is opposed to any federal laws that disenfranchise individuals from exercising their most fundamental constitutional right to vote; and

WHEREAS, voting is a constitutionally protected right; and,

NOW, THEREFORE, BE IT RESOLVED, that the National League of Cities calls upon the United States Congress to declare Election Day a national holiday; and

BE IT FURTHER RESOLVED, that the National League of Cities shall advocate for the fourth Tuesday of September as National Voter Registration Day; and

BE IT FURTHER RESOLVED, that the National League of Cities calls upon the United States Congress to pass legislation establishing a minimum period for early voting in elections for Federal office.

REPORT OF THE

**ENERGY, ENVIRONMENT AND
NATURAL RESOURCES
FEDERAL ADVOCACY COMMITTEE**

EENR

PROPOSED POLICY AMENDMENTS

Only sections of the *NLC National Municipal Policy (NMP)* where modifications are proposed are reproduced in this report. The complete text of the current *NMP*, divided into seven policy chapters, can be found [here](#) or at <http://www.nlc.org/influence-federal-policy/resources/national-municipal-policy>.

Please note:

- Proposed new language is underlined;
- Proposed language for deletion is ~~struck out~~; and
- Existing, unchanged language is shown as plain text.

POLICY: There are no proposed amendments to existing policy.

1 NLC RESOLUTION #20

2
3 SUPPORTING LOCAL PACE PROGRAMS

4
5 **WHEREAS**, utility bills represent a major part of operating costs for home and business owners;
6 and

7
8 **WHEREAS**, the building sector accounts for 39 percent of the nation’s energy use, 72 percent
9 of its electricity use, one third of all global greenhouse gas emissions and represents the single
10 largest, most accessible opportunity for deep emission cuts in the United States; and

11
12 **WHEREAS**, investing in cost-effective energy efficiency and renewable energy improvements
13 to homes and businesses can save energy, cut utility bills up to \$140 billion per year, create
14 thousands of local jobs, reduce reliance on fossil fuels, and dramatically reduce greenhouse gas
15 emissions; and

16
17 **WHEREAS**, a 2013 study that found default risks are on average 32 percent lower in energy
18 efficient homes and recommends that the lower risks associated with energy efficiency should be
19 taken into consideration when underwriting mortgages;¹ and

20
21 **WHEREAS**, Property Assessed Clean Energy (PACE) financing programs are an innovative
22 local government solution to help property owners finance energy efficiency and renewable
23 energy improvements – such as energy efficient HVAC systems, upgraded insulation, new
24 windows, solar installations, etc. – to their homes and businesses; and

25
26 **WHEREAS**, PACE programs can also be used for other types of projects that provide public
27 and community benefits, such as improving community resilience to hurricanes and wildfires
28 and managing stormwater and tidal flooding; and

29
30 **WHEREAS**, the PACE program removes many of the barriers of energy efficiency and
31 renewable energy retrofits that otherwise exist for residential homeowners and businesses,
32 particularly the high upfront cost of making such an investment and the long-term ability to reap
33 the benefits of cost savings; and

34
35 **WHEREAS**, 37 states plus the District of Columbia have passed laws enabling local
36 governments to develop PACE programs; and

37
38 **WHEREAS**, locally-administered PACE programs are an exercise of the traditional authority of
39 local governments to utilize the tax code for public benefit; and

40
41 **WHEREAS**, PACE programs help local governments meet a core obligation to their citizens to
42 maintain housing stock and improve housing opportunities for all citizens; and

43

¹ *Home Energy Efficiency and Mortgage Risk*, UNC Center for Community Capital and Institute for Market Transformation, (March 2013), available at: <http://www.imt.org/resources/detail/home-energy-efficiency-and-mortgage-risks>

44 **WHEREAS**, the PACE program is an achievement of the intergovernmental partnership to
45 realize national policy goals, namely, reducing energy consumption, that will positively impact
46 the fiscal conditions of every level of government; and

47
48 **WHEREAS**, PACE holds the potential to unlock private capital and jumpstart economic growth
49 backed by the marketplace certainty of the federal government; and

50
51 **WHEREAS**, despite PACE’s great promise, in July 2010 the Federal Housing Finance Agency
52 (FHFA) and the Office of the Comptroller of the Currency issued statements that immediately
53 forced existing PACE residential programs to halt operations and froze the development of
54 dozens of other residential PACE programs nationwide; and

55
56 **WHEREAS**, despite the FHFA directive, many commercial and a few residential PACE
57 programs are operating or are in development in hundreds of municipalities across the country;
58 and

59
60 **WHEREAS**, in 2010 the U.S. Department of Energy dedicated \$150 million to assist in the
61 development of local PACE programs and in 2016 issued Best Practice Guidelines for
62 Residential PACE Financing Programs to help state and local governments develop and
63 implement programs and recommended protections that PACE programs should put in place for
64 consumers and lenders;² and

65
66 **WHEREAS**, in July 2016, the U.S. Department of Housing and Urban Development released
67 guidance allowing the Federal Housing Administration to insure mortgages on properties that
68 include PACE assessments,³ which has since been withdrawn; and

69
70 **WHEREAS**, in 2018, Congress passed the Economic Growth, Regulatory Relief, and Consumer
71 Protection Act banking reform bill that recognizes PACE as a tax assessment and directs the
72 Consumer Financial Protection Bureau (CFPB) to develop rules in consultation with state and
73 local governments that ensure consumers have the ability to pay their residential PACE financing
74 obligations.

75
76 **NOW, THEREFORE, BE IT RESOLVED** that locally-administered PACE programs
77 operating in accord with state and federal guidelines are a safe and sound investment of public
78 and private funds; and

79
80 **BE IT FURTHER RESOLVED** that locally-administered PACE programs represent an
81 essential contribution of local governments to reduce greenhouse gas emissions and promote
82 renewable energy; and

² *Best Practice Guidelines for Residential PACE Financing Programs*, U.S. Department of Energy, (Nov. 18, 2016),
available at: <https://energy.gov/eere/slsc/downloads/updated-guidelines-residential-pace-financing-programs>

³ “FHA to Insure Mortgages on Certain Properties with PACE Assessments,” U.S. Department of Housing and
Urban Development, (July 19, 2016), available at:
https://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2016/HUDNo_16-110

84 **BE IT FURTHER RESOLVED** that the National League of Cities (NLC) urges FHFA to work
85 with local governments seeking to establish PACE programs that benefit from the same senior
86 lien status of all other projects that are funded through municipal assessments that improve
87 private property and meet public policy objectives; and
88

89 **BE IT FURTHER RESOLVED** that NLC urges the CFPB to work with local governments to
90 adopt regulations that clearly reaffirms the right of state and local governments to exercise liens
91 or assess special taxes or other property obligations to protect and improve housing stock for the
92 public good, including energy efficiency improvements, and establishes underwriting standards
93 that are consistent with guidelines issued by the U.S. Department of Energy for PACE financing
94 programs or by implementing any other appropriate measure.

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NLC RESOLUTION #21

SUPPORTING AND ADVANCING RESILIENT COMMUNITIES TO PREPARE FOR CHANGING CLIMATE AND EXTREME WEATHER EVENTS

WHEREAS, across the country local governments are seeing the devastating effects associated with a changing climate and recent extreme weather events, such as heat waves, droughts, heavy downpours, floods, hurricanes, and changes in other storms have brought renewed attention to the need for cities to anticipate, prepare for and adapt to these events; and

WHEREAS, these challenges are larger than individual communities can address on their own, making it beneficial to coordinate regionally and across levels of government; and

WHEREAS, while all regions of the country are impacted by climate change, approximately one third of the U.S. population—more than 100 million people—live in coastal communities that are threatened by rising sea levels, which could impact economic development, land availability, property values, insurance rates, beaches and tourism, and critical water, transportation and energy infrastructure; and

WHEREAS, the 2014 National Climate Assessment reports that current evidence of climate change appears in every region and impacts are currently visible in every state, and concludes that the evidence of human-induced climate change continues to strengthen;¹ and

WHEREAS, the effects of a changing climate are a national security issue with potential impacts to the U.S. Department of Defense (DoD) missions, operations plans and installations and the DoD must be able to adapt to current and future operations to address the impacts of a variety of threats and conditions, including those from weather and natural events²; and

WHEREAS, a report by the Intergovernmental Panel on Climate Change indicates that limiting global warming to 1.5° C is necessary to avoid the worst impacts of climate change;³ and

WHEREAS, climate change and extreme weather events can have severe impacts on local and regional infrastructure, economies, public safety, national security, public health, population migration, natural landscapes, water resources, and environmental quality; and

WHEREAS, the impacts of climate change and extreme weather events pose an especially pressing threat to persons with disabilities, economically disadvantaged households, the elderly, Black, Indigenous and People of Color (BIPOC), and other vulnerable populations; and

WHEREAS, as local governments grapple with the COVID-19 challenge, hurricanes, wildfires, floods and other disasters continue to threaten communities across the U.S. and present new

¹ National Climate Assessment (May 2014), *available at*: <http://nca2014.globalchange.gov/>

² Report on Effects of a Changing Climate to the Department of Defense, Office of the Under Secretary of Defense for Acquisition and Sustainment (Jan. 2019), *available at*: https://partner-mco-archive.s3.amazonaws.com/client_files/1547826612.pdf

³ “Special Report on Global Warming of 1.5°C,” Intergovernmental Panel on Climate Change, (Oct. 2018), *available at*: <https://www.ipcc.ch/sr15/>

challenges for communities in protecting residents, particularly those that are most affected and least able to prepare or respond; and

WHEREAS, the capability of maintaining energy availability is a critical first order priority in maintaining critical infrastructure and building community resilience; and

WHEREAS, there is currently insufficient information, technical coordination or financial assessment of the costs and mechanisms to rapidly retrofit and redesign local energy systems to enable them to be more resilient to a range of potential disruptive events, such as extreme weather, terrorism, and energy price escalation; and

WHEREAS, the United States has seen 265 separate billion-dollar-plus disasters since 1980, including 14 in 2018 and 14 in 2019, with a cumulative cost exceeding \$1.7 trillion (CPI-adjusted) and a total death toll of 14,223;⁴ and

WHEREAS, in 2005 Hurricane Katrina led to 1,833 deaths and more than \$167.5 billion (CPI-adjusted) in losses, and a subsequent \$120 billion in supplemental disaster assistance and in 2012 Hurricane Sandy led to 159 deaths and more than \$73.5 billion in damages (CPI-adjusted), and a subsequent \$60.4 billion in supplemental disaster assistance;⁵ and

WHEREAS, in 2017 three Category 4 hurricanes made landfall in the U.S. totaling more than \$275 billion (CPI-adjusted) in damages and a death toll of 3,167, including 2,981 from Hurricane Maria, which made landfall in Puerto Rico;⁶ and

WHEREAS, in 2019 historic flooding hit the Midwest and southern plains significantly affecting agriculture, roads, bridges, levees, dams and other infrastructure, assets and industries, resulting in 12 deaths and \$20.3 billion (CPI-adjusted) in economic costs;⁷ and

WHEREAS, rising temperatures are lengthening the wildfire season, causing more radical fire behavior and increasing wildfire risks throughout the Western United States due to earlier snow melts and forests that are drier longer,⁸ the costs of putting out wildfires has increased dramatically, from \$550 million in 1985 to over \$3 billion in 2018⁹ (2018 dollars¹⁰), and the

⁴ National Climate Data Center, National Oceanic and Atmospheric Administration, *available at:* <https://www.ncdc.noaa.gov/billions/events/US/1980-2019>

⁵ National Climate Data Center, National Oceanic and Atmospheric Administration, *available at:* <https://www.ncdc.noaa.gov/billions/events/US/1980-2018>

⁶ National Climate Data Center, National Oceanic and Atmospheric Administration, *available at:* <https://www.ncdc.noaa.gov/billions/events/US/1980-2018>

⁷ National Climate Data Center, National Oceanic and Atmospheric Administration, *available at:* <https://www.ncdc.noaa.gov/billions/events/US/2019>

⁸ Infographic: Western Wildfires and Climate Change, Union of Concerned Scientists, *available at:* http://www.ucsusa.org/global_warming/science_and_impacts/impacts/infographic-wildfires-climate-change.html

⁹ Federal Firefighting Costs (Suppression Only), National Interagency Fire Center, *available at:* https://www.nifc.gov/fireInfo/fireInfo_documents/SuppCosts.pdf

¹⁰ CPI Inflation Calculator, Bureau of Labor Statistics, U.S. Department of Labor, *available at:* http://www.bls.gov/data/inflation_calculator.htm

economic losses associated with wildfire continues to grow, with the 2018 western wildfires costing over \$24.5 billion (CPI-adjusted);¹¹ and

WHEREAS, Congress approved over \$60 billion in disaster relief in FY18 and FY19;¹² and

WHEREAS, 2019 was the second warmest year on record behind 2016 (warmest), followed by 2015 (third warmest), 2017 (fourth warmest) and 2018 (fifth warmest);¹³ and

WHEREAS, as extreme weather events become more common, local governments in all geographic and climatic regions require resources to assist them in anticipating, preparing for and adapting to these events; and

WHEREAS, a preparedness response fund would provide financial assistance to accelerate the development of adaptive success models and provide a far-reaching damage prevention initiative that would help reduce the ultimate financial pressure on the federal government; and

WHEREAS, local governments are first responders—preparing in advance of emergency situations, offering immediate assistance to those impacted, and identifying strategies, solutions, and partnerships to address situations quickly and efficiently; and

WHEREAS, firefighters and other local essential personnel, who risk their lives responding to natural disasters and extreme weather events, are put at even greater risk of contracting coronavirus as they respond to emergency situations; and

WHEREAS, taking action now to adapt to a changing environment and create community resilience will help save lives, strengthen local economies, save taxpayer dollars and build preparedness for future events; and

WHEREAS, in 2014 the President’s Task Force on Climate Preparedness and Resilience, comprised of state, local and tribal leaders, including representatives from the National League of Cities (NLC) made recommendations to the President on ways the federal government can assist local efforts to address and prepare for the impacts of climate change.

NOW, THEREFORE, BE IT RESOLVED that NLC calls on Congress and the Administration to partner with local governments and to support local action on climate change adaptation and resilience; and

BE IT FURTHER RESOLVED that NLC urges Congress and the Administration to take urgent action to help states and local governments conduct vulnerability assessments, develop and implement long-term mitigation, adaptation and resiliency action plans, and identify

¹¹ “Assessing the U.S. Climate in 2018,” National Centers for Environmental Information, National Oceanic and Atmospheric Administration, *available at*: <https://www.ncei.noaa.gov/news/national-climate-201812>

¹² The Disaster Relief Fund: Overview and Issues, Congressional Research Service, *available at*: <https://crsreports.congress.gov/product/pdf/R/R45484/2> and <https://crsreports.congress.gov/product/pdf/R/R45484>

¹³ National Oceanic and Atmospheric Administration (Jan. 15, 2020), *available at*: <https://www.noaa.gov/news/2019-was-2nd-hottest-year-on-record-for-earth-say-noaa-nasa>

innovative financing opportunities to implement these assessments and plans in order to prepare, plan for and more quickly recover from extreme weather events; and

BE IT FURTHER RESOLVED that NLC calls on Congress and the Administration to recognize the unique risks and opportunities communities face and to offer customized tools and incentives to local governments to encourage communities to plan for and rapidly respond to the effects of climate change and extreme weather; and

BE IT FURTHER RESOLVED that NLC urges the federal government to develop a national strategy to assist communities in integrating the risks of climate change and extreme weather events into emergency management planning and responses to identify and quantify the economic value of regional infrastructure at risk under different scenarios; and

BE IT FURTHER RESOLVED that NLC urges the federal government to work with state and local governments, the insurance industry, and other stakeholders to develop an incentive-based disaster insurance and mitigation system that would encourage property owners to retrofit existing structures to reduce future losses from natural disasters; and

BE IT FURTHER RESOLVED that returning to the status quo is not sufficient in meeting the challenges of climate change and inequities in our society; and

BE IT FURTHER RESOLVED that NLC calls on the federal government to outline strategies and actions to reduce the vulnerability of federal programs to the impacts of climate change and extreme weather; and

BE IT FURTHER RESOLVED that NLC calls on the federal government to better align federal funding with local preparedness and resilience-building efforts; and

BE IT FURTHER RESOLVED that NLC calls on Congress to fully fund grant programs that help local governments prepare, respond and recover from climate change and extreme weather events and establish a preparedness and response fund to support local governments that are at the forefront of developing adaptive solutions; and

BE IT FURTHER RESOLVED that NLC urges the federal government to develop grant and technical assistance programs to enable communities to develop community energy transition plans that ensure the capability of cities to maintain critical energy and infrastructure during disruptions to local, regional or national energy infrastructure; and

BE IT FURTHER RESOLVED that NLC urges the federal government to develop a national pilot project initiative to conduct detailed assessments and designs for resilient city energy system retrofit and redesign across a range of different regions and city sizes; and

BE IT FURTHER RESOLVED that federal investments in communities must prioritize those communities that have been left behind and BIPOC communities, which have been disproportionately impacted by the effects of climate change and COVID-19.

1 NLC RESOLUTION #22

2
3 **SUPPORTING URGENT ACTION TO REDUCE CARBON EMISSIONS AND**
4 **MITIGATE THE EFFECTS OF CLIMATE CHANGE**
5

6 **WHEREAS**, climate change mitigation is a global problem that demands a global solution; and
7

8 **WHEREAS**, the 2014 National Climate Assessment reports that current evidence of climate
9 change appears in every region and impacts are currently visible in every state, and concludes
10 that the evidence of human-induced climate change continues to strengthen;¹ and
11

12 **WHEREAS**, a report by the Intergovernmental Panel on Climate Change indicates that limiting
13 global warming to 1.5° C is necessary to avoid the worst impacts of climate change;² and
14

15 **WHEREAS**, extreme heat will have more serious health consequences on people living in low-
16 income communities, communities of color, and tribal communities, and people in these
17 communities have been disproportionately impacted by coronavirus and high rates of underlying
18 health conditions, both of which can be exacerbated by extreme heat; and
19

20 **WHEREAS**, according to the American Lung Association's 2020 State of the Air report, 46
21 percent or 150 million people live in counties with unhealthy air, which is especially concerning
22 as research shows that people with long-term exposure to air pollution are more likely to die
23 from COVID-19; and
24

25 **WHEREAS**, while some impacts of climate change are inevitable, sharp reductions in
26 greenhouse gas emissions will reduce the severity of the impacts and limit the rate of climate
27 change; and
28

29 **WHEREAS**, the U.S. Environmental Protection Agency's (EPA) 2015 Clean Power Plan set
30 state-specific carbon emissions reductions goals that would have reduced carbon emissions from
31 coal and natural gas fired power plants by 32 percent below 2005 levels by 2030; and
32

33 **WHEREAS**, EPA repealed the Clean Power Plan and replaced it with the Affordable Clean
34 Energy Rule, which establishes emission guidelines for states to use when developing plans to
35 limit carbon dioxide at their coal-fired power plants; and
36

37 **WHEREAS**, in order to meet the carbon emissions reductions goals necessary to help mitigate
38 the effects of climate change on communities, improving energy efficiency, increasing energy
39 conservation and deploying renewable energy systems will be essential at the local, state and
40 federal levels; and
41

42 **WHEREAS**, improving energy efficiency, increasing energy conservation and deploying
43 renewable energy systems will save taxpayer dollars, boost the national and local economy,

¹ National Climate Assessment (May 2014), *available at*: <http://nca2014.globalchange.gov/>

² "Special Report on Global Warming of 1.5°C," Intergovernmental Panel on Climate Change, (Oct. 2018),
available at: <https://www.ipcc.ch/sr15/>

enhance national security, increase our nation’s energy independence, and improve environmental quality; and

WHEREAS, technology exists and continues to be developed that will help families, businesses and communities reduce energy use, but without standards to encourage adoption of new technology, many of these technology options will be unavailable or unaffordable; and

WHEREAS, the transportation sector generates the largest share of greenhouse gas emissions, over 28 percent of 2018 greenhouse gas emissions, in the United States;³ and

WHEREAS, buildings account for nearly 40 percent of the nation’s energy consumption⁴ and more than 70 percent of its electricity use,⁵ and electricity production represents the second largest share of greenhouse gas emissions, nearly 27 percent of 2018 greenhouse gas emissions, in the United States;⁶ and

WHEREAS, indoor and outdoor lighting account for 8 percent of electricity consumed in the nation,⁷ and rapid conversion to efficient lighting would result in significant greenhouse gas reductions as well as a decrease in base load energy needs; and

WHEREAS, communities large and small nationwide are laboratories of innovation and are taking action on climate mitigation, including adopting greenhouse gas reduction goals, successfully pioneering and demonstrating cost-effective clean energy solutions, and pursuing local strategies that create jobs, save energy and taxpayer dollars, and promote renewable sources; and

WHEREAS, the Energy Efficiency and Conservation Block Grant (EECBG) helped local governments undertake projects to reduce energy use, diversify energy supplies and improve air quality and the environment; and

WHEREAS, all levels of government must work to become more resilient by achieving greater energy independence based on a multi-pronged strategy of aggressively expanding renewable energy, significantly increasing energy efficiency portfolio standards, and creating new financing mechanisms; and

WHEREAS, in 2014 the President’s Task Force on Climate Preparedness and Resilience, comprised of state, local and tribal leaders, including representatives from the National League of Cities (NLC), made recommendations to the President on ways the federal government can assist local efforts to address and prepare for the impacts of climate change; and

³ Sources of Greenhouse Gas Emissions, U.S. Environmental Protection Agency, *available at*: <https://www.epa.gov/ghgemissions/sources-greenhouse-gas-emissions>

⁴ U.S. Energy Information Administration, *available at*: <http://www.eia.gov/tools/faqs/faq.cfm?id=86&t=1>

⁵ Environmental and Energy Study Institute, Buildings and Climate Change, *available at*: <http://www.eesi.org/files/climate.pdf>

⁶ Sources of Greenhouse Gas Emissions, U.S. Environmental Protection Agency, *available at*: <https://www.epa.gov/ghgemissions/sources-greenhouse-gas-emissions>

⁷ FAQ: How much electricity is used for lighting in the United States, U.S. Energy Information Administration, *available at*: <https://www.eia.gov/tools/faqs/faq.php?id=99&t=3>

82
83 **WHEREAS**, 77 percent of millennial voters, ages 18-35, believe that the U.S. should try to stop
84 or slow climate change.⁸
85

86 **NOW, THEREFORE, BE IT RESOLVED** that NLC calls on Congress and the Administration
87 to partner with local governments, to support local action on climate change mitigation, and to
88 provide essential tools, research, technology development, data, and funding, as well as
89 workforce development, job training and community assistance, to help local governments
90 achieve their greenhouse gas reduction targets and transition to a clean energy economy; and
91

92 **BE IT FURTHER RESOLVED** that NLC urges Congress and the Administration to take
93 urgent action to reduce carbon emissions across a broad sector of the economy and become
94 carbon neutral to mitigate the effects of climate change and hold warming to 1.5°C; and
95

96 **BE IT FURTHER RESOLVED** that NLC opposed efforts to repeal the Clean Power Plan and
97 supports the U.S.'s reengagement in the Paris Climate Agreement; and
98

99 **BE IT FURTHER RESOLVED** that NLC opposes efforts to lower the CAFE standards or fuel
100 efficiency for all types of vehicles; and
101

102 **BE IT FURTHER RESOLVED** that NLC calls on Congress to pass energy efficiency and
103 conservation legislation to incentivize energy efficiency improvements in residential and
104 commercial buildings, schools and federal buildings located in communities; and
105

106 **BE IT FURTHER RESOLVED** that NLC calls on Congress to pass a national renewable
107 portfolio standard that increases the use of carbon neutral energy and promotes energy
108 efficiency, with the goal of 50 percent carbon neutral energy by 2030 and 100 percent by 2050;
109 and
110

111 **BE IT FURTHER RESOLVED** that NLC calls on Congress to pass a long-term extension of
112 the investment tax credit and the production tax credit for renewable energy as an incentive for
113 their development and deployment; and
114

115 **BE IT FURTHER RESOLVED** that NLC calls on Congress to reauthorize and fully fund the
116 EECBG or other funding structure at the U.S. Department of Energy to further incentivize clean
117 energy at the local level; and
118

119 **BE IT FURTHER RESOLVED** that federal investments in communities must prioritize those
120 communities that have been left behind and Black, Indigenous and People of Color (BIPOC)
121 who have been disproportionately impacted by the effects of climate change and COVID-19.

⁸ Poll, Alliance for Market Solutions, (March 5, 2018), *available at*: <https://allianceformarketsolutions.org/public-opinion/>

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NLC RESOLUTION #23

ADDRESSING LEAD CONTAMINATION AND CALLING FOR NATIONWIDE FEDERAL SUPPORT FOR WATER INFRASTRUCTURE

WHEREAS, access to clean drinking water is fundamental to the health and well-being of America's communities and families; and

WHEREAS, Flint, Michigan, and Sebring, Ohio, are two recent examples of cities where high levels of lead have been found in the city's drinking water; and

WHEREAS, in the early 2000s, the District of Columbia experienced a similar crisis, as have many other cities; and

WHEREAS, lead has negative and long-term neurological effects, particularly in infants and children; and

WHEREAS, in Flint, the elevated blood lead level was discovered in children after the city's water source was switched to the Flint River by the state-appointed emergency manager, a decision made without coordination or consultation with local officials; and

WHEREAS, a contributing factor to the Flint, Michigan, drinking water crisis was the city's aging infrastructure and the lack of investment in infrastructure and the community; and

WHEREAS, incidents like these can undermine citizens' confidence in the safety and quality of the drinking water supply and water infrastructure of every community; and

WHEREAS, in January 2016, President Obama signed an emergency declaration in the State of Michigan, ordering federal aid to supplement state and local response efforts due to the emergency conditions caused by lead-contaminated water; and

WHEREAS, corrosion control and testing are essential to preventing lead leaching and alerting the public to potential dangers; and

WHEREAS, recent analysis by the National Resources Defense Council found that over 5,300 water systems nationwide have elevated levels of lead¹ and a recent analysis by the American Water Works Association estimates 6.1 million lead service lines remain in U.S. communities, at an estimated \$30 billion to replace;² and

¹ "What's in your Water? Flint and Beyond," National Resource Defense Council (June 2016), *available at:* <https://www.nrdc.org/sites/default/files/whats-in-your-water-flint-beyond-report.pdf>

² "National Survey of Lead Service Line Occurrence," American Water Works Association (March 10, 2016), *available at:* <http://www.awwa.org/resources-tools/public-affairs/press-room/press-release/articleid/4074/lead-service-line-analysis-examines-scope-of-challenge.aspx>

40 **WHEREAS**, there is a need to invest in our aging water infrastructure nationwide and a failure
41 to do so can have negative public health consequences; and
42

43 **WHEREAS**, the U.S. Environmental Protection Agency (EPA) estimates the nation’s water
44 infrastructure capital needs over the next 20 years to be approximately \$743 billion in total,³ the
45 American Society for Civil Engineers estimates the needed investment for water infrastructure to
46 be \$1.3 trillion over the next 20-25 years,⁴ and other estimates put the cost at more than \$4
47 trillion to maintain and build a 21st century water system.
48

49 **NOW, THEREFORE, BE IT RESOLVED** that local planning and infrastructure decisions,
50 including those related to clean drinking water, should not be preempted and should be made by
51 locally elected leaders in coordination with state and federal officials; and
52

53 **BE IT FURTHER RESOLVED** that the National League of Cities (NLC) calls on Congress to
54 provide direct assistance to the City of Flint, Michigan, and for EPA and the federal government
55 to work directly with local officials, for as long as necessary, to resolve the drinking water crisis
56 through the provision of safe drinking water and to support economic recovery; and
57

58 **BE IT FURTHER RESOLVED** that NLC calls on Congress and the Administration to provide
59 long-term support for the families affected by lead drinking water contamination in Flint and
60 nationwide, including in the areas of education and mental health; and
61

62 **BE IT FURTHER RESOLVED** that NLC calls on Congress and the Administration to support
63 robust funding for all water infrastructure funding mechanisms, including the Clean Water and
64 Drinking Water State Revolving Loan Fund programs and the Water Infrastructure Finance and
65 Innovation Act (WIFIA); and
66

67 **BE IT FURTHER RESOLVED** that NLC calls on Congress and the Administration to support
68 other mechanisms of infrastructure funding, including protecting the tax-exempt status of
69 municipal bonds and reinstating the tax exemption for advance refunding bonds; and
70

71 **BE IT FURTHER RESOLVED** that NLC calls on Congress and the Administration to support
72 grants to local governments, as well as school systems and daycare centers, for the replacement
73 of lead service lines, testing, planning, corrosion control, and public education campaigns, and to
74 assist small and disadvantaged communities in complying with the Safe Drinking Water Act.

³ “Clean Watershed Needs Survey,” U.S. Environmental Protection Agency, (Jan. 2016), *available at:*
<https://www.epa.gov/cwns> and “Drinking Water Needs Survey,” U.S. Environmental Protection Agency, (March
2018), *available at:* [https://www.epa.gov/dwsrf/epas-6th-drinking-water-infrastructure-needs-survey-and-](https://www.epa.gov/dwsrf/epas-6th-drinking-water-infrastructure-needs-survey-and-assessment)
[assessment](https://www.epa.gov/dwsrf/epas-6th-drinking-water-infrastructure-needs-survey-and-assessment)

⁴ “2017 Infrastructure Report Card,” American Society of Civil Engineers (March 2017), *available at:*
<https://www.infrastructurereportcard.org/>

1 NLC RESOLUTION #24

2
3 INCREASE FEDERAL INVESTMENT IN WATER INFRASTRUCTURE

4
5 **WHEREAS**, the nation’s water infrastructure systems, both built and natural, are significant
6 assets that protect public health and the nation’s water resources and well-maintained systems
7 are essential to our citizens’ general welfare and the nation’s prosperity; and
8

9 **WHEREAS**, with much of our nation’s physical water infrastructure built in the post-World
10 War II period—and some of it more than 100 years old—there are an estimated 240,000 water
11 main breaks each year;¹ and
12

13 **WHEREAS**, cities and towns nationwide are finding that decentralized water solutions such as
14 water use efficiency measures and green stormwater installations can effectively and affordably
15 serve many of the same functions as conventional water infrastructure and can supplement and
16 extend their existing centralized systems;² and
17

18 **WHEREAS**, federal loan and grant assistance to cities and local governments to assist in
19 maintaining and upgrading water infrastructure systems has continued to decline in real dollars
20 over the past decades³; and
21

22 **WHEREAS**, local governments are responsible for the vast majority of investment in water and
23 sewer infrastructure, investing over \$1.7 trillion between 1956-2010⁴ (not adjusted for inflation)
24 and over \$130 billion in 2018 alone;⁵ and
25

26 **WHEREAS**, tax-exempt municipal bonds are the primary funding mechanism for state and local
27 government infrastructure projects with three-quarters of the total United States investment in
28 infrastructure being accomplished with tax-exempt financing; and
29

30 **WHEREAS**, an estimated \$271 billion is needed to meet current and future demands over the
31 next 20 years for upgrading the nation’s wastewater infrastructure and an estimated \$1 trillion is
32 necessary to maintain and expand service to meeting drinking water demands over the next 25
33 years;⁶ and

¹ 2017 *Infrastructure Report Card*, American Society of Civil Engineers, available at:

<https://www.infrastructurereportcard.org/cat-item/drinking-water/>

² Koehler, Cynthia and Caroline Koch, *Public Water Utilities Deploy 21st Century Water Infrastructure to Build a Resilient Future* (2019), available at: <https://tapin.waternow.org/resources/innovation-in-action-21st-century-water-infrastructure-solutions/>

³ *Federal Investment, 1962-2018*, Congressional Budget Office (June 2019), available at: https://www.cbo.gov/system/files/2019-06/55375-Federal_Investment.pdf

⁴ Anderson, Richard F., *Growth in Local Government Spending on Public Water and Wastewater – But How Much Progress Can American Households Afford?* The U.S. Conference of Mayors (April. 2013), available at: http://www.circleofblue.org/wp-content/uploads/2013/06/USMayors_Growth-in-Local-Government-Spending-on-Water-and-Wastewater.pdf

⁵ *2018 Annual Surveys of State and Local Government Finances*, U.S. Census Bureau (October, 2020), available at: <https://www.census.gov/programs-surveys/gov-finances.html>

⁶ 2017 *Infrastructure Report Card*, American Society of Civil Engineers, available at: <http://www.infrastructurereportcard.org/>

34 **WHEREAS**, this funding gap does not include anticipated expenditures to comply with new
35 Clean Water Act and Safe Drinking Water Act mandates, consent decrees, new responsibilities
36 and costs relating to water security and source water protection, additional needs for re-use of
37 treated effluent, or impacts due to climate change; and
38

39 **WHEREAS**, municipal resources dedicated to water infrastructure are currently overwhelmingly
40 directed to comply with new complex federal mandates and are therefore unavailable for critical
41 maintenance, repair, and rehabilitation needs; and
42

43 **WHEREAS**, public-private partnerships can provide options for communities to access sources
44 of private capital to meet water infrastructure needs, but are not a viable for all communities or
45 all types of projects; and
46

47 **WHEREAS**, private activity bonds or tax-exempt facility bonds are a form of tax-exempt
48 financing that can be used for water infrastructure projects that utilize private capital instead of
49 public debt and shift the risk and long-term obligation from the municipality to the private equity
50 partner; and
51

52 **WHEREAS**, Congress provides to states a capped annual allocation (“volume cap”) of tax-
53 exempt bonds, based on population, but historically, most of the tax-exempt bonds are issued to
54 short-term projects such as housing and education loans; and
55

56 **WHEREAS**, Congress has previously enacted legislation eliminating the state volume cap for
57 such municipal infrastructure projects such as airports, landfills, and ports; and
58

59 **WHEREAS**, eliminating the state volume cap is estimated to make available \$5-6 billion in
60 private capital for water projects, while the cost in foregone revenue to the federal government is
61 nominal.⁷
62

63 **NOW, THEREFORE, BE IT RESOLVED** that the National League of Cities (NLC) continues
64 to urge Congress and the Administration to reverse the decline in federal financial participation
65 in funding municipal water infrastructure needs by developing a financial option that strikes the
66 right balance between local responsibility and federal assistance; and
67

68 **BE IT FURTHER RESOLVED** that NLC calls on Congress and the Administration to support
69 robust funding for water infrastructure funding through the Clean Water and Drinking Water
70 State Revolving Loan Fund programs and to reauthorize the programs; and
71

72 **BE IT FURTHER RESOLVED** that Congress should provide full appropriation to the Water
73 Infrastructure Finance and Innovation Act (WIFIA) for loans and loan guarantees for water
74 infrastructure projects; and
75

⁷ Testimony of Stephen L. Johnson, Administrator, U.S. Environmental Protection Agency, before the Senate Appropriations Committee, March 4, 2008.

