

August 2011

THE LEGISLATOR

A PUBLICATION OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

ACCESS THE POWER OF
MINORITY-OWNED FIRMS
TO CREATE JOBS AND
SUSTAIN COMMUNITIES

Come in We're

OPEN

Securing
Our Energy
Future with
Sound Policy

Fiscal Fiasco

Disaster Relief:
Is Your District
Prepared?



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Call for Articles!

The Editorial Team is soliciting articles from NBCSL legislative members for The Legislator. We want to highlight the work you do, share your experiences, as well as the benefits of your knowledge. Articles should be opinion pieces focused on issues that have implications on a national level, and are relevant to state legislators.

The next issue will be published in December 2011; the deadline date for submission is **Monday, October 17, 2011**. Please email all articles to news@nbcsl.org. Be sure to visit www.nbcsl.org for updates and to review past issues. We look forward to your submissions!

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TO OUR READERS

MOVING FROM PROGRESS TO SUCCESS

As the tug of war between the parties continues on Capitol Hill, life marches on for the rest of the country. Many Americans are still trying to pay their bills, looking for a place to live, ways to support themselves and their families, and essentially just trying to figure out how to survive this economy. While the recession has been declared officially over, many businesses and industries are still experiencing its effects, in particular those that impact employment, and this further hinders a full recovery of the economy.

Notwithstanding these challenges, new businesses are emerging and thriving in this environment. Despite severely reduced resources, there are many stories about individuals and communities reaching out and helping each other, by being creative and open to change, using their entrepreneurial skills, and most importantly, working together.

While the topics covered in this month's magazine focus on many of these challenges that we are experiencing, they do also offer potential solutions, many of which necessitate some level of sacrifice and compromise for us all. The articles outline the challenges and possibilities associated with disaster preparedness, veterans returning home, redistricting trends, and even healing racial divides in our country.

What is clear is that even when we think we are doing all we can to create solutions, we will need to dig deeper and figure out how, in spite of differences, we can move forward to create a new and improved nation.

Coming together is a beginning. Keeping together is progress. Working together is success. --Henry Ford

The Editorial Team



We live in difficult times. Many Americans are struggling to come out of a financial hole. Yet, if you ask, most will say they still believe in the “American Dream.” This optimism should serve as our guiding light. The mission of the National Black Caucus of State Legislators is to create more economic, political, and social equality, and our priority is to implement policies that will help protect and benefit all Americans. However, deep budget cuts are making it more difficult for the average American, especially for the nation’s most vulnerable groups—children, elderly, low-income families, minorities, and young adults. Across the country, citizens are making their voices heard. They need our help now more than ever.

Many states have embarked on controversial budget and policy solutions. Severe cuts have been made to state education. More than 30 states have introduced bills, filed court cases, or referenda against the Affordable Care Act. Some have even proposed cutting benefits for Medicare and Medicaid, while others have established additional requirements for voting.

John F. Kennedy stated, “Children are the world’s most valuable resource and its best hope for the future.” Clearly, members of state legislatures have lost sight of this as they have cut public school funding, eliminated effective early childhood development programs, and have

introduced or passed legislation to make cuts to child care and other work-related assistance. These cuts will make it harder for many poor parents to continue working and will also impede their children’s educational readiness. Our children cannot protect their best interest through the ballot box; therefore, it is incumbent upon us to protect them. Higher education funding cuts have made college less affordable and students have lost their state financial aid grants. Citizens are taking to the streets, protesting budget cuts, tuition hikes, compensation reductions, and reducing quality faculty and teachers.

At least 30 states have implemented cuts that will restrict eligibility for health insurance programs and/or access to health care services. Cuts have been made to mental health services, putting the public at risk as those with mental illness crowd emergency rooms and prisons. Several states have opted to curtail Medicaid, the government health insurance program for the poor. More than 19 states have lowered payments to hospitals and nursing homes, while forcing recipients out of the program. Moreover, due to Medicaid reimbursement cuts to hospitals, medical centers have seen increased losses, causing some medical centers to eliminate or reduce services and staffing levels. Some states have eliminated programs which help seniors

pay for prescription drug costs not covered by Medicare. Other states have capped or reduced funding for programs which serve people with disabilities or the elderly. Recently, policymakers have proposed cuts to Medicare. According to Virgil the philosopher, our greatest wealth is health. And yet, after securing the nation’s most profound health reform in generations, we have seen relentless efforts to undermine progress. We must continue to fight for quality healthcare for all and remain vigilant in protecting health care programs and other critical programs for our elderly, disabled, and low-income constituents.

When the Constitution was written, only white male property owners had the privilege to vote. Women, paupers, African Americans, Native Americans, Asian Americans, and other groups were denied the same right. There were religious tests, property qualifications, literacy tests, poll taxes, and exclusions on the grounds of race and sex. Individuals and groups fought tirelessly to break down the barriers imposed on their ability to vote. Today, eight states have passed legislation requiring a driver’s license or official state I.D. to vote. Twenty-four states have also proposed voter I.D. legislation. Millions of Americans, mostly poor, elderly, disabled, or young, lack a passport, driver’s license, or state

issued I.D. We must not stand by and watch while misguided legislatures assault one of our most fundamental rights as American citizens.

The National Black Caucus of State Legislators knows that most of our constituents fall within the nation's most vulnerable groups. We are faced with the challenge of fighting for their economic justice, health care, adequate housing, quality education, and civil rights. It is times like this that we should remember the words from former Congresswoman Barbara Jordan:

And now, what are those of us who are elected public officials supposed to do? We call ourselves public servants, but I'll tell you this: we as public servants must set an example for the rest of the nation. It is hypocritical for the public official to admonish and exhort the people to uphold the common good if we are derelict in upholding the common good. More is required of public officials than slogans and handshakes and press releases. More is required. We must hold ourselves strictly accountable. We must provide the people with a vision of the future. If we promise as public officials, we must deliver. If we, as public officials, propose, we must produce. If we say to the American people, "it is time for you to be sacrificial," sacrifice. If the public official says that, we must be the first to give. We must be. And again, if we make mistakes, we must be willing to admit them. We have to do that. What we have to do is strike

a balance between the idea that government should do everything, and the idea, the belief, that government ought to do nothing. Strike a balance.

Respectfully yours,



Rep. Barbara W. Ballard (KS)
President, NBCSL



AS STATE BUDGETS DECREASE, HOW DO WE CREATE EQUITABLE POLICY SOLUTIONS?

This year has proven to be one of the most challenging years in recent history with regards to federal and state budgets. Our country's fiscal reality requires painful budget cuts to programs and activities that are of particular importance to communities of color and all Americans. As elected officials debate pending and proposed cuts in their statehouses, it is important to take into account the short and long-term impacts of their policy decisions.

When creating economic policy, how can policymakers spread the losses and hardships created by budget cuts in ways that no particular population or group (e.g., children or seniors) experiences disproportionately negative impacts? This approach goes beyond perceptions of "fairness," and is strategic in that it attempts to protect vulnerable segments of the population and maintain their survival with increasingly limited resources. It also hopes to preserve important government systems such as education and health care that are critical to our nation's future, our place in the global economy, and the public good.

Equity in public policy is especially difficult during times


of high unemployment and partisan politics. To achieve it, elected officials must determine who receives the benefit and who bears the burden of their decisions. This perspective is very different than spreading budget cuts "equally" or in some instances, "unequally." It has significant implications for policies that increase taxes and those that seek to cut or eliminate social programs.

In response to the need for guidance and guidelines when dealing with their budgets, an increasing number of jurisdictions around the country have sought to view policy decisions through an "equity lens." In some instances, they have developed tools and passed

ordinances that help policy makers discern and acknowledge the equity impacts related to budgetary cuts and economic investments.

One example of a jurisdiction using this innovative approach to public policy is Martin Luther King County, Seattle, WA. The King County government has passed the first Equity and Social Justice Ordinance that requires new policy decisions be reviewed for their equity impacts, particularly on economically, socially, and physically vulnerable people. To support policymakers, they have developed an equity impact review process/tool. While the policy and tool are relatively new, they show great promise in helping elected

officials determine how best to use limited resources and when necessary, how to make budget cuts based on what is “fair and just.”

While the aforementioned example is at the county level, state legislators might consider similar approaches to navigate the tough policy and economic environments, with equity as a guiding principle. 2011 will set the trajectory of state budgets for years to come and as such, elected leaders must protect their most vulnerable constituents while keeping an eye on the horizon, and promoting economic recovery in their states. Without question, available resources will limit allocations for services and activities. How those resources are distributed will send clear messages regarding the legislative and moral priorities of our current leadership. Inevitably, constituents will pay close attention and make note of these policy decisions and the stance taken by their representatives – voicing their agreement or disagreement during the next election cycle. I encourage each NBCSL member to take a stand for equity in all budget and policy decisions, creating a vision of fairness and prosperity for the future. 

Lakimba B. DeSadier has served as the Executive Director for NBCSL since 2003. She has worked to promote the organization in state legislatures, as well as increase its membership and visibility nationwide.

ACCESS THE POWER OF MINORITY-OWNED FIRMS TO CREATE JOBS AND SUSTAIN COMMUNITIES

By David Hinson, Director, National Minority Business Development Agency (MBDA)

The minority business community is a rapidly growing sector of the U.S. economy both in terms of financial impact and importance. Over the years, this segment of the economy has shown the potential to lead the

way for our nation's economic recovery and extend our global reach. As such, it is critical that we work together to create a positive political and regulatory climate in which the minority business community can grow and compete.

For decades, these businesses have been a model for growth and development through even the leanest of economic times. In 1969, the United States had 322,000 minority business enterprises (MBEs) contributing \$10.6 billion in total gross receipts to the economy. According to figures recently released by the U.S. Census Bureau, in 2007, the number of MBEs had grown to 5.8 million, pouring approximately \$1 trillion in revenue into our nation's economy.

MBEs have been leaders in creating jobs for Americans. In 2002, MBEs employed 4.7 million

people. By 2007, that number had grown by more than 25 percent to 5.9 million. To put this growth in perspective, between 2002 and 2007, the number of people employed by non-minority owned firms increased by only 2.3 percent. During this same time period, the number of African American-owned firms grew by 61 percent to nearly 2 million firms, generating \$138 billion in total gross receipts. These firms employ nearly 1 million Americans, an increase of 22 percent over the number in 2002.

What is amazing is the fact that the true potential of the minority business community is yet to be realized. For example, if African American-owned firms were able to generate total gross receipts in relation to the adult minority population in 2007, such firms would have generated \$1.4 trillion in total gross receipts employing 7.1 million Americans.

These numbers would have been a part of the larger minority business community, which would have generated an estimated \$3.4 trillion in annual gross receipts and employed nearly 18 million Americans.

