

**Resolutions Ratified in Plenary Session
December 13, 2002
Indianapolis, Indiana
The National Black Caucus of State Legislators**



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AGRICULTURE



Resolution 03 125***NEW BRETTON WOODS RESOLUTION***

WHEREAS, six years ago a call was circulated for establishment of an Ad Hoc Committee for a New Bretton Woods Conference, signed by over 500 parliamentarians from over forty nations, including members of the National Black Caucus of State Legislators, thousands of civil rights leaders, trade unionists, and local elected officials; and

WHEREAS, the world financial system has entered the final phase of its systemic crisis, including chaos in Argentina, mass death throughout Africa, deepening depression in Japan, the collapse of the “New Economy” bubble in the U.S. and Europe, and the growing insolvency of states and cities across the United States; and

WHEREAS, if in this situation a war against Iraq is launched, a war that will have incalculable consequences for the strategic situation and the world economy; and

WHEREAS, the convening of a New Bretton Woods Conference, in the tradition of President Franklin Roosevelt, who called the original conference in 1944, would create a new monetary system as proposed by US Presidential pre-candidate Lyndon LaRouche, Jr., to set up the mechanisms that ensure real economic growth and productive full employment worldwide, including the construction of large scale infrastructure projects; and

WHEREAS, the Parliament of Italy passed a resolution on September 25, 2002, mandating the creation of a Bretton Woods style system, and similar resolutions have been introduced in the European Parliament, the National Conference of State Legislatures, state legislatures in the United States including Kentucky, Pennsylvania, Michigan, and Mississippi, and passed the Alabama House of Representatives.

THEREFORE BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, that the National Black Caucus of State Legislators, assembled in annual conference in Indianapolis, IN., in December, 2002, hereby calls for the emergency convening of a New Bretton Woods conference at the earliest possible time, to change the agenda of US and world politics away from war and poverty to peace and prosperity through productive development, before it is too late; and

BE IT FURTHER RESOLVED, that copies of this resolution be delivered to the President of the United States, the members of the United States Congress, and all State Governors for their immediate consideration and prompt action.

Sponsored by: Representative Thomas Jackson (AL), Representative Harold James (PA),

Approved Date is December 12, 2002 by the Committee of Agriculture

Certified by Committee Chair: Representative Thomas Jackson

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



BUSINESS & FINANCE



Resolution 03 3***AN NBCSL INITIATIVE FOR PERSONAL FINANCIAL LITERACY***

WHEREAS, in order to succeed in our dynamic American economy, young people must obtain the skills, knowledge, and experience necessary to manage their personal finances and obtain general financial literacy. All young adults should have the educational tools necessary to make informed financial decisions and must have the technology based skills to use on-line banking, ATM's and other on-line mortgage and financial services; and

WHEREAS, State educational leaders have recognized the importance of providing a basic financial education to students in grades kindergarten through 12 by integrating financial education into State educational standards; and

WHEREAS, through year 2000, only eight states required schools to implement personal finance standards into the academic curriculum according to the survey of the National Conference of State Legislatures; and

WHEREAS, both parents and students failed the National Council on Economic Education's 1999 test of knowledge on basic economic principles with adults and high school students scoring, on average, grades of 50 percent and 48 percent, respectively; and

WHEREAS, high school seniors (a failing score of 50 percent) participating in the Jumpstart Coalition's 2002 national financial literacy survey conducted last year found that students know even less today than their counterparts did two years ago about such topics as paying taxes, using credit cards or saving for retirement; and

WHEREAS, the same survey found that over 15 percent of respondents learned the most about money management at school; and

WHEREAS, personal financial education helps prepare students for the workforce and for financial independence by developing their sense of individual responsibility, improving their life skills, and providing them with a thorough understanding of consumer economics that will benefit them for their entire lives; and

WHEREAS, today's students are tomorrow's consumers and investors; the teaching of personal finance should be encouraged at all levels of our Nation's educational system, from kindergarten through grade 12. Teaching our children about money matters at an early age will help them make more informed choices about the products and services available in today's complex financial marketplace; and

WHEREAS, a commitment to teaching sound personal money management wherever it can be taught will diminish the need for remedial and restrictive legislation and will help our children, young adults and seniors learn how to protect themselves from unfair and fraudulent transactions and understand sound credit practices; and

WHEREAS, school administrators, teachers, parents, business leaders, government and community leaders, and concerned citizens must be encouraged to explore and be shown ways to teach in a meaningful way a financial literacy program which would include such topics as budgeting, insurance, investing, managing credit, financial planning, retirement savings, consumer loans and mortgages; and

WHEREAS, there are federal and private funds available for financial education in public schools and community agencies, as well as many excellent money management educational materials available both on and off the Internet from a variety of consumer education groups, financial institutions and credit card grantors at little or no cost; and

WHEREAS, important NBCSL allies, the NAACP, the Congressional Black Caucus Foundation, the National Urban League, and members of our Corporate, Faith, and Labor Roundtables have existing programs for increasing personal financial literacy and are seeking partnerships with NBCSL and its members to expand the potential population that can benefit from these programs; and



WHEREAS, NBCSL has resolved consecutively in the previous three years to initiate and emphasize education programs for personal financial literacy which are necessary to empower children and young adults to achieve economic well being for themselves and to contribute to the financial and economic success of our communities; and

WHEREAS, to help build that capacity, NBCSL now has a research institute that can be commissioned to develop an NBCSL/NBCSI (National Black Caucus States Institute) financial literacy component.

THEREFORE BE IT RESOLVED BY THE 26TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9-14, 2002, that the NBCSL President, in consultation with the Committee on Business & Finance, shall establish a Task Force on Personal Financial Literacy Initiatives; and

BE IT FURTHER RESOLVED that the Task Force shall consist of members who are involved with their individual State Committees on business and/or finance or who have a special interest in financial education/literacy, or their designees; at least six members of the Roundtables; and other members from the corporate, education, faith and labor communities that the President may invite; and

BE IT FURTHER RESOLVED that the Task Force will seek to identify existing sources of public and private funding, programs and materials available to promote financial literacy in our schools or communities, and that to fulfill that mandate, the Task Force will work with NBCSI to develop effective financial literacy program and collaborate with current efforts of the NAACP, Congressional Black Caucus Foundation, The Jumpstart Coalition, the National Urban League and other community based organizations ; and

BE IT FURTHER RESOLVED that the Task Force working with NBCSI will look at the effectiveness of such programs with a view toward determining “best practices”; and

BE FINALLY RESOLVED that the Task Force will report to the President in March, 2003, recommendations that will lead to legislation, regulation, community action, public/private partnerships, or general policy initiatives that will ensure that African American youth and young adults have access to the information and tools they need to build solid financial futures and to realize their dreams.

