

2022 National Municipal Policy and Resolutions

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NATIONAL MUNICIPAL POLICY

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1.00 Introduction

Finance, Administration, and Intergovernmental Relations' chapter of NLC policy focuses on the interplay of federal policies and local governments. NLC recognizes that local government is the level of government most closely connected with citizens. Local government has the direct responsibility for providing necessary daily services, solving day-to-day public problems and responding directly to the needs of its citizens. The following chapter highlights important prerogatives of local governments and our concerns about how federal policies impede and restrict the authority and control of local elected officials to provide necessary daily services, solve day-to-day problems, and respond to needs of citizens.

A. Intergovernmental Relations

Each governmental entity has a responsibility to provide services, solve problems, and answer to the needs of its citizens. Local government, through federalism, needs partnership with County, State, and Federal partners. Partnership involves cooperative behavior with give and take and sharing of duties and responsibilities. The Federal Government should avoid using its significant financial powers to the detriment of local government, and it should not use the bureaucracy of complex regulations, policies, and federal departmentalization to stunt, delay, impede, or control local governmental decisions regarding how to provide for the needs of its citizens. Federal overreach through mandates, failure to act on E-Fairness, interference with collection of local taxes, restrictions on local authority under Takings actions, preemption of municipal regulatory authority, and restriction on municipal annexation are all examples of

Federal power influencing and interfering with local government responsibly responding to the needs of its citizens.

Intergovernmental partnership must be strengthened through all levels of government, including Federal Government flexibility in working with local governments when local governments are providing necessary services, solving day-to-day problems, and responding to the needs of citizens. Federalism requires acknowledgment of respective roles, duties, and responsibilities for each level of government. Federalism is promoted when boundaries of authority and responsibility are identified, delineated, and respected by all the partners of government.

B. Finance

There are numerous areas wherein federal policies directly impact the ability, authority, and constitutional autonomy of local elected officials to meet the needs of their citizens. Federally-created mandates create a burden on local officials to meet federal bureaucratic regulations, and lack of appropriate funding or assistance in meeting those requirements exacerbate that burden. As such, the Federal government should not create policies or regulations that impose disproportionate responsibilities on local governments or increased financial liability without recognizing and accounting for the fiscal impact of those policies or regulations. Federal policies and regulations affecting local governments should not mandate new costs for local governments without providing funding to support those new mandates.

Local governments need greater flexibility and control of taxpayer funds for construction, operation, and maintenance of vital infrastructure. Local governments are directly and immediately linked to citizens and are in a better position to identify

opportunities for development while maintaining a sense of community and developing tailored solutions to problems. Open and transparent federal budgetary processes, while allowing local governments the maximum flexibility and control over their funding and financing mechanisms, encourages economic growth both locally and nationally. Federal government's fiscal health directly affects local government's ability to provide necessary daily services and answer the needs of citizens. All federal fiscal policies should be designed to not diminish the ability of local elected officials to respond to economic needs of local government, especially during times of economic downturn.

C. Fiscal Conditions

NLC supports policies that grant administrative control of programs, projects, and use of tax revenues to the lowest and most directly-connected level of government as possible. Local governments are best suited to administer programs and monitor programs for the benefit of local citizens. Activities by the Federal Government that impede the ability of local governments to manage franchising, zoning, permitting, local licensing, and local code development stymie the growth of local economies and cities. Preemption or federalization of programming and other regulator activities diminish citizen input for community development.

Local control protects the health, safety, and welfare of local citizens more nimbly, quickly, and realistically than federally-operated and controlled programs. As such, federal policies and regulations should always identify means, methods, and language that push greater control and flexibility to local levels for greater citizen interaction, input, participation, and solutions.

1.01 Finance

A. Federal Budgetary Practice and Deficit Reduction

NLC supports and encourages an open and transparent budgetary process that includes analysis of the fiscal impact on municipalities and projections regarding sustainability of long-term programs and obligations.

There should also be demonstrable progress towards a balanced federal budget that does not impugn cities' local control and authority. In working towards the goal of a balanced budget, the taxing authority of local municipalities should not be pre-empted, degraded, or over-ridden in any manner. Deficit reduction should not rely on unfunded mandates imposed on municipalities, nor should the tax exemption on municipal debt interest – particularly as it relates to public buildings, spaces, infrastructure and utilities – be eliminated or in any way curtailed. The progressivity of the current tax system should remain in place, as should deduction for state and local taxes.

Further, NLC and its member cities should be party to the regulatory rulemaking process and any discussions that affect municipalities, with the flexibility and time provided to adequately and appropriately implement any adopted rules.

B. Deductibility of State and Local Taxes

NLC supports the longstanding principle that state and local taxes (SALT) should not be considered federally taxable income and opposes efforts to further reduce the deductibility of SALT on federal income tax returns. In order to achieve parity among communities with different sources of revenues, the SALT deduction should apply to local income, property and sales taxes. The \$10,000 cap on SALT deductions should be eliminated to avoid the risk of double taxation and remove the downward pressure it places on local tax decisions.

C. Municipal Finance Mechanisms

The ability for local municipalities to retain maximum flexibility and control over their funding and financing mechanisms is of utmost importance. To preserve and promote that condition, the tax exempt status of municipal debt obligations should be preserved and not altered in any fashion particularly as to public buildings, spaces, infrastructure and utilities. Rules relating to issuance, deductibility, refunding, credit enhancements and market advisors should be unambiguous and consistent, offering cities the ability to act in their best financial interest.

Municipal revenue generation capability should be protected, and preference for municipal tax liens in private bankruptcy proceedings should be retained.

All financing options should be available to cities, including sale and leaseback arrangements, equipment leases, and industrial development bonds, to allow for maximum flexibility in funding the various operations in which a city engages.

D. Federal Communications Tax Reform

Federal communications taxes should be modernized while maintaining local autonomy and discretion as well as allowing for the rapid evolution and change taking place in the industry.

Cities' authority to raise revenues should be preserved, and any reforms should allow for a time of transition for implementation. Local tax policy and fees should remain agnostic with respect to technology, delivery method, or service provider. Reforms should be revenue-neutral at the local level and should simplify the collection, reporting and auditing of local taxes. Tax obligations should not be based on presence in a taxing jurisdiction; instead destination-based sourcing should be implemented.

1.02 Municipal Administration

A. Employee Relations and Benefits

1. Municipal Pension Plans and Social Security

a. Municipal Pension Plans: The primary responsibility for regulating municipal pension plans rests with either state or local government. The federal government should not attempt to regulate such plans, either by legislation or by regulation. NLC opposes taxation of municipal pension plans and other employee benefit programs.

b. Social Security System: The Federal Government should not expand mandatory Social Security requirements for state and local governments and their employees. Imposition of expanded requirements would create large costs for municipal taxpayers, threaten the solvency of state and local retirement systems and create irreconcilable conflicts among labor agreements, pension plans, contracts, state laws and constitutions.

2. Employee-Employer Relations

The federal government should not undermine municipal autonomy with respect to making fundamental employment decisions by mandating specific working conditions, mandating collective bargaining rights, legalizing strikes, or requiring compulsory binding arbitration. NLC opposes federal legislation which singles out a class of municipal employees to be provided special investigative and disciplinary procedures.

3. Municipal Employee Benefits

The primary responsibility for determining, providing and financing benefits for municipal employees is and should remain the responsibility of local governments. Cities, as employers, are better suited to develop benefit packages which are sensitive to local labor markets, city labor

requirements and employer-employee negotiations.

NLC is opposed to federal government taxation of “bona-fide” fringe benefits. “Bona-fide” benefits are those benefits provided by a municipality to its employees pursuant to state or local laws and regulations, contracts or collective bargaining agreements.

4. Drugs and Alcohol

NLC opposes any federal pre-emption of municipal authority over personnel matters related to drugs and alcohol, including treatment and drug-testing policies.

5. Fair Labor Standards Act (FLSA)

NLC supports Federal government efforts to reform the following areas of the Fair Labor Standards Act (FLSA):

a. The salary exemption test should be amended to provide an appropriately indexed exemption for executive, administrative, and professional employees and to provide that the “duties test” would not be considered for such employees.

b. The FLSA should be amended to allow state and local governments to deduct for absences of less than one day without losing exempt status for certain employees. Such an amendment will allow cities to discipline and control employees in the manner best suited to their individual situation.

c. The FLSA should be amended to allow state and local governments to apply disciplinary sanctions for less than one week without losing the exempt status for such employees.

6. Occupational Safety and Health (OSHA)

NLC opposes any impairment of the ability of state and local governments to indemnify their agents, officers and employees against financial loss arising from the operation of locally adopted safety and insurance statutes.

7. Americans with Disabilities Act

NLC opposes any efforts by the federal government to dismantle or weaken the Americans with Disabilities Act.

B. Municipal Decision Making

1. Civil Rights/Equal Opportunity

Municipal governments support equal employment opportunities and have a vital and continuing interest in the development, maintenance, and extension of vigorous and effective civil rights policies. To achieve this goal, cities are committed to:

a. Supporting fully the 1964 Civil Rights Act as amended;

b. Removing artificial barriers in the recruitment, selection, hiring, promotion, transfer or discharge of employees which have no relationship to standards of performance;

c. Developing and carrying out a written affirmative action program in the recruitment of minority job candidates, women, veterans and the disabled to maximize employment opportunities for these individuals and to foster career development and advancement, including through the use of technological advances to provide workplace accommodations.

d. There shall be an equitable distribution of municipal services or benefits to all city residents.

Federal, state and local governments should all be held equally responsible for achieving diversity in their own personnel practices. Local governments should be granted any exemptions to federal discrimination laws, which the federal government now claims for itself.

2. Municipal Service Provision, Right of Way and Franchising Rights

The federal government should take no action, which abridges the right of a city to franchise, regulate, or control any person or enterprise that provides services within that city. Further, the federal government should not intrude upon the authority of a city to directly operate, contract out, or sell the operation of any service.

The federal government should not restrict the authority of municipalities to engage in activities to protect public investments in the right-of-way, to assure the appropriate placement of service lines, to regulate the placement of service facilities, and to realize the value of this public asset. These activities include the granting of franchises and licenses, the promulgation of construction standards, the levy of taxes, fees and rental charges, and the issuance of permits.

3. Regional Planning and Cooperation

Urban problems frequently cross jurisdictional boundaries and may require area-wide action to achieve measurable relief.

a. Any federal legislation or regulation which mandates area-wide planning should provide necessary resources towards the development of such an organization and state and local elected officials must be included in decisions regarding the organization's purpose and responsibilities and the distribution of federal funding.

b. Any area wide planning organization should allow for flexible interpretation of federal guidelines to recognize local political, economic, and social conditions and to ensure the equitable distribution of program funds.

4. Municipal Liability

In recent years, cities have experienced unprecedented increases in costs to protect themselves against exposure to public liability. While municipalities must take

steps to improve their own internal management programs and policies to identify, reduce, eliminate, and protect against the risk associated with providing public services, the federal government, in conjunction with state governments, can assist in these efforts by doing the following:

- Clearly defining and limiting the scope of public liability and exposure through legislation, including legislation reducing liability exposure under Section 42 U.S.C 1983 and related statutes by preventing the filing of traditional state tort claims in federal courts under the umbrella of civil rights actions;
- Lessening the personal liability risks facing individual officers and employees while performing public duties;
- Encouraging and assisting municipalities in developing flexible, cooperative solutions and alternatives for insurance, reinsurance, pooling, and risk-management; and
- Providing training, technical assistance, and education, which will improve the state of the art and practice of municipal liability, insurance and risk management.

Some specific methods for reducing municipal liability include:

- Providing in federal law that in those states where municipal liability caps exist, such caps should also be applicable to liability arising from federal statutes;
- Providing attorney fee awards to the prevailing party when federal law exposes municipalities to liability;
- Providing for a six-month notice of claim requirement when a municipality is the potential defendant;
- Providing in federal law that the statute of limitations period should be the limitations period for personal injury actions in the state of occurrence; and
- Eliminating "Monell" liability for municipalities by clearly expressing Congressional intent regarding 42 U.S.C § 1983 and clarifying that the definition

of “person” under § 1983 does not include municipalities.

The federal government should consider creating alternative dispute resolution procedures, which must be exhausted before recourse to the courts is allowed for claims against municipal governments.

The federal government should implement “settlement before trial guidelines” that would allow municipalities to avoid the payment of a plaintiff’s attorney fees, if an offer of settlement by the municipality made within a specified period of time in advance of trial is greater than the relief finally granted by the court.

In the drafting or revising of federal statutes that expose municipalities or their officials to liability, the following general principles should be respected:

- a. If monetary fines are imposed by the court on a municipal government, include provisions allowing the municipality to apply these fine amounts to cure conditions giving rise to the imposition of the fine;
- b. Place limitations on the extent to which a city, or its municipal officials, may be held vicariously liable for the acts of their employees;
- c. Retain the ability of a municipality to insure or otherwise protect city officials and employees from personal financial loss connected to claims arising from their municipal government affiliation; and
- d. Require that in order to be eligible for the awarding of attorney fees, the plaintiff must substantially obtain the relief sought and any such attorney fees should be reasonable in relation to the judgment.
- e. Municipal government workers, including workers that perform a share of their duties on vessels operating in navigable waters, are

protected by workers’ compensation laws, without regard to fault. The federal government should, therefore, amend the federal Jones Act to exempt municipal government employees from the provisions governing the death or injuries to an employee working on a vessel operating in navigable waters.

f. In those cases where a trade-off of municipal authority and rights in federal legislation exists, thereby providing a legal remedy against cities, NLC believes that there should be specific statutory language declaring that the legal remedy specified is the exclusive remedy.

5. Municipal Disaster and Terrorism Insurance

In the wake of recent high-cost natural disasters and terrorist attacks, a number of insurance companies have been unable to properly cover the losses of their policy holders because the industry was overexposed to loss.

Since the September 11, 2001 terrorist attacks, the industry has virtually eliminated terrorism coverage, and if available, it is prohibitively expensive. Although a concentrated effort to prevent reliance on long-term, federally-subsidized disaster relief is necessary, an initial reinsurance system must be made available to bring stability to both industry and government as a safeguard against future acts of terrorism.

NLC urges the federal government to work with state and local governments, the insurance industry, and other stakeholders to:

- Develop insurance and reinsurance programs that will make it possible for private insurers and reinsurers to make affordable disaster insurance available to cover damage and loss caused by catastrophic natural disasters and terrorism;

- Encourage the insurance and reinsurance industries to provide incentives through rate adjustments that reward policy holders who take mitigation actions;
- Work to ensure that insurance companies do not overexpose or underexpose themselves to risk;
- Develop an incentive-based disaster insurance and mitigation system that would encourage property owners to build new homes outside high risk areas, retrofit existing structures to reduce future losses, and enable government and business to obtain the proper coverage necessary for public safety, the delivery of public services, flow of commerce, and economic development.

6. Municipal Purchasing

The federal government should not disqualify cities from the receipt of federal grant funds if cities decide to adopt special purchasing procedures based on objective and otherwise legal criteria. For example: (a) granting preferred status to some classes of potential suppliers; (b) disqualify other classes of potential suppliers; or (c) grant less preferred status to other classes of potential suppliers.

7. Right of Municipalities to Sue

NLC opposes any federal preemption that would undermine the authority of municipalities to bring suits against other parties.

8. Reducing Barriers to Municipal Contracting with Federal Facilities

The federal government should eliminate legal and procedural barriers and solicit proposals from municipal governments to provide services to federal installations such as public safety services, ground maintenance, and public works.

9. Equal Access to Justice Act

The eligibility limits for units of local government on assets and the number of

employees for awards under the federal Equal Access to Justice Act should be eliminated. NLC has no position on the modification of eligibility thresholds for non-local government entities.

10. Federal Consent Decree Fairness Act

Congress should ensure that consent decrees imposed by federal courts are drafted as narrowly as possible, limited in duration, provide for review of continuing need, and respect state and local interests and policies.

1.03 Intergovernmental Relations

A. Mandates

The federal government must not initiate laws, rules and regulations, or take other actions and activities that will mandate action on the part of local governments.

If the federal government does initiate laws, rules and regulations, the federal government must provide reimbursement funds to compensate local governments for such mandates. Any reimbursement program should deliver funding directly to the unit of government incurring the costs.

Cost-benefit and risk assessments of current federal programs, regulations, and policies (e.g., tax policy) must be conducted to determine their adverse cost, structural, and intergovernmental impacts on local governments.

Cost-benefit and risk assessment statements must be added to all proposed legislation, rules, and regulations. Assessment of proposed rules and regulations must be completed by Congress prior to enactment and/or enforcement. NLC encourages cities to separately display the costs of state and federally mandated programs in their budgeting and reporting.

Local governments should be able to prioritize their resources to achieve the greatest risk reduction for the funds available.

The federal government should incorporate flexibility into federal and state regulatory processes because of variable local conditions. The federal government should avoid “one-size-fits-all” regulatory approaches to municipalities. While enforcement should be objective it should also take into account local conditions through the use of such mechanisms as variance/waiver procedures and locally-developed alternate compliance plans.

Local government should be afforded the opportunity for greater participation in the legislative and regulatory process. In developing and revising regulations, the federal government shall consider the impact of these regulations on municipal governments and shall reimburse municipal governments whenever these federal mandates impose significant new cost.

Municipal elected officials and governments should participate as partners in the development of federal regulations that have a significant impact on state and local government. Laws restricting entities subject to regulation from participating in consultative processes with federal agencies to make regulations workable should be prohibited. Such exemptions will help ensure that elected state and local officials participate at an early stage in the development of federal regulations.

B. Collection of Local Taxes

NLC opposes federal legislative efforts effecting local taxing authority including the collection of tax from local businesses and the collection of franchise fees.

(See related policy under ITC Section 7.01(E)(3) Franchise Fees.)

C. Sales Tax Policy

NLC supports the autonomy of state and local governments to impose destination-based sales tax collection requirements on retailers that have an economic presence in their community, including on brick-and-mortar stores physically located within the state and remote retailers that solicit and fulfill sales into the state.

Arbitrary restrictions, such as the physical presence test and “single rate per state” rules create market distortions that unfairly disadvantage certain retailers over others.

D. Takings

NLC opposes federal regulations or statutes that place restrictions on state and local government actions regulating private property or requiring additional compensation beyond the continually evolving judicial interpretations of the Fifth Amendment of the U.S. Constitution.

The federal government shall indemnify a municipality for costs, including attorney fees, damages and awards, of litigation asserting inverse condemnation or regulatory takings claims, which arise from municipal actions necessitated by federal requirements.

The federal government should not enter into any international agreement that enables a foreign entity to seek damages predicated on the actions of a U.S. municipality, regarding alleged takings practices, which are legal under U.S. law.

E. International Trade and Local Authority

The federal government should include elected state and local government officials

in international trade and all other treaty negotiations, because of their potential impacts on these governments.

F. Davis-Bacon Policy

The Davis-Bacon Act should be repealed.

G. Preemption of Municipal Regulatory Authority

The federal government shall not preempt municipal regulatory powers based on the police power of the state; however, when a clear and compelling need arises, the Congress must clearly express its intent to preempt, and accompany any such proposals with a timely intergovernmental impact analysis, including estimated costs. Local elected officials cannot manage or guide the financial condition, character and personality, public health and safety, environmental protection or encourage the local self-determination of cities and towns without basic regulatory controls.

NLC opposes federal regulations or statutes that require retroactive compliance by municipal government.

H. Scope of Federal Regulation of Cities

The scope of federal intergovernmental regulations should be reduced and new regulations should be issued only when a clear and convincing case has demonstrated the necessity of federal regulations. In any event, federal regulation of cities should be confined to insuring individual political and civil rights, to providing for national defense, to regulating interstate commerce in resolving interstate disagreements, and to assuring the fiscal and programmatic integrity of federal grants and contracts. In all cases, maximum municipal flexibility and authority should be preserved.

In reviewing existing regulation of cities, the federal government should not use cross-over sanctions – sanctions permitting the use of federal money in one program to influence state and local policy in another as a compliance technique, should consult with states and cities on regulations involving preemption of local authority or joint standard setting, and should simplify and standardize cross-cutting requirements – federal grants used to establish certain conditions that extend to all activities supported by federal funds, regardless of their source.

I. Grant Reform and Administration

Federal grants to local governments should be used to provide fiscal support, initiate new programs or approaches to solving urban problems, increase socio-economic equity, and achieve national objectives. The following administrative and legislative measures would increase the effectiveness of this indispensable form of assistance to local governments.

- The conflicting administrative and eligibility requirements accompanying federal assistance must be simplified and standardized.
- Municipal governments could utilize federal assistance more flexibly and efficiently if some of the narrow categorical programs were consolidated into broader categorical or block grants.
- The municipal role in the federal system should be strengthened by mandating the right of city governments to review and comment on all federal assistance programs which affect their jurisdictions, and by guaranteeing the right of city governments to participate in the agency rule-making process.

- City governments should receive reimbursement for indirect costs associated with grant administration.
- In order to increase the fairness and effectiveness of the distribution of federal funds, the federal government should make uniform use of population, employment, and other data and should improve the accuracy and timeliness of all data.
- Federal legislation should be enacted to provide for the recovery from the federal government of legal, technical, and operating costs associated with reviewing and commenting on any proposed and/or final federal audit report and/or the costs of appealing adverse grant eligibility determinations arising from such an audit report, which were incurred by a municipality, provided that the municipality substantially prevails against the recommendations of the audit report.

J. Postal Facilities

Postal facilities often serve as an anchor of many central business districts and as a major focal point of urban commercial neighborhoods. The loss of a postal facility can severely impact the health of a central business district or urban commercial neighborhoods and pose a setback to local government community and economic development plans. Under current law USPS must undertake a formal public notification and comment period prior to closing a post office. NLC urges USPS to consider impacts on local government community and economic development plans and impacts on low- and moderate income households, the elderly and the disabled as it studies postal facility closures. NLC supports legislation that would create a formal public notification and comment period prior to the closure of

any postal facility and urges USPS to take a comprehensive approach to restructuring that does not rely disproportionately on postal facility closures.

K. Municipal Annexation

Annexation procedures established by state law provide for orderly growth and development of cities and annexation of unincorporated areas. While states have and should continue to have the preeminent role in annexation regulation, actions of the federal government, through operation of many of its programs, can unintentionally or by design interfere with planned urban growth and annexation proceedings.

Recognition of the authority and ability of cities to deliver utility services is directly related to issues of growth and annexation. Federal policies must take account of this essential role of city government in determining the impact of legislation affecting the provision of such services in rural areas. Increased interest by rural electric cooperatives in competing with cities to deliver utility services in rural areas experiencing residential growth and commercial/industrial development has raised serious concerns for cities. Federal policy should require that proposals to deliver such services in rural areas not duplicate the capacity of cities to serve those locations. Federal laws should not prohibit the option for cities to exercise extraterritorial jurisdiction over development, planning, and delivery of utility services in urban fringe areas adjacent to their corporate boundaries.

L. Federally Owned Property

The federal government should pay to municipalities an annual sum in lieu of payment of real property taxes on federally owned, occupied, or controlled property otherwise exempt from such property taxes.

Municipalities should in no way be constrained from collecting taxes of any type that are normal and fair from any individual, business, or corporation conducting activities on or within any federally owned, occupied, or controlled property or installation.

The federal government in its development of federal facilities should: comply with city zoning and land use practices; consult with local jurisdictions when preparing architectural and construction plans; adhere to nationally recognized building and fire and life safety code standards; maintain its facilities to the standards normally provided for similar public and private facilities; and should participate in paying the infrastructure and environmental impact mitigation costs and service fees related to the federal facility.

The federal government should not assert or cause its contractors to assert partial or full immunity from state or local taxes on a retroactive basis, for federally foreclosed property.

M. Federally Foreclosed Property

When in the course of its regulatory and other functions the federal government comes into possession of property which it does not intend to retain for its own use.

N. Census

The U.S. Census is of highest importance to America's cities and towns. The vital information provided is critical to many municipal activities such as community planning, redistricting, intercensal population estimates and providing data for federal grant formulas. Statistics produced by the Census drive the allocation of federal and state funds. Census numbers are also frequently used to help make decisions about the allocation of resources.

Cities are therefore vitally concerned that the Census produce the most accurate and timely information possible. Furthermore, the Census Bureau shall make every effort to reduce the gap in time between the reference date of statistics and their use in formulas.

In order to enhance the usefulness of the Census, Congress, working with the Administration, should create a Commission on the Census. This Commission should be composed of members of the executive and legislative branches and state and city officials. The Commission shall make recommendations for the most accurate census feasible. Whether or not such a Commission is convened, the federal government should create a separate state and local advisory committee, to advise and comment on a continuing basis regarding the development and administration of census programs.

NLC supports the ongoing engagement and development of partnership and communications efforts aimed at reducing the differential undercount of underserved segments of the Nation's cities and towns.

To overcome the problem of non-response, NLC encourages the use of proven sampling methods and other processes which will instill confidence by the local population. If numbers are produced both: (1) employing sampling methods; and (2) not employing sampling methods, both sets of numbers should be made publicly available on the same time schedule and at the smallest possible geographic level.

O. Tribes and Trust Land

NLC recognizes and appreciates that Native-American tribes are independent governments and should be partners in developing policy.

In order that all lands can be uniformly regulated and taxed under municipal laws, lands acquired by Native-American tribes and individuals shall be given corporate, not federal trust, property status through negotiation or statutory change. Nothing in this policy should be construed as affecting lands currently in trust.

P. Transparency

The Federal Government must respond to requests by cities for non-classified federal information, under provisions of the Freedom of Information Act. The federal response must occur in ways that foster transparency and open intergovernmental communication, and must not use fees charged for the cost of information production as a practical deterrent to such communication.

Q. Election Administration

Voting is fundamental to democracy in the United States' form of government. Citizen trust in the integrity of this process is essential. Procedures and administration of this process must be completely honest, transparent and impartial. State and local officials are primarily responsible for administering the voting process but all levels of government – federal, state and local should exercise oversight in a balanced and even-handed manner. NLC is opposed to any federal laws that disenfranchise individuals from exercising their most fundamental constitutional right to vote. Moreover, NLC supports equitable voting rights and protections for individuals whose ability to cast a ballot has historically been restricted on the basis of race, sex, disability, age, English proficiency, or housing status.

NLC does support federal establishment and enforcement of standards for voting for

Americans overseas, particularly members of the U.S. military and federal government employees and their dependents. The federal government should annually review state laws for any procedural or statutory inconsistencies with applicable federal laws and promptly inform state governments, the state municipal league and the state association of counties in each state of any problems and ways to cure them.

R. District of Columbia

NLC recognizes and fully supports the right of the District of Columbia's elected representative to have full voting rights in the U.S. House of Representatives. The District of Columbia should be granted legislative and budget autonomy from the federal government.

NLC RESOLUTION #01**CALLING TO RESOLVE THE CONFLICT BETWEEN STATE AND FEDERAL CANNABIS LAWS**

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, forty-seven states, four U.S. territories, and the District of Columbia – representing 97.7 % of the U.S. population – have legalized some form of recreational or medical marijuana; 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, increasing the risks of theft crimes and tax evasion, and denying large groups of business owners the capital needed to enter the market; and

WHEREAS, the U.S. Department of Justice has rescinded guidance that previously provided a minimal level of confidence for financial institutions looking to provide services to this growing industry, causing Congress to introduce and pass legislation in the U.S. House of Representatives to try to tackle this issue; and

WHEREAS, on April 19, 2021, the House of Representatives passed H.R. 1996, the Secure and Fair Enforcement (SAFE) Banking Act of 2021. The bill would allow marijuana-related businesses in states with some form of legalized marijuana and strict regulatory structures to access the banking system. The bill passed with overwhelming, bipartisan support by a vote of 321 to 101, including 106 Republicans; and

WHEREAS, on March 23, 2021, Senators Jeff Merkley (D-Ore) and Steve Daines (R-Mont.) introduced the SAFE Banking Act in the Senate with nearly a third of the chamber supporting the bill.

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities urges the federal government to remove cannabis from Schedule I of the Controlled Substances Act and provide guidance to financial institutions that results in the cannabis market having access to the federally regulated banking system, such guidance to include the United States Senate to pass the SAFE Banking Act and the President of the United States of America to sign the bill into law.

NLC RESOLUTION #02**PRESERVING THE TAX-EXEMPT STATUS OF MUNICIPAL BONDS**

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

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

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

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

WHEREAS, stability in the municipal bond market rests on the tax exemption for municipal bonds, and market stability is essential to local and national economic recovery.

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities calls on members of Congress and the Administration to state their support for maintaining the tax exemption for municipal bonds to promote employment and investment in our nation's cities and towns; and

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

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

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

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

NLC RESOLUTION #03**CALLING FOR THE RESTORATION OF THE TAX-EXEMPTION ON ADVANCE
REFUNDING BONDS**

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

WHEREAS, advanced refundings represented 27% of municipal bond market activity in 2016 and 19% in 2017; and

WHEREAS, such single use bonds allowed municipalities to refinance outstanding debt and achieve interest rate reductions prior to the original bond's call date; 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, advance refunding bonds provided municipalities with a tool to better-weather recessions by allowing them to reduce otherwise fixed costs as tax receipts fall; and

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

WHEREAS, in the 116th Congress (the prior Congress) bills to reinstate tax-exempt advanced refunding was introduced in both chambers of Congress, as well as incorporated into H.R. 2., the Moving Forward Act. Legislation to reinstate tax-exempt advanced refundings was again introduced in the 117th (the current Congress).

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities supports the full reinstatement of the tax exemption for advance refunding bonds or a substantial equivalent.

NLC RESOLUTION #04**CALLING FOR THE MODERNIZATION OF THE SMALL BORROWER'S
EXEMPTION (BANK QUALIFIED DEBT)**

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

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

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

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

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

WHEREAS, more than three decades of inflation has reduced the utility of the \$10 million threshold since it was set in 1986, creating a situation whereby small municipalities are not able to leverage bank-qualified debt to the degree they did 30 years prior; and

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

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

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

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

NLC RESOLUTION #05**SUPPORT FOR REFORMING THE EARNED INCOME TAX CREDIT FOR
CHILDLESS WORKERS**

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

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

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

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

WHEREAS, the maximum credit in 2018 is more than 10 times as much for a taxpayer with a child than a childless taxpayer; and

WHEREAS, recipients without children must be at least 25 years old—there are no age restrictions for parents; and

WHEREAS, prior to 2021 the maximum amount that a childless taxpayer could receive through the EITC was \$538; and

WHEREAS, as part of the American Rescue Plan Act, a childless taxpayer will be able to receive just more than \$1,500 from the EITC; and

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

NLC RESOLUTION #06**EXEMPTS FROM TAXATION INCOME FROM LOAN MODIFICATION,
FORGIVENESS OR CANCELLATION FOR SMALL BUSINESSES**

WHEREAS, for this resolution a “small business” or “small businesses” is defined as a business having fewer than 50 full-time employees; and

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

WHEREAS, prior to the pandemic, struggling small businesses would have been able to refinance debt or extend lending terms on the original agreement; 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 viability of many small businesses in the coming months to stay afloat will rely on loan modifications, forgiveness, or cancellation to stay in business; and

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

WHEREAS, Internal Revenue Code (“IRC”) general rule considers cancellation of debt (“COD”) ordinary income under Sec. 61(a)(12); 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.

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities will advocate for small businesses as defined herein this resolution to be exempt from taxation on income from loan modification, forgiveness or cancellation to help maintain healthy thriving cities.

NLC RESOLUTION #07**CALLING TO PRESERVE AND ENHANCE VOTING BY MAIL**

WHEREAS, voting is a constitutionally protected right; and

WHEREAS, all governments, especially state and local, must ensure an accessible, safe and secure method of voting for all citizens; and

WHEREAS, measures are taken to ensure electoral integrity and prevent fraud when votes are cast by mail; and

WHEREAS, use of the terms “voting by mail” and “absentee voting” varies from state to state, “voting by mail” is assumed to mean any ballot sent through the mail, including by absentee voting; and

WHEREAS, all states allow voting by mail in certain circumstances; and

WHEREAS, in the 20 years prior to 2016, the percentage of voters casting ballots in person on Election Day has gradually declined, falling from 89% in 1996 to 60% in 2016; and

WHEREAS, in 2016, nearly ¼ of all U.S. votes were cast by mail. Due to the pandemic the number of voters casting ballots on Election Day in 2020 rose to 46%; and

WHEREAS, opinion polls consistently find that a majority of Americans’ support having an option to vote by mail; and

WHEREAS, COVID-19 has pushed states to expand options for voting by mail due to limited election facilities and poll workers, increased sanitation costs, the nature of COVID-19 being spread through person-to-person contact, and the need to ensure all citizens have equal access to exercise their right to vote.

NOW, THEREFORE, BE IT RESOLVED that while it takes no stance on individual state election laws, the National League of Cities supports federal efforts that preserve and enhance systems that allow for accessible, safe and secure vote by mail options.

NLC RESOLUTION #08**SUPPORT FOR THE JOHN LEWIS VOTING RIGHTS ADVANCEMENT ACT**

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

WHEREAS, the Voting Rights Act of 1965 was passed to ensure that millions of Black, Latinx, Asian American and Native American citizens who were previously denied suffrage have an equal opportunity to cast their ballot; and

WHEREAS, in the 2013 *Shelby County v. Holder* decision, the United States 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, in the *Shelby County V. Holder* decision, the United States Supreme Court struck down Section 4(b) of the Voting Rights Act of 1965, which contained the coverage formula used to determine which jurisdictions are covered by Section 5 of the Act; and

WHEREAS, Section 5 of the Voting Rights Act of 1965 is practically defunct; and

WHEREAS, following the 2013 *Shelby County V. Holder* decision, several states enacted new voting restrictions that, prior to the 2013 decision, would have been subject to preclearance under Section 5 of the Voting Rights Act of 1965; and

WHEREAS, the United States House of Representatives, 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 Rights Advancement Act creates a new coverage formula that applies to all states; and

WHEREAS, the John Lewis Voting Rights Advancement Act establishes a targeted process for reviewing voting changes in jurisdictions nationwide, that utilizes measures that have historically been used to disenfranchise minority voters; and

WHEREAS, the National League of Cities is opposed to any federal laws that restricts American citizens 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.

2.00 Environmental Quality

A. Problem

Environmental degradation respects no political boundaries; therefore a coordinated national environmental quality policy is vital to our nation. Without such a policy, no city or town can accomplish the most basic goals of protecting the health, welfare, and safety of its citizens.

B. Goals

A national environmental quality policy must:

- Improve the quality of the environment while protecting it from further degradation; and
- Assess both current and long-term environmental impacts, ensuring that the needs of the present are met without compromising the ability of future generations to meet their needs.

C. Federal Policies

1. *National Environmental Policy Act*

NLC believes that the National Environmental Policy Act (NEPA) has encouraged the federal government to consider alternatives and mitigation options to proposed federal projects, and that the implementation of NEPA supports NLC's goals of environmental quality.

To reduce unnecessary project delays, NLC urges the federal government, in cooperation with local elected officials, to improve the NEPA process. NLC believes any attempts to improve NEPA must also:

- Mandate concurrent reviews among all federal agencies involved in the NEPA process for a project;
- Develop clearly defined procedures for resolving disputes among those federal agencies;

- Eliminate duplicative reviews by substituting equal or more stringent state environmental reviews for federal reviews;
- Require all agencies to determine appropriate time frames to complete their reviews, and penalize agencies that do not meet the deadlines; and
- Ensure adequate opportunity for public involvement.

To encourage public participation, NLC also recommends that NEPA documents include glossaries, bylines and phone numbers of the federal officials responsible for each document.

2. *Federal Mandates*

To meet national environmental quality goals, NLC recognizes that federal mandates are necessary. Where federal standards are established, the federal government must ensure that local governments have adequate capacity, resources, and time to achieve those standards. In addition, the federal government should renew its financial partnership to assist municipalities in complying with these mandates. Moreover, local governments must have the flexibility to determine their own methods to achieve federal mandates. However, federal policies should not impose unachievable objectives that foster new or expanded opportunities for litigation against municipal governments.

D. Principles

1. *Regional Approaches*

The impact of federal environmental programs must be evaluated in terms of the total environment, and coordinated with local and area-wide planning efforts. Regional approaches to resolve environmental issues that cross jurisdictional boundaries should be encouraged. Local governments are central to effecting change, but need the support and

cooperation of the federal government and its encouragement for regional action to ensure regional sustainability.

2. Sustainability

NLC is committed to the concept of sustainability, that as a society we must find ways to meet the needs of the present population without compromising the ability of future generations to meet their needs. Adopting sustainable solutions offers the potential of multiple, significant benefits to individuals, communities and society, including economic prosperity, environmental protection, environmental justice, social well-being, public health and national security.

A wide array of issues should be viewed through the sustainability lens, including energy, water, transportation, land use and economic development, housing, and public health. (See also the Community and Economic Development (CED) and Transportation Infrastructure and Services policy chapters.)

NLC supports the Interagency Partnership for Sustainable Communities formed by the U.S. Department of Housing and Urban Development, the U.S. Department of Transportation, and the U.S. Environmental Protection Agency to coordinate housing, community development, transportation, energy, and environmental policies that will help local communities create better and more affordable places to live, work and raise families. NLC urges Congress to pass legislation to officially authorize the partnership and to continue funding.

From a municipal perspective, protecting and rebuilding existing communities are vital components of a national environmental protection program. Restoring and strengthening existing communities

contributes toward ensuring a sustainable future. (For more details on sustainable development, see CED Section 3.07 (C) (4) (c), Land Use, Promoting Sustainable Communities.)

America's cities can benefit from the exchange of experiences and engagement with local governments in other countries, and must join in international cooperation and collaboration efforts to mount meaningful actions to achieve goals and reduce the impacts of climate change.

3. Environmental Justice

The impacts of pollution fall disproportionately on various communities, including people with disabilities, economically disadvantaged households, the elderly, Black, Indigenous and People of Color (BIPOC), and other vulnerable and underrepresented populations, an issue of special concern to the nation's cities, towns and villages. To mitigate these unacceptable impacts, the federal government should:

- Identify those areas with the largest concentrations of toxic chemicals in air, land, and water;
- Assess the human health in the areas of highest impact;
- Provide opportunities and resources that will allow them to participate in determining adverse health effects and economic impacts;
- Identify activities that have significant effects on human health and develop plans that will result in net reductions in pollution;
- Include environmental justice as an integral component of all federal planning, programs, and statutes; and
- Enhance opportunities for early public and local government participation, including access to accurate, objective information about the consequences of permit issuance; and

- Prioritize equitable access to nature and natural spaces.

NLC opposes any federal regulations that place restrictions on state and local government actions regulating private property or that require additional compensation beyond current interpretations of the Fifth Amendment of the U.S. Constitution.

2.01 Climate Change Adaptation and Resilience

A successful national climate protection strategy must focus on mitigating the effects of climate change and on adaptation measures that are necessary to prepare cities and residents for those changes that may be unavoidable. The range of adaptation issues must be uniquely addressed by each local government. The increasing threats related to climate change include, but are not limited to, sea-level rise, extreme weather events, such as heat waves, wildfires, droughts, floods, heavy precipitation and strong storms, pest infestations, and disease, all of which can threaten human health, cause damage to local infrastructure, jeopardize water quality and availability, and lead to energy and food shortages. The breadth and severity of these threats require the assistance and resources of the federal government.

In order to help communities plan for the impacts of a changing climate and create resilient communities that are able to adapt in the face of challenges and changing circumstances, NLC urges the federal government to:

- Comprehensively study the effects of climate change on the nation's cities, as well as different regional climate change impacts, and identify solutions to address current and future threats;
- Provide financial and technical assistance to support local government vulnerability assessments and climate change mitigation and adaptation implementation efforts;
- Ensure that local governments have the information, resources and tools to adequately plan for and respond to climate change effects;
- Establish a national climate service to communicate changes and impacts, and provide critical time-sensitive information to local governments and the public, as well as long-term climate change information;
- Require consideration of climate-related risks and vulnerabilities as part of all federal policies, practices, investments, and regulatory and other programs;
- Facilitate collaboration among federal, state and local authorities to share best practices and climate resilient strategies; and
- Fund a national public service campaign to inform the public about the impacts of climate change and the need for adaptation measures.

2.02 Energy

A. Goals

NLC urges the federal government to work with local governments to develop and implement a sustainable energy policy that is reliable, equitable, environmentally responsible and evidence-based and that will:

- Continue to assess the future of our nation's energy requirements to ensure that our energy policy adequately addresses the future needs of the country;
- Promote the most efficient and affordable use of renewable and sustainable energy sources to protect the environment;

- Encourage the transition to a clean energy economy that increases the use of carbon neutral energy and promotes energy efficiency, with a goal of at least 50 percent carbon neutral energy by 2030 and 100 percent by 2050 or sooner;
- Protect the supply of energy by promoting the use of renewable energy sources, while implementing measures to minimize the environmental impact of fossil fuels;
- Protect our economic and national security by reducing our dependence on foreign oil and minimizing the environmental impact of the domestic production of energy sources;
- Ensure a national energy supply that decreases greenhouse gas emissions;
- Encourage conservation and increased energy efficiency across the country and sectors of the economy;
- Encourage the widespread use and deployment of both distributed energy sources and utility scale generation of renewable energy as a component of energy infrastructure to help communities withstand impacts from disruptions in regional supply systems;
- Promote community resilience by strengthening and modernizing energy infrastructure to reduce vulnerability to disruptions and withstand the impacts of climate change;
- Support local economies with job training and workforce development as the nation transitions to clean energy; and

- Ensure that low-income households do not face unaffordable costs related to the transition away from fossil fuels.

B. Climate Change Mitigation

Greenhouse gases, such as carbon dioxide, methane and nitrous oxide, are chemical compounds that trap heat in the atmosphere, leading to a warming of the atmosphere. The federal government must develop policies to rapidly reduce greenhouse gas emissions in order to prevent the worsening of the already measureable effects of climate change on the global environment, such as the warming of the atmosphere and oceans, melting ice caps and glaciers, and rising sea levels. NLC believes that the solution to reducing greenhouse gas emissions, while simultaneously strengthening the economy, lies in conserving energy, coupled with replacing fossil-based energy systems with renewable energy as rapidly as practicable. NLC urges the federal government to develop a multi-pollutant strategy to reduce emissions from power plants, mobile sources and other major sources to provide significant reductions in greenhouse gas emissions.

As the federal government adopts and implements these strategies, it must ensure that the nation's cities are part of the decision-making process. Moreover, this is an urgent global problem that demands a global solution; every country, including developing countries, must be part of the solution and not exempted.

C. Federal Policies

1. Energy Emergencies

NLC urges the federal government to enhance energy emergency preparedness and include local elected officials in the planning process.

In the event that allocation controls are employed, the federal government must give priority to essential public health and safety services in every city. Regulations should be adjusted so that cities that have already reduced consumption are given proportional credit.

During times of energy stability, financial and technical assistance should be made available to cities to prepare for an energy emergency.

2. Energy Assistance to Low Income Households

NLC urges the federal government to continue to fund programs such as the Low Income Home Energy Assistance Program and the Weatherization Assistance program to help low income households reduce their energy costs and improve the energy efficiency of their homes. Sustained periods of hot or cold weather, or higher than normal wholesale energy prices, can create unusually high demand for these programs. NLC urges the federal government to create an emergency assistance fund to address abnormal weather conditions or price fluctuations.

3. Infrastructure Siting

The nation's cities recognize the need for an effective network of energy infrastructure. NLC urges the federal government to partner and consult with local governments to determine the area for infrastructure siting that would best meet the needs of the community. NLC strongly opposes any legislation that preempts local decision-making authority on the siting and permitting of oil refineries, pipelines, electric transmission lines, and nuclear and other energy-related facilities. This type of action would threaten to dismantle longstanding environmental laws that protect the health

and welfare of the public, and constrain the ability of local residents to participate through their locally elected officials to tailor policies to meet their needs.

4. Federal Energy Regulatory Commission

NLC believes that the Federal Energy Regulatory Commission (FERC) should continue to review all purchased gas costs and wholesale electricity prices to ensure that they are "just and reasonable," to make public all requests for rate increases, and to shift the burden of proof to any pipeline or transmission company requesting a rate increase. NLC encourages the federal government to ensure that FERC has adequate resources to accomplish these goals. NLC opposes any attempts to grant eminent domain authority to any federal energy regulatory agency, including FERC. NLC opposes any legislation or regulations that would bring municipally owned utilities under FERC's jurisdiction.

D. Energy Efficiency

The federal government should support all cost-effective energy efficiency measures in all types of buildings in order to reduce the use and production of energy and reduce greenhouse gas emissions. To promote energy efficiency, the federal government should:

- Develop and promulgate a model building rating system and benchmarking tools;
- Promote financing mechanisms that take into account the reduced costs of operating energy efficient buildings;
- Offer training and financial assistance to state and local governments to adopt and enforce building codes that implement energy efficiency gains;
- Encourage the distribution and use of inexpensive mechanisms, such as smart home energy meters, to provide information on residential building

energy performance for homeowners and homebuyers;

- Develop models that can account for transportation costs within household total energy consumption data;
- Reauthorize and fully fund the Energy Efficiency and Conservation Block Grant (EECBG) and share best practices and lessons learned from state and local governments as a result of programs implemented through the EECBG;
- Assess conservation programs that most effectively reduce the use of energy and provide technical assistance to cities to implement such programs;
- Prioritize grant applications that demonstrate energy efficiencies will result in a net reduction of cost for the product; and
- Ensure that all new and existing federal facilities are energy efficient.

1. Tax Policy and Financial Incentives

NLC encourages the federal government to develop regulations and tax incentives that would improve the energy and water efficiency of appliances and equipment for industrial, agricultural, commercial and residential consumers. The federal government should provide incentives for new and renovated buildings that meet or exceed nationally recognized energy efficiency standards.

2. Public Awareness and Education

The federal government should promote the benefits of energy efficiency to local governments and public utilities. The federal government should develop public service announcements and other educational materials that can be utilized by local governments to promote the benefits of energy efficient and resource conserving consumer products to consumers.

E. Energy Sources

1. Renewable Energy

Federal tax policies should promote the development and use of renewable energy. NLC supports long-term extensions of the investment tax credit and the production tax credit for renewable energy as an incentive for their development and deployment. NLC supports policies and financial mechanisms that lower the cost and eliminate financial, regulatory and market barriers to development, procurement and implementation of renewable energy sources by residential, commercial and municipal entities, as well as producers. The U.S. Department of Energy (DOE) should continue to offer grants to cities for the procurement of renewable energy sources for use in municipal buildings.

To promote the use and development of renewable energy such as solar, wind, geothermal, biomass, tidal and hydro power, the federal government should:

- Increase funding for research and development to implement the use of renewable energy sources;
- Create a renewable portfolio standard that increases the share of electricity from renewable sources;
- Create standards for and evaluate the effectiveness of renewable energy products;
- Promote and support improvements to the electrical grid, including capabilities and incentives for smart metering, support for large scale distributed generation and storage capacity, and construction of long-distance renewable energy transmission capabilities; and
- Increase funding to research and develop innovative technology for energy production, storage and transmission.

a. Hydroelectric

The use of hydroelectric power should be done in a manner that minimizes environmental impact. The pricing of hydroelectric power generated at federal projects should be as low as possible, while ensuring that all costs to the federal government are fully recovered including the cost of federal capital. The federal government should continue to own and operate the federal power marketing agencies and should not sell, transfer, exchange or otherwise dispose of them. NLC supports the protection of municipal utility purchases of hydroelectric power through federal contracts.

b. Solar

The federal government should support research programs to develop innovative and practical solar technology. Additionally, the federal government should promote financing mechanisms that stimulate and incentivize the adoption and installation of solar technologies for residential, commercial and municipal use.

c. Wind

The federal government should support research programs to develop wind technology for commercial and residential use, clarify regulations related to its implementation, and provide incentives to promote its use.

d. Additional Energy Sources

The federal government should support research and development and use of additional energy sources such as geothermal and bioenergy, including waste-to-energy and landfill gas recovery projects, that help meet goals of an efficient, economical, and environmentally responsible energy supply. NLC urges the federal government to support technical assistance and incentives for local- and regional-scale efforts to obtain biogas

from waste materials and biological feedstocks.

2. *Fossil Fuels*

a. Coal

The use of clean coal technology (as defined by DOE standards) will help decrease emissions while helping cities affected by such emissions to reach and maintain attainment of air quality standards. Therefore, NLC urges the federal government to:

- Support research programs to develop the most efficient, environmentally responsible methods to extract, transport, and utilize coal for energy production;
- Streamline requirements for development and retention of leases for coal reserves on federal land in an environmentally responsible manner;
- Research the use and storage of coal byproducts, such as methane, as a future energy source;
- Develop incentives for the use of clean coal technology and Best Available Control Technologies for new and existing plants; and
- Increase research and development for carbon capture and storage technology and fund large-scale integrated demonstration projects for carbon capture, transportation and storage that reduce emissions from existing coal plants.

b. Natural Gas

The federal government should encourage the domestic production of natural gas in an environmentally responsible manner. Therefore, the federal government should:

- Ensure that water quality and water resources are protected;
- Require the disclosure of chemicals used in hydraulic fracturing; and

- Study the relationship of the oil and natural gas production and extraction process on drinking water resources and air quality, the impacts on land and aquatic ecosystems, seismic risks and public safety.

c. Petroleum

The federal government should promote the production of domestic petroleum in an environmentally responsible manner. In the event of a supply disruption, there should be no action by the federal government that causes the depletion of the Strategic Petroleum Reserve simply to mitigate oil prices. The federal government should not reinstate price controls on domestically produced crude oil.

3. Nuclear

Nuclear power will be a necessary component of the carbon-neutral energy portfolio for the coming decades. The federal government should use its capacities and authorities to maximize the safety and minimize the adverse environmental effects and public costs of nuclear power production and the nuclear fuel cycle. The federal government should support and encourage the development and deployment of technical innovations and advanced technology that enhances safety and efficiency of nuclear power production and reduces the potential for misuse or diversion of nuclear materials. The federal government should ensure that its licensing and regulatory procedures for new and existing nuclear power plants are appropriate for the potential hazards associated with their specific technologies and external conditions, including implications of climate change.

Additionally, Congress should strengthen the Nuclear Regulatory Commission's (NRC) protection of the public – and public confidence in the NRC – by prohibiting

“revolving door” employment between industry and the NRC.

F. Electricity

1. Infrastructure

NLC supports federal incentives for all generators and transmission grid owners to create new infrastructure, consistent with current environmental regulations and laws. To ensure that the nation has an adequate and reliable national transmission grid, the federal government should coordinate with state and local governments. NLC opposes any attempts to preempt local authority in siting energy producing facilities or transmission grids.

2. Smart Grid

Smart grid technology will increase the capacity, quality and reliability of the electric power grid, increase the grid's energy and operational efficiencies, and enable significant increases in distributed renewable and stored energy. NLC supports federal programs that:

- Conduct research into smart grid technology and help promote its commercialization;
- Create standards for interoperability and security;
- Fund pilot programs to study techniques that reduce energy demand by giving customers more direct and automated control over their energy use, evaluate rate structures that more accurately reflect energy costs, and investigate the integration of renewable energy sources onto the local grid;
- Provide consumer education and workforce training; and
- Facilitate an accelerated implementation of smart grid technology across the distribution and transmission networks.

3. Demand Management

NLC urges the federal government to establish tax incentives promoting demand-side management of energy in such areas as distributed generation systems and electricity production to reduce base load demand.

4. Distributed Generation

The federal government should develop a comprehensive research and development program to improve storage capacity and affordability of distributed energy systems, as well as promote their implementation. The federal government should incentivize the buildout and deployment of microgrids, which can provide backup power during emergencies.