A core objective of the Minority Business Development Agency (MBDA) is to assist the minority business community in achieving size, scale, and capacity so they are globally competitive. Based on U.S. Census Bureau data, minorities are projected to become the majority population by 2042. As such, it is essential that we work jointly to help this community realize their potential for they will be the future customers and tax-base of our country.

For its part, MBDA is using every resource at its disposal on behalf of MBEs. Our network of 50 MBDA business development locations throughout the country,

provide a wide range of business consulting services to assist in the growth and competitiveness of MBEs. Our centers have a quantifiable impact on the communities they serve. For example, in 2010, MBDA and our centers were able to help generate \$4.0 billion in contracts and capital for MBE clients, which in turn created nearly 6,400 jobs. MBDA has been especially aggressive in the African American business community. Two examples of success through MBDA's assistance I would like to share with you were with largest minority-owned business in the State of Tennessee, and the creation of a public-private broadband partnership in Central Alabama.

Andre Gist has the largest minority-owned business in the state of Tennessee, Manufacturers Industrial Group (MIG), LLC. Today, he is considering how to diversify his \$300 million business while branching out into foreign markets. His daily routine includes monitoring opportunities emailed through MBDA's Phoenix Opportunity System. "I signed up a few years ago, and I have gotten involved again. Since then, I go through the opportunities on a regular basis," Gist said. With MBDA's help, he is also hoping to participate in one of the upcoming U.S. Department of Commerce trade missions. While he has 1,400 employees and six locations in Tennessee – three in Lexington, two in Athens, and one in Chattanooga – he is exploring the possibility of opening a facility in Mexico.

MBDA has also assisted a team of African-American owned

telecommunication businesses in Atlanta secure a \$59 million grant that will not only create jobs, but expand access to services to communities through broadband connections. The team made up of primary partners Trillion Communications Corporation, A2D, Inc., and A-Plus Community Solutions competed for the opportunity to increase broadband in un-served and underserved communities.

The partnership's focus was to provide broadband service to a portion of a rural, eight-county region in central Alabama, an area which includes Selma, through construction of a 2,200 mile network to augment existing facilities. The project would enhance the communities' ability to bring high-speed telemedicine, distance learning, access to web-based legal assistance, and better 911 services to residents in this region, among other benefits.

Going forward, we are undertaking steps to ensure continued growth through expanding our reach. The Agency has launched its new MBDA Business Center Program to maximize the number of MBEs we serve. This includes removing the geographic service boundaries of our centers and opening locations in two new cities, Denver, Colorado and Cleveland, Ohio. To find an MBDA Business Center or office near you, visit www.mbda.gov/main/offices.

We are working closely with our strategic partners, such as the National Urban League, to expand our reach and leverage each other's expertise. In addition, we are working with the International Trade

Administration (ITA) and the Overseas Private Investment Corporation (OPIC) to enhance the services provided by our centers to firms who are looking to broaden their global reach. Recently, the MBDA Business Center in Mobile, Alabama became a certified OPIC Economic Development Network (EDN) Loan Originator.

Moreover, MBDA is tapping into our public and private partners to provide contracting opportunities to MBEs. In working with our partners, we were able to present \$30 billion in public and private contract opportunities to participating MBEs during our National Minority Enterprise Development (MED) Week Conference last year. We look forward to an equally productive Conference (www.medweek.gov) this year to be held September 20-27, 2011 in Washington, DC.

While MBDA has accomplished much in the last year, sustaining growth and realizing potential is very much a joint venture. I encourage you to reach out to MBDA through our centers or web portal so that together we may achieve a robust minority business community. **L**



David Hinson oversees five regional offices and a nationwide network of minority business centers providing services to promote the growth and competitiveness of minority businesses as National Director of the Minority Business Development Agency (MBDA).

AT&T/T-MOBILE MERGER: GOOD FOR CONSUMERS

By Rep. Mia L. Jones (FL)

Recent news reports have suggested the proposed AT&T/T-Mobile merger will, in some ways, be bad for consumers. The truth is -- there are plenty of people who think it will be good. The merger will ensure a valuable spectrum is put to good use by AT&T if their proposal to acquire T-Mobile is approved by federal regulators, and more importantly, more consumers will have access to mobile broadband across America.

Let us consider Shira Ovide's words to describe the benefits to consumers in her recent Wall Street Journal article, "AT&T Buys T-Mobile: Here's Why." She wrote, "Wireless service will be awesome: AT&T and T-Mobile USA customers will see service improvements – including improved voice quality – as a result of additional spectrum, increased cell tower density, and broader network infrastructure."

The announcement won genuine praise from the Communications Workers of America, which noted T-Mobile subscribers will soon have access to AT&T's faster network. They also pointed out a commitment by AT&T as part of the purchase to build out wireless infrastructure in hard-to-reach areas, noted Tony Romm in the Politico Pro article, "AT&T seeks to purchase T-Mobile."

"Through the deal, T-Mobile will finally gain a path for the next generation of cellphone data, known as 4G, by using AT&T's forthcoming LTE standard; and the deal will also drive enormous cost savings." So wrote Andrew Ross Sorkin, Michael J. De La Merced, and Jenna Wortham of the NY Times in another story on the proposed merger, "AT&T to Buy T-Mobile USA for \$39 Billion." There is plenty of support for the proposed merger and contrary to what some critics are saying, there is plenty for consumers to be happy about if it goes through.

Some worry the deal, which will cost AT&T \$39 billion in cash and stock, will create an imbalance in the wireless industry resulting in a duopoly with industry leader Verizon Wireless. However, AT&T says the transaction signals a major

commitment by a U.S. company to advance America's leadership in mobile broadband and will make super high-speed wireless broadband available at low cost to nearly all of the nation. The picture for current T-Mobile customers is not rosy without the merger. What about those tens of millions of Americans who would gain access to mobile broadband through AT&T with the merger? How long will they have to wait for mobile broadband service?

I have concluded the merger helps consumers. We will see improved service quality and expanded 4G deployment. By combining AT&T and T-Mobile's spectrum and their compatible networks, AT&T will be able to significantly expand network capacity and output for improved voice and data service for customers across the U.S.

This expanded network will

support all of the smartphones, tablets, mobile apps, and content consumers are using more and more each day. The spectrum shortage is most critical in the largest markets, like New York, Los Angeles, Chicago, Philadelphia, Dallas, Houston, and San Francisco – most of which are majority-minority or close to it. AT&T and T-Mobile overlap in these markets – so combining the companies’ footprints is vital to maintaining service quality and holding down prices for the most wireless-dependent communities in the nation – African Americans, Hispanics, and Asian Americans.

T-Mobile and AT&T’s technologically compatible network will be able to meet consumer demand for mobile broadband. The transaction allows AT&T to commit to an expanded 4G LTE deployment to 97% of the U.S. population - up from 80% as previously planned – thus covering an additional 55 million Americans.


What I like best about this merger is the impact it will have on technologically disenfranchised communities. Currently, the U.S. ranks 15th in the world in broadband adoption, and 25th in terms of average Internet connection speeds. The merger will help improve the U.S. ranking in broadband adoption by increasing mobile broadband availability in small, rural communities. This will directly help achieve the FCC

and President Obama’s goal to “connect every part of America to the digital age.” So, for the millions of Americans who still do not have broadband access, this merger will assist in closing the digital divide.

To do this, AT&T has already pledged to invest \$8 billion to expand its 4G LTE. This investment will create jobs as towers and call centers are built. It will deliver economic growth as people are able to get online and start their own businesses or run existing businesses more efficiently. It is clear that with this merger we not only help close the digital divide, but also close economic, educational, healthcare, and social divides created by broadband access disparities.

This will help drive competition amongst wireless providers, thus driving consumer costs down across the board, while allowing innovation to flourish – including the development of neat new mobile apps, and more sophisticated smartphones and other hand-held devices.

Sprint’s President of Network Operations, Steve Elfman, said he worries AT&T might become “more aggressive in marking down its prices.” This sounds good to me because if one provider marks down prices, others will follow suit, or risk a decline in subscribers. For the naysayers who just do not believe any good can come from

acquisitions, U.S. government data show wireless prices fell nearly 50% in the past decade. One may ask, has the price of anything else fallen over the last 10 years? Has there been a more vibrant and competitive wireless market in the US? The answer is “no.” This is why I say “yes” to the merger. For the sake of consumers, let us hope federal regulators also say “yes.” 



Rep. Mia Jones serves constituents located in District 14 in her home state of Florida.

W. K. KELLOGG FOUNDATION'S AMERICA HEALING INITIATIVE SEEKS TO ELIMINATE RACIAL BARRIERS

By Dr. Gail Christopher, Vice President of Program Strategies, W. K. Kellogg Foundation

More than a year ago, the W. K. Kellogg Foundation launched America Healing, a five-year, \$75 million initiative to improve life outcomes for vulnerable children and their families by promoting racial healing and eliminating barriers to opportunities. These barriers, like concentrated poverty and under resourced schools, are traceable to a legacy of structural racism.

Why is this initiative needed?

Within communities of color, mass incarceration rates among young males, persistent residential racial segregation, school failure, health disparities, and extreme unemployment combine to promote a blatant racial/social caste system. As a result, nearly one quarter of African-Americans live in poverty, blacks account for 39.4 percent of the nation's prison and jail population, and 50 percent of black and 45 percent for Latino teenagers drop out of high school. Moreover, 9.6 percent of all Latinos are in poor or fair health, and diabetes has reached epidemic proportions among Native Americans, with 12.2 percent of all Native Americans

over 19 suffering from the disease.

Children of color are over-represented among the 29 million low-income children and families in this country, particularly among families living in concentrated poverty. According to data from the National Center for Children in Poverty, about 61 percent of African-American, 62 percent of Latino, 57 percent of Native American, 58 percent of children with immigrant parents, and 30 percent of Asian American children live in low-income families. By comparison, 26 percent of white children live in low-income families.

The Civil Rights era was marked by public policy achievements that banned

discrimination in employment practices and public accommodations, restored voting rights, prohibited housing discrimination in sales or rental transactions, and allowed more black and brown immigrants to settle and build new lives in America. These legislative victories were the foundation for progress, but what is now clear is that public policies alone are not enough.

What's needed is a movement that changes not only policies, but influences the hearts and minds of all, from the unemployed young black male to the undocumented Latino farm worker, to the white Fortune 500 CEO. The wounds caused by racism are so severe that

they require extensive healing, a mending that brings diverse people together to acknowledge the injustices of the past, and plan a better tomorrow for their children.