Sponsored by: Representative Edwin Murray (LA)

Approved Date is December 12, 2002 by the Committee of Business & Finance

Certified by Committee Chair: Representative Edwin Murray

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



Resolution 03 63***INITIATIVE FOR REVIEW OF DIVERSITY IN STATE PENSION FUNDS THROUGH DISCLOSURE AND MONITORING***

WHEREAS, a significant portion of African American workers pension fund contributions and retirement funds are invested in public, private and union pension funds; and

WHEREAS, billions of dollars of public, private and union pension funds are invested in publicly held companies; and

WHEREAS, during each annual proxy season, equal employment reporting, diversity of corporate board of directors, equal credit opportunity/community reinvestment and glass ceiling, environmental protection resolutions are sponsored by shareholder groups; and

WHEREAS, newly proposed securities exchange rules (NYSE and NASDAQ) will require listed companies to elect independent corporate board directors and provide an opportunity for the election of African American, minority and women director; and

WHEREAS, state legislatures have oversight responsibilities for state pension funds and progressive state pension funds like the state of Connecticut have called for diversity in the selection of independent directors and support for EEO-1, glass ceiling and workplace diversity shareholder resolutions; and

BE IT FURTHER RESOLVED that support for diversity resolutions will promote greater corporate responsibility and accountability of United States corporations to African Americans, minority workers and their communities.

THEREFORE BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, that the National Black Caucus of State Legislators request that each state black caucus develop a plan to work with the A. Phillip Randolph education fund investment education program and progressive shareholder groups to seek public disclosure and monitor the votes of state and local pensions funds on EEO-1 reporting, glass ceiling, board diversity, community reinvestment, equal credit opportunity and environmental protection resolutions. Such a plan would provide workplace protection for African American, minority and women workers and executives and communities create opportunities for African American, minority and women-owned businesses.

Sponsored by: Representative Edwin Murray (LA)

Approved Date is December 12, 2002 by the Committee of Business & Finance

Certified by Committee Chair: Representative Edwin Murray

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



ELECTION REFORM



Resolution 03 89

ELECTION TECHNOLOGY REFORM

WHEREAS, the right to vote and to have one's vote counted are the cornerstone of democratic government; and

WHEREAS, many states continue to use archaic election technology and paper ballots to elect federal, state and local officials; and

WHEREAS, the continued use of such election technology continue to deprive African Americans, other minorities, poor people and elderly persons of their right to have their votes counted or which occurred in Florida, Georgia and various other states in the 2000 Election; and

WHEREAS, Georgia instituted a statewide system of touch screen voting technology in the November 5, 2002, election and reduced the under counted vote to less than .2 percent; and

WHEREAS, there needs to be national standards adopted for election technology; and

WHEREAS, the federal government should appropriate funds to the 50 states to reimburse or help purchase new election technology, to train election workers on new technology, to provide education/demonstrations to the electorate on the new technology and to ensure that every vote cast is accurately counted; and

BE IT RESOLVED that the National Black Caucus of State Legislators support the adoption of new election technology in all 50 states which is based on national standards with funding to be provided by the United States Congress.

THEREFORE BE IT FURTHER RESOLVED THAT THE 26TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS ASSEMBLED IN INDIANAPOLIS, INDIANA DECEMBER 9-14, 2002, that the President of the National Black Caucus of State Legislators provide a copy of this resolution to be transmitted to the President of the United States, the Presiding Officers of the Houses of Congress and the top elected officials of the 50 states.

Sponsored by: Representative Bob Holmes (GA), Senator Thelma Harper (TN)

Approved Date is December 12, 2002 by the Committee of Election Reform

Certified by Committee Chair: Representative Bob Holmes (GA)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



Resolution 03 94***STANDARD-LESS DISCRETION AND ELECTION REFORM***

WHEREAS, the current law in each of the 50 states permit local election officials to determine whether and how contested ballots are counted without being guided by any criteria or standards; and

WHEREAS, this “standard-less discretion” allows partisan and subjective decision making and deprivation of voting rights of African American, poor and elderly persons; and

WHEREAS, there is a need for Congress and state legislatures to establish some specific standards and criteria that need to be required in determining vote counting.

THEREFORE BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, that the National Black Caucus of State Legislators urges the State Chief Election officers and the U.S House and Senate to create a task force to develop such standards and report their findings, by December 1, 2003 to the legislatures and Congress, so they can enact appropriate legislation and standards that will be used in the 2004 elections; and

BE IT FURTHER RESOLVED that the president of NBCSL transmit a copy of this resolution to the presiding officers of the Congress and the Chief election officers of the 50 states.

Sponsored by: Representative Bob Holmes (GA), Senator Thelma Harper (TN)

Approved Date is December 12, 2002 by the Committee of Election Reform

Certified by Committee Chair: Representative Bob Holmes (GA)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



ELEMENTARY & SECONDARY EDUCATION



Resolution 03 82

MEETING EQUIVALENT ACREDITATION FOR SUPPLEMENTAL SERVICE PROVIDERS

WHEREAS, Students who have not achieved proficiency level in their local schools should have the opportunity to seek supplemental services that will allow for academic success; and

WHEREAS, state and local education agencies are required to promulgate standards to meet the requirements of the federal mandated legislation.

THEREFORE BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, recommends that those who provide supplemental services as required by the "No Child Left Behind" initiative shall have the same teacher certification required by the state for public school employees.

Sponsored by: Representative Linda Poindexter-Chesterfield (AR)

Approved Date is December 12, 2002 by the Committee of Elementary & Secondary Education

Certified by Committee Chair: Senator C.J. Prentiss (OH)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



Resolution 03 83

***NBCSL CHAIRPERSON OF ELEMENTARY & SECONDARY EDUCATION TO CREATE
NATIONAL EDUCATIONAL SUMMIT***

WHEREAS, NBCSL believes that the disparity in education for children of poverty has reached crisis proportion; and

WHEREAS, the National Black Caucus of State Legislators Chairperson of Elementary & Secondary Education needs to communicate and resolve vital educational improvements, including but not limited to closing the achievement gap; and

WHEREAS, in addition to the publication of NBCSL's "Closing the Achievement Gap", NBCSL still must work with its members and other organizations collectively to address these problems; and

WHEREAS, in order for minority students to achieve and excel in the public education system, resources must be allocated equally; and

WHEREAS, in the United States a solid education is the basic foundation for economic security.

THEREFORE BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, NBCSL Education Committee will convene a planning committee to plan a National Educational Summit that will bring attention to the national crisis of education and a culminating action that will bring national attention to the crisis in education for children of poverty, regardless of race, color, creed, ethnicity, or any other suspect classification.