76 **BE IT FURTHER RESOLVED** that Congress should exempt from federal taxation rebates
77 issued to consumers by local governments to pay for consumer-installed decentralized water
78 infrastructure that benefits their communities; and

79
80 **BE IT FURTHER RESOLVED** that NLC supports legislation removing the federal volume
81 cap on tax-exempt bonds for water and wastewater infrastructure projects; and

82
83 **BE IT FURTHER RESOLVED** that NLC calls on Congress and the Administration to support
84 other mechanisms of infrastructure funding and financing, including protecting the tax-exempt
85 status of municipal bonds and reinstating the tax exemption for advance refunding bonds; and

86
87 **BE IT FURTHER RESOLVED** that Congress and the Administration should enact new
88 legislation which provides adequate and reliable long-term funding for municipal water
89 infrastructure needs to help close the funding gap.

1 NLC RESOLUTION #25

2
3 SUPPORT FOR INTEGRATED PLANNING AND NEW AFFORDABILITY
4 CONSIDERATION FOR WATER
5

6 **WHEREAS**, in 2012 the U.S. Environmental Protection Agency (EPA) issued its *Integrated*
7 *Municipal Stormwater and Wastewater Planning Approach Framework* (“Integrated Planning
8 Framework”), which was intended to help local governments seek more efficient and affordable
9 solutions to stormwater and wastewater issues and meet the requirements of the Clean Water Act
10 (CWA) in a more flexible, affordable, and cost-effective manner; and
11

12 **WHEREAS**, in 2014 EPA issued its *Financial Capability Assessment Framework for Municipal*
13 *Clean Water Act Requirements* (“Financial Capability Framework”), which allows the
14 consideration of additional information, such as socio-economic factors, in determining the
15 financial capability of residents and a community when developing compliance schedules for
16 municipal projects necessary to meet CWA obligations; and
17

18 **WHEREAS**, these two policy frameworks demonstrate an awareness by EPA of the challenges
19 local governments face in meeting CWA requirements, as well as the conflicts they face in
20 balancing environmental protection with economic feasibility; and
21

22 **WHEREAS**, at a time where local financial resources are increasingly limited and the ability of
23 local governments to raise revenue is also limited, local governments are facing costly unfunded
24 federal and state regulatory requirements forcing them to make tough decisions about the
25 services and maintenance that they can afford; and
26

27 **WHEREAS**, proposed federal budget cuts to critical local programs would further reduce the
28 ability of cities and towns to meet the everyday needs of their community; and
29

30 **WHEREAS**, local water and sewer rates and stormwater fees are rapidly becoming unaffordable
31 for many fixed- and low-income citizens, placing a disproportionate financial burden on these
32 vulnerable populations who live at or below the poverty level; and
33

34 **WHEREAS**, the current reliance on two percent of median household income for wastewater
35 and combined sewer overflows controls is a misleading indicator of a community’s ability to
36 pay, and often places a particularly high burden on residents at the lower end of the economic
37 scale; and
38

39 **WHEREAS**, green infrastructure, such as constructed swales, wetlands, green roofs, infiltration
40 planters, rain gardens, cisterns, and enhanced floodplains and riparian buffers, augmented by
41 permeable pavers, rain barrels, and trees, is a valuable part of water infrastructure systems and
42 provides a multitude of community benefits such as helping local governments manage runoff,
43 extending the life of local infrastructure, saving the city and taxpayers money, providing outdoor
44 recreation opportunities through parks and green spaces and promoting the joint use of city and
45 school facilities, and serve as an economic development tool; and
46

47 **WHEREAS**, National Pollutant Discharge Elimination System (NPDES) permits are
48 increasingly stringent, the treatment technologies and approaches necessary to meet permit limits
49 have become exceedingly expensive and time-intensive to implement, and project construction
50 timelines for clean water infrastructure projects can extend more than a decade.

51
52 **NOW, THEREFORE, BE IT RESOLVED**, that the National League of Cities (NLC) calls on
53 EPA to work with local governments to develop local integrated plans through the permit
54 process to comprehensively and collectively manage wastewater and stormwater needs, prioritize
55 investments in wet weather overflows and flooding, incorporate green infrastructure components,
56 and to ease the burden of unfunded mandates; and

57
58 **BE IT FURTHER RESOLVED**, that NLC calls on EPA to share integrated planning best
59 management practices, including those that take a regional watershed approach, from across the
60 country with all communities that are interested in pursuing an integrated planning approach; and

61
62 **BE IT FURTHER RESOLVED**, that NLC calls on Congress to modernize the NPDES
63 permitting process to approve legislation to allow states with delegated authority to administer
64 the NPDES permitting program to issue permits of up to ten years; and

65
66 **BE IT FURTHER RESOLVED**, that NLC calls on EPA to work with local governments to
67 revise the “Combined Sewer Overflows—Guidance for Financial Capability Assessment and
68 Schedule Development” (Feb. 1997) to eliminate reliance on median household income as the
69 critical metric for determining investment level and to allow for the consideration of additional
70 information, such as socio-economic factors, consistent with the Agency’s 2014 Financial
71 Capability Framework; and

72
73 **BE IT FURTHER RESOLVED**, that NLC calls on the federal government to explore options
74 for addressing affordability and ratepayer assistance, such as a consumer assistance program
75 modeled on the Low Income Home Energy Assistance Program.

NLC RESOLUTION #26

**CALLING ON THE FEDERAL GOVERNMENT TO TAKE ACTION TO ADDRESS
PFAS CONTAMINATION**

WHEREAS, Per- and polyfluoroalkyl substances (PFAS) are a class of nearly 5,000 man-made chemicals that includes PFOA, PFOS, PFBS and GenX manufactured and used in a variety of industries; and

WHEREAS, PFAS chemicals are known as “forever” chemicals because they are persistent in the environment and in the human body; and

WHEREAS, PFAS chemicals have been known to cause adverse health outcomes in humans including effects on prenatal development, low infant birth weights, early onset of puberty, negative effect on the immune system, cancer, liver damage, and thyroid disruption¹; and

WHEREAS, while science predicts that the entire class of PFAS chemical may be associated with adverse health effects and many such chemicals are in industrial and commercial use, only a small fraction of these chemicals have been investigated sufficiently to establish quantitative measures of toxicity; and

WHEREAS, in 2016 the U.S. Environmental Protection Agency (EPA) established a lifetime exposure health advisory level of 70 parts per trillion for the combined concentration of PFOA and PFOS in drinking water;² and

WHEREAS, in 2018 the U.S. Department of Health and Human Services Agency for Toxic Substances and Disease Registry released a draft report warning that PFAS chemicals could pose a health risk at levels lower than currently recommended by the EPA;³ and

WHEREAS, in 2019 EPA announced a comprehensive nationwide action plan for addressing PFAS, including identifying both short-term solutions for addressing these chemicals and long-term strategies that will help states, tribes and local communities provide clean and safe drinking water to residents and address PFAS at the source – before it gets into the water;⁴ and

WHEREAS, in February 2020 EPA issued a proposed regulatory determination to regulate PFOS and PFOA, the first step in the regulatory process of setting a Maximum Contaminant Level under the Safe Drinking Water Act; and

¹ Fact Sheet: PFOA & PFOS Drinking Water Health Advisories, U.S. Environmental Protection Agency (Nov. 2016); *available at*: https://www.epa.gov/sites/production/files/2016-06/documents/drinkingwaterhealthadvisories_pfoa_pfes_updated_5.31.16.pdf

² *Ibid*

³ Toxicological Profile for Perfluoroalkyls, Draft for Public Comment, U.S. Department of Health and Human Services, Agency for Toxic Substances and Disease Registry (June 2018); *available at*: <https://www.atsdr.cdc.gov/toxprofiles/tp200.pdf>

⁴ EPA’s Per- and Polyfluoroalkyl Substances (PFAS) Action Plan, U.S. Environmental Protection Agency (Feb. 2019); *available at*: https://www.epa.gov/sites/production/files/2019-02/documents/pfas_action_plan_021319_508compliant_1.pdf

39 **WHEREAS**, there are significant technical challenges in detecting and measuring PFAS in
40 water and other environmental media at the levels where health effects can occur, and analytical
41 methodologies are still under development or are not yet generally available; and

42
43 **WHEREAS**, the Environmental Working Group and the Social Science Environmental Health
44 Research Institute at Northeastern University updated an interactive map of known
45 contamination of communities from PFAS; and

46
47 **WHEREAS**, as of March 2019, the interactive map shows at least 610 locations in 43 states are
48 known to be contaminated, including drinking water systems serving an estimated 19 million
49 people;⁵ and

50
51 **WHEREAS**, in February 2019, EPA and United States Geological Survey scientists published
52 results on analysis for 17 PFAS compounds in water samples from 25 public drinking water
53 supplies in 24 states (locations confidential) that detected PFAS in every sample tested,
54 suggesting that PFAS is ubiquitous in our water;⁶ and

55
56 **WHEREAS**, PFAS chemicals were widely used in firefighting foams, particularly for airports,
57 and were used in frequent training exercises at military air bases; and

58
59 **WHEREAS**, PFAS chemicals were required in firefighting foams used at airports to meet
60 federal performance standards for extinguishing agents, but currently the Federal Aviation
61 Administration is updating its standards to allow for a non-fluorinated option for airports; and

62
63 **WHEREAS**, the U.S. Department of Defense has ended its use of the foam in training exercises;
64 and

65
66 **WHEREAS**, PFAS contamination is found at and around military bases, airports, manufacturing
67 sites, landfills, and in local water supplies obtained from both rivers and groundwater; and

68
69 **WHEREAS**, local governments are responsible for protecting the health, safety and welfare of
70 residents, including providing clean and safe water; and

71
72 **WHEREAS**, while treatment technology for removing PFAS from water is not well-developed,
73 the more effective methods use technologies that are not conventionally available in existing
74 water treatment plants, so removing these PFAS chemicals from water could require costly
75 investments by local governments and other local water suppliers, which would be passed onto
76 ratepayers; and

77
78 **WHEREAS**, local governments are owners and operators of airports and landfills and employ
79 firefighters, some of whom may have been exposed to PFAS chemicals on the job through

⁵ EWG: *PFAS Chemicals Must be Regulated as a Class, Not One by One* (May 6, 2019), available at:
<https://www.ewg.org/release/mapping-pfas-contamination-crisis-new-data-show-610-sites-43-states>

⁶ “Per- and polyfluoroalkyl substances in source and treated drinking waters of the United States,” *Science of the Total Environment*, Volume 653 (February 25, 2019), pages 359-369, available at:
<https://www.sciencedirect.com/science/article/pii/S004896971834141X>

inhalation or skin absorption, and therefore present a pension and liability concern for local budgets; and

WHEREAS, PFAS contamination not only poses health risks, but also economic impacts on communities, including in the agriculture and fishing industries by contamination of food sources; and

WHEREAS, a number of states have adopted PFAS policies pertaining to prohibiting use, monitoring and reporting, cleanup, health studies, testing, liability provisions, and contamination limits, including Michigan, New Jersey and Vermont that have set maximum contamination levels lower than EPA health advisory levels;⁷ and

WHEREAS, a number of bills have been introduced in both the U.S. House of Representatives and U.S. Senate to survey, regulate, mitigate and phaseout the use of PFAS.

NOW, THEREFORE, BE IT RESOLVED, that the National League of Cities (NLC) calls on Congress and the Administration to holistically examine PFAS contamination and to take comprehensive action to address the problem, including through nationwide testing, monitoring, mapping, public education, and water supply treatment; and

BE IT FURTHER RESOLVED, that NLC calls on the federal government to ensure that the parties responsible for PFAS contamination, including the federal government but excluding local governments, are held fully liable for costs of cleanup and mitigation and to ensure that sites are cleaned up in a timely manner and to standards sufficiently stringent to permit reuse of the site and to obviate the need for additional cleanup and mitigation costs by affected local governments; and

BE IT FURTHER RESOLVED, that local governments, including municipal airports and fire departments, were required by federal law to use firefighting foam containing PFAS chemicals, and therefore should not be held liable for PFAS contamination or cleanup costs; and

BE IT FURTHER RESOLVED, that local governments, including drinking water and wastewater utilities and municipal landfills, serve as receivers of PFAS chemicals and did not cause or contribute to contamination, and therefore should not be held liable for PFAS contamination or cleanup costs; and

BE IT FURTHER RESOLVED, that NLC calls on the federal government to accelerate research and technology development to advance the science needed to understand the health consequences of exposure to PFAS chemicals, detect and measure PFAS chemicals in water and other environmental media, treat water supplies to remove these substances, and find safe substitutes for PFAS chemicals; and

BE IT FURTHER RESOLVED, that NLC calls on the federal government to set drinking water standards, including for PFAS chemicals, based on sound science, public health protection,

⁷ States Forge Ahead with PFAS Regulations, PoliticoPro Datapoint on Energy (Feb. 28, 2019)

124 occurrence of the contaminant in drinking water supplies at levels of public health concern, risk
125 reduction and cost; and

126
127 **BE IT FURTHER RESOLVED**, that NLC calls for the federal government to avoid passing
128 costs onto local ratepayers and to provide financial and technical assistance to communities for
129 testing, monitoring, mapping, public education, water supply treatment, and pursuit of alternative
130 water supplies if necessary; and

131
132 **BE IT FURTHER RESOLVED**, that NLC calls on the federal government to prevent further
133 exposure to PFAS through multiple means, including promoting and funding the development
134 and use of firefighting alternatives and the phasing out the use of PFAS; and

135
136 **BE IT FURTHER RESOLVED**, that the federal government should thoroughly study and test
137 alternative PFAS and other long-chain chemicals before they are put into circulation to make
138 sure they are safe; and

139
140 **BE IT FURTHER RESOLVED**, that NLC should update the “Assessing the State Firefighter
141 Cancer Presumption Laws and Current Cancer Firefighter Cancer Research” that it conducted in
142 2009 to determine what linkages there are between firefighting and an elevated incidence of
143 cancer.

NLC RESOLUTION #27

IMPROVE THE BENEFIT-COST ANALYSIS FOR FEDERALLY FUNDED FLOOD CONTROL PROJECTS

WHEREAS, the U.S. Army Corps of Engineers (Army Corps) at the U.S. Department of Defense is the primary federal agency associated with the design and construction of flood protection systems in communities across the country; and

WHEREAS, the White House Office of Management and Budget (OMB) works with the Army Corps to determine what water resources projects are funded with the budget allocation for the Army Corps enacted by Congress each year; and

WHEREAS, the Army Corps and OMB rely heavily on a benefit-cost analysis to determine which projects receive federal funding each year; and

WHEREAS, since Congress traditionally provides the Army Corps with far fewer resources than are necessary to fund the significant backlog of projects under their jurisdiction, the benefit-cost analysis has become a de facto filter for the Army Corps and OMB; and

WHEREAS, as a result, projects that have a benefit-cost ratio below a certain level are often not considered for funding at all; and

WHEREAS, the current system for determining benefit-cost ratios at the U.S. Army Corps of Engineers does not adequately consider replacement of structures in low-income, low-cost of living communities; and

WHEREAS, the current system for determining benefit-cost ratios at the U.S. Army Corps of Engineers does not adequately consider the impacts of the loss of a community's livelihood associated with agricultural land; and

WHEREAS, the current system for determining benefit-cost ratio at the U.S. Army Corps of Engineers does not include the value of federal lands.

NOW, THEREFORE, BE IT RESOLVED, that the National League of Cities (NLC) calls on the U.S. Army Corps of Engineers and the White House Office of Management and Budget to add a quantitative indexed value to life and safety to determine the benefit of federal investments in flood control projects; and

BE IT FURTHER RESOLVED, that NLC calls on the Army Corps and OMB to add a quantitative indexed value to agricultural land value and the impacts of crop flooding to determine the benefit of federal investments in flood control projects; and

BE IT FURTHER RESOLVED, that NLC calls on the Army Corps and OMB to add a quantitative indexed value to protection of low-income communities and environmental benefits to determine the benefit of federal investments in flood control projects.

48 **BE IT FURTHER RESOLVED**, that NLC calls on the Army Corps and OMB to add a
49 quantitative indexed value to potential benefits of projects on federal properties, as well as
50 benefits to military readiness when developing coastal storm protection projects in the adjacent
51 community.

NLC RESOLUTION #28

INCREASE FUNDING FOR BORDER WATER INFRASTRUCTURE PROJECTS

WHEREAS, international transboundary rivers on the southern border of the United States are a major source of sewage, trash, chemicals, heavy metals and toxins; and

WHEREAS, transboundary flows threaten the health of 18 million residents in the United States and Mexico, harm important estuarine land and water of international significance, force closure of beaches, damage farmland, compromise border security, and directly affect U.S. military readiness; and

WHEREAS, a significant amount of untreated sewage, sediment, hazardous chemicals and trash have entered United States waters, via the Tijuana and New Rivers in southern California, the Santa Cruz and San Pedro Rivers in Arizona and the Rio Grande in Texas, eventually draining into coastal waterways, waterbodies and inland waters, such as the Salton Sea; and

WHEREAS, the presence of pollution on state and federal public lands is creating unsafe conditions for visitors and residents—these lands are taxpayer supported and intended to be managed for recreation, resource conservation and the enjoyment by the public, and

WHEREAS, the current insufficient and degrading infrastructure in the border zone poses a significant risk to the public health and safety of residents and the environment on both sides of the border, and places the economic stress on cities that are struggling to mitigate the negative impacts of pollution; and

WHEREAS, the 1944 treaty between the United States and Mexico regarding *Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande* allocates flows on transborder rivers between Mexico and the United States, and provides that the nations, through their respective sections of the International Boundary Water Commission shall give control of sanitation in cross border flows the highest priority; and

WHEREAS, in 1993, the United States and Mexico entered into the *Agreement Between the Government of the United States of America and the Government of the United Mexican States Concerning the Establishment of a North American Development Bank* which created the North American Development Bank (NADB) to certify and fund environmental infrastructure projects in border-area communities; and

WHEREAS, on November 30, 2018 the United States, Mexico and Canada entered into the *Agreement Between The United States of America, The United Mexican States, And Canada* to replace the *North American Free Trade Agreement*, and on December 10, 2019 the United States, Mexico and Canada agreed to a protocol of amendment to the U.S.-Mexico-Canada Agreement (USMCA), which became effective in the United States on January 29, 2020; and

WHEREAS, the implementing language of USMCA authorizes and allocates funding for grants under the U.S.-Mexico Border Water Infrastructure Program (BWIP), the Trade Enforcement Trust Fund and recapitalization of the NADB;

WHEREAS, the funding package included \$300 million to be available to address the problem of toxic sewage flowing from the Tijuana River watershed; and

51 **WHEREAS**, the increase in commerce and traffic across the border has resulted in economic
52 benefits for both the U.S. and Mexico; and

53
54 **WHEREAS**, the ease of trade and commerce has resulted in increased vehicle and factory
55 emissions, which negatively impact the water quality, land quality and air quality of the areas
56 along the southern border; and

57
58 **WHEREAS**, border communities need modernized and innovative water infrastructure to
59 provide clean and sanitary drinking water to improve the quality of living and support the
60 expanding communities; and

61
62 **WHEREAS**, the adverse environmental impact will worsen existing environmental issues and
63 the strain on aging infrastructure, while also creating new environmental issues in the future; and

64
65 **WHEREAS**, the widespread threat to public health and safety, damage to fish and wildlife
66 resources and degradation to the environment caused by transboundary pollution in the border
67 states requires urgent action by the federal and state governments; and

68
69 **WHEREAS**, Congress authorized funding under the Safe Drinking Water Act and established
70 the State and Tribal Assistance Grants (STAG) program for the U.S.-Mexico Border Water
71 Infrastructure Program in 1996 to provide grants for high-priority water, wastewater, and
72 stormwater infrastructure projects within 100 kilometers of the southern border; and

73
74 **WHEREAS**, the EPA administers the STAG and BWIP, and coordinates with the NADB to
75 allocate BWIP grant funds to projects in the border zone; and

76
77 **WHEREAS**, since its inception, the BWIP has provided funding for projects in California,
78 Arizona, New Mexico and Texas that would not have been constructed without the grant
79 program; and

80
81 **WHEREAS**, the BWIP program was initially funded at \$100 million per year, but, over the last
82 20 years, the program has been significantly reduced to \$15 million in FY19 and \$25 million in
83 FY20; and

84
85 **WHEREAS**, in its FY 2021 Budget Request, the Administration proposed to eliminate the
86 BWIP program and recommends that state revolving funds be used as a source of infrastructure
87 funding; and

88
89 **WHEREAS**, officials from EPA Region 6 and 9 identified a multitude of BWIP-eligible projects
90 along the southern border totaling over \$300 million; and

91
92 **WHEREAS**, Mexico has identified multiple projects totaling hundreds of millions of dollars that
93 would benefit from BWIP funding; and

94
95 **WHEREAS**, without federal partnership through the BWIP and state support to address
96 pollution, cities that are impacted by transboundary sewage and toxic waste flows are left with
97 limited resources to address a critical pollution and public health issue and limited legal remedies
98 to address the problem; and

100 **WHEREAS**, Mexico benefits from the bi-national funding program and relies on the North
101 American Development Bank to assist in funding projects on the Mexico side of the border,
102 which have an immediate and long-term environmental impact along the border in the U.S. due
103 to the upstream, transboundary flows of the major rivers; and
104

105 **WHEREAS**, local governments and the public support the State's primary objectives in
106 complying with environmental laws including the Clean Water Act and Endangered Species Act,
107 and their state law analogues, and are supported by substantial public investments at all levels of
108 government to maintain a healthy and sustainable environment for the future.
109

110 **NOW, THEREFORE, BE IT RESOLVED** that the National League of Cities urges the
111 Federal government to continue to fund the Border Water Infrastructure Program, and to
112 recommit to working bi-nationally to develop and implement long-term solutions to address
113 serious water quality and contamination issues, such as discharges of untreated sewage and
114 polluted sediment and trash-laden transboundary flows originating from Mexico, that result in
115 significant health, environmental, and safety concerns of affected communities.

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WHEREAS, local leaders have a strong commitment to ensuring that our citizens have access to clean and reliable drinking water and wastewater systems; and

WHEREAS, local public and private engineers and water professionals also have an obligation to protect public health, to use limited public resources in the most efficient manner possible, and to promote economic development; and

WHEREAS, the design of drinking water and wastewater systems is an inherently local process and local communities are in the best position to select infrastructure materials, as each community's needs are unique; and

WHEREAS, infrastructure materials all have different service lives, durability, reliability, economic, health and safety characteristics and engineers and communities need to retain local control to select infrastructure materials based on factors important to the local community; and

WHEREAS, communities should remain free to adopt system-wide best management practices and uniform design specifications in the development and maintenance of their water systems to maximize efficiency and control costs; and

WHEREAS, restricting local control increases costs, interferes with sound engineering judgment, limits the ability of communities to manage their systems as efficiently as possible and delays projects.

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities (NLC) supports local control of drinking water and wastewater systems and the ability of local governments to make water infrastructure decisions based on engineering and design, not solely based on cost; and

BE IT FURTHER RESOLVED, that NLC opposes federal and state policies that mandates, or in any way promotes, material preferences or otherwise undermine local autonomy for local water and wastewater infrastructure systems.

REPORT OF THE

**COMMUNITY AND
ECONOMIC DEVELOPMENT
FEDERAL ADVOCACY COMMITTEE**

CED

PROPOSED POLICY AMENDMENTS

Only sections of the *NLC National Municipal Policy (NMP)* where modifications are proposed are reproduced in this report. The complete text of the current *NMP*, divided into seven policy chapters, can be found [here](#) or at <http://www.nlc.org/influence-federal-policy/resources/national-municipal-policy>.

Please note:

- Proposed new language is underlined;
- Proposed language for deletion is struck out; and
- Existing, unchanged language is shown as plain text.

Policy: There are no proposed amendments to existing policy

1 NLC RESOLUTION #30

2
3 **SUPPORTING A FEDERAL AGENDA FOR LOCAL ECONOMIC DEVELOPMENT,**
4 **ECONOMIC MOBILITY, AND ENTREPRENEURSHIP**
5

6 **WHEREAS**, cities are the engine of our nation’s economy. From infrastructure like roads and
7 water to parks and libraries, to workforce development centers and business support, to law
8 enforcement and emergency services; cities create the conditions that drive new business, spur
9 innovation, and attract talent and investment; and
10

11 **WHEREAS**, NLC’s [2020 City Fiscal Conditions survey](#) indicates America’s cities and towns
12 are experiencing the fiscal consequences of the pandemic-downturn at an unprecedented speed –
13 and like recent recessions, it will take years for municipal budgets recover from the impact of
14 COVID-19.; and
15

16 **WHEREAS**, the federal government has an essential role to play — in cooperation with local
17 leaders — to help address the social, economic and fiscal challenges weighing on the nation’s
18 cities; and
19

20 **WHEREAS**, local entrepreneurs and small businesses lead a majority of economic growth and
21 are essential stakeholders in the success of neighborhoods, help create a community’s sense of
22 place, and serve as a vital link to connect communities to the larger, global economy; and
23

24 **WHEREAS**, successful neighborhood revitalization requires effective plans for both community
25 development and economic development, and
26

27 **WHEREAS**, in FY2019, federal funding for local community development far outpaced the
28 funding available for local economic development. For example, HUD’s Community
29 Development Block Grant program was funded at \$3.3 billion, while funding for the Department
30 of Commerce’s Economic Development Administration grants totaled just \$302 million; and
31

32 **WHEREAS**, the Community Reinvestment Act (CRA), a landmark civil rights law passed in
33 1977 to end discrimination in America’s banking and housing markets, remains a critical tool for
34 both community and economic development that ensures regulated financial institutions have
35 continuing and affirmative obligations to help meet the credit needs of the local communities in
36 which they are chartered; and
37

38 **WHEREAS**, working with Congress, the President has an opportunity to partner with local
39 officials to renew and reinvigorate federal economic development policies and programs that
40 local entrepreneurs have increasingly been unable to access; and
41

42 **WHEREAS**, in many cases federal programs and policies created in response to the great
43 recession have remained static and increasingly inaccessible or irrelevant to small businesses and
44 local entrepreneurs at the center of today’s urban growth and revitalization; and
45

WHEREAS, high federal regulatory barriers to accessing capital in both public programs and the private market are one reason why racial and ethnic wealth gaps have grown since the great recession (Pew); and

WHEREAS, NLC supported the formation of the bipartisan House Entrepreneurship Caucus, which will serve as a forum for policy discussions and collaboration to address the most pressing issues facing entrepreneurs throughout the country. The caucus will seek to analyze new business formation trends and form a wide-ranging strategy to boost entrepreneurship growth, ensuring new business ventures continue to create jobs and drive innovation.

NOW, THEREFORE, BE IT RESOLVED that NLC urges federal investment and support for economic mobility and opportunity, regional economic development, local entrepreneurship, community banking and community development financial institutions, and direct federal investment in distressed and underserved communities; and

BE IT FURTHER RESOLVED that NLC supports the bipartisan House and Senate Entrepreneurship Caucuses and urges growth in their membership; and

BE IT FURTHER RESOLVED that the federal government can make an immediate and enormously positive impact on local economies by acting on the following five areas:

BE IT FURTHER RESOLVED 1.) that NLC urges federal lawmakers to help local entrepreneurs by supporting policies that result in a supportive ecosystem for entrepreneurship. To that end, Congress should:

- Create an Entrepreneurs Extension Partnership to connect startups with the basic resources needed to create and grow their businesses locally.
- Establish an Office of Entrepreneurship within the Small Business Administration to broaden eligibility for SBA support beyond the types of businesses traditionally supported.
- Launch a network of non-equity based, “revenue first” accelerators for new businesses that fall within a grey area where they are too risky for traditional banks and not risky enough for venture capitalists.

BE IT FURTHER RESOLVED 2.) that NLC urges the federal government improve equity and economic mobility by modernizing the Community Reinvestment Act (CRA) to increase public accountability of banks to serve every community. To that end, federal regulators should:

- Update CRA assessment areas to include areas with considerable bank lending and deposit gathering outside of bank branch networks.
- Improve public data around community development lending and investments in order to provide greater clarity to lenders about what qualifies for CRA and to help identify areas around the country in need of greater community development lending and investing.
- Federal regulators should not adopt a one-ratio or single-metric approach to CRA exams and should not adjust bank asset thresholds solely for making exams easier for banks to pass, or otherwise dilute attention to LMI borrowers and communities.

BE IT FURTHER RESOLVED 3.) that NLC urges federal lawmakers to increase the pace of economic development by continuing on the path of regulatory reform that reduces barriers to development. To that end, Congress should:

- Establish a shot-clock on federal agencies making rulings and determinations on local governments to expedite the federal decision-making processes; and to provide for the certainty that project partners and project finance require; and
- Appoint an independent Intergovernmental Ombudsman at each cabinet level agency to serve as point of contact for state and local elected officials and serve as a facilitator at times of intergovernmental impasse; and

BE IT FURTHER RESOLVED 4.) that NLC urges federal lawmakers make economic mobility a federal priority. To that end, Congress should:

- Restore full funding for the Community Development Block Grant Program, which serves as the first line of defense against local neighborhood decline and has been the bridge for countless families to the middle class; and
- Authorize significant annual increases in funding for economic development grants for cities and towns through the U.S. Economic Development Administration, beginning with a doubling of funding to \$600 million in the first year; and
- Enact the broadest possible definition of economic development to permit EDA grant funding for innovative programs at the intersection of economic development and education, workforce, and infrastructure; and
- Elevate the office of Economic Development Integration at U.S. EDA to fill the role of central integrator of all federal economic development programs across federal agencies to streamline and simplify city access to those programs; and
- Support greater offerings of technical assistance and capacity building at federal agencies tasked with economic development, including HUD, EDA, and USDA, for small and mid-sized cities and towns to create and fill economic development positions within municipal governments – or to support NGO partners assisting local governments; and

BE IT FURTHER RESOLVED 5.) that NLC urges federal lawmakers remain focused on workforce development. Specifically, Congress should:

- Create a workforce planning and development grant jointly administered by the U.S. Departments of Commerce, HUD, and Labor to help cities create a streamlined workforce plan to foster economic mobility by focusing on the education, apprenticeship, and housing needs of those seeking to move up the income ladder; and
- Support federal programs and efforts, such as ban the box initiatives, that assist with reintegration of ex-offenders into the workforce, and that ensure applicants with a criminal history have a fair opportunity to compete for Federal jobs.