Already, the America Healing initiative is spurring significant responses. The Congressional Black Caucus, the Congressional Hispanic Caucus, and the Congressional Native American Caucus are exploring the creation of a Congressional Caucus on Reconciliation for educational purposes within the Congress. The joint caucus would provide a national platform for showcasing the reconciliation efforts around the country, including the work of Kellogg Foundation grantees facilitating healing in their communities.

In June, leaders of the three caucuses presented a joint video message, marking the 90th Anniversary of the Tulsa Race Riot at an event sponsored by the John Hope Franklin Center for Reconciliation.

“A robust national education campaign on race relations and reconciliation is critically important to strengthening America,” said Congressman Emanuel Cleaver II (MO), who chairs the Congressional Black Caucus. “A nation divided along racial lines impedes America’s ability to be an effective world leader...America must take the necessary steps to acknowledge its racial history and embrace efforts to reconcile differences.

I look forward to working with my colleagues in Congress to explore the possibility of establishing a Congressional Civil Reconciliation Caucus and to work with community groups, colleges and universities, and corporations to address this issue head on.”

Congressman Tom Cole (OK) who is co-Chairman of the Congressional Native American Caucus, agreed, saying, “America is at a pivotal juncture in its history as it pertains to race relations. We must take this opportunity to examine ways to educate our children in ways that instill in them the importance of working together to make sure these tragic incidents of racial violence never occur again in our society.”

And, Congressman Charles Gonzalez (TX), Chair of the Congressional Hispanic Caucus, declared: “We all have a shared responsibility to highlight the work of local and national groups that dedicate tremendous time and resources toward reconciliation. The time is now for the nation to take a closer look at race and reconciliation models that are working in our communities across the nation. We owe it to our future generations.”

We are excited by this development because healing the wounds of racism is a major component of the America Healing initiative. We want to give communities all over the country

opportunities and resources to come together to undo the effects of centuries of racism and to heal the hearts in these families and communities.

During a four-day, America Healing conference in Asheville, North Carolina, May 23-26, 2011, Kellogg Foundation grantees joined with social organizers, activists, educators, civil rights leaders, and representatives of other foundations to share their visions and strategies for creating an America where there are equal opportunities for all. However, before the tactical sessions began, there was an extraordinary day of healing. Each of the more than 300 conference participants were in concurrent day-long sessions where they shared emotional and instructional experiences related to race.

We believed grantees, as well as civic and civil rights leaders, can better enact meaningful change in their communities if they are engaged in healing sessions, where they gain a more comprehensive understanding of their own feelings and grasp the pain and suffering of others – whites and people of color alike.

By many accounts, the stories told in the healing sessions helped participants view racism through a far different lens.

William McKee, a senior fellow at Phelps Stokes, said the healing sessions were essentially opportunities for people on the frontlines in the crusade against racism to find relief and

support. “The people out here in society doing the healing, needed healing themselves,” he said. “When people started sharing from their own private, secret points of pain, one could not have predicted what we would hear. It was truly life-changing information.”

For instance, McKee said that an African American from Michigan spoke about visiting relatives in the South years ago, and witnessing first hand people frozen with fear, the lasting impact of Jim Crow, and the discrimination they faced.” After that experience, he dedicated his life to fighting for equality and justice for all people,” McKee said. “The experiences from our white brothers and sisters were quite interesting as well. Those experiences bordered on guilt. They cited hearing family members and peers recycle and reinvent forms of hate, which propelled them to be on the right side of history. It was a mutual exchange that was very fascinating and moving.”

What transpired at the session will spur McKee forward. “It will edify my work,” he said. “Like any support group, it was a vivid reminder that I am not in this fight alone and my point of entry was similar to others in this work. I leave this conference ready to retool, reboot, reset, and keep the fight going.”


Around the country, the America Healing initiative has empowered grantees to make a

difference in their communities.

- In Boston, Massachusetts Barbara Ferrer, executive director of the Boston Public Health Commission, initiated a racial and social justice initiative that aims to reduce the gap between black and white residents in several key areas, such as infant mortality, obesity, and sexually transmitted diseases. Her comprehensive training program will educate each of the city’s 1,200 health employees on how racism impacts health.
- The People’s Grocery, a community organization in West Oakland, California, is organizing low-income people from multiple racial groups to work together to build a local food system that provides greater access to fresh produce and nutrition education.
- Centro por la Justicia is coordinating an effort to implement a “southern” racial equity strategy by uniting the Southwest Workers Union in Texas, SouthWest Organizing Project in New Mexico, and Southern Echo in Mississippi, to form South x Southwest (SxSW). In an effort to empower historically excluded poor communities of color in their states and across state lines, SxSW is working to build sustainable bridges between Latino and African American communities across the traditional barriers that

have kept these communities divided.

- The National Indian Child Welfare Association is helping Native American families and children heal the wounds from the decades-old policy of removing Native American children from their tribal people.

Kellogg Foundation grantees, such as these, are addressing structural racism in their communities and making progress towards creating the “post-racial” society many people believe can exist, but does not yet exist in America. 



Dr. Gail Christopher is the vice president for program strategy at the W.K. Kellogg Foundation in Battle Creek, Michigan. In this role, she serves on the executive team that provides overall direction and leadership for the Foundation. She also leads the Food, Health & Well-Being, Racial Equity, Civic Engagement, New Orleans and New Mexico place-based programming.

NBCSL MEMBERS MOVING RESOLUTIONS INTO ACTION

As the organization begins the resolution proposal process, we thought it would be good to highlight some of the sponsors of ratified 2011 resolutions. The following legislators are only a few of the NBCSL members who worked with their colleagues to develop resolutions around issues they felt were important for NBCSL to support. In addition, these legislators have also served as advocates for these positions in their home towns, clearly demonstrating their dedication and passion to serving their communities. For more information about NBCSL's 2011 resolutions, please visit the Web site at www.nbcsl.org.

CALL FOR 2012 RESOLUTIONS

If you are a legislator in good financial standing with the organization who wishes to submit a resolution for the 2012 process, you may access the submission form on NBCSL's Web site then email the completed form(s) to resolutions@nbcsl.org by **11:59 p.m. Eastern Standard Time, Friday, September 16, 2011.**



EDUCATION

Representative Gilda Cobb-Hunter (SC)

Dedicated to the service of her district in the South Carolina House of Representatives, Representative Gilda Cobb-Hunter has stood her ground on issues she believed are right without fear. She has proven herself to be an innovative and dynamic leader with a record of championing new ideas and producing positive results for the members of her community.

When Rep. Cobb-Hunter was elected in 1992, she added to her resume many “firsts.” She was the first African American woman in Orangeburg County ever elected to a statewide office and the first freshman appointed to the powerful House Ways and Means Committee. In 1997, when she was elected House Minority Leader, Rep. Cobb-Hunter also became the first person of color, male or female, to ever lead a legislative caucus. In addition, her longstanding commitment to community service is reflected in her active participation on a number of boards and commissions through the years.

Earlier this year, Rep. Cobb-Hunter participated in a debate in the South Carolina Legislature regarding a proposal to set aside \$25M to support charter schools in the state. She, along with some of her other colleagues, was concerned that the funds for charter schools would be taken from the traditional schools budget, and called government to make a specific cash commitment to these schools. In addition, she voiced concern about the state being able to actually fund this activity at the debate, stating: “Do you think in this economy we are creating yet another expectation that the General Assembly will have trouble funding?”

Rep. Cobb-Hunter is a strong advocate for traditional/community schools, and this is evident in her sponsorship of **Resolution EDU-11-09, *Community Schools: Supporting Students in Our Schools and Communities***. For more information about this resolution, go to http://www.nbcsl.org/2011_Resolutions/Resolution%20EDU-11-09.pdf.



HEALTH

Senator Usie Richards (USVI)

As a freshman Senator in the 25th Legislature, Senator Usie Richards served as Minority Leader and Coordinator of the St. Croix Legislative Caucus.

When he was re-elected to the 26th Legislature, he served as the Secretary of Intergovernmental and Territorial Affairs, and finally as President of the 27th Legislature. While President, he also served on the Governing Board of the Council of State Governments and an Executive Committee member of the Council of State Governments-Eastern Regional Conference. During the 28th Legislature, he once again held the title of Minority Leader and also chaired the Committee on Labor and Agriculture. In 2008, he was re-elected for a third-term as an At-Large Representative to NBCSL’s Executive Committee.

Senator Richards’ educational and professional background is in health planning, and he has sponsored and supported various bills that seek to improve the health of his constituents. This year, the USVI Senate Committee on Health and Hospitals amended and approved a bill sponsored by Senator

Richards that protects the privacy of patients' electronic health records. This bill clarifies individual rights, as well as, the responsibilities of health care providers related to the disclosure of information contained in electronic patient records. Senator Richards is a proponent of updating the rules and laws protecting patients' rights related to electronic records, evidenced by his sponsorship of **Resolution HHS-11-13, *Health Information Technology, E-Prescribing, And Electronic Health Records***. For more information about this resolution, go to http://www.nbcsl.org/2011_Resolutions/Resolution%20HHS-11-13.pdf.



INTERNATIONAL AFFAIRS

Senator Kwame Raoul (IL)

A native Chicagoan, Senator Kwame Raoul first became interested in politics as an undergraduate at DePaul University. In November 2004, he was appointed to the State Senate to fill the seat vacated by his predecessor, Barack Obama, who was elected to the United States Senate. Since his appointment, he has led high-profile legislative action to ban the death penalty, reform pensions, overhaul the state's workers' compensation system, and redraw legislative boundaries.

Senator Raoul sponsored a bill to require grants, distributed by Illinois State Board of Education to early childhood education and preschool programs, be used to improve and expand the quality of services. He has also backed legislation aimed at easing the reintegration of ex-offenders into the community. His legislation allows good conduct credit to be awarded to inmates who earn their high school diplomas or GEDs, as well as inmates who participate in substance abuse programs. Senator Raoul is vice-chairperson of the Pension and Investments Committee, and serves on the Senate Commerce, Commerce and Economic Development, Health and Human Services, Higher Education, and Judiciary Committees.

As a result of his dedication to helping communities in need, as well as his heritage (the son of Haitian immigrant parents, Dr. Janin and Marie Raoul), it is no surprise that after the earthquake devastated parts of Haiti in February 2010 Senator Raoul sponsored **Resolution IAF-11-21, *Supporting The Restoration Of The Nation Of Haiti***. For more information about this resolution, go to http://www.nbcsl.org/2011_Resolutions/Resolution%20IAF-11-21.pdf.