Sponsored by: Senator C.J. Prentiss (OH)

Approved Date is December 12, 2002 by the Committee of Elementary & Secondary Education

Certified by Committee Chair: Senator C.J. Prentiss (OH)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



Resolution 03 75

RESOLUTION FOR A BI-YEARLY MEETING OF THE NATIONAL BLACK CAUCUS ELEMENTARY AND SECONDARY EDUCATION COMMITTEE TO MONITOR THE PROCESS ON "CLOSE THE GAP"

WHEREAS, the Nation Black Caucus of State Legislators (NBCSL) Committee on Elementary & Secondary Education have determined that internal communication on "closing the gap" is vital in a timely manner; and

WHEREAS, the NBCSL needs to monitor the state communication between the legislation and the state Governor; and

WHEREAS, the NBCSL members will communicate the Governor's response to the NAACP "Call for Action" and legislation derived from the Elementary Secondary Education Act (ESEA); and

WHEREAS, the NBCSL Education committee shall provide a list of supplemental providers for their respective states.

THEREFORE BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, that the NBCSL Committee on Elementary & Secondary Education will meet in six months at the NCSL.

Sponsored by: Representative Ken Green (CT), Senator Mary Bland

Approved Date is December 12, 2002 by the Committee of Elementary & Secondary Education

Certified by Committee Chair: Senator C.J. Prentiss (OH)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



ETHICS



Resolution 03 93

NATIONAL CONFERENCE ON VOTER'S RIGHTS AND ELECTION REFORM

WHEREAS, in the wake of the 2000 and 2002 election debacles, African American voters have lost confidence in the fairness of the electoral process; and

WHEREAS, every voter must have equal access to the polls and an equal chance to have his or her vote counted fairly, accurately and timely; and

WHEREAS, African American voters are disproportionately impacted by the lack of clear and concise standards, which create chaos at the polls; and

WHEREAS, implementation of the Help America Vote Act of 2002 requires state legislatures to amend or pass new laws to comply with the new federal mandates; and

WHEREAS, the Help America Vote Act may create new barriers to voting and disenfranchise voters in the absence of clear standards; and

WHEREAS, African American state legislators have a special obligation to push for legislation, and election processes and procedures that will restore voters' confidence in the electoral process; and

WHEREAS, each state must develop a plan with public notice and input setting forth how it will implement the Help America Vote Act.

THEREFORE BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, that the National Black Caucus of State Legislators will organize a national conference on state legislators, election officials and policy experts to:

- (1) Discuss the lessons learned from the 2000 and 2002 election debacles;
- (2) Identify the best practices that should be incorporated in the state plans mandated by the Help America Vote Act.

Sponsored by: Senator Thelma M. Harper (TN)

Approved Date is December 12, 2002 by the Committee of Ethics

Certified by Committee Chair: Senator Thelma Harper (TN)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



FAITH ROUND TABLE & E CLEANINGHOUSE PROJECT



Resolution 03 42

TO CREATE A TASK FORCE TO EVALUATE AND RECOMMEND DRAFT LANGUAGE AND MODEL LEGISLATION THAT ADDRESSES FAITH-BASED AND COMMUNITY SERVICE IN LOCAL COMMUNITIES

WHEREAS, the Black Church has historically served as one of the important institutional bases for community service and outreach for the needs of residents; and

WHEREAS, we recognize that NBCSL members work diligently to insure that appropriate services are available to their district neighborhoods; and

WHEREAS, the White House Faith Based & Community Initiative addresses the need to provide further services at a local level; and

WHEREAS, federal legislation enabling the White House Faith Based & Community Initiative will likely soon be law; providing direct aid from the federal government to local faith and community organization; and

WHEREAS, state legislation is needed to help insure long held protections of civil and human rights, affirmative action, maintain integrity of state policy makers and the ideals of devolution regarding its authority of state based initiatives.

THEREFORE BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, that NBCSL establish a Task Force that will work with national state and local legislative bodies to study the federal legislation, draft language and model legislation that can be shared and proposed to state legislatures, nationwide.

Sponsored by: Senator Gerald A. Neal (KY)

Approved Date is December 12, 2002 by the Committee of Faith Round Table & E Clearinghouse Project

Certified by Committee Chair: Representative Mary H Coleman (MS)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



HEALTH



Resolution 03 41***CONSUMER HEALTH ASSISTANCE PROGRAMS: CREATION, ADEQUATE FUNDING & AUTHORITY***
PREAMBLE:

Access to adequate health care is limited for many African-Americans due to lack of insurance, funding limitations of government programs, and cost-saving measures by insurance companies and managed care that shift the cost burden to those who are insured by routinely denying claims and by continually shortening the list of commonly used medications that are covered. These cost-saving measures come at a high price to those with asthma, diabetes, hypertension, cancer and other chronic illnesses, especially in the African American community.

WHEREAS, the increasingly complex nature of our nation's health care system has given rise to an array of consumer health assistance programs (also known as ombudsman programs) devoted to resolving disputes and otherwise helping consumers obtain quality health care; and

WHEREAS, these programs provide information to consumers regarding their health care plan options and obtaining health care coverage and services. They also help consumers understand their health care rights and responsibilities; and

WHEREAS, consumer health assistance programs are quite successful in investigating and resolving individual complaints about health insurance and health care services. Over two-thirds of the cases in which they intervene are resolved in the consumers' favor; and

WHEREAS, some programs have existed for years, while others, notably those focusing on Medicaid beneficiaries and the privately insured, have emerged only recently and **ONLY** in a number of states; and

WHEREAS, a program's ability to assist individual consumers and address systemic issues largely depends on whether it has the legal authority to do so; and

WHEREAS, these programs not only provide crucial services to people who encounter problems with the health care system, but also serve as the eyes and ears of policymakers, health care providers, and government agencies seeking to improve the management and delivery of health care services to diverse populations; and

WHEREAS, consumer health assistance programs provide these services to the public at no direct cost and are a valuable tool for African Americans and the public at large in attaining access to quality health care.

THEREFORE, BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, that the National Black Caucus of State Legislators supports the following measures:

1. Creation through legislation of Consumer Health Assistance Programs in states where they do not currently exist.
2. Increase in funding for Consumer Health Assistance Programs that already exist.
3. Award of statutory authority to programs in order that they can represent consumers in grievances and hearings.
4. Create statutes that require health plans and facilities to notify constituents of available consumer health assistance programs and require health plans and facilities to cooperate with investigations.