5. Electric Utility Restructuring

NLC believes that state and local governments, traditional regulators of the electric utility industry, should continue to be the primary decision makers in restructuring the electric utility industry. Congress and the Administration must work with state and local elected officials in any attempt to restructure the electric utility industry. Restructuring should not interfere with or reduce services provided by municipally owned utilities.

NLC supports the following principles in all attempts to restructure the delivery of electricity:

- Preemption: NLC opposes any federal action that preempts municipal authority to issue franchises, tax, aggregate, regulate use of rights-of-way, or interfere in any way with municipal revenue authority. NLC opposes any federal preemption of the rights of state utility commissions to regulate retail electricity rates. NLC opposes the preemption of any existing environmental policies in any restructuring proposal.
- Affordability: Any restructuring program must ensure that the system remains

affordable for all communities and ratepayers.

- Equitable Benefits: Any restructuring program should result in all ratepayers – large and small, residential and commercial – equitably sharing in the benefits of a restructured environment.
- Social and Environmental Impacts: All market participants should contribute equitably to accomplish the following public policy goals: support for lifeline rates; energy efficiency and conservation; environmental programs; renewable energy sources; and alternative energy efforts. Generators should be held to applicable environmental regulations. NLC opposes less expensive electricity if it comes at the expense of environmental degradation.
- Municipal Utilities: Any restructuring must maintain the existing powers of municipalities, including the concept of municipal utilities; must not abridge the existing authority of municipal utilities to operate; and must not abridge the ability of cities to form municipal utilities or to compete in the future.
- Rights-of-Way: NLC opposes attempts to preempt local government authority to manage rights-of-way and to receive just compensation for their use.
- Aggregation: Cities must have the opportunity, either individually or on a regional basis, to become aggregators, to consider combining the electric loads of various users, and to negotiate the purchase of electricity on behalf of those consumers.
- Market Power: The federal government must closely examine any mergers or acquisitions in the deregulated electric industry, and prevent all mergers that are found to threaten competition. The federal government must exercise current regulatory authority through the Department of Justice to prevent

anticompetitive behavior in order to protect the interests of all ratepayers in the deregulated electric industry.

- True Access to Transmission: State and local governments must maintain the exclusive authority to identify places for expansion of the transmission system. The federal government must:
 - 1) Ensure that transmission capacity is not a barrier to competition by requiring accurate and timely Actual Transmission Capacity postings;
 - 2) Facilitate retail access to transmission on a pro rata basis; and
 - 3) Not take other actions which affect fair access to transmission by all competitors.
- Regional Transmission Organizations (RTOs): To ensure fair compliance with transmission rates, efficient and reliable grid utilization, and enforcement of reliability standards, the federal government should require the formation of regional Independent System Operators.

G. Transportation and Energy

NLC supports federal programs that:

- Reduce dependence on fossil fuels used for transportation, including through the support and promotion of transportation alternatives such as public transportation, multi-modal transportation systems and safe and connected networks for walking and bicycling to employment, education and commercial centers;
- Increase funding for federal research and development of alternative sources of energy for transportation;
- Pursue a national distribution system for alternative fuels for transportation use;

- Encourage national standards for electric vehicle infrastructure to ensure compatibility with all brands of vehicles;
- Offer incentives for acquisition of zero- or low- emission vehicles. Incentives should be available for cities to purchase these vehicles for use in public transportation systems, municipal fleets and school buses, and to public and private entities to install electric vehicle infrastructure;
- Minimize environmental harm associated with the extraction, processing, and disposal of metals used in electric vehicle batteries, and encourage development of alternatives; and
- Ensure that the air quality benefits of using zero and low emission vehicles are quantified and credited toward meeting national air quality goals.

NLC opposes a federally mandated phase-in of a fixed number of alternative fueled vehicles for fleets, in the absence of federal funding for this purpose. (See also the Transportation Infrastructure and Services policy chapter).

2.03 Clean Air

A. Problem

Air pollution continues to be a serious threat to the health of citizens and the welfare of many communities.

The federal government must coordinate air quality regulations with local and state governments as well as across federal agencies.

B. Goals

A national strategy must:

- Protect human health from the harmful effects of air emissions;

- Target sources responsible for current air emissions through multi-pollutant strategy;
- Recognize regional problems and support local government efforts to partner with other local governments as a means of improving air quality on a regional scale;
- Emphasize air shed solutions to problems from the transport of air pollution across jurisdictional boundaries;
- Coordinate policies of federal agencies regulating air quality to avoid conflicting regulations, such as imposing stricter air standards while simultaneously cutting funding for mass transit;
- Anticipate and mitigate the effects of climate change;
- Encourage and give credit for voluntary reductions in air pollution; and
- Not adversely affect other environmental media, such as soil and water.

C. Federal Policies

1. Local Role

Authority to conduct air quality planning should be vested with general-purpose local governments and/or regional policy making organizations. State and local governments should continue to have the authority to establish stricter standards than those set by the federal government. State and local governments should generally be allowed to grant or alter permits without the need for federal approval so long as such actions are consistent with EPA-approved generic permit rules.

Congress should maintain and increase federal funding for regional clean air agencies, which should go directly to the local agencies with State Implementation Plans responsibilities.

2. State Implementation Plans

EPA must continue to review the development of the basic elements of State

Implementation Plans (SIP), which outline measures that will reduce pollution from stationary and mobile sources. The federal government should encourage collaboration among local, state and federal partners in developing a SIP.

NLC supports the imposition of sanctions on states that fail to submit an SIP, revise the SIP in accordance with EPA specifications, or implement the measures identified in the SIP. Where the SIP cannot be developed in accordance with requirements to “demonstrate attainment” because there are no known strategies available to accomplish the objectives of the Clean Air Act, EPA should be given the flexibility to refrain from imposing sanctions. Where sanctions remain the only tool to ensure timely compliance, they should be imposed on the government whose actions were inadequate or inconsistent with the requirements of the law. Where a state has failed to develop and enforce its SIP, it is the state that should be sanctioned. In no case should the state be authorized to transfer any sanctions to its local governments absent a demonstration of that local government’s culpability.

3. National Ambient Air Quality Standards

Primary air quality standards should be based on the protection of public health. The federal government should continue to evaluate the National Ambient Air Quality Standards (NAAQS) to ensure they are necessary and attainable. When revising the NAAQS, the federal government must ensure that:

- New standards are based on peer reviewed science;
- Adequate technology is or will be made available to attain the revised standards; and
- Sufficient time is provided for areas to come into compliance.

NLC supports EPA designation of major pollution transportation regions consisting of attainment and adjacent non-attainable areas. Non-attainable areas should be required to install reasonably available controls on stationary sources of pollution.

Recognizing that climate, geography, and transport phenomenon play critical roles in persistent non-attainable areas, the federal government should ensure that research is undertaken to develop new control strategies and that control measures result in progress toward attainment.

However, to encourage innovation and private and public research, federal air quality standards must focus on measurable results and must not mandate the use of specific technologies to reach attainment.

Congress must ensure that EPA is not forced to promulgate new and costly standards prematurely because of arbitrary court ordered deadlines.

EPA should continue to set secondary ambient air quality standards to protect non-health related values.

a. Transportation Control Measures

In areas projecting attainment and making projected yearly progress toward attainment by the statutory deadlines, implementation of transportation control measures should not be a mandatory federal requirement. Where reductions in vehicle miles traveled are needed to meet emission reduction targets, strategies such as economic incentives and transportation demand congestion pricing that protects privacy and prohibits penalties should be permitted in place of mandated transportation control measures if it can be demonstrated that such strategies will provide equal or greater benefits. (*See also EENR section 2.02 Energy, H.*

Transportation and Energy and the Transportation Infrastructure and Services policy chapter.)

4. Stationary Source Emissions

a. Generation of Electricity and Production of Petroleum Products

NLC believes that a comprehensive approach to emissions reduction from the generation of electricity and the production of petroleum products is essential to protect the health of our citizens and our communities. NLC supports a streamlined air quality control strategy that:

- Establishes an integrated approach for regulating air emissions from all electric power plants and petroleum production facilities;
- Addresses significant emissions from electric power generation and petroleum production facilities;
- Caps emissions from power plants to establish stringent, feasible, and enforceable national emissions reduction goals;
- Requires the installation of technology no less stringent than the best available controls on existing power plants by a compliance deadline;
- Includes a national emissions trading program, which equitably allocates any emissions allowances to existing utilities, so long as specific sources credited are not allowed to increase their emissions;
- Encourages and credits utilities for early compliance, while enforcing deadlines to ensure steady progress;
- Offers flexibility to utilities to meet required emissions reductions; and
- Retains the authority of regions, states, and local governments to adopt and implement more stringent measures than those required by the federal government.

Strict emission control requirements must be maintained for new sources. New source

permits should continue to be required for all “major” sources that result in significant emission increases. However, once a permit has been issued for a source, it should be exempt from additional requirements for a reasonable period of time.

b. Biomass and Waste-to-Energy

NLC recognizes biomass and waste-to-energy as a renewable energy source, but encourages these sources to be emission-neutral so that air quality is not negatively impacted.

5. Mobile Source Emissions

Where pollution is caused by mobile sources, the primary means for abatement of such pollution should be direct and stringent controls related to mobile source emissions and promotion of transportation zero- or low-emission vehicles. *(See also EENR policy section 2.02 Energy H. Transportation and Energy and the Transportation Infrastructure and Services policy chapter)*

6. Hazardous Air Pollutants

Congress should continue to require EPA to identify and set standards for hazardous air pollutants which protect public health and environment. EPA should impose controls on sources of hazardous air pollutants that are stricter than technology-based standards where necessary to protect public health and the environment. Congress should establish deadlines for the determination of those substances that are hazardous and should require mandatory listing of substances where EPA fails to meet the deadlines.

2.04 Solid and Hazardous Waste

A. Problem

Disposing of solid and hazardous wastes and conserving resources are two of the most challenging issues facing local governments. The Chinese National Sword Policy has had

ripple effects on community recycling programs and recycling markets across the country and necessitates finding new solutions to waste management and recycling in the United States.

Improper disposal of hazardous wastes, including nuclear and radioactive waste, and spills of chemicals, oils, and other hazardous substances, can endanger public health and pollute our nation’s air, water and land resources.

B. Goals

Waste management must be addressed aggressively through source reduction, volume reduction and resource recovery. The federal government should invest in and develop sustainable domestic capacity for recovering resources and returning them to economically beneficial use. These actions must be compatible with protecting the environment.

The Chinese National Sword Policy presents an opportunity to reimagine and strengthen U.S. waste management and recycling infrastructure and programs. Investments in domestic infrastructure, support for local and regional recycling programs and education efforts, and policy changes will ensure recycling remains environmentally and economically sustainable throughout the country.

C. Solid Waste Policies

Solid waste management is primarily a local matter, but the nature and quantity of waste that must be managed is largely dictated by national and multinational decisions and trends. The federal government should support local and regional programs by developing a national solid waste management policy that takes an integrated approach to best meet local needs.

1. Source Reduction

To help relieve local governments and taxpayers of the financial burden of product and packaging management and to reduce greenhouse gas emissions, the federal government should:

- Develop and implement policies that promote product stewardship and create inducements for manufacturers and marketers to design and produce products and packaging created with less energy, materials and toxins;
- Support the creation of effective producer-led reduction, reuse and recycling programs to address a product's life cycle environmental impacts;
- Create incentives for local governments and producers to develop systems to collect, compost, reuse and recycle products;
- Promote material exchange and secondary markets;
- Support research and development on conversion technology, packaging materials, biodegradability and techniques to minimize solid waste, facilitate recycling and reuse, and provide safe and cost-effective methods to convert nonrecyclable wastes to energy;
- Support public participation and education programs to provide a better understanding of source reduction (reduce, reuse, recycle) and disposal options; and
- Promote the recycling of materials for federally-funded projects.

2. Electronic Waste

NLC supports federal efforts to educate the public on minimizing electronic waste and associated risks to health and the environment. NLC urges Congress to develop a system to maximize the reuse and

responsible recycling of used electronics and create a viable financing mechanism. Congress should investigate the use of appropriate incentives to:

- Design products that facilitate source reduction, reduce environmental impact, and encourage reuse, recycling, product take-back, and responsible reclamation of components;
- Ensure that used electronics are recycled in a sustainable manner, such as through an accredited third-party certification program;
- Promote green electronics as a source selection preference;
- Reduce toxicity by limiting the use of hazardous materials in electronics manufacture; and
- Increase recycled content and improve efficiencies in development and operation of electronic products.

NLC urges Congress and the Administration to ensure that all exported electronics are handled and disposed of safely in a manner that does not harm public health or the environment.

3. Recycling

To support municipal recycling initiatives, EPA should develop a clearinghouse to share best practices among cities on delivering efficient recycling programs and to create connections that foster collaboration between waste producers and users.

Congress should encourage development of long-term stable markets for recycled products, hard-to-recycle products (such as plastics) and non-recyclable products. In addition, federal funding should:

- Support research and development and pilot programs to assist local

governments in demonstrating of new recycling techniques;

- Fund research and development for conversion technology for recycled materials, including products from tires and batteries; and
- Develop fair and appropriate tax incentives to target problematic waste streams from recycling processing centers.

4. Environmental Labeling

NLC supports the development of national guidance to ensure that environmental labels for products and packaging, including labels regarding recyclability, biodegradability, flushability and suitability for composting or other processing, are based on clear and verifiable definitions and standards that facilitate the safe and efficient processing of municipal solid waste and recycled goods and reduce costs to municipalities.

5. Plastics

Plastic waste is found in the planet's land and oceans, in our food streams and in animals and human bodies. Plastics in our environment do not biodegrade, nor are all plastics are recyclable. For these reasons, NLC supports federal efforts to:

- reduce plastic use, including incentives to reduce the use of single-serve plastics that are not recyclable;
- incentivize and support research and development to reuse plastic waste through extended producer responsibility or other programs; and
- increase plastic recycling through public education and outreach and clear and verifiable definitions and labeling.

6. Organic Material

NLC supports the diversion and reduction of compostable materials from landfills. NLC encourages development of reliable technical

guidance to assist municipalities in establishing successful arrangements, including composting programs or other bioprocessing operations, that will convert organic waste materials into useful products or energy sources, rather than sending these materials to landfills.

Organic material, such as food waste, breaks down anaerobically and produces methane, which is a short-lived climate pollutant. Collected food waste can be composted into nutrient rich soil or renewable natural gas and lessen the impact on landfills and the environment.

Organic waste diversion and reduction are costly to implement. Barriers for organic waste collection are the requirements to sort into its own designated recycling bin with its own collection, public education and outreach, and the lack of technology and infrastructure by solid waste providers to process and convert organic waste. Additional barriers are individual environmental approvals for recycling facilities, as well as the need for regional recycling sites.

To support the proliferation of organic material diversion and reduction from landfills, Congress should consider:

- Funding to support the procurement organic waste infrastructure, including technological advancements in organic waste processing;
- Support for environmental approvals to establish anaerobic recycling facilities;
- Funding for public education and outreach to support and comply with organic waste collection; and
- Incentives for waste haulers or processors.

A byproduct of organic waste collection is food waste prevention. Markets, restaurants, farmers, and institutions (hospitals and schools) contribute to the organic waste stream by disposing edible food products. Congress can incentivize unnecessary food waste by:

- Supporting the redistribution or donation of edible food sources to local charities, food pantries or homeless shelters;
- Supporting the redistribution of edible food sources to animal feed processors; and
- Creating tax incentives and liability protections for donations.

7. Medical Sharps and Pharmaceuticals

NLC supports medical sharps and pharmaceutical collection in order to protect public health, the environment and water quality. Improper disposal of expired or unused pharmaceuticals and medical sharps, such as needles and syringes, can endanger municipal workers and the public, as well as impose a cost-burden on local governments.

Extended producer responsibility through pharmaceutical and drug take-back programs will help prevent pollution of waterways, drinking water and soil contamination. Although pharmacy chains are working with drug manufacturers to create greater resources for drug disposal, the federal government should continue to work with drug manufacturer and local communities on public education and outreach and to further develop and expand product stewardship and take-back programs.

Product stewardship and collection centers are also important in sharps disposal. Sharps have been comingled in regular and public trash cans (such restrooms, hotels) leading to injury and harm to children, maintenance workers, and others. Sharps could

contaminate trash, recycling bins and landfills, which impacts sanitation workers, recycling workers and water treatment facilities. While hospitals and pharmaceutical chains have participated in collection programs, Congress can help support proper sharps disposal by:

- Funding public disposal and collection sites at both public and private facilities including entertainment venues, airports, restaurants, hotels, etc.;
- Working with sharps manufacturers and pharmaceutical companies to develop sharps product stewardship programs and distribution of biohazard containers;
- Creating convenient sharps disposal sites such as pharmacy chains, hospitals, etc.;
- Providing funding for public health organizations to develop disposal sites and distribution of biohazard containers; and
- Supporting public outreach and education.

8. Incinerator Ash

The federal government should designate incinerator ash as a “special” waste and establish appropriate testing and treatment requirements. NLC supports the beneficial reuse of non-toxic ash.

The federal government must provide that the term of permits for new incinerators is for an adequate duration with periodic monitoring to ensure compliance with permit conditions. The federal government should also provide resources for operators of municipal incinerators.

9. Landfills

New federal mandates that retroactively reclassify specific segments of waste, thus requiring new and more costly disposal

methods and/or retrofitting of existing and closed disposal facilities, must be accompanied by financing to comply.

10. Interstate Transport of Municipal Solid Waste

Congress should authorize states that develop approvable, comprehensive solid waste management plans, which include long-term capacity assurance for disposal of waste generated in-state, to restrict out-of-state use of their facilities unless there is planned capacity for out-of-state wastes. Municipal or regional authorities within states with approved plans must have the right to accept or reject solid waste from out-of-state. Congress should also authorize the imposition of phased-in differential, i.e., higher, disposal fees which must be equal for out-of-state solid waste at facilities in states with approved plans.

Municipalities accepting out-of-jurisdiction waste must be authorized by Congress to impose their standards on the importing jurisdiction.

11. Backhauling

Congress should prohibit the hauling of solid and/or hazardous waste in vehicles used for transporting food.

D. Nuclear Waste Management Policies

1. Local Participation in Site Selection

Final siting approval of nuclear facilities should be a shared responsibility among federal, state and local governments, subject to appropriate federal environmental laws and regulations. Federal policy related to nuclear and radioactive waste disposal should give local governments the authority to directly participate in selecting the site for permanent repositories for high-level nuclear and intermediate and low-level radioactive waste. The permanent disposal or storage of nuclear and radioactive waste, within any

populated area, is completely unacceptable. Further, sufficient technical assistance funding from the Nuclear Waste Trust Fund should be provided to local governments to enable them to conduct technical studies of potential repository sites, to provide technical comments on federal siting-related documents, and to monitor the site selection process. This should apply to sites identified on federal property or reservations in close proximity to a municipal boundary.

2. High-Level Nuclear Waste Storage

Congress should adopt legislation to establish an integrated spent nuclear fuel management program to:

- Construct and operate a safe, permanent geologic disposal facility;
- Use the Nuclear Waste Trust Fund for the purpose for which the funds were contractually paid for by users of nuclear generated electricity; and
- Allow state and local governments to be compensated for the costs which they incur in disposing of nuclear waste until a long-term storage option is available and viable.

The federal government should also research additional options for managing nuclear waste.

3. Nuclear Waste Management

DOE, the federal agency that manages nuclear weapons complexes, must be required to clean up contaminated areas. If DOE proposes waste disposal facilities on site, the agency should be required to obtain the approval of the affected local governments. Such facilities should be located in isolated areas, away from populations, including farmed areas, critical wildlife areas and waterways, and must meet EPA and Nuclear Regulatory Agency standards.

Restoration and Long-Term Stewardship: NLC urges DOE to restore all contaminated lands at nuclear sites to an environmental standard negotiated with and approved by affected local governments for future use. In cases where full restoration is not currently possible, Congress must acknowledge and provide the long-term (thousands of years) stewardship costs associated with leaving nuclear and other hazardous waste contamination on site. Congress and the Administration should continue to support research to develop necessary technology for consolidated nuclear waste disposal and cleanup.

Economic Aid and Restoration of Jobs: The transfer of uncontaminated lands to the surrounding communities for economic or public use should be a high DOE priority. Such lands should be indemnified for future use from any contamination that may not be known at the time of transfer. DOE should continue to work with local governments to create and attract new jobs and to replace industries lost through the closure and changing missions of nuclear facilities.

4. Cask Testing

Full scale testing of any prototype containers and equipment used for the transportation of high level radioactive waste should be required by the federal government.

5. Routing

Local governments should be consulted in the designation of routes for transportation of high level radioactive waste and spent fuel through their jurisdictions. Where state governments seek the designation of alternative routing to the Interstate system, they should be required by federal law to create a review and comment process that provides affected local jurisdictions with the opportunity to participate in the alternative routing decision.

Guidelines for the routing of high level radioactive waste should be established for the movement of such waste by every transportation mode.

6. Notification

The federal government should be required to give general, not shipment-by-shipment, notification to affected local governments of the routes used and approximate frequency of shipments of high level radioactive waste through their jurisdictions.

7. Liability

The total financial pool that provides compensation for losses in case of a nuclear accident must be increased by raising the ceiling on each nuclear power plant's liability.

Compensation for losses resulting from accidents at nuclear waste repositories and those involving transportation of nuclear waste should be provided in a manner similar to compensation for losses at nuclear power generation facilities. Furthermore, state and local governments should be compensated for the costs which they incur in preparing for and responding to a nuclear accident.

To encourage state and local participation in emergency response efforts and to minimize the potential for lawsuits against these governments, state and local governmental liability should, under the Price-Anderson Act, be explicitly waived in the event of a nuclear accident.

8. Federal Compliance

Federal facilities should continue to comply with federal and state environmental, health and safety laws and should be subject to their enforcement provisions.

E. Hazardous Waste Management Policies

1. Hazardous Waste Collection

The federal government should provide state and local governments with financial and technical assistance to support, develop and expand local government hazardous waste collection capacity.

2. Landfill Regulations

The federal government should provide state and local governments with financial and technical assistance to evaluate potential new sites for hazardous waste disposal facilities. Hazardous waste landfill regulations should combine technology-based design and operating standards and should include minimum landfill location standards.

Class 4 injection wells, if found to pose a potential human health or environmental threat, should be banned.

EPA should require liners and leachate collection systems for existing hazardous waste land disposal facilities, with exemptions granted in those cases found not to pose a threat to human health or the environment or where the facility can demonstrate alternatives for preventing groundwater contamination.

The federal government should also develop and implement a plan for prompt and responsible emergency and long-term action to protect public health and the environment in the case of spills or leakage at disposal facilities and in the transportation of hazardous materials to and from facilities.

3. Incinerator and Impoundment Requirements

Incinerators whose primary purpose is the “beneficial recovery of heat” should not be exempt from Resource Conservation and Recovery Act (RCRA) regulations.

Additionally, facilities which burn or blend hazardous materials for fuel or energy recovery purposes must be required to report these activities to EPA and authorized states. These facilities must also be required to label such fuel as containing hazardous wastes before marketing and distributing the fuel product.

NLC opposes the incineration of hazardous materials at sea until it is demonstrated that the safety and efficiency of this method causes less harm to human health and the environment than other practical alternative means of disposal.

4. Kilns, Boilers and Industrial Furnaces

In order for these facilities to continue burning liquid hazardous waste as fuel, they must first obtain a use change permit to ensure they are sited appropriately and in an environmentally protective manner to proceed with the burning of hazardous waste. Any facility burning hazardous waste must be a permitted facility in full compliance with both federal air emission control standards and monitoring requirements for the incineration of hazardous waste and with the requirements of Subtitle C (hazardous waste) of RCRA. Operators of facilities using hazardous waste as a fuel must be trained and certified to ensure proper operation of the facility.

5. Permit Requirements

All major expansions or additions to existing hazardous waste facilities should be treated as “new” facilities for permitting purposes. Once permitted, they should be allowed to expand according to their final permit requirements.

The permitting process should be standardized among cement kilns, boilers and industrial furnaces that recycle hazardous waste and incinerators.

EPA-issued permits should require the use of “best available technologies” and be effective for a fixed term. Any by-products derived through the recycling process must comply with the RCRA “derived-from” labeling requirements if such by-products are offered to the public. EPA should propose a modified permit procedure for those facility modifications that the regional EPA Administrator deems to be minor. The modified permit procedure must not, however, eliminate notice to local officials and the public, and if sufficient interest is generated, the modification must go through normal permit procedures.

6. Underground Injection

Underground injection of hazardous chemicals or wastes above, into, or near an aquifer that is a potential source of drinking water must be prohibited.

7. Research

The federal government should expand its research and development program in hazardous waste and materials management to:

- Develop industrial process modifications and raw materials substitution in order to reduce hazardous waste generation;
- Develop processes to recover resources from hazardous wastes and materials and improve existing treatment, long-term storage and disposal techniques; and
- Prepare a comprehensive evaluation of the role of federal, state and local governments in the prevention of hazardous materials accidents. The study should identify the mechanisms for integrating existing governmental programs and activities into a single, integrated national prevention program.

A national clearinghouse for hazardous waste and materials information should be

established as a repository for research results.

8. Insurance

Congress should ensure that owners and operators of hazardous waste disposal facilities are financially insured to provide for the safe operation and closure of those facilities as well as any emergency response and liability that may occur as a result of a leak or spill.

9. Closure of Facilities

Upon the opening of a new hazardous waste or materials disposal facility, the federal government should require that a covenant restrict the use of each site for as long as necessary after closure. Further, the covenant should require all future owners of each property to take the property subject to such restrictions including the continued, regular monitoring, inspection, and maintenance of the property as well as responsibility for any remedial action that may be necessary due to the hazardous wastes or materials disposed on such property.

10. Brownfields

NLC calls on Congress to reauthorize and fully fund the EPA Brownfields program, which supports the assessment, cleanup and redevelopment of sites that are complicated by the presence or potential presence of a hazardous substance, pollutant or contaminant. The economic redevelopment and environmental restoration of these properties is essential to revitalizing communities and protecting public health. Cleanup standards for these areas should be based on the level and type of contamination and the purposes for which the area is intended to be reused, as outlined in the local land use plan.

Congress should enact legislation addressing and resolving the disincentives created by

potential liability to facilitate reuse of those properties. Such legislation should provide for a waiver or a definitive limitation or elimination of liability for non-contributing current or future owners, developers, lenders, operators and tenants of previously contaminated sites which have been certified as “clean.”

11. Federal Facility/Site Conversion

When downsizing the nation’s military structure and converting to civilian use, NLC urges Congress and the Administration to adopt the following environmental cleanup policies:

- Ensure the active involvement of local government officials in all phases of the environmental cleanup, including site evaluation and selection and implementation of cleanup remedies;
- Allow parcelization of federal facilities or sites, where feasible, to permit prompt redevelopment of uncontaminated portions of the property;
- Coordinate timetables for an environmental impact statement, parcelization and prioritization with civilian reuse plans; and
- Provide full and timely funding and appropriation for the cleanup of federally owned or operated contaminated facilities and sites.

F. Superfund Policies

1. Superfund Trust Fund

Congress should reauthorize the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA, also known as Superfund) to ensure that existing hazardous waste disposal sites can continue to be identified, evaluated and cleaned up.

Congress should increase the size of the Hazardous Substance Response Trust Fund that supports the Superfund program so it will

be adequate to clean up sites already on the National Priority List (NPL) as well as any additional sites added to the list. Trust Fund revenues should be derived from the following sources:

- Doubling fees imposed on feedstocks used in the production of hazardous materials and used by hazardous waste-generating industries or importers of hazardous materials;
- Eliminating some current exemptions from the fee;
- Levying feedstock fees on some new chemicals deemed by EPA to be hazardous;
- Establishing a broad-based tax (such as an ad valorem tax, excise tax, or corporate surcharge); and
- Maintaining the current contribution of general revenue to the Trust Fund.

2. Standards and Deadlines

The federal government should mandate that Superfund sites be cleaned up to standards sufficiently stringent to permit reuse of the facility or site in accordance with locally-generated land use plans and to obviate the need for additional cleanup costs by the affected local governments or the private sector.

In order to ensure expeditious cleanup of Superfund sites, Congress should establish timetables for cleanup of sites already on the NPL and separate deadlines for the identification, evaluation and cleanup of new sites added to the NPL.

EPA and other federal agencies involved in hazardous waste site cleanup should increase their financial and administrative commitments to addressing Superfund sites.

3. State and Local Roles in Superfund

The Superfund program can be made more efficient if qualified state and local

governments are given greater decision-making responsibilities under the program. Qualified state and local governments should have the option to assume full responsibility for planning and implementing Superfund response actions.

Furthermore, state and local governments that are engaged in Superfund site cleanup should be exempted from oversight cost responsibilities to EPA. Such costs are more properly borne by those parties who are liable at a site but have chosen not to participate in remediation.

CERCLA should require that EPA enter into agreements with local governments that give lead responsibility for site remediation and for cost recovery and other enforcement activities to qualified and willing local governments. Such agreements should recognize the local government's unique qualifications to effectively administer longer term land use restrictions and other institutional controls.

Furthermore, the definition of the term "state" under CERCLA should be amended to include local governments. The law is unclear whether local governments engaged in the same type of cleanup work have the same special cost recovery status.

4. Liability

Municipal liability for cleanup costs under the federal Superfund statute must be clarified. EPA recognizes that municipal solid waste (including both garbage and sewage sludge) contains only insignificant amounts of hazardous constituents and in its Interim Municipal Settlements Policy provides that EPA will identify local governments as potentially responsible parties (PRPs) at hazardous waste sites only in exceptional circumstances.

The Interim Municipal Settlements Policy, while a laudable first step, is an inadequate response to the concerns of municipalities. First, the Policy applies only to (public and private) transporters and generators of municipal solid waste, but not to municipal owners and operators of Superfund sites. Second, the Policy does not protect transporters and generators of municipal solid waste from lawsuits by private parties for cost recovery and contribution to the cleanup costs at these sites.

To ensure that municipalities will not be held responsible, through private party litigation or otherwise, to assume full financial responsibility for cleanup costs, NLC supports enactment of legislation which would:

- Eliminate local government liability under Superfund for the disposal of ordinary municipal waste, both garbage and sewage sludge;
- Provide expedited *de minimus* settlements for hazardous materials generated by local government operations;
- Exempt municipalities (as defined in the Clean Water Act) from cleanup liability resulting from ownership and/or operation of a facility in fulfillment of a public responsibility;
- Cap cleanup liability for municipal transporters and generators of municipal solid waste; and
- Strengthen local governments' ability to protect and restore the environment by enabling them to recover response costs and costs for damages to natural resources.

NLC recognizes the need to expedite the cleanup process, reduce transaction costs and increase funds for cleanup while maintaining a level of fairness. Any effort to limit the retroactivity of these standards and to relieve responsible parties from liability for past

activities could leave the cleanup of older hazardous waste sites funded at state and municipal expenses, funded through substantially increased Superfund taxes, or unfunded entirely (and therefore not cleaned up).

5. State Response Funds

Congress should amend CERCLA to repeal the current preemption of state authority to develop state hazardous response funds.

6. State and Local Matching Share

NLC believes the current state matching requirements for properties owned and/or operated by state or local governments under CERCLA are too burdensome, hampering intergovernmental agreements and cooperative efforts that would speed up and improve cleanup efforts. Congress should require states to pay only 10 percent of total cleanup costs at publicly owned and/or operated Superfund sites.

Additionally, Congress should liberalize conditions under which states may generate credits that can be used to offset the state matching requirements. This could be accomplished by crediting states for past cleanup actions, reimbursing states that have already expended more than 10 percent of costs at Superfund sites they owned and/or operated, or crediting a state's administrative expenses toward its matching share.

7. Maintenance and Operating Costs

Funds from the Hazardous Response Trust Fund should be used to support long-term operation and maintenance activities, such as cleanup of groundwater contamination at Superfund sites, after cleanup actions have been taken.

8. Post-Closure Liability

Congress should reauthorize the Post-Closure Liability Fund, which was

established to provide assistance for monitoring, maintenance and long-term care at RCRA-permitted hazardous waste sites. The fund should continue to be supported by a tax on hazardous wastes that are disposed of in RCRA-permitted facilities. However, in order to adequately finance post-closure activities, Congress should remove the \$200 million ceiling on the Fund's unobligated balance so that more revenues can accrue in the Fund. Additionally, Congress should amend current law to extend the liability period for owners or operators from five to 15 years after closure in order to ensure that RCRA sites are properly maintained in the post-closure period.

9. Environmental Impairment Liability Insurance

Congress should continue to examine the nature, scope and causes of the problem of scarce environmental impairment liability insurance and should take action to improve the availability of that insurance. As a first step, Congress should amend the Products Liability Risk Retention Act to facilitate the creation of interstate risk sharing pools.

10. Right-to-Know

Congress should enact federal community right-to-know legislation in order to establish a more uniform means of planning for and responding to emergencies caused by the release of hazardous substances that may present an imminent and substantial danger to public health. The legislation should require the owner/operator to report to designated state and local agencies annually on the type of hazardous substances on-site, the present and anticipated amounts of the substances during a given year, and the location of the waste inventory.

Additionally, legislation should require each state to develop a statewide emergency response plan. Participation by local

government representatives in developing the plan should be mandatory. The costs of developing state and local emergency response plans should be borne by the federal government.

Federal legislation should also preempt different or conflicting state and local right-to-know and emergency response requirements. However, states and localities should be allowed to seek a waiver from the preemption if they can demonstrate that they have a unique safety or health circumstance which necessitates passage of a right-to-know or emergency response requirement inconsistent with the federal requirements.

11. Deferred Listing

Congress should carefully examine the impact of a deferred listing approach as a means of better managing Superfund sites.

States, with the concurrence of local governments, should be allowed to petition EPA to defer certain sites. State petitions should be required to show that the state has consulted with and secured the concurrence of local governments involved in the site, and has provided reasonable notice to the public of its intent to petition. Provisions should be made for public participation in the remedy selection process.

12. Accounting Procedures and Cost Study

To ensure that adequate accounting data is obtained and reported, EPA and other federal agencies should be required to provide detailed accounting data as to the costs they have incurred under CERCLA. Further the Comptroller General should undertake a “costs study” to carefully examine the efficiency and efficacy of the current EPA oversight process.

13. Alternative Dispute Resolution

The use of alternative or non-litigation dispute resolution procedures, excluding the use of binding arbitration for local governments, should be examined and incorporated more effectively into CERCLA.

14. Good Samaritan Policies

There are hundreds of thousands of abandoned mine sites across the nation and many pose serious health, safety and environmental hazards. NLC supports EPA’s Good Samaritan Guiding Principles which clarifies that “good samaritans,” or non-liable parties, who volunteer to clean up abandoned mine sites are generally not responsible for obtaining a permit under the Clean Water Act both during and following a successful clean up.

NLC urges EPA to continue the Good Samaritan Initiative, which is intended to accelerate restoration of watersheds and fisheries threatened by abandoned hard rock mine runoff by encouraging voluntary cleanups by parties that do not own the property and are not responsible for the property’s environmental conditions. Additionally, NLC urges Congress to adopt Good Samaritan legislation.

2.05 Water Quality and Supply

A. Problem

The nation continues to experience problems with the quality of our waters, as well as the adequate supply of sources of water to sustain our population. Local governments construct, operate, and maintain the vast amount—95 to 98 percent—of the country’s water infrastructure networks, which are essential for economic development and quality of life in our communities. But, local governments face a backlog of projects and are finding challenges in funding much needed water

infrastructure improvements. Federal mandates, along with aging infrastructure, are straining local budgets. Meanwhile, federal options for grants and loans are not adequate to address present and future needs.

Financing the necessary improvements to our nation's aging infrastructure and costs of meeting new and more costly federal mandates with rate increases alone would result in a doubling or tripling of rates across the nation – making water and sewer bills unaffordable for a significant number of Americans.

Moreover, studies show that climate change will have regionally different impacts on water supply, water quality and water infrastructure, including increased flooding, an increase in frequency and intensity of heavy downpours and precipitation events, sea level rise, decreased snow pack and drought. Climate change will exacerbate existing water challenges and pose new risks and challenges for communities.

B. Goals

The ability of municipalities to comply with any clean water and drinking water program must be recognized as contingent upon adequate funds. The federal government should ensure that there is adequate funding for providing clean and safe water, upgrading the nation's aging infrastructure, and meeting clean water and drinking water requirements.

Local elected officials should be given a determining role in guiding federal investments in any new projects and in reevaluation of presently authorized projects within their jurisdiction.

C. Funding

Federal financing of the requirements it mandates is critical to the ultimate achievement of national water quality goals

and the availability of clean and safe drinking water. This participation must be both substantial and a reliable long-term source of capital to accommodate the gap between current expenditures and anticipated needs to enhance and maintain critical water infrastructure.

Federal funding for clean water purposes must be made available to meet clean water mandates imposed on municipalities. Under no circumstances should the federal government look to traditional local sources of revenues (e.g., a federal tax on water and sewer user charges or a federal tax on industrial dischargers to Publicly Owned Treatment Works, or POTW) as the federal contribution to financing water mandates.

Congress should remove water and wastewater facilities from the federally imposed state volume caps on private activity bonds.

1. State Revolving Loan Funds

NLC supports state revolving loan programs (SRF) that include requirements for a portion of such funds to be made available as grants. The federal government should continue to authorize and appropriate funds annually which are distributed to the states according to a specified formula.

The federal government should reauthorize and fully fund both the Drinking Water State Revolving Loan Fund and the Clean Water State Revolving Loan Fund to ensure adequate resources for drinking water and wastewater treatment facilities.

Congress should prohibit states from charging loan origination fees on SRF funds or from using the interest on SRF loans to local governments to meet state matching requirements.

NLC supports set-asides in the SRFs that benefit municipalities and local ratepayers and that are targeted to such purposes as:

- State program administration;
- Research;
- Development of new, cost-effective technologies;
- Non-point source projects, including implementation of watershed plans and stormwater recapture;
- Water and energy conservation and efficiency projects;
- Programs to train and certify operators of public water supply systems;
- Programs to assist economically-disadvantaged communities with mandated monitoring and compliance requirements; and
- Direct grants to economically disadvantaged cities for drinking water treatment and purification plants where deemed necessary to meet federal drinking water standards.

2. Grants and Loans

NLC calls on Congress to increase grant funding to assist cities. Cities should be eligible for any combination of federal loans and grants to meet their water pollution control and drinking water supply needs. The use of loans and/or grants should be tailored to the specific needs and capacity of each municipal applicant. Allocation of funds to municipalities should take into consideration a community's ability to pay and past local efforts to address the problem.

Congress should provide funding to ensure adequate resources for water treatment facilities in small, rural communities and to assist all cities in remediating their aging water infrastructure. Congress should provide full appropriation to the Water Infrastructure Finance and Innovation Act (WIFIA) for loans and loan guarantees for water infrastructure projects.

3. Local Financing

Federal law should allow local governments to choose between the ad valorem property tax, metered user charges, and any other mechanism for recouping construction and operating costs. Federally mandated sewer user charges should be deductible from federal income taxes.

D. Watershed Planning and Management

Municipalities have been encouraged to invest in upstream pollution abatement as a lower-cost alternative to local treatment. Remediation or prevention of pollution from non-municipal sources is not, nor should it become, the responsibility of municipal ratepayers.

Municipalities cannot control pollution from sources outside their jurisdiction and must not be required to absorb the costs – either directly through subsidies to upstream polluters or indirectly through more stringent pollution reduction requirements on municipal point sources – of addressing these pollution sources.

The federal government should support and provide incentives for the development of a national system of watershed planning based on a process of local decision-making. Regional watershed management strategies and plans should be encouraged to involve all stakeholders to jointly prioritize the allocation of resources and participate in finding solutions to achieve water quality objectives. Implementation of watershed management plans must assure equity between point and non-point sources of pollution, and should not place one region at an economic disadvantage as compared to neighboring areas. Upon completion of watershed management plans, the National Pollutant Discharge Elimination System (NPDES) terms, conditions and limits should

be modified to achieve the objectives of the plan in the most cost-effective way.

NLC supports an integrated planning framework that allows communities to examine all of their clean water and drinking water requirements and prioritize and sequence projects to achieve the greatest community and environmental benefit. The financial capability of the community and ratepayers should be taken into account when determining and implementing schedules for meeting clean water and drinking water requirements.

E. Water Pollution Control

Given the inter-jurisdictional nature of waterbodies, NLC supports national standards and requirements as an appropriate mechanism for addressing the adverse effects of pollutants. While it is necessary and appropriate that variations in climate, hydrology, and other unique regional circumstances be the foundation on which such national standards are built, any clean water goal must be applied on a uniform, national basis to prevent movement of industry in search of loosely enforced standards.

1. Level of Treatment

The statutory requirement of “secondary treatment” should be defined as a desired level of water quality and not restricted to any one particular process. This desired treatment level required of municipalities should be defined to prevent expenditures for unnecessary and expensive facilities.

2. Conservation and Reuse

Federal policies should encourage expanded conservation and reuse of water pollution control by-products when feasible. For example:

- Beneficial Use of Municipal Sewage Sludge: reasonably anticipated adverse

effects associated with potential sewage sludge exposure and local geographical and climactic conditions must be considered in the safe disposal of sludge. If reasonable risk assessment analyses demonstrate sludge disposal to be environmentally sound, then federal regulations should permit the practice.

- Agricultural Conservation: NLC supports best management practices for agriculture uses, such as conservation buffers.

3. Pretreatment

EPA should establish national categorical pretreatment standards for those industries that it has classified as major polluters and for those classes of toxic pollutants that are known to be widespread and that have human health and aquatic life impacts.

Local governments should be allowed to devise methods to satisfy national standards that protect water quality and that are cost effective to meet the conditions of their particular jurisdiction. Therefore, as an alternative to federally mandated implementation of the national categorical pretreatment standards, Congress should authorize states to approve local pollutant elimination programs.

To qualify for the alternative local program, POTWs should be required to demonstrate to an authorized state agency that (a) the POTW is in compliance with the requirements of its permit under the NPDES; (b) it has developed and implemented a local pollutant elimination program that, in the aggregate, is equivalent to implementation of the national categorical pretreatment standards; and (c) it is maintaining a local monitoring and reporting program which is adequate to disclose the quality of the receiving waters.

4. State Water Quality Standards

States should not be allowed to downgrade or revise its water quality standards where the designated uses have already been attained. States should be encouraged to revise their water quality standards if they can demonstrate that: (a) the existing designated use is unattainable because of irretrievable conditions; or (b) attainment of the designated use would result in substantial and widespread adverse economic and social impact.

5. Total Maximum Daily Loads

NLC believes that the Total Maximum Daily Loads (TMDL) program should be reviewed and revised to ensure that attainment of national water quality objectives requires the participation of all contributors to stream degradation.

NLC believes the federal TMDL program and any directives or guidance from EPA or its regional offices must include:

- Enforceable mechanisms to ensure that non-point sources are required to reduce pollutants commensurate with their contributions in the same manner and to the same extent as is expected of cities in addressing urban stormwater runoff;
- Recognition of the vital role of cities in protecting water quality and maintaining green space;
- Provisions that foster sensible growth in urbanized areas by encouraging, not penalizing, development and redevelopment; and
- Deference to the exclusive authority of local governments with respect to local land use planning involved in regulating and/or controlling flows.

6. Effluent Trading

It is the responsibility of all who contribute to stream degradation, not just those from

regulated point sources, to ensure that the nation's water bodies meet their designated uses and attain water quality standards. Where water quality standards may be attained more cost effectively by reductions from unregulated sources outside of a municipality, arrangements to finance such pollution control or mitigation activities from local revenues (effluent trading) must be entirely voluntary on the part of the affected local government. Where an affected local government is either unwilling or unable to participate in effluent trading, it should under no circumstances become the responsibility of the local government to offset from its own sources, the contributions of non-municipal entities to stream degradation.

7. Toxicity Testing

NLC supports the use of Whole Effluent Toxicity Testing for the assessment of the potential toxicity of wastewater discharges; however, legislation should be adopted to prohibit the use of such tests as "pass/fail" NPDES permit conditions imposing strict liability on POTWs.

8. Pollution Prevention

In addition to treatment policies, the federal government should develop and implement, along with state and local partners, pollution prevention measures for all contributors to the degradation of the nation's water bodies. Products containing chemical levels which constitute a significant percentage of the total loading should be restricted as to their composition and/or use.

The federal government should adopt strict regulations on the placement of pipelines containing hazardous materials to protect environmentally sensitive areas, public water supplies, and communities from pipeline accidents. Strong enforcement action should be taken against repeat polluters.

9. *Legal Remedies*

No municipality injured by a willful or negligent violation of federal or state law should be deprived a remedy if one exists under the federal Clean Water Act and other appropriate laws. However, EPA must be made a party where the defendant can demonstrate it has acted in good faith.

Municipalities should be granted the authority and discretion to bring environmental law enforcement actions against polluters within the municipal jurisdiction or when pollution from outside its boundaries poses a potential threat to the health, safety, or welfare of those living in the municipality.

10. *Sewer Overflows*

a. *Separate Storm Sewer Requirements*

NLC supports a more simplified and flexible approach to managing municipal stormwater run-off that allows for a more cost effective program design and dissemination of information.

Congress should offer alternatives to the NPDES program for regulating urban stormwater that is more appropriately tailored to the nature of stormwater. Such legislation should require implementation of Best Management Practices (BMPs) to the Maximum Extent Practicable (MEP) with a legislative prohibition on requirements for end-of-the-pipe treatment for all cities subject to such requirements.

Until such legislation is enacted, EPA should continue its current policy of recommending against inclusion of end-of-pipe requirements in stormwater permits. Management of run-off from municipal industrial facilities should be incorporated as part of a system- or

jurisdiction-wide stormwater management program.

The federal government should continue to provide incentives for stormwater recapture projects, including green infrastructure projects.

b. *Combined Sewer Overflow*

NLC supports taking a holistic and economically-feasible approach to addressing Combined Sewer Overflows (CSOs) and Total Maximum Daily Loads (TMDLs). NLC supports the following components of EPA's CSO control policy:

- Implementation of the minimum CSO controls;
- Selection of a long-term CSO control plan that will ultimately result in compliance with Clean Water Act requirements. CSO control plans should give high priority to controlling overflows to sensitive areas. Cost-performance analysis of alternative levels of control should be considered. Permittees should have the flexibility to select a long-term CSO control plan using either of the following approaches:
 - 1) The presumption approach: a program meeting technology-based criteria in EPA policy would be presumed to provide an adequate level of control to meet Clean Water Act requirements; and
 - 2) The demonstration approach: a program that does not meet the presumption approach criteria may be selected if the permittee demonstrates that the program is adequate to meet Clean Water Act requirements.
- An implementation schedule for the selected long-term control plan may be phased in based on the relative importance of adverse CSO impacts and

on the permittee's financial capability; and

- A provision to exempt permittees that have constructed CSOs designed to meet water quality standards from planning and construction requirements of the policy.

NLC supports provisions in the EPA policy that encourage states and EPA regional offices to adapt water quality standards and implementation procedures to reflect wet weather events and site-specific conditions.

c. Sanitary Sewer Overflows

NLC supports the development of national guidance and, where appropriate, regulations to address Sanitary Sewer Overflows (SSOs). Any such guidance and/or regulations must, however, be developed with the understanding that sewer systems may (or have the potential) to leak regardless of how well the wastewater treatment facilities and collection system are constructed and for reasons that may well be beyond the control of sewer system operators. This may be exacerbated during heavy rain events, especially as the frequency and intensity of these types of events increases due to climate change.

Federal policies to address SSOs should be developed in a manner that facilitates the reduction and/or elimination of SSOs. At a minimum, federal policies should provide for:

- An affirmative defense mechanism that, under specified circumstances, holds cities harmless (i.e., not liable) for an SSO. Such a defense would include occurrences that are or were beyond the ability of the city to predict or prevent;
- Authority to use wet weather facilities in the collection system where expansion of the pipes or treatment plant is infeasible. Where expansion of pipes and/or plants is

feasible, it may take considerable time and money, and therefore wet weather facilities should be allowed on a temporary basis while remediation is underway; and

- Priority remediation of SSOs that affect sources of drinking water or bathing beaches in season.

d. Blending in Wet Weather Conditions

NLC supports a practicable blending policy that permits publically owned treatment works to operate their facilities in the manner in which they were designed and permitted, including the use of peak wet weather flow management techniques such as blending.

NLC concurs with a ban on the practice of blending during dry weather conditions or when a feasibility study has not been conducted and supports EPA's policy to define such blending as an illegal bypass.

F. Drinking Water Policies

The nation's drinking water should be as safe as technologically feasible at reasonable cost. It is imperative for the continued health and welfare of the nation that local governments have the financial resources and technical expertise needed to provide adequate and safe drinking water to their citizens.

1. Standard Setting

NLC supports provisions in the 1996 Amendments to the Safe Drinking Water Act (SDWA) which mandate that drinking water standards be based on sound science, public health protection, occurrence of the contaminant(s) in drinking water supplies at levels of public health concern, risk reduction and cost, as well as provisions authorizing EPA to issue health advisories for contaminants for which there is insufficient information to promulgate a standard.

Where the contaminant is naturally occurring, monitoring should be required, but EPA should be required to demonstrate that any proposed remedial treatment would ensure greater health protection. For introduced materials, a risk-based standard should be developed.

2. Lead

The National Primary Drinking Water Regulation for lead, and any legislative initiatives addressing lead in drinking water, should give municipal water systems options for reducing drinking water lead levels. Corrosion control should be considered the optimal tool for reducing exposure to lead through the drinking water supplies. Municipal water systems should be allowed to utilize the least expensive, yet effective, methods for reducing human exposure to lead in drinking water.

NLC supports measuring the level for lead in the public water system at the point where the water leaves the distribution system and enters the user's property. NLC also supports programs for public education regarding safe drinking water.

3. Protection of Drinking Water Resources

Greater emphasis must be placed on preventing contamination of our drinking water resources from both point and non-point sources of pollution, including plastics and other emerging contaminants.

Initiatives in the SDWA, like those which protect underground sources of drinking water (the wellhead protection program) and sole source aquifers, should be adopted to ensure protection of surface drinking water supplies. Such efforts should complement and enhance non-point pollution control and watershed management provisions in other federal statutes such as the Clean Water Act and the Coastal Zone Management Act. In

addition, Congress should authorize municipal water supply systems to develop and implement approved source water protection programs upstream of the drinking water source as an alternative to contaminant removal initiatives where appropriate.

4. Monitoring

NLC supports SDWA provisions that authorize monitoring flexibility for non-microbial contaminants when such contaminants have not been found at levels of public health concern.

5. Notification

NLC supports SDWA provisions authorizing the EPA Administrator to differentiate between those public notice requirements for minor and intermittent violations and those required for health related and persistent violations of all kinds.

6. Sole Source Aquifer

A cooperative federal, state, and local government approach should be established for preparing and carrying out plans to protect critical groundwater recharge areas.

G. Ground Water Policies

1. Regulation

Ground water protection can best be implemented through current federal environmental laws. The states should continue to have primary responsibility for developing and implementing groundwater protection programs.

2. Financing

State and local governments should be encouraged to develop ground water protection strategies. EPA grant assistance should be made available to implement these strategies.

3. Enforcement

Enforcement responsibility for ground water protection strategies should be the province of state governments, with additional limited enforcement provided by current federal legislation.

4. Federal Evaluation

Federal agencies seeking authorization for a federal water project should, on a uniform and timely basis, describe and evaluate ground water management programs in the area. Federal agencies with responsibility for water resources planning, development, and research should include assessments of ground water resources, appropriate management programs, and how federal projects may impact local governments.

5. Septic Systems

The federal government should incentivize and provide funding for the removal and replacement of septic systems, the leakage from or failure of which can affect groundwater, drinking water and surface water.