LAW, JUSTICE, AND ETHICS

Delegate Joseline Peña-Melnyk (MD)


After migrating to the United States from the Dominican Republic, Delegate Joseline Peña-Melnyk was determined to be the first in her family to receive a college degree. She pursued her passion in law by studying criminal justice as an undergraduate student, volunteering as a clerk in the municipal court, and finally completing her law degree in 1991. Delegate Peña-Melnyk's has worked in public interest law. She has worked as a guardian for children in the foster care system, and as a court appointed defense attorney and an Assistant

United States Attorney, prosecuting criminal cases and arguing appeals in Washington, D.C. She has seen the effects of crime on families, businesses, and neighborhoods firsthand, and believes in supporting the police, community centers, and programs that keep young adults off the streets.



Senator Catherine E. Pugh (MD)

Within only seven years, State Senator Catherine Pugh has passed over 77 pieces of legislation. Now serving her second term in the Maryland State Senate, she has worked tirelessly to put forward thoughtful policy solutions that result in a better quality of life for Baltimore. Her legislative repertoire includes helping to pass legislation to raise the Maryland minimum wage for working families, as well as focusing on giving tax credits to Maryland non-profits and businesses to hire new employees. Recently, Senator Pugh helped pass landmark legislation in Maryland, the Civil Marriage Protection Act that ended the exclusion of gay and lesbian couples from marriage. Her ongoing involvement in various academic, charitable, civic, and business organizations is a testament to her dedication to the city of Baltimore.

In order to provide services that support any community, resources need to be properly allocated, and they are usually determined by the census count. However, when cities experience significant decreases in their population as a result of incarceration – resulting from the prisoners being counted where they are housed (i.e., in state prisons) as opposed to their last address – then the home cities might lose significant funding because, according to the census, their population has decreased. This is clearly detrimental to cities and towns that desperately need support to serve their communities. Understanding the negative effects of this policy, Delegate Peña-Melnyk collaborated with Senator Pugh to be the lead sponsors of Maryland’s No Representation Without Population law that ended prison-based gerrymandering in that state. Then, to ensure NBCSL took a stand on this issue, they partnered once again to co-sponsor **Resolution LJE-11-03, *Reform of Prison-Based Census Counting***. For more information about this resolution, go to: http://www.nbcsl.org/2011_Resolutions/Resolution%20LJE-11-03.pdf. 

SECURING OUR ENERGY FUTURE WITH SOUND POLICY

By Lloyd Yates, Progress Energy Carolinas

Even with modest signs of economic recovery, many Americans in 2011 are focused on the here and now: making a living and surviving the worst recession in decades. Nevertheless, most also want a better future, including a secure, clean energy future – one that helps our country improve the environment while maintaining its competitive edge. And, we must take definitive steps in planning for that future today.

The U.S. electric power system is at the front edge of a long-term transformation. The future will include the retirement of older coal plants and large investments in a mix of demand-side and supply-side resources. As a result, we will have a cleaner, smarter, and more secured generation and delivery system. The transition will involve enormous capital investments, which, ultimately, will be reflected in the rates that customers pay.

As CEO of a company that must execute this transformation, I take a pragmatic view of the road ahead, knowing we are

bound by the laws of physics, economics, and politics. Making these changes is not a theoretical exercise. It is a complex, real-world endeavor in addressing public health and safety in the context of the essential nature of electric service, the finite amount of financial and human capital available, the customer price impact, system reliability, and economic competitiveness. That is why an integrated, practical view is critical.

I am encouraged by President Obama's recent emphasis on modernizing the regulatory system and "striking the right

balance.” He correctly points out the need to promote economic growth while protecting safety, health, and the environment. And, I appreciate that he calls for bringing “order to regulations that have become a patchwork of overlapping rules.”ⁱ It is also encouraging that the President is embracing the full spectrum of clean-energy technologies. As he said in his State of the Union Address this year, “we need them all.”

We all should work together in a collaborative way to manage a cost-effective, orderly transformation of the electric power system – and we should adopt a flexible, balanced approach that keeps the customer and economy squarely in mind while protecting public health and safety.

At Progress Energy, we are already investing heavily in modernizing the generation system and power grid that serves 1.5 million households and businesses in the Carolinas. We are retiring older coal-fired plants – almost 30 percent of our North Carolina coal fleet – while building efficient new plants fueled by natural gas. And, we’ve already invested more than \$2 billion in environmental retrofits at our more efficient coal plants.


As part of our balanced approach to meeting the region’s future needs, we have a comprehensive set of energy-efficiency initiatives, a substantial smart grid program, and a growing number of alternative energy projects. And, we are

active in preparing for the ramp-up of electric vehicles on the market. We are also keeping our options open to build advanced nuclear plants, which must be part of a clean energy future.

Meanwhile, our elected officials and policymakers must provide clear state and federal policies for securing our energy and economic future if we are to maintain our competitive position in the world. That policy should be inclusive, using as many options as are available; that make economic, environmental, and national security sense, and it must have sufficient clarity and support to enable the private sector to invest in this balanced energy portfolio.

State legislators play an important role. States are in the best position to develop renewable portfolio standards that take into account the actual availability of local renewable energy resources. And, you can provide flexibility with regulatory compliance strategies to optimize the use of limited capital dollars and minimize the cumulative impact on customers. Your voices, on behalf of the customers

you represent, will continue to be a crucial part of the debate in Washington. There is a strong tradition of NBCSL and its members effectively working together and speaking up to positively influence major issues unfolding at the federal level. I encourage you to continue that tradition.

If we do it right – by creating a comprehensive energy policy that includes the laws, regulations, options, and incentives to promote investment – we can address these major issues and set the stage for a new age of energy security, affordability, and prosperity. 



Lloyd Yates is the president and chief executive officer of Progress Energy Carolinas. He has more than 28 years of experience in the energy industry, including nuclear and fossil-fueled power generation and energy delivery.

i. President Obama’s op-ed (“Toward a 21st-Century Regulatory System”) in the *Wall Street Journal* on January 18, 2011

JUDICIAL REDISTRICTING

By Kristen Clarke, NAACP Legal Defense and Education Fund

Redistricting is now well underway in a number of states around the country. Beyond redistricting at the Congressional and the state legislative level, officials are also undertaking the redrawing of boundaries for other statewide bodies including Boards of Education and Commissions. However, one level of redistricting often ignored has tremendous implications for the administration of justice in our country – judicial redistricting.

Across the country, in 39 states, at least some judges are elected. These judges sit on State Supreme Courts and local-level circuit and district courts and handle important civil, criminal, and other matters arising under state law. Former U.S. Supreme Court Justice Sandra Day O'Connor has been extremely outspoken in efforts to convert elected judges to appointed positions under the so-called merit system. O'Connor and others believe it is important for the local judiciary to remain appointed in order to preserve its "independence."

However, for those courts that do elect judges, the redistricting cycle presents an opportunity to carefully assess how those

judges are elected and to consider whether or not district boundaries should be redrawn or single-member district systems put in place to produce a more fair election outcome.

Many states do not undertake redistricting of these courts in large part because of a 1973 Supreme Court ruling, *Wells v. Edwards*, that found one-person, one-vote does not extend to judicial elections because judges are different than elected officials. Nevertheless, the Voting Rights Act applies to judicial elections and states may need to consider redrawing their district boundaries if and when there is no fair and equal opportunity for African American and other minority

voters to elect judges of choice. In addition, those states that elected judges at-large may be subject to a Section 2 challenge under the Voting Rights Act if a single-member district plan would provide minority voters an equal opportunity to elect judges of their choice.

Diversity on the judiciary at all levels is an important democratic goal. The redistricting cycle presents an opportunity to address the lack of African American representation on the bench that is too often ignored. A recent development surrounding the Thirty-Second Judicial District in Terrebonne Parish, Louisiana, underscores the problem.

African Americans represent almost 20 percent of Terrebonne Parish's population. Yet under the current at-large method of election, African-American voters have been unable to elect a candidate of choice to the bench. A recent bill considered by the legislature would have created a reasonably compact majority-minority election section with a black voting age population of 52.35%. This district would have provided African American voters in the parish a more equal opportunity to elect a judicial candidate of their choice. Ultimately, the bill was not passed, which now means voters may need to turn to the courts for relief under the Voting Rights Act.

The issues in Terrebonne Parish are particularly important given the recent history of racial insensitivity experienced by African-American voters in the Thirty-Second Judicial District. In 2003, Timothy Ellender, a

judge currently serving on the Thirty-Second Judicial District appeared at a Halloween party wearing blackface makeup, an afro wig, handcuffs, and a prison jumpsuit. He was accompanied by his wife who was dressed as a police officer. The Judiciary Commission of Louisiana conducted a thorough review of the incident and concluded by wearing his "black face prisoner costume" in public on Halloween; Judge Ellender portrayed African Americans in a racially stereotypical manner that perpetuated the notion of African-American men as both inferior and as criminals. The Commission also found Judge Ellender's conduct called into question his ability to be fair and impartial towards African-Americans who appear before his court as defendants in criminal proceedings, and towards any African-American litigant or attorney in any proceeding before him, thereby creating the appearance of impropriety. The Commission determined Judge Ellender's public conduct was prejudicial to the administration of justice in violation of the Louisiana Constitution.

Despite calls for his resignation, Judge Ellender was suspended for a mere six months for the incident. This recent history underscores the need for a more diverse and representative judiciary within Terrebonne Parish.

Redistricting plans that dilute minority voting strength could be challenged under Section 2 of the Voting Rights Act. Thus, those local and state courts that have in place districting plans that do not provide African American

or other minority voters a fair opportunity to elect judges of choice may be vulnerable to a Section 2 challenge. Also, those courts that elected judges at-large when a fairly drawn, single-member districting plan can be put in place may also be subject to challenge.

A fair method of election judges, including reasonably drawn single-member districting plans that provide Black voters an equal opportunity to elect candidates of choice, should be an important goal for the current redistricting cycle. The implications for equal justice and fair administration of the law are too important to be ignored. **L**



Kristen Clarke serves as Co-Director of the Political Participation Group at the NAACP Legal Defense and Educational Fund. She is an expert on voting rights, redistricting and political participation matters.