1 NLC RESOLUTION #31

2
3 **URGING THE DEVELOPMENT OF CRITERIA FOR NEIGHBORHOOD**
4 **PREFERENCE AS AN ANTI-DISPLACEMENT TOOL**
5

6 **WHEREAS**, federal Fair Housing Act does not allow for any lender, landlord, or housing
7 provider to institute policies or practices that could negatively affect a protected class (race,
8 color, religion, national origin, sex, disability, and familial status); and
9

10 **WHEREAS**, many cities have the affirmative duty to further the Fair Housing Act which
11 includes but not limited to anti-displacement mechanisms; and
12

13 **WHEREAS**, many cities have communities with diverse population of many races, colors, and
14 national origin who have often chosen to live in communities that are like their own race, color,
15 or national origin; and
16

17 **WHEREAS**, in many cities, certain communities, primarily communities of color, are facing
18 gentrification leading to displacement of longtime residents to less desirable areas of the city or
19 displaced entirely from the community; and
20

21 **WHEREAS**, in many communities facing gentrification by market and unaffordable housing,
22 the only source of new housing affordable to the low-income residents is government subsidized
23 housing; and
24

25 **WHEREAS**, the Fair Housing Act does not allow any preference to be given to residents of
26 gentrifying communities being displaced upon the construction of a new housing affordable to
27 low-income residents of that community; and
28

29 **WHEREAS**, if the residents could have preference to these better and safer affordable housing
30 structures recently developed in their communities, the residents would be able to vacate the
31 deteriorating structures which are the only ones they can afford, allowing for the redevelopment
32 of the properties; and
33

34 **WHEREAS**, cities have a legitimate interest in protecting long-term residents as long-term
35 residents are often engaged positively in the community, provide community stability, and
36 stability often lends to less crime; and
37

38 **WHEREAS**, neighborhood/community preference is a very powerful anti-displacement tool
39 which operation (interpretation) of the Fair Housing Act has taken away from municipalities.
40

41 **NOW, THEREFORE, BE IT RESOLVED** that NLC urges the Secretary of the Department of
42 Housing and Urban Development (“HUD”) give municipalities guidance as to how a Fair

Housing marketing plan can be set up with a neighborhood preference that will be acceptable to the department; and

BE IT FURTHER RESOLVED that such guidance can include demographic parameters such as percentage of minorities in a neighborhood, percentage of displacement over the last five years, fair market rent as a percentage of low-income residents and a percentage limit of the local preference.

1 NLC RESOLUTION #32

2
3 **URGING THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)**
4 **TO ENACT SAFEGUARDS AGAINST ABUSES IN CONTRACTS FOR DEEDS**
5

6 **WHEREAS**, the subprime home mortgage crisis damaged housing affordability across the
7 country and caused disproportionate harm in African-American communities, resulting in the
8 loss of forty percent of non-home-equity wealth. Moreover, home-equity wealth, which dropped
9 nineteen percent during the crisis, has declined by an additional thirteen percent in the years
10 since the crisis; and

11
12 **WHEREAS**, over three million families have entered into a Contract for Deed to purchase a
13 home due to the inaccessibility of the traditional mortgage market; and

14
15 **WHEREAS**, a Contract for Deed is a seller finance method to purchase a home where the seller
16 retains the legal title to the property until the homebuyer finishes paying all principal payments
17 and interest owed under the contract. Contracts for Deeds are principally used by low-income
18 homebuyers who are unable to obtain a traditional mortgage or financing because of poor credit
19 ratings, inadequate income or other issues; and

20
21 **WHEREAS**, bad actors can abuse Contracts for Deeds to allow the seller to avoid health and
22 safety regulations, and crucial repairs to the property, while transferring the burden of property
23 taxes, property insurance, and repairs to the homebuyer; and

24
25 **WHEREAS**, in comparison to renting, the homebuyer must pay more per month for the property
26 under Contracts for Deeds, make a larger upfront payment, and take better care of the premises,
27 because the homebuyer is working toward ownership. However, sellers that abuse Contract for
28 Deeds rarely end up transferring the title to the prospective homebuyer; and

29
30 **WHEREAS**, Contracts for Deeds are often consummated between the homebuyer and the seller
31 without the benefit of a title search and title insurance, government regulatory protections and
32 standardized legal documents in many states including Texas, Illinois, Michigan, Minnesota,
33 West Virginia, South Dakota, Ohio, South Carolina, and Florida; and

34
35 **WHEREAS**, the proliferation and abuse of Contracts for Deeds presents the risk of creating yet
36 another large drain on African-American wealth comparable in impact to the housing finance
37 abuses that brought about the 2007-2009 subprime crisis.

38
39 **WHEREAS**, the National Black Caucus of Local Elected Officials, a constituency group of the
40 National League of Cities, has endorsed this resolution; and also strongly condemns the use of
41 Contracts for Deeds to exploit low-income homebuyers.

42 **THEREFORE, BE IT RESOLVED**, that the National League of Cities urges the U.S.
43 Department of Housing and Urban Development, the U.S. Department of Veterans Affairs, and
44 the Rural Housing Service of the U.S. Department of Agriculture to enact regulations and
45 safeguards against predatory uses of Contracts for Deeds, and to protect consumers from the
46 practice of using Contracts for Deeds to unjustly evict families from their homes.

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WHEREAS, the strength of the United States Armed Services is a matter of critical national security; and

WHEREAS, the communities surrounding the military installations throughout the United States have a symbiotic relationship with the installations; and

WHEREAS, realignment and closure of those installations will have a significant economic effect upon the communities surrounding the installations; and

WHEREAS, providing communities surrounding military installations with scoring criteria and prioritization from previous rounds of base realignment and closure will assist them in making necessary changes to better prepare their communities against potential closure of an adjacent installation; and

NOW, THEREFORE BE IT RESOLVED that the National League of Cities (NLC) urges Congress and the Department of Defense to provide the criteria and scoring of installations and surrounding communities from previous rounds of base realignment and closure to allow communities to better prepare themselves against potential closure of the installation and to work closely with the installations to improve low scoring criteria.

1 **NLC RESOLUTION #34**

2
3 **SUPPORTING A NATIONAL AGENDA FOR U.S. HOUSING INVESTMENT AND**
4 **OPPORTUNITY**
5

6 **WHEREAS**, America’s cities are the strength of the nation – communities of neighborhoods
7 where people live, work, learn, and play; and
8

9 **WHEREAS**, every American deserves a decent home in a suitable living environment with
10 adequate financial stability to maintain it; and
11

12 **WHEREAS**, affordable housing contributes to the economic vitality of our communities and
13 local economic regions as a vehicle for creating jobs and increasing municipal tax bases; and
14

15 **WHEREAS**, there is an irreplaceable role for the federal government in addressing our nation’s
16 housing needs; and
17

18 **WHEREAS**, research demonstrates that inadequate housing is linked to issues including
19 unemployment, rising health care costs, public safety challenges, and poor academic
20 performance; and
21

22 **WHEREAS**, the demand for affordable housing far outpaces the supply in the United States, as
23 wages have not kept pace with rising home values over the period following the subprime
24 mortgage crisis; and
25

26 **WHEREAS**, [data](#) shows that in no state, metropolitan area, or county can a worker earning the
27 federal minimum wage or prevailing state minimum wage afford a two-bedroom rental home at
28 fair market rent by working a standard 40-hour week; and
29

30 **WHEREAS**, three out of four households eligible for federal housing assistance receive none;
31

32 **WHEREAS**, on any given night, there are in excess of 560,000 Americans experiencing
33 homelessness, meaning they are sleeping outside, in an emergency shelter, or in a transitional
34 housing program; and
35

36 **WHEREAS**, NLC supports the bipartisan coalition “[MAYORS AND CEOS FOR US](#)
37 [HOUSING INVESTMENT](#)”, and welcomes all city leaders and CEOs to consider joining the
38 coalition as common stakeholders in expanding housing opportunities and ending homelessness;
39 and
40

41 **WHEREAS**, NLC supports the national, multi-sector housing campaign “[OPPORTUNITY](#)
42 [STARTS AT HOME](#)”, a long-term, multi-sector campaign to meet the rental housing needs of
43 the nation’s lowest income people.

44 **NOW, THEREFORE, BE IT RESOLVED** that NLC urges the President and Congress to
45 work with city leaders to end homelessness and ensure that the lowest-income and most
46 vulnerable households have the opportunity for safe, decent, affordable housing; and
47

48 **BE IT FURTHER RESOLVED** that NLC urges Congress to bridge the funding gap between
49 rents and income for extremely low-income households through rental assistance programs,
50 including supporting a mechanism to address the acceptance of federal rental assistance
51 vouchers; and
52

53 **BE IT FURTHER RESOLVED** that NLC urges the federal government to work with local
54 governments to expand the stock of affordable housing and workforce housing; and
55

56 **BE IT FURTHER RESOLVED** that NLC urges Congress to restore and improve funding for
57 neighborhood and household stabilization to provide emergency assistance to avert housing
58 instability, homelessness, and neighborhood decline.

1 NLC RESOLUTION #35

2
3 **SUPPORTING THE ENDING HOMELESSNESS ACT AND THE FIGHTING**
4 **HOMELESSNESS THROUGH SERVICES AND HOUSING ACT**
5

6 **WHEREAS**, there are in excess of 500,000 Americans experiencing homeless nationwide with
7 as many as 160,000 of them being children and nearly 38,000 of them being veterans who have
8 provided many years of service to our nation; and
9

10 **WHEREAS**, homelessness in many communities has reached crisis proportions and some cities
11 and states have declared that homelessness has reached a state of emergency; and
12

13 **WHEREAS**, millions of families nationwide rely on public housing programs that have
14 improved the quality of life of millions of Americans by providing a sense of stability that comes
15 with permanent affordable housing; and
16

17 **WHEREAS**, many more millions of hardworking families across the country are rent-burdened,
18 spending more than thirty percent of their annual income on housing costs and are at serious
19 future risk of experiencing homelessness; and
20

21 **WHEREAS**, as a result of federal disinvestment in public housing authorities, the United States
22 has lost 139,000 public supportive housing units since 2000; and
23

24 **WHEREAS**, decades of disinvestment and lack of proper urban planning have also contributed
25 to the reduction of mental health services, and allowed addiction to take hold in too many lives;
26 and
27

28 **WHEREAS**, as first responders, law enforcement officers are frequently dispatched to address
29 situations involving homelessness-related health emergencies or public safety challenges; and
30

31 **WHEREAS**, housing is not a partisan issue, and homelessness often results from problems that
32 are being felt nationwide; and
33

34 **WHEREAS**, preserving and building affordable housing for low-income families, seniors, and
35 people with disabilities should be a national priority; and
36

37 **WHEREAS**, major progress towards the national goals for ending homelessness in our nation
38 has virtually stalled in the absence of increased funding; and
39

40 **WHEREAS**, the Federal Government must renew its commitment to the national goals to end
41 homelessness; and
42

43 **WHEREAS**, the root causes of homelessness can often include mental illness, drug addiction,
44 and the lack of quality, affordable medical care; and

45 **WHEREAS**, according to the National Council for Behavioral Health, one in four Americans
46 have reported having to choose between getting mental health treatment and paying for daily
47 necessities; and

48
49 **WHEREAS**, mental health, addiction, and hygiene services are crucial to help assist individuals
50 experiencing homelessness assimilate; and

51
52 **WHEREAS**, funding a more holistic approach helps improve the health and wellbeing of our
53 most vulnerable citizens, providing local governments with the resources to address the specific
54 needs of their communities; and

55
56 **NOW, THEREFORE, BE IT RESOLVED**, that the Ending Homelessness Act, would take a
57 holistic approach to ending homelessness by authorizing \$13.27 billion in mandatory emergency
58 relief funding over 5 years to fight homelessness; and

59
60 **BE IT FURTHER RESOLVED**, that the Ending Homelessness Act includes funding to,
61 amongst other initiatives, dramatically increase the country's permanent supportive housing
62 stock, create new funding for Special Purpose Section 8 Housing Choice Vouchers, and assist
63 states and localities to integrate healthcare and housing initiatives to better coordinate their
64 federally funded healthcare and housing programs; and

65
66 **BE IT FURTHER RESOLVED**, that the bipartisan Fighting Homelessness Through Services
67 and Housing Act (S. 923) would authorize \$750 million in grants annually for the next five years
68 to fund supportive housing models that provide comprehensive services and intensive case
69 management; and

70
71 **BE IT FURTHER RESOLVED**, that the legislation would provide much-needed funding
72 through conditioned federal grants based on a recipient's ability to provide not only housing, but
73 also comprehensive services like mental health care, treatment for drug addiction, and job
74 training; and

75
76 **BE IT FURTHER RESOLVED**, that the National League of Cities supports the Ending
77 Homelessness Act and the Fighting Homelessness Through Services and Housing Act , and
78 urges their enactment into law.

1
2
3 **NLC RESOLUTION #36**

4 **ENDORISING THE RECOMMENDATIONS OF NLC’S NATIONAL HOUSING TASK**
5 **FORCE REPORT “HOMEWARD BOUND, THE ROAD TO AFFORDABLE HOUSING”**

6 **WHEREAS**, in cities, towns, and villages across the country, demand for affordable housing is
7 far outpacing supply. According to property data provider Attom Data, home prices are rising
8 faster than wages in 80% of U.S. markets. And according to the National Low Income Housing
9 Coalitions annual report on housing affordability, Out of Reach, there is no county in America
10 where a renter working 40 hours a week, and earning minimum wage, can afford a two-bedroom
11 apartment without spending more than 30% of their income on housing; and
12

13 **WHEREAS**, unmet demand for safe, healthy, affordable housing is reaching crisis levels for
14 local governments in both urban and rural areas. According to the Housing Assistance Council,
15 of the nation’s most rural counties, none with towns of more than 10,000 residents,
16 approximately one quarter have seen a sizeable increase in the number of households this decade
17 spending at least half their income on housing; and
18

19 **WHEREAS**, in response to the housing crisis, NLC President Karen Freeman-Wilson, mayor of
20 Gary, Ind., announced the formation of the National Housing Task Force in November 2018,
21 under the leadership of chair Muriel Bowser, mayor of Washington, D.C.; and
22

23 **WHEREAS**, the National Housing Task Force was comprised of 18 local elected officials
24 representing a diversity of city sizes, geography, and market types - plus the executive directors
25 of two state municipal leagues. The task force was charged to develop a set of policy
26 recommendations for local governments and the federal government; and
27

28 **WHEREAS**, the Housing Task Force developed a federal/local housing platform consisting of
29 five policy recommendations for the federal government, and five policy recommendations for
30 local governments; and
31

32 **WHEREAS**, the National Housing Task Force Housing released the report Homeward Bound:
33 The Road to Affordable Housing. The report is a call for action on the ten federal/local policy
34 recommendations based on evidence that housing stability is a prerequisite for economic
35 mobility, job security, and health and well-being.
36

37 **NOW, THEREFORE BE IT RESOLVED**, that the National League of Cities congratulates
38 and applauds the members of the National Housing Task Force for their work and participation;
39 and
40

41 **BE IT FURTHER RESOLVED**, that the National League of Cities endorses the findings and
42 recommendations of NLC’s National Housing Task Force Report “Homeward Bound, the Road
43 to Affordable Housing; and

BE IT FURTHER RESOLVED, that the National League of Cities urges federal lawmakers to advance the following five priorities:

1. Immediately stabilize and stem the loss of public and affordable housing.
2. Enact a long-term housing bill that provides ten years of funding certainty for pilot programs advancing housing for all.
3. Support innovation and modernization of land-use and planning at the local and regional level.
4. Fix inequities in housing development and the housing finance system.
5. Support scalable innovation and financing for cities, towns and villages.

BE IT FURTHER RESOLVED, that the National League of Cities makes the following five recommendations to local governments:

1. Establish local programs by combining funding and financing streams to support housing goals.
2. Modernize local land use policies, including zoning and permitting, to rebalance housing supply and demand.
3. Identify and engage broadly with local stakeholders; and coordinate across municipal boundaries, to develop a plan to provide housing opportunities for all.
4. Support the needs of distinct sub-populations including the homeless, seniors and persons with conviction histories.
Prioritize equitable outcomes in housing decision as it is an essential component for success.

REPORT OF THE

**HUMAN DEVELOPMENT
FEDERAL ADVOCACY COMMITTEE**

HD

PROPOSED POLICY AMENDMENTS

Only sections of the *NLC National Municipal Policy (NMP)* where modifications are proposed are reproduced in this report. The complete text of the current *NMP*, divided into seven policy chapters, can be found [here](#) or at <http://www.nlc.org/influence-federal-policy/resources/national-municipal-policy>.

Please note:

- Proposed new language is underlined;
- Proposed language for deletion is ~~struck~~ out; and
- Existing, unchanged language is shown as plain text.

POLICY

Section 4.00 – Introduction

Section 4.02 – Children and Learning

Section 4.03 – Poverty Reduction and Income Support

Section 4.04 – Employment

Section 4.06 – Seniors and Social Security

Section 4.08 – Health

Section 4.09 – Immigration and Refugees

PROPOSED POLICY AMENDMENTS

Section 4.00 Introduction

The National League of Cities (NLC) believes that the cornerstone of the federal government's comprehensive human development strategy should be the self-sufficiency of every individual. Through policy recommendations and legislative action, the federal government should:

- Establish a coordinated system of social services;
- Establish and implement a national policy on children and youth, from early childhood through opportunity youth;
- Fully fund federally-mandated programs;
- Fund services designed to prevent unwed teenage pregnancy and eliminate poverty;
- Promote full employment;
- Promote equal opportunity efforts in education, employment, and social services;
- Provide a floor of financial support for seniors and persons with disabilities through Social Security;
- Provide assistance to individuals with disabilities;
- Ensure that all Americans have access to adequate physical and mental health care;
- Establish a federal block grant program to enhance our public health system;
- Implement comprehensive immigration reform and restore the refugee resettlement program to historic norms; and
- Support efforts to ensure that cultural resources are accessible to all citizens.

Section 4.02 Children and Learning

Cities and their elected leaders play a critical role in education and childcare. While local elected officials rarely control their local education agencies, local elected officials have a huge stake in educational outcomes and the impact those outcomes have on the local economy and workforce. In addition, local elected officials have significant influence and can mobilize important resources to the benefit of local school systems.

NLC supports all efforts to create effective and comprehensive early childhood development programs and high-quality education systems that ultimately provide individuals with the skills needed to secure meaningful employment and lifetime skills.

NLC believes that the federal government, through funding and program support, should work the states and local communities to improve education in the United States. To ensure school readiness for all students, the federal government should ensure that local communities have sufficient resources to support families, and children and youth from ages zero to 18 years.

Working with local leaders and schools, the federal government should:

- Establish and implement a national policy on children and youth, which is coordinated, holistic, proactive, and focused on prevention;
- Invest in education, including early childhood education, to ensure the reduction of dropout rates, increase graduation rates and address the achievement gap, and to ensure that all children obtain the best education possible;
- Provide a comprehensive array of services that foster appropriate early childhood development;

PROPOSED POLICY AMENDMENTS

- Ensure that high-quality, safe, and affordable childcare is available to all children who need it;
- Invest in early childhood education programs as a whole and adequately fund Head Start and Early Head Start;
- Fully fund all federally-mandated education acts; and
- Provide resources to local communities to help individual students meet performance standards. and
- Provide resources for innovative pilot programs to more effectively involve parents, strengthen families, and bring communities into our schools.

A. Early Childhood Development

NLC supports early childhood development programs that have the greatest potential for enriching a young child's life in the long term. Such programs should include:

- Health and nutrition for proper development;
- Parent training and support, including flexible childcare arrangements; and
- Appropriate early learning experiences that focus on play-based learning, which develops a child's intelligence through experimentation and fosters collaboration with others.

To achieve this, NLC urges the federal government to provide increased funding and programmatic flexibility, and technical assistance and policies that support collaboration and participation across the federal, state and local levels so that local governments are able to provide for early childhood education for all children. This funding should be used for pre- and post-natal health and social services and nutritional assistance so that children ages zero to six develop properly, and parenting skills programs for mothers, fathers, and other caregivers.

NLC urges the federal government to provide direct funding to cities for parenting programs in their communities.

Furthermore, NLC urges the federal government to:

- Increase funding for the Child Care Development Block Grant to ensure that all families can find high-quality, accessible and affordable childcare;
- Ensure that the childcare services are comprehensive, incorporating preventive and protective services for child abuse and neglect, early and periodic health screenings, nutritional programs, educational enrichment, and appropriate interventions for children with special needs;
- Create minimum federal standards for high-quality, safe and affordable childcare;
- Provide supplemental funds to states to improve the quality of their childcare providers;
- Support research on best practices and effective service delivery; and
- Provide incentives such as training grants, capital improvement funds, liability protection, etc., to encourage home care providers to come into compliance with existing or new regulations.

NLC also recommends that the federal government:

- Provide tax incentives to businesses to provide childcare facilities at worksites and to subsidize the childcare costs of their employees;
- Encourage public-private partnerships through matching funds and financial incentives;
- Educate employers on the economic benefits of providing childcare;

PROPOSED POLICY AMENDMENTS

- Provide support and regulations to ensure childcare providers are paid a living wage;
- Improve the Child and Dependent Care Tax Credit to make it available to more low-and moderate-income families; and
- Urge the Small Business Administration (SBA) to view childcare as a legitimate business and make available low-interest loans to those interested in starting daycare services.

Further, NLC urges the federal government to strengthen childcare and early learning systems by bridging gaps between childcare and early learning providers and supporting policies within Head Start that foster collaboration with early education programs and childcare.

B. Early Childhood Learning

NLC strongly supports quality, early childhood learning programs for all children, including federally-subsidized, quality, early childhood learning programs for at-risk and low-income children. NLC urges the federal government to:

- Increase funds for the expansion of early childhood learning programs;
- Provide incentives to the private sector to become more involved in early childhood and early learning activities;
- Provide support for development and evaluation of education approaches for pre-school children; and
- Preserve the federal-to-local Head Start funding structure that empowers local collaboration and decision-making.

C. School-Age Children

NLC supports comprehensive programs to raise student achievement. NLC supports Title I of the ESEA, which enables schools serving disadvantaged children to meet their unique educational needs. NLA also supports federal efforts around after-school, summer and year-round youth employment, and vocational programs that are linked to staying in school.

The federal government should increase funding for programs that support students who have dropped-out of school so they can return to school easily or move into the employment sector effectively. In addition, for students who are not actively pursuing education beyond high school, NLC supports continued federal investment in research and local programs, including vocational programs that help students to transition from school to work.

NLC also supports the long-term success of immigrant students through English language education. Therefore, NLC urges the federal government to:

- Provide sufficient funding to assist local communities help Limited English Proficiency (LEP) and English Language Learners (ELL) students through bilingual teachers, appropriate lessons, and other needed services;
- Continue to implement flexible policies based on different communities' needs; and
- Continue to allow states to give some school districts time-limited waivers regarding assessments of students who are new immigrants.

Section 4.03 Poverty Reduction and Income Support

PROPOSED POLICY AMENDMENTS

A. Education and Skills Development

NLC urges Congress to permit individuals to use their welfare grants for education and skills training. Allowable activities should include basic and remedial education, with an emphasis on literacy; vocational, technical, and higher education; English language training; work experience; job search and placement assistance; affordable day care; health insurance; substance abuse treatment; entrepreneurial opportunities; and transportation.

The federal government should provide adequate funding to help individuals make the transition from welfare to work by:

- Meeting the diverse and often complex needs of families and children;
- Providing families and children with choices of avenues to self-sufficiency; and
- Recognizing that some families have multiple barriers to employment and providing realistic time frames based on assessments.

Therefore NLC urges Congress to:

- Facilitate better coordination of services offered under existing federally supported financial aid programs for the disadvantaged with the educational needs of citizens qualifying for TANF;
- Invest in workforce development programs, especially for communities of color, LGBTQ+ people, and women;
- Target low-income workers for job training and transitional jobs, if appropriate; and
- Recognize that some individuals who suffer from physical disabilities, health limitations, or mental health disorders may not be able to work under any circumstance and should receive sufficient financial support to maintain an adequate standard of living.

As part of the federal government's efforts to reduce poverty and lower welfare caseloads, the federal government should require states to use whatever mechanisms that are legal and necessary, including Social Security numbers and state tax records, to track people leaving welfare to determine how many have jobs paying enough to sustain self-sufficiency.

The federal government must increase the EITC to relieve more low-income workers of tax obligations and/or to provide larger refunds to those that qualify—In addition, the federal government should support working families by increasing the minimum wage.

B. Supportive Services

The federal government should provide sufficient funding so that essential supportive services can be continued for a period of time after job placement and until wages increase to a family-sustaining level.

C. Homelessness

NLC believes that the rate of homelessness in America reflects fundamental deficiencies in our ability to meet basic human needs. To respond to this, NLC calls upon the federal government to fund and support a seamless, comprehensive system of services designed to prevent homelessness and to provide housing to those individuals and families who are experiencing homelessness. When necessary, the federal government should fund a comprehensive array of

PROPOSED POLICY AMENDMENTS

services for sheltered and unsheltered people experiencing homelessness as well as families in need of emergency or transitional services. The federal government should:

- Expand the emergency and transitional food and shelter programs;
- Expand programs that provide emergency health services;
- Expand access to additional mental health services;
- Fund social services, especially outreach and counseling services;
- Provide transportation, life skills, education, job training, career counseling, and job placement services;
- Expand federal funding for programs such as HOME and CDBG and, where able, allocate federal funds directly to cities;
- Improve access to federal assistance programs such as Medicaid, Supplemental Nutrition Assistance Program, etc.; and
- Develop a unique set of services and programs to aid and assist homeless veterans.

Section 4.04 Employment

A. Workforce Development

The federal government should provide resources for a range of services; including basic educational and job skills training for welfare recipients, structurally unemployed individuals, dislocated workers, and at-risk youth, and job placement services for all Americans to ensure that all Americans have access to higher paying and higher skills jobs.

To ensure that these goals and objectives are met, Congress should fully fund workforce development programs like the Workforce Innovation and Opportunities Act (WIOA) and should:

- Allow cities and towns working individually or together to utilize funds in ways that reflect the local workforce, available jobs, and the needs of the business community;
- Ensure that a portion of the funds are targeted to those most in need: persons living in poverty, those who are structurally unemployed and are not likely to return to their previous jobs, ex-offenders, and disconnected youth who are at-risk of long-term poverty;
- Establish workforce development areas that are based on regional economies rather than arbitrary measures such as population or political boundaries;
- Prohibit states from diverting all federal funds toward those who are already employed or job ready rather than those in greatest need;
- Ensure that local elected officials play a significant role in the planning, development, and implementation of regionally-based workforce development programs;
- Encourage collaboration between governments, education agencies including community colleges, organized labor, and the private sector to provide job skills training that meets the needs of workers and employers alike;
- Provide two-year base funding so that programs may provide long-term training and services across program years; and
- Allow local governments and workforce development programs to use a variety of training approaches including, but not limited to: individual training accounts, classroom training, and on-the-job training.
- Encourage greater use of apprenticeship programs with access to funding for local programs.

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- Establish a permanent summer jobs program for young people ages 14 through 24 that is designed to provide youth, including economically disadvantaged and disconnected, youth with paid jobs that provide measurable world-of-work training and job skills development as well as wrap-around supports to engage them in the workforce system and learn the responsibilities and soft-skills that lead to better jobs;
- Expand the Pell Grant program to cover needed workforce skills training for short-term and certificate training programs;
- Provide streamlined pathways to licensing and certification for immigrants and refugees who come to the U.S. with existing experience, degrees, and qualifications from other countries; and
- Ensure access to affordable, high-quality childcare and portable benefits system to ensure all those able to engage in the workforce are able.

E. Family and Medical Leave

NLC supports a minimum of 12 weeks paid leave in the event of a family illness or other life changing event requiring the employee to be away from his/her/their workplace. Such events include caring for a family member (child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, or registered domestic partner) or to bond with a new child entering the family through birth, adoption, or foster care placement.

Section 4.05 Seniors and Social Security

A. Aging in Place

NLC believes that the federal government should take the lead in planning, research, and development of a universal and comprehensive approach to aging in America that includes culturally relevant programs that will enable senior citizens to “age in place” and enjoy their elderly years in the comfort, safety, dignity, and familiarity of their own homes and/or communities. In support of this effort, NLC urges the federal government to enact tax policies that take into account costs associated with aging in place, elder care, and senior homesteading and establish programs that reduce homecare costs, increase the quality of care, reduce reliance on nursing homes, address mental capacity and mobility, provide transportation and accessibility services, create a continuum of housing options, and increase access to broadband and internet services to improve healthcare and social networking. Further, the federal government should prioritize action within the Domains of Livability, identified by AARP and the World Health Organization:

1. Outdoor spaces and buildings
2. Transportation
3. Housing
4. Social participation
5. Respect and social inclusion
6. Work and civic engagement
7. Communication and information
8. Community and health services
9. Public safety and emergency preparedness
10. Alzheimer’s and other dementias

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4.08 Health

NLC supports universal access to health care. Universal access will improve standard health indicators such as infant mortality, life expectancy, and immunization rates of the young against preventable diseases. It can also eliminate disparities in treatment.

NLC believes that the federal government should:

- Control costs and reduce the rate of growth in health care expenditures and coverage costs;
- Ensure universal health care coverage;
- Maintain and improve Medicaid, Medicare, and the State-Children's Health Insurance Program (S-CHIP) and promote school health clinics to expand access and availability of health care;
- Address disease management;
- Reimburse localities fully for the costs of services provided to Medicare, Medicaid, Tri-Care and Veterans Administration patients;
- Adequately fund a federal block grant program to enhance our public health planning, capacity building, and disaster response systems;
- Assist local public health departments to better address infectious diseases such as HIV/AIDS and influenza, and increase the number of health services personnel employed;
- Adequately fund community health centers, which play a critical role in providing uninsured and underinsured individuals with health care services; and
- Apply the same laws and rules concerning health care coverage and insurance to cities and town as to any other employer.

In addition, NLC urges the federal government to:

- Enhance access to health care by expanding telemedicine and virtual health options, particularly in rural areas.
- Fund and support increased access to behavioral health programs and services.
- Fund block grant and categorical grant programs for health, such as the Maternal and Child Health Services Program, the Preventive Health and Health Services Block Grant, funding for community health centers and health programs for Native Americans, Migrants and Refugees;
- Require employers to cover the costs of health insurance for laid off workers and their dependents, as well as the creation of subsidized health insurance pools for workers without employment-based coverage;
- Provide funding for programs which offer transitional care and home health care services;
- Expand preventive health care programs for the poor; and
- Pay the Consolidated Omnibus Budget Reconciliation Act (COBRA) premiums for people with catastrophic terminal illnesses who have left their jobs and cannot afford to pay the health insurance premium.

Section 4.09 Immigration and Refugees

When admitted through a well-regulated system, immigrants and refugees strengthen the United States by creating economic growth, increasing America's scientific and cultural resources, strengthening our ties with other nations, fulfilling humanitarian commitments, and supporting family ties and that are necessary to build strong communities.

PROPOSED POLICY AMENDMENTS

The federal government should take immediate responsibility for decisions made regarding the influx and settlement of immigrants into the United States. Immigration and refugee policy are set at the national level, and our entire nation feels the effects of federal immigration policy.

The federal government should:

- Provide an appropriate, legal means of immigration, as is determined to be necessary and effective for the United States, for foreign nationals who want to work here temporarily, become legal permanent residents, or gain citizenship;
- Provide local governments with financial and technical assistance so localities can assist of new immigrants, including the costs of providing social services, health care, education, language services, refugee resettlement and civic integration;
- Avoid conscription of local personnel, such as police officers, fire inspectors, educators, health personnel and social service personnel into federal service because the federal government has not adequately funded and staffed its immigration enforcement agencies;
- Avoid transferring responsibility for enforcing U.S. immigration laws to local law enforcement;
- Increase federal capacity and infrastructure to enforce the laws and provide efficient means for foreign nationals to obtain legal authorization for temporary visas or legal permanent residency;
- Establish an affordable process whereby undocumented immigrants currently living in the United States may earn legalized status through payment of appropriate fees and back taxes, background checks, absence of criminal or gang activity, consistent work history, and meeting English and civics requirements;
- Establish a process whereby once the documentation process has begun, individuals are permitted to obtain a driver's license or other official identification card;
- Establish a process whereby those immigrants who have earned such legal status should also be able to apply for expedited citizenship through additional processes, as appropriate and practical, if they do not move ahead of applicants with proper documentation waiting to adjust their status or those waiting on lists in their home countries;
- Adopt legislation like the "Dream Act" that can facilitate state efforts to offer in-state tuition to undocumented students and provide certain students with a path to U.S. citizenship;
- Provide an accessible, effective system to ensure that businesses are able to hire foreign workers legally without excessive bureaucratic red tape and that all foreign workers are authorized and documented; and
- Provide same-sex couples with equal rights of immigration sponsorship as opposite-sex couples and amend current law to allow lawful permanent residents to sponsor the permanent partner for legal residence in the United States provided they are over 18 years of age, financially interdependent with the sponsoring individual, not married or in a permanent partnership with anyone other than the sponsoring individual and is not a first, second, or third-degree blood relation;
- Ensure Congressional oversight mechanisms are in place to prohibit discrimination on the basis of religion;

PROPOSED POLICY AMENDMENTS

- 352 • Restore the refugee resettlement program by increasing the annual admission allotment for
353 refugee resettlement to at least the annual average since program inception (95,000);
- 354 • Reopen ports of entry to process asylum seekers in accordance with international law; and
- 355 • Adopt (1) a definition of “stateless person” in line with international human rights standards,
356 and (2) legal protections for those identified as stateless in the United States through a
357 federal-level Stateless Status Determination procedure based on the United Nation’s High
358 Commissioner for Refugees Handbook on Protection of Stateless People, to ultimately
359 provide stateless people a designated path to lawful status.