Sponsored by: Senator Anthony Hill (FL) and Senator David Haley (KS)



Approved Date is December 12, 2002 by the Committee on Health
Certified by Committee Chair: Senator Roscoe Dixon (TN)
Ratified in Plenary Session, Ratified Date is December 13, 2002
Ratification certified by: Representative James Thomas (AL), President



Resolution 03 7***DIABETIC INSURANCE COVERAGE***

WHEREAS, diabetes is a disease that affects the body's ability to produce or respond to insulin and is the sixth leading cause of death and fifth leading cause of death by disease in the United States; and

WHEREAS, diabetes is a disease with serious complications including blindness, kidney disease, amputations, heart attack and stroke and has no cure; and

WHEREAS, approximately 2.3 million or 10.8% of all African Americans have diabetes, and one third of them do not know it; and

WHEREAS, African Americans are 1.7 times more likely to have diabetes, than Non Hispanic Whites, twenty five percent of African Americans between the ages of 65 and 74 have diabetes; and

WHEREAS, One in four African American women over 55 years of age has diabetes and African Americans are twice as likely to suffer from diabetes related blindness; and

WHEREAS, Diabetes is the most frequent cause of non traumatic lower limb amputations and among people with diabetes, African Americans are 1.5 to 2.5 times more likely to suffer from lower limb amputations; and

WHEREAS, Ten to twenty one percent of all people with diabetes develop kidney disease and African Americans with diabetes are 2.6 to 5.6 times more likely to suffer from kidney disease (end stage renal disease) each year; and

WHEREAS, 90 - 95 percent of African Americans with diabetes have type 2, which is preventable, and two main risk factors increase the chance of developing type 2: Genetics components and lifestyle, including obesity. Type 2 diabetes could greatly be lowered within the African American Community through proper diet and exercise. Education on healthy eating is crucial to fighting the current twin epidemics of diabetes and obesity with the African American community; and

WHEREAS, the Diabetes Control and Complications Trial, a multi million dollar clinical research effort funded by the National Institutes of Health, proved beyond a shadow of a doubt that keeping blood sugar in the normal range helps to prevent the complications of diabetes; and

WHEREAS, diabetes is a significantly self managed disease requiring constant attention on the part of the patient and access to the tools needed to manage the disease; and

WHEREAS, appropriate insurance coverage of the necessary diabetes supplies, equipment and education is the only way to ensure that people with diabetes have access to the tools they need to prevent the deadly and costly complications of diabetes; and

WHEREAS, 43 states have already enacted state legislation mandating state regulated insurance plans to cover the medically necessary supplies, equipment and education needed to self manage diabetes.

THEREFORE BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, that NBCSL supports efforts in the remaining states to require that insurance providers cover the necessary supplies, equipment and education needed to appropriately self manage diabetes. NBCSL also opposes efforts to roll back, weaken or eliminate existing provisions that require insurance providers to cover the necessary supplies, equipment and education needed to appropriately self manage this deadly, serious and costly disease.



Sponsored by: Senator Roscoe Dixon (TN)

Approved Date is December 12, 2002 by the Committee on Health

Certified by Committee Chair: Senator Roscoe Dixon (TN)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



Resolution 03 6***FREEDOM OF CHOICE ACCESS TO ORAL HEALTH***

WHEREAS, Access to dental care for children is a vital element of overall health care and development; and

WHEREAS, dental caries (tooth decay) is the single most common chronic childhood disease; and

WHEREAS, children eligible for Medicaid and SCHIP are three to five times more likely to have untreated tooth decay; and

WHEREAS, 5.3 percent of national health care spending goes toward dental care, while only 0.5 percent to 0.8 percent of overall Medicaid spending goes toward dental care; and

WHEREAS, dental programs under Medicaid and SCHIP provide the only access to oral health care for a large proportion of the economically disadvantaged; and

WHEREAS, the decision on the most appropriate course of oral health treatment is one best made by the patient or their parent or guardian, in consultation with their dentist; and

WHEREAS, many dental benefit plans—whether publicly or privately funded-- effectively deny patients the opportunity to choose between a number of appropriate dental restorative materials by offering reimbursement for only the lowest cost restorative.

THEREFORE, BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, that the National Black Caucus of State Legislators recommends that:

1. States make access to comprehensive dental care a legislative priority;
2. Dental patients be provided with information about the full range of appropriate restorative options and an opportunity to discuss them with their dentist prior to treatment; and
3. Publicly and privately funded dental benefit plans be required to provide reimbursement that is adequate to give patients meaningful access to the appropriate option of the patient's choice based on all considerations. These considerations may include the restoration's longevity, appointments necessary to place the restoration, the cooperative ability of the patient, aesthetics, the load bearing requirements for the restoration, as well as cost.

Sponsored by:

Approved Date is December 12, 2002 by the Committee on Health

Certified by Committee Chair: Senator Roscoe Dixon (TN)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



Resolution 03 8

MEDICARE COVERAGE CARD PROGRAM

WHEREAS, nearly thirty percent (30%) of senior citizens in the United States do not have any prescription drug coverage; and

WHEREAS, an estimated 90% of Medicare beneficiaries fill at least one prescription every year; and

WHEREAS, Medicare recipients spend an average of \$1285 per year for outpatient prescription medications; and

WHEREAS, Medicare, the federal insurance program for seniors, does not provide coverage for most outpatient drugs; and

WHEREAS, Congress is currently considering proposals to add a prescription drug benefit to Medicare, but this issue is still being debated and uninsured low-income seniors need relief now; and

WHEREAS, to help address this critical gap in health care coverage, Pfizer has introduced its Pfizer for Living Share Card program to offer coverage for its outpatient prescription medicines directly to seniors and the disabled enrolled in Medicare who are low-income and have no private or public insurance coverage for prescription medicines; and

WHEREAS, the Pfizer for Living Share Card is designed so that participants will be able to obtain their Pfizer medications for a flat fee of \$15 per prescription per month.

THEREFORE, BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, that NBCSL endorses the Pfizer For Living Share Card program.

Sponsored by: Senator Roscoe Dixon (TN)

Approved Date is December 12, 2002 by the Committee on Health

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Ratification certified by: Representative James Thomas (AL), President



Resolution 03 19***PREVENTION AND TREATMENT OF HEPATITIS C***

WHEREAS, Hepatitis C virus infection is the most common chronic blood borne viral infection in the United States; and

WHEREAS, Hepatitis C virus infection is a life-threatening disease that the Centers for Disease Control and Prevention conservatively estimate infects four million persons in the United States; and

WHEREAS, there were approximately 41,000 newly infected Hepatitis C patients per year, as of 1998; and

WHEREAS, Hepatitis C infections accounted for approximately 25,000 deaths per year in 1998 and is predicted to cause 30,000 annual deaths within ten years; and

WHEREAS, Hepatitis C infection is three to four times more prevalent in the United States than HIV AIDS, and approximately one-third of all HIV infected persons are co-infected with HCV; and

WHEREAS, eighty-five percent of Hepatitis C virus-infected persons are chronically infected; and