FOUNDING FATHERS LOUD AND CLEAR ON HONORING DEBTS

By Ajenai S. Clemmons, NBCSL Policy Director

As the “Founding Fathers litmus test” is increasingly used to measure the reasonableness, wisdom, even “Americanness” of one’s policy stance, we might actually acquaint ourselves with the U.S. Constitution, Federalist Papers, Anti-Federalist Papers, and other documents that give us insight as to who these men were and what they intended when siring our nation. Even a cursory review would disabuse us of this notion that the Founding Fathers were in total agreement as to their vision and intentions.¹

While they were distinguished, exceptionally bright, privileged, and learned white males, the Founders were still diverse, varying in political philosophy, national origin, religious persuasion, and culture. They fought—some with bitter enmity. Alexander Hamilton, himself, died at the hands of a political rival in a gun duel.² There can be little doubt that the Constitution, and by extension our nation, was borne of tremendous

compromise, including the Great Compromise resulting in a bicameral legislature, a Bill of Rights to temper the power of federal government, and the infamous 3/5 Compromise that counted slaves as three-fifths human for political representation while denying them voting rights. However, there was absolute consensus about the Federal Government paying its debts. Article I, Section 8 reads, “Congress shall have

Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence [sic] and general Welfare of the United States...To borrow money on the credit of the United States..."³

In 1851, Harvard Law Professor Joseph Story, later a Supreme Court Justice, remarked Congress's power to borrow money on the "credit of the United States" was *preserved* from the Articles of Confederation and "seem[ed] indispensable to the sovereignty and existence of a national government."⁴ It is on this point of national debt that even chief rivals achieved unanimity. They envisioned that not only would Congress have the power to borrow money, Congress would make payments in such a way as to maintain trust, integrity, and honor, thereby promoting faith in our promises both at home and abroad. President Thomas Jefferson captured this in his first Inaugural Address on March 4, 1801:

About to enter, fellow-citizens, on the exercise of duties which comprehend everything dear and valuable to you, it is proper you should understand what I deem the essential principles of Government, and consequently those which ought to shape its Administration...peace, commerce, and honest friendship with all nations; economy in the public expense, that labor may be lightly burthened; the honest payment of our debts and sacred preservation of the public faith...⁵

American leaders since the Founders' time have disagreed on exactly what the appropriate balance is between debt taken on

to provide for the general welfare and keen fiscal stewardship.⁶ But, they have always agreed that the struggle to find that balance can never get in the way of public faith in America either at home or abroad, for that faith is the very bedrock upon which this nation's strength and future rests. This is just as true today as it was 224 years ago.

At issue now is a vote on whether or not to raise the debt limit so America can pay for past spending commitments. The U.S. Treasury Department defines the debt limit as the "total amount of money that the United States government is authorized to borrow to meet its existing legal obligations, including Social Security and Medicare benefits, military salaries, interest on the national debt, tax refunds, and other payments."⁷ Since the \$14.3 trillion debt limit was last raised in February, 2010, Congress has engaged in deficit spending to the tune of \$4 billion a day⁸ partly owing to efforts to stimulate the economy and provide critical safety nets from high unemployment in addition to funding two wars.⁹ Now, these bills are coming due, and we will not be able to pay them without authorizing a debt limit increase. Since spring, U.S. Treasury Secretary Timothy Geithner has enacted emergency measures to postpone the date at which the nation would default.¹⁰ But, Secretary Geithner warned that if Congress fails to raise the debt limit by August 2nd, the U.S. would be unable to pay for the daily costs of running government.¹¹

As to the question of what would happen if our nation

defaulted? No one truly knows the answer. Default has never happened. Ever.¹² And, while some have argued that life would continue as usual, most analysts agree that America's decision to simply not pay its bills due to political squabbles would create unprecedented uncertainty in the market.¹³ Amidst charges of "Chicken Littling" the public with chatter of impending doom,¹⁴ business leaders, Congress members on both sides of the aisle, Federal Reserve Chairman Ben Bernanke, and President Barak Obama have consistently warned of dire consequences.¹⁵ Treasury bill investments will no longer be a sure bet. Two of three credit rating agencies, Moody's and Standard and Poor's, have stated they could very likely downgrade America's perfect AAA rating to a AA rating, resulting in higher interest rates for all Americans¹⁶ (and those worldwide who invest in America's markets).¹⁷

If the decision on whether or not to vote to raise the debt limit, and in doing so pay our bills, seems straightforward, consider this: Congress has raised the limit ten times in the last decade.¹⁸ On its website, the Treasury notes that since 1960, Congress permanently raised, temporarily extended, or redefined the debt limit 78 times with 49 instances coming under a Republican president and 29 under a Democratic president.¹⁹ Indeed, nearly everyone concedes something must be done about the nation's spending trajectory, believing it is utterly unsustainable and must be curtailed.²⁰ What Washington has disagreed on is

whether to tie major spending (and income tax) reform to a high-stakes, ultra time-sensitive vote of raising the debt limit or allow the vote to stand alone and address meaningful reform afterward. For now, it appears the momentum has swung behind tying the two issues together with a stalemate as to how to engage in reforms—what to cut, how much to cut, whether to raise revenues (taxes), how to raise them, and when any or all of these should be enacted.²¹

Knowing the very existence of our country could only have emanated from compromise, the Founding Fathers might be

exasperated that “the C-word” has become political kryptonite. The panic-inducing gridlock in which Washington now finds itself regarding debt is ironic given what these Fathers had to say on the matter—and definitively so. In no uncertain terms, the Fathers expected the nation to incur debt at times, and they expected the nation to pay it. And, they expected us to pay it in a manner that would never create doubt in anyone’s mind, near or far, that we ever would. **L**



Ajenai Clemmons currently serves as NBSCL’s policy director. She was formerly the ombudsman for Denver’s Office of the Independent Monitor, worked in the Iowa State Legislature, as well as non-profit and private sectors. Ms. Clemmons holds a Master of Public Policy and B.A. in International Relations and Spanish, and was a 2009 NOBEL/Women Fellow.

1. Hamilton, A., Madison, J. & Jay, J (1788). *The Federalist*. Gideon Edition of 1818. N.Y., New York: Barnes & Noble Classics.
2. Mapp, A. J., Jr. (2006). *The Faiths of Our Fathers: What America’s Founders Really Believed*. N.Y., New York: Fall River Press.
3. U.S. Const., art. I, sec. 8.
4. Story, J. (1851). *Commentaries on the Constitution of the United States: With a Preliminary Review of the Constitutional History of the Colonies and States Before the Adoption of the Constitution: Vol. II*. (2nd ed.). Boston, MA: Charles C. Little and James Brown.
5. Jefferson, J. First Inaugural Address. (1801, March 4). Retrieved from The American Presidency Project website: <http://www.presidency.ucsb.edu/ws/index.php?pid=25803#axzz1TQHZJsa4>
6. Brutus. (1787, December 13). *Antifederalist No. 32: Federal Taxation and the Doctrine of Implied Powers (Parts 1 & II)*. Retrieved from West El Paso Information Network: <http://www.wepin.com/articles/afp/afp32.html>
7. *Debt Limit*. Retrieved from U.S. Treasury Website: <http://www.treasury.gov/initiatives/Pages/debtlimit.aspx>
8. Walker, D. (2011, July 25). Interview on Washington Journal. Retrieved from C-SPAN website: <http://c-span.org/Events/Washington-Journal-for-Monday-July-25/10737423046-2/>
9. McKinnon, J. (2010, October 16). Why U.S. Deficit Stays Sky High. *Wall Street Journal*. Retrieved from: <http://online.wsj.com/article/SB10001424052748704779704575553850474117846.html>
10. Goldfarb, Z. (2011, May 2). Deadline to raise U.S. debt ceiling pushed to Aug. 2, Geithner says. *Washington Post*. http://www.washingtonpost.com/business/economy/2011/05/02/AF4kolaF_story.html
11. Younglai, R. (2011, July 26). Will the sky fall on August 2 if the U.S. Congress fails to raise the debt ceiling? *Reuters*. Retrieved from: <http://www.reuters.com/article/2011/07/26/us-usa-debt-default-idUSTRE76P5TI20110726>
12. CNN Wire Staff. (2011, January 2). Adviser: Debt ceiling must be raised. *CNN Politics*. Retrieved from: http://articles.cnn.com/2011-01-02/politics/debt.ceiling_1_debt-ceiling-debt-limit-default?_s=PM:POLITICS
13. Ydstie, J. (2011, April 12). Failure to Hike Debt Limit Would Have Consequences. *National Public Radio*. Retrieved from: <http://www.npr.org/2011/04/12/135336968/failure-to-hike-debt-limit-would-have-consequences>
14. Faler, B. (2011, May 2). Debt-Limit Deniers Say Geithner Tries to Stampede Republicans into Vote. *Bloomberg News*. Retrieved from: <http://www.bloomberg.com/news/2011-05-02/debt-limit-deniers-say-geithner-tries-to-stampede-republicans-on-debt-vote.html>
15. Federal Debt Ceiling. (2011, July 28). *The New York Times*. Retrieved from: http://topics.nytimes.com/topics/reference/timestopics/subjects/n/national_debt_us/index.html
16. Reuters. (2011, July 14). Moody’s, S&P Warn of U.S. Credit Rating Downgrade. *CNBC News*. Retrieved from: http://www.cnbc.com/id/43746061/Moody_s_S_P_Warn_Of_US_Credit_Rating_Downgrade
17. Spicer, J., & Wroughton, L. (2011, July 26). IMF chief urges U.S. to immediately resolve debt spat. *Reuters*. Retrieved from: <http://www.reuters.com/article/2011/07/26/us-imf-lagarde-idUSTRE76P2SF20110726>
18. Gale, W. (2011, March 28). Not Raising the Debt Ceiling Would Worsen the Fiscal Situation. *U.S. News and World Report*. Retrieved from: <http://www.usnews.com/opinion/articles/2011/03/28/not-raising-the-debt-ceiling-would-worsen-the-fiscal-situation>
19. *Debt Limit*. Retrieved from U.S. Treasury website: <http://www.treasury.gov/initiatives/Pages/debtlimit.aspx>
20. Rooney, B. (2011, April 19). U.S. Credit Outlook Rating Lowered by S&P. *CNN Money*. Retrieved from: http://money.cnn.com/2011/04/18/news/economy/us_credit_rating_outlook_lowered/index.htm
21. Rogers, D. (2011, July 27). “Boehner Debt Plan Hits Snags” *Politico*, pp. 1, 14).



FISCAL FIASCO

By Brandt Thorington, NBCSL Policy Analyst

On April 15, 2011, President Obama signed into law a bill to ensure that the federal government was funded throughout the remainder of the fiscal year, but that was hardly the end to the struggle over funding the federal government will face in the coming years. The final agreement came six months into the fiscal year, and currently Congress has two months to put together the budget for FY2012 (which begins on October 1st). As part of an agreement between the President and Congress, the cuts included in the final FY2011 package were about \$38 billion, the most substantial spending cuts ever put into place by Congress. As Congress puts together its budget for FY2012, deeper cuts are all but assured. Publically Congress has been criticized for not going deep enough with the cuts in the FY2011, which has fueled the fire for deeper cuts being needed for FY2012 and the future fiscal years.