H. Water Supply Policies

1. Data Collection

Solutions to supply problems in river basins must be based on the best possible estimates of the amounts of water available, the amount being used, and the amount needed for future use.

2. Federal Participation

Where a significant portion of a region's land or water resources are controlled by the federal government, affected state and local governments should be full participants in water management decision-making.

3. Water Project Evaluation

Specific federal water development projects should be authorized and constructed to take

advantage of those water supplies that studies have shown to be available. Such decisions should also be guided by these specific criteria:

- Final reviews and decisions to build projects should be based on up-to-date information;
- New water projects should be subject to uniform cost/benefit criteria. As part of these analyses, the discount rate should reflect the real cost to the government of borrowing money;
- Whenever appropriate, nonstructural alternatives should be given equal weight with structural solutions to water supply problems. Federal financing provisions should not bias choice in favor of one alternative over another;
- The environmental value of natural wetlands and marshes should be included in any analysis of costs and benefits of water projects; and
- New federal water projects must be assessed for their impact on patterns of urban development, social and natural impacts, and should be consistent with national urban policy based on values of urban conservation.

4. Water Conservation

Conservation should be the cornerstone of federal policies and programs for water. All federal decisions to expand water supplies should recognize that there are limitations on water resources. Federal feasibility studies should include rigorously developed demand forecasts and consider, as precisely as possible, all environmental impacts. Wherever possible, less costly, nontraditional alternatives, especially conservation measures, should be fully evaluated as viable options. These alternatives could also be combined with more costly programs, using conservation alternatives first. Federal water projects funds should support and encourage water management, conservation, and

pollution control programs in all types of water use.

5. Agricultural Conservation

Federal programs should help to eliminate institutional barriers to efficient water use, such as those that discourage resale of water from irrigation districts.

6. Municipal Water Uses

Federal programs to promote conservation in municipal water use should recognize the conservational value of improving and rehabilitating existing municipal delivery and storage systems and the differences in conservation strategies for local and regional situations. The federal government should not adopt uniform conservation requirements, but should promote and cooperate with state and local water conservation programs and authorities.

Where national objectives are sought through local governments, any additional costs of federal mandates should be met with federal funds. Where local governments seek to develop new and/or innovative conservation programs in keeping with national interests and objectives, the federal government should make available an appropriate combination of technical and financial assistance for environmentally sound and safe local solutions.

7. Pricing and Economic Policies

The federal government should clearly identify the beneficiaries of federal water projects and see that they are required to pay a reasonable share of the costs. More specifically, NLC believes that all federal agencies supplying water to users should adopt a uniform policy of cost-based pricing in all future contracts. Whenever practicable, federal agencies should extend the same policy to classes of users that are not now charged.

Some social goals will not be realized simply by relying on price mechanisms, i.e. land use protection, or water quality. These goals must be achieved with other policy tools, including the appropriate mix of regulations and financial incentives. It is in these limited and precisely identifiable cases that subsidies are justified.

Federal research capabilities and resources should be committed to analyzing the consequences of municipal rate structures and to proposing alternatives. However, the authority for adopting such alternatives must continue to rest with local officials.

8. Planning at the Federal Level

Federal river basin commissions should be given a stronger role in regional water resource planning. This should be coupled with mechanisms for effective participation by local governments.

An effective dispute resolution process must be established so that all affected parties are represented and decisions are made on scientific bases. The federal government should develop such a dispute resolution process as quickly as possible.

9. Desalination

As freshwater and imported water supplies near exhaustion in some regions, finding alternative sources of water has become a critical issue for growing cities. Removal of dissolved minerals or “salts” from seawater, brackish groundwater, recycled water, and other high-salinity sources will be an important tool as the demand for high quality water increases with the population.

Although technological advances continue to expand options for salt removal, further efforts are needed. To improve the efficiency

of this process, NLC urges the federal government to:

- Engage locally elected officials, stakeholders, and the public in education and outreach strategies about the need to conserve, preserve and enhance water supplies;
- Provide financial incentives to expand research and development for water production, including cost-effective and environmentally-sound means to control salinity, desalt water, and manage the brine associated with these processes, but not at the expense of other water infrastructure programs; and
- Provide financial incentives to use reclaimed and recharged water, as long as environmental impacts are negligible or mitigated effectively.

2.06 Ecosystem Protection, Preservation and Restoration

Ecosystem restoration should focus on building resilient communities, restoring and conserving habitats, improving water quality and replenishing and protecting resources.

A. National Wetlands

Wetlands have significant and irreplaceable value, and therefore Congress should establish a comprehensive national wetlands policy. Wetlands protection should occur not by memoranda of understanding between agencies, but rather through a public process that involves broad public debate over risks, costs and benefits, and the development of a national consensus.

The Administration should implement that policy by adhering to the traditional rulemaking process.

A classification plan should be developed for the nation's wetlands that recognizes relative differences in the ecological value of

individual wetlands areas, classifies them accordingly and treats them differently relative to their preservation, protection or development. A sound wetlands classification plan must also recognize the differential presence of wetlands among regions of the country and the need to exercise different policy choices relative to their treatment for development purposes.

Coastal wetlands, which provide protection from rough weather and seas and support fisheries and other commerce, endangered plants and animals, energy supplies and navigation routes, must be protected, and where appropriate, restored. Congress should develop a programmatic plan based on the best available science to restore coastal wetlands and provide federal funding for implementation.

B. Invasive Species and Harmful Infestations

Invasive species and harmful infestations include aquatic and non-aquatic plants, insects, pathogens and other species whose introduction does or is likely to cause harm to the economy, environment or human health. Invasive species, such as the Emerald Ash Borer, Aquatic Milfoil, Asian Carp, Zebra Mussel and Burmese Python, degrade, change, compete with or displace native habitats and flora and fauna. Additionally, harmful infestations of native species, such as the Mountain Pine Beetle, also can impact communities in similar ways.

NLC urges Congress and the Administration to:

- Prevent the introduction of invasive species and harmful infestations;
- Detect, respond rapidly to, and control populations of such species in a cost-effective and environmentally sound manner;

- Monitor invasive species populations accurately and reliably;
- Provide for restoration of native species and habitat conditions in ecosystems that have been invaded;
- Fund and conduct research on the best practices for eradication of invasive species and harmful infestations, develop technologies to prevent introduction, and provide for environmentally sound control;
- Provide direct financial assistance to communities facing emergency situations with invasive species and harmful infestations; and
- Promote public education on invasive species and harmful infestations and the means to address them.

C. Beaches and Shorelines

The country's public shorelines and beaches provide vital economic, environmental, fish and wildlife habitat, and recreational benefits to the nation. The federal government should partner with state and local governments to fund environmentally appropriate beach restoration and renourishment projects.

2.07 Endangered Species

NLC supports the protection of endangered species. In efforts to maintain the integrity and original intent of the Endangered Species Act (ESA), NLC supports federal policies that:

- Exercise reasonable judgment to prevent unintended consequences that adversely affect human health and safety or other aspects of the environment.
- Streamline federal permitting activities affected by federal endangered species regulations;
- Provide more opportunities for local governments to comment and participate in the federal decision-making process;

- Create a system of incentives to encourage state and local governments to develop comprehensive land-use and development plans that balance habitat preservation and environmental concerns with necessary development and economic growth
- Focus more on protection of multiple species and the habitats upon which they depend, and give priority to conservation of the species and habitats that, if protected, are most likely to reduce the need to list other species dependent on the same ecosystem;
- Encourage, provide incentives for, and where appropriate, compensate landowners to engage in habitat conservation activities;
- Allow "safe harbor" agreements, through which landowners protect and/or improve habitats without compromising the use of their land;
- Provide a clear methodology for delisting recovered species; and
- Ensure ESA actions are based on scientific data.

2.08 Noise Control

The federal government should, using the best available technologies, establish noise limits for major surface and air transportation vehicles. The federal government should develop and disseminate noise standards and criteria which could be used by cities in noise planning and abatement efforts.

There should be ongoing federal research on noise mitigation, particularly on developing more sophisticated noise measurement devices. A program of direct federal technical and financial assistance should be maintained to assist local governments in managing local noise control programs and agencies. Sufficient federal assistance should be made available and targeted to severely noise

distressed cities to help develop strategies to lessen noise impact. *(See also TIS Section 5.04, Air Transportation)*

A. Local Regulatory Responsibility

The federal government should permit state and local governments to establish more stringent noise standards for major surface and air transportation vehicles, except in instances of safety. Cities must be free to achieve locally determined environmental noise standards for the protection of public health and safety.

B. Airport Noise Policies

NLC supports the work undertaken by the Federal Aviation Administration (FAA) to implement an airport noise policy through implementation of noise emission standards. The following policies should be pursued:

- The FAA should enforce target dates to further reduce noise emissions from aircraft; and
- The FAA should expand its noise abatement program to include the development of standards for the mitigation of low frequency sound level impacts.

The federal government should assist local airports in landing, take off, and climb and descent rate procedures to minimize noise impact.

The federal government should provide technical assistance to local communities for land use planning for airport development. A federal program supporting advance acquisition of property schedules to be incorporated into airport development under comprehensive airport plans must be initiated. This program must support acquisition of property outside airport property boundaries to minimize aircraft noise impact in existence as of the date of implementation. *(See also CED Section 3.07, Land Use)*

Local governments should be eligible to receive federal Airport Improvement Program grants for noise compatibility planning and for the implementation of approved plans.

C. Federal Airbases

NLC supports full implementation of the NextGen satellite-based air traffic system. As this system is being implemented, the federal government should:

- Ensure there is a robust community engagement and education prior to implementation with airport-adjacent cities that will be impacted by aviation noise. This engagement should not be exclusive to impacts that trigger at NEPA review. Community impacts of noise should be considered a crucial part of the calculations to determine the overall benefit of proposed changes;
- Study health impacts of aviation noise, particularly the impacts of concentrated flights associated with Performance Based Navigation, a main tenant of NextGen and
- Review the use of the annual day/night average level of noise exposure as the principal metric for noise measurement and continue to investigate other appropriate metrics for noise impacts that take into account impact of concentrated, frequent flights associated with Performance Based Navigation.

The federal government should ensure that environmental degradation will not occur before permitting operations and overflights by supersonic transport aircraft.

The right of local airport operators and governments to determine whether supersonic operations should be permitted at their facilities must be preserved.

Military and Air National Guard aircraft and operations located in populated areas should be compatible with local noise plans.

D. Highway Noise Policies

Interstate construction and other federally funded highway construction in urban areas should continue to include a provision for sound barriers or buffer zones to be constructed as an integral part of the highway as required by local governments. The federal government should update the Highway Traffic and Construction Noise regulations to include consideration of volume and duration of noise when determining the need for sound barriers.

E. Buy Quiet Program

The federal government and their contractors should, to the greatest extent practicable, use their purchasing power to ensure that new equipment and replacements incorporate noise control features.

2.09 Public Lands

Public lands are held and managed by the federal government for the benefit of the entire nation. Due to the economic, social, and environmental impacts of the use of these lands on cities, the federal government must engage locally elected officials and consider the needs of nearby communities and the public when developing management plans for public land.

The federal government should offer the right of first-refusal, at no more than fair market value, to state and local governments to preserve land for public purposes. When considering the sale of public lands, the local impacts of those sales must be considered. In the rare instances that it is deemed necessary to sell parcels of public land, the income derived from those sales should be held in a trust for the benefit or improvement of other public lands, or the funds must be directed to

an otherwise appropriate and related use. In no instance should public lands be sold for the purpose of reaping short-term financial gains.

When trading, purchasing, or selling public land, the federal government must ensure that land valuations are established without interference from buyer or seller and must use fair market value to determine price.

A. Conservation Funds

The Land and Water Conservation Fund (LWCF) was established as a visionary and bipartisan program in 1964 to create parks and open spaces, protect wetlands and refuges, preserve wildlife habitat, promote environmental stewardship, and enhance recreational opportunities for all Americans. NLC urges Congress to honor this commitment by fully and permanently funding the LWCF and related programs such as the Urban Park and Recreation Recovery Program (UPARR) and the Outdoor Recreation Legacy Partnership Program.

B. Parks and Natural Areas

Parks, natural areas and green infrastructure provide a multitude of community benefits, including stormwater management, recreation opportunities, positive impacts on public health, and community resilience and well-being. NLC supports federal programs that help cities create and jointly manage parks and natural areas. In addition, NLC supports efforts to connect children to federally managed lands and natural areas, such as the Every Kid Outdoors program to provide fourth graders free access to publicly accessible federal lands and waters.

C. Natural Resources in Public Lands

Fees for the extraction of resources such as minerals, oil, and gas must be restructured so that the taxpaying public is compensated

based on the fair market value of the resource. Additionally, royalties on hard metals such as gold, silver, uranium and copper should be collected. Companies that extract these resources from public lands must be held legally responsible for mitigating the adverse effects of the extraction.

Commercial activities, using renewable resources, should be allowed as long as the activities are conducted in an environmentally-sensitive manner, and the public is fairly compensated.

D. Wildfire Protection and Public Forests

The protection of communities should be the central focus of any wildfire protection plan. To accomplish this goal, the federal government must:

- Engage locally elected officials in the development of fire protection plans;
- Promote the use of the best ecological research to accomplish the dual goal of protection from forest fires and promotion of forest health;
- Assist in the development of models to determine how to protect communities from wildfire; and
- Give priority to protection of municipal watersheds on federal lands when developing fire reduction plans.

E. Closed Federal Facilities

Community efforts to redevelop closed federal facilities have often been hindered by environmental contamination which restricts transfer of federal property. Congress must fully fund environmental remediation to EPA standards of closed federal facilities, and ensure prompt action in order to facilitate the reuse of these facilities and support the economic viability and environmental quality of the affected communities.

2.10 Security of Critical Infrastructure

A. Problem

Cities and towns lack the financial resources to assess adequately vulnerabilities to terrorist attacks and natural disasters, such as earthquakes, extreme weather, wildfires, floods, tsunamis, and human-caused disasters. Federal resources are needed to ensure that first responders are adequately trained to protect the public and evidence in the event of an attack.

B. Goals

The federal government must enhance its ability to assess potential threats to critical local infrastructure. Information on credible threats to local facilities must be shared with the appropriate local officials to assure adequate preparation to prevent or minimize the impact of any attack or natural disaster on critical local infrastructure.

The federal government must provide adequate resources to enable local governments to identify and rectify any structural vulnerability in their critical infrastructures. In addition, the federal government must provide technical assistance for the development of emergency alternatives to be used in the event of a major system disruption.

Since federally mandated vulnerability assessments have the potential to provide a blueprint for the effective disruption of specific municipal utilities, Freedom of Information Act requirements at both the federal and state level must be amended to exempt these documents from public access.

C. Federal Policies

1. Water Infrastructure Protection

NLC supports federal requirements to conduct vulnerability assessments and

develop emergency response plans for drinking water and wastewater utilities and urges the federal government to provide financial assistance to comply with this mandate. NLC urges the federal government to provide water utilities with financial assistance, in addition to what is currently available through the State Revolving Loan Funds, to implement enhanced security measures. The federal government should also expand security research initiatives and make any resulting new information available to appropriate utility managers. Technical expertise on treatment, monitoring techniques, and prevention strategies is also required.

2. Energy Infrastructure Protection

NLC believes that energy diversification and distributed generation will help to limit the vulnerability of energy infrastructure facilities. To further reduce the vulnerability of these systems, NLC urges the federal government to work with local and state governments to protect critical energy infrastructure and coordinate emergency preparedness planning.

3. Nuclear Facilities Protection

NLC supports a federal regulatory system that protects nuclear facilities from direct attack or extreme events, including natural or human-caused disasters. Federal agencies and/or state agencies with delegated authority that provide review of emergency preparedness, response and evacuation plans must include cities in the development and review of the plans. These plans should include a protocol for educating communities, particularly those who reside within the evacuation zone, on radioactivity and radiological hazards before an incident occurs. Federal funding should be available to local governments as first responders for emergency preparedness, training and response for nuclear events. (Specific

policies for disaster preparedness and response are contained in Section 6.03 of the Public Safety and Crime Prevention chapter.)

NLC opposes any attempts by the federal government to federalize nuclear plant security teams or to provide the Nuclear Regulatory Commission (NRC) with authority to summon any branch of the military.

2.11 Health-Focused Local Food Systems

NLC urges Congress and the Administration to:

- Support policies and programs that reduce the prevalence of obesity and improve the overall health and wellness of those in our communities;
- Ensure that all people have access to food that is healthy, affordable and, where practicable, locally grown;
- Support efforts to establish, promote and expand local farmers markets and school and community gardens;
- Provide incentives for local farms to sell fresh produce at farmers markets and to schools;
- Support educational programming, outreach efforts and policies to reduce food loss and waste;
- Encourage farmland conservation and regenerative agricultural practices, such as water conservation, organic fertilizers, crop rotation and the use of living covers by providing incentives to small, local farms in urban and rural areas;
- Improve the quality of food in schools by supporting and promoting the purchase of unprocessed and minimally processed, locally grown and locally raised agriculture

products, such as fresh fruits and vegetables, in schools;

- Expand and strengthen the Healthy Food Financing Initiative to meet the growing demand of healthy food access in underserved urban and rural communities;
- Maintain the Supplemental Nutrition Assistance Program as a federal grant program;
- Establish and maintain a national set of uniform, integrated food system metrics to help evaluate the effectiveness of existing programs and to plan innovative initiatives; and
- Enable an interagency partnership among the U.S. Environmental Protection Agency, U.S. Department of Health and Human Services, and U.S. Department of Agriculture to protect and improve human, animal, and environmental health as an integrated system, including food safety and production.

NLC RESOLUTION #09**SUPPORTING LOCAL PACE PROGRAMS**

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

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

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

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

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

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

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

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

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

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

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>

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

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED that locally-administered PACE programs represent an essential contribution of local governments to reduce greenhouse gas emissions and promote 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

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

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

NLC RESOLUTION #10**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 Fourth 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 and underrepresented populations; and

¹ National Climate Assessment (Volume I, 2017; Volume II, 2018), *available at*: <https://nca2018.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/>

WHEREAS, as local governments continue to recover from the coronavirus pandemic, hurricanes, wildfires, floods and other disasters continue to threaten communities across the U.S. and present new 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 290 separate billion-dollar-plus weather and climate disasters since 1980, including 14 in 2019 and 22 in 2020, with a cumulative cost exceeding \$1.9 trillion (CPI-adjusted) and a total death toll of 14,492;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, 2020 sets the new annual record of 22 billion-dollar-plus weather or climate events – shattering the previous annual record of 16 events that occurred in 2011 and 2017, and is the sixth consecutive year (2015-2020) in which 10 or more billion-dollar weather and climate disaster events have impacted the United States;⁸ 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

⁴ National Climate Data Center, National Oceanic and Atmospheric Administration, *available at*: <https://www.ncdc.noaa.gov/billions/events/US/1980-2020>

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 “Billion-Dollar Weather and Climate Disasters: Overview,” National Climate Data Center, National Oceanic and Atmospheric Administration, *available at*: <https://www.ncdc.noaa.gov/billions/overview>

melts and forests that are drier longer,⁹ the costs of putting out wildfires has increased dramatically, from \$571 million in 1985 to over \$2.2 billion in 2020¹⁰ (2020 dollars¹¹), and the economic losses associated with wildfire continues to grow, with the 2018 western wildfires costing over \$24.5 billion (CPI-adjusted)¹² and the 2020 western wildfires, the most active fire season on record, costing over \$16.6 billion (CPI-adjusted);¹³ and

WHEREAS, Congress approved over \$62 billion in disaster relief in FY20;¹⁴ and

WHEREAS, 2020 was the second warmest year on record behind 2016 (warmest), followed by 2019 (third warmest), 2015 (fourth warmest), 2017 (fifth warmest) and 2018 (sixth warmest);¹⁵ 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

⁹ 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

¹⁰ Federal Firefighting Costs (Suppression Only), National Interagency Fire Center, *available at*: <https://www.nifc.gov/fire-information/statistics/suppression-costs>

¹¹ CPI Inflation Calculator, Bureau of Labor Statistics, U.S. Department of Labor, *available at*: http://www.bls.gov/data/inflation_calculator.htm

¹² “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>

¹³ “Billion-Dollar Weather and Climate Disasters: Overview,” National Climate Data Center, National Oceanic and Atmospheric Administration, *available at*: <https://www.ncdc.noaa.gov/billions/overview>

¹⁴ The Disaster Relief Fund: Overview and Issues, Congressional Research Service (Nov. 13, 2020), *available at*: <https://fas.org/sgp/crs/homsec/R45484.pdf>

¹⁵ National Oceanic and Atmospheric Administration (Jan. 14, 2021), *available at*: <https://www.noaa.gov/news/2020-was-earth-s-2nd-hottest-year-just-behind-2016>

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 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.

NLC RESOLUTION #11**SUPPORTING URGENT ACTION TO REDUCE CARBON EMISSIONS AND
MITIGATE THE EFFECTS OF CLIMATE CHANGE**

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

WHEREAS, the Fourth 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, a report by the Intergovernmental Panel on Climate Change (IPCC) indicates that limiting global warming to 1.5° C is necessary to avoid the worst impacts of climate change;² and

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

WHEREAS, according to the American Lung Association's 2021 State of the Air report, more than 40 percent or 135 million people live in counties with unhealthy air, which is especially concerning as research shows that people with long-term exposure to air pollution are more likely to die from COVID-19³; and

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

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

WHEREAS, improving energy efficiency, increasing energy conservation and deploying renewable energy systems will save taxpayer dollars, boost the national and local economy, enhance national security, increase our nation's energy independence, and improve environmental quality; and

¹ National Climate Assessment (Volume I, 2017; Volume II, 2018), *available at*: <https://nca2018.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/>

³ "State of the Air," American Lung Association (2021), *available at*: <https://www.lung.org/research/sota/key-findings>

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, 29 percent of 2019 greenhouse gas emissions, in the United States;⁴ and

WHEREAS, buildings account for nearly 40 percent of the nation's energy consumption⁵ and more than 70 percent of its electricity use,⁶ and electricity production represents the second largest share of greenhouse gas emissions, 25 percent of 2019 greenhouse gas emissions, in the United States;⁷ and

WHEREAS, indoor and outdoor lighting account for 6 percent of electricity consumed in the nation,⁸ 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

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

⁴ Sources of Greenhouse Gas Emissions, U.S. Environmental Protection Agency, *available at*: <https://www.epa.gov/ghgemissions/sources-greenhouse-gas-emissions>

⁵ U.S. Energy Information Administration, *available at*: <http://www.eia.gov/tools/faqs/faq.cfm?id=86&t=1>

⁶ Environmental and Energy Study Institute, Buildings and Climate Change, *available at*: <http://www.eesi.org/files/climate.pdf>

⁷ Sources of Greenhouse Gas Emissions, U.S. Environmental Protection Agency, *available at*: <https://www.epa.gov/ghgemissions/sources-greenhouse-gas-emissions>

⁸ 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>

provide essential tools, research, technology development, data, and funding, as well as workforce development, job training and community assistance, to help local governments achieve their greenhouse gas reduction targets and transition to a clean energy economy; and

BE IT FURTHER RESOLVED that NLC urges Congress and the Administration to take urgent action to reduce carbon emissions across a broad sector of the economy and become carbon neutral to mitigate the effects of climate change; and

BE IT FURTHER RESOLVED that NLC calls on Congress to position the U.S. as a climate leader and adopt nationwide greenhouse gas emission goals and policies that exceed the IPCC 1.5°C targets of 45% emissions reduction from 2010 levels by 2030 and net zero by 2050; and

BE IT FURTHER RESOLVED that NLC supports the U.S.'s reengagement in the Paris Climate Agreement; and

BE IT FURTHER RESOLVED that NLC supports efforts to increase the CAFE standards or fuel efficiency for all types of vehicles; and

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

BE IT FURTHER RESOLVED that NLC calls on Congress to pass a national renewable portfolio standard that increases the use of carbon neutral energy and promotes energy efficiency, with the goal of at least 50 percent carbon neutral energy by 2030 and 100 percent by 2050 or sooner; and

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

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

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

NLC RESOLUTION #12**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>

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

WHEREAS, the U.S. Environmental Protection Agency (EPA) estimates the nation's water infrastructure capital needs over the next 20 years to be approximately \$743 billion in total,³ the American Society for Civil Engineers estimates that over the next 20 years, the cumulative water and wastewater capital investment need will soar to \$3.27 trillion and the cumulative capital investment gap will total \$2.2 trillion,⁴ and other estimates put the cost at more than \$4 trillion to maintain and build a 21st century water system.

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

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

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

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

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

BE IT FURTHER RESOLVED that NLC calls on Congress and the Administration to support grants to local governments, as well as school systems and daycare centers, for the replacement of lead service lines, testing, planning, corrosion control, and public education campaigns, and to 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-assessment>

"The Economic Benefits of Investing in Water Infrastructure," Value of Water Campaign and American Society of Civil Engineers (Nov. 2020), *available at*: http://www.uswateralliance.org/sites/uswateralliance.org/files/publications/The%20Economic%20Benefits%20of%20Investing%20in%20Water%20Infrastructure_final.pdf ¹ 2019 *Infrastructure Report Card*, American Society of Civil Engineers, *available at*: <https://www.infrastructurereportcard.org/cat-item/drinking-water/>

NLC RESOLUTION #13

INCREASE FEDERAL INVESTMENT IN WATER INFRASTRUCTURE

WHEREAS, the nation's water infrastructure systems, both built and natural, are significant assets that protect public health and the nation's water resources and well-maintained systems are essential to our citizens' general welfare and the nation's prosperity; and

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

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

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

WHEREAS, local governments are responsible for the vast majority of investment in water and sewer infrastructure, investing over \$1.7 trillion between 1956-2010⁴ (not adjusted for inflation) and over \$134 billion in 2019 alone;⁵ and

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

WHEREAS, an economic analysis by the American Society of Civil Engineers shows a water-related infrastructure investment gap of \$434 billion over 10 years for drinking water, wastewater, and stormwater combined;⁶ and

¹ 2019 *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 *2019 Annual Surveys of State and Local Government Finances*, U.S. Census Bureau (October, 2021), *available at*: <https://www.census.gov/programs-surveys/gov-finances.html>

⁶ 2019 *Infrastructure Report Card*, American Society of Civil Engineers, *available at*: <http://www.infrastructurereportcard.org/>

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

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

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

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED that Congress should provide funding to local governments through grant programs such as for sewer overflow and stormwater management, lead pipe

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

replacement, water infrastructure resilience/sustainability to protect and reduce risk to extreme weather events, new/emerging technologies for cybersecurity improvements and water efficiency, workforce development in the water sector, and other programs; and

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

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

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

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

NLC RESOLUTION #14**SUPPORT FOR INTEGRATED PLANNING AND NEW AFFORDABILITY
CONSIDERATION FOR WATER**

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

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

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

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

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

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

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED that NLC calls on the federal government to explore options for providing ratepayer assistance, such as through a consumer assistance program modeled on the Low Income Home Energy Assistance Program.

NLC RESOLUTION #15**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

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

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

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

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

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

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

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

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

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

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

WHEREAS, local governments are owners and operators of airports and landfills and employ 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)

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

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

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

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

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

NLC RESOLUTION #16**IMPROVE THE BENEFIT-COST ANALYSIS FOR FEDERALLY FUNDED FLOOD CONTROL PROJECTS AND SUPPORTING BENEFICIAL REUSE OF DREDGED MATERIAL**

WHEREAS, the U.S. Army Corps of Engineers (Army Corps) at the U.S. Department of Defense has responsibilities for development and maintenance of waterways and harbors and for other water resource projects across the nation, and is the primary federal agency associated with the design and construction of flood damage reduction projects across the country; and

WHEREAS, the White House Office of Management and Budget (OMB) works with the Army Corps to determine what water resource 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 used by the Army Corps for determining benefit-cost ratios is narrowly focused on traditional economic and financial costs and benefits, largely overlooking environmental costs and benefits, social equity and potential for secondary benefits of interest to local communities; and

WHEREAS, the current system used by the Army Corps for determining benefit-cost ratios does not effectively reflect the potential value of projects for low-income communities, including the benefits of replacement of structures that protect low-income, low-cost of living communities; and

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

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

WHEREAS, dredged materials produced from Army Corps waterway and harbor maintenance activities may be suitable for beneficial reuse, but often are disposed as waste; and

WHEREAS, there is a lack of sediment available for the habitat restoration and flood protection needed along our coasts and waterways.

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 revise the benefit-cost analysis system used for projects to reflect the values of the nation to protect communities from flooding in ways that are environmentally protective and foster social equity;

BE IT FURTHER RESOLVED that NLC calls on the Army Corps and OMB 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 water resources projects, including projects for flood control; and

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

BE IT FURTHER RESOLVED that NLC calls on the Army Corps to increase the quantity of dredged materials put to environmentally beneficial uses, especially related to marsh restoration and sea level rise protection, by allowing a national beneficial reuse policy that considers dredged materials to be a potential resource (instead of a waste product) and establishes a realistic economic value of environmentally-suitable dredged material that takes into account its use for storm or flood risk reduction and habitat restoration; and

BE IT FURTHER RESOLVED that the cost of offshore disposal of dredged materials should include the full future economic value of that sediment that would be lost if it is deposited offshore.

NLC RESOLUTION #17**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; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NLC RESOLUTION #18**SUPPORTING LOCAL CONTROL OF WATER INFRASTRUCTURE PROJECTS**

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 leaders 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, 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, there are efforts at the federal level and in various states that would undermine these goals, supersede engineering judgment and impose new mandates on local communities; 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 mandate, or in any way promote, material preferences or otherwise undermine local autonomy for local water and wastewater infrastructure systems.

3.00 Introduction

America's cities are the strength of the nation – communities of neighborhoods where people live, work, learn, and play. When this principle is supported at the local, state, and federal levels, we can preserve the qualities that make each city unique and share better futures for all people.

It is imperative that the federal government immediately reinvest in America's cities – our infrastructure, our communities, and our people. The federal funding must be consistent, stable, and reliable. With sufficient federal funds leveraging new investment, cities can show a significant return on that investment that has been proven in the short-term and for the future of our nation.

The Administration and Congress must also continue to work with city officials on reversing or minimizing the negative effects of federal policies and programs on municipalities and while developing and implementing constructive federal-municipal partnerships.

Through policy recommendations and legislative action, the federal government must:

- Address community development needs that improve social conditions and economic opportunities that a community affords its residents;
- Encourage the active participation of the financial industry, since private financial institutions play a critical role in community development;
- Maintain and enhance the Community Development Block Grant (CDBG) and other federal programs and streamline the federal application process to help local

jurisdictions access federal assistance and maintain local control;

- Assist communities in all regions of the country in pursuing economic development and vitality;
- Commit to developing sound international and national trade policies balanced with effective local autonomy;
- Support diverse housing opportunities in suitable living environments;
- Assure that legislation that affects land use is anchored by the principles of responsible federal stewardship, social responsibility, growth management and sustainable development, and respect for local authority; and
- Create an environment in which cities can provide needed community recreational services and facilities.

3.01 Community Development

A. Principles

Community development is most successful when people working together take ownership to revitalize and strengthen their community's quality of life and when communities grow in a planned, organized fashion, which they determine.

B. Goals

The goal of community development is to conserve and improve the physical, economic, cultural and social conditions and opportunities a community affords its residents. NLC urges the federal government to work with state and local governments as full partners to achieve this goal. Federal involvement in the development of local communities must:

- Strengthen municipal efforts to provide comprehensive community development;
- Provide a coordinated national approach that allows flexibility for local

- communities and economic regions to determine their own priorities;
- Encourage regional collaborations across municipal boundaries;
- Encourage efficient land use management that conserves limited resources and promotes sustainable development; and
- Support partnerships among the public, private, and non-profit sectors.

C. Recommended Federal Action

1. Comprehensive Community Investment

NLC supports federal policies that include a comprehensive community investment program that strengthens the quality of life for all and fosters social and economic growth. This investment must include, among other things, sufficient attention to improved community and economic development, transportation needs, physical infrastructure, housing, family needs, social development, job training, educational and workforce development, and employment conditions for all residents.

2. Coordinated Approach

NLC urges the federal government to pursue a coordinated approach to policy and program development. The direct and indirect effects of federal policies and programs must complement and encourage local community development efforts. For too long, federal programs and policies have created a conflicting patchwork that has hindered community development.

3. Regional Approach

NLC encourages federal policies that encourage and support a regional approach to comprehensive development, including:

- Collaborations within and among communities and regions;
- Cooperation between state and local governments;

- Promotion of regional community investment opportunities by neighboring states working together; and
- Proactive, collaborative, interstate and international partnerships pursued by metropolitan areas that cross boundaries.

NLC urges the federal government to appropriate funds for regional pilot programs. The costs and benefits of community development transcend jurisdictional boundaries that are no longer defined easily by political and geographic borders. Interlocking relationships exist among inner cities, suburbs, edge cities, and contiguous rural areas.

NLC is opposed to federal policies that inadvertently promote competition or pit cities against each other. These types of policies limit the development of comprehensive community development strategies and achievement of successful community development across the country. (*See also CED Section 3.04(C)(1)(b), Economic Development, No Inter-jurisdictional Battles*)

4. Sustainable Development

NLC supports federal policies that encourage efficient land use management and sensitivity to the environment and neighborhoods. The nation's finite physical and financial resources demand that the concept of sustainability guide community development initiatives to prevent exhausting limited resources.

For more details on sustainable development, see CED Section 3.07(C)(4)(c), Land Use, Promoting Sustainable Communities).

5. Strengthening Overburdened Communities

NLC encourages federal policies that ensure equity in program implementation and help strengthen the economic base of overburdened communities. The federal government must carefully consider program design effects on the different levels of need and fiscal capacity and constraints that exist in our large and diverse country.

6. Public, Private, and Intergovernmental Partnerships

NLC supports federal policies that encourage intergovernmental cooperation between the federal government, state agencies, counties, and municipalities as partners in community development efforts.

NLC also supports federal funding that encourages collaboration between local governments and community-based nonprofit organizations, community development corporations, and the business community, including:

- Cooperative partnerships with community-based nonprofit organizations to revitalize communities, reduce poverty, and provide critical social services;
- Collaborations with community development corporations to stimulate job creation, entrepreneurship, and community service; and
- Improved relationships with the private sector, because all levels of government must forge a commitment from the private sector to invest its resources in the maintenance and rehabilitation of the nation's local economic regions.

7. Community Development Research

The federal government should establish and fund a program of applied research and development regarding community development, housing, and economic

development, which would assist local officials and practitioners to better understand and develop solutions to complex public policies and service delivery systems. Given the dynamic and complex nature of these communities, federal funding of this kind of research would represent a crucial investment that could improve local government decision-making and operations, which would secure the long-term success of economic and community development.

3.02 Financial Institutions

A. Principles

The federal government must remain an active player, through regulation and oversight, to influence the direction of the financial industry. This federal involvement must include all financial institutions, including commercial banks, mortgage lenders, savings and loans, mutual savings banks, credit unions, and industrial banks.

Playing a critical role in the development of our communities, financial institutions strongly influence future and current capital investments and economic development throughout local economic regions.

B. Goals

NLC supports actions by the federal government to:

- Strengthen and strongly enforce the Community Reinvestment Act, so that financial institutions better serve low-and moderate-income communities;
- Curb the practice of predatory lending, while still allowing subprime lenders to satisfy the home loan needs of high-risk consumers;
- Study and take appropriate action against insurance companies that are “redlining” certain communities; and
- Re-assess its regulation and oversight of the financial industry due to the removal

of firewalls between banking, mortgage lending, insurance, and securities services.

C. Recommended Federal Actions

1. Community Reinvestment Act

The federal government must remain committed to the intent and application of the Community Reinvestment Act (CRA). NLC supports vigorous enforcement of the CRA and other related laws and regulations that encourage productive investments in cities and prohibit credit “redlining.” NLC opposes any federal efforts to weaken or eliminate the CRA, or to create safe harbors for financial institutions.

a. CRA Data Availability

NLC urges federal regulatory agencies to broadly disseminate all CRA and CRA-related information, ratings, and related data using the most efficient and effective means.

b. Performance Over Process in CRA Examinations

NLC endorses comprehensive CRA rating examinations by federal regulators that emphasize the lending, investment, and service performance by financial and related institutions in meeting a community’s CRA market needs rather than emphasizing compliance with administrative processes.

c. Uniform Evaluation Procedures

The federal government must include local branches and subsidiaries in CRA examinations and ratings, conduct CRA reviews on a community basis, and apply and standardize uniform CRA evaluation ratings and procedures to all lending and other financial institutions, including credit unions. NLC opposes exceptions or loopholes that allow financial institutions to “opt-out” of complying with the comprehensive three-part evaluation of the CRA. Focusing on the institution’s service to help under-served

communities and peoples, the federal government must ensure that financial institutions collect sufficient information, make it publicly available, and strive to present it in a concise and understandable format.

Federal regulators must consider the following range of information when assessing a financial institution’s CRA performance in lending, investment, and service:

- Economic and demographic characteristics of an assessment area(s), with emphasis on the needs of lower-income, minority, and other under-served populations located in the lenders’ target area and the lenders’ specific plans to address those needs;
- Lending, investment, and services opportunities in the assessment area(s), with attention to measurable lending support for community-based counseling services and loans to community-based development agencies;
- The institution’s product offerings and business strategy;
- The institution’s capacities and constraints, including consideration of the comparative market capture ratios that the lender maintains in minority and non-minority communities; and
- The institution’s prior performance and its performance against comparable institutions.

d. CRA Enforcement

The federal government must carefully consider the unique circumstances and needs of the community when evaluating CRA compliance by lending institutions, because each community is distinctive. Federal regulatory agencies must ensure that stakeholders provide CRA plans tailored to the specific goals, needs, and assets of the community.

e. Unsatisfactory CRA Ratings

Federal bank regulatory agencies should deny applications submitted by lenders who receive unsatisfactory CRA ratings. Such lenders should be assigned a special examiner and a CRA specialist to assist them in their efforts to develop a meaningful and comprehensive CRA strategy.

f. Municipal Oversight

NLC urges rigorous federal application of the law, including developing incentives for local governments that encourage close working partnerships with local lending institutions to ensure compliant CRA outcomes.

g. Foreign-Owned Depositories

The federal government must ensure through legislation, regulation, or international agreement that foreign-owned banks operating and taking deposits from citizens in the United States also abide by the CRA.

2. *Predatory Lending*

In addition to enforcing the CRA, the federal government must require prime and sub-prime lenders to serve low-income populations honestly and without using predatory practices.

NLC strongly opposes the practice of “predatory lending,” whereby lenders take advantage of unsuspecting borrowers by marketing mortgage loans with excessively high interest terms and/or hidden fees, engaging in deception, or taking unfair advantage of a borrower’s lack of understanding. NLC supports legislation and regulatory action that curbs the practice of predatory lending, while still allowing sub-prime lenders to satisfy the home loan needs of high-risk consumers. NLC recognizes that not all sub-prime lending necessarily constitutes predatory lending and advises the federal government to clarify the distinction.

a. Strengthen and enforce current law

To ensure a coordinated attack on predatory practices, the federal government must:

- Strengthen the Homeownership and Equity Protection Act of 1994 (HOEPA) and expand the reach of current legislation to better regulate sub-prime lenders;
- Broaden, strengthen, and modernize other federal laws designed to protect consumers of mortgage loans, including the Truth in Lending Act (TILA), the Real Estate Settlement Procedures Act (RESPA), the Community Reinvestment Act (CRA), and the Home Mortgage Disclosures Act (HMDA);
- Allocate resources for enforcement and, where federal banking or fraud laws are violated, provide strong enforcement and stiff penalties against such predatory lenders, specifically those who target specific populations, such as the elderly, low-income families, and minorities; and
- Coordinate with states and localities to identify predatory practices and develop appropriate regulations.

b. Enact new laws to curb abusive practices and loan terms

Where appropriate, Congress must enact new legislation to restrict or prohibit such predatory practices as mandatory Single Credit Premium Insurance, unnecessarily high fees, loan flipping, balloon payments, prepayment penalties, home improvement scams, and property flipping.

Any new predatory lending legislation should include requirements for full disclosure of fees, points, and terms, and it should include strong enforcement mechanisms. Disclosure of loan terms is important, but insufficient. Congress must prohibit some outright predatory practices, such as the inclusion of single credit premium insurance or mandatory arbitration clauses.

- c. Make home loan counseling more accessible and available

The federal government should allocate resources to local governments and qualified community-based organizations to provide increased counseling on the topic of home ownership and financing.

Federal law should require creditors to inform all loan applicants of available homeownership counseling programs prior to closing, to recommend that applicants seek such counseling, and to provide the prospective borrower with a list of certified counselors in the area. Once home loan counseling is available and accessible throughout the country, home loan counseling should be mandatory for certain kinds of sub-prime loans.

3. Insurance Redlining

NLC opposes insurance “redlining,” where individuals and businesses have difficulty obtaining insurance at a rate they can afford when they provide services or manufacture products in a high-crime or impoverished areas. This pattern can be a major factor in the depression of community and economic development in certain portions of our cities and towns. To reduce insurance “redlining,” the federal government must:

- Conduct studies to determine if pricing and underwriting requirements for insurance serve as a disincentive to businesses;
- Adopt appropriate remedial measures in the form of federal insurance or guarantees if inequities are found to exist; and
- Develop insurance application reporting systems similar to that of HMDA’s mortgage lending processes.

4. Regulation of Evolving Financial Institutions

The basics of banking and finance are being transformed by institutional consolidations and technological advances that are changing the way financial institutions perform their primary functions. Future capital investments and economic development are more likely to be influenced by these changes than by direct federal assistance. In light of these changes, the federal government should:

- Encourage cooperative partnerships between local governments, financial and finance-related institutions, community groups, citizens, and the private sector that will help shape current and future social and economic needs of the community;
- Carefully review its role regarding safety, investment, and equity as the line separating banking, investment, and services industries disappears, as fire walls are eliminated between commercial banks, securities, like brokerage firms and mortgage companies, and insurance entities; and
- Encourage the banking, investment, and services industries to explore new ways to provide service and credit to help revitalize communities, with emphasis on affordable housing, small business loans, and consumer mortgages and lines of credit.

3.03 Community Development Block Grant

A. Principles

Because it provides funding directly to cities and allows local autonomy and flexibility, the Community Development Block Grant (CDBG) is the most effective form of federal assistance currently available to local governments. CDBG successfully mobilizes resources and addresses housing, community and economic development, and physical infrastructure needs. It is the most successful

federal block grant and the model against which all future federal programs must be measured. It is critical to the quality of life for our communities.

B. Goals

The federal government must fully fund CDBG as a direct allocation to cities, with the broad objective of helping low- and moderate-income people.

C. Recommended Federal Actions

1. Full Funding

As an investment in the future of America's communities, it is critical that Congress fully fund CDBG at an amount sufficient to ensure direct allocations to local governments are large enough to attract and create public/private partnerships, and to make lasting impacts on neighborhoods in need of revitalization. CDBG provides cities and counties with annual predictable levels of funding to address their unique low- and moderate-income neighborhood revitalization needs.

2. CDBG as a Separate Federal Program

CDBG, the HOME program, and federal homeless programs should be separate and distinct block grant programs. This will ensure that the communities receiving CDBG monies are able to continue to focus on their identified physical improvements, infrastructure repair and creation, neighborhood and community revitalization, social services, and economic development.

The importance of the community development aspect of the CDBG program must not be forgotten. Successful community development, including neighborhood revitalization, infrastructure, and housing, is imperative to achieving long-term economic development goals. The CDBG program provides the impetus and funding for local communities to build,

maintain, and revitalize their neighborhoods unlike any other federal program.

NLC recognizes the responsibility of the federal government to review, and when necessary, improve performance measures and accountability standards for programs like CDBG in order to demonstrate meaningful and successful programmatic achievements to the public. However, the CDBG program is among the best manifestations of the partnership between federal, state and local governments. Congress and the Administration should always closely consult with municipal officials and NLC whenever legislative or regulatory reforms are proposed to the CDBG program. Moreover, any proposal that would significantly affect the distribution formula of CDBG grants to cities and towns should include hold harmless provisions that afford affected cities and towns a reasonable period of transition to adjust to the formula change.

3. Direct Funding to Cities

NLC supports direct CDBG allocations to cities. Neither the federal government nor state government should distribute CDBG funds directly to non-profit groups without approval by a city government.

NLC supports the current HUD distribution of 70% of CDBG funds directly to entitlement communities and 30% of CDBG funds to state governments to distribute to non-entitlement local governments. States must continue to allocate funds only to non-entitlement communities, based on strict guidelines enacted by Congress and controlled by HUD, with adequate input and consultation from small cities. NLC opposes any further expansion of the state role in the CDBG program.

NLC understands the difficulty in determining standards for poverty and community need. NLC supports efforts by Congress and the Administration to update the CDBG formula allocations in a cautious, timely, and methodical fashion, to include the recipients of CDBG funding in the process. In this way, CDBG funds can continue to be distributed in a way that takes into account poverty and community need effectively, based upon the law's original intent.

4. Targeted to Low and Moderate-Income People

The primary purpose of the CDBG program is the development of viable urban communities, by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income. NLC supports the current objective of CDBG to target benefits to low- and moderate-income people. Additional burdensome targeting rules are not necessary.

5. Flexibility

NLC supports the federal government's efforts to simplify the grant process, provide more local flexibility in setting priorities and implement programs, and encourage greater local accountability.

NLC urges Congress to maintain the broad flexibility given to local governments to use CDBG funds in their communities, because flexibility and local autonomy are the cornerstones of CDBG's effectiveness and continued success. NLC opposes the implementation of restrictive regulations without regard to diverse local and regional conditions, including any new federal restrictions on eligible uses of CDBG funds or any federal requirements that cities target all their CDBG funds to one particular neighborhood (often called "neighborhood targeting").

NLC also urges Congress to limit or oppose the use of set-asides to fund new community development programs, and instead create new eligible uses of CDBG funds if an issue is significantly important to warrant consideration of a new program. Set-asides reduce the overall flexibility of the CDBG program.

Lastly, NLC supports federal financial and technical assistance to help cities target CDBG funds and leverage public and private funds in support of particular revitalization projects.

6. Enforcement Procedures

NLC supports adequate review, monitoring, and enforcement procedures. NLC also supports timely programming of funds.

7. Lower Administrative Costs

To lower administrative costs of local communities in complying with CDBG, the federal government must provide a streamlined process for administration of CDBG funds. This process should include use of compatible, affordable, and appropriate technology that will maximize efficiency in cities and towns and provide reasonable accountability for the federal government.

8. CDBG Programs and Services

The federal government must make federally-mandated caps on spending for social services informal and must administer them with flexibility to allow local governments to pursue a continuum of services.

NLC supports the Section 108 loan guarantee program, with improvements such as lengthening the payback period, extending eligibility to cities with multi-year grants, and allowing new single-family and multi-family unit construction.

NLC also supports permitting lump sum drawdowns of CDBG allocations for rehabilitation programs.

3.04 Economic Development

A. Principles

Successful economic development is achieved by investment in the economic, human, and physical infrastructure in a local economic region. At its core, economic development must invigorate the capacities of local economies to thrive and support municipal services.

In developing its national economic policy, the federal government must work with local governments to balance the needs of local economic regions and the overall U.S. “common market.”

The federal government must recognize that unfunded mandates are detrimental to successful economic development and viability of communities throughout the nation.

All federal involvement must assure locally-driven decision-making. Municipal governments must continue to have the primary public sector responsibility to shape regional economic development. To fulfill that role, municipalities need appropriate authority, flexibility, and resources from federal, state, and county governments.

B. Goals

To support economic development throughout our cities, the federal government must:

- Fully fund direct economic development assistance programs to help local communities generally;
- Use federal tools to help distressed communities with long-term economic stagnation, persistent unemployment,

chronic shortages of private investment capital, and poverty;

- Enact appropriate tax benefits to stimulate private investment in all local communities, especially distressed communities;
- Strengthen and grow the U.S. economy by helping small businesses; supporting companies conducting technology, research and development; and encouraging businesses to maintain operations domestically;
- Use statistical tools to measure conditions and make assessments;
- Involve and support local governments in decisions about procuring, siting, maintaining, and rehabilitating federal infrastructure throughout our cities; and
- Work closely with local governments when converting a military base to private uses and aid the community in its adjustment to the closure.

C. Recommended Federal Actions

1. Overarching Themes Regarding Economic Development

a. Encourage Innovation

To stimulate and sustain the “engine of innovation,” the federal government must re-assess current policies, laws, regulations, and programs and eliminate those that unduly discourage reasonable and comprehensive economic development. Innovation by the private and public sector is essential for comprehensive economic development to thrive.

The federal government must stimulate innovation by:

- Designing policies to reward innovation;
- Eliminating rigid rules that block progress and allowing performance outcomes and regulatory flexibility through program changes and waivers;

- Correcting burdensome and/or duplicative regulations and laws that inhibit innovation;
- Conducting full studies of the economic effects of environmental laws, trade policies, and immigration and refugee policies;
- Undertaking a systematic effort to re-orient its policies such as taxation, transportation, regulation, facility siting, and procurement that have led to disinvestments in municipalities; and
- Establishing and maintaining an information clearinghouse of “best practices” in economic development projects.

b. No Inter-Jurisdictional Battles

NLC opposes federal economic development assistance for recipients that intend to induce firms to move from one locality to another. The federal government must discourage such “smokestack chasing.”

Federal economic development assistance must neither promote nor degenerate into competition between cities and suburbs for the location of industry and business. Inter-jurisdictional and regional competitions have historically sparked economic development battles to poach businesses and capital. Among other things, this results in poor land use decisions, economic disparities among jurisdictions within a region and, in general, creates no new economic value for the overall economy.

Instead, NLC strongly supports federal efforts to encourage regional cooperation. *(See also CED Section 3.01(C), Community Development)*

2. Federal Economic Development Programs and Tools

NLC supports federal economic development tools as critical investments necessary for local and regional economic growth and

increased employment. The strategy’s intended outcome is to create economic growth, income, and security for all.

The federal government must provide financial assistance to promote local economic development. It must facilitate, but not unilaterally initiate, successful economic development activities at the state, regional, or local levels. Federal programs to promote economic development must satisfy the following criteria:

- Federal funds must be distributed directly to cities in a reliable and timely manner and made available for a project’s reasonable duration;
- Local governments must be able to use the federal funds in a flexible manner, accommodating unique regional and local circumstances;
- Federal application and reporting procedures must not be burdensome to local governments. The federal government must streamline the process, harmonize conflicting rules, and standardize eligibility and application requirements across programs and agencies; Programs must focus on attracting, retaining, and growing local business; and
- Economic development tools must be carefully designed to ensure that they achieve productive results and are not mere windfalls.

3. Private Investment

a. Private Investment Generally

The federal government must provide policy tools that both stimulate and reward the private sector to invest its substantial resources in local communities in a manner conducive to sound economic development and with appropriate accountability measures. *(See also CED Section 3.02(C)(1), Community Reinvestment Act)*

As one means of stimulating private investments in cities, NLC supports the continued responsible use of Industrial Revenue Bonds. The federal government should maintain its federal tax exemption for these bonds. (*See also FAIR Chapter*)

b. Private Investment in Distressed Communities

In particular, the federal government must undertake a substantial effort to encourage private investment in local regions experiencing severe long-term economic problems. These communities, often inner-city neighborhoods and low-income rural areas, have become “distressed” and are plagued by persistent problems, such as high unemployment and underemployment, insufficient affordable housing, shortages of services such as shopping centers, and, most importantly, by a chronic shortage of the private investment capital needed to stimulate and support community and economic development. Infusions of private investment would enable them to become healthy and vital local economies.