WHEREAS, very few of those infected with Hepatitis C virus are aware that they are infected, since symptoms often do not develop until ten to twenty years after the infection is contracted; and

WHEREAS, infected individuals who are unaware that they are infected are unlikely to take precautions to prevent the spread or exacerbation of their infection; and

WHEREAS, no vaccine is available for Hepatitis C virus; and

WHEREAS, Hepatitis C is now the leading cause of liver disease, placing infected individuals at elevated risk for chronic liver disease, liver cancer, and other Hepatitis C virus-related diseases, such as Type II diabetes, autoimmune diseases, and other life-threatening conditions that can lead to liver failure; and

WHEREAS, data suggests that 1-20 percent of people with Hepatitis C will develop cirrhosis of the liver within five years of contracting the virus, and up to 25 percent may develop cirrhosis in 10-20 years; and

WHEREAS, Hepatitis C is the cause for one third of liver transplants, which cost approximately \$280,000 each. Annually, the cost associated with liver transplants for Hepatitis C alone are nearly \$300 million; and

WHEREAS, alcohol consumption is an important contributing factor in the progression of chronic liver disease among persons with Hepatitis C virus infections; and

WHEREAS, treatments are available to slow the progression of Hepatitis C virus infection; and

WHEREAS, between 3.6 and 3.8 million of the four million people who are infected with Hepatitis C are receiving no treatment; and

WHEREAS, conservative estimates now place the costs of lost-productivity and medical care arising from HCV infection in the U.S. to be in excess of \$600 million annually; and such costs will undoubtedly increase without education and prevention efforts.

THEREFORE, BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE



NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, that the NBCSL urges the President and Congress, state legislatures, state health departments and other state agencies and institutions to work collaboratively to address the national health crisis associated with Hepatitis C virus through the following measures:

1. Recommending implementation of prevention and education activities by state and local public health programs, to counsel and screen persons at risk for Hepatitis C virus infection;
2. Recommending the monitoring and evaluation of the infection rate of Hepatitis C;
3. Recommending that publicly funded programs ensure that Hepatitis C related treatments are made available to all low-income persons of all ages;
4. Recommending implementation of outreach and community-based programs to educate health care professionals concerning diagnosis, medical management, and prevention - relying upon information recently released by the Center for Disease Control and Prevention.

Sponsored by: Representative George Flags (FL)

Approved Date is December 12, 2002 by the Committee on Health

Certified by Committee Chair: Senator Roscoe Dixon (TN)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



Resolution 03 12***PROPOSED AMENDMENT TO MEDICARE***

WHEREAS, in 1988, the congress included a provision in the Medicare Catastrophic Coverage Act that required states to pay the premiums, co-payments and deductibles for certain low-income individuals who were eligible for both Medicare and Medicaid; and

WHEREAS, NBCSL believed then, and continues to believe that the cost of Medicare coverage should be borne by the federal government and program beneficiaries. If additional low-income individuals are made eligible for the Medicare program through program reforms, including the establishment of a prescription drug benefit, the additional program costs should be 100 percent federally funded. NBCSL also opposes increases in Medicare cost-sharing that will shift those costs to state governments through Medicaid; and

WHEREAS, a number of states have, in the absence of a federal Medicare drug benefit, already taken it upon themselves to establish state-funded pharmaceutical assistance programs that benefit many Medicare beneficiaries, and

WHEREAS, the absence of a federal Medicare drug benefit is particularly serious due to the important role prescription medications play in patient care today; and

THEREFORE, BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, that:

- 1) Congress and the Administration should work expeditiously to establish a comprehensive prescription drug program for Medicare beneficiaries. The prescription drug benefit should be part of Medicare and should be:
 - a) Comprehensive: It should provide, without inappropriate access restrictions, coverage for all medically necessary prescription drugs to treat preventive, chronic, and catastrophic medical needs
 - b) Universal: Currently, 14.7 million seniors lack outpatient drug coverage, and another 4.4 million have inadequate Medigap coverage.
 - c) Guaranteed: All seniors need the financial and medical protection of a benefit that is fixed and uniform across the states, structured in the same way as Medicare Part B outpatient benefits.
 - d) Affordable: The beneficiary share of the premiums should be set nationally and should comprise no more than 50% of the total premium, while at the same time allowing for greater assistance for those with lower incomes. Co-pays and deductibles should be fixed, uniform, and capped at an affordable level for all seniors.
 - e) Voluntary: Participation should be voluntary, like Medicare Part B, but minimizes barriers for those most vulnerable.
 - f) Appropriately Financed: The full costs of any new Medicare drug program should be borne by the federal government. The federal program should also complement, enhance or existing state efforts and offset state financial commitments to these programs.; and

- 2) In the event that an agreement on a comprehensive Medicare benefit program can not be reached in 2002, NBCSL urges the 108th Congress to provide financial relief to states that are providing assistance to Medicare beneficiaries now and pass measures to immediately address the pharmaceutical access needs of the most vulnerable patients.

Sponsored by: Senator Roscoe Dixon (TN)

Approved Date is December 12, 2002 by the Committee on Health

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Ratification certified by: Representative James Thomas (AL), President



Resolution 03 11
QUALITY OF PATIENT MEDICAL CARE

WHEREAS, researchers are developing and FDA is approving new medicines to treat diseases that were not treatable or that were not well treated in the past, including medicines for chronic conditions such as prostate cancer (24 new medicines in development), asthma (26 new medicines in development), diabetes (35 new medicines in development), and high blood pressure (9 new medicines in development); and

WHEREAS, many new medicines are being developed for the diseases and conditions that affect those populations likely to lack health insurance and likely to be eligible for Medicaid and other state-funded programs, including the elderly (19 new medicines in development for heart disease and hypertension) and the disabled (5 new medicines in development for kidney disorder); and

WHEREAS, many existing medicines are being tested for use in children, and new formulations are being developed to be easier for children to take or to taste better so children will take them more consistently, including medicines for diabetes, asthma, cancer, and juvenile rheumatoid arthritis; and

WHEREAS, some patient populations, regardless of who pays for their health care, face greater risks from poorer-quality health care for some diseases and conditions, such as African Americans who are likely to receive less aggressive treatment for cancer and who are more likely than whites to develop serious complications from diabetes and high blood pressure. Limitations on their physicians' choices of treatment, or on patients access to the treatments of choice, such as through prior authorization of prescription medicines, may interfere with physicians' treatment plans or patients' compliance with those treatment plans; and

WHEREAS, many people enrolled in Medicaid and other state-funded programs have limited health literacy, which limits their ability to recognize the need to obtain the treatments recommended by their physicians and comply with their treatment plans, including consistently taking medicines for chronic conditions such as diabetes, asthma, and high blood pressure; and