FY2011

The FY2011 cuts package included billions of dollars in cuts that directly affected funding, which goes to state and local government. The President's own High Speed Rail program saw a cut of \$2.9 billion dollars under the FY2011 Continuing Resolution, an initiative he has outwardly been pushing for the past couple of years. There are no specific programs that are particularly vulnerable; all programs that state and local governments rely on for formula and grant funding are facing cuts. Below, is a list of some of the more important cuts that state and local governments will face for the remainder of FY2011. All numbers are the amounts being cut as compared to the last Fiscal Year (FY2010):

- Women, Infants, and Children Program (WIC) - \$504 million cut
- State and Local Law Enforcement Assistance - \$415 million cut
- Weed and Seed Program - \$20 million cut
- Juvenile Justice Program - \$148 million cut
- COPS Programs - \$248 million cut
- FEMA First Responder Grants - \$786 million cut
- Clean and Drinking Water State Revolving Loan Funds - \$997 million cut
- Dislocated Worker Assistance - \$125 million cut
- YouthBuild - \$23 million cut
- Green Jobs Innovation Fund - \$40 million cut
- Career Pathways Innovation Fund - \$125 million cut
- Community Health Care Centers - \$600 million cut
- State Access Health Grants - \$75 million cut
- Rural Health Programs - \$35 million cut
- LIHEAP Contingency Fund - \$390 million cut
- Community Block Grant Programs (under HHS) - \$43 million cut
- Mentoring Children of Prisoners - \$49 million cut
- Striving Readers - \$250 million cut
- Education Technology State Grants - \$100 million cut
- State Assessments/ Enhanced Assessment Instruments - \$20 million cut
- Fund for the Improvement of Education - \$231 million cut
- Career Education - \$138 million cut
- Adult Education - \$31 million cut
- Fund for the Improvement of Post-Secondary Education - \$140 million cut
- AmeriCorps - \$23 million cut
- FAA (Facilities and Equipment) - \$200 million cut
- Federal Highway Investment - \$650 million cut
- High Speed Rail - \$2.9 billion cut
- FTA- Capital Investment Grants - \$680 million cut
- Public Housing Operating Fund - \$149 million cut
- HOPE IV - \$100 million cut
- Public Housing Capital Fund - \$456 million cut
- Community Development Fund (CDBG) - \$942 million cut
- Home Investment Partnerships - \$215 million cut

FY2012 AND THE HOUSE

The FY2012 Budget Process has already begun to take shape with

the President releasing his version of the budget in February. Since then, the Republicans in the House under Budget Committee Chairman Paul Ryan (R-WI) have released and passed their budget to a firestorm of criticism. Chairman Ryan's budget has been closely linked to the Republican's attacking Medicare (the budget proposal would end the program as it exists and turn it into a state block grant program at significantly lower funding level). The Republican plan would first and most immediately reduce the budget for FY2012 by \$89 billion compared to FY2011. The plan would cut \$6.2 trillion over the long term as compared to the President's FY2012 budget. The plan also calls for a repeal of the new health care law and all tax increases included in the measure, which prevents any increase in revenue as proposed by the President. This plan also ensures a lower tax rate for 25% for businesses and individuals. This budget would also consolidate a number of job training programs.

Since the overall levels have been set by Chairman Ryan's budget, the House has already begun the next step in the budget process, which is to markup their Appropriation Bills and provide details on specific programmatic funding. So far, things are not looking good for state funding. FEMA's grants to state and local government were reduced by \$2.1 billion in House Homeland Security Appropriations bill, which includes a 54% cut for firefighter grants. In addition, proposals in the bill will allow for more grants to be competitive rather than formula driven;

which is unfortunate because states will not be able to rely on the guaranteed funding that they received in the past. Police have also fared poorly in the House Appropriation Process, the House has passed a funding proposal in the Appropriations Committee that would cut assistance to state and local law enforcement by \$1.1 billion when compared to FY2011 levels. When comparing funding for state and local law enforcement to the FY2010 levels the numbers look even worse with state and local law enforcement having suffering a reduction of almost \$2 billion for 2012. The House proposal would eliminate the Community Oriented Policing Services (COPS) Office entirely, which was an initiative from President Clinton and lead on the hill by now Vice-President Biden to put more police officers on the street. The numbers that have been released show a dim forecast for the future bills, as Homeland Security and Public Safety have historically been a place where Republicans were willing to put additional dollars.

FY2012 AND THE SENATE

The Democratic Senate is moving much slower and may not even pass a budget this year, instead opting to negotiate with the House. The Democratic Senate even went as far as to force a vote on the House Budget on their floor, where the item failed, but will certainly be used against several Republican members in the coming campaigns. The Democrats have attempted to pass their own budget unsuccessfully, which leaves the Senate without overall funding levels that the Appropriations Committee uses

to fund things on a programmatic level. This may not be the worst scenario, however, as without direct appropriations bills to work off and to give the Republicans a base amount that the budget will be cut by, it will give the Senate more room to negotiate with the Republican Senate to find cuts.

Further, complicating the budget is the increasing of the debt ceiling, which Congress must do to ensure that the U.S. is able to pay all of its debts. The legislation that would typically be used just to raise the debt ceiling is now being used to ensure further budget cuts. Not raising the debt ceiling would be likely be disastrous to the U.S. Economy, and would certainly lower the credit rating of the United States. States and local government would also likely not limited be able to draw down on federal funding that they would otherwise be able to rely on, because the U.S. would simply not be able to pay all its bills. Numerous proposals have been put forth, by both sides. The most likely at this point in time seems to be a proposal by Senator Reid to cut \$2.7 trillion in spending over the next 10 years and raise the debt ceiling until after the 2012 election (the proposal by Speaker Boehner would require the issue to be revisited before the election). Most importantly Senator Reid's proposal would ensure that our credit rating remains, Speaker Boehner's proposal could result in a downgrade. Also, Reid's proposal would be a bi-partisan commission that would recommend further deficit reduction options and such proposal would receive a

simple up or down vote without amendments. The largest impact to states and local governments is the \$1.2 trillion in discretionary spending over 10 years in Senator Reid's Package. Cuts as large will certainly have an impact on spending and on state government in some fashion, although it appears as much of the specific impact on programs will be punted. This will certainly impact the ability of Congress to aid state and local government in the next decade. Hopefully, by the time you are reading this the debt ceiling has been raised.

The President and Democrats in Congress have stated their opposition to Congressman Ryan's budget and its attempt at cutting Medicare. The closer it gets to October 1, the less likely the Senate will be to pass any of their own funding bills. One thing we do know for certain from Republican proposals and the agreement of the FY2011 budget, is that no program or project is safe from dramatic cuts. The budget cuts will get deeper and harder for state governments; we have only seen the beginning of these deadly cuts. **L**

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DISASTER RELIEF: IS YOUR DISTRICT PREPARED?

By Colin Wellenkamp, NBCSL Policy Consultant

According to the Federal Emergency Management Agency (FEMA), there are currently 37 states and territories that have recently made emergency and disaster declarations. FEMA reports over the past half-



century, the top three years for disaster declarations were 81 in 2010, 75 in 2008 and 1996, and 69 in 2004. The lowest amount of declarations came in 1958 with only 7. Whether this recent increase in disaster response is attributed to global climate change, increased population, or simply a larger Federal presence in recovery activity is debatable. The overwhelming point is more areas and more people have to deal with more disaster-related impact and the time may be especially prudent for all state elected officials to seriously assess their preparedness level.

“I put on a hat and boots and went right to work in the disaster area,”
–Congressman Billy Long

On a warm evening this past June in the DuPont Circle area of Washington, DC, Congressman Billy Long of Joplin, Missouri walks into a benefit held to raise funds for home rebuilding in the wake of the Nation’s largest tornado disaster in 60 years. He enters the room to applause and is immediately invited to speak on what is happening to the rebuild the second largest city in his district. “I put on a hat and some boots and went right to work in the disaster area,” says Congressman Long as he describes the steps toward actual rebuilding in Joplin, which will probably not begin until late August.

“There was a family whose house had been destroyed and the mother asked if her husband could be recalled from Afghanistan to help,” continues Congressman Long. “They at first told her if her or her children had been killed then her husband could come back for the funeral. But after some intervention, we got him home to help his family,” explains Mr. Long with a tough smile.

Then, the hard questions from

the room started coming. The Congressman was asked about how Federal money would flow to the families affected by the disaster. How would people prove their residency? Where would people live during the rebuilding process? What if insurers are uncooperative? What will Federal aid cover? How long will it take to receive the funding? Will it flow through the state or directly to victims? Should people be working with non-government organizations as well?

“The Mississippi River hit the all-time high watermark of just under 60 feet in my district,”

–Rep. George Flaggs (MS)

The questions about Federal funding mechanisms for search & rescue as well as long-term recovery can be very case-specific as different localities decide to organize response at an organic level. However, NBCSL members representing districts in Memphis, Tunica, and Vicksburg have advice for state legislators to best prepare their districts for the day everyone hopes will never come – the day your area is declared a disaster.

“FEMA has done a good job for us. As far as we can determine, my folks have had

a good response from FEMA,” asserts Senator Robert Jackson (MS), whose district includes Tunica, MS and the hard-hit unincorporated town of Tunica Cut-Off.

“The water is receding, but some areas of my district have yet to reopen for residents to go in and salvage what they can,” says Senator Jackson. For Senator Jackson, the actual cause of the disaster is still present. Yet, Mr. Jackson is upbeat. He offers three points to his fellow state legislators about being prepared: 1) Make sure your local Federal agencies have the capacity to respond to your area in the wake of a major catastrophe; 2) Work with your local emergency agencies to coordinate and make response as efficient as possible; and 3) Do not neglect the non-government organizations like Red Cross, coordinate with them, know what organizations are in the area beforehand, establish relationships, and know their facilities and what they can do for your constituents.

Representative Barbara Cooper (TN) also reflects positively on her experiences with State and Federal officials after the Mississippi River flooded into her district this spring – “Our State coordinators have been

excellent. We will be walking through the flooded areas to make sure everyone is taken care of.” However, Ms. Cooper’s advice is quite practical: “If the warnings come, move out. I know people are hesitant to leave their things, but your safety is more important. Our River has a life of its own; you don’t know what it’s going to do. Tell your residents to keep a response kit prepared.”

“[Two thousand five hundred] to 3,000 families have been impacted. The damage is so severe recovery will take a considerable amount of time,” warns Representative George Flaggs (MS) on the major flooding that has taken part of Vicksburg, MS.

Representative Flaggs also has stellar reviews for FEMA: “FEMA has been great. Response has been, in my opinion, one of the best we’ve ever had. The Federal Administration is with us for the long haul. I think the Federal Government has learned from the past.” Mr. Flaggs’ praise does not stop with government, however, “The Red Cross, volunteers, Salvation Army, United Way, and National Guard have all assisted us.” With all these entities part of his effort, it is no surprise Mr. Flaggs’ advice for being prepared is, “Coordinate, coordinate, coordinate.” Mr. Flaggs goes on to provide specific operational recommendations: “Assess your resources. Be able to speak to constituents with one voice. Set-up shop as close to the disaster area as possible. We’ve had floods and tornadoes, but coordination is the key.”

