

THE ENLL FRAMEWORK

The Four Practices of Functional Federalism — Within Every State and Among All States

Functional federalism is not a policy or position — it's a **practice** — a disciplined four-stage framework for local, state and national leaders to preserve the state-national constitutional governing balance. Each stage builds on the prior. Together, this ENLL Framework advances from **State Alignment** on principles to **State Allegiance** in practice, to maintain a healthy state-federal governing partnership.

E

EDUCATE

LEAD: LEGISLATURE · ALL

Create a shared jurisdictional understanding and build the constitutional record that advances federalism in practice.

- › Educate and train all State Team leaders — from local officials to the congressional delegation.
- › Conduct Jurisdictional Sifting to identify which government is constitutionally responsible.
- › Conduct legislative hearings documenting real-world impacts of jurisdictional imbalance.
- › Issue formal AG opinions establishing the state's constitutional positions.
- › Publish and publicly distribute continuing education materials.
- › Document local and state officials' firsthand experience as formal legislative testimony.
- › Coordinate education and training with other states and state organizations toward State Alignment on principles to preserve state-national governing balance.

N

NEGOTIATE

LEAD: GOVERNOR · AG

Engage federal offices and officers in principle-based discussions regarding appropriate constitutional balance in the state-national governing partnership.

- › Governor, AG, legislative leaders and agency heads engage federal counterparts.
- › Recognize the presumption of state jurisdiction for all matters not constitutionally enumerated to the national government.
- › Governor, AG and federalism committee/commission correspond with federal counterparts to clarify jurisdictional boundaries and document partnership protocols through MOUs.
- › Legislature passes resolutions cataloguing institutional history and record of state assertions of authority.
- › Multistate governor and AG coalitions to achieve state jurisdictional Alignment and Allegiance.
- › Congressional delegation employs committee hearings and investigations to clarify and document state-national jurisdiction.
- › State and local officials engage in coordinated, persistent meetings with delegation, agencies, and administration to clarify and maintain state-federal roles.
- › Seek federal recognition of jurisdictional boundaries prior to Legislate or Litigate steps.

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LEGISLATE

LEAD: LEGISLATURE · DELEGATION

Enact state law to assert and defend state jurisdiction. Engage the delegation on federal legislation.

- › Consider state laws asserting state jurisdiction and challenging federal assertions of jurisdiction in constitutionally reserved domains.
- › Build the statutory record to support and strengthen credible litigation claims and cooperation with sister states.
- › Establish standing federalism committee/commission with ongoing budget, review, and oversight authority.
- › Adopt legislative resolutions asserting jurisdiction.
- › Address implementation of federal mandates that commandeer state personnel and resources (anti-commandeering doctrine).
- › Review and consider action on potentially coercive federal grant conditions (coercive spending doctrine).
- › Coordinate model legislation with sister states through NFI and state networks.
- › Appropriate funding for all ENLL activities across every State Team function.
- › Coordinate with the delegation to seek re-enactment of the Reagan and Clinton Executive Orders on Federalism, and encourage congressional enactment for all federal functions.

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LITIGATE

LEAD: ATTORNEY GENERAL

File constitutional challenges. Enforce the legal record regarding state jurisdiction built through Educate, Negotiate, and Legislate.

- › AG prepares and files legal challenges.
- › Coordinate multistate AG coalitions seeking State Allegiance in critical mass.
- › Intervene in existing cases affecting state jurisdiction (interference in one state's jurisdiction interferes with jurisdiction of all).
- › File amicus briefs in cases with structural federalism implications.
- › Anti-commandeering challenges: states cannot be conscripted for federal programs.
- › Coercive spending challenges: unconstitutional grant conditions are unenforceable.
- › Legislature ensures sufficient appropriations for appropriate legal action.
- › Governor utilizes the "bully pulpit" to educate locally and nationally on the importance of litigation that maintains the "double security" of state-federal governing balance.
- › The ENLL record — Educate + Negotiate + Legislate — is the evidentiary foundation for Litigate.

STRENGTH IN NUMBERS

ENLL works within each state among local, state and national leaders of a single state. It **transforms the state-federal constitutional balance** when a critical mass of states engage the framework together.