- The federal government must provide a coordinated package of focused, direct regional economic investment pilot programs that would strengthen the economic health of distressed areas. Such programs, including grants, loans, and loan guarantees for private sector and public-sector entities, should be directed by a regional entity or local government consistent with local development goals.
- NLC also supports targeted incentives in the federal tax code for the location of productive enterprises in areas of long-term economic stagnation, chronic unemployment, and poverty. Using incentives, enterprises should be encouraged to train and employ unemployed, under-employed, and low- and moderate-income persons.

c. New Markets Initiative

NLC supports implementation of the New Markets Tax Credit in a timely fashion. We urge Congress to provide adequate funding for the Community Development Financial Institutions Fund, which administers the tax credit, to continue its community reinvestment efforts.

Congress designed the New Markets Initiative to provide incentives to stimulate billions of new private capital investment in targeted areas. The investments can be made by banks, foundations, companies, or individuals by acquiring stock or other equity interests in selected community economic development entities whose primary mission is to serve distressed communities, particularly those with high poverty and low median income. The goal of this tax credit is to encourage private investors who may never have considered investing in high-risk areas to do so, thereby exploring new markets and improving the quality of life for the people of these areas. This tax credit could be an incentive for the type of investments specified in the Community Reinvestment Act.

d. Using Business Data to Attract Private Investment

Using a coordinated approach, the federal government should provide necessary information and data to local governments to help them strengthen their markets and bring their local economies back into the mainstream.

To make business data available to attract private investment in distressed communities, federal government agencies should undertake “data inventories” to identify the useful information they already maintain and make it available to businesses and cities. Working with business sector advisors, the federal government should take

the lead in developing and disseminating this new market data, thereby enabling center cities to attract economic investment and become attractive places to live and work.

4. Federal Role in Poverty Reduction

Overall, NLC supports a comprehensive federal policy that includes local, state, private and non-profit entities and links economic development policies, priorities, and programs to poverty reduction.

a. Ability to meet job requirements

Economic development involves more than job development. Economic development cannot be sustained in areas where the supply of workers is unprepared to meet basic job requirements and consumer demand is limited by poverty. The federal government should encourage and support effective education systems, realistic job training programs, social services, transportation alternatives, and affordable housing to complement and encourage employment. (See also CED Section 3.06(C), *Promoting Homeownership and Providing Affordable Rental Units*, and HD Section 4.03, *Poverty and Income Support*)

b. Renewal Communities/Empowerment Zones/ Enterprise Communities

NLC supports the federal Renewal Community/ Empowerment Zone/Enterprise Community (RZ-EZ-EC) initiative, whose goal is job creation and retention, encouragement of local minority ownership, and participation in new businesses and joint ventures.

The EZ/EC designation can be a useful addition to complement existing community and economic development programs, but it must not affect funding and administration of programs that are not part of the EZ/EC initiative. In addition to designating a community under the EZ/EC title, the federal

government must provide substantially more direct federal funding to that community, through programs and agencies like CDBG, the Workforce Investment Act, and the Economic Development Administration, to ensure the success of a designated community.

NLC urges Congress to support legislation directing HUD to produce a comprehensive strategic plan to identify and evaluate alternative assistance and incentive provisions. This legislation should contain tools to assist economic revitalization in federally designated communities or state enterprise zones, including:

- Tax incentives that are relevant to the needs of new businesses and foster expansion and retention of existing businesses.
- Additional incentives to increase the involvement of minority and women-owned businesses in designated communities in a variety of areas such as procurement and equity partnerships;
- Local flexibility to set performance measures and goals for employment. Those measures, designed in cooperation with designated community stakeholders, must not conflict with federal anti-discrimination laws, and must encourage businesses within the zone to hire low income, disadvantaged, or structurally-unemployed workers; and
- Streamlined federal regulations for a designated community to address problems of administrative complexity and burden.

5. Increasing Computer Access and Eliminating the Digital Divide

The availability, capability, and use of advances in technology can greatly enhance economic opportunity in the private, public, and non-profit sectors. Job training and

education are critical to advancements in this area.

NLC supports federal programs that assist in providing access to the Internet and computer technology. As one means of advancing universal access, NLC encourages flexibility in the use of Community Development Block Grant funding to provide for the placement of computers and Internet access in public facilities, such as schools, libraries, and community centers. *(For a detailed list of recommended federal actions, see ITC Chapter)*

Affordable access to the Internet is an essential economic development tool. Many people, primarily those of low income, do not have regular access to computers or to Internet services and, therefore, have less opportunity to take part in this country's new knowledge-based economy. Individual training and opportunities for personal advancement in essential computer literacy is directly tied to a community's ability for advancement, renewal, and economic growth. In addition, public facilities, such as hospitals, municipal government offices, and libraries located in these areas, are adversely affected and, as a result, the entire community suffers.

6. *Measuring Local Economic Conditions*

In addition to measuring national economic trends, the federal government should develop and implement improved statistical tools to measure local and regional economic conditions. The traditional measures of national economic health, such as the gross domestic product (GDP), unemployment or inflation, neither incorporate the importance nor measure the viability of local economies.

Specifically, the U.S. Office of Management and Budget (OMB) should coordinate the relevant federal agencies to assess the quality

and availability of federal data necessary to develop indicators of local economies' capacity and performance. The Federal Reserve system should also develop more systematic reporting and analysis of local economic regions for its deliberations and assess the potential of more discriminating application of its monetary policy tools among local economic regions.

7. *U.S. Business and the Global Economy*

Because growth and retention of a strong employment base is essential to growth of the U.S. economy, the federal government must encourage companies to continue operations in local communities. The movement of U.S. jobs to locations abroad because of lower taxes, cheaper labor costs, and greater incentives concerns our cities.

NLC urges the federal government to increase incentives, opportunities, and support for the U.S. employment base by:

- Strengthening education and increasing training geared toward developing skills to support employability in a changing job environment (*see also HD Section 4.02, Children and Learning, and Section 4.04, Employment*);
- Providing tax benefits to companies that create a net increase in jobs in the United States;
- Providing incentives for U.S. businesses and educational institutions to conduct research and development domestically, including tax incentives, direct grants, and/or transfers of federally-funded research for the purpose of maintaining and adding new jobs in the U.S. (*see also CED Section 3.04(C)(8), Technology, Research & Development*);
- Establishing criteria that any business that receives such federal R&D incentives must provide assurances to maintain operations in the U.S.;

- Expanding the Small Business Administration and Economic Development Administration programs that provide start-up capital and management training to U.S. companies;
- Providing additional funds to local communities to build and/or rebuild and maintain their physical infrastructure, including roads and mass transit systems, communications networks, electrical systems, and water and sewer systems (*see also TIS, ITC, and EENR chapters*);
- Supporting “business clusters” that already exist or developing and strengthening potential business clusters (*see also CED Section 3.02(C)(8), Technology, Research & Development*); and
- Focusing greater attention and resources to promote the export of U.S. goods and services through programs offered by the Departments of Agriculture, State, and Commerce as well as the Trade Development Administration, Export-Import Bank, and the Overseas Private Investment Corporation.

8. *Role of Technology, Research and Development in the U.S. Economy*

NLC urges cooperative efforts between federal, state, regional, and local governments to help craft national research and development (R&D) policies and strategies. Federal public policy attention to R&D, as an engine for economic development, should fuel partnerships, innovation, investment, and capacity building.

In particular, technology R&D is fundamental to the viability of many industry clusters, which drive local economies. Fostering R&D creates a ripple effect that strengthens those clusters, creates jobs and revenues, boosts local economic regions, and eventually grows our nation’s economy.

a. R&D – Partnerships

It is imperative that the federal government include local governments as active partners in the public sector’s economic development involvement with R&D. Traditionally, the states and federal government have led in this process. A rich vein of economic opportunity can be found in federal R&D facilities, research-related agencies, and the associated private sector, academic, and state organizations and activities located in many local economic regions. For some cities, this vein remains untapped.

b. R&D – Innovation

Research and development embody the definition of innovation. NLC urges the federal government to:

- Maintain a commitment to speed the efficient transfer of technologies developed with federal assistance or by the federal government, while, at the same time, retain appropriate protections for national security and patent integrity;
- Support creative and efficient ways to encourage national lab spin-offs and incubator facilities to promote regional economic development; and
- Maintain a commitment to assist workers and local economies affected by military downsizing through programs like the Technology Reinvestment Program (TRP) that encourages R&D for products with both civilian and military uses (i.e., “dual-use technologies”).

c. R&D – Investment

All levels of government should demonstrate a commitment to technology R&D by providing sufficient seed capital for investments, particularly for critical investments in infrastructure. The federal government must:

- Allow local governments to use a portion of their CDBG allocations as seed capital for R&D investments;
- Ensure the timely transfer of federal equipment and property to local and state governments for R&D purposes; and
- Increase funding for the Small Business Innovation Research (SBIR) program (*see also CED Section 3.04(C)(9), Helping Small Businesses Grow*)

d. R&D – Capacity-Building

The federal government should promote the integration of technology R&D into a region's economic development strategy, which can help build capacities, including the provision of workforce training, better transportation options, child care, and other social service supports.

9. *Helping Small Businesses Grow*

To strengthen the U.S. economy in all regions of the country, the federal government should support the growth of U.S. small businesses, which create the lion's share of new jobs and innovations, by:

- Disbursing adequate federal assistance to new and existing small businesses according to their special needs, including credit availability, equity investment, and technical and management assistance, with a strong emphasis given to those programs that assist minority and economically-disadvantaged businesses (*see also HD Section 4.05, Equal Opportunity*);
- Passing federal tax legislation that would encourage the creation and use of venture capital through flexible financing vehicles that enable business expansion;
- Eliminating governmental policies that make it counterproductive to issue flexible micro-business loan programs for entrepreneurial activity requiring less than \$10,000 in start up funds;

- Maintaining its commitment to stimulate more small businesses with more activities and programs like the Small Business Innovation Research (SBIR) program; and
- Increasing the capacity of the Small Business Administration (SBA) to assist companies wishing to access foreign markets.

10. *Federal Government and its Role in Local Economic Development*

NLC strongly urges the federal government to recognize the importance of local public facilities and supporting infrastructure to economic and community development.

The federal government should:

- Continue to provide assistance for local public works, particularly in deteriorated areas of cities;
- Give priority over new construction to the maintenance and rehabilitation of infrastructure, which is critical to support private economic development; and
- Target federal procurement to areas of high unemployment.

For more details about land use, see CED Section 3.07(C)(1), Federal Land Stewardship.

11. *Defense Industry*

The defense industry has become a vital element to the economic growth and stability of the nation's cities and towns. Base closures, along with cancellation of defense contracts, have had a devastating impact on employment and economic development opportunities in our municipalities.

NLC understands that our U.S. military needs to maintain efficiency and update its inventories, but they must work with local governments when making such critical changes that impact our communities. When

administering program funding for economic conversion, the federal government must:

- Assist public/private entities or consortiums in the economic conversion process with emphasis on dual-use technology applications and manufacturing extension;
- Increase assistance to dislocated military and civilian workers impacted by defense-related downsizing or base closures and realignments;
- Establish a national Economic Diversification Council, composed in part of municipal officials to serve as an advisory board to both the Congress and the White House on the most constructive means to assist communities most severely impacted by base closures or reductions in defense-related contracts; and Provide DOD Office of Community Adjustment planning and redevelopment funds and technical assistance for a longer duration and with more flexibility in use when assisting communities adversely affected by defense-related cuts, including defense-related downsizing or base closures.

In general, to maximize the use of existing municipal resources, federal, state, and local governments must convert those industries that are no longer viable under their current practices into productive businesses. Several areas of concentration should be covered:

a. Base Closures

Military base closures have had significant, critical effects on the economic health of communities.

NLC urges the federal government to adopt the following policies to guide its activity related to military base closings:

- Cities should have a minimum of 30 days notice prior to official public announcements of base closures or

military spending reductions or realignments. At a minimum, the federal government must keep local officials informed about the potential for closure and encourage more active participation in the closure process.

- Communities should have at least 12 months after a decision has been made to close a base before actual closure proceedings begin. During this time, the Department of Defense must continue to maintain the base adequately, making sure that the closing stages do not adversely affect the community and the subsequent transfer of property.
- The U.S. Department of Defense should provide an environmental assessment and economic impact analysis to affected communities that quantifies the impact of defense base closure plans to minimize local economic, health and safety impacts.
- The federal government should transfer ownership of closed military installations at no cost to municipalities that wish to redevelop these facilities for alternative uses. This no-cost conveyance should be transferred to the municipality for any use to be determined by the municipality with minimal restrictions.
- If affected municipalities decline to acquire closed military facilities, then affected counties or states should be allowed to acquire these facilities at no cost to the acquiring jurisdiction.
- When closed military facilities are acquired, the federal government should require acquiring entities to maintain these facilities in compliance with local ordinances.
- The federal government must make sufficient annual appropriations to pay all environmental cleanup costs associated with closed military bases prior to transfer of ownership to cities, counties, or states. If the local government would

like to accept an earlier transfer, the federal government must assume perpetual responsibility for all environmental problems on these bases resulting from past military actions and operations. (*See also EENR Chapter*)

- If reuse plans are not prepared and implemented within ten years after the transfer of ownership, the properties could revert back to the federal government, only with approval of the local government. Alternatively, the federal government should take all appropriate steps to expedite the process, including fully funding appropriations to clean up and transfer the property and facilities.

b. Technology Reinvestment

NLC supports federal programs designed to assist communities, businesses, and individuals that are economically affected by defense-related cutbacks.

Given the challenges facing defense-related firms, NLC supports continued funding for the following programs:

- The Defense Conversion Adjustment Program (DCA), which provides retraining and readjustment assistance for workers affected by defense-related cutbacks;
- The Defense Diversification Program (DDP), which re-trains both military and civilian workers affected by defense-related downsizing;
- The Economic Adjustment Program in the Economic Development Administration (EDA), which helps states and local areas implement strategies for adjusting to situations that threaten serious economic dislocation - including defense downsizing; and
- Federal assistance to communities and regions to meet federal matching requirements in community development planning programs.

c. Business Development:

NLC supports federal programs that address diversification and reinvestment measures for defense firms to help them adapt to civilian markets. These measures are integral to the long term economic well-being of communities.

Existing federal programs have made important strides in assisting defense firms seeking to diversify. Yet, by limiting support to funding of dual-use research and development, these initiatives do not offer remedies to the credit crunch that has severely impacted small and medium-sized defense firms.

NLC calls upon the federal government to support:

- A business development program that supports small business incubators and provides hands-on marketing and business planning assistance;
- Continued expansion of existing export promotion activities, with special emphasis on outreach to small and medium-sized businesses;
- The use of tax incentives to encourage partnerships between large and small defense firms and to encourage private initiatives which spur entrepreneurship;
- Creation of a Fund for Defense Conversion to enhance the availability of working capital for small and medium-sized defense firms;
- Continued action to enhance the availability of defense diversification projects;
- Creation of an advocacy position for small, minority, and women-owned businesses with the primary responsibility of furthering the interests of these groups in the economic conversion process; and

- Reduced regulatory, accounting, and procurement barriers to implement dual-use technologies.

12. Federal Assistance After a Disaster

After a natural or man-made disaster, the federal government must provide a streamlined, coordinated, and predictable economic assistance package to local communities to ensure long-term economic recovery and prosperity. The economic package should include federal grants, public loans, and public assisted private loans at favorable rates throughout the repayment cycle. The federal government must also provide technical assistance to assist local communities in accessing federal monetary assistance.

In providing this economic assistance, the federal government should follow these principles:

- This federal assistance must include direct grants to local government to replace city infrastructure, provide operating funds for continuance of government functions and key municipal-run services (e.g. water, police), as well as expedite economic recovery after damage to public buildings, business and manufacturing facilities, and other affected parties in local economies.
- It must minimize economic disruptions and losses from disasters through prompt reimbursement of all approved disaster recovery expenses.
- Local government authorities must be given decision-making authority and economic control in any unified redevelopment organization created by the federal government.
- Federal economic assistance must not promote and should strive to minimize competition between disaster struck cities and localities to attract business.

- The federal government must provide incentives to encourage the private sector to invest in sound recovery activities with some measure of accountability.
- The federal government must ensure that public and private funds are allocated to locally- based business as available, by maximizing the participation of local businesses and local residents in recovery projects, including the provision of training or re-training local residents as needed.
- The Small Business Administration should continue to play a critical role in recovery for small businesses after disasters.
- The federal government must restore homeowner investment equity levels for residents of disaster struck localities and promote future property investment in local communities.

3.05 International Trade and Municipalities

A. Principles

Municipal governments are key players in economic development locally, nationally, and internationally. Municipalities play a critical role in developing comprehensive economic development plans, helping local businesses, and educating citizens about regional economic assets that support new investment and promote trade.

NLC is committed to sound international and national trade policies and effective local economic development strategies. International trade and multilateral investment agreements, negotiated by the U.S. government with other countries or within the auspices of the World Trade Organization (WTO), must be in harmony with those local initiatives and must not preempt local governments' policies, laws, or regulations.

B. Goals

It is imperative that the federal government recognize the role of municipal governments as key players in developing and expanding the U.S. economy internationally, and it must work in partnership with municipalities to encourage and promote fair international trade opportunities, ensure open markets and protection of intellectual property rights, and vigorously enforce existing trade rules against dumping.

The federal government must consult with state and local officials before pursuing trade and investment agreements that affect local law-making authority and local government functions. Under certain trade and investment agreements in the areas of investment, subsidies, procurement, and services, certain local policies may be adversely affected by global trade sanctions or federal preemption of local authority.

C. Recommended Federal Actions

1. General Concerns

a. Legal Standards

The U.S. must advocate for trade rules that contain legal standards consistent with the Constitution and applicable case law. For example, international agreements that include standards such as “least trade restrictive” or “least burdensome” are inconsistent with the U.S. Constitution and may affect a municipality’s ability to implement effective economic development programs, environmental regulations, and zoning laws. According to U.S. Constitutional law, unless certain circumstances apply, the burden on local governments to defend their laws should be based on the standard “rationally related to a legitimate governmental interest.”

International agreements, such as the North American Free Trade Agreement (NAFTA),

that define “expropriation of property” to include “indirect expropriation” or “tantamount to expropriation” are also inconsistent with U.S. Constitutional law. According to U.S. Constitutional law on takings, the term “expropriation” includes only direct expropriations.

b. Transparency in Claim Resolution

The United States and any international tribunal set up to hear challenges under these trade and investment agreements, must provide prompt notification to local governments when their local regulations or laws are being challenged. In addition, local governments must be allowed to participate fully in the international tribunal’s hearing and deliberation processes.

c. Disclosure Requirements

The United States should oppose any requirement that all national and sub-national governments disclose their subsidy programs, procurement programs, or other current or proposed local regulations and legislation to the WTO or any other international tribunal. If such a requirement were imposed, the federal government should provide a funding source to cover the administrative costs incurred by states and local governments when satisfying such disclosure requirements.

2. United States Trade Representative

NLC urges that the Office of the United States Trade Representative (USTR):

- Increase transparency, openness, and due process in trade policy and negotiations;
- Prior to negotiations, release texts of provisions currently under consideration for public and legislative analysis;
- Allow for a minimum 90 day period for review and comment by potentially affected communities;
- Provide more resources to local governments for technical assistance and education about the effect of international

trade and bilateral investment agreements on their lawmaking, including regular and complete updates regarding all challenges to state and local laws brought under international agreements that could have implications for the local government's ability to keep its own laws intact; and

- Seek NLC's input by including NLC representatives on its Advisory Council, which NLC strongly recommends meet at least quarterly, and give reasonable weight to the input of the Advisory Council.

NLC supports the addition of a provision that protects subsidies that provide for coverage of the following two categories:

- Aid to promote economic development in areas where the standard of living is abnormally low or where there is serious underemployment; and
- Aid to facilitate the development of certain economic activities or areas, where such aid does not adversely affect trading conditions.

3. *International Agreements*

a. Subsidies

Currently the WTO Agreement on Subsidies & Countervailing Measures (SCM) prohibits government programs designed to favor domestic entities, including any financial contribution (subsidies, direct monetary benefits, tax credits, contributions of goods or services and price supports). NLC is concerned that many local subsidy programs may ultimately be considered violations of SCM or other trade agreements.

b. Procurement

Currently the WTO Agreement on Government Procurement (GPA) requires national governments to purchase goods and services based only on price and performance criteria. NLC is concerned that many local

government programs, small business preferences, environmental preferences, or women-owned & minority business preferences, may ultimately be considered violations of GPA or other trade agreements.

NLC discourages the expansion of the GPA to include coverage of local governments. Instead, NLC supports maintaining the current status where procurement agreements only apply to national governments.

c. Services

Currently, the WTO Agreement on Trade in Services (GATS) mandates that domestic regulations must have a legitimate objective and be "no more burdensome on businesses than necessary to ensure the quality of the service." NLC is concerned that many local government regulations may ultimately be considered violations of GATS or other trade agreements.

NLC opposes the federal government expanding service disciplines in GATS or other agreements to include coverage of:

- Basic infrastructure services, such as roads, water, power, and energy utilities;
- Restrictions on access to commercial presence on land; or
- Government service sectors, such as land and resource management, hazardous waste management, education, health care, and prison management. At a minimum, the federal government should study the effect of the current restrictions on local government before including more sectors under GATS.

NLC supports the maintenance or expansion of current exceptions to the Agreement that allow federal, state or local governments to

- Protect public morals and order,
- Protect human, animal, and plant life; and

- Secure compliance with laws or regulations regarding fraud, privacy and safety.

d. Investment

NAFTA Chapter 11 mandates that national and sub-national laws must be “least trade restrictive” on a private investor who can bring a claim for financial damages against a country. NLC is concerned that many local land use regulations may ultimately be considered violations of NAFTA or other investment agreements. Thus, NLC urges the United States government to advocate for changes in the trade rules so they are consistent with the U.S. Constitution and applicable case law. Where the trade rules may adversely affect municipalities, the U.S. government should advocate for appropriate exceptions to the current trade rules.

4. *Promoting International Trade*

The federal government must work in partnership with municipalities to encourage and promote international trade opportunities.

a. Communications

The federal government must continue to collect and make accessible to municipalities the array of trade promotion and marketing services, trade data and trends, emerging market opportunities, and planned trade missions. Those services and information are not only essential to help local and regional governments grow their economies, but are also critical to help businesses compete globally.

b. Education

The federal government should continue to provide local officials with technical assistance and education about international trade and its opportunities. The Administration should provide this aid directly to local governments.

5. *Trade Impact Assistance*

The federal government must carefully measure the domestic impact of international trade agreements that further open global markets; and consider the impact of trade agreements on local, regional and state economies in addition to the national economy. Moreover, the federal government should be accountable to that reason, federal trade impact assistance programs such as the Trade Adjustment Assistance program should have a high degree of flexibility in terms of the types of jobs eligible for assistance when domestic workers are displaced as a result of global commerce.

Federal trade impact assistance should consist of both direct support for displaced workers and direct financial support to local governments that stand to lose significant tax revenue as a result of job losses created by trade agreements. Lastly, the federal government should increase support for education and retraining efforts in areas where unemployment significantly rises as a result of a federal decision to enter into an international trade agreement.

3.06 Housing

A. Principles

NLC strongly supports federal housing policies that encourage affordable homeownership, promote affordable rental housing, and provide special needs housing and transitional housing for the homeless. NLC urges the federal government to fully fund federal housing programs at current or increased levels.

Every American deserves a decent home in a suitable living environment with adequate financial stability to maintain it. The federal

government must give priority, whether directly or through provisions in the federal tax code, to meeting the housing needs of people who cannot otherwise obtain decent, affordable housing.

There is an irreplaceable role for the federal government in addressing our nation's housing needs. Affordable housing is critical to lower-income families throughout the nation. In addition, development of affordable housing contributes to the economic vitality of our communities and local economic regions as a vehicle for creating jobs and increasing municipal tax bases. Furthermore, the development of mixed-income communities with appropriate support services, workforce development, and education is the most effective approach to addressing concentrated poverty.

B. Goals

So local communities may support affordable homeownership and affordable rental housing, NLC supports:

- A permanent dedicated revenue stream to produce and preserve affordable housing;
- Full funding for current affordable housing programs, such as the HOME Partnerships Investment Program, Section 8 vouchers, and public housing;
- Federal tax incentives that encourage private investors to build and rehabilitate affordable housing;
- Federal programs to promote homeownership; and
- A balance between national fair housing priorities and local zoning authority.

C. Recommended Federal Actions

1. Overarching Themes and Definitions

a. Definition of Affordable Housing

NLC urges the federal government to develop policies, goals, and programs that are consistent with a definition of “affordable housing” that is based on a personal income-

to-average community income ratio. The definition must also allow sufficient flexibility to meet unique local needs and circumstances.

b. Relationship Between the Federal Government and Localities

HUD's primary roles should be as funder, facilitator, and monitor of locally focused housing programs to ensure that performance objectives are met.

NLC urges regulatory flexibility and reform of administrative guidelines in all federal public, Section 8, and other affordable housing programs. These affordable housing programs provide a viable source of housing for low- and moderate-income individuals and families, and for special populations like the elderly, persons with disabilities, and individuals with AIDS. For example, NLC supports flexible federal regulations and policies that promote local and regional balances between housing production and conservation to meet local objectives, needs and conditions.

c. Federal Housing Reform

As Congress and HUD attempt to reform federal housing programs, they must evaluate the following:

- Program reform must be results-oriented, achieving equity while balancing its direct and indirect effects on different levels of need, fiscal capacity, and constraints.
- Existing programs like CDBG and HOME, which are efficient and effective in meeting national needs, must be the models for other programs.
- Municipal governments must be involved as a partner in any program reform efforts at the federal level. If the form of federal affordable housing programs changes, local governments must still retain a

central role in their implementation and management.

- Reform must not impose disproportionate responsibilities on cities and towns by reducing or withdrawing federal involvement.
- Despite varying degrees of state involvement, the federal government should not generally transfer any of its roles in federal housing programs to states.
- Federal administrative policies must increase flexibility and minimize the administrative burdens and costs to local governments. In most cases, local governments need to layer subsidies to create a workable plan to construct or rehabilitate affordable housing stock. Some programs do not work well with others because of differing federal requirements, such as use or income requirements. Federal administrative reform should expedite this layering process.

d. Consolidated Housing Plan

NLC supports, in general, the federal Consolidated Plan (the “Consolidated Plan”) as a planning tool and as a means to assess performance for housing, Community Development Block Grant, and Emergency Shelter Grant (ESG) programs. NLC strongly encourages HUD to partner with local governments to help meet the goals outlined in their Consolidated Plans.

The Consolidated Plan planning process provides cities with the opportunity to make key decisions about the mix between new, rehabilitated, and existing housing that should be assisted; the type of housing to be constructed or utilized; and the location of assisted housing units. Within broad federal guidelines, these decisions must remain at the local level, except for over-riding reasons of national importance.

In addition, the federal government must streamline the application process and help with information gathering. The preparation of a Consolidated Plan is currently complex and time-intensive for local governments. Despite good faith efforts by local governments, achieving Consolidated Plan goals is extremely difficult, so the federal government should not turn too quickly to punitive measures.

e. Assisting Senior Citizens

The federal government must continue to ensure that senior citizens have adequate housing. Federally subsidized housing programs provide an indispensable form of security against homelessness, institutionalization and loss of community for a large segment of the nation’s poor senior citizens. NLC supports:

- HUD’s Section 202 program, which provides capital advances for construction and rehabilitation supportive housing for very low-income elderly persons and rent subsidies for the projects to help make them affordable;
- Use of Section 8 vouchers and other rental assistance programs with particular consideration of seniors’ needs; and
- Federal housing programs that include long-term supportive services for the elderly. (*See also HD Section 4.06, Social Security and Seniors*)

2. Funding Streams

a. Permanent Dedicated Revenue Stream

In addition to HOME and other housing programs, Congress must establish a permanent dedicated revenue stream directly to local governments to produce and preserve affordable rental housing. These programs must allow maximum authority to local governments in meeting the needs of these households. The federal government should facilitate the provision of Section 8 vouchers for use in these affordable rental units.

It is critical to increase the availability of affordable housing for low- and moderate-income households.

- Federal funding must continue to be based on demonstrated need and go directly to localities to allow them to determine the type of housing that best meets local needs.
- Establishment of a permanent funding stream must not come at the expense of other housing programs.

b. HOME Investment Partnerships Program
NLC strongly urges the federal government to maintain the HOME Investment Partnerships Program's flexibility and to increase its annual funding to allow local governments to increase the number of affordable housing units available in their communities. The HOME Program should not include set-asides.

HOME is the nation's first block grant primarily focused on affordable housing. It has produced dramatic results, giving many low-income, working American families a quality of life in decent, affordable housing and an opportunity to move toward self-sufficiency and establish a stake in their communities. The HOME Program works well because it allows local governments flexibility within their communities, making it one of the most effective resources for new and preserved affordable housing.

c. Other Housing Programs

Other housing programs, such as Public Housing and Section 8 Subsidies, are still important federal programs, even though they do not always provide funding to cities directly. NLC supports increased funding for these important federal housing programs. *(See also CED Section 3.06(C)(4) for more details on these programs)*

- NLC supports federal housing programs that streamline procedures and eliminate burdensome, outdated federal regulations. In cooperation with local governments, the federal government should develop broad, performance-based guidelines that provide flexibility for local governments to solve locally-identified problems.
- The federal programs should also encourage local governments to develop housing policies that offer a comprehensive continuum of care for individuals. NLC supports federal incentives to encourage regional and area-wide partnerships among the public, nonprofit, and private sectors.
- Municipalities must be the primary providers or "entitlement entities." NLC opposes state control of federal housing monies, unless requested or authorized by the municipalities. Program and funding priorities must be set at the community level. NLC also opposes any efforts to include community-based organizations as entitlement entities.
- Block grants and other housing programs should not include set-asides.

See also CED Section 3.03 on policies related to Community Development Block Grants and Section 3.04(C) for recommendations related to federal economic development programs.

d. Tax Policies to Promote Affordable Housing

NLC supports a comprehensive, equitable national housing plan. It should include tax-incentive financing for affordable housing and other tax policies, including federal mortgage insurance, that provide incentives to public-private partnerships, help leverage federal assistance, and aid municipalities in their economic redevelopment efforts.

The federal government should allow revenues derived from changes in housing-related tax provisions and from housing expenditure programs to be used for production, rehabilitation and housing allowances for low-income households.

Until effective housing supply and financing mechanisms are put in place, the federal government should retain the present tax incentives for the production, rehabilitation, and maintenance of low-income housing. NLC strongly supports reauthorization of the Mortgage Revenue Bond and Low-Income Housing Tax Credit (LIHTC) programs.

i. Low-Income Housing Tax Credit (LIHTC)

NLC supports Congress's affirmation of the success of the LIHTC programs by ensuring its permanent status in the federal tax code. Congress must continue to resist any efforts to weaken or eliminate it.

Providing states with millions of dollars in new credit authority annually, the LIHTC program remains one of the few successful federal rental housing production tools available. It has sparked private investment in nearly one million units. Congress must continue to ensure that LIHTC is indexed for inflation.

Based on the following guidelines, NLC encourages prudent modifications that will make the LIHTC program more effective in meeting housing needs:

- The federal government must conduct a thorough review of the LIHTC program to assess the effectiveness of the tax credits and identify ways to ease their implementation. Considerations should include streamlining the administrative process, thus minimizing the substantial front-end costs in the form of syndicating and underwriting fees, legal expenses, and other administrative costs.

- The federal government must encourage increased flexibility to use the tax credits to build single-family units as well as multi-family units.
- The federal government should encourage greater local participation in the state allocation process.

ii. Tax Incentives to Revitalize and Stabilize Older Communities and Center Cities

NLC supports federal tax policies to promote opportunities for revitalization and stabilization of older communities and center cities. Promoting residential activity in our cities and centrally located suburban communities is essential to avoid unsustainable patterns of unplanned growth.

Federal tax policies should provide more incentives, such as lower-cost mortgages and expansion of historic preservation tax credits, to single-family residences in center cities to strengthen cities' efforts to increase home ownership, attract new residents to the cities, and ensure a more stable residential base. NLC also supports tax policies and some limited approaches, such as tax-exempt bonds, which can be used in CDBG targeted areas, as encouragement for those with mid-level incomes to live in cities or to use existing housing that would otherwise be abandoned.

3. Promoting Homeownership

Everyone must have the option to pursue homeownership, a symbol of the American dream. NLC supports federal homeownership programs whose essential components include, but are not limited to:

- Low and stable mortgage interest rates;
- Reduced amount of down payment and closing costs;
- Accessible information about the availability of federal affordable housing programs for low and moderate-income people;

- Provisions for long-term supportive services for low and moderate-income occupants and associated supportive services to create and maintain a healthy physical and social neighborhood environment, including community-based homebuyer counseling programs to help families achieve and maintain homeownership;
- Innovative ownership options for interested renters;
- Increasing the maximum FHA mortgage guarantee and the VA program;
- Supporting the continuation of mortgage revenue bonds that target first-time buyers and low- and moderate-income households;
- Allowing first-time homebuyers to use Individual Retirement Account (IRA) funds and other self-funded bonds, without penalty, for down payments;
- Supporting employer-sponsored and assisted housing;
- Implementing programs that encourage homebuyers with diverse incomes, not necessarily first-time buyers, to relocate in lower-income areas with few owner-occupants, to help increase the number of stakeholders and increase the economic strength and diversity of neighborhoods;
- Providing financial support to low- and moderate-income persons to cover increasing homeownership costs as reinvestment occurs in their neighborhoods and they are potentially displaced by “gentrification;” and
- Encouraging increased use of Section 8 vouchers as mortgage supplements for low-income homeowners.

4. *Homeowner Assistance and Avoiding Foreclosure*

The economic and social impact of a home foreclosure can be devastating for both families and neighborhoods, and therefore should be treated as an option of last resort by

those invested in non-performing mortgages. NLC urges Congress and the Administration to clarify and improve the federal foreclosure intervention strategy to ensure struggling homeowners have opportunity and resources to respond to notices to foreclose, including, but not limited to:

- Financial and housing counseling for new homeowners;
- Financial and housing counseling for homeowners at risk of foreclosure;
- Foreclosure intervention and mediation services;
- Federal programs that support the refinance and modification of non-performing mortgages when a refinance or modification would likely result in preventing foreclosure;
- Federal incentives for financial institutions that demonstrate avoidance or refusal to participate in federal programs aimed at preventing foreclosure or otherwise avoid or ignore families that have received a notice of foreclosure; and
- Rapid rehousing for families made homeless as a result of foreclosure.

For all mortgages judged to be abusive or especially onerous, NLC urges Congress to pass legislation that permits bankruptcy courts to treat the primary residence in the same manner as other property, and to grant bankruptcy courts the authority to modify the terms of home mortgages on primary residences as a last resort to preventing foreclosure.

Lastly, NLC urges Congress to continue investing in programs, such as the Neighborhood Stabilization Program, that provide grants to cities and towns to undertake activities that prevent neighborhood decline as a result of vacant and abandoned property caused by foreclosure.

5. Providing Affordable Rental Units

NLC advocates a comprehensive federal policy, which provides sufficient funding to state and local governments to create more affordable rental housing,—focused on low-income families with children, the homeless, the elderly, and individuals with disabilities. These programs must allow maximum authority to local governments in meeting the needs of these households.

NLC supports “public housing” and privately owned, federally subsidized housing created with funds from HOME, the Low-Income Housing Tax Credit, and other HUD-financed programs to allow localities to maintain and preserve an adequate amount of rental housing stock. The federal investment in housing over the years has generated a valuable national housing portfolio that must be preserved through federal funding, since state and local resources can rarely cover all of the financial needs for rehabilitation and owner equity.

NLC urges the federal government to continue to provide cash subsidies, such as Section 8 vouchers, to low-income families to help them afford private market-rate rental housing. However, lack of enough vouchers, coupled with the dynamics of the real estate market, is often insufficient to house all families in need.

The federal government should allow localities to determine the future of their public and assisted housing based on past performance and local conditions. A tenant-based housing voucher system to help poor people afford decent housing may be a useful addition to, but not a substitute for, the existing menu of assisted housing programs. Rental assistance should be an integral part of housing production/preservation programs, including cash subsidies, support services,

and the expansion and strengthening of the Section 8 rental subsidies.

a. Section 8

NLC supports the Section 8 Housing Choice Voucher program. Congress must adequately fund Section 8 housing vouchers and associated administrative costs so that all families and individuals in need can be housed in a safe and suitable environment.

NLC opposes the replacement of housing vouchers with a dollar-based block grant that eliminates most federal protections for low-income families. Congress should instead consider a different method to make the annual appropriation for Section 8 more predictable. For example, NLC supports the “hybrid” voucher funding policy, which relies on a longer period of time for HUD to determine the dollar amount for each jurisdiction, adds adjustments and adequate reserves for communities experiencing different cost trends, provides local incentives for cost containment, and guarantees stable funding for vouchers for the elderly and disabled.

NLC supports congressional proposals to allow HUD to provide more local flexibility in administering the Section 8 program by local Public Housing Authorities (PHAs). This flexibility should allow PHAs to determine on a local basis if they want to maintain the requirement that families cannot pay more than 30 percent of their income for public housing. NLC also supports allowing local PHAs to impose time limits on voucher recipients, as long as it is not a requirement by the federal government.

Congress must also continue to support the Section 8 “project-based” program to help local communities with critical housing shortages to maintain their current level of affordable units. The project-based Section 8

program remains important for cities. HUD must determine fair market rents by using a local community's housing data, not with area wide data currently used by HUD. Any change to the fair market rent standard should preserve a careful balance. It is our nation's responsibility to protect those families in need; however, we must also preserve the supply of available housing units and encourage growth by ensuring that local property owners realize a reasonable economic return on their investment.

Since the purpose of the subsidy is to provide affordable housing, it is imperative that adjustments to the recipient's level of assistance and the community's payment standard be made annually. Assistance affordable rents for low-income families. If this trend becomes permanent, then Congress should extend "tenant-based" vouchers for a full 15-year period.

b. Public Housing

NLC supports publicly owned subsidized housing, or "public housing," and supports increased funding for the Public Housing Capital Fund and full funding for the Public Housing Operating Fund. Congress should also continue to fund the HOPE VI program at funding levels sufficient to eradicate the remaining public housing dwellings that are considered "severely distressed" and replace them with new or rehabilitated mixed-income units. Public housing is essential to providing decent and safe rental housing for eligible low-income families, the elderly, and persons with disabilities.

Well-run public housing authorities (PHAs) deserve full regulatory flexibility. The federal government should not convert public housing to a tenant-based voucher system nor alter it except where a change would create more efficiency and cost-effectiveness.

payments, on behalf of a tenant family, should be made directly to the landlord by the PHA.

To be successful, the Section 8 program should also require a "continuum of care" strategy including effective outreach, counseling, and fair housing support.

The federal government must provide incentives to maintain affordable rental housing supply as part of any "tenant-based" voucher system. NLC opposes the trend of converting "project-based" Section 8 certificates, with a term of fifteen-thirty years, into one-year "tenant-based" vouchers. NLC is concerned that a "tenant-based" system would discourage private landlords from maintaining housing units at Troubled PHAs should be put in the hands of receivers or taken over by HUD.

Drugs and crime in public housing have reached epidemic proportions and require drastic actions. NLC supports:

- Prohibiting those evicted from public housing for criminal offenses from receiving new assistance in the form of public housing or Section 8 vouchers;
- Allowing PHAs to develop administrative grievance procedures for eviction of tenants engaged in criminal activities;
- Broadening the rights and legal authority PHAs have in fighting drugs and crime in public housing;
- Allowing leases to explicitly order evictions for criminal offenses;
- Allowing PHAs full access to national criminal history databases; and
- Increasing funds for security improvements, drug education, outreach and other preventive measures.

c. Addressing the Potential Loss of Current Affordable Housing Stock

NLC strongly advocates federal policies on and intervention in the potential critical shortage of safe, sanitary, and affordable rental housing.

d. Housing Related Supportive Services

Rental assistance, such as financial management, basic housing maintenance, and counseling to enable individuals and families to obtain self-sufficiency, should occur concurrently with federally-funded support services.

e. Lead-Based Paint and Mold Concerns

NLC supports federal legislation, regulatory alterations, or other actions to ensure adequate financing for training, clearance testing, and lab analysis and removal of lead-based paints for Section 8 and public housing landlords. Federal lead-based paint regulations have resulted in substantial outlays that seriously increase per unit housing costs for HUD-funded programs. The increased costs have resulted in fewer units that can be rehabilitated. The regulations discourage existing rental property owners from participating in the Section 8 Housing Assistance Payments Program, thus reducing housing choices for program clients.

Toxic mold growing in federally-funded affordable housing units is a danger to families living there. To reduce current and future health risks, the federal government must:

- Educate owners and tenants on how to reduce the risk of mold contamination; Support local health department programs that address indoor air quality;
- Establish standards of performance in mold prevention and remediation to ensure the long-term health of residents; and
- Investigate the possible establishment of a federally-guaranteed insurance pool to

cover residents as well as contractors and their technicians who remediate mold.

6. *Rehabilitation & Abandoned Properties*

a. Rehabilitation

NLC urges flexibility in federal regulations to allow local governments to make decisions regarding housing rehabilitation. Local flexibility is essential because demolition and new construction often provide quicker and more cost-effective benefits than rehabilitation. The federal government must also strengthen and supplement existing rehabilitation programs, to include social services, homeownership, and home-maintenance counseling.

b. Abandoned Properties

NLC urges the federal government to update and streamline its rules and procedures governing the purchase and remediation of federally owned and abandoned commercial, industrial, and residential properties. This action would encourage local governments, non-profit organizations, tenant groups, and the private sector to buy and recycle those properties. It will also foster comprehensive local community revitalization, economic development, and “homesteading” efforts.

7. *Providing Transitional Housing and Comprehensive Services for the Homeless*

NLC urges the federal government to acknowledge its responsibility and continue to provide assistance to local communities to address the needs of all persons affected by homelessness. Such assistance should include funding and technical assistance for emergency shelters, transitional housing, and supportive services to homeless families and individuals. The federal government should:

- Provide federal funding and incentives for the operation of homeless shelter facilities;

- Intensify efforts to identify and make available surplus federal property and equipment for emergency shelter use;
- Ensure the availability of liability insurance for emergency shelters and service providers; and
- Provide funding and support for transitional shelter to assist individuals and families moving from shelter to permanent housing.

See also HD Section 4.03(C)(6), Poverty and Income Support, Preventing Homelessness.

8. *Housing and Welfare Policy*

NLC strongly encourages cooperation between HUD, the Department of Health and Human Services, and the Department of Labor to integrate housing and welfare policies, ensuring that welfare recipients receive the housing services to meet their particular needs.

NLC opposes efforts to “cash-out” housing programs for welfare, without the addition of a vast new amount of monies to the welfare system. Such changes would have a negative effect on the effort to provide decent housing for everyone.

NLC supports the following measures:

- Continuation and expansion of HUD’s Project Self-Sufficiency;
- Extended use of Section 8 certificates or “second tier” welfare shelter allowances on a project basis;
- Expanded support for family development programs and federally assisted housing, particularly public housing;
- More transitional housing and permanent affordable housing for welfare families, including more access to housing in the private market;

- Coordination of family, elderly and disabled services in federally assisted housing;
- Allowing state and local governments to test alternative approaches that will provide for the more efficient coordination of welfare and housing assistance resources at the state and local level and encourage upgrading of housing for families receiving TANF assistance; and
- Expansion of federally-funded research on the differences between welfare and housing assistance.

9. *Fair Housing and Local Zoning Authority*

a. *NLC Opposes Housing Discrimination*

NLC supports vigorous enforcement of comprehensive federal laws and policies that will ensure and require a wide range of housing opportunities for all persons in the community of their choice. NLC supports and encourages the uniform enforcement of the Fair Housing Act and its Amendments (“FHAA”) to eliminate housing discrimination based on race, color, sex, religion, family status, national origin, and disability. It is essential that Congress make adequate federal funding available to meet these Fair Housing goals.

b. *Communities Must Maintain Local Authority*

NLC supports the FHAA and also supports local authority to enact and administer local land use laws that are “non-discriminatory” – providing for uniform application and “reasonable accommodation” to uphold a compelling public interest.

Equal housing opportunities and land use authority for local governments are not incompatible policies. Communities must be able to provide adequate facilities and services to meet the demands of proposed development. The federal government must

not restrict or withhold its funds due to zoning issues unless a court has ruled, at the conclusion of a litigated case, that a zoning law enacted was in violation of anti-discrimination laws.

c. A Regional Approach to “Fair Share”

Housing – Building and Zoning Codes
NLC urges the federal government to encourage comprehensive planning, regional cooperation, and timely implementation of innovative strategies that expand housing opportunities for everyone.

NLC encourages the federal government to provide financial incentives for implementing “fair share” arrangements across a region. NLC recognizes the responsibility of communities to provide their “fair share” of housing opportunities for low and moderate-income people.

The social and economic challenges to building adequate and sufficient housing for everyone may be met more efficiently and effectively when approached regionally, rather than competing across jurisdictions.

d. President’s Fair Housing Council

NLC supports the work and policies of the 1994 President’s Fair Housing Council. The Council is charged with reviewing federal policies for conformity, eliminating any impediments to fair housing, and facilitating consultation and coordination of federal efforts to promote fair housing.

NLC encourages the Council to position itself as a facilitator available to help interested parties in resolving the challenges they face in the provision and oversight of group home services.

e. Federal Administration and Litigation

The federal government must respect the legal rights of municipalities and local housing agencies and:

- Refrain from investigating or filing a housing discrimination suit against a municipality if the complaining party knowingly violates local zoning ordinances and provisions, or fails to demonstrate a good-faith effort to seek a “reasonable accommodation” to such ordinances and provisions through appropriate legal processes;
- Require that, before initiating its own investigation, HUD must refer a housing discrimination complaint to the appropriate state or local public agency for action, unless certain limited circumstances apply; and
- Administer all federal programs and activities related to housing in a manner that advances fair housing practices and objectives outlined in federal law, including preparation of an annual report on federal efforts to advance fair housing.

f. Federal Contract Standards for Group Homes

The federal government must utilize preference points for local community-based group home providers in its contract standards when contracts are let for group home services in a particular community.

g. Concerns Regarding Group Care Facilities

So cities can maintain their local zoning authority in the face of legal challenges by group care facilities, Congress must amend the FHAA to eliminate ambiguities that have exposed cities to costly, avoidable and time-consuming litigation and have even led to uneven and often perplexing judicial rulings. Communities must have local influence over the siting, proximity, and density of group care facilities to avoid over-concentration of such facilities in primarily minority, low- and moderate-income neighborhoods, and continued down-grading of those areas as more group care facilities enter.

NLC supports changes in the FHAA that would:

- Strengthen the protections in the FHAA against intimidation, harassment, and retaliation;
- Protect the First Amendment rights of residents and local officials who communicate about the siting of a group care facility;
- Require fair housing complaints to be filed in enough detail to clarify any allegation so that a local authority can prepare an informed response;
- Require a group care facility operator to comply with appropriate non-discriminatory local zoning and land use requirements, allowing a municipality to work toward a “reasonable accommodation” before a formal FHAA complaint is filed;
- Narrow the definition of “familial status” to exclude individuals convicted of felony level crimes from protections under the FHAA;
- Permit local governments to reasonably limit the density and over-concentration of group care facilities in neighborhoods, without completely limiting housing for children in foster care and without zoning out FHAA-protected group care facilities entirely (except when conviction for felony level crime is a factor);
- Allow cities to regulate the number of recovering drug addicts and alcoholics residing in a group care facility established in a residential neighborhood;
- Allow cities to regulate group homes for individuals with disabilities who have also been convicted of a felony level crime (both adults and juveniles); and
- Increase federal funding for adequate licensing and oversight of group homes to ensure that residents are adequately supervised and cared for, and to ensure

their health and safety and that of their neighbors.

NLC supports practical and long-term means to resolve these important issues regarding the scope of city authority relating to the siting and operation of group homes. Current HUD and Department of Justice regulations regarding disabled residents and children do not address how local governments can determine if residents in group homes are a threat to public safety and provide no guidance on how a municipality can respond to threats to public safety until an actual incident occurs.

3.07 Land Use

A. Principles

Local communities must be able to control land use and zoning issues, and the federal government must respect these local code and land use plans.

However, NLC acknowledges that some legitimate national policy interests may override local interests in land use matters. These factors include protecting land with natural and renewable resources, enforcing federal fair housing laws, mitigating for natural disasters, and coordinating transportation needs with land use decisions to minimize air quality concerns. Under those circumstances, the federal government must:

- Work closely with local governments to achieve that balance; and
- Provide financial incentives, technical assistance, and information to aid local communities in satisfying these national interests.

B. Goals

Land and its uses are powerful issues for many people. The different levels of government must carefully balance individual property rights with responsible

land stewardship. NLC's land use policies are anchored by the following vision:

- NLC supports federal construction and procurement policies that promote the goals of comprehensive land use planning and minimize the harm on local communities.
- The federal government must encourage local land use that is well-planned, utilizing a regional approach that protects the environment and that supports historic preservation.
- Federal policies must encourage local planning that creates and preserves sustainable communities and a strong quality of life, safeguards economic health, and fairly assigns costs and responsibilities.
- Federal policies must respect local authority and land use decisions. NLC opposes any federal, state, county or any other non-municipal government unilaterally making local land use decisions. Local government should have the opportunity to develop responsible land use plans and policies by themselves within the context of general federal, state, and regional goals.
- Because land use is related to many of today's pressing public policy issues, any federal policy addressing land use should include economic development, transportation, affordable housing, "brownfields" reclamation, wetlands preservation, infrastructure improvements, regional cooperation, historic preservation and revitalization, in addition to zoning and planning.

C. Recommended Federal Actions

1. Federal Land Stewardship

a. Direct Federal Actions – Building and Procurement

Federal construction, consolidation, and relocation policies can either aid in revitalizing an area or hasten its decline.

The federal government should collaborate with state and local governments to:

- Involve local officials in its siting and building planning at the earliest possible point;
- Build or adapt structures in developed areas with existing transportation and infrastructure systems rather than moving to the fringe of an urban area;
- Locate facilities in accordance with municipal development plans, zoning and building codes;
- Prepare environmental impact statements for federal facilities that include social and economic ramifications;
- Encourage leasing rather than federal ownership, to avoid reductions of the local property tax base;
- If federal properties are not leased, provide payments in lieu of taxes for facilities, such as those paid by PHAs;
- Incorporate the most current design and building technologies to help mitigate potential structural damage from natural and man-made disasters; and
- If the federal government closes or moves major facilities, make available those existing facilities to cities for their economic development efforts, with appropriate financial and reuse assistance to facilitate the shift.

b. Federal Post Offices

The U.S. Postal Service (USPS) and other quasi-governmental agencies should follow all of the above recommendations. In addition, the USPS should consider the effect of facility closures on towns and cities.

To preserve the downtowns of this nation's communities, Congress must require the USPS to cooperate with local governments when planning to restore, replace, close, or relocate a postal facility, including dialogue and cooperative efforts between the USPS and local communities before any actions are

undertaken. NLC supports federal legislation that would allow communities the opportunity to offer alternatives to Postal Service plans to restore, replace, close, or relocate facilities. The USPS should evaluate and discuss its options with the local community in the least disruptive manner.

c. Implicit Federal Land Use Policies

Although not labeled as “land use” programs, many federal actions, such as federal tax and regulatory policies, and federal grant and categorical programs, have substantial land use effects on regions and communities.