1 **NLC RESOLUTION #37**

2
3 **IN SUPPORT OF ACTION BY THE CENTERS FOR DISEASE CONTROL AND**
4 **PREVENTION (CDC) TO STUDY AND ADDRESS VIOLENCE IN AMERICA**
5

6 **WHEREAS**, young men, generally, and African-American males, specifically, are dying at an
7 alarming rate due to homicides, 13 times higher than non-Hispanic white youth¹, and is the
8 number one cause of death for 15-24-year-old African American males², and
9

10 **WHEREAS**, every month, an average of 53 women are shot and killed by an intimate partner,
11 nearly 1 million women alive today report being shot or shot at by intimate partners, and 4.5
12 million woman have reported being threatened with a gun³; and
13

14 **WHEREAS**, studies show that LGBTQ+ people, especially youth, are at a higher risk of
15 attempting suicide and 17 percent of gay and lesbian youth, 9 percent of bisexual youth, and 21
16 percent of transgender youth have been threatened with a weapon on school property⁴; and
17

18 **WHEREAS**, youth violence is an adverse childhood experience (ACE) and can have a long-
19 term impact on health and wellbeing⁵; and
20

21 **NOW, THEREFORE, BE IT RESOLVED**, that the National League of Cities calls upon the
22 United States Congress to direct the Centers for Disease Control and Prevention (CDC), whose
23 primary responsibilities are to monitor public health, detect and investigate health problems,
24 foster safe and healthy environments, and implement prevention strategies, to monitor, detect,
25 and prevent violence in America; and
26

27 **BE IT FURTHER RESOLVED**, that the CDC develop a holistic intervention designed to
28 address the health-related aspects and implications of violence; and
29

30 **BE IT FURTHER RESOLVED**, that the CDC continue collecting data disaggregated by race,
31 ethnicity, sex, sexual orientation, and gender identity and support prevention strategies that are
32 tailored to impacted communities; and
33

34 **BE IT FURTHER RESOLVED**, that Congress and the President increase funding for the
35 Centers for Disease Control and Prevention in the federal budget to support data and indicators

¹ Massetti, Greta M., and Corinne David_Ferdon. Preventing Violence Among High-Risk Youth and Communities with Economic, Policy, and Structural Strategies. Centers for Disease Control and Prevention Morbidity and Mortality Weekly Report, February 12, 2016, Vol. 65, No. 1.

² Centers for Disease Control, "Leading Causes of Death by Age Group, Black Males-United States," 2006.

³ <https://everytownresearch.org/report/guns-and-violence-against-women-americas-uniquely-lethal-intimate-partner-violence-problem/>

⁴ <https://everytownresearch.org/report/remembering-and-honoring-pulse-anti-lgbtq-bias-and-guns-are-taking-lives-of-countless-lgbtq-people/>

⁵ <https://www.cdc.gov/violenceprevention/youthviolence/fastfact.html>

36 that will inform local strategy in cities and towns across our country as they address the issue of
37 violence in their communities.
1

1 NLC RESOLUTION #38

2
3 IN SUPPORT OF COMPREHENSIVE IMMIGRATION REFORM

4
5 **WHEREAS**, historically, the cities and towns of the United States are a cultural mosaic of
6 multiple cultures and nationalities based on our nation’s history of welcoming immigrants; and
7

8 **WHEREAS**, when admitted through a well-regulated, timely and efficient system, immigrants
9 strengthen the United States by creating economic opportunities, increasing America’s scientific
10 and cultural resources, strengthening our ties with other nations, fulfilling humanitarian
11 commitments, and supporting family ties and family values that are necessary to build strong
12 communities; and
13

14 **WHEREAS**, failure on the part of the federal government to simplify immigration procedures,
15 reopen legal ports of entry for asylum seekers to deter illegal entrance, secure the borders, track
16 visa recipients in the interior, or enforce worksite laws allows illegal immigration to thrive, with
17 an estimated 11.3 million residents, 3.5% of the nation’s population, living and/or working in the
18 United States without legal authorization or proper documentation¹; and
19

20 **WHEREAS**, more than 40 million people living in the United States are foreign-born of which
21 23% are unauthorized immigrants, 27% are lawful permanent residents, and 77% are lawful
22 immigrants²; and
23

24 **WHEREAS**, the worksite enforcement program does not adequately protect work visa holders
25 from employer abuse or deter employers who willingly hire unauthorized workers because they
26 face little likelihood that the federal government will investigate, fine, or criminally prosecute
27 them; and it does not help employers who genuinely want to follow the law because their
28 employee verification efforts are hindered by the extensive use of fraudulent documents; and
29

30 **WHEREAS**, the lack of infrastructure and capacity at the federal level makes the federal
31 government unable to adequately track visa-holders and permanent resident status, creates
32 unacceptable application backlogs and long delays, which provide strong disincentives for
33 foreign nationals to abide by the legal means to enter or remain in the country, and results in
34 deleterious effects such as children aging out of parents applications and becoming
35 undocumented, indefinite stagnation of career and life milestones, and inability to move freely
36 across borders; and
37

38 **WHEREAS**, the United States granted more than 900,000 visas in 2019, of which 300,424 were
39 through temporary, unskilled worker programs (the H2-A and H2-B visas); and
40

41 **WHEREAS**, output in the economy is higher and grows faster with more immigrants³; and

¹ Jens Manuel Krogtad and Jeffrey S. Passel, “5 facts about illegal immigration in the U.S.,” Pew Research Center (Nov. 2015).

² <https://www.pewresearch.org/fact-tank/2020/08/20/key-findings-about-u-s-immigrants/>

³ <https://www.brookings.edu/research/a-dozen-facts-about-immigration/>

42 **WHEREAS**, the current immigration system inadequately addresses the growing numbers of
43 individuals wishing entrance to the United States through a temporary work visa program or as
44 legal permanent residents; and

45
46 **WHEREAS**, roughly two-thirds of undocumented adult immigrants have lived in the United
47 States for ten years or more, 1 million unauthorized immigrants are children, and another 4.5
48 million U.S.-citizen children have at least one undocumented parent⁴; and these families are
49 forced to live “underground,” unable to get drivers’ licenses or car insurance in most states,
50 unlikely to obtain health insurance, and afraid to report crimes to local law enforcement; and

51
52 **WHEREAS**, since immigrants are barred from most federal public assistance, the burden of
53 providing social services, education, and health care falls to the state and local governments, who
54 are increasingly feeling the fiscal impact of both legal and illegal immigrants living in their
55 communities.

56
57 **WHEREAS**, with the signing on the executive order, “Affording Congress an Opportunity to
58 Address Family Separation”, the President called for modification of the 1997 *Flores v.*
59 *Reno* court settlement to enable Immigration and Customs Enforcement (ICE) to detain families
60 together longer than 20 days, resulting in nearly 2,000 children having been separated from their
61 parents in a six-week time period, many of whom are being sent to cities and facilities across the
62 country⁵; and

63
64 **WHEREAS**, with guidance from the U.S. Citizenship and Immigration Services (USCIS)
65 updating policy for the accrual of unlawful presence of those in student (F nonimmigrant),
66 exchange visitor (J nonimmigrant) or vocational student (M nonimmigrant), visa overstay
67 penalties will include harsher penalties impacting students and families⁶; and

68
69 **WHEREAS**, with a reduced number of visas available through the H-2A program, which allows
70 U.S. employers to bring foreign nationals to the United States to fill temporary agricultural jobs,
71 many employers struggling to find qualified workers; and

72
73 **WHEREAS**, the federal government is considering expansion of its public charge rule, which
74 would impact the way in which immigrants access means-tested government programs that
75 promote the health and wellbeing of their families and support earnings, employment and
76 homeownership that ultimately impact the economic vitality of cities; and

77
78 **WHEREAS**, the federal government has conducted raids in cities, towns and villages across the
79 country, targeting undocumented immigrants ordered by courts to be removed from the country;
80 and

81
⁴ Paul Taylor et. al, “Unauthorized Immigrants: Length of Residency, Patterns of Parenthood,”
Pew Hispanic Center (Dec. 2011).

⁵ <https://www.nytimes.com/2018/06/15/us/politics/trump-immigration-separation-border.html>

⁶ https://www.uscis.gov/sites/default/files/USCIS/Outreach/Draft%20Memorandum%20for%20Comment/AccrualofUnlawfulPresenceFJMNonimmigrantsMEMO_v2.pdf

WHEREAS, there are 511,000 immigrant veterans in the United States of which, 94,000 are waiting to be naturalized and are at risk of deportation; and

WHEREAS, the refugee limit is currently the lowest it has been since the passage of the Refugee Act of 1980, with a limit of 18,000⁷; and

WHEREAS, current asylum seekers must first arrive at a U.S. port of entry without advanced approval to be considered as an asylum seekers and risk rejection at the border with no alternative; and

WHEREAS, the global refugee crisis the highest in history, with over 79.5 million people, over half of which are under 18, currently displaced and seeking asylum under international law.

NOW, THEREFORE, BE IT RESOLVED that the federal government enforce its current immigration laws equitably, consistently and timely to adequately staff ports of entry to reduce unauthorized entry at the borders, track visa overstays, working without proper documentation, and employing undocumented workers; and

BE IT FURTHER RESOLVED that local personnel, such as police officers, fire inspectors, educators, health personnel and social service personnel, should not be conscripted into federal service because the federal government has not adequately funded and staffed its immigration enforcement agencies; and the federal government must not transfer the responsibility of enforcing U.S. immigration laws to local personnel by making undocumented status in the U.S. a criminal offense; and

BE IT FURTHER RESOLVED that the federal government must strengthen its worksite enforcement capacity and dramatically increase enforcement efforts at places of employment, as well as providing employers with a universal, reliable, effective, secure, non-discriminatory, and non-counterfeitable employee verification system, using the most up-to-date technology that will minimize fraud; and

BE IT FURTHER RESOLVED that the federal government must increase its capacity and infrastructure, including funding levels and number of judges, to enforce the laws and provide efficient means for foreign nationals to obtain legal authorization for visas or legal permanent residency as well as to be processed when making a border crossing; and

BE IT FURTHER RESOLVED that the federal government must update its policies to provide an appropriate, streamlined legal means of immigration and change status according to life milestones, as is determined to be necessary and effective for the United States, for undocumented immigrants, non-immigrant foreign nationals that want to visit or work here temporarily, or immigrant foreign nationals that want to become legal permanent residents, or gain citizenship, as well as clearly define penalties and consider impacts to students and families for harsh penalty policies for visas overstays; and

⁷ <https://immigrationforum.org/article/fact-sheet-u-s-refugee-resettlement/>

BE IT FURTHER RESOLVED that the federal government should reexamine its policies regarding seasonal workers given its impact on local business and the economic vitality of cities and towns across America; and

BE IT FURTHER RESOLVED that NLC supports establishment of a process whereby undocumented immigrants currently living in the United States may earn legalized status through payment of appropriate fees and back taxes, background checks, absence of criminal or gang activity, consistent work history, and meeting English and civics requirements; and that the immigrants who have earned such legal status should also be able to apply for citizenship through additional processes, as appropriate and practical, as long as they do not move ahead of applicants with proper documentation waiting to adjust their status or those waiting on lists in their home countries; and

BE IT FURTHER RESOLVED that the federal government should provide local governments with financial and technical assistance to alleviate the local impact of new immigrants, including the costs of providing social services, health care, education, language services, and civic integration; and

BE IT FURTHER RESOLVED that the federal government should consider the negative impact of U.S. Immigration and Customs Enforcement raids on local economies and communities, including public safety and social services resources; and

BE IT FURTHER RESOLVED that the federal government should ensure detention policies that do not inflict trauma upon vulnerable children and their families, creating additional financial burdens for mental health, education and family supports in cities across the country; and

BE IT FURTHER RESOLVED that NLC opposes any further expansion of the public charge definition that would preempt cities from offering services to all residents in their communities; and

BE IT FURTHER RESOLVED that NLC also supports federal legislation like the “Dream Act” that can facilitate state efforts to offer in-state tuition to undocumented students and provide certain students with a path to U.S. citizenship; and

BE IT FURTHER RESOLVED, legal immigrants who have served honorably in the US Armed Forces should be given the ability to expedite their naturalization process without prejudice and should not be put at risk of being deported; and

BE IT FURTHER RESOLVED, the federal government should adopt (1) a definition of “stateless person” in line with international human rights standards, and (2) legal protections for those identified as stateless in the United States through a federal-level Stateless Status Determination procedure based on the United Nation’s High Commissioner for Refugees Handbook on Protection of Stateless People, to ultimately provide stateless people a designated path to lawful status; and

172 **BE IT FURTHER RESOLVED**, the federal government should be trained to provide language
173 services and a clearly defined appeals process to asylum seekers who are denied entry into the
174 United States; and

175
176 **BE IT FURTHER RESOLVED**, the federal government should restore and increase the
177 refugee resettlement allotments.

NLC RESOLUTION #39

IN SUPPORT OF EFFORTS TO PREVENT SEXUAL HARASSMENT AND ASSAULT

WHEREAS, according to the Equal Employment Opportunity Commission and the Centers for Disease Control and Prevention, 1 in 4 women and 1 in 7 men are victims of severe physical violence by an intimate partner; 1 in 5 women and 1 in 71 men are raped in their lifetime; 1 in 5 women report harassment by a boss and 1 in 4 were harassed by a coworker; 1 in 6 women and 1 in 19 men were stalked in their lifetime; 81% of women experienced verbal harassment; and 25% say they have received lewd texts or emails¹; and

WHEREAS, approximately 3 out of every 4 employees who experience harassment never report it, and 75% of employees who spoke out against workplace mistreatment suffered some form of retaliation²; and

WHEREAS, the groundbreaking anti-assault and women's empowerment movement #MeToo upended the public conversation around harassment issues across the world; and

WHEREAS, the United States Congress has recognized the importance and impact of this movement, evidenced by the introduction of 194 bills related to sexual harassment during the 115th Congress; and

WHEREAS, the U.S. Senate passed S. 2952, and the U.S. House of Representatives passed H.R. 4924, both of which call for the amendment of the Congressional Accountability Act of 1995 to establish protections against congressional sexual harassment and discrimination, taking clear action for harassment experienced within the halls of Congress; and

WHEREAS, the U.S. Justice Department has recognized the importance and impact of this movement, evidenced by the announcement of the Sexual Harassment in the Workplace Initiative, focusing on workplace sexual harassment in the public sector³; and

WHEREAS, local governments are not immune to the challenges and threats that reports of sexual harassment can pose to workplace safety and culture as well as to the public trust.

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities (NLC) calls upon the federal government to take meaningful action to prevent sexual harassment for all individuals, regardless of gender or sexual orientation, and to adopt improved reporting practices as an example for cities to follow; and

¹ EEOC and CDC, National Intimate Partner and Sexual Violence Survey 2011

² EEOC June 2016 Report

³ <https://www.justice.gov/opa/pr/justice-department-launches-initiative-fight-sexual-harassment-workplace>

40 **BE IT FURTHER RESOLVED** that NLC supports the intention and vision of the #MeToo
41 movement and calls on Congress to provide support to programs and initiatives that create
42 pathways to healing as well as direct resources towards training, counseling and other
43 appropriate measures that address both prevention efforts and resources for survivors of sexual
44 violence and harassment.

1 NLC RESOLUTION #40

2
3 **IN SUPPORT OF REAUTHORIZATION OF THE WORKFORCE INNOVATION AND**
4 **OPPORTUNITY ACT AND INCREASED INVESTMENT IN WORKFORCE**
5 **DEVELOPMENT PROGRAMS**
6

7 **WHEREAS**, in 2014 Congress signed into law the Workforce Innovation and Opportunity Act
8 (WIOA) with overwhelming bipartisan support, the largest single source of federal funding for
9 workforce development activities; and
10

11 **WHEREAS**, WIOA reauthorizes the Workforce Investment Act (WIA), which replaced the Job
12 Training Partnership Act (JTPA), and established the system of one-stop career centers for
13 access to training and employment services for a full range of workers, including youth, to help
14 them access good jobs of the 21st century in local and regional industries; and
15

16 **WHEREAS**, WIOA allows for the greater use of sector partnerships, career pathway models and
17 higher levels of accountability;
18

19 **WHEREAS**, WIOA reflects the growing recognition that in order to adequately address the
20 skills needs of workers, jobseekers, and employers, we must do a better job of coordinating
21 across multiple education, training, and supportive service programs; and
22

23 **WHEREAS**, ongoing State and local implementation of WIOA (29 U.S.C. 3101 et seq.)
24 provides unprecedented opportunities to develop the skills of workers in the United States
25 through access to effective workforce education and training, including the development and
26 delivery of proven strategies such as sector partnerships, career pathways, integrated education
27 and training, work-based learning and paid internships;
28

29 **WHEREAS**, during these unprecedented times, it is clearer than ever that workers need skills
30 now to access open positions. Out of the nearly 60 million people who have filed for
31 unemployment since March, more than 40 percent⁵⁸ have been workers who earn less than
32 \$40,000 a year; and
33

34 **WHEREAS**, the global crisis has disproportionately impacted workers without any education
35 past high school, workers who already needed access to skills prior to the pandemic. Workers
36 with a high school degree or less have been displaced at nearly three times⁵⁹ the rate as those
37 with a bachelor's degree; and
38

⁵⁸ <https://www.federalreserve.gov/publications/files/2019-report-economic-well-being-us-households-202005.pdf>

⁵⁹ <https://www.pewresearch.org/fact-tank/2020/06/09/hispanic-women-immigrants-young-adults-those-with-less-education-hit-hardest-by-covid-19-job-losses/>

WHEREAS, workers of Color, particularly women of color, have shouldered the greatest job losses due to their concentration in low-wage service industries that [*have been hardest hit*](#)⁶⁰ by the economic downturn; and

WHEREAS, for local small business, the economic disruption from the first months of the pandemic alone could cause 1.4 million to 2.1 million of them to close for good⁶¹; and

WHEREAS, minority-owned small businesses, which employ more than 8.7 million workers, are most vulnerable because they are disproportionately represented in sectors that are most likely to see permanent closures, such as storefront retail, bars and restaurants, travel and hospitality; and

WHEREAS, in 2018, programs authorized under WIOA:

- (1) Served nearly 6,000,000 young people
- (2) Exceeded employment targets across programs
- (3) Helped more than 1,500,000 individuals, including English language learners, gain skills and credentials to help the individuals succeed in the labor market

WHEREAS, the public workforce system and partner programs provide a pathway into 21st century jobs that support families while ensuring that businesses in the United States find the skilled workforce needed to compete in the global economy;

WHEREAS, businesses need skilled workers — people trained for jobs in growing industries like healthcare, medical technology, IT and software, and advanced manufacturing – as well as plumbers and electricians, and WIOA allows for greater local control of business outreach and ability to react to business needs; and

WHEREAS, the United States invests less than all other developed countries, except Mexico, in workforce development, and over the past two decades has cut investments by 40%, and does not support local workforce development at the levels necessary to ensure cities across the country can prepare workers for the impact of automation, technology and AI on the workplace.

WHEREAS, as cities across America work to strengthen their economic standing and competitiveness and respond and recover from the COVID-19 pandemic, we must build strong workforce development systems, and

WHEREAS, key areas to consider include supporting and scaling pathways to employment, equity and access, and the impact of emerging technologies, and

WHEREAS, registered apprenticeships have an 80-year history which has been marked by a recent increase in funding and expansion. With additional shifts in prioritizing apprenticeships in WIOA and the increased awareness of these potential pipelines to employment, apprenticeships

⁶⁰ <https://www.policylink.org/our-work/economy/national-equity-atlas/COVID-workforce>

⁶¹ <https://www.mckinsey.com/featured-insights/americas/which-small-businesses-are-most-vulnerable-to-covid-19-and-when>

81 continue to increase in number and expand into new and emerging industries including health,
82 technology (IT), finance and transportation⁶², and
83

84 **WHEREAS**, WIOA calls for the prioritization of service for all U.S. Department of Labor-
85 funded job training programs for veterans and eligible spouses, including access to Jobs for
86 Veterans State Grants (JVSG) and the National Dislocated Worker Grants (DWG) program for
87 transitioning service members and their spouses; and
88

89 **NOW, THEREFORE, BE IT RESOLVED**, that the National League of Cities (NLC) calls
90 upon the United States Congress to enact a five-year reauthorization of WIOA that will provide
91 certainty needed to deliver programming; and
92

93 **BE IT FURTHER RESOLVED**, that NLC calls upon the United States Congress to increase
94 funding to WIOA programs across all titles to ensure a robust investment in skills training,
95 business engagement and increased economic development in communities across America; and
96

97 **BE IT FURTHER RESOLVED**, that NLC calls upon the United States Congress to
98 immediately invest at least \$15 billion in our nation’s workforce development system as a
99 supplemental measure to ensure that our nation’s workforce development system can respond to
100 the increased demands associated with COVID-19; and
101

102 **BE IT FURTHER RESOLVED**, NLC supports clearer guidance on how WIOA can be used
103 locally to support apprenticeship programs, including through the use of industry or sector
104 partnerships and by supporting pre-apprenticeship programs for workers with barriers to
105 employment; and
106

107 **BE IT FURTHER RESOLVED**, that NLC supports increasing employment opportunities for
108 veterans, transitioning service members and their families, and urges Congress to provide
109 increased funding to WIOA Title I employment and training programs to provide for adequate
110 investment in job training and adult education for this critical population in our cities, towns and
111 villages.

⁶² <https://www.jff.org/what-we-do/impact-stories/center-for-apprenticeship-and-work-based-learning/>

NLC RESOLUTION #41

ADDRESSING SYSTEMIC RACISM AS A PUBLIC HEALTH CRISIS

WHEREAS, racism is rooted in the foundation of America, beginning with enslavement of Africans in 1619 and attempted genocide of Indigenous people; much of the Black experience in America has been endured under slavery and Jim Crow which allowed preferential opportunities for some while subjecting Black, and Indigenous people to hardships and disadvantages in every area of life; and

WHEREAS, health disparities have existed in America for more than 400 years - we now are witnessing a coronavirus pandemic which is shining a light upon the stark inequities that result from generations of structural and systemic racism. COVID-19 is killing Black people at 2.1 times the rate of White people and Indigenous, and LatinX people are contracting cases at 2.8 times the rate of White people. Black, Indigenous, and People of Color (BIPOC) are disproportionately impacted because of long standing racism in every system, unaddressed health disparities and other socioeconomic inequities across class lines; and

WHEREAS, racism is a system of power and oppression. A system of structuring opportunity and assigning value based on the social interpretation of how one looks (which is what we call “race”), that unfairly disadvantages some individuals and communities, unfairly advantages other individuals and communities, and saps the strength of the whole society through the waste of human resources; and

WHEREAS, there is clear data to illustrate that racism results in disproportionate impacts the lives of Black, Indigenous, LatinX, and other people of color - the current COVID- 19 crisis has helped to highlight now, more than ever, that racism, not race causes disproportionately higher rates of homelessness, incarceration, and economic hardships for African Americans - racism can be seen across systemic, institutional and interpersonal levels - all operating over the course of time and across generations. An increasing number of local leaders are declaring racism as a public health crisis in cities, towns and villages across the country⁶³; and

WHEREAS, racism is a driving force of social determinants of health, such as housing, education, neighborhood conditions, environmental conditions, and employment, and is a barrier to health equity⁶⁴ For example, lending practices of the 20th century known as “redlining” and the current limitations and access to healthy, nutritious food, reduced life expectancy, increased rates of lead poisoning, limited access to clean water, and higher rates of infant mortality demonstrate the current impact of racism; and

⁶³ <https://www.apha.org/topics-and-issues/health-equity/racism-and-health/racism-declarations>

⁶⁴ <https://www.apha.org/topics-and-issues/health-equity/racism-and-health>

WHEREAS, Black people in the United States face higher rates of chronic disease than White people⁶⁵, Black women are nearly four times as likely to die of pregnancy-related causes than White women⁶⁶ and Black people are more likely to die at early ages of all causes⁶⁷; and

WHEREAS, the privileges that other Americans experience inhibits them from fully understanding how racism impacts Black people in America - for example the performance of simple tasks like driving while Black, walking in neighborhoods or just going to a park come with certain risk not experienced by others - life events like getting a job, purchasing a home, buying a car, or just raising a family come with barriers that other cultures don't experience; and

WHEREAS, the American Public Health Association, the American Medical Association, the American Academy of Pediatrics, and the American Academy of Emergency Physicians have declared institutional racism as a public health crisis.

NOW, THEREFORE, BE IT RESOLVED, that the National league of Cities (NLC) recognizes racism as a public health crisis and calls on Congress to appropriate significant resources towards policy, programs and practices (i.e. Housing, Education, Nutritious Food, Transportation, Employment, Legal system, etc.) that work to address social determinants of health and end racism in our country, so race is no longer the strongest predictor of one's success; and

BE IT FURTHER RESOLVED, that NLC calls on Congress to ensure that disaggregated data by race is made available to provide a clear and accurate picture of disparate effects and outcomes to BIPOC communities.

⁶⁵⁶⁵ https://www.cdc.gov/mmwr/volumes/66/wr/mm6617e1.htm?s_cid=mm6617e1_w

⁶⁶ <https://www.americanprogress.org/issues/women/reports/2019/05/02/469186/eliminating-racial-disparities-maternal-infant-mortality/>

⁶⁷

<https://www.cdc.gov/vitalsigns/aahealth/index.html#:~:text=The%20death%20rate%20for%20African%20Americans%20decreased%2025%25%20from%201999,high%20blood%20pressure%20than%20whites.>

1 NLC RESOLUTION #42

2
3 IN SUPPORT OF ACTIONS BY THE CENTERS FOR DISEASE CONTROL AND
4 PREVENTION (CDC) AND DEPARTMENT OF HEALTH AND HUMAN SERVICES
5 (HHS) TO ADDRESS CORONAVIRUS HEALTH DISPARITIES THROUGH
6 RESOURCES AND DATA
7

8 **WHEREAS**, the coronavirus (COVID-19) pandemic has revealed deep-seated inequities in
9 health care for communities of color, including LGBTQ+ people and amplified social and
10 economic factors that contribute to poor health outcome; and
11

12 **WHEREAS**, recent reports indicate that the pandemic disproportionately impacts communities
13 of color, compounding longstanding racial disparities; and
14

15 **WHEREAS**, nationally, African-American deaths from COVID-19 are nearly two times greater
16 than would be expected based on their share of the population⁶⁸; and
17

18 **WHEREAS**, women of color are also disproportionately likely to experience many of the
19 chronic health conditions that heighten the risk of serious illness from COVID-19, such as
20 diabetes and asthma, as a result of structural racism⁶⁹; and
21

22 **WHEREAS**, women are more likely to be on the front lines of coronavirus response and
23 exposure: 52 percent of essential workers are women, and women are the majority of the workers
24 in jobs that the federal government has designated as essential, including the vast majority of
25 hospital workers, home health aides, and grocery store cashiers⁷⁰; and
26

27 **WHEREAS**, in 42 states plus Washington D.C., Latinos make up a greater share of confirmed
28 cases than their share of the population⁷¹; and
29

30 **WHEREAS**, Puerto Rico, an area with a large Latino population, is at risk for experiencing
31 health disparities due to an already weakened economic and health infrastructure. In addition,
32 territory's population is now older and more prone to health threats, such as the coronavirus.
33 Many younger Puerto Ricans have moved away, and the median age of residents is forty-five,
34 making Puerto Rico's one of the oldest populations in the U.S.⁷²; and
35

36 **WHEREAS**, while data for tribal populations is harder to come by, where it exists, it also shows
37 glaring disparities. In New Mexico, Native American communities have accounted for 60% of
38 cases but only 9% of the population. Similarly, in Arizona, at least 136 Native American have

⁶⁸ <https://www.npr.org/sections/health-shots/2020/05/30/865413079/what-do-coronavirus-racial-disparities-look-like-state-by-state>

⁶⁹ <https://www.americanprogress.org/issues/women/news/2020/06/08/485589/women-need-response-coronavirus-pandemic/>

⁷⁰ <https://www.americanprogress.org/issues/women/news/2020/06/08/485589/women-need-response-coronavirus-pandemic/>
⁷¹ <https://www.npr.org/sections/health-shots/2020/05/30/865413079/what-do-coronavirus-racial-disparities-look-like-state-by-state>

⁷² <https://www.cfr.org/in-brief/coronavirus-challenge-puerto-rico>

died from COVID-19, a striking 21% of deaths in a state where just 4% of the population are Native American⁷³; and

WHEREAS, in several states Asian Americans have seen a disproportionate share of cases. In South Dakota, for example, they account for only 2% of the population but 12% of cases. But beyond these places, data can be spotty. In Iowa, Maine, Michigan, Oklahoma and Wisconsin, Asian Americans and Hawaiian and Pacific Islanders are counted together, making comparison to census data difficult⁷⁴; and

WHEREAS, LGBTQ+ people also experience health disparities that magnify the impact of the COVID-19 pandemic; and

WHEREAS, in addition to the greater risk of health complications as a result of COVID-19, LGBTQ Americans are more likely than the general population to live in poverty and lack access to adequate medical care, paid medical leave, and basic necessities during the pandemic⁷⁵; and

WHEREAS, it is unknown how many of the 1.5 million people who have contracted the coronavirus in the U.S. and the 93,000 who have died are lesbian, gay, bisexual or transgender. Just one state, Pennsylvania, has begun tracking information on the LGBTQ identities of COVID-19 patients⁷⁶; and

WHEREAS, major holes in the data remain: 48% of cases and 9% of deaths still have no race tied to them. And that can hamper response to the crisis across the U.S., now and in the future⁷⁷.

NOW, THEREFORE, BE IT RESOLVED, that the National League of Cities (NLC) urges the Centers for Disease Control and Prevention (CDC), to continue collecting data disaggregated by race, ethnicity, sex, sexual orientation, and gender identity; and

BE IT FURTHER RESOLVED, NLC urges the CDC to support data that sheds light on the intersecting forces of racial disparities, underlying conditions, and poverty that affect how the virus spreads and provide resources that address the disproportionate effect of the pandemic on communities of color.

⁷³ <https://www.npr.org/sections/health-shots/2020/05/30/865413079/what-do-coronavirus-racial-disparities-look-like-state-by-state>

⁷⁴ <https://www.npr.org/sections/health-shots/2020/05/30/865413079/what-do-coronavirus-racial-disparities-look-like-state-by-state>

⁷⁵ https://assets2.hrc.org/files/assets/resources/COVID19-IssueBrief-032020-FINAL.pdf?_ga=2.103849987.2089741639.1586550664-1232805491.1582911566

⁷⁶ <https://www.menendez.senate.gov/news-and-events/in-the-news/lawmakers-urge-trump-administration-to-collect-data-on-lgbtq-covid-19-patients>

⁷⁷ <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/racial-ethnic-minorities.html>

1 NLC RESOLUTION #43

2
3 IN SUPPORT OF THE ONE HEALTH INITIATIVE

4
5 **WHEREAS**, cities depend on the health and vitality of their inhabitants, reliable access to
6 sufficient quantities of wholesome food and clean water, clean air, and the ecosystem services
7 that support them; and
8

9 **WHEREAS**, government plays an important role in coordinating efforts to preserve and
10 maintain those resources; and
11

12 **WHEREAS**, policymakers are challenged to make sense of complex inter-relationships among
13 human health, animal health, and ecological health, and pressed to conform with decision-
14 making models that often isolate those critical connections and shorten planning horizons; and
15

16 **WHEREAS**, cities' economic, social, and environmental well-being—the “triple bottom line”
17 whereon environmental stewardship, economic prosperity, and social responsibility intersect—
18 depends on our ability to integrate diverse interests through unified long-range planning, and to
19 engage and inform policymakers and practitioners about critical interdependent needs; and
20

21 **WHEREAS**, the *One Health Initiative*⁷⁸ is a collaborative, multisectoral, and transdisciplinary
22 approach—working at the local, regional, national, and global levels—to achieve optimal health
23 outcomes recognizing the interconnection between people, animals, plants, and their shared
24 environment; and
25

26 **WHEREAS**, leaders in local government are ideally suited as partners in that responsibility; and
27

28 **WHEREAS**, successful adoption and implementation of the *One Health Initiative* will be
29 predicated on the leadership, communication skills, and cooperation of its advocates; and
30

31 **WHEREAS**, *One Health* topics that pertain to local government include the costs and
32 organizational structure of public health services; pandemic preparedness; health education;
33 adaptation to climate change; animal control and vaccination requirements; transportation and
34 land use planning affecting public wellness; water quality protection; waste management; energy
35 choices; food safety and regional food systems; ecological protection, restoration, and
36 monitoring; homeland security and bioterrorism; measures of economic trends and workforce
37 preparedness relative to sustainable practices; health, healthcare costs, and absenteeism of
38 personnel; and
39

40 **WHEREAS**, facilitating communication among increasingly specialized experts will improve
41 health outcomes for communities through increased awareness of connections between climate
42 variability, food production, and infectious diseases; cross-species contagion (zoonoses), and
43 human and animal health conditions; and demands on municipal infrastructure and services; and
44

⁷⁸ www.onehealthinitiative.com

45 **WHEREAS**, climate change will affect energy costs, the frequency and severity of floods, fires,
46 wind events, heat waves, and other extreme weather conditions; coastal development and
47 building standards; incidence vector-borne illnesses; crop production; habitat loss; endangerment
48 and extinction of species; and human illness; and
49

50 **WHEREAS**, cities can only thrive if they remain attractive and livable, with sufficient quantities
51 of clean water, clean air, efficient, affordable buildings, healthful food choices, healthy food
52 animals, strong public health systems, and leaders who are committed to cooperative long-range
53 planning for a sustainable future.
54

55 **NOW, THEREFORE, BE IT RESOLVED** that the National League of Cities supports
56 integrated decision-making in the context of the *One Health Initiative* and calls on the federal
57 government to adopt legislation and practices that address human health, animal health, and
58 ecological health in an integrated fashion and support local efforts to monitor and control public
59 health threats.