WHEREAS, prior authorization and other limitations on care that require health care providers to spend additional time justifying their treatment choices to technicians discourage physicians, nurses, physician assistants, dentists, and other health care providers from serving people enrolled in Medicaid and other state-funded programs; and

WHEREAS, many state agencies and their contractors use cost as the major factor when they make decisions about the drugs that will or will not require prior approval, through "preferred drug list,"; and

WHEREAS, when state agencies and their contracts select "preferred drugs," they sometimes consider the drugs' effectiveness, but use information about a drug's effectiveness within the general population, without regard to the drugs' effectiveness for specific sub-populations, such as African Americans or Hispanic Americans, or patients with two or more chronic medical conditions; and

WHEREAS, many decisions about what treatment options will be "preferred" are made in closed meetings, without providers, patients, or advocates having the right to understand the criteria that are used to make decisions or to present information about the need for specific treatments for their patient populations; and

WHEREAS, delays in access to treatments, including medicines, that occur when the physician, nurse, or other healthcare provider must proceed through several steps to obtain authorization for the recommended treatment, or the patient is required to follow a lengthy appeal process, discourage patients from complying with their treatment plan; and

WHEREAS, treatment delays and denials lead patients to believe that they are receiving "second class medical care," or that the state believes that their health care provider may not be capable of providing quality care without review by the state; and



WHEREAS, many patients who are initially denied a medicine because their provider did not obtain the required prior authorization do not ever receive any medication, even the medicine on the “preferred drug” list; and

WHEREAS, many government-funded programs do not have a simple procedure by which a patient can learn the reason for the denial of the recommended medical treatment and appeal that denial.

THEREFORE, BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, that the National Black Caucus of State Legislators is concerned that in an effort to save money, programs will be put in place which may decrease patient safety and possibly subject certain populations to second class care; and

BE IT FURTHER RESOLVED, that states who are using or considering using preferred drug lists put measures in place to ensure quality patient care such as physicians having the final say in patient treatment options and that patient outcomes data collection and analysis be a part of any cost containment program being considered.

Sponsored by: Representative Katherine Bowers (TN)

Approved Date is December 12, 2002 by the Committee on Health

Certified by Committee Chair: Senator Roscoe Dixon (TN)

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Ratification certified by: Representative James Thomas (AL), President



HEALTH CARE REFORM



Resolution 03 10***ADEQUATE FUNDING FOR MEDICAID/SCHIP***

WHEREAS, the health status of African-Americans and underserved is significantly worse than that of other population groups and African-Americans are at greater risk for numerous diseases, such as HIV/AIDS and chronic conditions, such as diabetes; and

WHEREAS, the underlying causes for this medical disparity are not yet fully known; and

WHEREAS, access to adequate health care is limited for many African-Americans due to their lack of insurance or funding limitations of government programs; and

WHEREAS, state governments across the country are facing severe budget constraints in regard to their Medicaid, SCHIP, and other state health programs.

THEREFORE, BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, supports the following measures:

1. Increased Federal funding for medical, social-economic research to help determine the underlying causes of health status disparities that exist between African-Americans and the population as a whole.
2. Increased Federal support for states facing severe budget crises in the full funding of Medicaid, SCHIP, and other public health programs that serve the African-American community and other populations.

Sponsored by: Representative Wayne Ford (IA)

Approved Date is December 12, 2002 by the Committee on Health Care Reform

Certified by Committee Chair: Senator Roscoe Dixon (TN)

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Ratification certified by: Representative James Thomas (AL), President



Resolution 03 21***PROPOSED PROTECTION OF MEDICAID BENEFICIARIES ACCESS TO PHARMACEUTICALS***

WHEREAS, it is widely acknowledged by health scientists that individuals react in manners that vary widely upon receiving a given pharmaceutical; and

WHEREAS, African Americans and other Medicaid beneficiaries of color have been systematically excluded from most drug trials; and

WHEREAS, the recently published report conducted by the Institute of Medicine provides irrefutable substantiation of the alleged differential in quality of medical care received by African Americans, other peoples of color and women as compared to white males; and

WHEREAS, virtually all data confirm the thesis that equal treatment yields equal outcomes; and

WHEREAS, African Americans and other ethnic minorities continue to experience pervasive disparities in their health status indices as compared to white Americans; and

WHEREAS, a rapidly expanding list of states are implementing and/or considering the implementation of "Preferred Drug Lists" (Pal's) as a means of curtailing financial deficits in their respective Medicaid programs; and

WHEREAS, a significant array of drugs are being reviewed by the U. S. Food and Drug Administration (FDA) that may prove beneficial to the unique needs of African Americans and other people of color; and

WHEREAS, NBCSL strongly contends that preferred drug lists (PDLs) will ultimately result in the widening of disparities between the health outcomes of African Americans and other patients of color as compared to the population-at-large.

THEREFORE, BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, that NBCSL urges states to aggressively pursue alternatives to the imposition of PDL's as a means of containing and reducing deficits in Medicaid programs. Alternative acceptable remedial approaches potentially include:

Implementation of creative models that re-direct pharmaceutical supplemental rebate payments to programs that: promote primary prevention, early detection and enhance disease management processes that empower individuals, families and communities to aggressively pursue effective processes that promote lifestyle behavior changes and increased levels of responsible self care, and ;

Increased roles for Federally Qualified Community Health Centers as conduits for services directed toward affected communities.

NBCSL encourages incorporation of the President's Faith Initiative into a strategy that combines the remedial approaches suggested above is consistent with the published U.S. Department of Health and Human Services (DHHS) goals of increasing the number of community health centers by 1200 and doubling the number of centers' patients over the next five years.

Sponsored by: Senator Roscoe Dixon (TN)

Approved Date is December 12, 2002 by the Committee on Health Care Reform

Certified by Committee Chair: Senator Roscoe Dixon (TN)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



Resolution 03 103***PROTECTING AFRICAN AMERICANS AND MINORITIES HEALTH RELATED NEEDS THROUGH TOBACCO SETTLEMENT FUNDS***

WHEREAS, African Americans have been the target of advertising from the tobacco industry; and

WHEREAS, certain states have been awarded funds through tobacco suits to be used by the states for cancer research and to help educate people about the danger of using tobacco products; and

WHEREAS, monies awarded from the tobacco suits was to be used to market campaigns to warn people about the danger of smoking; and

WHEREAS, monies awarded have been used for things that are not health related, i.e. to balance budgets, build bridges, roads; and

WHEREAS, there is a significant number of African Americans and minorities who are uninsured and underinsured; and

WHEREAS, many African Americans die from treatable diseases because they lack adequate health care.