- At a minimum, the federal government should establish reliable methods to identify negative effects and avoid or stop specific federal actions that contribute to them. Local jurisdictions with actual or potential adverse effects must be party to these procedures.
- The Executive Branch and Congress should regularly review existing and proposed federal programs and policies for their indirect impacts and make changes to minimize any negative land use outcomes.
- The federal government should work directly with local government to eliminate or change federal policies and regulations that contribute to or encourage unplanned growth, such as provisions contained in the federal tax code or in housing, transportation or environmental protection rules.
- Federally-owned or controlled lands and facilities must be compatible with land use plans and goals of jurisdictions in which they are located and must contribute to the revitalization and/or stabilization of center cities.
- Federal and state governments should provide compensation to local jurisdictions suffering revenue losses and other adverse effects from land use or land use-related decisions that are

imposed by federal or state government and do not conform to regional and local plans.

d. Federal Surplus Property

The federal government holds title too many unused and underused land parcels and properties across the nation. Legal authority exists to allow the federal government to dispose of properties that exceed federal agencies’ needs and make them available to local governments at reasonable cost or no cost.

NLC urges vigorous and sensitive use of this authority. Federal agencies should regularly reassess their needs for unused or under-used properties, especially those located in communities with shortages of land. Listing and transfer of any available properties should fall under the General Services Administration’s jurisdiction, who should offer the properties to local governments at reasonable or no costs and provide development assistance. (*See also FAIR Chapter*)

e. Federally Owned Public Lands

When federally owned public lands are not designated as protected or national refuge lands, NLC supports the federal government’s release of those public lands to units of local government, if the unit of local government chooses to accept it. Transfer of these lands to local government control can be a critical component to economic development activities of communities dominated by public lands. Federal agencies with jurisdiction over these public lands must guarantee cleanup of any contamination on or from the federal land that occurred prior to the transfer or contemporaneously with the transfer. (*See also EENR Chapter*)

2. Social Responsibility

a. Regional and Comprehensive Land Use Planning

NLC supports federal programs that provide financial and technical assistance to local governments for land use planning and coordination of planning with related activities, especially those mandated by the federal government (e.g., economic development, environmental protection, transportation) and those including energy conservation and natural disaster mitigation dimensions to this coordinated planning.

NLC also supports federal programs that provide incentives for local officials to cooperate with regional and sub-regional planning organizations. (*See also FAIR Chapter*)

b. Metropolitan Environmental Design

The federal government, in cooperation with local officials, should encourage improved metropolitan environmental design by:

- Ensuring sufficient federal funds for design management activities in communities;
- Requesting that federal agencies involved in physical development in cities evaluate the social, economic, and cultural effects of completed projects in metropolitan areas;
- Promoting more federally-funded research into the effects that well-designed and locally-designed development can have on the metropolitan community;
- Increasing the local government's role in the planning and siting of federal construction projects to promote design excellence and good design practices; and
- Discouraging federal subsidies that enable large commercial developments to locate on the fringes of metropolitan areas, thus contributing to sprawl.

3. *Historic Preservation*

a. Encourage Rehabilitation

NLC supports federal efforts to encourage the rehabilitation of older properties and the preservation, restoration, or adaptive re-use of significant historic, cultural, landscape, and architectural landmarks and properties. Historic preservation is a vehicle for stimulating neighborhood and downtown revitalization, economic development, job development, energy conservation, and tourism.

b. Streamlined Federal Regulations

NLC encourages federal efforts to improve effectiveness and efficiency through streamlined historic preservation regulations and elimination of inefficient administrative requirements for historic preservation planning and projects.

While NLC supports active roles for federal and state governments in providing programs for the protection of historic properties, local governments must have lead responsibility for decisions on properties considered for National Register of Historic Places designations, and protection of historic properties should be balanced with other important objectives and policies critical to community viability and quality of life.

Within this context, NLC supports stronger participation in the federal preservation program by local government.

c. Federal Tax Incentives

NLC supports existing federal tax incentives that encourage rehabilitation of older properties, and the preservation, restoration or adaptive re-use of historic, cultural, landscape, and architectural properties. NLC urges the federal government to consider expanding historic preservation tax credits to residential properties if the direct and indirect budgetary, economic, and social policy benefits exceed the projected costs to taxpayers.

d. Federal Appropriations

NLC supports continued appropriation of adequate and reliable federal financial assistance to aid in the administration of state and local preservation programs.

e. Role in Affordable Housing:

NLC urges federal, state, and local governments and all other stakeholders to work cooperatively to harmonize national historic preservation goals with the special economic and social needs associated with affordable housing, infill development, and related economic development activities.

- Financial Assistance – Historic preservation policy and projects must be flexible to avoid “backdoor evictions” of residents who do not have the financial resources to comply with federal rehabilitation standards and requirements. The federal government should support adequate and consistent funding to low- and moderate-income homeowners whose homes are either located in historic districts or are designated as historical as part of the funding appropriated for redevelopment projects.
- Programmatic Approaches – The federal government should encourage state, county, and local governments to develop programmatic agreements to streamline

improving the vitality and quality of life in our nation’s communities. Likewise, NLC opposes unplanned growth and further disinvestment in center city areas that undercuts the vitality of existing developed places. Such policies lead to unnecessary consumption of valuable open space, agricultural land, and government resources.

c. Promoting Sustainable Communities

In cooperation with state and local governments, the federal government must promote the concept of sustainability to guide

the Section 106 review of federally-assisted projects, particularly redevelopment projects, including the adoption of “treatment and design protocols” for rehabilitation of affordable housing and infill new construction.

4. *Land Use and Growth Management*

a. Local Decision Making about Growth

The federal government must support local determinations of livability policies and must not implement policies that hamper a local government’s ability to control growth and land use. Growth is inevitable in many communities. Local governments face challenges to cultivate a planned growth process that preserves a strong quality of life, safeguards economic health, and fairly assigns costs and responsibilities. The tough, practical issues revolve around choices, costs, and unintended consequences of unplanned growth, commonly referred to as sprawl.

b. Encouraging Planned Growth

The federal government should, however, encourage local governments to use planned growth strategies, through technical assistance and training, as well as financial incentives. NLC supports planned growth, including housing development and/or regional land use planning, for the purpose of sustaining and

local community development activities and prevent draining limited energy and natural resources to meet today’s needs at the expense of future generations. Unplanned growth could result in loss of environmentally sensitive areas like wetlands, wildlife habitats, flood plains, unique geological formations, coastal zones, and renewable resource lands, as well as prime agricultural lands, steep slopes, forest and grazing lands, energy sources, watersheds and aquifers. (*See also EENR Chapter*)

To meet national sustainable goals, the federal government must:

- Promote land development that permits appropriate integration of living, working, shopping, recreation, transportation, communications, education, and natural resources;
- Provide continued funding to revitalize distressed areas, including federal tax incentives to encourage housing and business development in those areas;
- Encourage “in-fill” redevelopment of neglected urban/suburban areas to discourage unplanned growth;
- Identify financial tools and technical resources that help broaden the development choices available to communities;
- Provide relevant information for communities to support their efforts to grow in ways that ensure a high quality of life and strong, sustainable economic and physical growth;
- Provide incentives for communities to work together to meet the challenges and embrace the opportunities presented by growth;
- Eliminate or modify federal policies and regulations that encourage unplanned growth;
- Maintain a strong appreciation for sustainability in community and economic development and housing policies and program implementation (*see also EENR Chapter*); and
- Encourage thorough coordination of transportation policy with land use and economic development, as with “transit-oriented development.” Transportation and infrastructure are critical influences on land use. (*See also TIS Chapter*)

5. Federal Support Regarding Natural Disasters

Critical to the recovery of cities and towns affected by natural disasters, the federal government must provide economic support by:

- Reducing the high cost of natural disasters to local government through federal funding, such as tax incentives, of appropriate local pre- and post-disaster mitigation activities, such as retrofitting existing structures and locating new construction outside of high-risk areas; and
- Providing clarification by the Federal Emergency Management Agency (FEMA) of its definition of a high-risk area, taking into account changes in new and existing construction.

See also PSCP Chapter and CED Section 3.04(C)(12), Federal Assistance After a Disaster.

3.08 Recreation

A. Principles

Recreation opportunities are an essential aspect of the quality of life and must be available, affordable and accessible to all citizens.

B. Goals

A broad range of recreation opportunities, including physical, artistic, and cultural, should meet the needs of people where they live – in the nation’s municipalities, large and small. There is a particular urgency to provide public open space and recreational facilities in inner city neighborhoods.

C. Recommended Federal Actions

1. Urban Recreation

In addition to existing federal recreation programs, Congress must establish a program specifically geared toward urban recreation. The program should include adequate funding directly to municipalities and

counties to acquire land, construct quality facilities, and provide competent staff.

2. *Unilateral Federal or State Action*

When unilateral federal or state action decreases the recreation land or facilities available to citizens, the federal government should provide funds to the affected local government to improve existing facilities or to purchase and develop additional land to replace the land or facility taken.

NLC RESOLUTION #19**SUPPORTING A FEDERAL AGENDA FOR LOCAL ECONOMIC DEVELOPMENT,
ECONOMIC MOBILITY, AND ENTREPRENEURSHIP**

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

WHEREAS, NLC's indicates America's cities and towns are prioritizing economic recovery and addressing declines related to the COVID-19 pandemic; and

WHEREAS, the federal government has an essential role to play – in cooperation with local leaders – to help address the social, economic and fiscal challenges weighing on the nation's cities; and

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

WHEREAS, successful neighborhood revitalization requires effective plans for both community development and economic development; and

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

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

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

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; 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.

NLC RESOLUTION #20**URGING THE DEVELOPMENT OF CRITERIA FOR NEIGHBORHOOD PREFERENCE AS AN ANTI-DISPLACEMENT TOOL**

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

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

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

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

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

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

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

WHEREAS, cities have a legitimate interest in protecting long-term residents as long-term residents are often engaged positively in the community, provide community stability, and stability often leads to less crime; and

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

NOW, THEREFORE, BE IT RESOLVED that NLC urges the Secretary of the Department of 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.

NLC RESOLUTION #21**URGING THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
TO ENACT SAFEGUARDS AGAINST ABUSES IN CONTRACTS FOR DEEDS**

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

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities urges the U.S. Department of Housing and Urban Development, the U.S. Department of Veterans Affairs, and the Rural Housing Service of the U.S. Department of Agriculture to enact regulations and

safeguards against predatory uses of Contracts for Deeds, and to protect consumers from the practice of using Contracts for Deeds to unjustly evict families from their homes.

NLC RESOLUTION #22**SUPPORTING THE NEED FOR PUBLIC TRANSPARENCY SURROUNDING
INSTALLATION SCORING FROM PAST ROUNDS OF BASE REALIGNMENT AND
CLOSURE**

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, communities are engaging in efforts to build collaborative networks to support the needs of active duty and transitioning military personnel, their families, Veterans, and members of the reserve and National Guard through Community Veteran Engagement Boards (CVEBs), Points of Light Foundation's Community Blueprint program, and the U.S. Department of Defense's Employer Support of the Guard and Reserve (ESGR) program; and

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

WHEREAS, previous rounds of base realignment and closure resulted in installations and the surrounding communities being scored on specific criteria; 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

WHEREAS, 52 cities that are a part of NLC's Military Communities Council (MCC) represent the communities adjacent to military installations.

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.

NLC RESOLUTION #23**SUPPORTING A NATIONAL AGENDA FOR U.S. HOUSING INVESTMENT AND OPPORTUNITY**

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

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

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

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

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

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

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

WHEREAS, three out of four households eligible for federal housing assistance receive none; and

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

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

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

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

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

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

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

NLC RESOLUTION #24**ENDORISING THE RECOMMENDATIONS OF NLC’S NATIONAL HOUSING TASK FORCE REPORT “HOMEWARD BOUND, THE ROAD TO AFFORDABLE HOUSING”**

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

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

WHEREAS, in response to the housing crisis, former Mayor Karen Freeman-Wilson, Gary, Indiana, announced the formation of the National Housing Task Force in November 2018, under the leadership of chair Muriel Bowser, mayor of Washington, D.C.; and

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

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

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

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

BE IT FURTHER RESOLVED that the National League of Cities endorses the findings and recommendations of NLC’s National Housing Task Force Report “Homeward Bound, the Road 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.
5. Prioritize equitable outcomes in housing decision as it is an essential component for success.

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, build a humane, just and dignified asylum system, and restore the refugee resettlement program to historic norms; and
- Support efforts to ensure that cultural resources are accessible to all residents.

4.01 Social Services

NLC believes that the federal government should give special emphasis to social service funds for the nation's most vulnerable populations. Within this framework, the federal government should allow state and local governments to determine the types of services most appropriate to meet each community's needs. The federal government should:

- Increase funding for the Social Services Block Grant and other federal block grants that help local communities provide social services;
- Provide coordination, flexibility, and oversight, in full partnership with local officials;
- Ensure that all community-based organizations, including faith-based, that receive federal funds comply with all legal and constitutional civil rights requirements; and
- Focus on assisting senior citizens, individuals with disabilities, children and youth, immigrants and refugees, and individuals experiencing homelessness.

A. Funding

The federal government should provide sufficient and flexible federal funding to local communities for quality and responsive human services programs. This includes adequate funding of the Social Services Block Grant (SSBG), which helps serve many of the needs of special populations, the Community Services Block Grant (CSBG), which was designed to reduce poverty.

B. Coordination

The federal government should create a coordinated system of administration and delivery of human services to avoid

fragmenting services at the local level where public and private services are delivered. The federal government should include local officials in the planning, monitoring, evaluating, and decision-making on federal policies and programs. Federal regulations governing social services should be sufficiently flexible so that local government can ensure that programs meet local needs.

C. Program Evaluation

Social services programs should be evaluated on the basis of well-defined performance standards that relate to program administration and participant development, as well as on the basis of the numbers served or placed in programs.

D. Faith-Based Organizations

NLC believes that any faith-based organization or system of assistance and service delivery should be required to maintain critical safe guards to ensure the separation of church and state and adhere to all civil rights statutes and constitutional protections when hiring employees and providing services to clients. In addition, faith-based organizations should be required to meet the same accountability standards as any other service provider.

E. Special Populations

NLC supports federal efforts to focus funding and program services on special populations including:

- Senior Citizens (*see also HD Section 4.06, Seniors and Social Security*);
- Individuals with Disabilities (*see also HD Section 4.07, Individuals with Disabilities*);
- Children (*see also HD Section 4.02, Children and Learning*);
- Immigrants and Refugees (*see also HD Section 4.09, Immigration and Refugees*); and

- Individuals Experiencing Homelessness

4.02 Children and Learning

Cities and their elected leaders play a critical role in education and child care. 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, workforce, and civic strength. In addition, local elected officials have significant influence and can mobilize important resources to the benefit of local education 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 long-term prosperity.

NLC believes that the federal government, through funding and program support, should work with 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.

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 includes a focus on social determinants of health including Adverse Childhood Experiences (ACE);
- Invest in education, including early childhood education as well as comprehensive afterschool and

summer enrichment programs to ensure the reduction of dropout rates, increase graduation rates, address the achievement gap, promote postsecondary education, and to ensure that all children obtain the best education possible;

- Provide a comprehensive array of services that foster appropriate early childhood development;
- Ensure that high-quality, safe, and affordable child care is available to all children who need it;
- Ensure all children obtain nutritious meals while attending child care or school;
- Invest in early child care 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.
- Provide resources for green schoolyards, early childhood outdoor learning environments, and nature play spaces to support outcomes in health, education, sustainability, the environment, community cohesion, and park access.
- Support partnerships between school districts, local nonprofit organizations and public land agencies at every level for conducting school outdoors, prioritizing communities that disproportionately lack access to quality outdoor spaces.

A. Early Care and Learning

NLC supports early childhood development programs that address the holistic needs of children including their physical, social and emotional health and wellbeing and prepare them for long-term success in school and life. Such programs should include:

- Support for social and emotional health and well-being, routine health screenings, a, physical fitness activities, and nutrition for proper development;
- Training and support for families to support their child's development at home and to help them effectively advocate for their child at school, ;
- Developmentally appropriate early learning experiences grounded in research-backed curricula that incorporate play-based learning which develops a child's intelligence through experimentation and fosters collaboration with others.
- Learning environments that are safe, academically enriching, culturally appropriate and provide access to nature; and
- Early childhood educators that have the training, skills, and ongoing professional development to provide high-quality teacher/child interactions and are appropriately compensated according to their education and experience.

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, nutritional

assistance, family support services, and education programs so that all children have the skills and support needed to enter kindergarten ready to succeed.

NLC urges the federal government to provide direct funding to cities to support early childhood programs in their communities.

Furthermore, NLC urges the federal government to:

- Continue efforts to modernize and expand the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) program;
- Support increased funding for the Maternal, Infant and Early Childhood Home Visiting Program, and encourage greater coordination and alignment between federal, state, and locally funded home visiting models.
- Increase funding for the Child Care Development Block Grant to ensure that all families can find high-quality, accessible and affordable child care. Incentivize states to adopt payment and eligibility practices that better meet the needs of families and child care providers such as paying based on enrollment rather than attendance, setting payment rates based on the true cost of care rather than a market rate survey, utilizing contracts to build the supply of care, allowing families to be eligible for subsidy if attending an institute of higher education, and allowing localities to determine eligibility guidelines that can account for regional differences in the cost of living;
- Ensure that the early childhood 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. Effort should be made to promote a diverse early childhood workforce that is trained in trauma-responsive care, culturally appropriate practices; and implicit bias;

- Create a local early childhood innovation fund to encourage states, counties, local governments and their partners to find new ways to support the expansion and quality of child care and preschool in communities through early childhood workforce preparation programs, facilities enhancements, and strategic partnerships between early childhood programs and city agencies that serve families, so that families have access to nutrition and health services, housing, transportation and employment services.

NLC also recommends that the federal government:

- Provide tax incentives to businesses to provide child care facilities at worksites and to subsidize the child care costs of their employees;
- Encourage public-private partnerships through matching funds and financial incentives;
- Educate employers on the economic benefits of providing child care;
- Provide support and regulations to ensure child care 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 child care as a legitimate business including providing them operational support and make available low-interest loans to those interested in starting child care businesses.

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

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 funding for preschool expansion and encourage states to adopt a mixed-delivery model that supports children's holistic development.;
- Increase funding for Head Start, Early Head Start, and the Early Head Start Child Care Partnerships programs. Preserve the federal-to-local funding structure and encourage more birth-to-five grants to allow for additional flexibility for local programs to structure their operations to best meet local needs. Also, in addition to further supporting State Collaboration Offices, create local collaboration grants for cities, counties or their partners to help align and coordinate federal, state and local early childhood initiatives; and
- Provide support for the inclusion of outdoor learning environments and nature play spaces that promote early

learning, healthy development, healthy eating, and positive interactions between families and young children within parks, green spaces, and early childhood centers; and

- Supports transition activities to ensure that children entering kindergarten have the support needed to be successful in school.

B. School-Age Children

NLC supports comprehensive programs to raise student achievement and support positive whole child development. NLC supports Title I of the ESEA, which enables schools serving under-resourced children to meet their unique educational needs. NLC also supports federal efforts around after-school and summer learning through the expansion and full funding of the 21st Century Community Learning Center grants at its authorized levels, summer or year-round youth employment, service-learning programs, financial inclusion through financial education and vocational/career technical education that may include apprenticeship programs that are linked to staying in school, higher school attendance, improved grades and behavior.

The federal government should increase funding for programs that support students who have disengaged from school so they can return to school, receive an alternative education, and easily 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 career and technical education 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 investments in high-quality educator preparation programs, multicultural lessons inside and outside of school, multigenerational programs, and other needed services;
- Continue to implement flexible policies based on different communities' needs;
- Continue to allow states to give some school districts time-limited waivers regarding assessments of students who are new immigrants; and
- Provide support that helps mixed-status immigrant youth and families navigate the postsecondary education application process.

C. Family and Community Education Programs

NLC supports federal initiatives that encourage and reinforce family involvement in school programs, such as the Communities in Schools program, which makes comprehensive human services like healthcare, food access, family literacy, mentoring, and family counseling programs available at neighborhood schools. Cities play an important role in the success of federal programs like the Summer Food Service Program, and NLC supports continued federal investments in these critical programs that meet students' basic needs.

D. Safe Schools

NLC also believes that widespread bullying and harassment—including bullying based on race, ethnicity, nationality, religion, culture, sexual orientation and/or gender

identity—result in poor grades, lower academic achievement, high rates of absenteeism, and a lack of safety within schools, that lead to poor individual and school scores, higher dropout rates, and student suicides. Therefore, NLC urges Congress and the Administration to pass and sign into law legislation that would address the problem of bullying and harassment in America's schools. The legislation should require that local school districts and their schools :

- Adopt comprehensive and effective student conduct policies that include clear prohibitions regarding all bullying and harassment, including bullying and harassment based on race, ethnicity, nationality, religion, culture, sexual orientation and gender identity;
- Create effective prevention strategies and professional development programs designed to help school personnel meaningfully address issues associated with bullying and harassment; and
- Implement procedures to maintain and report data regarding incidents of bullying and harassment in order to inform the development of effective federal, state, and local policies that address these issues.
- Improve access to social emotional learning programs for youth and adults that have links to promoting positive school climate;
- Invest in high-quality educator preparation and training, including peer-to-peer learning, that promotes equitable social and emotional learning models, and create collaborations between school staff and external mental health and wellness providers;
- Address the impact of structural racism on BIPOC students, including

disparities in
punishment/enforcement.

E. Green Schoolyards

NLC supports federal funding in support of all-inclusive infrastructure and design to ensure that green schoolyards and outdoor learning are seen as important, cost-effective assets for student learning and become fully integrated into school infrastructure, green infrastructure planning processes funding mechanisms, and state education standards. These installations:

- Support a healthy school environment, both indoors and outside, to ensure the health and wellbeing of children, teachers, and staff;
- Reduce the carbon footprint and urban heat island effects of thousands of school buildings and grounds;
- Ensure buildings and grounds that are adaptable and resilient to address climate change impacts such as increasing extreme weather events; and
- Provide locations for wrap-around services and joint uses such as for school-based health clinics, adult and youth education, and civic and recreational centers.

F. Post-Secondary Education

Education and training beyond high school is increasingly required to ensure access to the jobs of the future and upward economic mobility. Without high-quality postsecondary education that develops a skilled and trained workforce, the nation's cities, towns and villages will face serious challenges when it comes to attracting and retaining businesses and staying economically competitive. NLC urges Congress to support strategies and investments that improve postsecondary

access, completion, and long-term success in the labor market including those that:

- Ensure a smooth transition from high school to postsecondary education and work. NLC supports those college preparation programs, authorized by the Higher Education Act, that help to bridge the transition from high school to college (such as Gear Up, Upward Bound, Talent Search, Student Support Services, and Educational Opportunity Centers). NLC also supports dual and concurrent enrollment programs, and college-in high school models like P-TECH;
- Promote a culture of postsecondary engagement, support the expansion of dedicated savings vehicles for post-secondary education such as children's savings accounts or other programs operated by towns, cities, and villages;
- Support work-based and career-connected learning, like programs funded under the Carl D. Perkins Career and Technical Education Act and Registered Apprenticeship Programs and continue to ensure such programs are responsive to local labor market needs;
- Support career readiness programs, including English language and technology literacy programs as well as soft skills training;
- Elevate the central role that community colleges play in providing non-degree credentials, rapid upskilling and job training, and work to align federal support staff and technical assistance for community colleges at the U.S. Departments of Education and Labor;
- Incentivize state re-investment in higher education;

- Provide technical assistance and guidance to postsecondary institutions on strategies to improve career guidance, industry credential attainment, competency-based education, and other evidence-based practices.
- Make it easier for people receiving food assistance or social services to access postsecondary education. Work requirements in programs like TANF & SNAP can prevent youth and adults from gaining the education and skills they need to access economic opportunity; and
- Promote transparency in postsecondary data – including labor market outcome data – to enable local policymakers to make effective decisions that support education attainment and address equity issues.

G. Public Libraries

NLC believes that public libraries are educational institutions that provide critical education services to the community. Therefore, NLC urges the federal government to designate public libraries as educational institutions able to qualify for broader sources of funding to improve:

- Broadband and computer access to low-income households;
- Provide tech-support and digital literacy programs for residents of all ages;
- Collaboration with local elected officials, community-based organizations, schools, and workforce boards to improve access to learning and skills development programs;
- Integration and advancement of financial empowerment services;
- Accessibility for residents of all abilities;

- Access to programs and resources in various languages including American Sign Language;
- Access to afterschool and summer enrichment programs and healthy meals; and
- Needs assessment within communities that are marginalized and under-resourced.

4.03 Poverty Reduction and Income Support

NLC believes that all levels of government should work to eliminate poverty, ensure a basic quality of life for all Americans, and promote self-sufficiency. To achieve this, the federal government should provide comprehensive and coordinated services to families in need that consider regional and local differences. In addition, all programs should be administered in an effective and cost-efficient manner that incorporates the capacities of all levels of government.

A. Poverty Reduction

NLC supports federal efforts to encourage employment that reduces dependence on social services. However, NLC urges Congress to review and improve the 1996 welfare reform law by:

- Changing the central focus of TANF from welfare caseload reduction to poverty reduction;
- Eliminating unfunded mandates;
- Eliminating arbitrary time limits for necessary work supports, such as transportation, child care, and housing supplements;
- Including in the definition of work participation in support services, work study, and the pursuit of educational attainment;
- Providing incentives for strong workable contingency plans that

would be implemented during recessions; and

- Allowing immigrants to receive welfare benefits.

B. 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 child care; health insurance; substance abuse and rehabilitation 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 with pathways 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;
- Direct federal investments to address the digital literacy gap facing the 48 million Americans with limited or no digital literacy skills;

- 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. This information can be used to help improve program design and outcomes for participants.

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. The federal government should make permanent the expansions of the EITC for those without children and the Child Tax Credit made possible with the passage of the American Rescue Plan Act. In addition, the federal government should support working families by increasing the minimum wage.

C. Supportive Services

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

D. 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 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, keeping permanent the recent increase in service age for Child and Adult Food Care Program (CACFP) to age 24;
- 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, job placement services, access to identification, and connection with financial 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.;
- Develop a unique set of services and programs to aid and assist homeless veterans; and
- Create stronger connections with the local school districts' McKinney-Vento liaisons to ensure that children experiencing homelessness are supported in their educational needs.

See also CED section 3.06 Housing (C)(7), Providing Transitional Housing and Comprehensive Services for the Homeless

E. Change the Federal Poverty Level

NLC calls upon the federal government to create new federal poverty guidelines that accurately reflect the regional costs of goods and services and the spending needs of individuals and families. The current poverty guidelines were created in the early nineteen-sixties, are outdated, and too low, and do not accurately account for all Americans living in actual poverty. NLC encourages updates that are in line with the Supplemental Poverty Measure (SPM), published by the U.S. Census Bureau since 2011, which extends the official poverty measure by taking into account government programs that assist low-income families that are not included in the official poverty measure.

4.04 Employment

NLC believes that the federal government should maintain an economic environment that promotes job creation and job access. To support America's workers and employers, the federal government should:

- Create incentives for meaningful jobs in areas of high unemployment;
- Make work pay by setting the minimum wage and Earned Income Tax Credit (EITC) at levels that in combination allow families to support themselves above the poverty level;
- Protect the financial integrity of the Unemployment Insurance program and maintain the Employment Service, which is responsible for distributing unemployment checks and providing job placement services;

- Continue efforts to expand Short-Time Compensation program adoption by states and employers to avert layoffs; and
- Increase access to critical technology infrastructure such as high-speed broadband necessary for jobs now and in the future, including to support telework opportunities where feasible.

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, in addition:

- 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 opportunity 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.
- 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 ideally connected to postsecondary skills development opportunities in in-demand career pathways 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;

- More generally promote streamlining of state occupational licensure procedures that reduce economic and geographic mobility for millions of Americans, including veterans, healthcare professionals, and others in in-demand industries;
- 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 child care and portable benefits system to ensure all those able to engage in the workforce are able, including supporting an intra-DOL taskforce/study group on the gig economy and worker classification. When the federal government closes military bases or major federal facilities, the federal government should provide direct assistance to ensure that individuals receive the retraining and job placement assistance they need.

B. Job Creation

To reduce poverty, the federal government should provide resources to help local communities address the shortage of living wage jobs.

In addition, the federal government should assist in areas of high unemployment to promote job creation, including tax credits and other incentives to business and industry that will promote business growth and entrepreneurship and generate new employment opportunities in those areas. NLC also supports local hire initiatives and encourages the federal government to allow and support these programs to ensure that local workers have access to local jobs.

NLC also supports transitional jobs, or public sector jobs that are designed to provide individuals with temporary employment that will lead to full-time permanent employment after a period of classroom, on-the-job, and other types of training consistent with permanent, full-time employment. The President and Congress should establish a national infrastructure program with the goal of stimulating job growth, retraining the workforce, and boosting local economies.

C. Job Elimination

When employers downsize, relocate or close businesses they should be required to give advance notice to employees and the local government in which the business resides so that appropriate preparations may be made to meet the needs of the dislocated workers.

Therefore, NLC supports the Worker adjustment and Retraining Notification (WARN) Act and other federal laws that ensure advance notice in cases of closing and mass layoffs and requires private businesses to :

- Provide 60 days advance notice of relocations, reductions in workforce or business closings for businesses with 100 or more employees;
- Consult with local municipal officials so that the individuals and communities affected can plan for needed adjustments; and
- Create incentives for individuals to be re-skilled/re-trained to obtain further employment within the local community;
- Make supplemental financial contributions to support the unemployment insurance fund to assist in worker transition; and
- Support Short-Term Compensation (STC) programs, also known as “work sharing”, as a layoff aversion tactic under a state-approved plan to

reduce the hours for a group of workers who in turn also receive a reduced unemployment benefit payment.

D. Wages and Income

NLC urges the federal government to increase the minimum wage and Earned Income Tax Credit (EITC) to levels that, in combination, allow families to support themselves above the poverty level. NLC opposes a federal sub-minimum wage for youth and supports a minimum wage for all workers regardless of age, sex, sexual orientation, religion, race or job classification.

NLC urges the federal government to review the impact of any wage and overtime rule on cities and towns and to adjust the implementation as is necessary so as not to have an unintended impact on municipal budgets.

NLC opposes any wage and overtime rules that would have automatic updates without purposeful Congressional or Administrative study and action.

E. Family and Medical Leave

NLC supports a minimum of 12 weeks paid leave in the event of one's own illness, 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), after birth, or to bond with a new child entering the family through birth, adoption, or foster care placement.

4.05 Equal Opportunity

NLC believes that the federal government should uphold fundamental principles of

equality and the rule of law, and address, by enforcing the laws, acts of bias, bigotry, racism, xenophobia, sexism, homophobia, transphobia, ageism, and ableism.

To ensure equal opportunity for all, the federal government should:

- Enforce civil rights laws and eliminate discrimination with regard to race, color, religion, national origin, immigration status, age, sex, sexual orientation, gender/identity expression or any social barriers or physical disadvantage;
- Promote and encourage efforts in employment, education, delivery of services, and health care to ensure that every person is considered only with regard to individual need; and
- Take current action to remedy past discrimination.
- Develop and disseminate legal standards that will provide clear guidance on the use of mechanisms to address present or past racial discrimination;
- Promote diversity;
- Explicitly include women and sexual/gender minorities in the Constitution;
- Provide all employers with information on how to adopt and carry out effective affirmative action programs; and
- Expand opportunities in federal and local procurement for people of color, women, LGBTQ+ and individuals with disabilities.

4.06 Seniors and Social Security

NLC believes that the federal government should ensure that all seniors have:

- A floor of financial support which would provide an adequate standard of living;

- An opportunity for employment free from discriminatory practices because of age;
- Suitable housing;
- An appropriate level of physical and mental health services;
- Ready access to effective social services;
- Appropriate institutional care when required;
- A life and death with dignity;
- Information about available supportive services; and
- Supportive services that enable seniors to age in place.

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. NLC supports seniors in our communities to have affordable opportunities and support to age in a place of their choice that meets their needs. 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, support home repairs and accessibility renovations, ensure access to healthy foods, 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

B. Social Security

The Social Security system should provide participants with a floor of financial support upon retirement or disability which should be supplemented the participants’ private savings, pension and other federal and state programs based on eligibility.

NLC urges the federal government to maintain the current benefits structure and the current method of establishing cost-of-living adjustments (COLA). Should changes in any aspect of the Social Security system be necessary, those changes should be phased in over time and should be designed so that they do not impact those who currently are receiving benefits or are likely to receive benefits within a five-year window.

NLC also believes that the federal government should take into account the number and types of non-traditional families that are emerging and ensure that these families receive the same types of retirement benefits as traditional families, particularly with regard to dependents and survivors.

NLC also believes that the federal government should initiate programs of

enforcement and education for employers and employers so that domestic workers and others who may have traditionally worked in the cash economy are not disadvantaged or disqualified from receiving Social Security benefits.

4.07 Individuals with Disabilities

The federal government should address the range of needs of individuals with physical and intellectual/developmental disabilities and mental illness so that they may live productive, fulfilling lives and fully integrate into society. However, any local assistance mandated by the federal government should be reasonable in its requirements and expectations, and when possible, fully funded by the federal government.

The federal government should:

- Adopt clear rules for cities to follow regarding accessibility for persons with disabilities;
- Provide financial resources directly to cities to help with the costs of compliance and serving the needs of individuals with disabilities including transit and housing options;
- Provide funding to local communities to implement inclusion programs and build local staffing capacity to serve residents with disabilities;
- Increase postsecondary opportunities and success for students and youth with disabilities;
- Increase its support to allow persons with disabilities to achieve the maximum degree of self-sufficiency; and
- Fully fund the Individuals with Disabilities Education Act (IDEA) and reauthorize and fully fund the

Workforce Innovation and Opportunity Act (WIOA).

A. City Liability

Federal law should recommend that individuals with grievances should first follow the local and state grievance procedures prior to requesting a hearing process with the federal government.

B. Self-Sufficiency

The federal government should increase funding for workforce development, social services and housing programs, including permanent, affordable supportive housing for persons with disabilities. These efforts should include financial incentives for self-sufficiency.

The federal government should recognize the needs of persons with mental illness and provide the necessary support for treatment, employment, social services and housing programs.

C. Education

NLC fully supports the Individuals with Disabilities Education Act (IDEA) and its implementation and urges the federal government to fully fund the commitment it made in 1975 to fund 40 percent of the per-pupil cost of services required by this Act.

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), SNAP, WIC, 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.
- 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.

In addition, NLC urges the federal government to:

- Enhance access to health care by expanding telemedicine and virtual health options, particularly in rural areas;
- Provide funding for outreach and application assistance to uninsured individuals;

A. Elimination of Disparities

NLC urges Congress and the Administration to address the disparities in health care access and treatment between racial and ethnic minority population groups and Caucasians by following the recommendations of the National Institutes of Medicine, the National Healthcare Disparities Report and the President's New Freedom Commission report. In addition, Congress should adopt legislation and the Administration should develop an administrative initiatives and education campaign that addresses and increases the awareness of the general public, health care providers, insurance companies,

and policymakers about physical and mental health disparities based on race and ethnicity, including but not limited to the C.W. Bill Young Cell Transplantation Program so that it remains the single point of access for patients who require matching adult donors and umbilical cord blood.

B. National Health and Wellness

Strategy

NLC urges the federal government to partner with cities and towns to improve the health of all Americans, but not to result in unfunded mandates. This should be done by developing a cross-sector, integrated national strategy that identifies priorities for improving the health of Americans and provides to cities and towns the support that is needed to create healthy and safe communities, expand clinical and community-based preventive services, empower people to make healthy choices, and eliminate health disparities. Examples of this include Let's Move and Healthy Eating Active Living (HEAL) Cities which have as their goal reducing obesity and improving the overall health and wellness of city and town residents and employees. Specifically, NLC urges the federal government to address the significant problems faced in maintaining clean air, water, and land, and to focus on designing and promoting affordable, accessible, safe and healthy housing and food systems; strengthening local health departments so that they can provide essential services; integrating health criteria into decision making; and using health goals and objectives as benchmarks for existing conditions and as targets for future actions.

C. School-Based Health Clinics

NLC supports the use and growth of school-based clinics, which often help both students and local community members obtain a comprehensive array of individualized

services that address physical, emotional, and social needs.

D. Local Official Involvement

NLC urges the federal government to recognize that local officials should be involved in the assessment and design of an economic and comprehensive public and personal health services delivery system. Any federal effort to aid states in implementing disaster planning should include a requirement that the states include local officials in the planning process.

The federal government should encourage city officials to actively participate in projecting and certifying the need for facilities and in evaluating the performance of existing facilities in meeting city health needs. After a public health threat, terrorist attack, or natural disaster, the federal government should communicate quickly and effectively with local governments about public health activities and requirements.

E. Metropolitan Medical Response System

NLC supports the Metropolitan Medical Response System (MMRS) program and urges Congress to reauthorize, increase funding, and expand MMRS to work with additional cities and cover broader geographic areas. This would ensure that all cities have a coordinated response system in place with the necessary equipment and training to respond to bioterrorist events and other disasters.

F. Vaccination Stockpiles

The federal government should accelerate development and procurement of all vaccines and those pharmaceuticals needed to control and treat biological threats, such as smallpox and anthrax. Local health officials should have the ability to quickly access appropriate medical supplies and vaccines through the National Pharmaceutical Stockpile Program

of the Centers for Disease Control and Prevention (CDC).

G. Infectious Diseases

A pandemic of any type would cause serious problems worldwide and overwhelm the public safety, health and medical infrastructure, education facilities, public institutions, and private businesses of American cities, towns and villages. The federal government, in coordination with the international community, should further develop and coordinate a comprehensive research and containment strategy that involves commitments of federal funding, supplies, equipment, training, expertise, personnel, countermeasures, and public health measures.

Specific attention should also be placed on the transmission of zoonotic diseases, such as COVID-19, which are transmitted from animals to humans and that researchers now believe contributes to no fewer than 2.2 million deaths each year on average. As we have experienced with COVID-19, which has resulted in 4.93 million deaths worldwide as of October 2021, these diseases are an increasingly serious problem resulting from environmental change and increased travel among and between nations.

NLC urges the federal government to put in place effective methods for controlling the spread of zoonotic diseases and to invest in education, training and infrastructure so that city public health officials are prepared to address such outbreaks with a focus on equitable coordination with state and local governments and best practice sharing among communities. NLC also calls on the federal government to continue to recognize the financial impact of these diseases on local economies and to work with local leaders to understand revenue loss and impacts,

H. Substance Abuse

The federal government should maintain the definition of substance use disorders as illnesses and should ensure that there are enough facilities for those who need substance use disorder treatment, including children and infants who are born with prenatal substance exposure.

According to the National Survey on Drug Use and Health (NSDUH, 2014), 21.2 million Americans needed treatment for a substance use disorder. However, only about 2.5 million people received the specialized treatment they needed. The federal government should take steps to improve access to medication-assisted treatment and ensure that Naloxone dosage guidelines keep pace with the changing needs on the ground, especially the increasing prevalence of fentanyl. Harm reduction efforts such as syringe exchange programs should be scaled in coordination with state and local partners.

Additionally, the federal government should provide education and support services for families involved in the recovery process including culturally sensitive community supports and adequate resources to mitigate the impact of intergenerational trauma caused by substance abuse in the home.

Resources should include:

- Accessible, affordable detoxification centers that facilitates entry into long-term treatment and recovery.
- Education and support for family members impacted by the dysfunction associated with substance use, including how adverse childhood experiences increase risk for substance use.
- Community supports, including assistance with basic needs, that ensure individuals and families have the necessary resources to mitigate the stress that can lead to relapse.

I. Protecting the Nation's Blood Supply

NLC remains deeply concerned about the potential for local, regional and national blood shortages that can occur when certain types of men are prohibited from donating blood. Therefore, NLC joins with the American Red Cross, the American Association of Blood Banks and America's blood centers in asking that the Food and Drug Administration address the potential for blood shortages by issuing guidelines that ensure that anyone who is healthy enough to give blood is able to do so regardless of their sexual orientation or gender identity.

J. Mental Health

The federal government should ensure that the civil and constitutional rights of persons with mental health conditions and substance use disorders are protected. In addition, the federal government should provide trauma-informed funding and support to local communities to increase protective factors that promote resilience in children and families without regard to race, gender, sexual orientation, age, ethnicity, ability or gender identity.

NLC supports mental health parity and the provision of comprehensive services to address mental health needs for persons with general mental health conditions, serious mental health diagnoses, and substance use disorders. Whether at the federal, state or local levels, there should be effective plans for preventing, diagnosing, and treating mental health conditions and substance use disorders that reflect the parity between mental and physical health. Mental health and substance use disorder services should be accessible and equal to physical health services. These services should also provide support and stabilization to family systems.

The Federal government should:

- Embed behavioral health supports in existing community centers to promote integrated systems of health care and stress reduction;
- Coordinate with state, county, and local officials on the implementation of the 988 mental health line, to ensure coordinated access to service providers;
- Recognize trauma as a major public health threat and offer mandated trauma-awareness trainings for all entities receiving federal funding;
- Incentivize screenings for social determinants of health including Adverse Childhood Experiences (ACE) screenings understanding that adversity in childhood impacts healthy brain development and increases risk for disease and early death;
- Acknowledge the significant return on investment in early childhood programs and supports for children and families including home visitation, parenting education, and affordable, high quality preschool. These programs allow service providers to identify environmental risks that can lead to substance use disorders and mental health conditions.

K. Tobacco

Any revenues raised by increasing federal excise taxes should be earmarked for health services and tobacco control activities. Any federal legislation on tobacco should not preempt stronger state and local tobacco control laws or remedies.

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.

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 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 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;
- Protect people seeking asylum at the border, create a humane reception system for migrants and refugees;
- 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 create a pathway to U.S. citizenship and an improved process to eliminate case backlogs that prevent and slow the process;
- 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;
- Restore the refugee resettlement program by increasing the annual admission allotment for refugee resettlement to at least the annual average since program inception (95,000);
- Reopen ports of entry to process asylum seekers in accordance with international law; and
- 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.

4.10 Cultural Resources

NLC urges the federal government to:

- Increase direct federal funding for cultural resources; and
- Review tax laws to facilitate indirect financial support of the arts.

In addition, federal funds should be available to cities to:

- Develop public lands and facilities use of the arts;
- Provide employment in cultural services; and

- Promote the use of the arts as a stimulus to economic development.

4.11 Veterans

NLC believes that all levels of government have an obligation to support the men and women of the armed services who have made sacrifices to preserve the freedom of the American people.

In order to meet the diverse needs of veterans and their families, NLC believes the federal government should:

- Provide effective veterans’ health care;
- Support programs that provide homeless veterans with safe, affordable, and permanent housing and fund programs to eliminate root causes of veterans’ homelessness, including research, treatment, and support programs;
- Ensure that comprehensive mental health services are available to veterans and their families;
- Provide veterans with the employment and education resources needed to succeed in the 21st century workforce;
- Ensure that National Guard and Reservists have access to support services when they return from active duty; and
- Focus on the unique needs of women veterans, especially the unique health care needs of women and those women veterans who reside in rural areas.

4.12 International, National and Community Service

NLC believes that federal investment in international, national and community service is an important way to help cities, towns and villages meet pressing needs in

areas such as neighborhood revitalization and healthy, affordable housing; conservation and the environment including climate resilience and adaptation; human services; public safety and public health; and education and child/youth development.

In order to support communities towards this end, NLC believes that the federal government should:

- Ensure a range of ways for municipalities to engage with international, national and community service programs, including as project sponsors, hosts of individual placement and crew-based programs, and participants on State Service Commissions.
- Provide support for engagement of the full range of city, town and village residents in full-time or part-time stipend international, national and community service activities, with post-service scholarship awards, and with special emphasis on involvement of disconnected youth and young adults, seniors, and veterans.
- Ensure leadership opportunities for city and town elected officials on national Days of Service.
- Provide ongoing reporting on the impact of international, national and community service on cities, towns and villages, and about the contributions of our communities towards advancing international, national and community service.

NLC RESOLUTION #25**IN SUPPORT OF ACTION BY THE CENTERS FOR DISEASE CONTROL AND PREVENTION (CDC) TO STUDY AND ADDRESS VIOLENCE IN AMERICA**

WHEREAS, young men, generally, and African-American males, specifically, are dying at an alarming rate due to homicides, 13 times higher than non-Hispanic white youth^[1], and is the number one cause of death for 15-24-year-old African American males^[2], and

WHEREAS, every month, an average of 53 women are shot and killed by an intimate partner, nearly 1 million women alive today report being shot or shot at by intimate partners, and 4.5 million woman have reported being threatened with a gun^[3]; and

WHEREAS, studies show that LGBTQ+ people, especially youth, are at a higher risk of attempting suicide and 17 percent of gay and lesbian youth, 9 percent of bisexual youth, and 21 percent of transgender youth have been threatened with a weapon on school property^[4]; and

WHEREAS, youth violence is an adverse childhood experience (ACE) and can have a long-term impact on health and wellbeing^[5].

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

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

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

BE IT FURTHER RESOLVED that Congress and the President increase funding for the Centers for Disease Control and Prevention in the federal budget to support data and indicators that will inform local strategy in cities and towns across our country as they address the issue of violence in their communities.

NLC RESOLUTION #26**IN SUPPORT OF COMPREHENSIVE IMMIGRATION REFORM**

WHEREAS, historically, the cities and towns of the United States are a cultural mosaic of multiple cultures and nationalities based on our nation's history of welcoming immigrants; and

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

WHEREAS, failure on the part of the federal government to simplify immigration procedures, reopen legal ports of entry for asylum seekers to deter illegal entrance, secure the borders, track visa recipients in the interior, or enforce worksite laws allows illegal immigration to thrive, with an estimated 11.3 million residents, 3.5% of the nation's population, living and/or working in the United States without legal authorization or proper documentation^[6]; and

WHEREAS, more than 40 million people living in the United States are foreign-born of which 23% are unauthorized immigrants, 27% are lawful permanent residents, and 77% are lawful immigrants^[7]; and

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

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

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

WHEREAS, output in the economy is higher and grows faster with more immigrants^[8]; and

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

WHEREAS, roughly two-thirds of undocumented adult immigrants have lived in the United States for ten years or more, 1 million unauthorized immigrants are children, and another 4.5 million U.S.-citizen children have at least one undocumented parent^[9]; and these families are forced to live “underground,” unable to get drivers’ licenses or car insurance in most states, unlikely to obtain health insurance, and afraid to report crimes to local law enforcement; and

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

WHEREAS, with the signing on the executive order, “Affording Congress an Opportunity to Address Family Separation”, the President called for modification of the 1997 *Flores v. Reno* court settlement to enable Immigration and Customs Enforcement (ICE) to detain families together longer than 20 days, resulting in nearly 2,000 children having been separated from their parents in a six-week time period, many of whom are being sent to cities and facilities across the country^[10]; and

WHEREAS, with guidance from the U.S. Citizenship and Immigration Services (USCIS) updating policy for the accrual of unlawful presence of those in student (F nonimmigrant), exchange visitor (J nonimmigrant) or vocational student (M nonimmigrant), visa overstay penalties will include harsher penalties impacting students and families^[11]; and

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

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

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 was set in FY21 at the lowest since the passage of the Refugee Act of 1980, with a limit of 18,000, and then increased to 62,500 midyear, a level not able to be met in a short period of time without adequate support in place and still remaining below the historic average; 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, Title 42 continues to be used to prohibit entry of asylum seekers to the U.S. and expel them to danger in other countries; and

WHEREAS, the global refugee crisis the highest in history, with over 82.4 million forcibly displaced people worldwide, including 26.4 million refugees and 4.1 million asylum-seekers. under international law¹.

NOW, THEREFORE, BE IT RESOLVED that the federal government should provide local governments with financial and technical assistance to alleviate the local impact of and ensure the success and productivity 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 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 the speed of processing, 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

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

¹ <https://www.unhcr.org/refugee-statistics/>

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 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 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 supports federal legislation like the “Dream Act” that can facilitate state efforts to offer in-state tuition to undocumented students and provide Dreamers with a path to U.S. citizenship; and

BE IT FURTHER RESOLVED that documented 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 that 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

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

BE IT FURTHER RESOLVED that the federal government should restore and increase the refugee resettlement allotments.

BE IT FURTHER RESOLVED that the federal government should end Title 42 expulsions of asylum seekers.

NLC RESOLUTION #27**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 emails^[13]; 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 retaliation^[14]; 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 sector^[15]; 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

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

NLC RESOLUTION #28**IN SUPPORT OF REAUTHORIZATION OF THE WORKFORCE INNOVATION AND OPPORTUNITY ACT AND INCREASED INVESTMENT IN WORKFORCE DEVELOPMENT PROGRAMS**

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

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

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

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

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

WHEREAS, during these unprecedented times, it is clearer than ever that workers need skills now to access open positions. Out of the nearly 60 million people who have filed for unemployment since March, [more than 40 percent^{\[16\]}](#) have been workers who earn less than \$40,000 a year; and

WHEREAS, the global crisis has disproportionately impacted workers without any education past high school, workers who already needed access to skills prior to the pandemic. Workers with a high school degree or less have been displaced at [nearly three times^{\[17\]}](#) the rate as those with a bachelor's degree; and

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^{\[18\]}](#) 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 good^[19]; 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; and

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; and

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 continue to increase in number and expand into new and emerging industries including health, technology (IT), finance and transportation^{[\[20\]](#)}; and

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

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

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

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

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

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

NLC RESOLUTION #29**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 and including early examples of racism such as the Chinese Exclusion Act and state-sanctioned violence against LatinX people such as the Porvenir massacre. There are numerous examples of racism in the history and present of the United States; much of the Black experience in America has been endured under slavery and Jim Crow which allowed preferential opportunities for white people while subjecting Black, and Indigenous people to hardships and disadvantages in every area of life and Asian and LatinX people have experienced racism and violence, including the forcible relocation and incarceration of Asian Americans in internment camps during World War II, and forced deportation of American citizens with Mexican heritage during the Great Depression; 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. Black, Indigenous, LatinX, Asian, and other People of Color are disproportionately impacted because of long standing racism in every system, unaddressed health disparities and other socioeconomic inequities across class lines; and

WHEREAS, COVID-19 is killing Indigenous and LatinX people at 2.4 times the rate of white people, and Black people at 2 times the rate of White people¹. Asian and Pacific Islander communities are experiencing racist violence and treatment due to xenophobic rhetoric related to the virus; 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 People of Color, unfairly advantages white 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, Asian 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 country^[21]; 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 equity^[22] For example, lending practices of the 20th century known as “redlining” and

¹<https://www.cdc.gov/coronavirus/2019-ncov/covid-data/investigations-discovery/hospitalization-death-by-race-ethnicity.html>

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

WHEREAS, Black people in the United States face higher rates of chronic disease than White people^[23], Black women are nearly four times as likely to die of pregnancy-related causes than White women^[24] and Black people are more likely to die at early ages of all causes^[25]; and

WHEREAS, the privileges that white 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.

NLC RESOLUTION #30**IN SUPPORT OF ACTIONS BY THE CENTERS FOR DISEASE CONTROL AND PREVENTION (CDC) AND DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) TO ADDRESS CORONAVIRUS HEALTH DISPARITIES THROUGH RESOURCES AND DATA**

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

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

WHEREAS, nationally, COVID-19 is killing Indigenous and LatinX people at 2.4 times the rate of white people, and Black people at 2 times the rate of White people; and

WHEREAS, women of color are also disproportionately likely to experience many of the chronic health conditions that heighten the risk of serious illness from COVID-19, such as diabetes and asthma, as a result of structural racism^[27]; and

WHEREAS, women are more likely to be on the front lines of coronavirus response and exposure: 52 percent of essential workers are women, and women are the majority of the workers in jobs that the federal government has designated as essential, including the vast majority of hospital workers, home health aides, and grocery store cashiers^[28]; and

WHEREAS, in 42 states plus Washington D.C., Latinos make up a greater share of confirmed cases than their share of the population^[29]; and

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

WHEREAS, while data for tribal populations is harder to come by, where it exists, it also shows glaring disparities. In New Mexico, Native American communities have accounted for 60% of cases but only 9% of the population. Similarly, in Arizona, at least 136 Native American have died from COVID-19, a striking 21% of deaths in a state where just 4% of the population are Native American^[31]; 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 difficult^[32]; 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 pandemic^[33]; 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 patients^[34]; 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 future^[35].