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WHEREAS, the first enslaved Africans were brought as captives to what is now the Commonwealth of Virginia in 1619; and

WHEREAS, Black people were bought and sold as slave labor for 250 years and suffered unspeakable acts of violence; and

WHEREAS, President Abraham Lincoln first issued the Emancipation Proclamation effective January 1, 1863, freeing the enslaved people in the South. However, southern slave owners ignored that order; and

WHEREAS, on June 19, 1865, Union soldiers arrived in Galveston, Texas and enforced the president’s order, freeing the enslaved two and a half years after it was first decreed at the end of the Civil War. This day has since come to be known as Juneteenth; and

WHEREAS, other systems of oppression, such as sharecropping, Jim Crow, redlining, and mass incarceration, and the police violence against Black bodies continued throughout our Country’s history and perpetuated the racist legal and social systems that persist to this day; and

WHEREAS, the National League of Cities recognizes the history of racism in our country and how it has led to many current day disparities in education and job attainment, housing, and healthcare, as well as disproportionate incarceration rates for Black people in cities, towns and villages across our country.

NOW, THEREFORE, LET IT BE RESOLVED, that the National Leagues of Cities calls upon the United States Congress to declare a national holiday on June 19th – Juneteenth – to acknowledge the historical significance of this day and to recommit our country to dismantling institutional racism.

REPORT OF THE

**TRANSPORTATION AND
INFRASTRUCTURE SERVICES
FEDERAL ADVOCACY COMMITTEE**

TIS

PROPOSED POLICY AMENDMENTS

Only sections of the *NLC National Municipal Policy (NMP)* where modifications are proposed are reproduced in this report. The complete text of the current *NMP*, divided into seven policy chapters, can be found [here](#) or at <http://www.nlc.org/influence-federal-policy/resources/national-municipal-policy>.

Please note:

- Proposed new language is underlined;
- Proposed language for deletion is struck out; and
- Existing, unchanged language is shown as plain text.

POLICY:

Section 5.00 – Transportation Principles
Section 5.01 – Transportation Policies
Section 5.02 – Streets and Highways
Section 5.03 – Public Transportation
Section 5.04 – Air Transportation
Section 5.05 – Rail

PROPOSED POLICY AMENDMENTS

5.00 Transportation Principles

The United States' transportation systems are essential to the economic growth, vitality and resilience of our nation's cities and towns and the country as a whole. These systems can preserve and strengthen local and regional economies, stimulate economic growth and strengthen our competitive position in world trade. The safe and efficient movement of people and goods must be the prime objective of transportation policy at all levels of government, and federal, state and local governments should be guided by the following principles in the development and implementation of transportation policies and programs.

A. Local Control

Fundamental responsibility for overall transportation decision-making is a shared federal, state and local responsibility but emphasis should be at the local level. NLC supports the ability of states and municipalities to set their own priorities in transportation investment, and to have a greater voice in influencing transportation plans that satisfy local needs and objectives.

Where there are overriding national or statewide transportation concerns, federal and state governments have a legitimate role in planning and decision-making, but local governments should never be excluded from those processes. Congress should strengthen provisions for local decision-making as a central component of any federal transportation program, and any funds intended for local use must not be diverted to state governments.

B. Flexibility

NLC supports local flexibility to build, operate and maintain local and regional

transportation projects. It is important that state and local government officials have the ability to use federal transportation funding as they properly determine.

C. Modal Equity

NLC supports investment in the nation's infrastructure and encourages the federal government to enact policies and programs that would expand public and private investment in all areas of infrastructure. Federal policy should treat all transportation modes with equity and should urge federal, state, and local officials to work together on the safe, efficient, and environmentally-friendly designs for solving transportation problems. Public subsidies for particular modes of transportation, if used, must be explicit in the outcomes required and must support and enhance the efficient operation of our market-based economic system. Rural and urban transportation needs should be addressed equitably.

D. Intermodalism/Multimodalism

NLC recognizes the need for regional and federal strategies to create a robust and multimodal national transportation system. It is essential that the nation's transportation system be seamless and mode-neutral. Federal policy should encourage closing the gap of independent modal elements of the transportation system, with the goal of ensuring that efficient connections between modes are available for the movement of people and goods.

PROPOSED POLICY AMENDMENTS

NLC supports federal priority funding for improving the efficiency of the connecting modes of intermodal/ multimodal facilities.

E. Integrated Management and Operations

Federal policy must encourage integrated management and operation of all transportation systems at regional and local levels, maximizing the use of information technology for management of traffic and transit, monitoring structural integrity, and enforcement for public safety.

F. Advanced Transportation Technologies

City leaders welcome advanced technologies that can improve safety, reduce congestion and decrease costs within the transportation networks. It should be a federal policy to accelerate the testing, deployment and integration of advanced transportation technologies, such as automated, connected, electric and shared vehicles, that have the capability to increase mobility options and accessibility, while simultaneously ensuring safety and reducing emissions, collisions and congestion. This should be done in close consultation with cities and include a robust public engagement process and appropriate regulations that ensure the unique needs of each municipality are accounted for. Adoption of new technologies should also be linked to solutions to address persistent challenges including funding, data for research and integrated transportation planning.

G. Disadvantaged Business Enterprise (DBE) Requirements

The federal government should seek greater economic opportunity for disadvantaged businesses in federal procurement and financial assistance programs. DBE goals should be high enough to be effective, and enforcement should be reasonably consistent. Furthermore, a flexible, efficient waiver procedure should be instituted to take into account the percentages of DBEs in an area and the availability of DBEs.

5.01 Transportation Policies

A. Transportation Planning

1. Metropolitan Planning Organizations

The federal government must continue to require that Metropolitan Planning Organizations (MPOs) be responsible for a continuing, comprehensive, and coordinated transportation planning process that develops multimodal transportation programs in cooperation with state transportation departments, public transportation agencies, and local implementing agencies. The MPO endorsement of these plans and programs must be a prerequisite for approval of federally assisted transportation projects in urbanized areas. The federal government should continue to provide adequate financial assistance to MPOs for planning efforts.

The federal government should allow the MPO and/or the local government to plan projects that use alternate design standards while meeting environmental objectives, when the use of rigid federal design standards is inconsistent with local needs.

Federal regulations should continue to require that the elected officials of general purpose local governments be adequately represented on the MPO and that such officials participate in the designation and re-designation of the planning organization and its membership.

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MPOs representing metropolitan areas with populations of more than 50,000 must be the direct recipients of federal transportation funding for all transportation planning and program efforts in those areas. Small cities with populations less than 50,000 should have the option to receive federal transportation funding directly or retain the current practice of state sub-allocation.

The federal government shall require states to work cooperatively with MPOs to develop joint forecasts of anticipated federal transportation funding to create more accountability in federal highway projects.

2. Rural Consultation

The federal government must require states to implement a process for consulting with local jurisdictions in rural, non-MPO areas, regarding transportation project planning and decision making.

3. Project Identification

States should be prohibited from implementing projects unless they are first included in the transportation improvement plans, except for Management and Operations (M/O) projects.

NLC urges the federal government to require states to consult with affected local communities on transportation projects regarding the inclusion of environmental retrofits, such as storm water runoff and noise abatement, as part of projects that are exempt from federal environmental requirements, including categorical exclusions.

4. Project Delivery

The federal government must streamline the federal transportation project delivery process to facilitate construction of federally funded projects and reduce project delays. Delays in the implementation of federally funded transportation projects must be eliminated in order to increase local control and make more effective use of limited financial resources. The federal government should require states to implement transportation projects identified on the local level and of local importance with the same timeliness and priority as other regional transportation projects.

The project delivery process must:

- Mandate concurrent reviews among all federal and state agencies involved in the environmental review of all federally funded transportation projects;
- Standardize environmental policy and the review/approval process within U.S. Department of Transportation modes;
- Develop clearly defined procedures for resolving disputes among those agencies;
- Require all agencies to determine appropriate time frames to complete their reviews;
- Eliminate duplicative environmental review by crediting equal or more stringent state environmental review actions during the federal environmental review process;
- Continue to allow federal transportation dollars to be used by local and state government to provide the resources necessary to meet the time limits established for the federal environmental process; and
- Include locally elected officials in any pilot program created to examine environmental streamlining efforts.

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5. Municipal Impact Analysis

The social, environmental, economic, and energy impacts of proposed federal transportation legislation and regulations should be identified by the MPO or local jurisdictional body prior to implementation, and steps should be taken to mitigate any adverse impacts. Existing and proposed federal transportation programs and regulations must be carefully designed to ensure that actions taken support municipal elected officials and their constituents' efforts to improve the social, economic and environmental sustainability of their communities and flexibility in the use of federal dollars to achieve local goals.

6. Research and Development

The federal government should continue to research, develop, and conduct local pilot and demonstration projects of new technologies through federally-financed programs, and include local governments as key partners at the request of local officials.

B. Transportation Finance and Administration

1. The Federal Role

The current federal surface transportation programs are not meeting the financial needs of the transportation system. NLC supports broadening the definition of innovative financing techniques beyond debt financing to include:

a. Innovative Management of Funds

NLC encourages the federal government to permit municipalities to use innovative financial management techniques such as advanced construction financing, toll credits and flexible federal – local match options with federal transportation funds to maximize limited public funds and leverage private capital. Innovative management must follow generally-applicable accounting principles.

b. Credit Assistance

Credit assistance, tax incentives and other transportation finance tools have been effective tools in expanding the available revenue for transportation investments. NLC supports federal direct (low interest) loans, loan guarantees and credit line assistance with favorable terms through programs like Infrastructure Banks and the Transportation Infrastructure Finance and Innovation Act (TIFIA). NLC supports the application of objective approval criteria for credit assistance. Approval factors should include, but not be limited to, threshold cost requirements, consistency with long-range regional and state transportation plans, generation of economic benefits, goods movement and congestion relief improvements, leveraged private capital, and the promotion of innovative technologies.

While TIFIA has provided flexible funding for major transportation projects and helped local governments leverage private and other non-federal investments, limited budget authority and delays in the approval process can result in cost increases. NLC supports an increase in the available funding for the TIFIA program and greater flexibility for U.S. Department of Transportation in approving projects that can take advantage of favorable financing.

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c. Revenue Generation

The federal government should encourage a new generation of creative and innovative revenue generation options at the state and local levels such as public-private partnerships to help finance critical transportation infrastructure needs. (*See also FAIR Section 1.02C.5, Increasing the Supply of Municipal Capital.*)

d. Debt Financing

Debt financing for highway and transit projects is an important financial tool if exercised prudently. Low cost loans from the federal government can be extremely useful in getting highway projects moving and resolving significant transportation funding issues. Where federal funds are involved, NLC recommends ensuring sufficient protections to balance immediate transportation needs against the financial burden on future generations. Such protections include, but are not limited to, debt ceiling caps and required public referenda.

e. Federal Aid Turnback

NLC Strongly opposes proposals to dismantle federal transportation finance by turning back all or a portion of the federal aid to the states.

2. *Surface Transportation Revenue Sources*

a. Guiding Principles

NLC endorses the preservation of federal fuel taxes to fund the Highway Trust Fund (HTF), which funds national surface transportation needs. All federal fuel taxes need to be increased in steps to reflect inflation since the last increase and then indexed for inflation in future years. In addition, the decrease in HTF revenue collections indicate the need for alternative transportation funding system. Vehicle miles traveled (VMT) and other experimental ideas should be developed to meet the nation's long-term needs. These programs should have a mechanism that both reflects inflation and vehicle gross weight, and emissions

The following principles should guide federal efforts to achieve this objective:

- i. *Fairness*: Any new transportation revenue system must ensure that no single segment of the population bears an inequitable financial burden.
- ii. *Privacy*: The design of any new transportation revenue and related tax collection system must integrate reasonable privacy protections yet provide information related to miles driven within travel jurisdictions.
- iii. *Administrative Ease*: The design of any new transportation revenue system should improve administrative effectiveness and efficiency. At minimum, there must be no administrative deterioration from the current system.
- iv. *Seamless Transition*: The implementation of any new transportation revenue system must provide for a seamless, gradual transition to ensure stable revenue collections, tax fairness, administrative ease, and policy stability.

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- v. *Revenue Generation*: Any new transportation revenue system must be able to generate more revenue than collected currently, and it must maintain the precedent under the current system's design that protects against cheating to avoid paying one's fair share of fuel taxes.
- vi. *Reliability*: Revenue streams must be reliable and sufficient to meet the diverse and growing transportation infrastructure needs of the nation.
- vii. *Technology Improvements*: The increasing shortfall of revenues from fuel taxes caused by the reduction in gasoline usage from increasingly fuel-efficient vehicles and alternative fuel cars and trucks (i.e., hybrid, all-electric, alternative fuel, and hydrogen-electric vehicles), and higher use of alternative transportation systems that utilize no gasoline must be offset with alternative revenue sources to fairly reflect their share of road usage. At the same time, the need for revenue stability should be balanced with the need for federal, state and local policies to encourage reductions in vehicle emissions, particularly in urban areas.
- b. Fuel Taxes as HTF Revenue Source
- Until a new, national transportation financing system is in place; Congress must maintain a dedicated federal fuel tax on diesel, gasoline, and gasohol that generates sufficient annual revenues dedicated to the HTF for transportation purposes only. These funds must not be diverted for other purposes and need to be (a) increased to reflect loss of purchasing power and (b) indexed to account for future inflation and the federally mandated Corporate Average Fuel Economy (CAFE) standards
- Congress should require heavier trucks to increase their contribution to the HTF so that they pay in proportion to the costs they impose on the highway system. The heavy-use truck fee should continue to be required until such time as the U.S. Department of Transportation can recommend to Congress an alternative tax which is more equitable than the heavy-use tax, easy to administer, and will generate at least as much revenue as the use tax. This could be in the form of a VMT to reflect annual mileage traveled and indexed to reflect gross vehicle weight. This would operate as a national program but would not exclude similar state programs. Devices such as studded tires are permanent or seasonally permanent that increase wear and tear abnormally on highways should bear a portion of highway maintenance expense through the imposition of mount/dismount or other installation fees at the state level.
 - Congress should allow the use of toll financing on federally aided highway, tunnel and bridge projects.
 - Congress should develop incentives for local governments to increase their contribution to the federal highway program, for instance, by allowing localities to increase the local matching share of highway funds at their discretion. However, those increased contributions should not be considered a substitute for the federal highway funds to which a state or locality is entitled.
- c. Funding Public Transportation
- NLC supports an increase in funds designated for public transportation, and urges Congress and the federal government administration to both preserve current guaranteed funding mechanisms and to increase the percentages allocated to the federal transit program.

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To provide a viable alternative to the automobile, public transportation services need to be of quality and frequency if they are to attract a significant number of passengers. This shift in passenger traffic can only be accomplished with an increased commitment of public funds for essential equipment, staff, and maintenance.

NLC opposes state-by-state minimum allocations for federal transit funding. NLC opposes the imposition of “caps” on the amount of federal transit funding a state may receive. Caps do not address differences in transit needs in the country and force a “one-size-fits-all” approach to federal spending on transit programs.

A federal commitment should be made to new funding and not by shifting funding from existing transportation programs. States or localities that provide a greater financial commitment shall receive higher priority for federal funding for public transportation systems.

Maintenance and productivity indices should be incorporated into federal allocation formulae and there should be incentives in the matching-ratio to encourage productivity improvements and maintenance of existing transit facilities. However, productivity improvements alone will not mitigate the problems of rising transit costs and inadequate transit revenues.

Federal policy should also continue to emphasize the proper management of existing transit systems and the implementation of low cost transit improvements.

3. Transportation Tax Policy to Encourage Commute Alternatives

NLC supports changes to the tax code and federal tax incentives to encourage vanpooling, ridesharing, transit usage, telecommuting and other commute alternatives. Current law prohibits employers from providing tax-free commuter benefits. NLC seeks reinstatement of those tax-free benefits that were deleted by Congress as part of the 1986 Tax Reform Act. NLC urges the federal government to ensure that pretax benefits offered for commute alternatives, including transit, are equal to or greater than those offered for parking.

NLC strongly urges the federal government to promote transportation demand management programs for both passenger and freight movement and other commute alternatives. NLC supports federal tax incentives for small employers to coordinate and promote ridesharing programs, including the use of new connected vehicle technologies, and services that provide flexibility. Cities should be encouraged to coordinate with other transportation agencies to spread the movement of highway passenger and freight traffic from peak to non-peak times.

4. Federal Aid Turnback

NLC strongly opposes proposals to dismantle federal transportation finance by turning back all or a portion of the federal aid to the states.

5. Federal Earmarks

NLC is opposed to federal earmarks in the congressional transportation funding process that are inconsistent with regional and local priorities. NLC believes that such earmarks are inefficient, and often reduce the funding available to a state or locality for higher priority projects.

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C. Federal Responsibility for Planning and Funding Freight Mobility

The U.S. goods movement system needs greater federal leadership. Freight bottlenecks can be found all over the country, but the task of prioritization and fixing them is often beyond the means of the states, counties and cities in which projects are located. A national freight strategy and dedicated, competitive and formula funding is critical in order to maintain the efficiency of the transportation system and the U.S. economic competitiveness. NLC urges the federal government to adopt the following specific measures:

1. National Freight Strategy:

The Secretary of Transportation should be directed to develop a national freight strategy that addresses multi-modal freight needs in the United States. In addition to covering domestic freight, the strategy should address the movement of U.S. imports and exports through U.S. ports.

2. Senior, Focused Freight Leadership:

A multi-modal freight office led by an official at least at the assistant secretary level should be established with the Office of the Secretary of Transportation. This official would develop the national freight strategy and associated policies, advocate for freight across the modal administrations, and award funding for goods movement programs and projects.

3. Dedicated Freight Program and Funding:

A dedicated, formula-based goods movement program with dedicated funding should be created within the U.S. Department of Transportation. Ports should be eligible to seek funding from this program for freight projects both inside and outside their terminals.

4. Projects of Regional/National Significance:

A discretionary, merit-based grant program for projects of national significance should be established. Freight measures should be heavily weighted among the criteria used to select projects for funding.

5. Freight Eligibility for Existing Programs:

Eligibility requirements for existing surface transportation programs should be expanded to better address freight requirements.

a. Congestion Mitigation and Air Quality (CMAQ): Although freight projects are currently eligible for CMAQ funding, they are not major recipients of funds. CMAQ criteria should be refined to more appropriately recognize freight's potential to contribute to air quality improvements.

b. Road-rail grade separations: The criteria for funding grade separation projects should be expanded to acknowledge congestion relief and freight benefits, as well as safety benefits.

c. TIFIA: The TIFIA program should be clarified to include projects located within a port terminal that improve the intermodal interchange, transfer, and surface access of goods into and out of ports and that reduce environmental impacts of freight movement.

6. Tax Credit for Rail Infrastructure Investment:

To encourage the expansion of freight rail capacity, a tax credit should be created for certain rail infrastructure investments that generate public benefits.

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7. States' Freight Planning:

Each state should be required to develop a freight plan and establish a freight advisory committee that includes local representation and represents passenger rail interests serving cities along the routes.

D. Air Quality

Specific air quality policies are contained in Section 2.03 of the EENR chapter.

Transportation sources are significant contributors to the levels of pollutants, and as congestion increases in cities and the nation, levels of these pollutants increase as well, despite efforts to reduce emissions from mobile sources. Addressing transportation issues is an effective way of reducing emissions in cities. Therefore, NLC urges the federal government to offer a funding program for non-attainment areas and those cities struggling to maintain attainment to address emissions from mobile sources. The U.S. Department of Transportation, and not the states, should administer this program.

E. Congestion Mitigation

To maintain economic and environmental viability, congestion mitigation programs must be available to all cities. A comprehensive, federal funding program to address congestion would foster project innovation, enhance intermodal planning, promote savings in infrastructure investment, and increase the livability and economic viability of communities across the country. The federal government must develop a congestion mitigation program that provides direct funding to all cities to address congestion problems in their communities. Eligible projects could include intelligent transportation systems, projects to increase vehicle occupancy, demand management strategies, traffic flow improvement projects, congestion pricing, mode shift including transit and non-motorized modes, and innovative transportation technologies such as automated, connected, electric and shared transportation that would address the efficiency of cities' transportation networks.

F. Transportation of Hazardous Materials

The condition of the nation's roads and railroad infrastructure impacts the frequency and severity of accidents. Consequently, increased investment in this infrastructure will also help reduce the number and severity of accidents involving hazardous materials by improving the safety of roads, bridges, and rail. Therefore, NLC continues to advocate for increased federal investment in this critical infrastructure.

NLC supports existing federal performance standards to guide the selection of highway and rail routes along which hazardous materials can be shipped including shipments made by or under the direction of the United States Department of Energy or Defense.

States and localities must be allowed to adopt and enforce highway and rail route requirements (including time-of-day restrictions, escorting, and local bans) that are consistent with the federal performance standards. NLC supports federal exemptions when a state or locality can demonstrate that it has unique local safety requirements.

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G. Surface Transportation Security

NLC does not support diverting any portion of the federal fuel tax to fund security measures for surface transportation systems. Securing these systems is a matter of national security and must be funded as part of our national defense.

H. Racial Equity

America's cities need transportation infrastructure and services that support opportunities for all. Federal policy must support municipal efforts to provide essential transportation systems, with a focus on communities of color and other underserved, disadvantaged populations.

NLC recognizes that federal policymakers have too often accepted limited input from these communities, creating racial disparities, and gaps of economic opportunity and social mobility in vulnerable populations. NLC supports federal transportation policies that:

- Ensure opportunities for input in the transportation planning process from affected communities;
- Promote safety and address disparities in traffic fatalities among people of color;
- Provide resources to municipalities to be able to incorporate community impact assessments and health impact assessments into the transportation planning process;
- Provide resources to municipalities to strengthen minority business enterprise (MBE) and disadvantaged business enterprise (DBE) programs;
- Restore communities destroyed, divided or economically disadvantaged or divided by past decisions regarding placement of transportation infrastructure; and
- Provide access to safe and affordable multimodal transportation options with equity across all communities based on need.

Transportation system shall include affected locally elected officials in the planning process. NLC urges the federal government, in cooperation with local governments and transportation system operators, to assess the vulnerabilities of the entire surface transportation system. Federal agencies must assist local governments by sharing information, intelligence, technology, and best practices, and by providing adequate funding for vulnerability assessments.

NLC urges all sectors of the transportation industry, including public transportation systems, water transportation, public and private transit and rail companies, and highway systems, to participate in cooperative vulnerability assessments, emergency response plans, and drills. Federal financial assistance must be made available to implement these plans and assessments.

NLC expects the federal government to:

- Provide technical assistance to local governments to develop possible countermeasures to deter, detect and delay the consequences of terrorist threats against vulnerable assets;
- Continue to research technologies to detect chemical, biological, and nuclear contaminants in transit systems and provide technical and financial assistance to local governments to implement these technologies;
- Develop methods to harden assets deemed most vulnerable;
- Provide current security guidelines for all transportation systems; and

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- Encourage the use of information technology in traffic management, including the enforcement of traffic laws, monitoring infrastructure integrity, and public safety.

5.02 Streets and Highways

A. Highway Trust Fund Finance

To balance the effects of inflation on the Highway Trust Fund by indexing the gas tax to the consumer price index (CPI), NLC strongly opposes diverting any of these funds to any non-transportation purposes, including reducing the federal deficit.

NLC also supports adoptions of a VMT based funding mechanism that increasingly captures the use of highways and roads by alternatively powered vehicles such as hybrids and electric vehicles as well as the value of the transportation product generated by all vehicles as a function of gross vehicle weight.

Every state should also be guaranteed a minimum percentage of funds to cushion any negative annual shifts in a state's historical share of federal transportation funds. Any funds that may be distributed by the federal government to the states should be distributed in each state on an equitable basis.

B. Bridges

NLC urges the federal government to maintain the current Bridge Replacement and Rehabilitation program with sufficient funding to repair bridges that are structurally or operationally deficient. Off-system bridges should continue to be eligible for federal bridge funds, and the discretionary bridge program should be preserved.

NLC urges the use of information technology in monitoring the structural integrity of bridges.

NLC also strongly urges efforts at all levels of government to review road and bridge needs and work to provide adequate revenue to ensure the safety of our transportation infrastructure.

C. Highway Beautification

NLC recommends that the responsibility for controlling outdoor advertising and junkyards should be returned to municipalities and to states in areas outside municipalities. These governments should have the authority to order the removal of those signs and the relocation of those junkyards that are incompatible with state and local land use plans and zoning laws, and allow sign and junkyard owners to amortize their losses through advertising revenues.

Federal controls over outdoor advertising should be retained only on interstate highways outside the jurisdictions of municipalities and on federally aided primary highways selected as scenic highways by states.

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D. Transportation Alternatives Program

NLC supports the Transportation Alternatives set aside in the Surface Transportation Block Grant Program, which serves as a dedicated source of federal funding for local transportation priorities including bicycle and pedestrian trails and facilities.

To foster fiscal certainty and security in the transportation planning process. NLC urges the U.S. Congress to maintain a funding level for the Transportation Alternatives set-aside that is equal to, or greater than, the inflation adjusted levels established under the most recent previous authorization of the Transportation Alternatives Program. These programs should be protected from recession.

NLC encourages the federal government to maintain the Transportation Alternatives set-aside as a dedicated source of funding for transportation projects because such projects have strengthened our nation's multi-modal transportation system and have contributed significantly to economic development and environmental improvement at the local and regional level.

E. Intelligent Transportation Systems

NLC supports intelligent transportation systems (ITS) technology development and deployment and an increase in federal funding for these purposes. By applying ITS technologies and services, we can improve the safety and efficiency of goods movement, and thus the competitiveness of America's intermodal and international freight transportation systems.

The federal government should give funding priority to ITS projects that improve traffic flow on existing streets and highways as alternatives to major new construction, especially in high-density areas. Priority should also be given to street and highway improvements which benefit public transit, such as preferential lanes for high occupancy vehicles, bus lanes, ramp metering, computerized traffic control, one-way streets, reversible traffic lanes, traffic signal priority for buses, and parking management strategies.

With the rapid advent of autonomous, connected, electric and shared advanced transportation technologies, the federal government should facilitate the testing and deployment of demonstration projects including single, multiple-occupancy and transit vehicles in those cities that choose to accelerate and integrate their adoption, in order to increase mobility options while simultaneously reducing emissions, crashes and congestion.

The federal government should facilitate the use of uniform technology in the collection of tolls on roads across jurisdictions and transportation systems such as vehicle mounted toll tags or passes and transit stickers or passes.

F. Road Safety

[Federal safety programs should provide local governments with increased resources and tools to address safety issues on all roads to save lives.](#) Greater consideration should be given to safety in planning, design and construction. Additional resources need to be focused at all levels of government on research, education and enforcement to increase [highway-road](#) safety, including work zones. NLC supports the use of incentive grants to encourage states to adopt more stringent

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impaired driving and seat belt use laws. NLC also supports the use of information technology in traffic enforcement and pedestrian and bicycle safety [to save lives](#).

NLC supports ~~the funding of to eliminate elimination of~~ grade level crossings for high traffic rail lines in urban areas [with the addition of underpasses, overpasses, and pedestrian bridges](#) where the railway bisects cities and towns impeding the flow of traffic and creating public safety issues.

G. Motor Carriers

1. Truck Weight and Size Limits

NLC opposes increases in truck weight limits unless and until such increases are accompanied by simultaneous and sufficient increases in the heavy truck-user tax.

NLC opposes allowing longer combination trucks (i.e., “triple-trailers” or “truck trains”) both on and off the designated national network of truck highways until the impact of increased truck length and width standards on highway costs and safety is assessed and reflected in highway user fees and appropriate safety regulations.

2. Truck Routing

NLC supports federal government study of the impact of the designation of routes along which longer, wider trucks may travel. This study should be used in the development of any performance standards for such operations. State and local governments should also retain authority to designate truck routes, truck access pickup and delivery points on roads which are not a part of the designated truck network.

3. Regulation of the Motor Carrier Industry

The federal government should encourage increased competition within the trucking industry and remove barriers to free entry by increasing the flexibility of carriers to set rates and establish routes. No federal action should be taken to weaken truck safety requirements in any way. NLC also urges that federal motor carrier safety requirements be applied uniformly for both domestically-registered and foreign-registered vehicles.

4. National Commercial Truck Driver Standards

NLC continues to support federal national uniform standards for the training and licensing of interstate and intrastate drivers of commercial motor carriers States should administer those standards.

5. Enforcement of Motor Carrier Safety Regulations

The federal government should continue adequate Highway Trust Fund funding for the Motor Carrier Safety Assistance Program (MCSAP). This program provides grants to states for development and implementation of programs (including roadside vehicle inspection programs), which enforce federal and compatible state motor carrier safety regulations.

The federal and state governments should identify and develop new technologies and innovative strategies, which will enhance and improve commercial motor carrier safety, protect the driving public from commercial motor carriers that do not pass safety inspections, and promote and

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enforce much stricter safety standards for commercial motor carriers, such as adequately securing truck loads and imposing penalties for missing treads.

6. Motor Carrier Substance Abuse Assistance Program

NLC supports a federal incentive grant program for states that wish to conduct random roadside inspections for driver alcohol and drug abuse.

7. Motor Carrier Data Collection

NLC urges the federal government to develop a centralized system for collecting and disseminating information on motor carrier drivers and vehicles. The federal government should:

- Expedite the development of the National Driver Register (NDR);
- Ensure that commercial truck driver records are included in the Register;
- Adequately fund the program; and
- Assist states with collecting, exchanging, and maintaining comprehensive truck accident and violation data and truck driver and inspection records and history of substance abuse.

H. Barriers to Connectivity

NLC believes that well-connected communities are better able to serve all of their residents and create economic opportunity for all parts of the community. In many cities and towns, problematic past placement of federal highways has divided communities and created dangerous and isolating barriers to mobility, especially pedestrian and cycling mobility within a community. These barriers have in many instances created or worsened racial divides, food deserts, and access to healthy recreation or employment opportunities. These problems can be extremely difficult and costly to remedy. In light of the federal highway program's responsibility for creating these barriers, additional dedicated federal funding should be created to assist cities and towns in addressing these barriers and reuniting divided communities with pedestrian/cycling overpasses and underpasses.

5.03 Public Transportation

A. Support for Public Transportation

Mobility is central to individual prosperity, as well as to commerce and to the growth of communities. Public transportation can contribute to the viability of the nation's cities by helping to reduce congestion, protect the environment, stimulate economic development and create employment opportunities. Transit investment is in the national interest of an effective, national transportation system, especially where it alleviates congestion and increases economic productivity.

B. Role of the Private Sector

NLC believes the federal and state governments should make public-private partnerships an option for all communities for viable, appropriate projects that they decide will serve their community.

However, federal or state imposed, competitive privatization of transit service undermines the public-serving nature of transit, and privately provided transit services will never serve all transit needs.

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Decisions about the terms and conditions of private sector participation in transit, including the decisions to subcontract with private providers if warranted, should be made at the local level, not the federal or state level.

C. Local Control

NLC believes that local control is paramount in transit decisions. NLC encourages the federal government to require a public transit operator that accepts federal funding to cooperate with cities whose residents contribute to the funding of the operator concerning the location, operation, and maintenance of transit stops, routes and facilities within those cities.