THEREFORE, BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, that the National Black Caucus of State Legislators supports the creation of a Task Force to work with other organizations, such as the Campaign for Tobacco Free Kids, American Legacy Foundation, and so forth, to monitor the use of state monies received through the Tobacco Settlement Agreement between states, and the tobacco industry. The Task Force will develop recommendations to:

1. Direct or redirect funds to health services
2. Support proper funding of tobacco controlled programs in the states at the level of CDC recommended guidelines.

Sponsored by: Representative Ronald G. Waters (PA)

Approved Date is December 12, 2002 by the Committee on Health Care Reform

Certified by Committee Chair: Senator Roscoe Dixon (TN)

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Ratification certified by: Representative James Thomas (AL), President



Resolution 03 9***RESOLUTION ON PREVENTION AND TREATMENT OF OBESITY***

WHEREAS, 65% of adults are overweight and more than a third of adults in the United States are obese and obesity is defined medically as having a Body Mass Index (BMI is calculated by weight/ height squared) greater than or equal to 30; and

WHEREAS, obesity has been linked to a number of disorders including type 2 diabetes, cardiovascular disease, hypertension, stroke, breast and colon cancers, gallstones, and osteoarthritis; and

WHEREAS, weight-related conditions are the second leading cause of death in the United States and result in some 300,000 deaths annually; and

WHEREAS studies estimate total direct and indirect costs to be more than \$100 billion annually; and

WHEREAS, rates of obesity among adults and children continue to grow every year, with childhood obesity in the United States nearly doubling in the past two decades according to the Centers for Disease Control and Prevention; and

WHEREAS, obesity in the U.S. occurs at higher rates in racial / ethnic minority populations such as African American and Hispanic Americans, compared with Caucasian Americans; and

WHEREAS Women and persons of low socioeconomic status within minority populations appear to particularly be affected by obesity. Cultural factors that influence dietary and exercise behaviors are reported to play a major role in the development of excess weight in minority groups; and

WHEREAS, research supports the conviction that strong healthy bodies promote learning and enhance mental and emotional health, social development, self-esteem and overall fitness and that coupling physical activity with an academic curriculum results in an overall increase in academic performance among school-age children; and

WHEREAS, current school curriculum standards have seen a reduction in the amount of time designated for physical and nutritional education and undirected physical activity (recess) in schools and only 29% of high school students currently attend daily physical education classes, a 13 point decrease from 1991; and

WHEREAS, early detection and treatment of obesity as well as an emphasis on physical and nutritional education in childhood provides an opportunity for the development of lifelong health and fitness skills as well as proper eating habits; and

WHEREAS, obesity is a preventable and treatable disease that has reached epidemic proportions and that education, prevention- and proper treatment can reduce health care costs and improve the quality of life for a significant number of adults and children in the United States.

THEREFORE BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, that NBCSL urges the President and Congress, as well as state legislatures, state health departments and other state agencies and institutions to make the prevention and treatment of obesity, diabetes and cardiovascular disease a national priority and to work to reduce obesity, diabetes and cardiovascular disease to improve the health and wellness of the residents of the United States through the following measures:

1. Working collaboratively with federal agencies, such as the US Centers for Disease Control and Prevention, and with other states to promote guidelines and best practices in the prevention and treatment of obesity;
2. Educating the medical community, teachers, employers and the general public about the scope of the problem



and ways to prevent and treat obesity in adults and children;

3. Ensuring the availability and reimbursement of obesity-related treatment in state Medicaid programs;
4. Identifying and implementing strategies to increase the amount of daily, quality physical activity and nutrition and physical education in the curriculum of public schools;
5. Increasing funding for school and community-based physical activity and nutrition programs;
6. Ensure all foods available at school support educational efforts to decrease obesity;
7. Providing incentives for work-place initiatives to combat obesity and encourage physical activity;
8. Collaborate with community-based organizations, the American Diabetes Association, the American Heart Association, voluntary health organizations, state medical association, and public health groups to implement services targeting lower income, racial minorities, and other groups at high risk for obesity;
9. Treat obesity as a disease as oppose to dealing with the symptoms of obesity individually.

Sponsored by: Senator Roscoe Dixon (TN)

Approved Date is December 12, 2002 by the Committee on Health Care Reform

Certified by Committee Chair: Senator Roscoe Dixon (TN)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



Resolution 03 5

TRAINING OF MEDICAL PROFESSIONALS TO ELIMINATE TREATMENT BIAS

WHEREAS, African-Americans all too often experience a different level of care regardless of their financial ability to pay, in terms of recommended treatment therapies; and

WHEREAS, this different level of care may contribute to the fact that the health status of African-Americans is significantly worse than that of other population groups; and

WHEREAS, this bias in treatment needs to be expressly addressed and eliminated.

THEREFORE BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, supports the following measure:

Development of a standard medical school curriculum that ensures physicians receive explicit training in the problems of racial bias and the methods/practice procedures to ensure that treatment and therapies are recommended equitably regardless of race.

Sponsored by: Representative Wayne Ford (IA)

Approved Date is December 12, 2002 by the Committee on Health Care Reform

Certified by Committee Chair: Senator Roscoe Dixon (TN)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



HOUSING



Resolution 03 58***PROHIBITION OF PREDATORY LENDING***

WHEREAS, Predatory Lending is a paramount civil rights issue; we must work to end it because currently Predatory Lenders are stripping in excess of 10 billion in wealth from families, mostly, which are African-American; and

WHEREAS, some steps we can take as legislators are:

1. encouraging HUD to replace funding to assist homeowners who are in danger of losing their homes because of emergency circumstances beyond their control
2. require that all first-time homebuyers are provided both pre and post homeownership counseling
3. create incentives to encourage minority participation in all government funding

BE IT FURTHER RESOLVED, African American union trustees will actively participate in decisions related to the investment of union financial vehicles to develop job creation and homeownership. The A. Philip Randolph Institute affiliates will work with state legislators to develop meaningful coalitions and partnership to create and maintain wealth. We call for collective oversight responsibility of public, unions, and faith-based trustees to review the voting records of public private and union pension funds.

THEREFORE BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, the National Black Caucus of State Legislators urges every state to enact legislation prohibiting Predatory Lending and urge all NCSL members to support these efforts in their state.