When asked what his most significant challenge was in response to recent disasters,

Rep. Flaggs is quick to identify temporary housing. He advises always having a plan for temporary housing by keeping current assessments of non-occupied dwellings that can be used for displaced victims. “Is there enough funding to cover all these disasters?” FEMA Administrator W. Craig Fugate has stated search and rescue funding will not end. However, when the questions turn to long-term rebuilding of an area, the analysis becomes a bit more complicated.

There are several pots of money available to local governments for disaster response. Some of these include: FEMA Pre-Disaster Mitigation Grants (listed at \$85 million in the President’s FY2012 budget), Emergency Management Performance Grants (listed at \$350 million in the President’s FY2012 budget), and the Disaster Relief Fund (DRF) (listed at \$1.80 billion in the President’s FY2012 budget). Most disaster response comes from the DRF, which was funded at \$2.65 billion for FY2011. FEMA has told Congress somewhere between \$3.8 billion to \$6.6 billion will be needed for FY2012. Yet, the House approved \$3.65 billion on June 2 for the FY2012 DRF allocation. The Senate Appropriations Committee has noted there has yet to be a supplemental requested for the DRF from the White House for FY2012.

More than 8,000 houses were damaged or destroyed in Joplin. Rebuilding those homes alone could cost \$480 million, not to mention the rebuilding of infrastructure such as schools, hospitals, and utilities; that is

just one disaster state out of 37. Thus, we return to our original question: “Is there enough funding to cover all these disasters?”

NBCSL members can help explain to their delegation the DRF needs supplemental appropriations if it is going to respond to the long-term needs of disaster recovery. NBCSL members can also help urge the President to submit a DRF supplemental request to Congress that, at the very least, meets FEMA’s FY2012 lowest predicted need of \$3.8 billion. [L](#)

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SURVIVORS NATIONWIDE ATTEMPTING TO AVOID HOMEOWNER TURMOIL WHILE ENDURING NATURAL DISASTERS

By Reginald M. Abreu, NBCSL Policy Associate

A significant number of Americans throughout Southern and Midwestern states (Alabama, Arkansas, Georgia, Iowa, Kentucky, Louisiana, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, and Wyoming) have been drastically affected by the significant number of natural disasters that have occurred during 2011. These devastating events have

resulted in tens of thousands of displaced families due to evacuations, home damages, or total home destructions. They have also proven deadly with thousands of injuries and hundreds of confirmed casualties and unaccounted persons. As the economy continues to recover, the unemployment rate remains high, and housing markets have families facing falling home prices and foreclosures, the timing could not be any more crucial for these families.

Weather forecasters are scrambling for answers on the causes of the high number of natural disasters in 2011. They believe cyclical drops in

temperature in the Pacific Ocean may be the cause. The forces of “El Nino” and “La Nina” are currently neutral, which makes it more difficult for weather forecasters to predict patterns and oncoming major events. This further heightens the sense of urgency for the issue because last time temperatures were neutral was in 2005 when hurricanes “Katrina” and “Rita” struck the Gulf Coast.

Inability to communicate and damaged emergency phone services has increased confusion for communities devastated by natural disasters in 2011. This has also made it a difficult task for search teams looking through

dangerous rubble and debris for survivors while conducting grid searches and evacuating areas that are on the pathway of getting struck soon. The scenes of devastation include human remains, fires due to gas leaks, obliterated cities, villages, neighborhoods, trailer parks, farmlands, schools, businesses, churches, storage buildings, highways, and cars. Damaged hospital infrastructures and lost medical records have further impeded efforts to assist survivors (on top of the looming threats of more natural disasters).

People have turned to social networks such as FaceBook and Twitter to increase

communication and awareness efforts, urge donations, and create missing person pages, such as the “Help Find Will Norton” page. President Barack Obama has been traveling to many sites throughout the U.S. and stated that the U.S. Administration is “coordinating resources and manpower across federal, state, and local levels, working together closer than ever to make sure that these hard-hit communities get the assistance they need as quickly as possible.”

Currently, there are multiple programs and services that are available through U.S. agencies to help families and homeowners recover from these events, which have damaged or totally destroyed their homes. The following measures are available to assist and protect displaced and affected families throughout the nation:

- The Federal Emergency Management Agency (FEMA) is providing rental housing (as well as bringing in trailer homes where enough homes are not available) to help house displaced families. Constituents must register online (www.DisasterAssistance.gov) after contacting their insurance companies. Afterwards, they can search for available rentals by location, price range, and description (such as number of bedrooms, bathrooms, etc.) through the easy-to-use websites set up by their respective states or through a web-enabled mobile devices or smart phones (m.fema.gov).
- President Obama has issued various Disaster Declarations, which allow the U.S.

Department of Housing and Urban Development (HUD) to offer foreclosure relief and other forms of assistance to help counties and respective constituents recover.

- HUD is expediting Federal Disaster Assistance to states to ensure support is available for homeowners and low-income renters who have had to desert their homes.
- HUD is allowing states to reallocate Community Development Block Grant (CDBG) and HOME program resources toward disaster relief that will provide housing and services for disaster victims as well as expedite the repair and replacement of damaged housing.
- HUD is granting a 90-day foreclosure and forbearance moratorium on Federal Housing Administration (FHA)-insured home mortgages.
- HUD’s Section 203(h) program is allowing FHA to insure mortgages for those who wish to rebuild their damaged home or finance disaster victims who have lost their homes and wish to buy a new home.
- HUD’s Section 203(k) program is providing for the rehabilitation and repair of single family properties. Lenders can combine this funding with other HUD financial resources to assist borrowers.
- The U.S. Small Business Administration (SBA) is providing Home and Personal Property Loans. Renters/homeowners are eligible for up to \$40,000 to repair/replace clothing, furniture,

cars, appliances, etc., damaged or destroyed in disasters. Homeowners may apply for up to \$200,000 to repair or replace their primary residence to its pre-disaster condition. SBA has set up 15 Disaster Recovery Centers across the south with 15 more centers to come. SBA disaster loans will be available at these centers.

Constituents are encouraged to apply for these options now even if they are waiting on an insurance settlement. Russell Bissell from the American Red Cross stated that three-quarters of families in the U.S. are not prepared to endure a natural disaster. Homeowners have been making modifications to their homes in efforts to prepare and lessen the blow of natural disasters approaching their areas. These modifications include:

- Install a Flood Fix: This protects homes during the event of heavy rain, snow, and plumbing by a battery-operated pump placed in the basement floor.
- Install a Whole-House Surge Suppressor: This safeguards electronics to help keep electricity on in the house and protect vital wiring.
- Purchase a Portable Generator: This helps to keep important items (refrigerator, computer, lights, etc.) operating in the event of a blackout by providing emergency power.
- Purchase an American Red Cross Four Person Deluxe Home Survival Kit: This provides families with essentials (Swiss Army knife, water purification tablets,

thermal blankets, waterproof matches, etc.) in the case of an emergency.

- **Elevate Dangerous Items:** The furnace, water heater, and electric panel in your home should be elevated if you live in an area that has a high flood risk.
- **Install Check Valves:** This prevents flood water from backing up into the drains of your home.
- **Construct Barriers:** This will stop floodwater from entering and seal walls in basements with waterproofing compounds.
- **Protect your Windows from High Winds:** Cover all of your home's windows with pre-cut ply wood or hurricane shutters.
- **Reinforce Your Garage Doors:** If wind enters a garage, it can cause dangerous and expensive structural damage.
- **Purchase Flood insurance:** This is the only way to financially protect your

property from flood damage.

The resilience of the American families who have faced these catastrophes has served as inspiration in other arenas. The NBA's Memphis Grizzlies have been inspired by their hometown fans after they were struck by massive floods. The Grizzlies won its first playoff series in franchise history while becoming just the second No. 8 seed to ever beat a No. 1 seed in a seven-game NBA series to make it to the Western Conference semifinals. Memphis Mayor A.C. Wharton says the Grizzlies style of play makes them perfect for the city because when they "get knocked down and don't get foul calls they just get up and keep grinding." The city is able to relate to the team because they realize "In the game of life there are no referees. When you get knocked on your back you get back up."

As families rebuild, we must all join in a single effort as the American people have done

numerous times in the past.

Perseverance will be imperative as these communities are rebuilt.

If you would like to donate to the American Red Cross to support relief efforts, please visit www.redcross.org, call 1-800-RED CROSS (1-800-733-2767) or text the word REDCROSS to 90999 to make a \$10 donation. If you or someone you know needs help, please visit www.disasterassistance.gov. To reach SBA's hotline, please call (1-800) 659-2955 or email disastercustomerservice@sba.gov.

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REFERENCES

1. Fewer unaccounted for from devastating tornado in Joplin, Missouri. (2011, May 31). *CNN*. Retrieved from http://www.cnn.com/2011/US/05/30/missouri.tornado/index.html?hpt=hp_t2
2. U.S. Small Business Administration. (n.d.). *Home and Personal Property Loans*. Retrieved from <http://www.sba.gov/content/home-and-personal-property-loans>
3. Lavandera, E. (2011, May 15). *Uncertain of future, 'scared' evacuees rush to flee Louisiana homes*. Retrieved from CNN website: http://articles.cnn.com/2011-05-15/us/louisiana.flooding.evacuees_1_trailer-home-waters-krotz-springs?_s=PM:US
4. Robertson, C. (2011, May 21). Officials in Louisiana Face Dilemma: Bad Flooding, or Worse. *The New York Times*. Retrieved from <http://www.nytimes.com/2011/05/13/us/13floods.html>
5. Midwest, South Flooding. (2011, May 8). *CNN*. Retrieved from <http://ireport.cnn.com/ir-topic-stories.jspa?topicId=603231>
6. Higgins, R. (2011, May 13). *NBA's Grizzlies inspired by fans in flooded Memphis*. Retrieved from CNN website: http://articles.cnn.com/2011-05-13/us/memphis.floods.grizzlies_1_memphis-state-playoff-game-high-water?_s=PM:US
7. Garskof, J. (2011, April 5). *4 steps to protect your home against disaster*. Retrieved from CNN website: http://money.cnn.com/2011/04/05/real_estate/home_disasters.moneymag/index.htm
8. U.S. Department of Housing and Urban Development. (2011, May 12). *HUD Secretary Announces Disaster Assistance for Mississippi Storm Victims*. Retrieved from http://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2011/HUDNo.11-089
9. Ready America. (2011, April 26). *Floods*. Retrieved from <http://www.ready.gov/america/beinformed/floods.html>
10. The White House. (2011, May 4). *Disaster Assistance for Last Week's Storms*. Retrieved from <http://m.whitehouse.gov/blog/2011/05/04/disaster-assistance-last-week-s-storms>
11. Flood's Economic Logjam Ahead. (2011, May 18). *The Express*, p. 3.
12. Hurricane Prediction 101. (2011, June 1). *The Express*, p. 4.
13. All This Was Chaos. (2011, June 3). *The Express*, p. 4.
14. When Warning Works. (2011, May 26). *The Express*, p. 13.
15. MO. Town Torn to Pieces. (2011, May 24). *The Express*, p. 15.
16. Frantic Hunt for Joplin Survivors. (2011, May 25). *The Express*, p. 3. (pp. only used when the work carries through from one page to another. Otherwise, only one p should be used, e.g., p. 8.)