D. Role of Federal Partnership

NLC urges a continued federal role in public transportation policy, and strongly opposes federal actions which would reduce or eliminate the federal commitment by turning back the transit program to states, eliminating funding eligibility for new fixed rail starts, or phasing out operating assistance.

The federal government should facilitate the use of uniform technology in the collection of tolls on roads across jurisdictions and transportation systems such as vehicle mounted toll tags or passes and transit tickets or passes.

E. Labor

With regard to the Fair Labor Standards Act, the federal government should not make determinations on “traditional and integral” functions of state and local government without consulting local governments and documenting the fiscal impact on state and local governments.

F. Accessibility

Public transportation is an essential public service that provides mobility for all people, including the disabled, elderly, and economically disadvantaged, in all places and is not simply for those who can afford to pay for the service.

NLC supports federal performance standards that indicate the level of handicapped-accessible service that is to be provided without specifying the means for achieving the service levels. Decisions regarding the specific nature and level of service for citizens with special mobility needs should be made at the local level, based upon locally identified needs, goals, and resources.

Existing accessible services, where it is demonstrated that such services adequately serve the needs of those with mobility impairments, should constitute local compliance with federal accessibility requirements. Under no circumstances should the federal government impose additional accessibility requirements (beyond the performance requirements) on existing fixed guideway systems, or require existing bus fleets or rail systems to be retrofitted with accessibility equipment.

G. Procurement Requirements

NLC supports federal procurement policies that expedite the production and procurement of transit vehicles. Alternative bidding procedures which are better suited to present transit production conditions should be given due consideration. Additionally, NLC supports federal performance and equipment standards that replace the present transit design specifications, and that give

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manufacturers latitude in choosing an appropriate technology to meet a specific technical objective.

H. Innovative Transportation Technologies and Demonstration Projects for a Seamless Transportation Network

Recognizing the nation's dependency on a single type of transportation fuel, which has serious negative impacts on both the environment and economy, and the need to explore other fuel sources and transportation alternatives, NLC endorses the use of innovative transportation technologies and demonstration projects, such as Personal Rapid Transit or congestion pricing, that are specific to the needs and requirements of each city to further enhance mass transit and transportation efficiency. These transportation technologies should complement and work with existing regional technologies to create a seamless, national transportation network.

5.04 Air Transportation

NLC advocates federal policy that provides adequate, predictable, and long-term funding for airport development projects which enhance system capacity and ensure aviation safety.

However, NLC opposes attempts by the federal government to mandate expansion of federally-aided airport facilities, or to otherwise limit the ability of local governments to continue to determine the scope and type of airport facilities needed, or the type of airport use restrictions, including airport noise or airport access restrictions, imposed in their particular location. Local airport operators and local governments must have the authority to regulate airport use and development in order to protect the public health and safety of surrounding communities, to enforce airport uses that are appropriate to the airport's capacity and to ensure that local transportation, environmental (including noise control) and economic needs are met.

A. Funding

1. Airport Trust Fund

The user-generated Airport and Airway Trust Fund should continue to be used to finance airport development and improvements. Funds from aviation user fees and tax receipts should be appropriated and should not accumulate unspent in the Trust Fund. Aviation users should benefit from the aviation-related taxes they pay.

2. Federal Airport Improvement Program

The federal Airport Improvement Program (AIP) should continue to be disbursed to air carrier airport sponsors through existing funding mechanisms. Eligible airports should be allowed to compete for discretionary funds.

NLC supports increased AIP flexibility, including extending AIP eligibility to groundside improvement projects. However, NLC opposes diversion of AIP funds for federally mandated security projects.

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3. Block Grants to States

NLC strongly opposes proposals to restructure the airport grant program for small- and medium-sized airports into a state block grant program. Local governments and airports sponsors must continue to be directly responsible for airport planning and development.

4. Off-Airport User Fees

NLC opposes federal preemption of a local government's ability to charge off-airport user fees.

5. Passenger Facilities Charges

NLC supports local jurisdictions setting passenger facilities charges (PFCs), which give local airport authorities the flexibility to address capacity and to implement major capital equipment upgrades, new technologies, and operational costs. These fees should be raised with inflation in order to maintain their purchasing power to build and maintain modern airport facilities.

B. Small Communities

Insufficient service and unreasonably high fares have left some small communities without commercial air transportation service. To address these problems, NLC recommends the following policies:

1. Essential Air Service Programs

The federal government should maintain current funding for the Essential Air Service (EAS) program and NLC urges Congress to fully fund the EAS program.

To promote competition and ensure efficient use of federal dollars, the U.S. Department of Transportation should hold designated EAS air carriers to existing performance standards.

2. Small Community Air Service Development Program

Projects funded through this program have the potential to identify a broad variety of options to expand and improve service in small communities. NLC urges continued Congressional support of this program.

C. Airport Noise and Pollution

The federal government must intensify its efforts to provide prompt relief to residents of cities located close to airports from unacceptable levels of aircraft noise and aircraft pollution. (*See clarifications at EENR Section 2.09, Noise Control, and CED Section 3.06, Land Use*)

This should be tied to encouraging changes in local zoning regulations to restrict noise sensitive property development.

The Federal Aviation Administration should require adherence to fly-quiet programs, preferred runway usage, preferred flight paths, and local curfews as established by local governments and authorities.

NLC encourages the appropriation of funds to cities and towns that adjoin an airport but do not operate the facility for compatible land use and noise mitigation planning purposes.

PROPOSED POLICY AMENDMENTS

D. Federal Role in Air Traffic Control

The federal government should provide funding for and ensure all airports are participants in a national air navigation system which provides for safe aircraft operation such as the conversion of radar based guidance systems to GPS.

E. Aviation Security

A thorough assessment of the current and potential threat to the air transportation industry is required. The Transportation Security Administration (TSA), the FAA and other aviation experts, in partnership with locally elected officials and law enforcement, must work cooperatively and take immediate action to ensure that the aviation security system is capable of responding to specified threat levels. The public interest demands an aviation system capable of deploying a mix of technology and procedures as a unified system capable of countering all vulnerabilities, while considering effects on passenger convenience.

NLC strongly urges the federal government to ensure air travel safety through implementing the screening of commercial cargo on passenger planes, improving passenger and airport employee screening procedures, expanding traveler programs and improving terminal safety requirements. NLC also encourages Congress, or the U.S. Department of Homeland Security through the regulatory process, to further strengthen the “known-shipper” program by improving procedures for monitoring and auditing “known-shippers” of cargo.

To develop an effective aviation security policy, Congress must clearly define responsibilities within the structure of the federal transportation program. The TSA, FAA, state and local governments, and the U.S. Department of Transportation must develop a coordinated plan to determine the level of authority each agency and government entity controls in any situation.

Since aviation security is a matter of national defense, any funds necessary to assure security must come from defense funding, not from additional fees levied on passengers. Shippers could be subject to additional fees for cargo screening. NLC opposes continued diversion of AIP and PFC funds for aviation security measures. The federal government must reimburse local governments for the expenses incurred from the mandated local law enforcement presence at airports. Congress should also reimburse costs to airports accrued from compliance with mandated security upgrades, including installation and deployment of Explosive Detection Systems.

F. Unmanned Aircraft Systems

Congress and the Federal Aviation Administration must not preempt the authority of local governments to create and enforce regulations with regard to the use of Unmanned Aircraft Systems as it relates to land use, zoning, privacy, trespass, noise, and law enforcement operations.

The Federal Aviation Administration should establish a transit zone for privately owned and commercially operated Unmanned Aviation Systems that is sufficiently high enough above ground level that it prevents disturbances to landowners while also protecting navigable airspace.

PROPOSED POLICY AMENDMENTS

5.05 Rail

A. Rail Principles

1. Local Role in the Nation's Rail Planning Program

The federal government should require states to involve local governments as stakeholders in state rail planning efforts required under federal law to ensure that local needs and objectives are satisfied.

2. Financing

NLC supports investment in the nation's rail infrastructure and encourages the federal government to enact policies and programs that would expand public and private investment in both passenger and freight rail mobility.

3. Rail Safety

NLC urges the federal government to promote safe and efficient passenger and freight rail transportation and to seek creative solutions.

4. Ensure Adjustments Do Not Jeopardize Passenger Services

NLC urges Congress and the Federal Railroad Administration (FRA) to ensure that the expectation set in the Rail Passengers Service Act of 1970 (RPSA) for reasonable cooperation between intercity passenger rail providers and railroad companies is upheld. Adjustments to existing passenger rail providers and rail service should not be subjected to unreasonable compensation demands or unjustifiable access delays. The FRA should utilize its authority to achieve the intent of the law.

Federal and state governments should require operator funded local rail safety programs to reduce safety hazards at railroad crossings through rail relocation, sealed quiet zones, grade separation, or by other means. To increase traffic safety at crossings, stricter penalties for rail crossing violations should be imposed.

NLC supports the continued implementation of rail safety systems, such as positive train control (PTC) systems, to ensure safety on passenger rail lines to limit injuries and derailments.

5. Operations and Maintenance

Continued maintenance is the individual responsibility of the rail owner. NLC urges the federal government to readdress rail track standards for dual freight and intercity passenger rail uses through appropriate rail improvements.

NLC further urges the federal government to redefine the responsibility for funding mechanisms to maintain tracks that carry both freight and intercity passenger rail traffic.

6. Environmental Impacts

Federal law regulating railroad activity should not preempt local, state, or federal environmental review and requirements for permitting and mitigation of railroad activities. The environmental impacts of railway activities and facilities, including pollution, poor air quality, land use, vibration,

PROPOSED POLICY AMENDMENTS

light pollution, and noise, should not be exempt from local environmental, public health, safety, or welfare-based regulations.

Railroads should be subject to light pollution and noise constraints. Rail yard lighting standards and types need to be established that minimize lighting impact on neighboring communities. There is a need for uniformity among the different federal agencies in their policies governing acceptable noise levels. (*See also EENR Section 2.08, Railroad Noise Policies*)

B. Passenger and Commuter Rail

NLC urges Congress and the Administration to develop a long-range vision and fund for passenger rail in the United States. This vision must be in cooperation with state and local transportation officials, citizen groups, and other stakeholders. National passenger rail plans should include acquiring and improving rail lines that would otherwise be abandoned. NLC urges the Administration to prioritize the safety review and approval of the use of information technology and crashworthy vehicles, such as passenger rail cars on low speed urban dual use passenger and freight lines.

NLC recommends the following:

1. Amtrak's Self Sufficiency Requirement

NLC urges repeal of Amtrak's statutory self-sufficiency requirement, since no known passenger rail system operates without government subsidies.

2. Development of and Access to a High-Speed Rail Network

NLC supports the investment in high-speed rail development as an important part of our national transportation network. Networks should be developed only after detailed analysis of their operational and financial feasibility and with local consent. NLC urges Congress to support creation of new high-speed rail.

3. Funding Options for Amtrak and Passenger Rail Operators

NLC supports the development of a long-term funding mechanism for infrastructure acquisitions, improvements, and rights-of-way and operating costs. In addition to appropriations, options include:

- Increasing the federal funding sources specifically for passenger and commuter rail;
- Directing the diesel fuel tax currently levied for rail operations and deposited into the general fund be moved into a newly created Trust Fund for rail improvements;
- Allowing state, regional and local government entities the option to spend a portion of their federal transportation allocation on intercity rail; and
- Allowing federal and state governments to issue tax-exempt or tax-credit bonds for financing rail improvements.

C. Freight Railroads

1. Freight Rail Service

Congress and the public and private sectors must cooperate to ensure and provide for the efficient movement of freight, especially with regards to the relocation of rail lines and increased rail traffic within metropolitan areas, which could constitute a safety hazard and disrupt municipal functions.

PROPOSED POLICY AMENDMENTS

2. Freight Rail Safety

NLC urges Congress to review the following freight rail safety issues:

- The hazard of reduced crews or lack of current safety technology use undermines the safe and efficient movement of trains and takes away the trained first responder at rail incidents and accidents. This action leaves no other person to monitor quickly changing circumstances or affirm, discuss or point out critical operations and safety issues;
- The lack of railroad maintenance has jeopardized safety. The closure of poorly maintained crossings cause congestion on remaining crossings and cause short trips to be substantially extended due to poor road access, putting operators and passengers of motor vehicles at a greater risk; and
- The switching and storage of railroad cars containing volatile and hazardous materials in urban and residential neighborhoods.

3. Rail Line Abandonment

Congress must protect national, state and local government interest in alternative public transportation regarding the use of abandoned rail corridors.

Congress should:

- Specify how the federal government should balance the impact on shippers and the community of losing rail service against the burden upon the railroad of continued service and the potential use of the corridor for public transportation, including biking and hiking. Alternative means of freight and passenger conveyance should be considered.
- Require railroads to provide specific information concerning traffic trends, profitability, and rail line conditions to rail users and state and local governments six months prior to the filing of the abandonment application.
- Require a railroad to transfer an abandoned rail corridor to a state or local agency for no more than the constitutional minimum valuation, for alternative public uses including walking and biking, and public-private transportation initiatives. Public interest in alternative use of rights-of-way should be fully considered during rail merger proceedings.
- Provide federal financial assistance for the purpose of converting existing rail terminals into intermodal/ multimodal facilities.

4. Rail Mergers

Freight rail operations in the United States are expanding through rail mergers, often resulting in the implementation of new routes, or intensified use of existing ones, as well as new and expanded rail yards. Because of the potential impact mergers can have on local municipalities, federal law should ensure that local governments have police, zoning, and land use authority for the protection of the environment and public safety.

The Surface Transportation Board should be required to consider all aspects of a railroad's safety record as one of the criteria for approving railroad mergers or expansions.

PROPOSED POLICY AMENDMENTS

5.06 Waterways, Ports and Landside Connections

Waterways and ports are an integral part of a comprehensive, intermodal transportation system vital to our nation's economic security and the financial health of cities.

The effects of ports go beyond their immediate boundaries. NLC recommends that the federal government consider the following funding and public safety issues related to ports:

A. Funding for Harbor Maintenance and Dredging to Increase Capacity

Recognizing the importance of ports and their impact on the national economy and job creation, NLC supports funding for harbor maintenance and funding for dredging to maintain or increase capacity. NLC urges Congress to recommend a defined revenue source for this purpose and provide support for development of environmentally friendly ship channel shoreline systems. NLC further calls on Congress to provide financial and technical assistance to communities and their watershed partners to promote innovative approaches for the construction and maintenance of shorelines in the vicinity of federally maintained navigable waters.

B. Transportation In and Out of Ports

NLC expects the federal government to assist local and state government agencies in providing the needed financial resources to support the landside infrastructure in and around ports required to operate an efficient intermodal system and to support efficient port operations including commuter transportation at port facilities such as ferries.

C. Operations Funding to Implement the Transfer of Cargo to Portside Distribution

NLC supports the design and implementation of equitable waterway commercial user fees and customs duties necessary to generate sufficient revenues to finance waterway and port operations and improvements.

D. Security

Because cargo containers are distributed throughout the country, any dangerous cargo in a particular container could pose a threat to any city in the nation. Greater security can be achieved by establishing partnerships with industry and foreign ports to encourage increased security in their supply chains and the federal government should continue to establish such partnerships as quickly as possible. To reduce cities' vulnerability from cargo containers, NLC recommends that the federal government:

- Increase funding for waterways and port security;
- Allow locally elected officials to coordinate waterway and port security at the local level, in conjunction with the U.S. Coast Guard and other affected federal agencies;
- Continue to provide technical guidance and oversight for port vulnerability assessments, entrusting one federal agency with this responsibility;
- Require screening and background checks of port personnel;
- Establish a grant program for ports to acquire new security technology;
- Increase inspections on cargo containers, through the U.S. Customs Service, and provide additional funding and equipment to Customs to monitor cargo without slowing the movement of commerce;

PROPOSED POLICY AMENDMENTS

- Establish criteria for identifying high risk containers;
- Pre-screen containers, according to international agreements, before shipment; and
- Develop and require the use of containers that are resistant to tampering.

Port security measures should be funded through national defense programs and general fund revenues, not through increased user fees.

E. Funding for Maintenance of Inland Waterways and Locks

Recognizing the importance of inland waterways as well as locks and their impact on the national economy and local economies, NLC supports sufficient funding for inland waterways infrastructure, fully funding the Inland Waterways Trust Fund.

5.07 Pipelines

The system of gaseous and liquid pipelines is an important component of an efficient transportation network for moving hazardous material. Our nation's pipelines keep portions of these hazardous materials off of our roads, waterways, and rail lines, making those modes of transportation safer for all users.

Unremitting attention to the safety of this system is vital to cities, due to the hazardous nature of these materials, the proximity of many pipelines to homes and businesses, and the potential environmental impacts of any failure in the system.

To improve the safety of the system, the federal government, through PHMSA the Office of Pipeline Safety (OPS), must:

- Continue to allow states the flexibility to impose safety requirements beyond federal requirements, and extend the right to enforce those safety requirements to states that have imposed such requirements;
- Develop standards for periodic testing of pipelines and periodic hydrostatic tests;
- Further refine and advance the definition of High Consequence Area, or HCA, to assure the definitions appropriately capture "environmentally sensitive areas" and "high density population areas" which would be severely impacted if a failure in a pipeline were to occur; and
- Strengthen rules regarding pipeline operation, maintenance, and public reporting.

To reach the goals stated above, NLC recommends that the federal government:

- Require formal testing and certification of pipeline operators;
- Promulgate needed regulatory improvements in transmission pipeline integrity management approaches and enforce such advances to reduce pipeline failures
- Require Study implementation of new technologies to detect pipeline releases, especially transmission pipeline ruptures;
- Impose equivalent safety standards, where appropriate, for both liquid fuel and natural gas pipelines;
- Require pipeline operators to report all liquid spills to the Office of Pipeline Safety and affected jurisdictions, except those spills truly de minimis in nature;

PROPOSED POLICY AMENDMENTS

- 1015 • Require pipeline operators to disclose to local and state authorities the results of all pipeline
1016 inspections;
- 1017 • Require the Office of Pipeline Safety to work with local emergency response providers to
1018 develop preparedness and response plans, and to provide appropriate funding, including
1019 grants, to local jurisdictions to implement such plans;
- 1020 • Recognize the right of local governments through franchise provisions to require pipeline
1021 operators to 1) provide to local governments the data and results from internal and external
1022 pipeline assessments along with a description of the testing methods to allow for their analysis
1023 of the potential risks to public safety; 2) require pipeline operators to cooperate with local
1024 governments in emergency preparedness and response and 3) require pipeline operators to
1025 have state of the art safety, warning, detection and emergency response capabilities to protect
1026 cities and their citizens and to mitigate potential damages from an accident;
- 1027 • Require pipeline operators to provide data to the National Pipeline Mapping system
1028 administered by OPS and make this data available to local jurisdictions;
- 1029 • Require periodic management audits of pipeline companies to assure compliance with the
1030 foregoing;
- 1031 • Provide enhanced funding to federal agencies and states charged with the implementation and
1032 oversight of pipeline safety laws and regulations; and
- 1033 • Require pipeline operators to provide for anti-tampering devices and surveillance systems to
1034 protect pipelines from criminal activity, including terrorist attacks to deny service, and drug
1035 cartel use of the pipelines for drug deliveries.

NLC RESOLUTION #45

**CITIES AND TOWNS CALL FOR A VISIONARY RAIL INVESTMENT IN
COMMUTER, REGIONAL, AND NATIONAL CONNECTIONS WITH GREATER
COOPERATION FROM RAILROADS AND OPERATORS TO IMPROVE RAIL
SAFETY, FLOW, SERVICE AND NOISE IN COMMUNITIES**

WHEREAS, America's commuter, regional, intercity and national rail systems form an integrated network in and between regions providing essential transportation flow for passengers and goods as a long-standing mode of transportation with tremendous potential for modern and efficient service; and

WHEREAS, safe, reliable and innovative rail service provides significant regional mobility options to millions of Americans that travel on a regular basis between suburbs, and more distant destinations in the region connecting people to jobs, educational opportunities, medical facilities, and centers of art and tourism, unlocking opportunities and aiding in an entire metropolitan region's work toward quality of life and sustainability goals; and

WHEREAS, the growth of America's regions demands a robust network of interconnecting rail systems linking cities, towns and villages as part of a national rail network developed through local, state and federal planning that utilizes existing railroad rights of way traversing communities that encourages rail infrastructure and operations expansion based on demand and growth;

WHEREAS, communities must continue to raise issues of rail safety, particularly as they relate to pedestrians and suicides, as rail-related deaths and serious injuries across our nation have risen despite efforts by the Federal Railroad Administration (FRA) and railroad operators, reports of blocked rail crossings in communities and unreliable communication with freight operators continue without resolution, noise considerations and outdated operating procedures remain unyielding to community concerns, and rail derailments and mitigated tank car standards for hazardous materials shift deadly risks to local first responders and surrounding communities;

WHEREAS, the Federal Railroad Administration (FRA) must continue to regulate regarding rail safety and use existing structures and legal options with strong support from the Secretary of Transportation and follow through on modern safety practices and use every policy tool, including incentives and penalties for better safety, flow and service through communities and to prevent current railroad practices of excessively closing rail and road crossings that connect communities, providing limited connectivity for cars and pedestrian; and

WHEREAS, communities continue to exhaust every available legal option for improved communication and collaboration between the railroads and operators with local, regional, and state elected leadership to provide accurate and reasonable levels of information, proper communication channels and response and incident procedures particularly for blocked crossings, emergency responders, and transportation planners;

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities (NLC) urges Congress and the Administration to move the nation beyond a 1980s vision for freight and

intercity, regional and commuter passenger rail and establish forward-looking and comprehensive plans and regulations in the next reauthorization of federal transportation programs addressing:

- Safety at highway-rail crossings and along railways through new investment in rail overpasses/underpasses, pedestrian overpasses/underpasses, and other best practices such as technology solutions that improve community safety and retain the ability of communities to connect,
- Improve access in communities experiencing blocked crossings by establishing a public threshold for blocked incidents where federal incentives, such as access to public grants, would be unavailable or enhance railroad penalties for blocked crossing which would be set aside for investment at the communities' crossings to improve flow of both railroad and vehicular traffic,
- Renew a comprehensive national vision for enhancing rail infrastructure with coordinated planning among state, local and regional governments and planning organizations, and the FRA, that includes robust community feedback and appropriate compensation for any right-of-way acquired in communities aligned with the current and future benefits of service,
- Incentivize multi-state passenger rail compacts to foster better regional collaboration to support passenger rail service,
- Create incentives for communities or states to purchase abandoned railroad rights-of-way for Rails to Trails recreational and access purposes,
- require public communication processes between railroads and communities involving issues of safety and encourage full and productive collaboration by railroads and operators with communities to reduce rail-related deaths and injuries,
- Apply stringent protections and operational controls that provide the highest level of safety for communities in regard to hazardous materials including liquified natural gas (LNG),
- Improve on-time passenger services for interstate service by ensuring the Surface Transportation Board is able to effectively measure it and report it publicly,
- Require Amtrak's board to appropriately represent the communities it serves by including at least two local elected officials or regional transportation planning leaders, and
- The outdated Train Horn Rule to utilize technology to affordably and safely modernize rail notifications.

BE IT FURTHER RESOLVED, NLC supports the creation of a Rail Trust Fund for the continued support of passenger rail through a funding process that has multiyear contract authority, like the Highway Trust Fund for roads and transit, so that Amtrak and other eligible operators can proceed with capital investments uninterrupted by Congressional budgeting to minimize delays and wasted taxpayer funding;

BE IT FURTHER RESOLVED, NLC calls on the Surface Transportation Board to prevent railroad practices of price gauging for modifying existing passenger service;

BE IT FURTHER RESOLVED, communities call on the Department of Justice to enforce Amtrak's right to preference over freight railroads to reestablish the agreed upon terms of the national relief provided to the railroads to federally share the cost of passenger operations;

96 **BE IT FURTHER RESOLVED**, NLC calls on the U.S. Department of Transportation and FRA
97 to increase their safety oversight under all existing laws and regulations to reevaluate railroad
98 incentives and penalties, work diligently to provide hazardous materials oversight, address rail
99 noise abatement issues in communities, and provide safe pedestrian access for local communities
100 while ensuring safety at highway-rail grade crossings, and use their convening power to address
101 national rail needs.

NLC RESOLUTION #46

**CONGRESS SHOULD PARTNER WITH CITIES, TOWNS, AND VILLAGES TO
REBUILD AND REIMAGINE AMERICA’S TRANSPORTATION INFRASTRUCTURE**

WHEREAS, the National League of Cities (NLC) renews our call to the President, Congress and the Administration to REBUILD WITH US by matching the effort of cities, towns and villages to partner, rebuild and reimagine America’s transportation and essential infrastructure; and

WHEREAS, all current federal transportation programs authorized under the Fixing Americas Surface Transportation (FAST) Act of 2016 will expire in September of 2021; and

WHEREAS, the economic well-being of our cities both during and after the COVID-19 pandemic is dependent on a safe and efficient multimodal network of essential roads, bridges, transit, rail, sidewalks, bike paths, and ports; and

WHEREAS, while federal and state funding has fallen, local governments have prioritized transportation innovation, performance, safety, mobility options, and congestion relief; and

WHEREAS, according to the NLC “State of the Cities” annual report, infrastructure continues to be a top priority of cities, towns, and villages despite fiscal constraints; and

NOW, THEREFORE, BE IT RESOLVED the NLC urges the President, Congress, and the Administration to prioritize infrastructure partnership with America’s cities as a national priority; and

BE IT FURTHER RESOLVED that NLC continues to support a long term comprehensive national transportation plan and funding that would:

- Partner directly with local governments, who are closest to their citizens, as full stakeholders in all transportation programs that impact their communities;
- Increase support for regional transportation and planning to increase the effectiveness of the nation’s mobility and multimodal transportation investments;
- Balance federal programs based on the ownership of miles of roads and rails using programs like the Surface Transportation Block Grant (STBG) Program and Transportation Alternatives, to become equal partners in supporting a national transportation vision;
- Expand and implement new revenue mechanisms that are developed collaboratively with local governments, reflect the true cost of every mode of transportation, and can grow with the county’s transportation demands;
- Increase investment and maintenance in both supported and emerging transportation modes including regional and intercity rail connections, micromobility options, safe biking and walking infrastructure, transit of all forms including autonomous vehicles and modern buses;
- Continue to move toward a performance-based transportation structure where the goals of the programs align with the region’s goals for economic development, sustainability, safety, innovation, equity, and regional connectivity;

- 47 • Integrate and sustain the highway, rail, air, and port freight systems of the North American
48 trade partners to enable the U.S. to remain a competitive economy and to connect urban
49 and rural communities to each other and to the global economy;
- 50 • Recognize the essential connections between transportation and land use planning, housing,
51 energy, the economy, public health and the environment;
- 52 • Support affordable public transportation systems of all sizes and modes as well as ensure
53 that U.S. wages keep up with costs of providing transportation services and living costs;
- 54 • Advance the work of Vision Zero cities to improve safety for all users and across all modes
55 of transportation as well as utilizes safety as a criteria for prioritizing investments; and
- 56 • Increase the transparency of the federal regulatory processes for both localities and the
57 general public and streamline federal processes that are duplicative and do not provide
58 additional benefits.

NLC RESOLUTION #47

**ADVANCE PROGRAMS AND FRAMEWORKS THAT INCORPORATE LOCAL
AUTHORITIES FOR DRONES TO INTEGRATE INTO CITIES' TRANSPORTATION
SYSTEMS AND THE NATIONAL AIRSPACE**

WHEREAS, cities, our emergency responders, and our airports continue to lead some of the most promising Unmanned Aircraft Systems (UAS or drones) programs in the U.S. and are acknowledged to be essential stakeholders in the integration and incorporating of this emerging technology into city transportation ecosystems and the national airspace; and

WHEREAS, cities, towns and villages continue to prepare to incorporate drones into communities proactively and safely using their existing authorities of land use, zoning, privacy, trespass, and law enforcement operations to seamlessly integrate and optimize drone operations; and

WHEREAS, drones offer unique benefits to cities and residents in both urban and rural areas as a transportation option with well-planned, sustainable and inclusive programs but also increases risks without appropriate and essential safety protocols being developed by both the Federal Aviation Administration (FAA) and local authorities; and

WHEREAS, cities are exploring the necessary transportation planning and infrastructure for UAS that may be required including vertiports for take-off and landing in urban areas as well as integrations with unmanned traffic management and FAA tools; and

WHEREAS, there are more drone registrations by the FAA than manned aircraft with only minimal requirements for drone pilots, yet the Congressionally mandated safety rulemakings on drone safety such as drone identification have been repeatedly delayed by the FAA concerning cities, local first responders, and aviation industry partners; and

WHEREAS, the FAA's Drone Integration Pilot Program, has ended and provided leading cities, like San Diego, CA, and Reno, NV, with the ability to advance limited pilots with our industry partners and extend the use cases for drones in partnership with the FAA; and

WHEREAS, cities also continue to lead in the use drones for a range of public benefits from assisting with search and rescue, fighting wildfires, inspecting infrastructure and responding to emergencies while working to engage the public on more advanced drone airline delivery with industry partners; and

WHEREAS, the FAA has begun to award Part 135 certification for small drone delivery for compensation beyond visual line of sight for companies affiliated with UPS, Google, and Amazon; and

WHEREAS, cities' law enforcement professionals are viewed by the U.S. Department of Transportation, FAA and U.S. Department of Homeland Security (DHS) as the primary emergency response for the curious, clueless, careless, and criminal drone users yet Congress has not granted provisional or cooperative counterdrone authority for local law enforcement.

NOW, THEREFORE, BE IT RESOLVED, the integration of drones into cities' skies must be a partnership among local governments, their citizens, drone operators and industry stakeholders, researchers, airports and the FAA to be effective; and

BE IT FURTHER RESOLVED, NLC urges Congress and the Administration to respect and uphold local authority over land use, zoning, privacy, trespass, and law enforcement operations as they relate to the effective operations and integration of drones in any rulemaking, legislative action, or executive order; and

BE IT FURTHER RESOLVED, Congress must provide new transportation planning programs that begin to align drone integration into existing transportation plans with appropriate capital funding to develop and test operational concepts in cities; and

BE IT FURTHER RESOLVED, the FAA should appoint new members to the Drone Advisory Committee who represent the full range of local government stakeholders and provide a variety of diverse views; and

BE IT FURTHER RESOLVED, the DHS should consult directly with local and state governments in the testing and preparation of counterdrone technology; and

BE IT FURTHER RESOLVED, cities remain committed partners in the safe, coordinated, and cooperative integration of drones into the skies above our neighborhoods and downtowns and to assist in the development of effective federal regulations that appropriately balance the promise of new technologies, realistic integration, and most importantly, the economic interests and goals of communities where drones can take flight.

NLC RESOLUTION #48

REDUCE THE ECONOMIC, NOISE AND HEALTH IMPACTS OF OVERFLIGHTS ON CITIES FROM IMPLEMENTATION OF NEXTGEN'S AIRSPACE REDESIGN

WHEREAS, the Federal Aviation Administration (FAA) is implementing both a National Airspace Redesign—a multi-year initiative to review, redesign, and restructure the nation's airspace to meet the rapidly changing and increasing demands on the National Airspace System — and an Air Traffic Control System upgrade named “NextGen;” and

WHEREAS, Congress directed the FAA administrator to exercise leadership in the creation of federal and international policies, regulations, and standards relating to the certification and safe and efficient operation of civil supersonic aircraft in the FAA Reauthorization Act of 2018, leading to new rulemakings on FAA noise certification; and

WHEREAS, the NextGen System allows for aircraft to fly more closely together, both vertically and horizontally, during landing and takeoff, which has concentrated flight paths at low altitudes over residential areas of the U.S. with increased frequency; and

WHEREAS, in some states, the FAA did not conduct Environmental Impact Studies that use a noise standard that accurately reflects the impact of NextGen routing over residential communities; and

WHEREAS, the U.S. Environmental Protection Agency's (EPA) Noise Control Act and the Clean Air Act Title IV - Noise Pollution indicate that aircraft and turbojet engines are a source of noise and air pollution that require mitigation; and

WHEREAS, problems related to noise include stress-related illnesses, high blood pressure, speech interference, hearing loss, sleep disruption, and lost productivity; and

WHEREAS, frequent low flying aircraft increases risk on the ground and also adversely impacts economic development, property values, and the quality of life of residents;

NOW, THEREFORE, BE IT RESOLVED, that the National League of Cities urges Congress and the FAA to reduce the economic, noise and health impacts of the implementation of NextGen's Airspace Redesign and protect the public against NextGen-related impacts; and

BE IT FURTHER RESOLVED, that requests that the FAA ensure that communities noise concerns are considered in supersonic jets rulemaking with preference for being at Stage 5 noise levels when they are at subsonic speeds; and

BE IT FURTHER RESOLVED that NLC supports FAA's goals of aircraft safety and security, and the full funding and implementation of the FAA Reauthorization Act, which includes the following major provision, among others:

- Immediate utilization of alternative single-event noise metrics, which are better suited to analyzing noise impacts over affected communities; and

- 47 • Acceleration of funding to NASA for research and development to address aviation
48 noise, at its source—aircraft engines and airframes; and
- 49 • Continued vigilance to ensure that Congress and FAA take additional steps to reduce
50 aircraft noise and enhance the quality of life for residents and citizens affected by
51 overflights.