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, religion, and gender identity; and

BE IT FURTHER RESOLVED that 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.

NLC RESOLUTION #31**IN SUPPORT OF THE ONE HEALTH INITIATIVE**

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

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

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

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

WHEREAS, the *One Health Initiative*^{[\[36\]](#)} is a collaborative, multisectoral, and transdisciplinary approach—working at the local, regional, national, and global levels—to achieve optimal health outcomes recognizing the interconnection between people, animals, plants, and their shared environment; and

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

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

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

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

WHEREAS, climate change will affect energy costs, the frequency and severity of floods, fires, wind events, heat waves, and other extreme weather conditions; coastal development and

building standards; incidence vector-borne illnesses; crop production; habitat loss; endangerment and extinction of species; and human illness; and

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

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

NLC RESOLUTION #32**IN SUPPORT OF CHILD NUTRITION REAUTHORIZATION**

WHEREAS, federal nutrition programs play a critical role in helping children in low-income families improve their overall nutrition, health, development, and academic achievement. These programs support the development of our next-generation workforce; and

WHEREAS, the Child and Adult Care Food Program (CACFP) provides healthy meals and snacks that support good nutrition and prepares children to learn at school and in high-quality child care settings; and

WHEREAS, the afterschool and summer nutrition programs provide meals and snacks at schools, parks, recreation centers, libraries, nonprofit organizations, and others often provide nutritious food and educational enrichment and physical activities in low-income communities; and

WHEREAS, the National School Lunch Program and the School Breakfast Program play an essential part in reducing hunger, improving nutrition, and supporting learning for millions of children. School meals will be an important tool as schools work to overcome the learning loss students had due to the COVID-19 pandemic; and

WHEREAS, the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) provides nutritious food and nutrition education to low-income, at-risk pregnant and postpartum mothers, infants, and young children.

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities (NLC) calls upon the United States Congress to strengthen federal nutrition program access and supports participation by under-resourced children, ensuring nutrition quality and simplifies program administration and operation; and

BE IT FURTHER RESOLVED that Congress should lower area eligibility test to 40 percent to allow more low-income communities to provide summer meals; and

BE IT FURTHER RESOLVED that Congress should allow nonprofits and local governments to provide meals year-round seamlessly through the Summer Food Service Program^[i]; and

BE IT FURTHER RESOLVED that Congress increase school breakfast and school lunch reimbursement rates to match the recommended rates of the U.S. Department of Agriculture's School Nutrition and Meal Cost Study^[ii]; and

BE IT FURTHER RESOLVED that the federal government should expand WIC research in under-resourced communities; and

BE IT FURTHER RESOLVED that Congress should extend certification periods to two years for infants and postpartum women for those in the WIC program; and

BE IT FURTHER RESOLVED that NLC urges Congress to permanently implement policy improvements for federal nutrition programs that were made in response to COVID-19 including but not limited to creating the Pandemic Electronic Benefit Transfer (P-EBT) program and alternative delivery models.

NLC RESOLUTION #33**IN SUPPORT OF A NATIONAL HOLIDAY COMMEMORATING THE
ACCOMPLISHMENTS AND LEGACY OF CESAR ESTRADA CHAVEZ**

WHEREAS, César Estrada Chávez was born on March 31, 1927, near Yuma, Arizona on a family farm; and

WHEREAS, at the age of 10, César Estrada Chávez joined the thousands of migrant farm workers laboring in fields and vineyards throughout the Southwest after a bank foreclosure resulted in the loss of the family farm; and

WHEREAS, César Estrada Chávez left school to work full-time as a farm worker to help support his family; and

WHEREAS, at the age of 17, César Estrada Chávez entered the United States Navy and served the United States with distinction for 2 years; and

WHEREAS, in 1952, César Estrada Chávez joined the Community Service Organization, a prominent Latino civil rights group, and worked with the organization to coordinate voter registration drives and conduct campaigns against discrimination in east Los Angeles. He later served as their national director; and

WHEREAS, in 1962, César Estrada Chávez left the Community Service Organization to found the National Farm Workers Association, which eventually became the United Farm Workers of America; and

WHEREAS, under the leadership of César Estrada Chávez, the United Farm Workers of America organized thousands of migrant farm workers to fight for fair wages, health care coverage, pension benefits, livable housing, and respect; and

WHEREAS, his union's efforts brought about the passage of the landmark 1975 California Agricultural Labor Relations Act, which sought justice and guaranteed certain protections for farm workers; and

WHEREAS, through his commitment to nonviolence, César Estrada Chávez brought dignity and respect to the organized farm workers and became an inspiration to and a resource for individuals engaged in human rights struggles throughout the world; and

WHEREAS, the influence of César Estrada Chávez extends far beyond agriculture and provides inspiration for those working to better human rights, empower workers, and advance the American Dream; and

WHEREAS, 10 States and dozens of communities across the United States honor the life and legacy of César Estrada Chávez on March 31st of each year; and

WHEREAS, during his lifetime, César Estrada Chávez was a recipient of the Martin Luther King, Jr. Peace Prize and posthumously awarded the Presidential Medal of Freedom; and

WHEREAS, President Barack Obama proclaimed “César Chávez Day” on March 31 of every year as a United States commemorative holiday to support public observance of the contributions of Cesar Chavez to the United States.

NOW, THEREFORE, BE IT RESOLVED the National League of Cities calls upon the United States Congress to declare a national holiday celebrating the life and legacy of César Estrada Chávez.

NLC RESOLUTION #34**IN SUPPORT OF THE EQUALITY ACT**

WHEREAS, the National League of Cities (NLC) opposes discrimination on the basis of race, color, religion, national origin, ancestry, disability, age, sexual orientation, gender identity and sex; and

WHEREAS, the member cities of NLC respect the fundamental dignity of all people and want to see all members of our communities able to participate fully in society; and

WHEREAS, there are 29 states where LGBTQ+ Americans are not fully protected from discrimination, including in credit, education, employment, housing, government funded programs, jury service and public accommodations such as stores, restaurants, and transportation services; and

WHEREAS, the current state and local patchwork of laws about non-discrimination creates uncertainty and unpredictability for businesses operating across multiple states; and

WHEREAS, the member cities of NLC agree that as Americans, everyone should have the freedom and opportunity to work hard, earn a living, provide for their families, and contribute to their communities; and

WHEREAS, 76% of Americans support a policy of non-discrimination against their LGBTQ+ neighbors; and

WHEREAS, The Equality Act requires our nation's civil rights laws to work in support of prohibiting discrimination based on sex, sexual orientation, and gender identity in areas including public accommodations and facilities, education, federal funding, employment, housing, credit, and the jury system and defines and includes sex, sexual orientation, and gender identity among the prohibited categories of discrimination or segregation.

NOW, THEREFORE, BE IT RESOLVED that NLC calls on Congress and the President to pass S. 393/H.R. 5, The Equality Act, and provide full protections for Lesbian, Gay, Bisexual and Transgender individuals regardless of where they live in the United States.

NLC RESOLUTION #35**IN SUPPORT OF MOTHERS IN THE WORKFORCE**

WHEREAS, any relief and long-term recovery from the economic fallout of the COVID–19 pandemic must recognize, rebuild, and support mothers who wish to return to the workforce; and

WHEREAS, women, and especially working mothers, are bearing the brunt of the economic fallout from the COVID–19 pandemic as a result of existing social barriers and policy failures such as the lack of a child care infrastructure, national paid leave policy and gender and racial pay inequity; and

WHEREAS, prior to the pandemic, women comprised the majority of the workforce for the first time in almost a decade; and

WHEREAS, 2,300,000 women have left the labor force since the beginning of the COVID–19 pandemic; and

WHEREAS, mothers in the prime of their working lives have paid an especially high price, with those ages 25 to 54 experiencing a 5.7-percentage point decline in employment since the COVID–19 pandemic began, compared to a 3.1 percentage-point decline for fathers in the same age group; and

WHEREAS, work interruptions caused by school closures and child care closures have disproportionately impacted women, forcing women to reduce work hours, take a leave of absence, or permanently leave the workforce; and

WHEREAS, the unprecedented burdens of child care, work, and remote learning have strained the mental and emotional health of mothers; and

WHEREAS, access to paid leave during the COVID–19 pandemic has been linked to a reduction in the spread of COVID–19 by as many as 15,000 new cases per day.

NOW, THEREFORE, BE IT RESOLVED the National League of Cities calls on Congress to recognize, rebuild, and support mothers who wish to return to the workforce in order to support local economic recovery including support for a minimum of 12 weeks paid leave, the Child Care for Working Families Act and the Black Maternal Health Momnibus Act of 2021.

NLC RESOLUTION #36**IN SUPPORT OF EQUAL PAY FOR WOMEN**

WHEREAS, women of all ethnicities who are working full-time, year-round are paid an average of 82 percent of what a man is paid; and

WHEREAS, the disparities are even greater for Black, Native American, and Hispanic women, who are paid 63 percent, 60 percent, and 55 percent of white men's wages, respectively; and

WHEREAS, while Asian American women make 87 percent of what white men make, the gap for Asian women varies significantly depending on subpopulation, with some Asian women – for example, Cambodian and Vietnamese women – earning among the lowest wages; and

WHEREAS, since the COVID-19 pandemic began, we have seen women, particularly women of color, disproportionately working on the frontlines, caring for our loved ones, and working to combat the virus, and women bore the brunt of the child care crisis due to COVID-19 impacts on child care and school, with women leaving the workforce due to child care needs at a rate of more than four times men during the pandemic; and

WHEREAS, while the Lilly Ledbetter Fair Pay Act was signed into law in 2009, which amends Title VII of the Civil Rights Act of 1964 and states that the 180-day statute of limitations for filing an equal-pay lawsuit regarding pay discrimination resets with each new paycheck affected by that discriminatory action, we must go farther.

NOW, THEREFORE, BE IT RESOLVED the National League of Cities calls on Congress to pass the Paycheck Fairness Act, which works to address ending pay discrimination.

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 government responsibility but emphasis should be at the local and regional level to improve our transportation system. 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. The impact of federally regulated interstate commerce transportation decisions on communities and quality of life must be recognized and considered. 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.

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 MPOs 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 MPOs 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 MPOs and that such officials participate in the designation and re-designation of the planning organization and its membership.

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.

5. Municipal Impact Analysis

The social, environmental, economic, and energy impacts of proposed federal transportation legislation and regulations should be identified by the MPOs 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.

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.

f. *Manuals for Advising*

The federal Manual on Uniform Traffic Control Devices (MUTCD) must be modernized as a trusted resource for federal, state and cities' transportation staff to select appropriate road safety devices for all road types. MUTCD must not be used to create preferential treatment among modes, supersede local professional judgement or block cities from using innovative new technologies. Appropriate research funding and resources should be provided by USDOT for communities to further the experimentation process for new devices, particularly to reduce risk for all road users. USDOT must weigh the economic cost of their recommended changes which can be prohibitive to upgrading local infrastructure.

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.
- 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.

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.

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.

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.

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
- 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.

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 road safety, including work zones. NLC supports the use of incentive grants to encourage states to adopt more stringent 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 funding to eliminate 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 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.

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 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.

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

NLC urgently requests Federal Aviation Administration (FAA) intensify and accelerate efforts to deliver rapid relief to residents of cities impacted by airports and aircraft overflights and their heightened and increasingly unacceptable levels of aircraft noise and pollution. In that effort, FAA policy should be extended to provide for the funding and implementation of measures to address the negative impacts of aircraft on affected communities. FAA should enforce

adherence to “Fly-Quiet programs”, as well as residential-compatible runway usage, flight paths, and curfews established by local jurisdictions and approved by FAA. The NLC further requests FAA to revise flight paths, to the extent compatible with aviation safety, away from sensitive receptors and residential areas, and complete and implement the findings of the study of alternatives to the currently applicable 65 Db DNL (or CNEL in California) noise metric upon which FAA relies in its evaluation of noise impacts. FAA must adhere scrupulously to the requirements of NEPA. In doing so, it must not only conduct complete environmental impact studies rather than relying on Categorical Exclusions from environmental review of operations over affected communities but must also use a noise standard that accurately reflects the impacts of flight path changes and NextGen routing over established communities. The NLC encourages the appropriation of Federal funds to provide the resources required by affected communities to plan for compatible zoning regulations proactively in areas near airports and that are subject to substantial aircraft overflight. Finally, included in its complete environmental review should be a thorough study of the health impacts of burned jet-fuel residue on the health and quality of life of residents in affected areas, as well as on the environment. To effectuate these goals efficiently and expeditiously, increased, collaborative FAA/citizen participation in the planning, design, and implementation of NextGen routing process is also essential. (See clarifications at EENR Section 2.09, Noise Control, and CED Section 3.06, Land Use)

D. Federal Role in Air Traffic Control

The federal government should provide funding for and ensure all airports and aircraft, including horizontal space delivery vehicles, are participants in a national air

navigation system which provides for safe aircraft operation. Additionally, the federal government should continue to provide for the safe integration of new aviation entrants into the national airspace and engage with local governments in the creation of new structures and technology to manage airspace such as the Low Altitude Authorization and Notification Capability system. NLC encourages FAA to consider how to advance a more responsive system for temporary notices and flight restrictions.

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

Local governments and our agencies remain one of the most significant authorized user groups of unmanned aircraft systems (UAS or drones), and cities are poised to benefit from the entry of new advanced urban air mobility (UAM or AAM) vehicles and UAS. Congress and the FAA must respect and uphold the existing authorities of local governments over land use, zoning, privacy, trespass, transportation, and law enforcement operations and work proactively with communities to seamlessly integrate and optimize drone operations. Further, FAA should not create unfunded mandates for local communities by the UAS and UAM structures they create nor allow for unsafe conditions to be created on the ground for communities from flights.

It is unacceptable for local safety and emergency personnel to be burdened by managing the careless, clueless and criminal operators without appropriate tools and support. Congress must consider granting provisional or cooperative counterdrone authority for local law enforcement before FAA further opens UAS operations as it increases safety risks to communities.

Congress should establish a ground-to-air transportation planning program to begin to align UAM integration planning into existing long-term transportation plans with capital funding to develop and test operational concepts and development of heliport guidance should be appropriate to urban, suburban and rural environments and cost-effective for development where air carriers have abandoned essential air service.

USDOT and FAA must include local government representation to all federal stakeholder groups and advisory committees that will impact local skies.

5.05 Rail

A. Rail Principles

NLC encourages the federal government and Federal Railroad Administration (FRA) to establish forward-looking and comprehensive visions, plans and regulations for passenger and freight rail that serves the development and renewal of safe and efficient freight movement through and to cities and connected and effective passenger rail including long-distance, inter-city regional and commuter service that provides significant mobility options to Americans.

The rail system in the U.S. should be modernized and renewed to supply:

1. Freight movement that delivers goods, supports economic activity, operates safely and efficiently and works with cities towns and villages to reduce noise,

blockages, emergency service disruptions and other impacts.

2. Long-distance inter-city passenger rail service traveling at least daily between myriad city pairs that is safe and convenient, is a proven economic catalyst for cities and regions, widens access to regional employment, education and medical care and opens the flow of tourist revenue for the communities it serves.
3. Regional and commuter rail service that travels frequently between city centers, outer suburbs, and commuter towns connecting people to jobs, educational opportunities, medical facilities, and centers of art and tourism, unlocking opportunities and aiding city towns and villages work toward equity, quality of life and sustainability.

NLC encourages the federal government and FRA to prioritize federal investment in rail projects that meet the following principles:

1. *Local input*: accord with the recommendations of local governments to state compacts and state and federal rail plans;
2. *Rail Infrastructure*: use of existing rail infrastructure, introduce improvements to benefit unimpeded freight and passenger traffic on the same corridor;
3. *Service Equity*: introduce or enhance passenger rail service to underserved communities and/or regions unserved with rail transportation options;
4. *Expand Connectivity*: by increasing service, city pairs, and new lines of service in a wider rail network and coordinating with “last mile” transit options;
5. *Reduce GHG Emissions*: shift travel and freight demand to the significantly more energy-efficient option of rail to reduce the percentage of transportation related emissions.

B. Passenger Rail Planning

NLC believes substantive engagement of local communities in passenger rail planning is essential to achieving a national network that meets the needs of the American people. NLC urges Congress and the Administration to develop a long-range vision and plans for a coordinated national network of long-distance and state supported passenger rail service serving growth in America's regions and providing service to underserved areas. Plans should draw on state and intra-state rail plans and prioritization.

Ensure that plans are informed by and reflect the needs and priorities of local communities:

1. FRA, Amtrak and other operators should substantively include local governments in all their planning activities. The federal government should require states to do the same in state rail planning efforts required and supported under federal law.
2. NLC supports the authority to form multi-state and regional rail compacts to engage in corridor recommendations, coordination and project prioritization and development of multi-state regional rail, plans and maps and implementation of rail projects based on the local and state input received.
3. NLC further urges that states, regions and localities be provided sufficient resources in planning and implementing regional and commuter services.

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.

C. Passenger Rail Finance

NLC encourages the federal government to enact policies and programs that would

expand public and private investment in both passenger and freight rail mobility. NLC supports creation of a rail trust fund or similar mechanism to ensure continued investment and appropriate expansion to meet the rail visions adopted which include:

1. *Increased funding*: for existing programs such as Consolidated Rail Infrastructure and Safety Improvements Program (CRISI) and Restoration & Enhancement Grant Program and creation of new programs as needed to adequately fund rail infrastructure acquisitions, improvements, and rights-of-way and operating costs;
2. *Increased passenger specific funding*: federal sources specifically designated for passenger and commuter rail, including a set aside to ensure equity for underserved regions and populations;
3. *Flex funding*: allowing state, regional, and local government entities the option to flex a portion of their federal transportation allocation on intercity rail; and
4. *Bonding*: Allowing federal and state governments to issue tax-exempt or tax-credit bonds for financing rail improvements;
5. *Competition*: Support open competitive bidding on all contracts related to passenger rail development.

D. Rail Safety

American deaths and serious injuries by rail have plateaued despite efforts by FRA and railroad operators. NLC calls on FRA and the Surface Transportation Board to continue to regulate safety using existing structures and legal options to follow through on modern safety practices and using policy tools, including incentives and penalties.

NLC urges the FRA to redouble its attention to the safety and mobility challenges that result from capital and operational decisions

such as the running of longer trains. The FRA should conduct a study including local impact data from rail. The federal government require rail operators to introduce state-of-the-art solutions where train length and/or frequency impair the safety, mobility and/or pedestrian connectivity of communities on the project corridor.

NLC urges Congress to review the following rail safety issues:

1. *Local Access*: Requirements to close multiple rail crossings to receive agreement for support on isolated new investments in safe overpasses, underpasses, pedestrian bridges is unnecessary and unsafe;
2. *Blocked Crossings*: The increasing length of freight trains poses a safety hazard to communities which lack grade separations for emergency responders and other vehicular traffic, and safety standards should be established for the maximum length of time and reoccurrence of blocked crossing with appropriate consequences for failure;
3. *Technology for Prevention*: 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;
4. *Communication*: NLC urges the federal government to direct the FRA to establish direct and transparent channels of communication between host railroads, operators and local governments through which to address safety issues and incidents and pursue productive collaboration between railroads and operators as needed to reduce conflicts, as well as deaths and fatalities related to rail lines.
5. *Maintenance*: Lack of railroad maintenance jeopardizes safety. The

closure of poorly maintained crossings and infrastructure cause congestion on remaining crossings putting operators and passengers of motor vehicles at a greater risk;

6. *Hazardous goods*: The proximity, switching and storage of railroad cars containing volatile and hazardous materials in and through urban and residential neighborhoods;
7. *Crew size*: The hazard of reduced crews undermines the safe and efficient movement of trains and puts local first responders in unsafe situations during rail incidents and accidents.

E. Freight and Passenger Rail Oversight

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 Amtrak intercity passenger rail providers and railroad companies owners 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.

Rail owners must be disincentivized by the federal government from uncompetitive practices by the federal government to price gouge other entities seeking to reasonably access the network. Rail operations should be competitive, and market driven.

Congress and FRA must improve on-time passenger interstate rail service by ensuring the Surface Transportation Board is able to effectively measure it and report it publicly by having access to freight and passenger data from rail owners and operators.

NLC believes that no federal rail advisory committee on rail is complete without local and regional representation. NLC recommends Amtrak's board include at least one local elected official and regional planning leader to appropriately represent the communities it serves.

F. Rail Operations and Maintenance

Continued maintenance is the individual responsibility of the rail owner. NLC urges the federal government to review and update rail track standards for dual freight and intercity passenger rail uses through appropriate rail improvements and clarify responsibility and funding mechanisms for dual use tracks. Congress and the public and private sectors must cooperate to provide for the efficient movement of freight and passengers, especially with regards to the management, relocation of rail lines, sidings, and increased rail traffic within metropolitan areas, to maximize benefits while reducing safety hazard and disruptions to municipal functions.

G. Rail Environmental and Noise 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, 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. FRA's Train Horn rules must be modernized to utilize technology to affordably and safely make rail notifications in communities. FRA should work with communities to develop, test and adopt modern noise and light standards using

new tools and methods to reduce community harm and disruption while continuing operations. Also, the impact of the increasing weight of freight trains along with increasing length must be evaluated in terms of impact on noise and vibration levels experienced in surrounding communities. Rail yard lighting standards and types need to be established that minimize lighting impact on neighboring communities.

H. 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:

1. Require railroads to provide specific information concerning traffic trends, profitability, and rail line conditions to federal authorities, rail users, and state and local governments six months prior to the filing of the abandonment application.
2. 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.
3. Provide federal financial assistance for the purpose of converting existing rail terminals into intermodal/ multimodal facilities.
4. Ensure that active but unused rail lines are not allowed to deteriorate beyond the condition that would allow public use if the line were abandoned and transferred to public ownership.
5. 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.

I. Rail Mergers

NLC calls on USDOT and FRA to increase their safety oversight under all existing laws and regulations to reevaluate railroad incentives and penalties, address noise issues in communities, decrease barriers for local communities that perpetuate inequities, while ensuring safety at at-grade rail crossings. Freight rail mergers in the United States must be in the best interest of the country and a competitive marketplace. The Surface Transportation Board should be required to consider the impact on cities, towns and villages and their resident's quality of life and all aspects of a railroad's safety record as two of the key criteria for approving railroad mergers or expansions. 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.

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;
- 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;
 - Require pipeline operators to disclose to local and state authorities the results of all pipeline inspections;
 - Require the Office of Pipeline Safety to work with local emergency response providers to develop preparedness and response plans, and to provide appropriate funding, including grants, to local jurisdictions to implement such plans;
 - Recognize the right of local governments through franchise provisions to require pipeline operators to 1) provide to local governments the data and results from internal and external pipeline assessments along with a description of the testing methods to allow for their analysis of the potential risks to public safety; 2) require pipeline operators to cooperate with local governments in emergency preparedness and response and 3) require pipeline operators to have state of the art safety, warning, detection and emergency response capabilities to protect cities and their citizens and to mitigate potential damages from an accident;
 - Require pipeline operators to provide data to the National Pipeline Mapping system administered by OPS and make this data available to local jurisdictions;
- Require periodic management audits of pipeline companies to assure compliance with the foregoing;
 - Provide enhanced funding to federal agencies and states charged with the implementation and oversight of pipeline safety laws and regulations; and
 - Require pipeline operators to provide for anti-tampering devices and surveillance systems to protect pipelines from criminal activity, including terrorist attacks to deny service, and drug cartel use of the pipelines for drug deliveries.

NLC RESOLUTION #37**PARTNER WITH CITIES, TOWNS, AND VILLAGES ON FLEXIBLE PROGRAMS TO MEET EVERY COMMUNITY'S TRANSPORTATION NEEDS AND VISION**

WHEREAS, the National League of Cities (NLC) applauds Congress, the President, and the Administration for advancing the Infrastructure Investment and Jobs Act (IIJA), a historic national infrastructure package that will allow us to rebuild and reimagine America's transportation and essential infrastructure together; and

WHEREAS, the economic potential of our cities, towns and villages relies on a safe and efficient multimodal network of locally owned and operated roads, bridges, transit, rail, sidewalks, trails, airports and ports built on strong transportation plans starting at the local and regional level and intersecting with state and national systems; and

WHEREAS, local governmental agencies own 74.8% of the nation's highway lane mileage¹ and 50% of the nation's 617,000 bridges² while 845 urban and 1,684 rural transit providers are directly owned by local governments and make up 46% of the nation's transit providers;³ and

WHEREAS, as the level of government closest to America's communities, cities, towns and villages continues to be responsive to emerging and obstinate challenges while also being nimble, innovative and welcoming to new creative ideas and processes that deserve further recognition; and

WHEREAS, local governments are prioritizing the full transportation network as a critical instrument for reaching community goals including quality of life for residents, economic opportunity for workers and businesses, health outcomes for children, equity for disadvantaged people and neighborhoods and so many more, but we share ownership and responsibility for the transportation network with federal and state authorities whose decisions can impact what is possible in our own areas, such as with the limitations from the Manual on Uniform Traffic Control Devices.

NOW, THEREFORE, BE IT RESOLVED that NLC urges the federal government to *prioritize infrastructure partnership* with America's cities, towns and villages as a national priority through direct and flexible programs that are positioned to meet every community's transportation needs and vision as they carry out the programs and policy in the Infrastructure Investment and Jobs Act; and

BE IT FURTHER RESOLVED that local governments expect that the USDOT will *support the full transportation network* of the U.S. and align available programs, investments, research, and support more appropriately to reflect the demands of the full system and work with all infrastructure owners productively;

¹ <https://www.fhwa.dot.gov/policy/23cpr/chap1.cfm>

² <https://crsreports.congress.gov/product/pdf/R/R44459>

³ <https://crsreports.congress.gov/product/pdf/R/R44459>

BE IT FURTHER RESOLVED that NLC asks for federal, state and regional *commitments to collaboration* with cities, towns and villages on the rebuilding and reimagining necessary for transportation, including renewing a long-term comprehensive transportation vision and completing thousands of projects in the next decade; and

BE IT FURTHER RESOLVED that NLC recommends that the *federal funding process and administration be guided and streamlined* so that cities, towns and villages are empowered to manage and utilize federal transportation investments efficiently and effectively without fear of unnecessary burden or surprise costs; and

BE IT FURTHER RESOLVED that America's local governments fully support a more *equitable approach in the distribution and competition for federal resources* across the full transportation network and prioritizing projects based on their local and regional impact; and

BE IT FURTHER RESOLVED that local governments call on the federal government to support local initiatives to *modernize and improve transportation planning and community engagement*, including partnerships with community leaders and community-based organizations to ensure a greater and more equitable role for impacted communities in transportation planning; and

BE IT FURTHER RESOLVED that America's local governments support both *traditional and emerging transportation modes* including regional and intercity rail connections, safe biking and walking infrastructure, transit and micromobility of all forms including autonomous vehicles, modern buses, scooters and e-bikes; and

BE IT FURTHER RESOLVED that NLC supports continuing to move toward a *outcome-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; and

BE IT FURTHER RESOLVED that local governments call on the federal government to address the nation's congestion points in collaboration with our communities and actively consider the essential urban and rural connections between ports, rail, freight and highways and the implications on the nation's energy use, economy, public health, and environment.

NLC RESOLUTION #38**ADVANCING SAFETY FOR ALL TO REACH VISION ZERO WITH POLICIES
THAT ACHIEVE SAFE, HEALTHY AND EQUITABLE MOBILITY FOR ALL**

WHEREAS, every traffic death in the U.S. is unacceptable and preventable, yet each year more than 40,000 people are killed and thousands more are injured on American streets and every 7 minutes a pedestrian is injured; and

WHEREAS, while everyone is affected by collisions, collisions do not affect everyone equally; and

WHEREAS, preventable deaths and serious injuries disproportionately impact disadvantaged and vulnerable communities that include, but are not limited to: children, older adults, individuals experiencing homelessness, individuals who rely on streets, bike lanes, and sidewalks for income, individuals with a disability, and individuals who have historically been profiled by law enforcement; and

WHEREAS, as the primary owners and managers of the road network in the U.S., America's local governments are leading safety efforts across the country on the roads, rails and sidewalks they own and operate by implementing road design and technology solutions that allow us to reach a goal of zero fatalities – Vision Zero; and

WHEREAS, the United Nations has proclaimed a [Decade of Action for Road Safety from 2021-2030](#), to target a reduction of road traffic deaths and injuries by 50% by 2030 using a [Safe Systems approach](#) and Senator Blumenthal of Connecticut and Representative Schankowsky of Illinois have introduced a bi-cameral resolution expressing a desire to reduce traffic fatalities to zero by 2050; and

WHEREAS, communities of all sizes can aid in preventing the deaths of our residents, neighbors and families by taking a proactive, preventative [“Safe Systems” approach](#) that acknowledges humans make mistakes and uses a holistic safety approach of the road system; and

WHEREAS, communities across the country are engaged in planning and constructing connected networks of safe trails and active transportation infrastructure that enable people to, in the safest way possible, walk or bike to their daily destinations, including their schools, workplaces, and commercial centers; and

WHEREAS, road collisions also have an economic cost to the injured and even to those who are not immediately impacted, since communities share responsibility for the increased costs of medical services, legal and court fees, emergency service response, insurance administration, congestion, property damage, and decreased workplace productivity from incidents.

NOW, THEREFORE, BE IT RESOLVED that America's city leaders urge the President, Congress, USDOT and all federal agencies to commit federal leadership and support to cities prioritizing safety for all residents through safety efforts, implementing Safe Systems in roadway design and guidance recognizing that design is more effective than enforcement, honing proven countermeasures and interventions that prioritize transportation safety for all, investing in safe and

connected trail and greenway networks, and working with cities toward the “Vision Zero” goal of zero deaths on roads in the U.S.; and

BE IT FURTHER RESOLVED that to design safe, healthy, equitable multi-modal mobility for all and utilize the strength of cities as the laboratories of innovation, we urge Congress to authorize and appropriate sufficient safety and infrastructure funding to cities to implement Safe System local plans that provide a path of actions to “Vision Zero” and provide safer streets for all users and invest in safe and connected on- and off-road active transportation networks; and

BE IT FURTHER RESOLVED, cities, towns, and villages call on USDOT to ensure that safety data is widely available and accessible, methodologies for showcasing safety outcomes are developed in collaboration with communities, and that the value for investments in safety are demonstrated; and

BE IT FURTHER RESOLVED that USDOT should encourage state departments of transportation to improve data gathering and technical assistance for local government on safety as well and tracking of traffic crashes and other issues related to transportation safety; and

BE IT FURTHER RESOLVED that NLC encourages the USDOT to update design standards and manuals, such as the Manual on Uniform Traffic Control Devices (MUTCD), and guidelines for road speeds with a focus to put safety first for all users and shift away from constructs like level-of-service in lieu of improved performance standards; and

BE IT FURTHER RESOLVED that given the inequitable impacts to disadvantaged communities of unsafe roadway design and lack of access to safe and connected networks for walking and bicycling, achieving equity in safety should be a priority to repair the disparity in access to safe transportation options; and

BE IT FURTHER RESOLVED that public education is not achieved through advertising alone so we urge the use of more effective education strategies with USDOT resources such as demonstration projects, tactical urbanism projects, local community engagement, local road safety audits, and other effective strategies to address safety and capture interest.

PUBLIC SAFETY AND CRIME PREVENTION (2022)

Primer

Providing for the public's safety is ultimately the responsibility of municipal government and one of its highest priorities. "Public safety" means not only putting an end to the levels of crime and violence that impact the everyday lives of our residents, but just as importantly, delivering life-saving rescue services, preventing fires, and preparing for and responding effectively to foreign and domestic terrorism, natural and manmade disasters, and pandemic events.

The list below is a summary of all the federal policy objectives contained in the Public Safety and Crime Prevention chapter of NLC's National Municipal Policy. The purpose of the summary is to provide a quick reference guide in responding to most legislative and regulatory actions that may affect local authority over public safety programs.

NLC SUPPORTS FEDERAL PROGRAMS AND FUNDING THAT HELP CITIES...

- implement the principles of community policing within their local law enforcement agencies.
- target, prosecute and convict violent criminals, drug dealers, sex offenders and human traffickers.
- reduce gun violence.
- prevent hate crimes and youth violence.
- establish initiatives that reduce the need for the incarceration of at risk youth, mentally ill and non-violent drug offenders.
- provide assistance to victims of crime.
- address problems associated with domestic violence through prevention, intervention, treatment, and effective prosecution.
- manage drug abuse prevention, education, treatment, and community wellness programs.
- reintegrate convicted offenders, who have completed their sentence, back in to the community.
- fight cybercrimes and cyberattacks.
- mitigate risk, respond to and recover from natural and manmade disasters.
- share information and intelligence among local, state, and federal law enforcement agencies.
- maintain safe and secure roads and public transit systems.
- improve first responder voice and data communications, public alerting and 9-1-1 calling systems.
- acquire and maintain first responder equipment and technology.
- train law enforcement, fire, and emergency medical personnel.
- safeguard civil liberties and privacy of its citizens while ensuring public safety.

NLC OPPOSES ANY FEDERAL MANDATE THAT...

- is unfunded or underfunded.
- reduces or restricts local control of public safety programs.
- limits a local governments ability to enact laws to improve public safety.
- imposes or increases the liability or risk to a local government.
- conscripts local government personnel to enforce federal immigration laws.
- adopts or gives legal status to law enforcement, fire and emergency medical standards developed by bodies not having adequate representation by elected officials.
- restricts local governments ability to participate in programs that support local, state and federal law enforcement partnerships.

6.00 Introduction

The primary goal of local public safety and crime prevention efforts is to ensure that the nation's cities and towns provide a safe, healthy environment in which residents can live. To achieve this goal, federal, state and local officials must view the safety of the community in holistic terms. Officials must recognize the danger of focusing exclusively on prevention, intervention, response or punishment. Public safety efforts are more likely to result in safer communities if all solutions are integrated into a single strategy.

6.01 Crime Prevention

A. Problem Statement

Crime prevention is everyone's responsibility because crime and violence plague all American cities and towns. Serious discussions continue to be held by all levels of government over the complex coordinated services that can make a difference, but substantive action has been slow in coming. These services include preschool education, recreation, neighborhood and employment programs targeted for youth, substance abuse treatment on demand, victims assistance programs, economic development, and job training and creation.

The attention of all levels of government should not only be aimed at the perpetrators of crime and violence, but also their victims. Toward this end, NLC supports direct federal funding to cities for local victims assistance efforts and programs funded through an office for victims of crime.

The practice of community policing is an important part of crime prevention and has helped to return a sense of unity between local law enforcement and the community.

B. Goals

Prevention of crime and violence is the goal; public safety education is the key. This can be done by such efforts as implementing drug awareness programs, restricting access to guns, increasing recreational programs, returning schools to the "safe havens" they once were, providing children with successful role models, and celebrating positive successes of our youth. This nation needs to view young people as assets – not liabilities.

Action must be taken to prevent crime and violence in our communities. To accomplish this, NLC:

- Strongly supports community policing efforts;
- Supports adequate and direct federal anti-drug, anti-violence and gang prevention funding to cities and towns that can be directed towards community policing efforts, anti-crime and violence activities, and rural enforcement programs;
- Cities must continue to partner and collaborate with state and federal government to help combat youth and gang violence;
- Cities should continue to work with state and federal government agencies to provide resources for transitional services to all prisoners reentering society;
- Urges a greater role for municipal elected officials in federal decision-making regarding the local use and expenditure of federal anti-crime and violence funds. This would allow flexibility to redirect financial resources from drug interdiction activities to prevention and treatment;
- Urges on-going reevaluation of state and federal laws and regulations related to public safety and crime prevention issues. This reevaluation should include a review of laws and regulations which address the age at which juveniles are charged as

adults and should include the input of municipal elected officials;

- Urges the federal government to continue to gather information on hate crimes, family status, educational level and income as well as race in its crime statistics on perpetrators and victims and give the reporting of these variables equal prominence;
- Encourages federal law enforcement officials to investigate and prosecute cases in which crimes occur because of the real or perceived race, national origin, religion, gender, sexual orientation or disability of a victim. Such investigation and prosecution should not supersede the right of state and local communities to legislate and prosecute in the area of hate crimes;
- Urges Congress to continue to support the efforts of the National Crime Prevention Council (NCPC) which has provided cities and towns with the hands-on, how-to, materials and publications to assist citizens in their efforts to organize and fight back against crime and violence;
- Urges the United States government to use all means at its disposal to secure the extradition of those alleged to have committed crimes against the people of the United States; and
- Encourages and supports federal efforts to address the growing forms of electronic or “cyberspace” crimes through the Department of Justice and other federal law enforcement agencies. Cooperation, specialized training and tracking equipment is essential for federal, state and local law enforcement personnel. Continued federal funding to train local governments and law enforcement agencies on how to deter, identify, and capture cybercriminals is essential to prevent and detect on-line crime.

C. Weapons and Ammunition Control

The growing illegal use of firearms in cities and towns throughout this nation is the common denominator for most violent deaths. Firearms do not kill and maim without someone pulling a trigger. Controlling weapons and ammunition is just part of a more comprehensive effort necessary to reduce violent acts. NLC urges all levels of government to adopt statutory, regulatory, and policy actions to confront, curb, and eventually eliminate firearms violence in America. Specifically, NLC asks the federal government to:

- Provide funding and resources to the ATF to help facilitate efforts of states and localities to register guns;
- Provide additional resources to ATF to help local and state governments establish programs that would make it more difficult for criminals to access weapons and ammunition.
- Continue to enact initiatives and strengthen laws imposing enhanced sentences for the use of a firearm in the commission of any federal, state, or local crime;
- Strongly support enhanced programs to arrest gun traffickers and shut down the illegal sale and distribution of firearms;
- Regulate, in a manner consistent with the Constitution, Internet facilitated firearms commerce and provide the same oversight as other types of commerce involving the sale and/or transfer of ownership of firearms; grant authority to the appropriate Federal agency to regulate and otherwise oversee the design, safety, and responsible marketing and sales of firearms;
- Support flexible federal funding for local programs that address gun violence and promote gun safety education and training in safe effective handling and secured storage of legal firearms;

- Continue the federal ban on all manufacture, sale, importation or use of armor-piercing bullets that can penetrate bullet-proof vests except for legitimate use by the military and police officers.¹
- Support passage of federal, state, and local laws imposing substantial mandatory sentences, with no possibility of parole, probation, or suspended sentence for the use of armor-piercing bullets in the commission of any crime;
- Ban the manufacture, sale, importation, or transfer of all automatic and semi-automatic assault type weapons except for legitimate use as authorized by the National Firearms Act (NFA) and by the military or law enforcement;
- Apply a waiting period of up to 30 days for the purchase or transfer of all guns so that local police agencies may check the criminal and mental health status of purchasers.
- Expand and enhance the National Instant Criminal Background Check System (NICS) to ensure every state's criminal records are easily entered and updated and to require anyone who is selling or transferring a gun to check appropriate records through and authorized federal firearms licensee (FFL) to ensure the person acquiring the firearm is not a prohibited person;
- Provide increased funding and assistance to state and local governments to upload standardized real-time data to NICS.
- Require federal licensing of gun dealers. Applicants for Federal Firearms Dealer licenses should be required to show proof of compliance with state and local laws to the Bureau of Alcohol, Tobacco, and Firearms (ATF) before the agency issues a gun dealer license. The ATF must be required to provide each general purpose government with a list of that jurisdiction's Federally Licensed Firearms Dealers annually;
- Require the Department of Justice to work closely with State and local law enforcement to aggressively target and hold accountable licensed and unlicensed individuals who break the law by knowingly selling or transferring firearms or ammunition to prohibited persons, gun traffickers or straw purchasers.
- Require that the background of an individual who acquires a weapon from a pawnshop, gun show or online seller shall be subject to the same scrutiny as an individual who purchases a firearm from a federal firearms licensee;
- Enact federal legislation that would allow states and/or local governments to adopt stricter standards and rules regarding purchase, storage and possession of firearms; and
- Enact federal legislation to prohibit an individual under the age of 21 from purchasing or possessing an assault rifle and or handgun.
- Urge firearm manufacturers to be responsible corporate citizens by:
 - 1) including safety devices with their products and developing new technologies to make guns safer;
 - 2) selling only to authorized dealers and distributors, and allow their authorized distributors to sell only to authorized dealers;

¹ Armor-piercing ammunition, sometimes referred to as metal-piercing ammunition, is ammunition that is designed primarily to penetrate metal or armor, including body armor commonly worn by police officers. Under federal law, armor-piercing ammunition is defined as any projectile or projectile core that may be used in a handgun and that is constructed entirely from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium. (18 U.S.C. § 921(a)(17); 27 C.F.R. § 478.11) In addition, armor-piercing ammunition is defined as a full jacketed projectile "larger than .22 caliber designed and intended for use in a handgun and whose jacket has a weight of more than 25 percent of the total weight of the projectile." 18 U.S.C. § 921(a)(17)(B). 18 U.S.C. § 923(k)

- 3) allowing no firearm sales at gun shows or similar events unless all background checks are completed;
 - 4) not selling firearms that can readily be converted into fully automatic weapons or that are resistant to fingerprints;
 - 5) not selling large (more than 10 rounds) capacity ammunition clips;
 - 6) maintaining an electronic inventory tracking plan; and
 - 7) forgoing firearms sales to licensed dealers known to be under indictment.
- Enact federal legislation that would prohibit any person from knowingly transferring, purchasing, or attempting or conspiring to purchase or transfer, any firearm or ammunition from licensed or an unlicensed person on behalf of or at the request or demand of a prohibited person, known or unknown.
 - Enact legislation that requires a fully federally funded and completed background check within a reasonable time frame consistent with state and local laws for all gun sales or transfers, and requires that all unlicensed or private sellers use an FFL or participating law enforcement agency to facilitate a firearms background check through NICS on the purchase or transfer of any firearm to anyone.
 - Congress should provide sufficient funding to the Center for Disease Control to conduct comprehensive research to identify the underlying causes that lead to gun violence and mass shooting in communities.
 - Support federal efforts to study what impact firearms owners who habitually report their weapons have been stolen or lost have on illegal gun trafficking and criminal access to guns.
 - Establish a national commission that consists of federal, state, and local

officials, gun rights advocates, survivors of gun violence, law enforcement officials, and medical and mental health providers to recommend legislative solutions aimed at reducing gun violence in the United States.

D. Youth Oriented Crime Prevention

It is essential that all levels of government, community leaders, the business community, and residents work together to create and sustain environments in which violence is not a pervading presence in the everyday lives of our nation's children.

1. Youth Crime and Violence

Federal juvenile justice efforts within the Department of Justice have not had enough resources devoted to them to address the full range of problems in the area of youth victimization and youth crime.

The federal government must prioritize establishing and maintaining effective youth-oriented crime prevention programs on the local level by directly funding city, town, and multi-jurisdictional initiatives. Federal partnership and collaboration with cities and towns is the best way to take advantage of local leadership on this issue while encouraging innovative thinking and cooperation across jurisdictions and levels of government.

The federal role in juvenile justice should also focus on support services for state and local governments and information gathering and dissemination in the areas alternatives to incarceration and the rehabilitation of juveniles.

NLC supports:

- Federal assistance for the establishment and operation of youth courts to ensure swift and appropriate sanctions for certain juvenile offenses;

- Direct, flexible funding to municipalities for local juvenile justice and delinquency prevention initiatives with strict limitations on the amount of federal funds that can be used for administrative costs to ensure that a high percentage of the funds go to the local level; and
- Continued federal technical assistance to train local governments on how to apply for federal funds administered through states and units of local governments.

2. *Sentencing*

NLC believes that, except in cases of federal crimes, the federal government should not be involved in juvenile sentencing – this is a state and local function.

3. *Corrections*

The federal government should provide funding for mandates imposed on state and local governments that call for more accountability in punishing juvenile offenders. Currently not enough juvenile holding facilities are available to adequately meet the demands of the justice system. Overcrowding and the high costs of implementing specific separation requirements are problems that severely hinder rehabilitation efforts. More flexibility is needed in all areas of juvenile corrections, including alternatives to detention facilities and the education of juvenile offenders. NLC urges the federal government to provide sufficient funding for all phases of all juvenile justice mandates to achieve desired results.

4. *School Safety*

The federal government must provide increased federal funding to augment local efforts aimed at improving school safety. Funding should emphasize effective and

equitable school discipline policies, positive safety measures, restorative justice, de-escalation, conflict resolution, violence prevention and intervention, and the root causes of violent or disruptive behavior. Specific examples may include better racial bias training for School Resource Officers and or funding for social and psychological resources/supports for students who have suffered trauma and resources to analyze the impact of discretionary school discipline policies on students of color.

The long-term effectiveness of programs that help to improve school safety, address the root causes of violence, and reduce the unnecessary expulsion of students from school can succeed with continued investments by federal, state, and local governments. The federal government must provide funding for the implementation of effective intergovernmental partnerships to truly achieve the goal of developing a comprehensive approach to school safety, including comprehensive mental health treatment and counseling for all youth and their families, sensitivity and trauma-informed training programs, and other services that help prevent students from becoming perpetrators or victims of crime and violence.

The federal government should increase flexible funding for Title V, juvenile justice programs and innovative approaches to school safety that can be replicated by communities across the nation. The federal government must work with state and local authorities to establish more uniform guidelines and recommend mandatory reporting for crime and violent incidents in schools, including the impact of discretionary policies on BIPOC students. School districts should be required to provide the U.S. Department of Education and other federal agencies, as well as state education agencies

and state and local law enforcement agencies, with school incident reports. The school districts should also provide these agencies with an analysis of incidents and intervention techniques to create a national database of school crime and violence incidents and “best practices” for intervention. Additionally, using this data, the Department of Education should proactively investigate whether local agencies may have violated Title VI of the Civil Rights Act through their application of discipline policies.

This responsibility to report creates a difficult task of defining what a violent incident is. Intergovernmental cooperation, to establish reporting standards and criteria for federal, state, and local education and law enforcement agencies, would establish benchmarks for consistent guidelines on reporting school crime and violence.

NLC calls for a consistent commitment among all levels of government, school systems, businesses, and community groups to ensure that public safety contributes to a good quality-of-life in all communities.

5. Mass Media and Media Violence

NLC urges the federal government to adopt an approach toward violence in the media that emphasizes alternative approaches which encourage and applaud pro-social values, demystify violence, and teach youth how to handle frustration, prevent suicide, and deal with conflict.

NLC supports entertainment rating systems that will provide advance notice of violent content in programming. NLC supports a federal public health campaign in schools that targets violence in a manner similar to that used to combat drunk driving.

The federal government must:

- Provide a clearinghouse that coordinates and evaluates recently conducted credible

studies on the mental health implications of mass media violence; and

- Provide flexible, direct funding and/or assistance for Internet filtering capabilities for our nation’s libraries, schools, community centers and other local public facilities that provide children access to computers and other interactive media.

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 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 implement information sharing across all state PDMPs. The federal government should also require healthcare providers utilize the PDMP prior to prescribing medications to patients.

F. Domestic Violence

Domestic violence is a serious social crime and a criminal justice problem that significantly impacts our nation's cities and towns in a variety of ways, including emergency shelters, schools, law enforcement and emergency medical service agencies, and the courts. Domestic violence crosses all socio-economic strata and should not be viewed as a private family matter, but in the context of other crimes and problems requiring prevention, intervention, and prosecution.

All levels of government must make domestic violence initiatives a priority on their agendas. Federal legislation should be enacted to provide funding and support for local government programs to address the problems of domestic violence through prevention, intervention, treatment, and effective prosecution. Legislation must take into account the potential impacts on already overburdened probation and parole departments.

NLC encourages the federal government to:

- Provide funding and assistance to maintain successful domestic violence programs already in existence, to initiate demonstration projects, and to aid local governments and organizations in modeling programs after successful holistic approaches;
- Establish a central point for the collection and dissemination of information on domestic violence programs taking place across the country that includes examples of what is and is not working, the

progress of legislative initiatives at both the state and federal levels, recent studies on domestic violence issues, and other relevant information;

- Assist all levels of government in the development of programs that work with children exposed to domestic violence and in the development of general education programs for all children on domestic violence issues; and
- Fully fund the Violence Against Women Act programs, as well as, efforts which support the abolition of physical, sexual and psychological human rights abuse and oppression of women.

G. Prisoner Reentry

Each year prisoners are released back into society without access to immediate supervision and/or support. These prisoners face a multitude of problems including homelessness, a lack of job opportunities, educational deficits, mental health issues, substance abuse, infectious diseases, and no connection to their families and communities. Over half of all released prisoners will be rearrested causing increased costs and burdens for cities.

In order to combat this problem, the federal government must provide local and state governments with resources and funding for transitional services to all prisoners in the areas of housing, education, mental health treatment, substance abuse counseling, employment opportunities, and healthcare. In addition, the U.S. Department of Justice should adopt a policy mandating that all federal prisoners be screened for drug/alcohol addiction, mental health problems, infectious diseases and other risk factors prior to release and then require these prisoners to seek continued treatment prior to and upon re-entry. Furthermore, the federal government should encourage state

governments to require policies mandating that all state prisoners have DNA collected during the initial screening and exiting process in an effort to solve open cases.

For prisoner reentry to succeed, reintegration must be emphasized as soon as a prisoner enters a correctional institution. Emphasis must be placed on identifying a prisoner's specific risk factors, providing treatment while in custody, and following up with community-based treatment once a prisoner is released. Programs must be implemented on both the federal and state level to involve the prisoner's family unit or mentor in any decisions or treatment plans, both during incarceration and at the time of release. Federal grant money is needed to fund community-based intervention and treatment programs focusing on the issues of housing, job opportunities and training, mental health screening and treatment, substance abuse, healthcare, education, and family reunification. In addition, attention must be paid to the specific struggles and barriers associated with youth prisoner re-entry. Often, youth leaving the criminal justice system lack age-appropriate levels of education, needed social and developmental skills, and are returning to environments that do not foster rehabilitation and development. Emphasis must be placed on creating the necessary support systems and opportunities to help youth transition into adulthood, reintegrate into communities, and stop cycles of recidivism.

Successful federal, state, and local pilot projects must be expanded to address challenges related to prisoner reentry and the full spectrum of problems. The federal government should fund programs that include the cooperation of corrections officials, probation and parole officers, former offenders who can serve as mentors, families, police, prosecutors, the court

system, mental health administrators, healthcare providers, housing agencies and rental advocates, substance abuse counselors, businesses, educational and vocational training providers, victim advocates, community- and/or faith-based organizations, neighborhood associations and coalitions, researchers and records personnel, and public affairs officers.

Congress should pass legislation guaranteeing that appropriate programs such as Medicaid, Social Security Disability, educational or vocational retraining, and other federal benefits, are available to eligible individuals on the first day of their release, ensuring access to the necessary services and resources vital to making a successful transition back into society.

H. Driving Under the Influence and Distracted Driving

The enforcement of laws for distracted driving (including texting or the use of mobile devices) and driving under the influence, adjudication of cases, treatment of offenders, prudent punishment of repeat offenders and the development of public awareness are all important state and local functions.

The role of the federal government, through the National Highway Traffic Safety Administration in assisting state and local governments should continue and be expanded. These efforts should focus public attention on the distracted driving and driving under the influence problem, facilitate public and private sector actions to counter the problem and provide administrative support for interstate coordination of driving under the influence countermeasure efforts.