COMING HOME: EMPLOYMENT CHALLENGES FOR RETURNING VETERANS

By Deana McRae, NBCSL Policy Consultant

For many Americans, September 11 will be remembered as the worst attack on U.S. soil. Less than a month following the incident, the U.S. stationed military forces in Afghanistan to respond to the attacks. Two years later, the U.S. deployed additional service members to invade Iraq. Effective October 2011, our nation will enter its longest war, having been stationed in Afghanistan for 10 years with over 100,000 troops, and nearly 46,000 in Iraq.¹

Recently, President Obama addressed the nation presenting his plan to bring troops home from Afghanistan and Iraq. After a war that spanned three presidential terms, many Americans are eager to have the service members return home. The President has proposed to bring home 10,000 troops by the end of 2011; followed by 23,000 through the summer of 2012.² However, the transition to civilian life will require them to reconnect with friends and family, and most importantly return to the workforce. Of course, one significant complication of their re-entry process is the persistent effects of the recession. Soldiers returning home will be cast into an unwelcoming and insecure job market.

In May, the unemployment rate of Afghanistan and Iraq veterans climbed to 12.1 percent (232,000 unemployed veterans). According to a recent report from

the U.S. Congress Joint Economic Commission, in many states the unemployment rate for veterans is three times higher than the state's overall level.

STATE	VETERAN UNEMPLOYMENT RATE (%)	STATE UNEMPLOYMENT RATE (%)
Michigan	29.4	10.3
Indiana	23.6	8.2
Minnesota	22.9	6.6
Montana	20.1	7.3
Tennessee	20.0	9.7
Kansas	17.2	6.6
Vermont	16.8	5.4
Connecticut	15.5	9.2
Nevada	15.2	12.1
New York	15.2	7.9

Note: For the purpose of comparison, the numbers in parentheses are the total state unemployment rates from the Bureau of Labor Statistics.³

According to an analysis by Moody's Analytics, the unemployment benefits of 2011 are more than three times their pre-recession level. As predicted, by the end of this year much of the funding will be depleted, thus making the expiration of extended benefits more imminent.⁴

Job growth has remained scarce for many states, and this impacts nearly 7.5 million who are now dependent on unemployment benefits. The Arizona Department of Economic Security estimated 45,000 residents could lose benefits by the end of the year, while in Florida, nearly 476,000 people collect unemployment benefits, and in Michigan, about 267,000 people.⁵

Upon becoming a veteran, the U.S. Department of Veterans Affairs offers a variety of benefits, including pensions and disability, home loans, vocational training, and life insurance.⁶ However, a service member separating from active duty unable to find employment will have to apply for unemployment compensation benefits through state programs. Veteran benefits vary from state to state. With state budgets depleted and nearly 33,000 veterans returning home in the next year, how are states going to fund unemployment compensation for ex-service members?

Across the country, legislators are examining veteran hiring as well as benefits for military personnel, veterans and their dependents. In May, Senator Patty Murray (D-WA) and Representative Sanford Bishop, Jr. (D-GA) introduced

in their respective chambers corresponding legislation, the Hiring Heroes Act of 2011 (S.951 and H.R.1941). These bills would increase job training for returning veterans and encourage the federal government to hire more service members.

At the State level, the following are examples of legislation introduced concerning unemployment compensation for military service members.

- Arizona H.2541 (2010) Military Duty and Unemployment Insurance
- Iowa H.2110 (2010) Unemployment Insurance Benefits
- Kansas S.77 (2011) Unemployment Compensation
- Maine H.1087 (2010) Unemployment Benefits
- Missouri H.136 (2011) Military Spouse Unemployment and Professional Licensure
- Nebraska L.1055 (2010) Extended Unemployment Benefits
- Texas S.439 (2011) Uniformed Service Unemployment Compensation Chargebacks

One solution that seems to be successful and resourceful is Job Fairs. These events are rapidly appearing all over the country, specifically targeting the skill set and discipline the armed forces instill in its members. Eager to tap into this unused source, many employers at job fairs acknowledge their responsibility to help service members to transition into civilian careers.⁷

This summer a number of job fairs dedicated to emphasizing the value of veterans in the workforce were launched. The first annual Veterans on Wall Street (VOWS) Conference – an


event coordinated and funded by Bank of America, Citi, Credit Suisse, Deutsche Bank, and Goldman Sachs – was premiered in New York.⁸ The Military Spouse Employment Partnership (MSEP) was established at the US Chamber of Commerce with the participation of the White House and the US Department of Defense. Seventy-two employers, including Fortune 500 companies and federal government agencies, have committed to hiring military spouses.⁹ Additionally, the Iraq and Afghanistan Veterans of America (IAVA) announced a partnership with the U.S. Chamber of Commerce to assist veterans transition “combat to career” by hosting five nationwide job fairs moving forward.¹⁰

In addition to job fairs, training centers and programs dedicated to transition into civilian careers have also been a practical approach for veterans. Training schools, such as the one found at the New England Center for Homeless Veterans, offer career training and education opportunities, and provide veterans with the necessities required in the job market.¹¹ Similarly, the Veterans Educational Transition Services at the City College of San Francisco provides support to veteran students through educational and career planning, and assists them in obtaining benefits under the Montgomery GI Bill.¹² The U.S. Department of Veterans Affairs offers the Veterans Employment Coordination Service (VECS) to attract, recruit, hire, and retain veterans specifically interested in pursuing careers at the VA.¹³

Of particular concern to government officials and

agencies, alike, are veterans who have lost their civilian jobs, while on active duty. According to the *Uniformed Services Employment and Reemployment Rights Act of 1994*, the law clarifies and reinforces the *Veterans' Reemployment Rights Statute*.¹⁴ The Act protects civilian job rights and benefits for veterans through establishing the cumulative length of time an individual may be deemed on furlough from work due to military duty and retain reemployment rights to five years.¹⁵ The Act also provides that returning service members are reemployed in the job they would have attained had they not been absent, with the same seniority, status and pay, as well as on-the-job training as relevant to employment.

The nation is responsible for tending to those who have sacrificed for us. Their actions are a testimony to their dedication and patriotism they deserves the same level of commitment from their fellow Americans. With

thousands of veterans jobless and more slated to return in home in the months ahead, we must become aggressive in our action to assist them. We must work in concert with service organizations and advocacy groups, such as American Legion, National Organization of Veteran Advocates, and Veterans for America. We can build on veteran outreach programs to assist in obtaining benefits. We can take into consideration shifting the cost of unemployment compensation for veterans to the federal agencies, to prevent elimination of benefits all together. And most importantly, we can work across federal and state levels to support their smooth transition back to civilian life. 

RESOURCES

The following is a list of links to Web sites for each of the individual states that offer veterans benefits: <http://www.military.com/benefits/veteran-benefits/state-veterans-benefits-directory>. In addition, here is a link to the homepages for individual Department of Veterans Affairs for all 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands: <http://www.va.gov/statedva.htm>.

1. Stewart, P. (2011, July 23). U.S. wastes \$34 billion in Afghan and Iraq contracting, Reuters. Retrieved from <http://www.reuters.com/article/2011/07/23/us-usa-afghanistan-waste-idUSTRE76M27Y20110723?feedType=RSS>
2. Sciutto, J. & Bruce M. (2011, June 22) Obama to Announce 10,000 Troops Out of Afghanistan by End of Year. *ABC Good Morning America*. Retrieved from <http://abcnews.go.com/Politics/obama-navigates-math-politics-afghan-troop-withdrawal/story?id=13899252>
3. Burrows, D. (2011, June 22). 10 Worst States for Unemployed 9/11 Veterans. *CBS Moneywatch.com*. Retrieved from <http://moneywatch.bnet.com/investing/blog/investment-insights/10-worst-states-for-unemployed-911-veterans/1302/#ixzz1TCsHFLOW>
4. Rich, M. (2011, July 11). Economy Faces a Jolt as Benefit Checks Run Out. *The New York Times*. Retrieved from <http://www.cnn.com/id/43710397>.
5. Ibid.
6. Department of Veterans Affairs. Veterans Benefits Timetable. Retrieved from <http://www.vba.va.gov/pubs/forms/VBA-21-0501-ARE.pdf>.
7. NBC. NBC Launches "Making a Difference on the Homefront." <http://daily.abcnews.com/abc/2011/06/23/6909214-nbc-news-launches-making-a-difference-on-the-homefront>
8. U.S. Chamber of Commerce. (2011, June 23). U.S. Chamber Connects Military Heroes and Spouses to Wall Street at New York City Hiring Fair. Press Release. Retrieved from <http://www.uschamber.com/press/releases/2011/june/us-chamber-connects-military-heroes-and-spouses-wall-street-new-york-city-h>
9. Ibid.
10. Iraq and Afghanistan Veterans of America. (2011, July 1). U.S. Chamber of Commerce, IAVA Announce Groundbreaking New Jobs Partnership at Clinton Global Initiative America to Tackle Veteran Unemployment. *Press Release*. Retrieved from <http://iava.org/press-room/press-releases/us-chamber-commerce-iava-announce-groundbreaking-new-jobs-partnership-clin>
11. New England Center for Homeless Veterans. http://www.nechv.org/veterans_training_school.html
12. City College of San Francisco. Veteran Educational Transitional Services. <http://www.ccsf.edu/NEW/en/student-services/veterans-affairs.html>
13. U.S. Department of Veterans Affairs. Veterans Employment Coordination Services. <http://www.va.gov/vecs/>
14. United States Department of Labor. VETS USERRA Fact Sheet 3. Job Rights for Veterans and Reserve Component Members. Retrieved from http://www.dol.gov/vets/programs/userra/userra_fs.htm
15. Ibid.

Deana McRae served as a Policy Consultant for NBCSL's Policy Committees on Health & Human Services, Military & Veterans Affairs, and Labor.



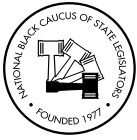
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