REPORT OF THE

PUBLIC SAFETY AND

CRIME PREVENTION

FEDERAL ADVOCACY COMMITTEE

PSCP

PROPOSED POLICY AMENDMENTS

Only sections of the *NLC National Municipal Policy (NMP)* where modifications are proposed are reproduced in this report. The complete text of the current *NMP*, divided into seven policy chapters, can be found [here](#) or at <http://www.nlc.org/influence-federal-policy/resources/national-municipal-policy>.

Please note:

- Proposed new language is underlined;
- Proposed language for deletion is ~~struck~~ out; and
- Existing, unchanged language is shown as plain text.

POLICY:

Section 6.01 E. – Substance Abuse

(Language incorporated from the Resolution In Support of Federal Efforts to Combat the Epidemic of Heroin and Prescription Opioid Abuse)

Section 6.01 K. – Equity in the Criminal Justice System

Section 6.04 F. – Firefighter Exposure to Hazardous Contaminants

(Language incorporated from the Resolution In Support of Federal Efforts to Help Local Government Reduce Firefighter Exposure to Hazardous Contaminants That May Increase Health Risks)

PROPOSED POLICY AMENDMENTS

6.01 E. Substance Abuse

Substance abuse is a public safety concern. Illegal drugs, as well as alcohol and prescription drug abuse, are all straining the capabilities and resources of governments, especially public safety budgets.

Despite considerable efforts, there has been little discernible progress being made in reducing the social costs of drug abuse. Efforts to control drug trafficking have been, for the most part, unsuccessful. Local law enforcement efforts continue to be hampered by inadequate and ill-defined state and federal laws, limited resources, overcrowded prisons, and overburdened criminal justice systems.

Drug abuse prevention is under-funded, particularly at the federal level, and there is uncertainty and disagreement at all levels of government about what constitutes prevention. Currently, federal funding is focused on programs which stress care to the chronic substance abuser, while providing only minimal attention to programs aimed at preventing the proliferation of illegal alcohol and drug use.

NLC supports a comprehensive strategy for substance abuse prevention, intervention, treatment and law enforcement, including alternatives to incarceration. NLC further urges that a balance in expenditures should be sought between prevention, treatment and corrections. NLC supports:

- Federal research into alternative sentencing programs for non-violent drug use offenses;
- Funding for the creation of non-incarceration alternatives for non-violent drug use offenses;
- Federal funding and standardized training for law enforcement, fire fighters, public emergency medical personnel, and other first responders on identifying, seizing and clean-up of illicit drug producing labs;
- Reimbursement of the cost associated in the clean-up and damages to property contaminated by illicit drug producing labs;
- Funding for hazardous material equipment and training that reduces the occupational health issues associated with methamphetamine lab and other drug production lab seizures and clean-up; and
- Technical assistance, national information sharing services, and direct fiscal support for Prescription Drug Monitoring Programs; and,
- Increasing the ease of access to and prevalence of safe, environmentally sound disposal of prescription drugs through convenient take-back options for all unwanted prescription drug medications.

NLC calls on Congress to include statutory language in future substance abuse disorder prevention, intervention, treatment and recovery funding that would require States that receive a federal block grant for substance use prevention, intervention, treatment and recovery services to pass through 80 percent of the funding within 90 days of receiving the award to local governments and programs. Once a State receives a federal block grant for substance abuse disorder prevention, intervention, treatment and recovery it should be required to inform all local governments in the State on how the State intends to distribute the funding to support local programs. NLC also urges

PROPOSED POLICY AMENDMENTS

Congress to require each State to submit a comprehensive report on how they are using federal funding to support local programs for prevention and treatment of substance abuse disorders.

1. Economic Deterrents

In order to effectively address the drug issue, the economic incentive is a critical element to any anti-drug strategy. To do so, NLC supports the following actions:

- Aggressively using all legal means to pursue actions against financial institutions that knowingly conduct financial transactions which involve proceeds from unlawful activity;
- Withholding foreign aid to source countries being uncooperative in interdiction efforts;
- Developing treaties with countries to restrict the flow of precursor chemicals into drug manufacturing countries; and
- Seizing the assets of individuals convicted for involvement in illegal drug activity. These funds should go to local law enforcement agencies.

2. Enforcement

Current enforcement efforts have simply not been effective in controlling the manufacturing, sale, distribution and use of illicit drugs. NLC believes that better definitions in state and federal laws related to illicit drug and alcohol use will enhance enforcement efforts.

To improve this situation, sufficient federal resources must be committed to ensure that enforcement strategies are realistic and are coordinated with efforts in education, prevention, treatment and research.

NLC supports:

- The maintenance of adequate funding for local, federal and state law enforcement agencies to deal with drug-related problems;
- An increased focus on enforcement against those involved in cases that are determined as high-level manufacturing, sales and distribution of illicit drugs, especially those selling or furnishing illegal drugs to minors;
- Prosecution to the fullest extent of the law for those involved in violent crime related to illegal drug use;
- Increased penalties for those convicted of drug offenses where firearms are possessed by the offender;
- Increasing the use of federal law enforcement in the interdiction, arrest, search, and seizure of illicit use and sale of drugs;
- Federal assistance in the arrest and prosecution of those responsible for the death or injury of public safety and law enforcement personnel involving official investigations of illegal drug operations;
- The utilization of extradition as a key tool in combating international trafficking;
- The immediate deportation of illegal immigrants convicted of offenses related to the illicit sale of drugs after the court's disposition has been fulfilled;
- The aggressive pursuit and prosecution of medical personnel illicitly prescribing, selling, administering, dispensing, mixing or otherwise preparing any prescription drug, including any controlled substance under state or federal law; and
- Federal funding and assistance to every state to establish and maintain Prescription Drug Monitoring Program (PDMP) and to ensure these programs achieve data uniformity and

PROPOSED POLICY AMENDMENTS

91 implement information sharing across all state PDMPs. The federal government should
92 also require healthcare providers utilize the PDMP prior to prescribing medications to
93 patients.
94

6.01 K. Equity in the Criminal Justice System

96 Every person has a right to expect equal treatment by law enforcement officers, prosecuting
97 authorities, judges and correctional officials. Discriminatory enforcement of criminal laws has a
98 corrosive effect on our cities and towns, undermining the confidence of the community in law
99 enforcement and interfering with our efforts to prevent crime and prosecute offenders.
100

101 Unfortunately, our country has a long history of disparate treatment in our criminal justice system.
102 Numerous studies confirm that racial minorities, especially African Americans and Latinos, are
103 more likely to be arrested, more likely to be prosecuted and more likely to be incarcerated for
104 offenses than whites accused of the same crime.
105

106 NLC supports federal legislation and action which eliminates discrimination in the enforcement of
107 our criminal justice system. NLC opposes profiling of suspects based solely on race, ethnic origin,
108 religion, gender identity, poverty or other similar factors.
109

110 In addition, the federal government should assist local law enforcement agencies in their efforts to
111 provide data collection and analysis education and training for law enforcement officers regarding
112 de-escalation techniques, crises intervention, appropriate use of force and enforcement techniques,
113 explicit and implicit racial bias, and proper and unbiased investigative procedures.
114

6.04 F. Firefighter Exposure to Hazardous Contaminants

116
117 National League of Cities (NLC) conducted a study in 2009 found there was a lack of substantive
118 evidence that was available at the time to confirm or deny linkages between firefighting and an
119 elevated incidence of cancer. The report, however, concluded the cancer research studies did
120 provide solid groundwork from which future studies can be developed and improved and
121 recommend collaborative efforts by government, scientists, firefighters, municipalities, national
122 associations, and others to undertake additional research, establish a firefighter cancer database,
123 and seek more federal funding for research.
124

125 The National Fire Protection Association (NFPA) has recently conducted extensive research
126 recently on the risk of cancer to firefighters and concluded that firefighters are exposed to highly
127 toxic substances (including a variety of carcinogens) on the fireground. The presumed health risk
128 associated with fire ground exposures is related to protection/hygiene practices and persistent
129 harmful contamination found in firefighter equipment, apparatus carrying that equipment, and
130 stations where the equipment resides. Firefighter exposure to dirty, soiled, and contaminated
131 personal protective equipment (PPE) is an increasing concern for long-term firefighter health.
132

133 In 2018, Congress passed the Firefighter Cancer Registry Act which authorized the Centers for
134 Disease Control and Prevention (CDC) to develop and maintain a registry to collect data on
135 firefighter cancer. The legislation calls for the collection of voluntary data including whether a

PROPOSED POLICY AMENDMENTS

136 firefighter is a career professional or volunteer, years on the job, the number of calls responded to,
137 and incident type so that researchers can better understand the impact of smoke inhalation and
138 other job-related dangers that may lead to cancer.

139
140 NLC believes it is important to the health of firefighters to properly clean PPE following a fire to
141 prevent the transfer of carcinogens, particulates and biohazards. However, the high cost of
142 realizing a comprehensive PPE cleaning program may limit some municipal fire departments,
143 especially in small cities and towns with volunteer fire services, from implementing standard PPE
144 cleaning procedures.

145
146 NLC urges Congress to provide additional funding as a part of the Assistance to Firefighters Grants
147 to support local governments in implementing comprehensive municipal fire firefighter PPE
148 cleaning program. NLC also calls on Congress to provide sufficient funding to ensure national
149 firefighter registry is properly maintained and the data is validated to provide an accurate account
150 of firefighter cancer rates and causes.

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WHEREAS, Congress created the National Flood Insurance Program (NFIP) in 1968 to make affordable flood insurance available to homeowners, renters, and business owners in exchange for using Federal Emergency Management Agency (FEMA) generated and specified Flood Insurance Rate Maps (FIRMS) for floodplain management by a participating community; and

WHEREAS, the Flood Disaster Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of federal or federal-related financial assistance for acquisition or construction purposes with respect to the insurance buildings; and

WHEREAS, the NFIP provides affordable flood insurance to property owners by encouraging local governments to adopt and enforce floodplain and water management regulations, best practices and techniques; and

WHEREAS, these mitigation efforts reduce and prevent flooding on new and improved structures, thereby saving lives and reducing injuries, reducing economic losses, maintaining and protecting critical infrastructure, and reducing the liability borne by local governments and elected officials; and

WHEREAS, in July 2012, the Biggert-Waters Flood Insurance Reform Act of 2012 (BW-12) was enacted (PL 112-141) to extend the authorization of the NFIP through September 30, 2017; and

WHEREAS, there is still no viable private market for homeowners and businesses to acquire sufficient flood insurance coverage; and

WHEREAS, it is incumbent upon all of us to have a long-term, sustainable and viable NFIP with rates that are affordable; and

WHEREAS, accurate mapping is fundamental for local governments to assess and communicate risk to their communities and homeowners; and

WHEREAS, the current mapping process often results in local governments having to fight inaccurate maps that do not take into account locally built flood protection features and communities building off of outdated mapping, which results in artificially inflated risk. Further, many areas of the country are not mapped or mapped accurately, which results in communities who are at risk of flooding unaware of the risk; and

WHEREAS, unless Congress reauthorizes the NFIP, millions of home-owners and businesses will lose their flood insurance coverage and could default on their loans; and

WHEREAS, in addition to flooding, many cities, towns and villages are impacted by the increasing severity of wildland fires; and

WHEREAS, the residents in these cities, towns and villages that have been hit hard by the wildland fires are finding it harder to get insurance for their properties for fire related damages; and

WHEREAS, private insurance for wildland fires and other natural disasters could quickly become unaffordable or unavailable, which will have a significant impact on local real estate markets and the economy;

NOW, THEREFORE, BE IT RESOLVED, that the National League of Cities (NLC) urges Congress to reauthorize the NFIP and to keep flood insurance rates affordable for primary, non-primary and business properties while balancing the fiscal solvency of the program; and

BE IT FURTHER RESOLVED that NLC urges Congress to consider legislation that would guarantee property owners have access to affordable fire, flood, and other natural disaster insurance programs; and

BE IT FURTHER RESOLVED that NLC urges the federal government to work with state and local governments, the insurance industry, and other stakeholders to develop an incentive-based disaster insurance and mitigation system that would encourage property owners to retrofit existing structures to reduce future losses from natural disasters; and

BE IT FURTHER RESOLVED that NLC urges the federal government to encourage lending institutions to incorporate mitigation provisions as conditions for loans; and

BE IT FURTHER RESOLVED that in order for local governments to help their communities and homeowners to adequately prepare for risk, Congress should provide additional resources to FEMA to utilize the best technology and methods available to improve the mapping process,

77 including seeking the input from local government officials prior to approving any flood map
78 that could impact local zoning rule.

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NLC RESOLUTION #50

**IN SUPPORT OF FEDERAL EFFORTS TO ENSURE STATE AND LOCAL
GOVERNMENTS HAVE THE AUTHORITY TO REGULATE THE
MANUFACTURING, DISTRIBUTION AND SALE OF MEDICAL AND ADULT-
USE CANNABIS**

WHEREAS, in 1970, President Nixon signed the Controlled Substance Act (CSA) and listed “marijuana (cannabis)” in the most restrictive category, Schedule I, which was designated for substances that “have no currently accepted medical use in the United States, a lack of accepted safety for use under medical supervision, and a high potential for abuse;” and

WHEREAS, the listing of cannabis as a Schedule I substance was supposed to be temporary pending a federal review by the newly formed National Commission on Marijuana and Drug Policy (more commonly known as the Shafer Commission)¹; and

WHEREAS, despite the Shafer Commission's 1972 report concluded that "neither the marijuana user nor the drug itself can be said to constitute a danger to public safety," and recommended that cannabis possession for personal use no longer be considered a criminal offense², cannabis remains as a Schedule I substance today; and

WHEREAS, throughout the 1980s, because cannabis was listed as a Schedule I substance, federal and state criminal penalties for cannabis became stricter and mandatory-minimum sentences were established³; and

WHEREAS, two-thirds of Americans say the use of marijuana should be legal, according to a new Pew Research Center survey⁴; and

WHEREAS, since 1996, 33 states and the District of Columbia have legalized the medical use of cannabis and since 2012, 11 states and the District of Columbia have also legalized the adult-use of cannabis; and

WHEREAS, The U.S. marijuana industry is expected to generate \$85 billion in sales annually by 2030⁵; and

¹ Amy Nordrum, "Why Is Marijuana A Schedule I Drug?," ibtimes.com, Feb. 19, 2015

² National Commission on Marihuana and Drug Abuse & Raymond P. Shafer, Marihuana: A Signal of Misunderstanding, 1972

³ Eric Schlosser, "Marijuana and the Law," The Atlantic, Sep. 1994

⁴ Andrew Daniller, "Two-thirds of Americans support marijuana legalization," PEW Research Center, Nov. 14, 2019, <https://www.pewresearch.org/fact-tank/2019/11/14/americans-support-marijuana-legalization/>

⁵ Deborah Dsouza, "The Future of the Marijuana Industry in America," Investopedia, <https://www.investopedia.com/articles/investing/111015/future-marijuana-industry-america.asp>, Jan. 15, 2020,

35 **WHEREAS**, the millions of dollars in tax revenues that have been collected in states that have
36 legalized medical and adult-use cannabis provide funding to local police, drug treatment and
37 mental health centers, housing programs, and school program⁶; and
38

39 **WHEREAS**, the legal cannabis industry in the U.S. employed more than 211,000 full-time
40 workers in 2019 plus an additional 90,000 indirect full-time jobs, totaling more than 300,000
41 workers⁷; and
42

43 **WHEREAS**, the rising concerns about the conflict between federal and state laws on cannabis
44 use led to a 2013 memo by Deputy Attorney General James M. Cole stated “that so long as states
45 had good regulations, then the federal government would hold off on challenging marijuana
46 legalization”⁸; and
47

48 **WHEREAS**, the roll back of Department of Justice’s 2013 Cole memo in 2018 by Attorney
49 General Jeff Sessions is raising new questions about whether the federal government will crack
50 down on states that legalized medical and adult-use of cannabis by instructing federal
51 prosecutors to determine for themselves when to prosecute marijuana activities; and
52

53 **WHEREAS**, the threat of increased federal enforcement of the Controlled Substances Act has
54 resulted in uncertainty of states and local governments ability to regulate the manufacturing,
55 distribution and retail sale of cannabis for the safety and health of its residents; and
56

57 **WHEREAS**, rescheduling of cannabis would allow greater federal, state and local regulation of
58 the industry to ensure the cannabis people are buying is not covered with mold, fungus,
59 pesticides, or other harmful substances⁹; and
60

61 **WHEREAS**, rescheduling of cannabis would allow the federal, state and local governments to
62 set rules and regulations that would restrict driving under the influence, set age restrictions on
63 buyers and regulate the entire supply chain of cannabis, including growers, distributors, retailers,
64 and testing laboratories¹⁰; and
65

66 **WHEREAS**, rescheduling of cannabis should also allow local governments to establish zoning
67 restrictions on the manufacturing, distribution and retail sales of cannabis.
68

69 **NOW, THEREFORE, BE IT RESOLVED** that the National League of Cities (NLC) calls on
70 the White House, U.S. Department of Justice and the U.S. Drug Enforcement Administration to
71 reschedule cannabis by removing it from the list of Schedule I substances under the CSA; and

⁶ Josh Hamilton, "The Economic and Social Benefits of Taxing Marijuana," medium.com, Sep. 26, 2017

⁷ Kevin Murphy, “Cannabis Is Becoming A Huge Job Creator,” Forbes, May 20, 2019

⁸ Department of Justice, "Justice Department Announces Update to Marijuana Enforcement Policy," justice.gov, Aug. 29, 2013

⁹ American Public Health Association (APHA), "Regulating Commercially Legalized Marijuana as a Public Health Priority," Nov. 18, 2014

¹⁰ Bureau of Cannabis Control, "Medicinal and Adult-Use Cannabis Regulation," bcc.ca.gov

BE IT FURTHER RESOLVED, NLC urges Congress to pass legislation that would ensure states and local governments have the ability to establish laws and regulations on the manufacturing, distribution, and sale of medical and adult-use cannabis within the state; and

BE IT FURTHER RESOLVED, calls on the U.S. Department of Justice’s Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Drug Enforcement Administration, and the United States Department of Health and Human Services Food and Drug Administration to establish federal regulations for the manufacturing, distribution and sale of legal medical and adult-use cannabis.

1 NLC RESOLUTION #51

2
3 **IN SUPPORT OF FEDERAL LEGISLATION TO INCENTIVIZE STATES TO ENACT**
4 **EXTREME RISK PROTECTION ORDER LAWS AND TO ENACT A FEDERAL**
5 **EXTREME RISK PROTECTION ORDER LAW TO REDUCE FIREARM RELATED**
6 **SUICIDES, MURDER-SUICIDES AND FAMILY FIRES**
7

8 **WHEREAS**, a majority of the discussion in Congress regarding gun violence prevention
9 overlooks the leading causes of firearm related deaths and injuries in the United States – suicide,
10 murder-suicide and family fire; and
11

12 **WHEREAS**, six-in-ten gun related deaths in 2017 were due to a person using a firearm to
13 commit suicide, according to the Center for Disease Control¹; and
14

15 **WHEREAS**, in 2018, 27.8 percent of homicide victims were killed by someone they knew other
16 than family members (acquaintance, neighbor, friend, boyfriend, etc.), and 12.8 percent were
17 slain by family members²; and
18

19 **WHEREAS**, more than 65 percent of the murder-suicides involve an intimate partner and nine
20 out of ten use a firearm³; and
21

22 **WHEREAS**, if a firearm is present in the home when a domestic violence incident takes place,
23 the risk of homicide increases by 500 percent⁴; and
24

25 **WHEREAS**, the lifetime medical and work-loss costs for suicide in 2019 was estimated to be
26 above \$70 billion⁵; and
27

28 **WHEREAS**, we lose twenty-two military veterans a day to suicide and 2/3's of such suicides are
29 gun suicides, and
30

31 **WHEREAS**, more than 50% of all suicides in the United States are gun suicides, and
32

¹ John Gramlich, “What the data says about gun deaths in the U.S.,” Pew Research Center, August 16, 2019

² Federal Bureau of Investigations Uniform Crime Report (UCR) – Expanded Homicide Data, 2018.

³ Violence Policy Center, American Roulette: Murder-Suicide in the United States, Sixth Edition, 2018, <http://vpc.org/studies/amroul2018.pdf>

⁴ National Coalition Against Domestic Violence, “Guns and Domestic Violence,” https://ncadv.org/assets/2497/guns_and_dv.pdf

⁵ Florence C, Simon T, Haegerich T, Luo F, Zhou C. Estimated lifetime medical and work-loss costs of fatal injuries-United States, 2013. MMWR Morb Mortal Wkly Rep. 2015;64(38):1074-1077.

33 **WHEREAS**, most people who survive a suicide attempt never try again, only 10% of those who
34 attempt suicide with a gun survive, and less than 50% of those who attempt suicide by any other
35 means die, and

36
37 **WHEREAS**, suicide, murder-suicide and family fire are often associated with known risk
38 factors that family members, cohabitants, law enforcement and other qualified professionals can
39 use to alert public safety and health officials through petitioning the courts when an individual is
40 in crisis and could use a firearm to harm themselves or others. Such risk factors may include:

- 41
42 • a history of depression, suicidal ideations, violent outbursts or threats of violence, and
43 exhibiting other such risky or threatening behaviors such as hopelessness, substance
44 abuse, Post Traumatic Stress Disorder and other such health conditions, previous suicide
45 attempts, violence victimization and perpetration, and genetic and biological
46 determinants.
- 47 • high conflict or violent relationships, sense of isolation and lack of social support, family/
48 loved one's history of suicide, financial and work stress
- 49 • inadequate community connectedness, barriers to health care (e.g., lack of access to
50 providers and medications); and

51
52 **WHEREAS**, Extreme Risk Protection Orders, also called Gun Violence Restraining Orders,
53 have been enacted in several states since first being implemented in Connecticut in 1999 (for law
54 enforcement only) and in California in 2014 (for family and law enforcement), and have been
55 found to greatly reduce the incidence of gun suicide and other gun related violence, and

56
57 **WHEREAS**, permitting law enforcement, immediate family members, co-habitants and other
58 qualified professionals to petition a court to allow law enforcement to temporarily remove
59 firearms, and temporarily prohibit the purchase or possession of firearms from an individual that
60 is determined by the court to be a danger to themselves or others has proven to dramatically
61 reduce the rate of gun violence where enacted and could greatly reduce gun violence in the
62 United States, saving federal, state and local governments billions of dollars while saving lives.

63
64 **NOW, THEREFORE, BE IT RESOLVED**, the National League of Cities urges Congress to
65 pass legislation that would allow certain immediate family members, co-habitants, law
66 enforcement and other qualified professionals to petition a court to temporarily prohibit an
67 individual from purchasing or possessing a firearm and direct local law enforcement to
68 temporarily confiscate firearms from those same individuals who the court finds are at risk of
69 committing suicide, murder-suicide, family fire or other gun related violence as a danger to
70 themselves or to others; and

71
72 **BE IT FURTHER RESOLVED**, the legislation should also further prevent these individuals
73 from purchasing or possessing firearms by requiring that their names be entered into the National
74 Instant Criminal Background Check System until such time it has been determined by the court
75 that they no longer pose a threat to themselves or to others; and

77 **BE IT FURTHER RESOLVED**, the legislation must ensure that any effort to confiscate
78 firearms from individuals who may pose a threat to themselves or others requires local law
79 enforcement to follow federal and state notification and due process protections; and
80

81 **BE IT FURTHER RESOLVED**, an individual that makes a malicious claim against another
82 person to have their firearms removed and prohibit them from purchase or possession of firearms
83 should be subject to appropriate legal action by the state and local governments.

1 NLC RESOLUTION #52

2
3 IN SUPPORT OF FEDERAL EFFORTS TO PREVENT AND TREAT FIRST
4 RESPONDER POST-TRAUMATIC STRESS DISORDER (PTSD)
5

6 **WHEREAS**, protecting residents' life and property is a vital part of ensuring the safety and
7 security cities, towns and villages; and
8

9 **WHEREAS**, first responders, who are charged with protecting life and property, may experience
10 a broad range of health and mental wellness consequences as a result of work-related exposures
11 to traumatic incidents that include violent acts, death and destruction; and
12

13 **WHEREAS**, for the purposes of this resolution, the term "first responders" refers to municipal
14 law enforcement, fire, and emergency medical employees who are responsible for the protection
15 and preservation of life and property, and municipal emergency responders and public safety
16 telecommunicators and dispatchers that provide immediate support services during traumatic
17 incident that causes physical, emotional, or psychological harm to themselves or others.
18

19 **WHEREAS**, constant exposure to traumatic incidents involving death, dismemberment, abuse,
20 violence, and destruction may exert a psychological toll on first responders, resulting in post-
21 traumatic stress disorder (PTSD), substance abuse, depression, and even suicide; and
22

23 **WHEREAS**, the establishment of a strong prevention and early intervention systems that
24 include crisis hotlines, routine mental health checks, and peer and family support programs can
25 be key components of first responder mental health and wellness programs, provided they are
26 appropriately researched and resourced; and
27

28 **WHEREAS**, while first responders may have access to support services to help reduce the risk
29 of post-traumatic stress, studies have shown that they are less likely to seek because they are
30 concerned about how they would be viewed at work if they had sought support; and
31

32 **WHEREAS**, studies have shown that concerns over the stigma and scrutiny from others about
33 contemplating or attempting suicide is one of the primary reasons that prevents first responders
34 from seeking help; and
35

36 **WHEREAS**, many first responders have military experience, and therefore their experiences as
37 first responders pile onto a career that is already rife with trauma; and
38

39 **WHEREAS**, when first responders know and recognize the indicators or warning signs of an
40 impending crisis and have the skills to talk to someone with mental illness, they are more likely
41 to be comfortable confronting or breaking down the stigma about saying something to a peer or
42 recognizing the warning signs for a self-referral; and
43

44 **WHEREAS**, the beneficial effects of peer counseling have been documented and key to the
45 success of any peer support program is providing appropriate training and ongoing support and
46 supervision for the peers; and

47 **NOW, THEREFOR BE IT RESOLVED**, the National League of Cities (NLC) urges Congress
48 to establish a federal program, similar to the Department of Veterans Affairs' National Center for
49 PTSD program, within the Department of Health and Human Services that would:

- 51 • develop resources and training programs for community-based clinicians who interact
52 with first responders and their families to help them better understand the unique risks
53 facing their clients and what health and wellness programs may be available to them as
54 members of the first responder community,
- 55 • provide technical assistance to support the development of model policies and
56 implementation guidance for public safety agencies to make substantial efforts to reduce
57 first responder PTSD and suicide,
- 58 • establish a national crisis hotline for first responders,
- 59 • conduct research to determine the efficacy of regular mental health checks, establish
60 which approaches are most effective, and provide resources that move public safety
61 agencies toward best practices to reduce mental health issues among first responders,
- 62 • establish remote access or regional mental health check programs to help first responders
63 in small cities, towns and villages,
- 64 • assist local public safety agencies to implement peer support programs to ensure all first
65 responders have access to this important wellness service; and

66
67 **BE IT FURTHER RESOLVED**, NLC urges Congress to improve legislative privacy
68 protections for first responders seeking assistance from peer crisis lines and other peer-support
69 programs; and

70
71 **BE IT FURTHER RESOLVED**, NLC calls on Congress to create of a public service campaign
72 around first responder mental health and wellness in conjunction with National Mental Health
73 Month.

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NLC RESOLUTION #53

ON THE USE OF FORCE BY MUNICIPAL LAW ENFORCEMENT OFFICERS

WHEREAS, the police officer-involved killings of Ahmaud Arbery, Breonna Taylor, Dreasjon “Sean” Reed, George Floyd, Tamir Rice, and the countless other Black people have exposed racially divisive issues in the relationships between local police and the communities they are sworn to protect and serve, especially in communities of color; and

WHEREAS, Black Americans face a higher risk of being targeted and killed by police as compared to White Americans;¹ and

WHEREAS, 235 African Americans were shot to death by police in 2019 alone,² who are disproportionately subjected to police shootings; and

WHEREAS, NLC believes that trust between law enforcement officers and the people they serve and protect is essential to a municipality’s stability, the integrity of our criminal justice system, and the safe and effective delivery of policing services; and

WHEREAS, every person has a right to equal and fair treatment by law enforcement officers; and

WHEREAS, when it comes to governing a municipality, nothing is more important for local officials than protecting the public's safety; and

WHEREAS, in our civil society, local elected officials bear the responsibility of managing a municipality's public safety programs, including its police department; and

WHEREAS, the goal of managing law enforcement efforts by municipal governments must be to provide a safe, healthy environment in which ALL residents can live free from violence, fear, harassment, discrimination, and intimidation; and

WHEREAS, our country has a long history of disparate treatment of Black, Indigenous, Latinx, and Asian Americans, especially Black and Latinx people in our criminal justice system; and

WHEREAS, the excessive use of force by law enforcement has shown that discriminatory enforcement of criminal laws has a corrosive effect that undermines the community's confidence in law enforcement and interferes with our efforts to keep all members of the community safe; and

WHEREAS, it is the responsibility of local elected leaders to hold law enforcement officials accountable for unjustified, unnecessary actions that result in an abuse of power; and

¹ <https://www.pnas.org/content/116/34/16793>

² <https://www.statista.com/statistics/585152/people-shot-to-death-by-us-police-by-race/>

43 **WHEREAS**, local elected officials work closely together with their municipality's law
44 enforcement officials and residents to ensure police officers have the support, resources, and
45 training they need to serve their communities with honor, integrity, moral character, and courage.
46

47 **NOW, THEREFORE, BE IT RESOLVED**, NLC's Public Safety and Crime Prevention
48 Federal Advocacy Committee requests that NLC develop recommendations for how municipal
49 leaders can ensure their law enforcement agencies "use of force policies" are appropriate. These
50 recommendations should be published and distributed to the NLC membership and the board.
51 Specifically, NLC should propose recommendations relative to:

- 52 • complying with the U.S. Department of Justice's Use of Force Continuum;
- 53 • prohibiting maneuvers such as chokeholds that are intended to limit person's ability to
54 breathe or restrict person's blood flow;
- 55 • authorizing the use of "lethal" or "less lethal" force³ when there is imminent danger to
56 the officer or to another individual;
- 57 • requiring officers to use de-escalation techniques when there is no imminent danger to
58 life and property;
- 59 • requiring other officers that are at the scene of the incident to intervene and stop the use
60 of force by officer(s), including using their arresting authority, if they believe the actions
61 are unwarranted, unnecessary, or are an abuse of power by the officer(s);
- 62 • requiring the law enforcement agency to log all use of lethal or less lethal force by
63 officers to a national database that is searchable and available to the public;
- 64 • requiring officers, who use force when it is not necessary, to be relieved of duty;
- 65 • requiring officers equipped with body worn cameras to make sure the cameras are in
66 recording mode anytime the officer is engaged in a potential incident that might require
67 the use of force;
- 68 • prohibiting officers from restricting witnesses to video record the use of force by
69 officer(s);
- 70 • ensure the public is able to call 9-1-1 or use an online reporting system when they believe
71 an officer's use of force is unwarranted or is in violation of an individual's civil rights;
- 72 • ensure law enforcement officers and other public safety employees are provided
73 whistleblower protections when they report an officer use of force violation; and
- 74 • requiring that all lethal and less lethal use of force actions be thoroughly investigated to
75 ensure the incident warranted the use of force; and
- 76 • requiring law enforcement executives to take immediate disciplinary action against an
77 officer who used lethal or less lethal force, if it is determined that the use of force was
78 unwarranted, unnecessary, excessive or was an abuse of power; and
79

³ As defined in the DOJ's Use of Force Continuum

80 **BE IT FURTHER RESOLVED**, NLC calls on the U.S. Department of Justice to update the
81 Use of Force Continuum⁴ to ensure that the continuum fully addresses structural and institutional
82 racism on how the use of force is employed by local, state and federal law enforcement; and
83

84 **BE IT FURTHER RESOLVED** that NLC calls on Congress to:

- 85 • establish a federal technical assistance and grant program that help local governments to
86 establish violence interrupter programs⁵ and initiatives that employ community members
87 with expertise, and reduce the overburden on law enforcement to respond to calls; and
- 88 • provide additional funding for the community oriented policing grant program to help
89 local law enforcement agencies implement and improve racial bias and de-escalation
90 training; and
- 91 • prioritize the awarding of the above funding to targeted municipalities that have
92 repeatedly been cited for lethal or less lethal use of force violations, civil rights
93 violations, or abuse of power by officers; and
- 94 • provide additional federal funding and technical assistance to local governments to help
95 administer mental health and wellness services to law enforcement officers; and
- 96 • establish a National Database of Decertified Officers that local governments can use to
97 vet officers who have been dismissed for such issues as unnecessary or excessive use of
98 force, abuse of power, racial discrimination, and violation of individual's civil rights; and
- 99 • provide technical and grant assistance to local governments to establish transparent
100 civilian oversight boards to investigate officer use of force violations.