I. Stopping Human Trafficking

Human trafficking is a modern-day form of slavery that impacts people of all ages and of

both genders, where services, labor, or sex are supplied by victims who are forced, defrauded or coerced to work through such methods as involuntary servitude, debt bondage, and forced labor. At the heart of this heinous crime are the myriad forms of enslavement – not the activities involved in international transportation—and hundreds of thousands of U.S. citizens and other permanent residents, including kidnapped and homeless youth, are considered to be at risk for or victims of trafficking. Victims of human trafficking live among us in our cities and towns, but are typically captive and isolated, unaware of their rights, powerless to access services, and afraid to ask law enforcement and other authority figures for help. Combating human trafficking requires a collaborative, comprehensive approach across all levels of government.

To combat human trafficking, sufficient federal resources must be committed to ensure that law enforcement strategies are realistic and are coordinated with efforts in education, prevention, and support of victims.

NLC supports:

- Congressional action that will provide adequate funding for the Trafficking Victims Protection Reauthorization Act, which gives law enforcement additional tools and resources to prevent human trafficking, investigate human trafficking crimes, promote increased cooperation among federal agencies, between the U.S. and other countries, and between federal, state and local law enforcement.
- Congressional authorization and funding of block grants to localities to support comprehensive local approaches to stopping sex trafficking of minors through prevention, support for victims, and resources and support for the police and prosecutors who pursue justice

against traffickers, pimps and others who participate in or coordinate these crimes.

- Federal programs that train key state, local government, and non-profit personnel, as well as make efforts to increase the public's awareness of human trafficking.

J. Mental Illness and Criminal Justice

As people with mental illnesses continue to come in contact with the criminal justice system, communities across the United States struggle to develop interventions and supports that improve outcomes for these individuals, their service providers, and the public.

How the criminal justice community engages people with mental illness is a matter of national concern. Untreated mental illness often leads to volatile situations that require law enforcement to intervene. These interactions can require special training, be difficult to resolve, and create unique risks to the safety of all involved.

In 2004, Congress passed the Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA), which enhances local public safety by funding training for law enforcement officers on how to identify and respond to incidents involving people with mental illnesses, increasing mental health courts nationwide, improving collaboration between criminal justice and mental health systems, and improving access to effective treatment.

NLC supports MIOTCRA federal efforts that provide additional resources for veteran treatment courts, and increases resources and training for first responders (law enforcement, fire, emergency medical service personnel, and others) to properly respond to mental health calls. Federal programs that fund joint efforts between law

enforcement and health officials to reduce repeat calls for service and better serve people with mental illness are also crucial to reducing unnecessary interactions between police and the mentally ill.

Mentally ill persons who do not receive psychiatric treatment and/or fail to comply with their medications regimen are significantly more likely to face arrest. For this reason, NLC supports funding for programs that improve the screening of incoming jail and prison detainees for mental illness; the diversion of individuals to mental health programs when appropriate; increasing the availability of grants for mental health courts and other diversion efforts; providing intensive treatment while incarcerated, when necessary; requiring Bureau of Justice Statistics to regularly update the "Mental Health Problems of Prison and Jail Inmates; and ensuring transitional services when leaving jail. These programs ultimately reduce the likelihood that mentally ill individuals will return to incarceration or have a future interaction with law enforcement. (*NLC's policies on Mental Health are detailed further in the HD Chapter of the National Municipal Policy.*)

K. Equity in the Criminal Justice System

Every person has a right to expect equal treatment by law enforcement officers, prosecuting authorities, judges and correctional officials. Discriminatory enforcement of criminal laws has a corrosive effect on our cities and towns, undermining the confidence of the community in law enforcement and interfering with our efforts to prevent crime and prosecute offenders.

Unfortunately, our country has a long history of disparate treatment in our criminal justice system. Numerous studies confirm that racial minorities, especially African Americans and Latinos, are more likely to be arrested, more

likely to be prosecuted and more likely to be incarcerated for offenses than whites accused of the same crime.

NLC supports federal legislation and action which eliminates discrimination in the enforcement of our criminal justice system. NLC opposes profiling of suspects based solely on race, ethnic origin, religion, gender identity, poverty or other similar factors.

In addition, the federal government should assist local law enforcement agencies in their efforts to provide data collection and analysis education and training for law enforcement officers regarding de-escalation techniques, crises intervention, appropriate use of force and enforcement techniques, explicit and implicit racial bias, and proper and unbiased investigative procedures.

L. Poverty

Crime statistics demonstrate the significantly greater risks of direct criminal victimization of poor people.² In addition, indirect victimization of crime also falls disproportionately on poor individuals. Neighborhoods with large concentrations of low income people are also generally the geographic areas of cities in which there are greater reports of crime, particularly street crime. Other chapters of the National Municipal Policy cover a variety of programs and initiatives to reduce poverty and address affordable housing issues. These should be viewed as a way to get at the root causes of crime and violence.

M. Improve Policing in the 21st Century

NLC believes that trust between law enforcement agencies and the people they protect and serve is essential to the stability

of our communities, the integrity of our criminal justice system, and the safe and effective delivery of policing services. Unfortunately, high-profile officer-involved killings have exposed racially divisive issues in the relationships between local police and the communities they protect and serve, especially in communities of color.

In December 18, 2014, President Barack Obama signed Executive Order 13684 establishing the Task Force on 21st Century Policing to examine ways of fostering strong, collaborative relationships between local law enforcement and the communities they protect and to make recommendations to the President on ways policing practices can promote effective crime reduction while building trust. The final report of the Task Force was delivered to the President on March 2, 2015 that included a total of 63 recommendations, most of which were directed at the approximately 18,000 state and local law enforcement agencies spread throughout the country.

NLC supports the report's findings that encourage collaboration with community members, especially in communities and neighborhoods disproportionately affected by crime, to develop policies and strategies for deploying resources that aim to reduce crime by improving relationships, increasing community engagement, and fostering cooperation.

NLC calls on Congress and the Administration to provide financial and technical assistance to local governments to help implement the applicable recommendations of the Task Force on 21st Century Policing and to assist municipalities

² Marcus Berzofsky, Dr.P.H., RTI International, Lance Couzens, RTI International, Erika Harrell, Ph.D., BJS Statistician, Lynn Langton, Ph.D., BJS Statistician, Hope Smiley-McDonald, Ph.D., RTI International, "Household Poverty And Nonfatal Violent Victimization, 2008–2012" Department of Justice Bureau of Justice Statistics, November 18, 2014, <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=5137>.

with their efforts to make sure law enforcement training provides the foundation to cultivate police officers as leaders in – and guardians of – their communities by providing increased training in racial and implicit bias, intelligent restraint and de-escalation tactics and the use of nonlethal force.

N. Federal Asset Forfeiture Program

The criminal and civil asset forfeiture has long been an effective law enforcement tool to fight against illegal profiteering and to deter crime. The federal asset forfeiture program, when it is properly managed and regulated, redirects illegally gained property to be used by law enforcement to combat criminal activity consistent with federal and state regulations.

When Congress passed the Civil Asset Forfeiture Reform Act of 2000 (CAFRA), P.L. 106-185, it made significant reforms to the Department of Justice’s asset forfeiture program to ensure property owners are afforded adequate due process before their property was forfeited.

NLC strongly supports the provision in the law that authorizes the Attorney General to transfer or share seized assets with other federal, state, local, or foreign law enforcement agencies who have participated in the investigation or proceedings that resulted in confiscation. The civil asset forfeiture program provides millions in additional funding to support local law enforcement agencies ability to continue to participate in federal task forces targeting criminal and gang activity.

NLC is concerned that Congress’s continued scrutiny of the civil asset forfeiture’s peculiarities in greater detail because of ongoing allegation of misconduct by local law enforcement agencies it may once again

consider legislation to change or limit the Department of Justice’s ability to transfer property and funding to state and local law enforcement agencies through the civil asset forfeiture program. NLC believes the reforms already implemented by the Department of Justice address many of the concerns that have been raised regarding asset forfeiture and that any further steps to reform the program should only be taken after careful consideration as to not further weaken this valuable tool that aids state and local law enforcement in protecting our communities.

NLC opposes federal legislation that would limit local law enforcements ability to participate in the Federal civil asset forfeiture program. We strongly believe and future efforts to change or severely limit local law enforcements ability to participate in the federal civil asset forfeiture program should not give safe harbor to the cartels and professional criminals who engage in drug trafficking, human trafficking and child pornography. NLC believes Congress should maintain the method for reimbursement of state and local agencies that have committed resources participate in joint Federal task forces, while also establishing appropriate requirements that safeguard individual rights and remove financial incentives for potential misconduct. The Department of Justice should also pursue sanctions against local law enforcement agencies that habitually misuse the federal civil asset forfeiture program.

6.02 Public Safety

A. Problem Statement

Public safety requires the commitment of all levels of government. Information sharing among levels of government must be comprehensive and timely. Through the joint efforts of local, state, and federal governments, as well as the responsible

actions of individual residents and corporate citizens alike, the safety and well-being of our business and civic communities can be controlled successfully.

B. Goals

- In order to keep our cities and towns safe: The federal government should assist cities and towns across the nation in acquiring modern emergency communications capabilities and advanced law enforcement technology; and
- Federal, state and local law enforcement must share information and intelligence across intergovernmental and jurisdictional boundaries.

C. Public Safety Technology and Intelligence

1. Public Safety Technology and Intelligence Goals

NLC urges the federal government to assist local governments across the nation in acquiring modern emergency communications capabilities and advanced law enforcement technology. Specifically, the federal government should:

- Make surplus equipment available to local governments (without undue restrictions on use) that would improve emergency response capabilities;
- Provide funding for research and training opportunities and publicize these opportunities;
- Make direct, flexible grants to local governments for local law enforcement and fire safety training and equipment;
- Conduct regular, well publicized training sessions and provide coordinated technical assistance to local public safety personnel operating public safety technologies;
- Encourage manufacturers to make public safety equipment available at reasonable

costs to local government that can be easily upgraded for future purposes;

- Provide technical assistance and funds to local police for the adoption of advanced policing technology, particularly alternative use of force options that help safely deescalate violent situations; and
- Provide technical assistance and support to established intergovernmental institutions to ensure a collaborative exchange of information that maximizes resources, streamlines operations, and improves the ability to fight crime and terrorism by merging data from a variety of sources.

NLC strongly urges flexibility in the use of federal public safety funds for upgraded technology and training. Many municipalities face great difficulty in purchasing necessary public safety equipment because of budget constraints or inability to qualify for available funds. New duties placed on law enforcement related to homeland security have constrained budgets further. NLC urges the federal government to assist all municipalities with public safety advancements without imposing stringent compliance guidelines.

2. Emergency Communications

Having the capability to transmit vital information to different emergency response personnel among all levels of government without interference and delay is key to disaster preparedness and emergency response. No man, woman, or child should lose his/her life because public safety officials cannot communicate with one another.

The federal government should take immediate action to provide local governments with the broadcast channels needed to enhance their communications capabilities. Reliable and interoperable

wireless communications are essential to public safety's mission to protect life and property.

The federal government should encourage regional planning for public safety communication needs and address the current shortage of spectrum channels with a long-term plan that ensures sufficient and appropriate spectrum to meet future public safety needs across the nation, communications equipment with open standards, and funding for the necessary building, operation, and maintenance of a national interoperable emergency communications system. If federal reallocation of radio spectrum forces a municipality to change radio frequencies and/or channels to preserve its public safety and emergency communications services, there should be prompt and fair compensation made for transfer costs, such as new equipment and additional personnel and training. *(NLC's policies on public safety communications are detailed further in the ITC Chapter of the National Municipal Policy.)*

The federal government should also link all emergency warning systems across the nation, supplying all areas with appropriate equipment so that no area is left unprotected. Emergency alert systems should be used to ensure that any presidentially declared emergency, homeland security, and National Weather Services alerts are timely and accurate and provide direction on recommended protective measures local governments should take when the threat level is increased. Local governments should be reimbursed for any costs associated with heightened alerts.

NLC urges the federal government to ensure that all areas of the country have access to modernized 9-1-1 technology for emergency

use. Currently, cities and towns that do not have timely emergency response services usually have not implemented a 9-1-1 system or their systems are antiquated. NLC also urges the federal government, in particular the Department of Justice and the Federal Communications Commission, to continue its efforts to improve the wireless 9-1-1 or E 9-1-1 services by working in partnership with state and local land use authorities, public safety officials, and the telecommunications industry. The telecommunications industry must fully develop and fund wireless emergency locator services and tracking systems and lead efforts to resolve interoperability problems that affect emergency communications systems throughout the nation. These efforts must continue to respect the premise of local autonomy, avoid burdensome mandates, and reflect the need for greater funding in underserved jurisdictions.

3. Law Enforcement Technology

The ability to transmit and access information quickly and easily helps local, state and federal law enforcement agencies prevent and reduce crime. The federal government should facilitate criminal records information sharing among all levels of governmental law enforcement agencies. Such an information system would provide law enforcement agencies a tool to track and apprehend transient, violent, repeat offenders, and/or suspected terrorists and share information with prosecutors, courts, corrections, parole agencies, and other relevant agencies. This integrated system would be particularly useful to localities in securing essential data during a time of emergency or disaster.

Advanced public safety technologies including mobile data terminals, geographic information systems, and biometric information repositories increase efficiency

and can help return law enforcement officers to the streets, enhancing community policing efforts. The collection and analysis of biometric evidence - particularly DNA- has proven a valuable tool in identifying suspects in both violent and non-violent crimes, as well as ruling out innocent individuals, and expansion of its use should be supported at the federal level.

Ultimately, the use of modern technology results in cost efficiencies because it allows for better management of workloads, streamlines processes, and provides rapid analysis, all of which reduce overtime among personnel. The federal government should facilitate the availability of these technologies to cities regardless of size.

4. Training

As local governments acquire new public safety technologies, the federal government should continue to promote interagency sharing of equipment during emergencies among all levels of government and provide training to local public safety personnel. To promote greater compatibility among training programs and curriculum, the federal government should lead efforts to ensure that public safety training programs provide a level of consistency among all agencies, which are essential to implement mutual aid and regional cooperation agreements. Federal assistance that enables local governments to improve public safety services will always be a key component to reducing crime, planning for and predicting disasters, and responding to emergencies.

5. Information Sharing

Access to both specific and aggregate information on public safety threats — ranging from acts of terrorism, to health threats, to gang violence trends — gathered by the federal government, should be shared

with local law enforcement and other necessary agencies in potential impact areas.

The federal government must continue to improve standing task forces, centers, and institutions for sharing classified information on threats with first responders. Both federal financial and technical assistance, as well as on-site assistance of federal personnel, should be provided to local government, to assist in these information sharing institutions and joint analysis efforts.

The federal government should assist local law enforcement with acquiring the proper equipment, technology, and training to participate in information sharing activities, such as establishing fusion centers. The federal government should continue to refine policies and practices surrounding these institutions to ensure all activities respect civil liberties and privacy concerns.

D. Transportation of Hazardous Materials

The transportation of hazardous materials, including nuclear waste, must be made as safe as possible. Minimizing the danger of injury, environmental damage and other costs of such events requires knowledge of the materials so that appropriate measures can be taken and decisions made regarding evacuation or traffic diversion. NLC urges the federal government to provide adequate funds, training and equipment to all cities affected by the transportation and disposal of hazardous waste to assure the protection of public health and safety in the event of an accident.

The federal government must also ensure that the transport of high-level radioactive waste (HLW) be safely accomplished by employing state of the art technology, engineering and procedures.

1. Consolidation of Federal Programs

NLC supports federal efforts to consolidate hazardous materials policies and to designate the U.S. Department of Transportation (DOT) the lead federal department. NLC believes that when more than one federal agency regulates a hazardous material, the appropriate agencies must take steps to correct conflicting or inconsistent policies.

2. Standards

National Hazardous Materials Driver Standards

NLC supports federal hazardous materials driver training standards that are tailored to the transportation of specific materials. As a prerequisite to receiving a license, drivers of such vehicles must be required to certify that they have received special training.

3. Insurance

NLC supports existing federal regulations that require motor carriers to maintain sufficient liability coverage. NLC also supports continuation of federal law that provides supplemental liability coverage in the event of a catastrophic accident involving radioactive materials.

4. Notification and Communication

NLC encourages federal guidelines to clarify the level and frequency of notification and communications between state and local officials necessary to protect public safety. Currently available technologies and systems must be used to ensure immediate communication between transporters and all entities charged with responding to any incidences. Any carrier must be required to make an immediate notification to designated local emergency personnel when a hazardous materials incident occurs.

Federal, state, regional and local governments should cooperate in the

development of a unified data and notification system.

5. Disaster Prevention and Training

First responders regularly respond to incidents involving the release or threat of release of hazardous materials in transport, therefore emergency response should continue to be the primary responsibility of state and local governments. The federal government must ensure that first responders have the resources and capacity to address and respond to any hazardous materials incidents.

In order to respond quickly and efficiently to any hazardous materials incidents federal, state and local governments should develop a centralized emergency response command structure within each of their jurisdictions to improve inter-jurisdictional communications when an accident does occur. There must be terrorism response plans for shipments of hazardous materials.

The federal government should set minimum training and education standards, require all stakeholders to participate, and offer technical and financial assistance to support these efforts. The federal government should evaluate and certify training programs used by regional, state and local emergency personnel.

6. Enforcement

NLC believes that the federal government should continue to be responsible for the enforcement of hazardous materials transportation regulations. The federal government must be more vigilant in its enforcement of its regulations regarding unregistered carriers and shippers.

States and localities should be allowed to adopt and enforce vehicle operating requirements and standards, including the

imposition of fines or civil penalties for infractions of these federal requirements.

The Federal Railroad Safety Act should be amended so that the federal and state governments have concurrent authority to enforce federal rail safety regulations that relate to hazardous materials.

Finally, the Federal/State Rail Safety Participation program should be continued and adequately funded.

7. Financing

NLC urges Congress to appropriate sufficient federal funding to operate hazardous materials programs. NLC supports raising registration fees to pay for such programs while opposing federal preemption of local fees on carriers.

Motor Carrier Safety Assistance Program (MCSAP) grants from the Highway Trust Funds should be increased and made available to local governments.

E. Mental Health and Public Safety

Major criminal incidents and emergencies have a significant impact on the psyche of citizens and first responders alike. Immediate support after traumatic incidents can ensure that witnesses provide first responders with more lucid descriptions of the event and prevent significant long-term mental health concerns. First responders to traumatic events also require psychological support. In both cases, psychological conditions, post-traumatic stress disorder, or substance abuse may develop or worsen if not addressed.

Psychological first aid, crisis counseling, and response worker support are all key to mitigating these issues. The federal government should assist with resources and the coordination of non-profit entities and

state and local governments to ensure a continuum of care is available to victims of crimes and disasters—particularly after major emergencies and incidents. These efforts must include awareness and education of access to behavioral health treatment to prevent negative effects following a devastating event.

6.03 Homeland Security, Disaster Preparedness and Response

A. Problem Statement

The lives lost, property damaged, and economic hardships suffered due to criminal and terrorist acts and natural, manufactured and technological disasters pose severe problems for individual residents, communities, businesses and all levels of government. Local governments are the first level of government to respond to most disasters and emergencies and must be regarded as the focal point of all disaster mitigation and recovery activities. The federal government should provide funding directly to local governments for homeland security, emergency preparedness and response.

An effective system must be developed to ensure that federal and state emergency management officials conduct substantive consultations with local officials for key decision-making affecting homeland security, disaster preparedness and response at the local level.

Federal and state technical and financial assistance should be structured to allow local officials maximum flexibility in meeting identified needs. Regarding the homeland security funding formula, NLC supports the federal government continuing to fund risk-based threats in highly populated and high-threat areas. NLC also supports a minimum level of funding for state grants sufficient to

allow jurisdictions to prepare for possible terrorist-based threats, with flexibility to use the funds for dual-use (risk and all-hazards) pursuant to their state homeland security plans.

The potential for hazardous or radioactive material spills, pipeline accidents, large scale social disorders, and domestic terrorism compels all levels of government to coordinate efforts to protect communities. Such coordination must result in a comprehensive national homeland security and disaster preparedness strategy. The Department of Homeland Security must continue to have a central office for coordinating local and state domestic preparedness activities. Regional plans and cooperation must be fostered through this central office.

B. Goals

In order to maintain viable communities and an economically sound nation, all levels of government must work together to reduce the likelihood of disaster losses incurred. Specifically, the federal government should:

- Continuously strive to improve the coordination of local, state, and federal disaster preparedness plans, including Emergency Management Assistance Compact (EMAC) operations;
- Assure continued availability of adequate property and casualty insurance and excess insurance coverage to all regions of the nation, at affordable rates without unreasonable exclusions or geographic redlining;
- Provide clear and appropriate division of responsibilities between local, state, and federal governments in presidentially-declared disaster areas, with clear channels and protocols between leaders, including maintaining the appropriate role of the U.S. military forces in supporting emergency response;

- Ensure FEMA has the funding, authority, clear mandate, and flexibility it needs to respond quickly and effectively; and
- Do nothing to impede efforts by first responders and state and local authorities.

C. Prevention, Planning, and Mitigation

The highest priority of all levels of government in addressing disaster and terrorism issues should be prevention and mitigation. Mitigation saves lives and reduces injuries; reduces economic losses; maintains and protects critical infrastructure; and reduces the liability borne by local governments and elected officials.

Knowing that improved safety from disasters in the future relies on what we can learn from the disasters of today, the federal government should collect data on the effects of disasters and lessons learned from the analysis of such data should be disseminated to aid state and local disaster-related efforts. Similarly, the federal government should provide assistance to state and local governments to help them conduct annual hazard and risk assessments to determine the vulnerability of particular areas or structures to disasters or terrorist acts based on historical and/or intelligence information.

The federal government can also help mitigate potential disasters by working closely with local governments to develop a useful uniform emergency warning system to ensure that as people travel throughout the nation, they will be informed of existing emergencies and advised how to respond. The federal government must also educate and train local emergency services on the effects of disasters and lessons on the warning system and what precautions need to be taken.

In addition, the federal government should fund and support a sustained effort to develop and improve the nation's health and medical

readiness, ensuring surge capacity in disaster situations. Our nation's hospitals and other medical facilities operate at or near maximum capacity and lack the space and staff to adequately care for the influx of victims in a disaster situation. All levels of government must work together to pre-assess high-risk areas, build and pre-position the necessary medical infrastructure, including mobile and temporary response centers, and create clear and comprehensive health care related disaster plans. *(See HD Chapter 4.08 "Health" for additional policy on public health and disaster planning)*

The federal government should provide an adequate level of funding for local emergency preparedness and disaster planning and management. Such funding should allow a city to tailor its disaster preparedness planning to the special circumstances and needs of the area, particularly to any facilities and densely populated areas that have the potential to be terrorist targets, as well as provide local governments with appropriate emergency response equipment and communication as necessary.

In addition to directly assisting cities and towns in their mitigation efforts, NLC urges the federal government to:

- Require federal agencies to develop and coordinate pre- and post-disaster mitigation programs for the types of emergencies they manage;
- Provide fiscal, technical, and staff support for the development and operation of fusion centers and other standing information sharing institutions;
- Develop a comprehensive evaluation of risk factors for potential terrorist targets;
- Make their mitigation training programs more accessible and affordable and ensure that proven mitigation technology is more widely publicized and utilized;
- Support local governments in their efforts to encourage the public and private sectors to retrofit existing structures to reduce future losses from natural disasters and to locate new construction outside of high-risk areas such as flood plains, coastal areas or on or near earthquake faults;
- Encourage lending institutions to incorporate mitigation provisions as conditions for loans;
- Enact legislation that will allow for federal assistance in the accreditation of municipal levees in a cost-effective and responsible manner;
- Support federal programs to encourage public, private, and individual disaster plans, such as Citizen Corps;
- Sufficiently fund agricultural counterterrorism and food safety efforts; and
- Adopt strict standards for the enforcement and transport of hazardous materials.

D. Disaster Response and Recovery

Federal programs should be structured to support municipal governments with adequate funding and authority to immediately and effectively respond to all types of disasters, including training and equipping first responders and the public and private medical community.

The federal government must increase funding to local governments for response, including processes to resolve equity issues in disaster relief efforts. The federal government must review all regulations dealing with disaster relief that raise equity issues, and based on such a review, propose corrective action. Specifically, when multiple cities have been damaged by a disaster, a formula or waiver process should be available to resolve disaster-related damage in a fair manner. The federal

government also should allow municipalities to request their municipality be declared a disaster independently of other local government entities. Accidents or terrorist acts involving nuclear, biological or chemical (NBC) materials represent a special subset of disasters. The federal government must ensure that local governments and their first responders have the resources and capacity to address and respond to NBC incidents. The federal government should coordinate with state and local governments for public education regarding NBC incidents.

Additionally, the federal government should assist in the establishment and training of interdisciplinary, multi-jurisdictional search and rescue teams in each state to respond to and recover from natural and manufactured disasters.

When a city is asked by the federal government to provide services to citizens from jurisdictions outside their own in times of a declared state of emergency, it is the right of that city to recoup reimbursement from the federal government for expenses. Federal agencies must reimburse cities outside the declared state of emergency for costs related to disaster evacuation and sheltering, including straight time for city employees and the use of city-owned sheltering facilities at the direction of the federal government.

E. Training and Technical Assistance

The federal government must provide technical assistance and regional training devoted to disaster preparedness and response. This technical assistance should include the gathering and regular dissemination of information to local governments on general disaster issues and terrorist threats as well as specific disasters where they occur. This sensitive information must be shared with local government without jeopardizing national security. As

part of its technical assistance efforts, the federal government should encourage regions to share resources and equipment needed for preparedness and response through mutual aid agreements and regional coordination.

F. Terrorism

The federal government should help local authorities by providing appropriate training to local governments in terrorism prevention. Public safety personnel must be taught and provided the necessary equipment to manage a situation involving weapons of mass destruction, including biological or chemical weapons.

Information or intelligence on likely or imminent acts of terrorism, gathered by any means by the federal government, must be shared across agency lines and with local enforcement agencies in potential impact areas. A policy for sharing certain classified information on threats or potential threats of terrorism with first responders must be implemented. Both federal financial assistance and federal personnel should be provided to the local government immediately when terrorist acts take place. The federal government must include local governments in federal plans and operations relative to issues in their jurisdictions and provide legal assistance to local governments that have high profile public or private targets within their boundaries.

G. Border Security

NLC supports increased coordination and cooperation between federal, state and local law enforcement agencies to achieve operational control of our nation's borders. When all agencies work together and share information, our borders will become less porous and our nation will be safer. Local law enforcement should not be conscripted into Federal border patrol service. If the

federal government does require local law enforcement to act on its behalf, absolute immunity and/or indemnification should be given so that localities are not liable for the actions taken on the federal government's behalf. All costs associated with enforcement, training and equipment for these duties should be paid directly to the local jurisdiction by the federal government.

H. Immigration Enforcement

1. Interaction with Local Law Enforcement

Local police have a responsibility to cooperate with the federal government to apprehend specific persons identified as having committed a crime and violated US immigration laws. Local police should promptly report to appropriate federal immigration authorities any reasonable suspicions they have regarding persons already in their custody. However, local police should not be responsible for the enforcement of federal immigration laws or the ongoing detention of individuals merely suspected of violating those laws. Local personnel cannot be conscripted into federal service because the federal government has decided not to fund and staff its immigration enforcement agencies to meet demand. This type of action can divert local personnel from their primary duties, break important trust that has been built within the immigrant community and constitute a cost shift onto local governments. The federal government should not transfer the responsibility of enforcing U.S. immigration laws to local police by making undocumented status in the U.S. a criminal offense.

The federal government has a responsibility to share information with local law enforcement on criminal immigrants. An accessible database that can track illegal immigrants must be developed and local police must be provided access and training on the database.

If the federal government does require local law enforcement to act on its behalf, absolute immunity must be given so that localities are not liable for the actions taken on the federal government's behalf. All costs associated with enforcement, training or equipment for these duties must be paid directly to the local jurisdiction by the federal government.

2. Interaction with Local Officials

Other city personnel such as fire inspectors, educators, health personnel and social service personnel should not be responsible for reporting those persons who cannot produce proof of their legal presence in the United States.

3. Cost Recovery

Any costs associated with the detention of illegal immigrants on behalf of the federal government must be fully reimbursed to local governments. NLC strongly supports full funding of the State Criminal Alien Assistance Program (SCAAP), which provides funding for the costs of detaining illegal immigrants.

4. Visa Requirements

The federal government must address unlawful immigration by increasing enforcement over those individuals who enter the US legally with student, tourist or business visas and remain in this country after their visas expire. To effectively track all individuals entering and exiting the U.S. under the various visa systems, the federal government must enforce visa overstays through the full implementation and staffing of the US-VISIT and the Student and Exchange Visitor Programs (SEVIS). The US-VISIT program is a biometric security measure which tracks individuals prior to entry and exit within the U.S., the SEVIS program is a web based system which maintains information on international students and exchange visitors in the United

States. An accessible immigration database should be maintained that identifies when the visa expires. Appropriate and timely review of the visa status of individuals visiting the US should help to address this concern, as well as a mandatory notification of change in address.

5. Sanctuary Cities

NLC opposes federal legislation that would impose harmful sanctions on local governments that have in affect a statute, ordinance, policy, or practice that prohibits or restricts compliance when a detainer request or administrative warrant is issued by the Department of Homeland Security.

Congress should ensure that the Department of Homeland Security's detainer requests and administrative warrant comply with the U.S. Constitution's Fourth and Tenth Amendments. Congress should also provide additional resources and funding to the Department of Homeland Security to meet the statutory requirements to enforce our Nation's immigration laws and not force local governments to take on the financial responsibilities and duties of federal immigration enforcement agents.

I. Protect Against and Respond to Cyber Threats

The growing number of attacks on our cyber networks has become "one of the most serious economic and national security threats our nation faces. Cyber-based infiltrations of the nation's electric grid, water, sewer, and other critical infrastructure have already occurred, and have left behind software programs that could be used to disrupt the system. Municipalities that manage critical infrastructure such as utilities and transit systems, as well as maintain sensitive databases on individuals, public works, and industries are at considerable risk of cyberattacks.

NLC is concerned that information sharing across all levels of government and the private sector remains challenged, often leaving municipalities unaware of the latest threats to data systems. Many municipalities are often not aware of steps that can be taken to mitigate threats to networks. NLC believes there is a crucial federal role in cybersecurity related to national security, protection of sensitive information and intellectual property, and the availability and continuity of infrastructure. NLC applauds the Administration and Congress for recognizing the increasing importance of securing cyberspace, taking initial steps to review federal policy on cyberspace, and reaching out to state and local governments, and the private sector, on this issue. We would encourage that federal engagement with state and local governments, as well as the private sector, continues to increase to ensure the safety of e-commerce and to secure critical infrastructure from online threats while not impeding on local authority.

The frameworks that have been established by the Department of Homeland Security for facilitating the sharing of information on cyber threats among all levels of government, such as the Multi-State Information Sharing and Analysis Center (MS-ISAC) and other members of the National Council of ISACs, as well as with the private sector, must be encouraged and expanded.

The federal government should be required to disseminate cyber intrusion detection and prevention tools to intergovernmental partners, and be permitted, when requested, to provide assistance to localities and other entities in addressing and repairing damages from a major cyber-attack and for advice on building better defenses.

NLC urges also Congress and the administration to continue to work to

safeguard civil liberties and privacy of its citizens while maintaining the safety and stability of the internet.

J. Local law enforcement access to the Department of Defense's (DoD) Excess Property Program (1033 program)

In September 1996, Congress authorized DoD to donate to State and local law enforcement agencies excess property suitable for use in counter-drug and counter-terrorism activities.³ Local law enforcement agencies have used the equipment acquired through the 1033 program to respond to critical incidents like the Boston Marathon bombing and other incidents where members of the public and public safety personnel have been under attack by heavily armed criminals. This equipment is used during critical incidents to protect and rescue members of the public and first responders. More than 8,000 law enforcement agencies around the country participate in the 1033 program.

Since the program's inception, the Pentagon has transferred property that has saved local taxpayers more than \$5.1 billion, according to the Defense Logistics Agency, which manages the transfers. Much of the equipment is non-military items, including but not limited to office equipment, blankets and sleeping bags, computers, digital cameras and video recorders, binoculars, flashlights, extreme weather clothing, repair tools, first-aid supplies and TVs.

NLC urges the Administration and Congress to maintain policies that ensure local law enforcement agencies continue to have access to the 1033 program to acquire surplus equipment that is essential for public safety from the DoD.

6.04 Municipal Fire Policy

A. Problem Statement

In the United States fire departments respond to nearly two million fires each year. Compared to other developed nations the U.S. is severe. Our cities have higher death rates and per capita loss due to fire than cities of comparable size abroad. It also causes more loss of life than all-natural disasters combined. Fire-related injuries number in the tens of thousands each year. Since 1992, fire and fire casualty trends have declined.

Compounding this issue, many local communities are affected by the lack of resources required to provide the necessary levels of public fire safety education and training, and firefighting personnel. Budget limitations, combined with the fire services expanding responsibilities in homeland security, emergency medical services, hazardous materials incidents response, search and rescue, and other emergency demands, translate to more duties and fewer dollars to support them.

Rural communities face particular challenges in handling the problems that fire presents. Almost all rural and small city fire protection is provided by local citizens on a volunteer basis, who have less time for training, pre-fire planning and prevention activities. In addition, the distances that must be covered in rural areas are greater and the availability of water supply is less, impeding response. Lastly, fewer new volunteers are signing up for duty, signaling a potential crisis in adequate volunteer personnel.

B. Goals

The highest priority in fire safety is the protection of life and prevention of injury to

³ 10 U.S.C. § 2576a, which was established by section 1033 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201)

the general population and fire protection personnel.

Better management of our fire protection resources and a continued society-wide commitment to fire safety education and fire prevention are necessary. Proven technology such as smoke detectors and sprinkler systems should be more widely publicized and utilized.

Changing human behavior through fire prevention, including fire safety education and arson control, fire prevention and outreach programs and the distribution of smoke alarms are critical in addressing our fire problem.

To focus attention on this commitment, annual goals for reduction of property loss, life loss and injuries should be established, and the U.S. Fire Administration should continue to report on progress toward and barriers to achieving these goals.

C. Federal Roles and Responsibilities

Fire protection will continue to be financed on the local level, but federal government programs established to help cities address fire-related problems should be funded at a level commensurate with the size of the U.S. fire problem. The federal government is in the best position to teach, train, and lead the fire service to higher levels of management skills. The U.S. Fire Administration and National Fire Academy should serve as a national focus for development and dissemination of fire-related research, development and training of both the general public and the nation's firefighters.

1. The U.S. Fire Administration must:

- Continue to be the focus of federal fire programs and should be funded at a level commensurate with the size of U.S. fire problems. Its programs should be

designed to develop the highest level of professionalism and management skill in the administration of local fire departments;

- Strive to improve the timeliness, accuracy and geographic coverage data of the National Fire Incident Reporting System. This data and resulting analysis should be shared with local fire departments and research organizations;
- Assist small cities in utilizing master planning procedures and developing fire reporting procedures;
- Give priority to the education of fire personnel in the areas of fire safety, public education, fire prevention, and management skills;
- Research the problems of fire control and continue developing improved safety equipment for firefighters. The information gained from this research, as well as information on new techniques and technologies, should be made readily available to local officials;
- Actively and regularly solicit the advice of elected municipal officials, municipal administrators, and fire professionals on priorities for research and development efforts; and
- Research methods to improve fire prevention and share the results of this research with municipal officials.

2. The National Fire Academy must:

- Maintain training programs for improvement of management and leadership skills needed for the development of future fire service officers;
- Continue and enhance training programs for firefighters in order to increase fire fighter safety and reduce the number of deaths and injuries;
- Supplement state and local training efforts by developing model training

programs for use by local firefighting administrations and line personnel;

- Receive sufficient funding to enable it to function both as a central educational facility and as a provider of training sessions for local fire administrations and line personnel;
- Provide a forum in which fire executives can exchange information on fire administration and management techniques, as well as new firefighting methods and technology;
- Actively solicit the advice of elected city officials, administrative personnel and fire professionals on the design of its training programs; and
- Continue and expand its “train the trainer” and other outreach programs to provide cost effective and current training materials to fire departments of all sizes, both paid and volunteer.

3. *The Consumer Products Safety Commission should:*

- Give high priority to the improvement of the fire safety of consumer products; and
- Encourage the use of voluntary performance standards, design and labeling practices and in extreme cases, make use of mandatory standards or product bans.

D. Standard Setting

The federal government should refrain from adopting or giving other status to fire standards developed by bodies not having adequate representation by elected officials.

NLC urges that national committees constituted to develop fire service standards include significant representation of elected municipal officials and municipal fire protection professionals. Mandatory involvement of municipal officials will help to ensure that the resulting standards consider

the implications of the proposed standards on local jurisdictions.

E. Arson Control

Those federal agencies who have the responsibility for the nation’s arson problem, particularly those with criminal justice and fire protection concerns, should implement policies and effective programs to reduce arson nationally. These policies and programs should continue to be coordinated through an inter-agency committee on arson control.

National arson criminal data should be accessible to state and local investigators, fire marshals, and law enforcement officials, and should encourage the comprehensive interstate reporting of arsonists. Federal arson-related training, program development, and research activities need to be improved.

The U.S. Fire Administration should be authorized and provided with adequate appropriations to conduct a comprehensive arson training, program development, and technical assistance effort of national scope. Effective programs already developed should be updated and shared through direct technical assistance.

The federal government should develop and provide programs for the orientation and education of public officials, the judiciary, and prosecutors on arson issues in addition to training fire and police personnel.

F. Firefighter Exposure to Hazardous Contaminants

National League of Cities (NLC) conducted a study in 2009 found there was a lack of substantive evidence that was available at the time to confirm or deny linkages between firefighting and an elevated incidence of cancer. The report, however, concluded the cancer research studies did provide solid

groundwork from which future studies can be developed and improved and recommend collaborative efforts by government, scientists, firefighters, municipalities, national associations, and others to undertake additional research, establish a firefighter cancer database, and seek more federal funding for research.

The National Fire Protection Association (NFPA) has recently conducted extensive research recently on the risk of cancer to firefighters and concluded that firefighters are exposed to highly toxic substances (including a variety of carcinogens) on the fireground. The presumed health risk associated with fire ground exposures is related to protection/hygiene practices and persistent harmful contamination found in firefighter equipment, apparatus carrying that equipment, and stations where the equipment resides. Firefighter exposure to dirty, soiled, and contaminated personal protective equipment (PPE) is an increasing concern for long-term firefighter health.

In 2018, Congress passed the Firefighter Cancer Registry Act which authorized the Centers for Disease Control and Prevention (CDC) to develop and maintain a registry to collect data on firefighter cancer. The legislation calls for the collection of voluntary data including whether a firefighter is a career professional or volunteer, years on the job, the number of calls responded to, and incident type so that researchers can better understand the impact of smoke inhalation and other job-related dangers that may lead to cancer.

NLC believes it is important to the health of firefighters to properly clean PPE following

a fire to prevent the transfer of carcinogens, particulates and biohazards. However, the high cost of realizing a comprehensive PPE cleaning program may limit some municipal fire departments, especially in small cities and towns with volunteer fire services, from implementing standard PPE cleaning procedures.

NLC urges Congress to provide additional funding as a part of the Assistance to Firefighters Grants to support local governments in implementing comprehensive municipal fire firefighter PPE cleaning program. NLC also calls on Congress to provide sufficient funding to ensure national firefighter registry is properly maintained and the data is validated to provide an accurate account of firefighter cancer rates and causes.

NLC RESOLUTION #39**IN SUPPORT OF LEGISLATION TO REAUTHORIZE THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) AND TO ENSURE PROPERTY OWNERS ARE ABLE TO AFFORD INSURANCE FOR OTHER NATURAL DISASTERS SUCH AS WILDLAND FIRES AND EARTHQUAKES**

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, including seeking the input from local government officials prior to approving any flood map that could impact local zoning rules.

NLC RESOLUTION #40**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

WHEREAS, the millions of dollars in tax revenues that have been collected in states that have legalized medical and adult-use cannabis provide funding to local police, drug treatment and mental health centers, housing programs, and school program⁶; and

¹ Amy Nordrum, “Why Is Marijuana A Schedule I Drug?,” [ibtimes.com](https://www.ibtimes.com/why-is-marijuana-schedule-i-drug-2158888), 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,

⁶ Josh Hamilton, “The Economic and Social Benefits of Taxing Marijuana,” [medium.com](https://medium.com/@josh.hamilton/the-economic-and-social-benefits-of-taxing-marijuana-a1b1b1b1b1b1), Sep. 26, 2017

WHEREAS, the legal cannabis industry in the U.S. employed more than 211,000 full-time workers in 2019 plus an additional 90,000 indirect full-time jobs, totaling more than 300,000 workers⁷; and

WHEREAS, the rising concerns about the conflict between federal and state laws on cannabis use led to a 2013 memo by Deputy Attorney General James M. Cole stated “that so long as states had good regulations, then the federal government would hold off on challenging marijuana legalization”⁸; and

WHEREAS, the roll back of Department of Justice’s 2013 Cole memo in 2018 by Attorney General Jeff Sessions is raising new questions about whether the federal government will crack down on states that legalized medical and adult-use of cannabis by instructing federal prosecutors to determine for themselves when to prosecute marijuana activities; and

WHEREAS, the threat of increased federal enforcement of the Controlled Substances Act has resulted in uncertainty of states and local government’s ability to regulate the manufacturing, distribution and retail sale of cannabis for the safety and health of its residents; and

WHEREAS, rescheduling of cannabis would allow greater federal, state and local regulation of the industry to ensure the cannabis people are buying is not covered with mold, fungus, pesticides, or other harmful substances⁹; and

WHEREAS, rescheduling of cannabis would allow the federal, state and local governments to set rules and regulations that would restrict driving under the influence, set age restrictions on buyers and regulate the entire supply chain of cannabis, including growers, distributors, retailers, and testing laboratories¹⁰; and

WHEREAS, rescheduling of cannabis should also allow local governments to establish zoning restrictions on the manufacturing, distribution and retail sales of cannabis.

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities (NLC) calls on the White House, U.S. Department of Justice and the U.S. Drug Enforcement Administration to reschedule cannabis by removing it from the list of Schedule I substances under the CSA; and

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

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

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.

NLC RESOLUTION #41**IN SUPPORT OF FEDERAL EFFORTS TO PREVENT AND TREAT FIRST RESPONDER POST-TRAUMATIC STRESS DISORDER (PTSD)**

WHEREAS, protecting residents' life and property is a vital part of ensuring the safety and security cities, towns and villages; and

WHEREAS, first responders, who are charged with protecting life and property, may experience a broad range of health and mental wellness consequences as a result of work-related exposures to traumatic incidents that include violent acts, death and destruction; and

WHEREAS, for the purposes of this resolution, the term "first responders" refers to municipal law enforcement, fire, and emergency medical employees who are responsible for the protection and preservation of life and property, and municipal emergency responders and public safety telecommunicators and dispatchers that provide immediate support services during traumatic incident that causes physical, emotional, or psychological harm to themselves or others.

WHEREAS, constant exposure to traumatic incidents involving death, dismemberment, abuse, violence, and destruction may exert a psychological toll on first responders, resulting in post-traumatic stress disorder (PTSD), substance abuse, depression, and even suicide; and

WHEREAS, the establishment of a strong prevention and early intervention systems that include crisis hotlines, routine mental health checks, and peer and family support programs can be key components of first responder mental health and wellness programs, provided they are appropriately researched and resourced; and

WHEREAS, while first responders may have access to support services to help reduce the risk of post-traumatic stress, studies have shown that they are less likely to seek because they are concerned about how they would be viewed at work if they had sought support; and

WHEREAS, studies have shown that concerns over the stigma and scrutiny from others about contemplating or attempting suicide is one of the primary reasons that prevents first responders from seeking help; and

WHEREAS, many first responders have military experience, and therefore their experiences as first responders pile onto a career that is already rife with trauma; and

WHEREAS, when first responders know and recognize the indicators or warning signs of an impending crisis and have the skills to talk to someone with mental illness, they are more likely to be comfortable confronting or breaking down the stigma about saying something to a peer or recognizing the warning signs for a self-referral; and

WHEREAS, the beneficial effects of peer counseling have been documented and key to the success of any peer support program is providing appropriate training and ongoing support and supervision for the peers.

NOW, THEREFORE BE IT RESOLVED, the National League of Cities (NLC) urges Congress to establish a federal program, similar to the Department of Veterans Affairs' National Center for PTSD program, within the Department of Health and Human Services that would:

- develop resources and training programs for community-based clinicians who interact with first responders and their families to help them better understand the unique risks facing their clients and what health and wellness programs may be available to them as members of the first responder community,
- provide technical assistance to support the development of model policies and implementation guidance for public safety agencies to make substantial efforts to reduce first responder PTSD and suicide,
- establish a national crisis hotline for first responders,
- conduct research to determine the efficacy of regular mental health checks, establish which approaches are most effective, and provide resources that move public safety agencies toward best practices to reduce mental health issues among first responders,
- establish remote access or regional mental health check programs to help first responders in small cities, towns and villages,
- assist local public safety agencies to implement peer support programs to ensure all first responders have access to this important wellness service; and

BE IT FURTHER RESOLVED, NLC urges Congress to improve legislative privacy protections for first responders seeking assistance from peer crisis lines and other peer-support programs; and

BE IT FURTHER RESOLVED, NLC calls on Congress to create a public service campaign around first responder mental health and wellness in conjunction with National Mental Health Month.

NLC RESOLUTION #42**ON THE USE OF FORCE BY MUNICIPAL LAW ENFORCEMENT OFFICERS**

WHEREAS, the police officer-involved killings of Black people and people of color 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, Latino, and Asian Americans, especially Black and Latino 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/>

WHEREAS, local elected officials work closely together with their municipality's law enforcement officials and residents to ensure police officers have the support, resources, and training they need to serve their communities with honor, integrity, moral character, and courage.

NOW, THEREFORE, BE IT RESOLVED that NLC's Public Safety and Crime Prevention Federal Advocacy Committee requests that NLC develop recommendations for how municipal leaders can ensure their law enforcement agencies "use of force policies" are appropriate. These recommendations should be published and distributed to the NLC membership and the board. Specifically, NLC should propose recommendations relative to:

- complying with the U.S. Department of Justice's Use of Force Continuum;
- prohibiting maneuvers such as chokeholds that are intended to limit person's ability to breathe or restrict person's blood flow;
- authorizing the use of "lethal" or "less lethal" force³ when there is imminent danger to the officer or to another individual;
- requiring officers to use de-escalation techniques when there is no imminent danger to life and property;
- requiring other officers that are at the scene of the incident to intervene and stop the use of force by officer(s), including using their arresting authority, if they believe the actions are unwarranted, unnecessary, or are an abuse of power by the officer(s);
- requiring the law enforcement agency to log all use of lethal or less lethal force by officers to a national database that is searchable and available to the public;
- requiring officers, who use force when it is not necessary, to be relieved of duty;
- requiring officers equipped with body worn cameras to make sure the cameras are in recording mode anytime the officer is engaged in a potential incident that might require the use of force;
- prohibiting officers from restricting witnesses to video record the use of force by officer(s);
- ensure the public is able to call 9-1-1 or use an online reporting system when they believe an officer's use of force is unwarranted or is in violation of an individual's civil rights;
- ensure law enforcement officers and other public safety employees are provided whistleblower protections when they report an officer use of force violation; and
- requiring that all lethal and less lethal use of force actions be thoroughly investigated to ensure the incident warranted the use of force; and
- requiring law enforcement executives to take immediate disciplinary action against an officer who used lethal or less lethal force, if it is determined that the use of force was unwarranted, unnecessary, excessive or was an abuse of power; and

BE IT FURTHER RESOLVED that NLC calls on the U.S. Department of Justice to update the Use of Force Continuum⁴ to ensure that the continuum fully addresses structural and institutional racism on how the use of force is employed by local, state and federal law enforcement; and

BE IT FURTHER RESOLVED that NLC calls on Congress to:

³ As defined in the DOJ's Use of Force Continuum

⁴ <https://nij.ojp.gov/topics/articles/use-force-continuum>

- establish a federal technical assistance and grant program that help local governments to establish violence interrupter programs⁵ and initiatives that employ community members with expertise, and reduce the overburden on law enforcement to respond to calls; and
- provide additional funding for the community oriented policing grant program to help local law enforcement agencies implement and improve racial bias and de-escalation training; and
- prioritize the awarding of the above funding to targeted municipalities that have repeatedly been cited for lethal or less lethal use of force violations, civil rights violations, or abuse of power by officers; and
- provide additional federal funding and technical assistance to local governments to help administer mental health and wellness services to law enforcement officers; and
- establish a National Database of Decertified Officers that local governments can use to vet officers who have been dismissed for such issues as unnecessary or excessive use of force, abuse of power, racial discrimination, and violation of individual's civil rights; and
- provide technical and grant assistance to local governments to establish transparent civilian oversight boards to investigate officer use of force violations.

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.

NLC RESOLUTION #43**IN SUPPORT OF FEDERAL EFFORTS TO RECRUIT AND RETAIN A DIVERSE
PUBLIC SAFETY WORKFORCE**

WHEREAS, municipalities across the country are having a difficult time recruiting and retaining qualified and racially diverse public safety employees; and

WHEREAS, the difficulty in recruiting and retaining public safety employees includes sworn and unsworn law enforcement officers, volunteer and paid firefighters, emergency medical technicians and paramedics, social workers and crises intervention specialists, 9-1-1 call takers, dispatchers, and public safety communications technicians; and

WHEREAS, the reasons why individuals are less likely to seek or stay in a career in public safety may include increased risk of injury or death, risk of civil liability or criminal conviction, lack of political and public support, insufficient income for the level of personal risk, risk of potential for post-traumatic stress disorder (PTSD) or other mental and physical issues resulting from in the line of duty; and

WHEREAS, lack of racial, ethnic, and gender diversity in the public safety workforce can also make it difficult to recruit women and minorities; and

WHEREAS, recruiting, training, and retaining the next generation of public safety personnel will require considerable local government resources; and

WHEREAS, many municipalities across America, especially small to medium-size cities, towns and villages, lack sufficient resources to recruit, train, and retain qualified public safety personnel to keep their communities safe.

NOW THEREFORE BE IT RESOLVED, the National League of Cities (NLC) urges Congress and the Administration to:

- Provide technical and financial support to local governments to recruit, train and retain a more racially and gender diverse public safety workforce.
- Provide additional funding for local government to establish co-responder programs.
- Provide additional funding for local governments to hire recruiters to help recruit a diverse municipal public safety workforce.
- Conduct research on the feasibility of employing unarmed responders for mental health and substance use calls for help.
- Provide technical assistance to local governments to establish violence interrupter programs.
- Establish a national ad campaign to help recruit more women and minorities in the public safety workforce.
- Provide technical assistance to local governments to improve mental health and wellness programs for their public safety employees.
- Increase funding for the COPS hiring grants and allow the funding to be used for hiring co-responders and crisis intervention teams.

NLC RESOLUTION #44**IN SUPPORT OF FEDERAL EFFORTS TO ENSURE LOCAL GOVERNMENTS CAN HOLD LAW ENFORCEMENT OFFICERS ACCOUNTABLE**

WHEREAS, holding municipal employees, including law enforcement officers, accountable is the primary responsibility of local government officials; and

WHEREAS, state laws and labor union contracts may limit the ability of local governments to hold law enforcement officers accountable; and

WHEREAS, local governments are statutorily required to indemnify law enforcement officers acting within the course and scope of their duties unless the officer acts in bad faith or with malice;¹

WHEREAS, 42 U.S.C. Section 1983 in 1871 subjects state and local government officials to lawsuits for monetary damages for violating federal constitutional and statutory rights, and

WHEREAS, qualified immunity is a legal doctrine established by the U.S. Supreme Court that grants government officials, including municipal law enforcement officers, immunity from money damages for civil rights violations as long as the official did not violate a "clearly established statutory or constitutional rights of which a reasonable person would have known"²; and

WHEREAS, qualified immunity also safeguards local governments from having to pay money damages for actions of municipal employees, including law enforcement officers, which were not yet deemed unconstitutional by a court when they occurred; and

WHEREAS, the National League of Cities (NLC) joined court cases supporting qualified immunity for government officials, including municipal law enforcement officers.³

NOW THEREFORE BE IT RESOLVED, while NLC opposes federal legislation that would eliminate qualified immunity for law enforcement officers, NLC does believe that Congress and the courts should consider changes to the doctrine of qualified immunity for law enforcement officers to ensure greater accountability; and

BE IT FURTHER RESOLVED, NLC supports federal efforts to strengthen local government's ability to hold law enforcement officers accountable for discrimination, criminal misconduct, or excessive use of force violation; and

¹ See e.g.: Ohio Rev. Code 2744.07; Calif. Govt. Code 825; Missouri Rev. Stat. 105.711; Dallas Ord. 31A-5.

² Harlow v. Fitzgerald, 457 U.S. 800, 818 (1982).

³ Wood v. Moss 572 U.S. 744 (2014), Reichle v. Howards 566 U.S. 658 (2012), Filarsky v. Delia 132 S.Ct. 1657 (2012)

BE IT FURTHER RESOLVED, in cases where local government officials determine that the actions of a law enforcement officer or officers discriminated against an individual's civil rights, resulted in criminal misconduct, or violated the law enforcement agency's use of force policies, the local government:

- should have full authority to immediately terminate the employment of a law enforcement officer or officers, and the termination of the law enforcement officer or officers should not be subject to state laws or labor union contracts, including requirements for arbitration of disputes related to disciplinary penalties or termination.
- can register the law enforcement officer with the national database on law enforcement officer misconduct; and

BE IT FURTHER RESOLVED, law enforcement agencies should be required to search the national database on law enforcement officer misconduct before hiring a sworn law enforcement officer who must carry a firearm, has arresting powers, and carries a badge.

BE IT FURTHER RESOLVED, individuals registered in the national misconduct database should not be eligible for sworn duties such as carrying a firearm, arresting power, and carry a badge.

7.00 Economic Opportunity and Innovation

Local officials have traditionally been leading proponents of the development of new and emerging technologies and NLC supports federal policies that encourage economic development by promoting universal access, and digital inclusion, technological innovation, competition, and the implementation of new services. For communities, the existence of an affordable and modern communications infrastructure means rapid dissemination of and efficient access to information, increased productivity, new economic development opportunities, improved local government services, and an improved quality of life. Communications and information technology have become integral to providing improved health and social services, public safety, education and job training, transportation and other lifeline services. *(In this chapter, unless specifically noted, the word communications shall include voice, video, data, and all other services delivered over cable, telephone, fiber-optic, wireless, satellite and all other platforms.)*

A. Statement of Principles

NLC endorses the goal of achieving digital equity across all American communities. Digital equity ensures all individuals and communities have the information technology capacity needed for full participation in our society, democracy and economy. Digital equity is necessary for civic and cultural participation, employment, lifelong learning and access to essential services.

Every resident should have affordable access to communication technologies that provide full opportunities to engage in the digital

information space and use available information and digital resources for education, job opportunities, civic engagement, health care, financial services, entertainment and social connection.

Municipalities should be able to leverage assets such as fiber networks and partner with agencies, nonprofits and private sector businesses to deploy and support community digital inclusion programs. Local officials are also those best positioned to assess residents' needs and barriers when accessing adequate and affordable broadband, technology resources and training opportunities. Cities, towns and villages are also the entity best suited for appropriate management of public rights-of-way, land use and zoning in their communities, to balance the needs of achieving a robust communications and information technology infrastructure with the other needs of the community.

Federal broadband planning frameworks should encompass access to affordable and adequate broadband internet for residents and businesses, including:

- Economic opportunity and innovation for businesses, organizations and individuals participating in the digital economy;
- Digital literacy education opportunities that contribute to digital citizenship, privacy and cybersecurity skills;
- Robust and resilient communications systems for public safety and cybersecurity;
- Appropriate fixed access for single and multifamily homes and businesses;
- Equitable mobile service throughout entire jurisdictions to the extent feasible;
- Bandwidth symmetry between upload and download speeds, enabling sufficient access to high-bandwidth services and

applications needed for economic competitiveness;

- Network neutrality protections.

B. Access, Adoption, Affordability, and Symmetry of Broadband

Broadband access and adoption help promote economic development and social equity while enhancing public health, public safety, and educational opportunities for Americans around the country. Therefore, the Federal government should ensure that broadband access is universal, affordable, and addresses the nation's digital equity issues. The Federal government should also ensure that future deployments are developed so as not to decrease digital equity.

1. Access

NLC supports action by the federal government to provide matching grants, technology grants, tax credits, subsidies and other types of aid that would increase broadband deployment and affordability. NLC also supports sustained funding of programs such as e-rate.

2. Adoption

Understanding that access alone is not enough to encourage adoption, NLC also supports proposals that would bridge the digital divide and develop programs that would create opportunities to increase broadband adoption.

3. Affordability

Federal policies should be designed to maximize the availability of affordable and competitively priced services throughout the country.

4. Upload/Download Symmetry

Recognizing that broadband download capability is critical for access to content, upload speed is similarly critical for economic development and labor market

participation. Federal definitions of "broadband service" and programs to enhance access, adoption, and affordability should also seek to encourage upload/download bandwidth symmetry.

C. Competition and Convergence

Communications services are no longer bound to a single, exclusive engineering or physical delivery mechanism. Convergence refers to delivering services over non-traditional platforms, utilizing multiple technologies to deliver a particular service, and delivering multiple services over a single platform. A common example is telephone (voice) and data delivered by cable. Past regulatory regimes – applied to specific communications services, delivered via specific technologies – will be irrelevant and unworkable in a market where “cable companies,” “phone companies,” and their competitors deliver packages of comparable services via different technologies.

Implementing the principles of universal availability requires participation from the private, non-profit and governmental sectors. The private sector's role is to meet consumer demands by innovation and engaging actively in the market through product and service development and support. The non-profit sector may provide support for individuals that are not adequately served by the market or government programs.

Governmental programs are required in this area because the market cannot fully meet local, state and national objectives. Barriers of geography, technology, settlement patterns, poverty and other factors stand in the way. All levels of government have a role in ensuring universal availability. Despite the move to de-regulate services, states, through their public utility regulatory structures, have significant and changing roles in this area. Municipal and other local

governments can make significant contributions to universal availability through community needs analysis, regulation, financing, franchising, direct provision of services and infrastructure, progressive management of city properties including rights-of-way and a variety of other means. The federal government must not preempt municipal authority to act in the interest of its citizens, especially where fully competitive and affordable services do not exist.

The federal government, because of its scale and geographic scope, has a unique role in providing redistribution of service costs so that a national system of universal affordable access exists. These roles are critical in order to bridge gaps between universal service and what the private sector provides in response to the market.

7.01 Local Control and Authority

NLC supports a balanced approach to communications policy that allows new technologies to flourish while preserving traditional local regulatory authority. In particular, federal policies should not undermine the ability of municipal officials to protect the health, safety and welfare of their residents by diminishing local authority to manage public rights-of-way, to zone, to collect just and fair compensation for the use of public assets, or to work cooperatively with the private sector to offer broadband services. Regulation and oversight of basic telecommunication services are important prerogatives for local officials to advance community interests, including the provision of high quality basic services that meet local needs and are available at affordable rates to all consumers.

A. Land Use and Zoning

1. General

The Federal Government must not preempt or restrict zoning authority and other local land use laws or requirements applied in a non-discriminatory and timely manner that regulate the location, placement, size, appearance, screening or siting of transmission and receiving facilities and any other communications facilities such as satellite dishes, radio towers, broadcast facilities, microwave facilities, equipment housing, small wireless facilities, and similar facilities. *(See related policy under the Community and Economic Development Chapter, Section 3.07 (A) Land Use.)*

2. Adjudication

Disputes over local zoning and land use matters must be adjudicated by the state courts and not the Federal Communications Commission (FCC).

3. Exclusive Remedy for Personal Communications Facilities

NLC supports judicial decisions and legislation that express the clear Congressional intent to preclude application of damages and attorney fee remedies against local and state governments under federal civil rights statutes for violations of section 704 of the Telecommunications Act of 1996.

4. Radio Frequency Radiation Emissions

The federal government has established standards for radio frequency emissions. Local governments must be permitted to monitor and enforce these standards.

The increasing number of wireless sites in communities has increased questions from citizens about the health and safety impacts of these sites. The Federal Communications Commission should update its standards and guidance for safe exposure to radio frequency

emissions to account for changes in technology and density of infrastructure.

The lack of updated radio frequency emission standards, particularly with the proliferation of small wireless facilities, is an issue of concern often expressed to local elected officials by impacted residents.

We urge the Federal Communications Commission to publish updated standards relevant to small wireless facilities or a clear affirmation that the existing standards have been found to be safe when applied to small wireless facilities placed in very close proximity to each other and to inhabited structures.

5. Interference with Public Safety Communications

Local governments must have the authority under federal law to enforce zero-tolerance standards for interference with public safety communications. *(See additional related policy in Section 7.03 (D) Standards.)*

B. Communications Infrastructure Siting

Municipalities process and deploy the vast majority of wireless broadband infrastructure projects in a timely manner, respecting not only the needs of providers, but also the needs of the communities they serve. Local governments have the right and obligation to ensure wireless siting requests comply with current health, safety, building, engineering, and electrical requirements, as well as comply with tower fall zones and set-back ordinances.

NLC opposes efforts by the Federal Communications Commission to preempt local authority over wireless infrastructure, and supports legislative and judicial remedies to this preemption.

C. Rights of Way Management

Public rights-of-way are properties owned by the citizens of a municipality that are managed by local governments for the benefit of those citizens. Proper management is essential for the transportation of people, goods and services and for utilities including power, clean water, stormwater, sanitary sewer and communications. Municipal governments engage in a variety of activities related to rights-of-way to protect the public safety and welfare, to minimize service disruptions to the public, to protect public investments in rights-of-way, to assure the proper placement of service lines, to regulate the placement of service facilities and to realize the value of this public asset. Underlying these municipal roles and control is the fact that the use of publicly-owned rights-of-way is a privilege, not a right. Use of municipal rights-of-way is not an entitlement flowing from the Telecommunications Act of 1996. Local governments are legally and ethically obligated to control and charge for the use of rights-of-way. Moreover, the federal government must not mandate to local governments that the various users of rights-of-way be treated in precisely the same fashion, given that these industries place dissimilar demands and risks on the rights-of-way.

Municipalities, authorized to manage and receive compensation for commercial use of the public rights of way, may conduct a number of activities to achieve their management goals, including, but not limited to, the granting of franchises and licenses, the promulgation of construction, restoration and maintenance standards, the levying of taxes, the charging of fees, the levying of rental charges and the issuance of permits. The federal government should take no actions which restrict the authority of municipalities in these areas.

As communications and other services (that utilize public rights-of-way) are offered by different providers, and as services are bundled together or separated (segmented) in different ways, cities need the ability to adjust their regulations to the new provider environment. The federal government should remove federal barriers to this adjustment process by municipalities. Federal law should not preempt municipal regulations which require advance notification to the municipality of the offering of new services (using the rights-of-way) or when the use of existing facilities within the rights-of-way are converted to new uses. In addition service providers should be encouraged to deploy new technologies and not withhold implementation to the detriment of a community.

Municipalities must have the authority to assess fees reflective of just and reasonable compensation for the use of public rights-of-way. There should be no federal limitation on the ability of a franchising authority to impose appropriate franchise fees for the provision of non-cable services or the provision of service by any provider of communications services and its affiliates, or multi-channel video programming distributors using public property or public rights-of-ways. Moreover, franchising authorities should be able to assess a franchise fee on all operations of the service provider, or any other provider of cable or any other communications system capacity, as any such use constitutes a valuable right for which a city should receive fair compensation.

Municipal requirements for users of the rights-of-way including but not necessarily limited to the following should be clearly recognized in federal law as appropriate exercises of municipal authority:

- Complying with emergency orders issued by a municipality for public safety in exercise of police powers
- Posting bonds as determined necessary to ensure compliance;
- Indemnification;
- Notifying the municipality of excavations;
- Notifying the municipality of time, place, and manner of entry into rights-of-way;
- Complying with municipality requirements regarding excavation methods;
- Complying with municipality requirements regarding maintenance of traffic, pedestrian, or bicycle infrastructure;
- Complying with municipality requirements regarding aesthetics and undergrounding;
- Participating in the costs of street reconstruction;
- Coordinating with other providers and utilities to minimize rights-of-way disruption;
- Qualification requirements for contractors and subcontractors;
- Demonstrating ability to guarantee the quality of restoration work as using the same surface material or restoring landscaping to previous condition;
- Submitting as-built documentation and other information for entry into GIS systems;
- Provisions for abandonment of equipment
- Complying with regulations specifying the frequency of when right-of-way can be excavated, including dig-once policies; or
- Being subject to special assessments for street paving.

The type of requirements listed above should never be classified under federal law as

illegally discriminatory practices or as barriers to market entry.

NLC believes that the rare and justified use of moratoria is a critical rights-of-way and zoning management tool for municipalities and that the use of this tool should not be preempted by State or Federal policy or law. A moratorium is a temporary pause on development orders including permits imposed by a local government. In the context of advanced telecommunications deployment it may be used for the purposes of project planning and coordination, providing time to develop appropriate regulations to implement new state and federal law and address new technology, and to address significant public safety and welfare issues.

D. Municipal Broadband

NLC advocates for all levels of government (local, state, and federal) to facilitate the deployment of broadband networks and services through policies and regulations that favor government and private sector investments to further encourage deployment.

NLC supports federal proposals that preempt state barriers and preserve the authority of local governments to act in the interest of their citizens by offering internet access through community/municipal broadband initiatives.

1. Municipal Broadband Infrastructure

Municipalities must not be prevented from installing and operating municipally owned wireline/fiber or wireless communications systems, regardless of whether the intended use is governmental and/or private. NLC supports federal policies that facilitate the development of multiple, competitive wireline communications providers and that

protect the use of spectrum for public Wi-Fi networks.

2. Institutional Networks and Other Government-Use Networks

Communications policies on the national levels should encourage and support municipalities in the development and operation of Institutional Networks (“I-Nets”) or other networks used for governmental services such as transportation and utilities management and public safety. These networks are an integral part of the local communications infrastructure, providing valuable alternative video, voice, and data services to local governments, schools, hospitals, other public institutions, and the public. Furthermore, they can serve as a critical gateway to other communications networks. The creation of innovative services on I-Nets can be a catalyst for the broader deployment of advanced communications services within the community.

E. Wireline Communications Providers

Within this section, the phrase “communications providers” is intended to cover wireline telecommunication providers that historically provided telephony and/or television services. The phrase “municipalities” is intended to cover both municipalities and franchise authorities, other than municipalities, where applicable.

1. Federal/Local Jurisdiction over Wireline Communications Providers

Federal jurisdiction should be limited to matters expressly and unambiguously designated by statute as federal matters. All other matters should be left to local and state control; municipalities should have primary authority over local and other related intrastate matters. Federal laws and regulations should recognize, respect, and not restrict local government authority.

Municipal regulation of wireline communications systems is essential for several reasons:

- To manage use of the valuable and limited public rights-of-way;
- To protect consumer interests;
- To foster public, educational, and government (“PEG”) use of the system; and
- To protect the community’s needs and interests for which their rights-of-way are being occupied.

As authorities exercising police power to promote public health, safety and welfare, municipalities should be responsible for local matters such as:

- Management and control of the public rights-of-way;
- Consumer protection and enforcement of meaningful customer service standards, consumer choice, competitive consumer pricing;
- Continuity of service in cases of transfer, assignment, abandonment or termination;
- The use of municipally-owned/controlled facilities, including, but not limited to municipal services, poles, and conduits (and the fees for such use);
- Determining whether to require universal, nondiscriminatory service availability to subscribers; and
- Determining the use of franchise fees.

2. Franchise Granting Administration (for municipalities who have local franchises)

Municipalities should be permitted to consider any issues affecting the local public interest – including, but not limited to, the ability and willingness to provide service, PEG access requirements and universal service – in determining whether it is “reasonable” to deny a franchise request. Moreover, municipalities should have the right to consider the following issues relating to franchise administration:

- Impact of a franchise decision on competition in the local marketplace, and deny a franchise requests to providers that would restrict competition
- Franchise awards, modifications, time extensions, transfers, renewals, revocations, enforcement and administration;
- Prior approval or disapproval of transfers;
- The inspection of books and accounts, the conduct of audits; and
- Enforcement of service quality standards.

a. Franchise Renewals

Franchise renewals should be handled in accordance with applicable local law.

Federal law should:

- Allow municipalities to consider competitive renewal proposals at the time of renewal and to grant the franchise to a competitor that will better serve the community, provided that a locality is not required to grant an incumbent’s bid;
- Provide municipalities with authority to review all elements of the operators’ past performance without regard to transfers of ownership during the franchise term;
- Limit administrative and procedural complexities and establish an “arbitrary and capricious” standard for judicial review of a locality’s renewal decision;
- Provide adequate time periods for making a renewal decision; and
- Permit municipalities to deny renewal requests if a communications system operator is not in substantial compliance with material franchise requirements or has provided inadequate service, regardless of whether a locality had notice of, or provided a communications system operator notice of, franchise violations or inadequate service of notice of such violations.

b. Franchise Transfers

Federal law should not limit a municipality's ability to disapprove a proposed transfer upon any reasonable grounds, including, but not limited to: (a) a finding of past failure to comply with the franchise; (b) a refusal by the transferee to agree to reasonable business terms or comply with the terms of the franchise in the future; or (c) a finding of economic non-viability (as reflected in the purchase price and the economic impact of these acquisition costs on the community). Federal law should not limit a municipality's ability to collect all information necessary to fully review a buyer's qualifications, and should not place unreasonably short time limits on such review.

3. Franchise Fees

Municipalities must be paid fair and reasonable compensation for use of their rights of way. Such amounts should not be limited to the cost of maintaining the rights of way. In addition, payments made for, or in support of the use of PEG facilities, equipment and services, or for institutional networks (I-Nets) should not be considered franchise fees. NLC opposes federal efforts to reinterpret the Cable Act to deduct the value of mutually agreed upon nonmonetary franchise provisions from franchise payments. NLC also opposes federal efforts to exempt cable operators from local ordinances that apply to non-cable competitors.

With equity and competitive fairness as a framework, municipalities should continue to have the right to own, operate, manage, license, or lease any other voice and data services or infrastructure without a franchise and in competition with franchised providers of such services.

F. Broadcasting

1. Support for Low Power Television (LPTV)

Federal LPTV policy must promote and give priority to local government and public service programming, encourage diversity in programming, and maximize opportunity for local competition among LPTV stations.

2. Ownership Opportunities

NLC also encourages LPTV ownership by women, local governments, small businesses and minorities. Federal restrictions on trafficking, the rapid resale of recently acquired broadcasting licenses, should be established to preserve minority, female, small business, and local ownership.

3. Low Power FM Radio

NLC encourages the development of low power FM radio broadcasting service to provide opportunities for new entrants, including those for women and minorities into broadcast ownership. Low power FM radio broadcast programming can address local problems, needs and interests.

G. Fairness Doctrine

The federal "fairness doctrine" and related doctrines such as the "equal time" media access requirement for candidates should be enacted into law and strengthened by requiring full and effective FCC enforcement. The "fairness doctrine" was established in 1949 through federal regulation to foster debate on public issues and ensure the public airing of different points of view on controversial issues, but it was revoked in 1987 by the FCC.

1. Rate Regulation, Rate Structure, and Service Options

All traditional cable video services (including charges for installation, equipment, and other related services), should be regulated except for programming offered on a per-channel or

per-program basis that is not supported by revenues from advertisements.

Federal law should allow a municipality to require a uniform rate structure throughout a franchise area on a nondiscriminatory basis. Uniform rates help ensure the availability of a minimum level of service to low-income, disabled and elderly persons.

Federal law should allow a municipality to require video operators to provide lifeline service at regulated rates or to offer discounts on its services to low-income, disabled and elderly persons.

H. Municipal Liability Exposure and Franchise Administration

1. First Amendment

NLC is opposed to challenges of government regulation on First Amendment or other constitutional grounds brought by cable operators, or other communications and information service providers. When municipal regulation is challenged on First Amendment grounds, NLC encourages recognition of the following principles:

- Current television distribution facilities are predominantly a natural monopoly;
- Wireline communications service providers generally make permanent and extensive use of the public's rights-of-way;
- Public, educational, and governmental ("PEG") access promotes the First Amendment interests of the public; Universal service promotes the First Amendment interests of the public;
- The First Amendment interests of the public and municipalities, in assuring programming diversity and a vigorous marketplace of ideas, outweigh the communications providers' First Amendment interest in providing cable service; and
- The Internet is a unique media platform of expression that requires a different

First Amendment standard from that applied to the print medium, but similar to that applied to the broadcast medium. Further these unique media of expression are evolving and should be routinely monitored.

2. Damages Immunity

Some local governments have been threatened with extraordinary monetary judgments in lawsuits by communications providers that challenge the fundamental right to exercise regulatory jurisdiction authorized by federal, state or local laws or regulations. NLC supports the damages immunity provisions in the Telecommunications Act of 1996. To the extent that local government damages immunity provisions are not clearly set forth in other sections of the Telecommunications Act of 1996, they should be clarified. For example, the legislation should preclude the award of attorney fees and costs against municipalities.

I. Channel Control and Placement

1. Local Authority over Channels

Municipalities should be permitted under federal law to enforce programming and programming-related requirements contained in franchise agreements, including, for example, the number of channels that must be carried on any tier, requirements for PEG channel capacity, and a lifeline service tier requirement.

2. Must Carry Requirements

NLC feels that federal "must-carry" requirements serve important goals, such as promoting the viewership of public broadcasting systems and preserving the nation's system of free over-the-air broadcast service.

NLC supports federal law that prohibits broadcasters from using available PEG

channels to transmit must-carry signals without a municipality's approval. Such approval should be obtained in advance of the use of unused PEG channels and such use of PEG channels should be temporary.

3. Channel Placement and Numbering for Cable

Municipalities should not be precluded by federal law or regulation from regulating the placement and numbering of access channels to better protect consumers. Municipalities should also be authorized to prohibit any changes in channel assignments on tiers subject to rate regulation unless approved by the municipality.

Changes in alignment for services not subject to rate regulation (e.g., pay-per-view and premium programming) should be preceded by reasonable notice to the municipality and subscribers.

J. Public Access Channels

Federal law should require communications providers offering channel-based programming, regardless of the means of distribution, to meet PEG access obligations as determined by municipalities.

Federal law should: (a) authorize municipalities to require communications providers to provide both operating and capital support for access facilities, equipment, staffing, and maintenance at levels sufficient to ensure the viability of access without any limitations or credits against franchise fees; (b) not limit franchising authorities ability to designate entities to provide access services; and (c) provide liability protection wherever a municipality, access entity, or communications provider does not exercise editorial control over content.

K. Satellite Services

NLC supports federal efforts requiring satellite companies to meet public interest requirements such as public, education and government (PEG) channels.

7.02 Public Safety

Ensuring dependable, robust, and resilient communications systems for public safety needs is an important priority of municipal government. Preserving the local government role in public safety communications systems can help local governments take advantage of technological innovation and result in improved communications efforts and practices.

This section will focus primarily on the communications-related aspects of public safety. For additional public safety policy, please refer to the Public Safety and Crime Prevention (PSCP) Chapter of the National Municipal Policy.

A. Spectrum Allocation

Spectrum is a finite non-renewable natural resource owned by the people and managed by the government.

The federal government must allocate sufficient communications spectrum to municipalities for public safety use in order to enhance inter-operable communications among public safety and service agencies, and to ensure the ability of local governments to meet their responsibilities for public safety and emergency services. The federal government must also involve cities as it develops standards for the delivery of emergency information on communications systems.

If federal reallocation of radio spectrum forces a municipality to change frequencies, channels, or both to preserve their public

safety and emergency communications services, there should be fair compensation made for transfer costs. Such compensation should include all costs reasonably incurred by the municipality, including, but not necessarily limited to, new equipment and infrastructure for broadcasting under a different frequency, and additional personnel and training.

B. FirstNet

The passage of the Middle-Class Tax Relief and Job Creation Act of 2012, provided spectrum and \$7 billion in funding to create a nationwide public safety data communications network in the hopes of meeting the needs and requirements of our nation's first responders. The First Responder Network Authority (FirstNet) Board of Directors has been tasked with the planning, construction, maintenance, and operation of a nationwide public safety wireless broadband network that will allow first responders to achieve better communication in their day-to-day work as well as during disaster response. NLC encourages efforts by FirstNet to work with state and local governments, as well as the first responder community, to identify their needs when it comes to the cost, coverage, and uses of the public safety broadband network.

C. Interoperability

Having the capability to transmit vital information to different emergency response personnel among all levels of government without interference and delay is key to communications for public safety. No man, woman, or child should lose his/her life because public safety officials cannot communicate with one another. The federal government should take immediate action to provide local governments with the broadcast channels needed to enhance their communications capabilities. Reliable and

interoperable wireless communications are essential to public safety's mission to protect life and property. *(See related policy under PSCP Section 6.02(C) Public Safety Technology and Intelligence.)*

D. Standards

The federal government should encourage regional planning for public safety communication needs and address the current shortage of spectrum channels with a long-term plan that ensures sufficient and appropriate spectrum to meet future public safety needs across the nation, communications equipment with open standards, and funding for the necessary building, operation, and maintenance of a national interoperable emergency communications system. If federal reallocation of radio spectrum forces a municipality to change radio frequencies and/or channels to preserve its public safety and emergency communications services, there should be prompt and fair compensation made for transfer costs, such as new equipment and additional personnel and training. *(See related policy under PSCP Section 6.02(C) Public Safety Technology and Intelligence.)*

E. Emergency Notices

The federal government must ensure that homes and businesses have access to the same emergency information as is offered by the Emergency Alert System, without regard to which communications technology is used to serve a location.

7.03 Consumer Protection

Municipalities have a fundamental responsibility to protect the public health, welfare and safety through the exercise of police powers vested in them by action of their residents or the operation of state law. Through such mechanisms as: direct

provision of services, franchising, permitting, and licensing, municipal governments have and maintain oversight over multiple communication systems, which are essential to this objective. Federal law should allow municipalities to enact and enforce more rigorous customer service standards than federal standards.

A. Abusive Practices

1. Slamming

NLC supports federal efforts to address the illegal practice of changing consumer communications services without authorization, known as slamming. This unauthorized change can have a negative impact on consumers of communications services who not only lose the right to subscribe to their provider of choice, but also might be subject to lower quality service or higher rates.

2. Cramming

NLC supports federal efforts to address the illegal act of placing unauthorized charges on wireline, wireless, or bundled communications services bill, a practice known as cramming. This practice tricks consumers into paying for services they did not authorize or receive, or that cost more than the consumer was led to believe.

3. Robo-Calls

NLC supports federal efforts to eliminate robocalls, except those exempted by the Federal Trade Commission, which are unsolicited telemarketing calls to landline or cellular telephones, and all autodialed or prerecorded calls or text messages to wireless numbers. NLC supports the Do-Not-Call Registry and encourages further efforts to expand the program and close loopholes.

4. Spoofing FCC Language

NLC supports federal efforts to address caller ID spoofing, a practice where callers can

deliberately falsify the telephone number and/or name relayed as the caller ID information to disguise the identity of the calling party.

5. Unsolicited Communications

NLC calls on the federal government to expand efforts to curtail unsolicited communications, including, but not limited to, cell and landline phone calls, texts, faxes, e-mails, pop-up Internet ads and abandoned phone calls, except in situations where an established business relationship exists. In addition to being a nuisance, the costs of such unsolicited communications are often passed on to consumers and businesses. However, federal actions, such as national “do not call” registries, should not preempt or weaken existing state or local laws.

6. Online Safety

The federal government should also encourage responsible use of broadband technology services. Identity theft, bullying, cyber stalking, the mis-management of consumer data, hacking or infecting government and other lawful websites and networks, and broadband schemes to defraud seniors and vulnerable populations should be prohibited and discouraged through appropriate government policies, enforcement, and technology solutions that address both broadband providers and consumers, and through appropriate education. A large reason many Americans do not adopt and use broadband services more readily is the fear of being subject to abusive practices. To be accepted, broadband must be safe for users.

7. Reassigned Numbers

NLC encourages federal action to provide consumers an easy way to exempt themselves from autodialer call lists and prevent companies from calling numbers that have been reassigned.

B. Truth in Advertising

NLC supports federal proposals which encourage regulators to develop and enforce strict guidelines to govern advertising and public disclosure of broadband services.

Of special interest should be:

- Broadband providers currently use download speed as their primary flagship, while minimizing the disclosure of upload speed, which is the most variable component of current broadband delivery technologies. Providers should be required to advertise upload/download speeds on an equal basis.
- Providers heavily advertise their download speeds as rated inside their own networks, without any common measurement indexes that would allow consumers a basis for fair comparison of products between providers. Providers should be required to ensure all broadband advertising that includes bandwidth claims to use a common system for speed measurement across the entire Internet.
- Providers currently contract consumers to multi-year agreements with exit costs that are not indicative of the installation costs or associated discounts for the services provided. Providers should be required to disclose/contrast termination fees in all advertising that ‘headlines’ a discounted rate based on said contractual agreement.
- Providers currently contract groups of consumers to lengthy multiyear exclusive contracts to pre-empt the expansion of city/municipality owned networks. To counter this, there should be support for the expansion of municipal broadband by discouraging or legislating against these practices.
- Providers currently ‘package’ other services with their broadband services to force market these products to consumers that have limited/no options in the broadband market. The use of ‘slam

packaging’ in markets with exclusive/limited broadband service options should be banned.

- Providers currently advertise speed and availability to markets where the service and speed are unavailable, or only available to a small percentage of the citizens receiving the advertising. NLC encourages the federal government to provide oversight of these practices.

C. Billing Practices and Service Disputes

Federal requirements should not restrict the ability of any individual subscriber from filing complaints directly with the FCC.

NLC supports federal law that would allow municipalities to enact and to enforce more rigorous customer service standards.

D. Privacy

1. Privacy and Consumer Protection

Federal law must not limit the ability of municipalities to protect consumers from the misuse of personally-identifiable information. The exposure and risks to individuals from the use and misuse of personal information and shifting public expectations for information privacy should be at the forefront of federal policy decision-making. The collection, maintenance, use and dissemination of personal information have been facilitated by the vast capabilities of modern information technology.

2. Privacy and Public Records

Local governments have an important role as collectors and caretakers of vital information about the people and communities they govern. This information is a unique resource used by governments to plan and deliver services and, under state and local guidelines, by citizens and the private sector to enhance educational, social and economic objectives.

NLC opposes any federal law or regulation, which would limit a municipality's discretion in determining what information, held by a municipality, should be made available electronically.

A municipal government should have no legal exposure under federal law or regulation if a municipality makes information, which is public under its state law, available to any member of the public.

To safeguard municipal interests and promote expanded use of innovative information technologies, municipalities should never be required by federal law or regulation to provide data electronically, or in an electronic format that involves a significant development or administrative cost without reasonable compensation for, at minimum, the marginal cost of providing the service. Cities should be allowed to provide information in the format that is generally employed to meet the requirements of the municipality, which may not necessarily be in the form that a requester desires.

E. Cybersecurity

NLC supports federal efforts in cybersecurity related to national security, protection of sensitive information and intellectual property, and the availability and continuity of infrastructure. The increasing presence of the Internet of Things throughout cities and the increased attempts to interfere with election processes presents an increased threat to city residents and necessitates increased federal action. Local governments are responsible for the protection of large amounts of personally identifiable data, the breach of which could lead to criminal activity or unauthorized use. NLC additionally supports federal efforts to provide increased resources and technical assistance to local governments for the protection of government systems, data,

transactional databases, enterprise files and critical government functions. (*See related policy under PSCP Section 6.03(I) Protect Against and Respond to Cyber Threats.*)

F. Network Neutrality

The federal government should mandate compliance with the following principles by all companies owning networks or offering Internet access, regardless of technology they employ:

- Internet users and creators of services should have unrestricted access to and use of their choice of lawful Internet content, applications, and services;
- Internet users are entitled to connect their choice of legal devices to the network;
- Internet service providers should not engage in prioritization or throttling of content unrelated to public safety needs; and
- While network owners define the cost and technical limits of their service, consumers must receive meaningful information regarding their service plans, including but not limited to information about anticipated upload and download speeds.
- Each of these principles should apply regardless of an Internet user's income, race, geographic location, or disability.
- Enforcement of these principles and similar principles are essential to ensure that the public receives the maximum diversity of information and the maximum competition among providers of services, equipment, content, and Internet access. Municipal broadband networks represent an important alternative to communities that find privately owned networks are unable to comply with these principles.

NLC RESOLUTION #45**LOCAL GOVERNMENT SUPPORT OF COMMUNITY/MUNICIPAL
BROADBAND NETWORKS**

WHEREAS, the universal availability of affordable broadband access for all citizens has been identified as a national priority; and

WHEREAS, community/municipal broadband networks are an essential option for education, healthcare, market competition, consumer choice, economic development, and universal, affordable Internet access nationwide; and

WHEREAS, historically, local governments have ensured access to essential services by banding together to provide those services that were not offered by the private sector at a reasonable and competitive cost. This involvement has included electrification, public libraries, and other important services; and

WHEREAS, according to the Federal Communications Commission, half of American homes only have two options of Internet service providers for basic broadband and for faster speeds, a majority of households only have one choice¹; and

WHEREAS, the economic health of municipalities depends on public and private investment to connect their communities; and

WHEREAS, municipal governments consider broadband to be a critical form of infrastructure, and more than 900 communities have therefore made significant investments in publicly-owned broadband infrastructure²; and

WHEREAS, attempts continue to be made to limit or stop further local government deployment of municipal broadband services, which has the potential of reducing the ability of local government to provide important information and services to their citizens in a timely, efficient, and cost-effective manner; and

WHEREAS, opponents of community and municipally provided broadband have proposed various administrative procedures that they claim are designed to protect citizens and consumers from unwieldy local governments; however, these safeguards really place over-burdensome requirements on municipalities and act as unnecessary barriers³; and

WHEREAS, a majority of American consumers, across the political spectrum, feel municipal broadband services should be allowed to help ensure that all Americans have equal access to the Internet⁴; and

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.](#)

⁴ [Consumer Reports, "Broadband: A Nationally Representative Multi-Mode Survey," July 2021.](#)

WHEREAS, federal and state broadband infrastructure funds will be unnecessarily limited in effectiveness by the number of states with anticompetitive, preemptive laws in place by prohibiting communities from making the best choice for their own connectivity needs; and

WHEREAS, in the vast majority of community/municipal broadband networks built to date, the private sector has been involved in helping design, build, and operate the network – creating new business opportunities and jobs in the process; and

WHEREAS, local governments should not be preempted by states from being able to offer broadband services, high speed Internet, and other communications services and/or infrastructure which could advance the deployment of broadband throughout our nation.

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities (NLC) urges the federal government to encourage deployment of broadband networks in a competitive manner via a variety of conduits (satellite, wireless, and wireline); and

BE IT FURTHER RESOLVED that NLC opposes any actions that seek to burden cities through unnecessary procedural requirements and safeguards that duplicate the democratic process by which cities govern themselves; and

BE IT FURTHER RESOLVED that NLC embraces local governments' ability to work cooperatively with the private sector to offer broadband services and does not believe such public/private partnerships are incompatible with private sector competition; and

BE IT FURTHER RESOLVED that NLC supports federal proposals that promote community/municipal broadband, that preserve the authority of local governments to act in the interest of their citizens by constructing, owning and operating broadband infrastructure, directly offering high speed Internet and other communications services, and/or participating in public-private partnerships for the purposes of offering competitive broadband and communications services; and

BE IT FURTHER RESOLVED that Congress should preempt state laws that restrict municipalities from providing community broadband networks and further ensure that no new broadband legislation should preempt the authority of local governments to conduct their own broadband planning; engage in broadband infrastructure construction, ownership, or operation; collaborate with neighboring jurisdictions; govern the placement and deployment of wireless or other communications infrastructure in their communities; or impose consumer protection or buildout requirements on broadband providers in their jurisdictions; and

BE IT FURTHER RESOLVED that NLC calls on Congress to pass the Community Broadband Act (H.R. 1631/S. 1460) to supersede state preemption and enable the provision of municipal broadband in every state; and

BE IT FURTHER RESOLVED that NLC calls on state legislatures to overturn or eliminate preemptive state laws and ensure that local governments are fully able to participate in building a broadband future.

NLC RESOLUTION #46**FEDERAL INVESTMENT IN BROADBAND ACCESS: A CALL FOR UNIVERSAL AVAILABILITY, AFFORDABILITY AND WORLD-CLASS QUALITY**

WHEREAS, to compete successfully in an increasingly global environment the United States needs to take advantage of all of the technological solutions that high-speed broadband access offers; and

WHEREAS, universal broadband should be considered essential infrastructure that contributes to economic health, equity, and survival of communities across the United States; and

WHEREAS, despite the findings of the Federal Communications Commission (FCC) 2020 Broadband Deployment Report¹ that 18.25 million Americans lacked access to fixed terrestrial broadband networks, the FCC concludes that “broadband is being deployed in a reasonable and timely fashion;” and

WHEREAS, there is a disparity between providers’ reporting of advertised speeds and actual delivered speeds that has been proven through speed tests in a number of states and municipalities; and

WHEREAS, the numbers of individuals with access to broadband is overreported by the FCC and inconsistent with the U. S. Census American Community Survey’s findings; and

WHEREAS, the federal standard for broadband (25 Megabits per second (Mbps) download and 3 Mbps upload), which has been in effect since 2015, is insufficient for multiple household members to simultaneously access vital bandwidth-intensive services such as video chat or VPN simultaneously; and

WHEREAS, with the proliferation of devices with Internet access, wireless data traffic has grown significantly, placing a greater demand on both licensed and unlicensed spectrum, and adding additional capacity is essential to support continued innovation and achieve the potential to transform many different areas of the American economy by providing a platform for innovation and is likely to have a substantial impact on jobs, growth and investment; and

WHEREAS, the availability and adoption of quality, affordable broadband service can vary dramatically from one neighborhood to another and between single family and multifamily homes, even in heavily populated urban areas, and a substantial number of individuals in poor and rural communities have limited Internet access and where broadband access is limited, citizens have limited access to information, education and tools for economic independence²; and

¹ [Federal Communications Commission, 2020 Broadband Deployment Report, April 24, 2020.](#)

² [Brookings Metropolitan Policy Program, “Broadband subscriptions are up, but too many households are still disconnected,” September 28, 2018.](#)

WHEREAS, 15% of households with children in school currently lack a broadband connection, while the majority of teachers assign homework that requires broadband, leaving millions of students behind in modern education³; and

WHEREAS, current availability and adoption is insufficient to meet present and future needs.

NOW, THEREFORE, BE IT RESOLVED that NLC asks the federal government to recognize and work through public-private partnerships or municipal broadband providers to achieve the goals of equitable broadband access by providing:

- Affordable and competitively priced broadband access; and
- Appropriate standards for symmetrical broadband speed, reliability, and connectivity that allow America to compete in the global economy and open more opportunities to deliver robust services more economically and universally; and
- Funding, such as that proposed in the Digital Equity Act, to support digital inclusion programs throughout the United States.

BE IT FURTHER RESOLVED that NLC urges the federal government to include and to incorporate federal investment in broadband in any federal infrastructure proposal, to strengthen the nation's infrastructure network while promoting economic development and social equity in our communities; and

BE IT FURTHER RESOLVED that NLC supports the FCC revisiting the benchmarks for broadband speeds on a more frequent basis because of the evolving nature of technology and the needs of communities for faster and symmetrical speeds; and

BE IT FURTHER RESOLVED that Congress must work with state and local governments to fund broadband infrastructure at high performance standards that provides at least 100/20 Mbps service, and ideally 1 Gbps symmetrical service, without harmful data caps, to ensure that federal funds are spent only on broadband that will provide meaningful service for current and future essential applications; and

BE IT FURTHER RESOLVED that NLC encourages the FCC to close the "homework gap" in low-income households through the support of low-cost plans, including access provided by local governments, and subsidized access to computing devices; and

BE IT FURTHER RESOLVED that NLC opposes any efforts by the FCC to reverse modernization of the critically important E-Rate and Lifeline programs; and

BE IT FURTHER RESOLVED that NLC supports expansion of the U.S. Department of Agriculture's Rural Utility Service Broadband program beyond loan guarantees to include grants, and an increased population threshold for eligible areas to at least 20,000 so that more areas may take advantage of this financing; and

³ [Pew Research Center, "Nearly one-in-five teens can't always finish their homework because of the digital divide," October 26, 2018.](#)

BE IT FURTHER RESOLVED that NLC calls on Congress to increase funding for Community Development Block Grants and Choice Neighborhood Grants, which allow local governments to fund broadband planning and deployment alongside affordable housing and neighborhood improvement projects; and

BE IT FURTHER RESOLVED that NLC calls on the U.S. Department of Housing and Urban Development to expand its ConnectHome program, to ensure that a growing number of HUD-assisted households and schoolchildren will have access to in-home broadband; and

BE IT FURTHER RESOLVED that NLC calls on Congress to remove state-imposed barriers to broadband investment, such as preemption of municipal broadband networks, broadband networks provided by rural electric cooperatives, and middle mile broadband infrastructure built by investor-owned electric companies; and

BE IT FURTHER RESOLVED that NLC calls on Congress to reform and update federal transportation grant programs such as BUILD to ensure that placement of broadband infrastructure through policies such as “dig once” is prioritized in funded projects, and that physical structures that reduce the cost of broadband deployment by private companies such as dark fiber and conduit are eligible expenses in federal grant programs; and

BE IT FURTHER RESOLVED that NLC urges the federal government to take a leadership role in convening together all interested parties, including, but not limited to, all levels of government (local, state, tribal, and federal), consumer organizations, representatives of underserved communities (rural, urban and suburban), all segments of the communications industry interests, representatives of private sector, and not-for-profit sector organizations, to promote ubiquitous symmetrical broadband access.

NLC RESOLUTION #47**LOCAL GOVERNMENT SUPPORT FOR FAIRNESS AND TRUTH IN ADVERTISING
FOR INTERNET SERVICE PROVIDERS**

WHEREAS, the universal availability of affordable, reliable high-speed Internet broadband access for all citizens is a national priority; and

WHEREAS, Internet access is a necessity for citizens to enable access to their workplaces, educational opportunities, telemedicine, social media, and community involvement; 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, advertising practices in the Internet/broadband industry are generally unmonitored; 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, some broadband providers currently advertise speed and availability, including the availability of next-generation mobile services, to markets where the service and speed are unavailable, or only available to a small percentage of the citizens receiving the advertising, violating basic concepts of truth in advertising; 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.

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities (NLC) supports the imposition of a standard for broadband measurement to be required in broadband advertising, allowing the public a fair basis for comparison when purchasing broadband services; and

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 that this advertising standard should require providers to advertise only actual delivered speed and availability averages (50th percentile) for the area being advertised to; and

BE IT FURTHER RESOLVED that NLC urges the federal government to explore and enact requirements that promote fair and explicit advertising in the broadband industry, such as a standardized “Broadband Nutrition Label,” which include standards based on measurements of broadband speed from a nationally available source and allows consumers to compare cost and service across providers; and

BE IT FURTHER RESOLVED that the “Broadband Nutrition Label” should include, at a minimum, items such as: the actual delivered upload and download speeds, all fees assessed, costs of any associated rental equipment or installation charges, data limits or speed throttling, and termination or cancellation costs.

NLC RESOLUTION #48**PRESERVING LOCAL CONTROL OF BROADBAND INFRASTRUCTURE SITING**

WHEREAS, the Federal Communications Commission (FCC) has enacted regulations that substantially limit the traditionally-held authority of local governments over small cell wireless infrastructure and local governments' ability to assess fair compensation to taxpayers for use of public property, subsidizing wireless providers' development while undermining local efforts to expand equity and broadband access; and¹

WHEREAS, the FCC has enacted regulations that challenge local land use authority to govern broadband infrastructure under the auspices of accelerating broadband infrastructure deployment²; and

WHEREAS, cities have worked as active partners to site broadband infrastructure in their communities while protecting public safety, neighborhood character, and the integrity of existing infrastructure such as poles, streets, and sidewalks; and

WHEREAS, cities share the FCC's goal of expanding broadband access to all Americans, no matter where they live; and

WHEREAS, cities have a duty to their taxpayers to protect and manage public property and public rights-of-way for the benefit of all users, and must balance the needs and interests of broadband providers with those of other users of the rights-of-way and residents by appropriately reviewing siting requests and assessing appropriate rent for use of public property; and

WHEREAS, NLC and numerous other organizations representing state and local governments, as well as hundreds of individual local governments, had to resort to litigation to protect the health, safety and welfare of residents;³ and

WHEREAS, in August 2020, the Ninth Circuit Court decided to largely uphold these preemptive regulations,⁴ and in June 2021 the Supreme Court declined to take up the case,⁵ reinforcing the need for Congress to provide an immediate lasting legislative remedy.

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

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 Intervenor 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.](#)

⁵ [City of Portland v. USA, Case No. 20-1254, Supreme Court of the United States 2021.](#)

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 overturn its 2018 small cell rulemaking and 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.

NLC RESOLUTION #49**CALLING FOR UPDATED FEDERAL SAFETY STANDARDS FOR
RADIOFREQUENCY EMISSIONS OF WIRELESS FACILITIES**

WHEREAS, increased usage of wireless communications services has resulted in greater deployment of wireless communications facilities in cities; and

WHEREAS, Congress and the Federal Communications Commission (FCC) are considering legislation and regulations, respectively, addressing the deployment of small wireless communications infrastructure in public rights-of-way; and

WHEREAS, states and local governments throughout the United States are preempted by Section 332(c)(7) of the Communications Act of 1934 from taking into consideration the health effects of radio frequency emissions (RF) when regulating the placement of wireless facilities or small wireless facilities with their jurisdictions; and

WHEREAS, Americans have expressed significant concerns with the health effects of RF emissions associated with wireless facilities, particularly small wireless facilities placed in public rights-of-way often in very close proximity to residents' homes, places of work and where they recreate; and

WHEREAS, cities and counties employ methods to avoid providing certain environmental related services near residents with particular sensitivities; and

WHEREAS, the FCC is required by the National Environmental Policy Act of 1969, among other things, to evaluate the effect of emissions from FCC-regulated transmitters on the quality of the human environment; and

WHEREAS, the FCC adopted a proceeding in 2013 to reassess RF exposure limits;¹ and

WHEREAS, numerous states, local governments and tribes have urged the FCC to revisit and to update FCC standards for RF emissions, with input and support from other federal agencies, including the Environmental Protection Agency and the Food and Drug Administration; and

WHEREAS, NLC, the National Association of Counties (NACo), National Association of Telecommunications Officers and Advisors (NATOA) the U.S. Conference of Mayors (USCM), and the National Association of Towns and Townships (NATaT) on behalf of their respective 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, in 2021, the DC Circuit Court of Appeals remanded this decision, finding that the FCC decision failed to meet Administrative Procedure Act and National Environmental Policy Act requirements.⁴

WHEREAS, public concern about 5G and RF emissions has increased exponentially 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; and

NOW, THEREFORE, BE IT RESOLVED that NLC urges the federal government to update antiquated 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.](#)

⁴ [Environmental Health Trust, et. al., v. FCC, Case No. 20-1025, DC Cir. 2021.](#)

NLC RESOLUTION #50**IN SUPPORT OF MUNICIPAL DATA OWNERSHIP AND PROTECTION**

WHEREAS, municipalities require personally identifiable information to provide essential services to residents, such as bill payment, transit, public planning, and public health; and

WHEREAS, municipal governments have a responsibility to protect residents' personal and financial data, of which they are stewards; and

WHEREAS, most municipalities are reliant upon products and services to carry out critical municipal functions, which necessitates the transmission and storage of data regarding residents' finances, identification, travel information, or other sensitive data; and

WHEREAS, residents have a reasonable expectation of privacy in many transactions with their governments and do not expect their data to be shared with third parties except as necessary to perform municipal functions; and

WHEREAS, there is no current federal data privacy law governing the ownership and protection of data by residents or by municipalities on behalf of residents; and

WHEREAS, under current law contractors providing these essential products and services may require that this data become the property of the company, not the municipality, allowing companies to either monetize residents' data directly or indirectly by requiring municipalities to purchase it back for local use; and

WHEREAS, local governments have become particularly attractive targets for bad actors, with two-thirds of all ransomware attacks targeted at local governments,¹ and most local information technology officers report insufficient budgetary resources to adequately protect local government networks.²

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities calls on the federal government to establish data privacy principles that prevent the abuse of municipal data by companies providing products and services to local governments; and

BE IT FURTHER RESOLVED that the federal government should institute, expand and promote basic cybersecurity requirements for companies and governments to ensure that 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 [Public Technology Institute, "PTI/CompTIA 2020 National Survey of Local Government Cybersecurity Programs," 2020.](#)

BE IT FURTHER RESOLVED that the federal government should establish robust, dedicated grant and technical assistance programs to assist municipalities of all sizes in preventing, preparing for, and recovering from cyberattacks; and

BE IT FURTHER RESOLVED that federal data privacy policy should require companies to enable municipalities to export their data on demand, and should not require municipalities to pay again to access or export their own data; and

BE IT FURTHER RESOLVED that federal privacy principles should not impinge on the ability of municipal governments to collect and use data to complete critical government functions, such as transportation service, utility operation, public safety, and providing equitable access to these services.

NLC RESOLUTION #51**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

WHEREAS, while mapping improvements will help to improve the accuracy of federal broadband access measurements, the Federal Communications Commission does not track broadband adoption or affordability in its annual assessment of broadband access.

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.](#)

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities calls on the federal government to make holistic reforms to federal broadband policy that promote digital equity and empower local governments to engage in digital inclusion work within their own communities; and

BE IT FURTHER RESOLVED that Congress should enact legislation to fund and support digital inclusion programs and planning within communities, such as the Digital Equity Act; and

BE IT FURTHER RESOLVED that NLC supports the establishment of the short-term Emergency Broadband Benefit and Affordable Connectivity Program and calls on Congress to establish a permanent, dedicated and sustainably funded federal broadband benefit, to ensure that low-income households are not barred from full participation in work, education, and civic life due to broadband subscription prices; and

BE IT FURTHER RESOLVED that broadband reporting programs, such as the FCC's annual broadband deployment report, broadband infrastructure programs, such as the Connect America Fund or the U.S. Department of Agriculture's Rural Utilities Service funds, should assess affordability when determining whether residents have access to home broadband; and

BE IT FURTHER RESOLVED that broadband infrastructure programs should not be limited to rural communities, and should incorporate suburban and urban communities, many of which have been subjected to decades of disinvestment, monopolization, and digital redlining; and

BE IT FURTHER RESOLVED that the U.S. Treasury should allow digital inclusion as an eligible community support service under the requirements of the Community Reinvestment Act, ensuring that low to moderate income communities do not go unbanked due to lack of broadband access or low digital literacy; and

BE IT FURTHER RESOLVED that Congress should affirmatively uphold and protect the authority of local governments to control their agreements with the cable, wireline, and wireless telecommunications companies operating in their jurisdictions, to ensure their appropriate usage of public resources such as municipal rights-of-way, promote digital equity, and adequate investment in and contribution to the community; and

BE IT FURTHER RESOLVED that Congress should remove barriers to cooperative and municipal investment in and provision of broadband service, to ensure local governments are empowered to close gaps in communities with inadequate or unaffordable broadband service.