⁴ <https://nij.ojp.gov/topics/articles/use-force-continuum>

⁵ Violence Interrupters cruise the streets of the toughest neighborhoods to identify and intervene in gang-related conflicts before they intensify. If a shooting has occurred, they seek out the victim's friends and relatives and try to prevent a retaliatory shooting.

REPORT OF THE
INFORMATION TECHNOLOGY
AND COMMUNICATIONS
FEDERAL ADVOCACY
COMMITTEE

ITC

PROPOSED POLICY AMENDMENTS

Only sections of the *NLC National Municipal Policy (NMP)* where modifications are proposed are reproduced in this report. The complete text of the current *NMP*, divided into seven policy chapters, can be found [here](#) or at <http://www.nlc.org/influence-federal-policy/resources/national-municipal-policy>.

Please note:

- Proposed new language is underlined;
- Proposed language for deletion is ~~struck~~ out; and
- Existing, unchanged language is shown as plain text.

POLICY: There are no proposed amendments to existing policy.

1 NLC RESOLUTION #54

2
3 LOCAL GOVERNMENT SUPPORT OF COMMUNITY/MUNICIPAL
4 BROADBAND NETWORKS
5

6 **WHEREAS**, the universal availability of affordable broadband access for all citizens has been
7 identified as a national priority; and
8

9 **WHEREAS**, community/municipal broadband networks are an essential option for education,
10 healthcare, market competition, consumer choice, economic development, and universal,
11 affordable Internet access nationwide; and
12

13 **WHEREAS**, historically, local governments have ensured access to essential services by
14 banding together to provide those services that were not offered by the private sector at a
15 reasonable and competitive cost. This involvement has included electrification, public libraries,
16 and other important services; and
17

18 **WHEREAS**, according to the Federal Communications Commission, half of American homes
19 only have two options of Internet service providers for basic broadband and for faster speeds, a
20 majority of households only have one choice¹; and
21

22 **WHEREAS**, the economic health of municipalities depends on public and private investment to
23 connect their communities; and
24

25 **WHEREAS**, municipal governments consider broadband to be a critical form of infrastructure,
26 and more than 900 communities have therefore made significant investments in publicly-owned
27 broadband infrastructure²; and
28

29 **WHEREAS**, attempts continue to be made to limit or stop further local government deployment
30 of municipal broadband services, which has the potential of reducing the ability of local
31 government to provide important information and services to their citizens in a timely, efficient,
32 and cost-effective manner; and
33

34 **WHEREAS**, opponents of community and municipally provided broadband have proposed
35 various administrative procedures that they claim are designed to protect citizens and consumers
36 from unwieldy local governments; however, these safeguards really place over-burdensome
37 requirements on municipalities and act as unnecessary barriers³; and
38

¹ [*Federal Communications Commission, Internet Access Services: Status as of June 30, 2017, November 2018.*](#)

² [*Institute for Local Self-Reliance, "Community Network Map," January 2020.*](#)

³ [*National League of Cities, "City Rights in an Era of Preemption: A State-by-State Analysis," April 2, 2018.*](#)

39 **WHEREAS**, in the vast majority of community/municipal broadband networks built to date, the
40 private sector has been involved in helping design, build, and operate the network – creating new
41 business opportunities and jobs in the process; and

42
43 **WHEREAS**, local governments should not be preempted by states from being able to offer
44 broadband services, high speed Internet, and other communications services and/or infrastructure
45 which could advance the deployment of broadband throughout our nation.

46
47 **NOW, THEREFORE, BE IT RESOLVED** the National League of Cities (NLC) urges the
48 federal government to encourage deployment of broadband networks in a competitive manner
49 via a variety of conduits (satellite, wireless, and wireline); and

50
51 **BE IT FURTHER RESOLVED** NLC opposes any actions that seek to burden cities through
52 unnecessary procedural requirements and safeguards that duplicate the democratic process by
53 which cities govern themselves; and

54
55 **BE IT FURTHER RESOLVED** NLC embraces local governments’ ability to work
56 cooperatively with the private sector to offer broadband services and does not believe such
57 public/private partnerships are incompatible with private sector competition; and

58
59 **BE IT FURTHER RESOLVED** NLC supports federal proposals that promote
60 community/municipal broadband, that preserve the authority of local governments to act in the
61 interest of their citizens by constructing, owning and operating broadband infrastructure, directly
62 offering high speed Internet and other communications services, and/or participating in public-
63 private partnerships for the purposes of offering competitive broadband and communications
64 services; and

65
66 **BE IT FURTHER RESOLVED** that Congress should preempt state laws that restrict
67 municipalities from providing community broadband networks and further ensure that no new
68 broadband legislation should preempt the authority of local governments to conduct their own
69 broadband planning; engage in broadband infrastructure construction, ownership, or operation;
70 collaborate with neighboring jurisdictions; govern the placement and deployment of wireless or
71 other communications infrastructure in their communities; or impose consumer protection or
72 buildout requirements on broadband providers in their jurisdictions.

73
74 **BE IT FURTHER RESOLVED** NLC calls on Congress to pass the Community Broadband Act
75 to supersede state preemption and enable the provision of municipal broadband in every state.

1 NLC RESOLUTION #55

2
3 **FEDERAL INVESTMENT IN BROADBAND ACCESS: A CALL FOR UNIVERSAL**
4 **AVAILABILITY, AFFORDABILITY AND WORLD-CLASS QUALITY**
5

6 **WHEREAS**, to compete successfully in an increasingly global environment the United States
7 needs to take advantage of all of the technological solutions that high-speed broadband access
8 offers; and
9

10 **WHEREAS**, universal broadband should be considered essential infrastructure that contributes
11 to economic health, equity, and survival of communities across the United States; and
12

13 **WHEREAS**, despite the findings of the Federal Communications Commission (FCC) 2019
14 Broadband Deployment Report¹ that 21.3 million Americans lacked access to broadband
15 networks, the FCC concludes that “broadband is being deployed in a reasonable and timely
16 fashion;” and
17

18 **WHEREAS**, there is a disparity between providers’ reporting of advertised speeds and actual
19 delivered speeds that has been proven through speed tests in a number of states and
20 municipalities; and
21

22 **WHEREAS**, the numbers of individuals with access to broadband is overreported by the FCC
23 and inconsistent with the U. S. Census American Community Survey’s findings; and
24

25 **WHEREAS**, the federal standard for broadband (25 Megabits per second (Mbps) download and
26 3 Mbps upload), which has been in effect since 2015, is insufficient for multiple household
27 members to simultaneously access vital bandwidth-intensive services such as video chat or VPN
28 simultaneously; and
29

30 **WHEREAS**, with the proliferation of devices with Internet access, wireless data traffic has
31 grown significantly, placing a greater demand on both licensed and unlicensed spectrum, and
32 adding additional capacity is essential to support continued innovation and achieve the potential
33 to transform many different areas of the American economy by providing a platform for
34 innovation and is likely to have a substantial impact on jobs, growth and investment, and
35

36 **WHEREAS**, the availability and adoption of quality, affordable broadband service can vary
37 dramatically from one neighborhood to another and between single family and multifamily
38 homes, even in heavily populated urban areas, and a substantial number of individuals in poor
39 and rural communities have limited Internet access and where broadband access is limited,
40 citizens have limited access to information, education and tools for economic independence²; and
41

¹ [*Federal Communications Commission, 2019 Broadband Deployment Report, May 29, 2019*](#)

² Brookings Metropolitan Policy Program, “Broadband subscriptions are up, but too many households are still disconnected,” September 28, 2018.

42 **WHEREAS**, 15% of households with children in school currently lack a broadband connection,
43 while the majority of teachers assign homework that requires broadband, leaving millions of
44 students behind in modern education³; and

45
46 **WHEREAS**, current availability and adoption is insufficient to meet present and future needs.

47
48 **NOW, THEREFORE, BE IT RESOLVED** NLC asks the federal government to recognize and
49 work to achieve the goals of equitable broadband access by providing:

- 50 • Affordable and competitively priced broadband access; and
- 51 • Appropriate standards for symmetrical broadband speed, reliability, and connectivity that
- 52 allow America to compete in the global economy and open more opportunities to deliver
- 53 robust services more economically and universally; and
- 54 • Funding, such as that proposed in the Digital Equity Act, to support digital inclusion
- 55 programs throughout the United States.

56
57 **BE IT FURTHER RESOLVED THAT** NLC urges the federal government to include and to
58 incorporate federal investment in broadband in any federal infrastructure proposal, to strengthen
59 the nation’s infrastructure network while promoting economic development and social equity in
60 our communities; and

61
62 **BE IT FURTHER RESOLVED** NLC supports the FCC revisiting the benchmarks for
63 broadband speeds on a more frequent basis because of the evolving nature of technology and the
64 needs of communities for faster and symmetrical speeds; and

65
66 **BE IT FURTHER RESOLVED** that Congress must work with state and local governments to
67 fund broadband infrastructure at high performance standards that provides at least 100/20 Mbps
68 service, and ideally 1 Gbps symmetrical service, without harmful data caps, to ensure that federal
69 funds are spent only on broadband that will provide meaningful service for current and future
70 essential applications; and

71
72 **BE IT FURTHER RESOLVED** NLC encourages the FCC to close the “homework gap” in
73 low-income households through the support of low-cost plans, including access provided by
74 local governments; and

75
76 **BE IT FURTHER RESOLVED** NLC opposes any efforts by the FCC to reverse modernization
77 of the critically important E-Rate and Lifeline programs; and

78
79 **BE IT FURTHER RESOLVED** that NLC supports expansion of the U.S. Department of
80 Agriculture’s Rural Utility Service Broadband program beyond loan guarantees to include
81 grants, and an increased population threshold for eligible areas to at least 20,000 so that more
82 areas may take advantage of this financing; and

83

³ Pew Research Center, “Nearly one-in-five teens can’t always finish their homework because of the digital divide,” October 26, 2018.

84 **BE IT FURTHER RESOLVED** that NLC calls on Congress to increase funding for
85 Community Development Block Grants and Choice Neighborhood Grants, which allow local
86 governments to fund broadband planning and deployment alongside affordable housing and
87 neighborhood improvement projects; and
88

89 **BE IT FURTHER RESOLVED** that NLC calls on the U.S. Department of Housing and Urban
90 Development to expand its ConnectHome program, to ensure that a growing number of HUD-
91 assisted households and schoolchildren will have access to in-home broadband; and
92

93 **BE IT FURTHER RESOLVED** that NLC calls on Congress to remove state-imposed barriers
94 to broadband investment, such as preemption of municipal broadband networks; and
95

96 **BE IT FURTHER RESOLVED** that NLC calls on Congress to reform and update federal
97 transportation grant programs such as BUILD to ensure that placement of broadband
98 infrastructure through policies such as “dig once” is prioritized in funded projects, and that
99 physical structures that reduce the cost of broadband deployment by private companies such as
100 dark fiber and conduit are eligible expenses in federal grant programs.
101

102 **BE IT FURTHER RESOLVED** NLC urges the federal government to take a leadership role in
103 convening together all interested parties, including, but not limited to, all levels of government
104 (local, state, tribal, and federal), consumer organizations, representatives of underserved
105 communities (rural, urban and suburban), all segments of the communications industry interests,
106 representatives of private sector, and not-for-profit sector organizations, to promote ubiquitous
107 symmetrical broadband access.

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WHEREAS, the universal availability of affordable, reliable high-speed Internet broadband access for all citizens is a national priority; and

WHEREAS, the federal standard for broadband (25Mbps download and 3 Mbps upload) is insufficient for multiple household members to simultaneously access vital bandwidth-intensive services such as video chat and/or VPN necessary for modern educational needs simultaneously; and

WHEREAS, broadband providers currently do not consistently advertise the speed consumers are likely to experience, but the highest possible speed consumers may experience; and

WHEREAS, Internet providers that do not meet the FCC standards for broadband use the term ‘broadband’ for their advertised service with no disclosure of their failure to meet the standard.

BE IT FURTHER RESOLVED that this advertising standard should require providers to advertise upload/download speeds on an equal basis; and

BE IT FURTHER RESOLVED NLC urges the federal government to explore and enact requirements that promote fair and explicit advertising in the broadband industry, which include standards based on measurements of broadband speed from a nationally available source.

1
2
3 **NLC RESOLUTION #57**

4 **PRESERVING LOCAL CONTROL OF BROADBAND INFRASTRUCTURE SITING**

5 **WHEREAS**, the Federal Communications Commission (FCC) has enacted regulations that
6 substantially limit the traditionally-held authority of local governments over small cell wireless
7 infrastructure and local governments' ability to assess fair compensation to taxpayers for use of
8 public property, subsidizing wireless providers' development while undermining local efforts to
9 expand equity and broadband access.¹

10
11 **WHEREAS**, the FCC has enacted regulations that challenge local land use authority to govern
12 broadband infrastructure under the auspices of accelerating broadband infrastructure
13 deployment²; and

14
15 **WHEREAS**, cities have worked as active partners to site broadband infrastructure in their
16 communities while protecting public safety, neighborhood character, and the integrity of existing
17 infrastructure such as poles, streets, and sidewalks; and

18
19 **WHEREAS**, cities share the FCC's goal of expanding broadband access to all Americans, no
20 matter where they live; and

21
22 **WHEREAS**, cities have a duty to their taxpayers to protect and manage public property and
23 public rights-of-way for the benefit of all users, and must balance the needs and interests of
24 broadband providers with those of other users of the rights-of-way and residents by appropriately
25 reviewing siting requests and assessing appropriate rent for use of public property; and

26
27 **WHEREAS**, NLC and numerous other organizations representing state and local governments,
28 as well as hundreds of individual local governments, had to resort to litigation to protect the
29 health, safety and welfare of residents;³ and

30
31 **WHEREAS**, in August 2020, the Ninth Circuit Court decided to largely uphold these
32 preemptive regulations, reinforcing the need for Congress to provide an immediate lasting
33 legislative remedy.⁴
34
35

¹ Federal Communications Commission, *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, WT Docket No. 17-79 and *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, Declaratory ruling and Third Report and Order (rel. Sep. 27, 2018).

² Federal Communications Commission, *Updating the Commission's Rule for Over-the-Air Reception Devices*, Notice of Proposed Rulemaking, WT Docket No. 19-71 (rel. March 22, 2019).

³ Brief of Local Government Intervenors in Support of Respondents, *Sprint Corporation v. Federal Communications Commission* (nos. 19-70123, 19-70124, 19-70125, and 19-70326).

⁴ [City of Portland v. USA, Case No. 18-72689, 9th Cir. 2020.](#)

NOW, THEREFORE, BE IT RESOLVED that NLC opposes efforts by the FCC and Congress to preempt municipal authority over all broadband infrastructure, wired or wireless, including small cell infrastructure; and

BE IT FURTHER RESOLVED that NLC calls on the FCC and Congress to protect local authority over their rights-of-way, municipal authority to protect neighborhood character and public safety, to require collocation, maintain control of aesthetic and undergrounding requirements, and existing authority to assess fair compensation for private use of public assets, including the rights-of-way and other public lands and facilities, which should not be limited to the cost of maintaining the rights of way; and

BE IT FURTHER RESOLVED that NLC calls on the FCC to identify effective collaborative solutions and effective administrative practices for the siting of wireless infrastructure, including increased local representation on advisory committees, instead of implementing a one-size-fits-all preemptive regulatory approach; and

BE IT FURTHER RESOLVED that NLC opposes efforts by the FCC to favor specific technologies through regulation, or adopting regulations that further expand the digital divide by preempting local governance; and

BE IT FURTHER RESOLVED that NLC supports legislation to overturn the FCC preemption of local authority and affirm the authority of local governments to determine usage of and appropriate fees for usage of local rights-of-way;; and

BE IT FURTHER RESOLVED that NLC calls on the FCC to examine all best practices and potential obstacles to expanded broadband deployment and adoption, including obstacles created by federal or industry practices that stymie local and consumer efforts to expand broadband access.

1 NLC RESOLUTION #58

2
3 **CALLING FOR UPDATED FEDERAL SAFETY STANDARDS FOR**
4 **RADIOFREQUENCY EMISSIONS OF WIRELESS FACILITIES**
5

6 **WHEREAS**, increased usage of wireless communications services has resulted in greater
7 deployment of wireless communications facilities in cities; and
8

9 **WHEREAS**, Congress and the Federal Communications Commission (FCC) are considering
10 legislation and regulations, respectively, addressing the deployment of small wireless
11 communications infrastructure in public rights-of-way; and
12

13 **WHEREAS**, states and local governments throughout the United States are preempted by
14 Section 332(c)(7) of the Communications Act of 1934 from taking into consideration the health
15 effects of radio frequency emissions (RF) when regulating the placement of wireless facilities or
16 small wireless facilities with their jurisdictions; and
17

18 **WHEREAS**, Americans have expressed significant concerns with the health effects of RF
19 emissions associated with wireless facilities, particularly small wireless facilities placed in public
20 rights-of-way often in very close proximity to residents' homes, places of work and where they
21 recreate; and
22

23 **WHEREAS**, cities and counties employ methods to avoid providing certain environmental
24 related services near residents with particular sensitivities; and
25

26 **WHEREAS**, the FCC is required by the National Environmental Policy Act of 1969, among
27 other things, to evaluate the effect of emissions from FCC-regulated transmitters on the quality
28 of the human environment; and
29

30 **WHEREAS**, the FCC adopted a proceeding in 2013 to reassess RF exposure limits;¹ and
31

32 **WHEREAS**, numerous states, local governments and tribes have urged the FCC to revisit and to
33 update FCC standards for RF emissions, with input and support from other federal agencies,
34 including the Environmental Protection Agency and the Food and Drug Administration; and
35

36 **WHEREAS**, NLC, the National Association of Counties (NACo), National Association of
37 Telecommunications Officers and Advisors (NATOA) the U.S. Conference of Mayors (USCM),
38 and the National Association of Towns and Townships (NATaT) on behalf of their respective
39 constituencies, jointly submitted comments urging that the FCC take action to perform a

¹ [Federal Communications Commission, Reassessment of Federal Communications Commission Radiofrequency Exposure Limits and Policies; Proposed Changes in the Commission's Rules Regarding Human Exposure to Radiofrequency Electromagnetic Fields, First Report and Order, Further Notice of Proposed Rulemaking and Notice of Inquiry, ET Docket 13-84 \(rel. March 29, 2013\).](#)

comprehensive review of RF emission standards and guidance for local government officials, particularly with respect to small wireless technologies;² and

WHEREAS, the FCC closed its RF exposure docket in 2019, reaffirming the safety of personal RF-emitting devices such as cell phones, but declining to address the safety of small wireless infrastructure or to provide local governments with updated resources and guidance on assessing the safety of small wireless structures in their communities or addressing the rising tide of questions and concerns from residents about their safety;³ and

WHEREAS, conspiracy theories about 5G and RF emissions have increased dramatically in the wake of this agency inaction, making it more difficult for local governments and wireless providers to site small wireless facilities in communities and leading to vandalism or destruction of structures and threats to telecommunications workers' safety.

NOW, THEREFORE, BE IT RESOLVED that NLC urges the FCC to take action as diligently as possible to update prior standards and to perform a comprehensive review of the standards for RF emissions, particularly in light of the deployment of small wireless technologies in public rights-of-way in close proximity to residents' homes, schools, workplaces, and places of recreation; and

BE IT FURTHER RESOLVED that the federal government should continuously update and refresh these standards, based on changes in technology, spectrum usage, device usage, and infrastructure deployment, to ensure that standards are recent enough to maintain public confidence; and

BE IT FURTHER RESOLVED that NLC calls on the FCC to develop an updated resource for local governments' use in education for residents about these updated RF emissions standards and the safety of commonly deployed wireless equipment, particularly small cell wireless equipment and 5G deployment.

² [*Letter from the National League of Cities, National Association of Telecommunications Officers and Advisors, National Association of Counties, The United States Conference of Mayors, and the National Association of Towns and Townships to the FCC, July 20, 2020.*](#)

³ [*Federal Communications Commission, Proposed Changes in the Commission's Rules Regarding Human Exposure to Radiofrequency Electromagnetic Fields; Reassessment of Federal Communications Commission Radiofrequency Exposure Limits and Policies, ET Dockets 03-137 and 13-84, Released December 4, 2019.*](#)

1 NLC RESOLUTION #59

2
3 IN SUPPORT OF MUNICIPAL DATA OWNERSHIP AND PROTECTION

4
5 **WHEREAS**, municipalities require personally identifiable information to provide essential
6 services to residents, such as bill payment, transit, public planning, and public health; and

7
8 **WHEREAS**, municipal governments have a responsibility to protect residents' personal and
9 financial data, of which they are stewards; and

10
11 **WHEREAS**, most municipalities are reliant upon products and services to carry out critical
12 municipal functions, which necessitates the transmission and storage of data regarding residents'
13 finances, identification, travel information, or other sensitive data; and

14
15 **WHEREAS**, residents have a reasonable expectation of privacy in many transactions with their
16 governments and do not expect their data to be shared with third parties except as necessary to
17 perform municipal functions; and

18
19 **WHEREAS**, there is no current federal data privacy law governing the ownership and protection
20 of data by residents or by municipalities on behalf of residents; and

21
22 **WHEREAS**, under current law contractors providing these essential products and services may
23 require that this data become the property of the company, not the municipality, allowing
24 companies to either monetize residents' data directly or indirectly by requiring municipalities to
25 purchase it back for local use; and

26
27 **WHEREAS**, local governments have become particularly attractive targets for bad actors, with
28 two-thirds of all ransomware attacks targeted at local governments,¹ and most local governments
29 report insufficient internal resources for cybersecurity, necessitating outsourcing of many
30 functions and services involving technology and data management.²

31
32 **NOW, THEREFORE, BE IT RESOLVED** that the National League of Cities calls on the
33 federal government to establish data privacy principles that prevent the abuse of municipal data
34 by companies providing products and services to local governments; and

35
36 **BE IT FURTHER RESOLVED** that the federal government should institute, expand and
37 promote basic cybersecurity requirements for companies and governments to ensure that
38 residents' data is appropriately protected from breach or theft; and

¹ [*StateScoop, "Report: Two-thirds of ransomware attacks in 2019 targeted state and local governments," August 20, 2019.*](#)

² [*International City/County Management Association, "Cybersecurity: Protecting Local Government Digital Resources, May 2017.*](#)

39 **BE IT FURTHER RESOLVED** that federal data privacy policy should require companies to
40 enable municipalities to export their data on demand, and should not require municipalities to
41 pay again to access or export their own data; and
42

43 **BE IT FURTHER RESOLVED** that federal privacy principles should not impinge on the
44 ability of municipal governments to collect and use data to complete critical government
45 functions, such as transportation service, utility operation, public safety, and providing equitable
46 access to these services.

1 NLC RESOLUTION #60

2
3 **IN SUPPORT OF BUILDING STRONGER BROADBAND INFRASTRUCTURE IN THE**
4 **WAKE OF THE COVID-19 PANDEMIC EMERGENCY**
5

6 **WHEREAS**, the coronavirus pandemic caused a rapid and unprecedented shift to virtual
7 education, healthcare, work, socialization, worship, and access to government services and civic
8 engagement in the United States; and
9

10 **WHEREAS**, higher levels of remote education, telehealth visits, and telecommuting are likely to
11 continue for the foreseeable future; and
12

13 **WHEREAS**, the ability for these activities to be done online is critical for the survival of local
14 economies; and
15

16 **WHEREAS**, despite distribution of wireless hotspots and laptops, more than 40% of America's
17 students were still unable to consistently access online learning for a substantial portion of the
18 school year, worsening the impact of the existing homework gap;¹ and
19

20 **WHEREAS**, many employees in both the government and private sectors were unable to
21 perform their job duties remotely due to limitations of broadband; and
22

23 **WHEREAS**, many residents in need of medical services and COVID-19 screening were unable
24 to access telehealth services due to lack of access to broadband; and
25

26 **WHEREAS**, civic and community engagement that are the heart of a municipality's democratic
27 process have been upended during the pandemic, stifling voices from being heard at city halls
28 across America, leaving residents without access to broadband completely out of the local
29 decision-making process; and
30

31 **WHEREAS**, the federal standard for broadband (25Mbps download and 3 Mbps upload) is
32 insufficient for multiple household members to simultaneously access vital bandwidth-intensive
33 services such as video chat or VPN simultaneously; and
34

35 **WHEREAS**, federal broadband policy has increasingly targeted federal dollars solely to
36 building infrastructure in unserved rural areas, neglecting communities with inadequate or
37 decaying telecommunications infrastructure and ignoring the impact of affordability on
38 broadband access, disproportionately disadvantaging communities of color;² and

¹ [*National Public Radio, "4 In 10 U.S. Teens Say They Haven't Done Online Learning Since Schools Closed," April 8, 2020.*](#)

² [*National Digital Inclusion Alliance, "Limiting Broadband Investment to "Rural Only" Discriminates Against Black Americans and Other Communities of Color," June 2020.*](#)

39 **WHEREAS**, while the vast majority of American Internet Service Providers (ISPs) took
40 voluntary pledges to preserve and expand access to broadband during the emergency, this is no
41 replacement for substantial federal investment during and beyond the duration of the pandemic;
42 and
43

44 **WHEREAS**, the economic impacts of the epidemic and the digital divide have not been
45 distributed evenly, falling most heavily on rural communities, low-income neighborhoods, and
46 communities of color, cutting those residents off from job opportunities, education, healthcare,
47 and social connections during a national emergency; and
48

49 **WHEREAS** small businesses who have suffered drastic effects of this pandemic will not be able
50 to rebuild without widespread broadband solutions and many of the most vulnerable small
51 businesses still do not have access to the requisite high-speed connectivity to recover in a stalled
52 economy.
53

54 **NOW, THEREFORE, BE IT RESOLVED** that the National League of Cities calls on the
55 federal government to ensure that communities are not left behind in the global recovery from
56 the pandemic emergency by investing in a robust, resilient, equitable and scalable future-proofed
57 broadband infrastructure network; and
58

59 **BE IT FURTHER RESOLVED** that the federal government should recognize the holistic
60 impact of broadband on economic development and strive to improve employees' ability to work
61 from home as a way to increase the nation's workforce resiliency; and
62

63 **BE IT FURTHER RESOLVED** that the federal government should prioritize completion of a
64 detailed, specific broadband availability map that is updated on a quarterly basis to ensure that
65 future public funds are spent wisely and effectively; and
66

67 **BE IT FURTHER RESOLVED** that Congress must work with state and local governments to
68 fund broadband infrastructure at high performance standards that provides at least 100/20 Mbps
69 service, and ideally 1 Gbps symmetrical service, to ensure that federal funds are spent only on
70 broadband that will provide meaningful service for current and future essential applications; and
71

72 **BE IT FURTHER RESOLVED** that Universal Service Fund programs of the Federal
73 Communications Commission, including Lifeline, E-Rate, and the Rural Health Care program
74 should be expanded and updated to support providing broadband service to as many residents
75 and communities as possible, particularly as communities face likely extended periods of social
76 isolation policies and un- or underemployment; and
77

78 **BE IT FURTHER RESOLVED** that Congress should pass digital equity legislation, including
79 grant funding, to ensure that state and local governments are able to plan for and improve digital
80 equity in their communities; and
81

82 **BE IT FURTHER RESOLVED** that Congress must pass the Community Broadband Act to
83 ensure that localities can take action to strengthen their own broadband infrastructure when
84 needed in the future; and

85
86 **BE IT FURTHER RESOLVED** that in recognition of broadband’s status as an essential utility,
87 Congress must incorporate broadband infrastructure and digital equity funding into future
88 coronavirus relief legislation; and

89
90 **BE IT FURTHER RESOLVED** that Congress should preempt state laws that restrict
91 municipalities from providing community broadband networks and further ensure that no new
92 broadband legislation should preempt the authority of local governments to conduct their own
93 broadband planning; engage in broadband infrastructure construction, ownership, or operation;
94 collaborate with neighboring jurisdictions; govern the placement and deployment of wireless or
95 other communications infrastructure in their communities; or impose consumer protection or
96 buildout requirements on broadband providers in their jurisdictions.

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NLC RESOLUTION #61

IN SUPPORT OF DIGITAL EQUITY FOR AMERICAN COMMUNITIES

WHEREAS, access to fast, affordable broadband and devices in the United States is not evenly distributed across geographic, racial, or socioeconomic lines, disproportionately harming rural communities, low-income communities, and communities of color; and

WHEREAS, 18 million households in America lack broadband access, including 14 million households in urban areas and 4 million households in rural areas, reflecting an enormous un- and underserved urban and suburban population; and

WHEREAS, while 82% of households with incomes above \$100,000 use broadband at home, only 57% of households with incomes below \$25,000 do;¹ and

WHEREAS, household broadband access lags for communities of color, with 77% of white residents having in-home broadband service, while only 67% of Black and Hispanic residents do,² and twice as many Black and Hispanic residents as white reporting relying solely on smartphones for access to the Internet;³ and

WHEREAS, at least 83.3 million Americans can only access broadband through a single provider, with 47 million of those in a monopoly market for a single cable company, while another 33 million can only access broadband through a single DSL provider, leaving many with little or no market or regulatory downward pressure on pricing;⁴ and

WHEREAS, federal broadband policy has increasingly targeted federal dollars solely to building infrastructure in unserved rural areas, neglecting communities with inadequate or decaying telecommunications infrastructure and ignoring the impact of affordability on broadband access, disproportionately disadvantaging communities of color;⁵ and

WHEREAS, no dedicated federal subsidy for household broadband exists, while the Lifeline combined phone and broadband program has been weakened through federal policy changes and faces an uncertain financial future due to the current funding structure for the Universal Service Fund and its reliance on landline phone bill surcharges, and

¹ [*National Telecommunications and Information Administration, Digital Nation Data Explorer, "Internet Use at Home," June 10, 2020.*](#)

² Ibid.

³ [*Pew Research Foundation, Internet/Broadband Fact Sheet, June 12, 2019.*](#)

⁴ [*Institute for Local Self-Reliance, "Profiles of Monopoly: Big Cable and Telecom," August 2020.*](#)

⁵ [*National Digital Inclusion Alliance, "Limiting Broadband Investment to "Rural Only" Discriminates Against Black Americans and Other Communities of Color," June 2020.*](#)

36 **WHEREAS**, while mapping improvements will help to improve the accuracy of federal
37 broadband access measurements, the Federal Communications Commission does not track
38 broadband adoption or affordability in its annual assessment of broadband access.
39

40 **NOW, THEREFORE, BE IT RESOLVED** that the National League of Cities calls on the
41 federal government to make holistic reforms to federal broadband policy that promote digital
42 equity and empower local governments to engage in digital inclusion work within their own
43 communities; and
44

45 **BE IT FURTHER RESOLVED** that Congress should enact legislation to fund and support
46 digital inclusion programs and planning within communities, such as the Digital Equity Act; and
47

48 **BE IT FURTHER RESOLVED** that Congress should pass legislation to establish a dedicated
49 and sustainably funded federal broadband benefit, to ensure that low-income households are not
50 barred from full participation in work, education, and civic life due to broadband subscription
51 prices; and
52

53 **BE IT FURTHER RESOLVED** that broadband reporting programs, such as the FCC's annual
54 broadband deployment report, broadband infrastructure programs, such as the Connect America
55 Fund or the U.S. Department of Agriculture's Rural Utilities Service funds, should assess
56 affordability when determining whether residents have access to home broadband; and
57

58 **BE IT FURTHER RESOLVED** that broadband infrastructure programs should not be limited
59 to rural communities, and should incorporate suburban and urban communities, many of which
60 have been subjected to decades of disinvestment, monopolization, and digital redlining; and
61

62 **BE IT FURTHER RESOLVED** that the U.S. Treasury should allow digital inclusion as an
63 eligible community support service under the requirements of the Community Reinvestment Act,
64 ensuring that low to moderate income communities do not go unbanked due to lack of broadband
65 access or low digital literacy; and
66

67 **BE IT FURTHER RESOLVED** that Congress should affirmatively uphold and protect the
68 authority of local governments to control their agreements with the cable, wireline, and wireless
69 telecommunications companies operating in their jurisdictions, to ensure their appropriate usage
70 of public resources such as municipal rights-of-way, promote digital equity, and adequate
71 investment in and contribution to the community; and
72

73 **BE IT FURTHER RESOLVED** that Congress should remove barriers to cooperative and
74 municipal investment in and provision of broadband service, to ensure local governments are
75 empowered to close gaps in communities with inadequate or unaffordable broadband service.