Sponsored by: Assemblywoman Gloria Davis (NY)

Approved Date is December 12, 2002 by the Committee of Housing

Certified by Committee Chair: Assemblywoman Gloria Davis (NY)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



Resolution 03 127***HOMELESSNESS AMONG VETERANS***

WHEREAS, keynote speaker Honorable Leo S. Mackay, Jr., Ph.D., Deputy Secretary of the Department of Veteran Affairs in his remarks stated, America's homeless veterans are a priority for the Department of Veterans Affairs, and we owe these veterans both a debt of gratitude for their service, and a helping hand through services; and

WHEREAS, America's homeless face many well-documented problems indicating that veterans and particularly, African American veterans, are especially vulnerable; and

WHEREAS, data shows that veterans are twice as likely to be among the chronically homeless (i.e. homeless more than 1 year, or 4 or more times during the past 3 years); and

WHEREAS, most disturbing is the fact that 81% of them suffer serious psychiatric, or substance abuse disorders, and 33% experience both (Health Care for Homeless Veterans Programs, Fifteenth Annual Reports, 2001); and

WHEREAS, one recent study (Health Care for Homeless Veterans Programs, Fifteenth Annual Reports, 2001) shows that 46% of homeless veterans assessed in 2001 were African Americans, in contrast to 10.9% in the general veterans population, indicating that African Americans were over 4 times more likely to be homeless than other veterans; and

WHEREAS, this study also showed that African American veterans were 1.31 times more likely than African American non-veterans to be among the homeless. Thus, while African Americans, both veteran and non-veteran are far more likely to be homeless than whites, and US veterans are somewhat more likely to be homeless than non-veterans, the risk of homelessness comparing veterans and non-veterans of the same race is about the same for blacks; and

WHEREAS, an earlier study based on data from 1987 showed that considering only Americans living in poverty in cities with populations greater than 100,000, African Americans were 2.11 times more likely than poor whites to be homeless. Among poor veterans, African Americans were 1.43 times more likely to be homeless, while among non-veterans, African Americans were 2.87 times more likely to be homeless. Thus even among impoverished city dwellers, African Americans are far more likely to be homeless than whites, although the increased risk for African Americans is smaller among veterans than non-veteran African Americans; and

WHEREAS, African Americans veterans are at a much greater risk for homelessness than their non-African American counterparts; and

WHEREAS, the bleak portrait of America's average homeless veteran, finds the veteran to be male in 98% of cases, most likely single, comes from a poor and/or disadvantaged background, average age is 48 years; one third (33%) served during wartime; and probably lives either in a shelter, or on the streets (70%); and

WHEREAS, the National Survey of Homeless Service Providers and Clients tell us that 57% of homeless veterans have gone to the Veterans Administrations (VA) for needed health care; and

WHEREAS, it is the sense of Congress that veterans are disproportionately represented among homeless men; existing resources for programs are inadequate; that the most effective programs need to be identified and expanded; homeless veterans program should be accountable. One of the most extensive acts passed by Congress to aid homeless veterans (The Homeless Veterans Comprehensive Assistance Act) gives VA the additional authority it needs to help veterans rebuild their lives; and

WHEREAS, on yet another front in the war against homelessness, the VA has established a new Secretariat-level committee (a 15 member Advisory Committee on Homeless Veterans) reflecting its commitment to making a



difference in the lives of homeless veterans. In addition, we are pleased that Ralph Cooper, a long time advocate in aiding the homeless is a committee member and look forward to his and others community based recommendations and guidance; and

WHEREAS, the VA is also looking at opportunities for better liaison with their community partners; and bolstering, broadening and expanding the composition of its community-based service providers by including representatives from government, veteran service organizations, faith based groups, state elected officials, state and city agencies and experts in mental illness, substance abuse, vocational rehabilitation, and employment, etc.; and

WHEREAS, Stand Down events across the country have shown, among other things, that many homeless veterans have nagging, minor legal problems, which are major barriers to accessing available services and to escaping homelessness. The legal problems of homeless veterans are compounded by the fact that homeless veterans have no money to address the problems, and there are no permanently funded programs to provide access to adequate legal services (there are voluntary, pro bono efforts, which are hit and miss). Homeless veterans have twofold problems on the civil side of the law, including family problems (homeless fathers are often non-custodial parents), child support issues, credit and tax problems, debt relief problems, etc. Homeless veterans have problems on the criminal side of the law, most of them, crime associated with being homeless, some of which are pending matters, but the majority of the matters are old probation cases, where the homeless veterans has failed to pay fines, or to comply with probation conditions, or matters in default with outstanding criminal arrest warrants. One constant complaint of homeless veterans at Stand Down is: "if I could only get my drivers license back, I could get a job driving, because I knew how to drive in the Army, and I was a driver in the Army." This task is often impossible for a homeless veteran because of outstanding moving motor vehicle violations, old parking tickets, or outstanding excise taxes for vehicles owned long ago; and

WHEREAS, single adult males are the overwhelming majority of the homeless veterans populations, and in most local communities they view veterans as being a federal responsibility, or issue, and the federal government should pick up the cost of serving this population, thus, are afforded lower priority status by social service providers who must rely upon federal resources to operate local initiatives, or serve the general homeless and low income population (i.e. women and families with dependent children). Therefore adult males are less likely to receive a full array of services and/or an appropriate share of funding outside of federal resource allocations; and

WHEREAS, historically, African Americans have not had adequate access or quality care in the mental health system, a situation true for general health problems as well. African Americans have been more likely to be misdiagnosed; over diagnosed with psychosis and under diagnosed with affective, or anxiety disorders; to receive inpatient or emergency care theater than schedules outpatient care; to be involuntarily committed; to receive excessive medication, especially anti-psychotic medication; to be placed in seclusion and restraints; to leave treatment against medical advise; to be referred to the least desirable dispositions; not to receive substance abuse treatment when treatment is needed; and to be incarcerated with substance abuse problems; and

WHEREAS, the VA is shifting from inpatient to outpatient services much as state systems did decades ago and appears to be destined to make the same mistakes. Since African American families are more involved with their patients, but have 60% of the income of white families, such shifts will disproportionately affect them. In addition, African Americans are more likely to be referred to emergency room services rather than rehabilitation services when assigned to outpatient status. Substance abuse services are being made outpatient at a rapid rate without recognition that the dually diagnosed patient may not benefit from such a shift. Furthermore, HMOs and state systems belatedly learned the value of long term outcomes, which many times indicated increased cost. For example: increased discharges may lead to increased suicides, use of more expensive general medicine beds, and extremely expensive jail or prison beds; and

WHEREAS, the VA system is not perfect regarding care of the African American substance abusers, or mentally ill individuals, but provided a model for less racially disparate services and quality care for those with the most need. Change in the system should be designed to enhance those strengths; and

WHEREAS, a significant number of minority community based and faith based providers may welcome the



opportunity to provide service to homeless veterans, but may lack the capacity and infrastructure necessary to provide the broad range, or array of services that come part and parcel with the homeless veterans recovery process that they will often confront requires. Nor do many, if not most have the ability, as opposed to 'good intentions,' to successfully compete in today's highly competitive social service delivery arena which demands outcome based performance; and

WHEREAS, there are many self-help initiatives that veterans' community based organization can develop to create safe, clean and affordable housing for veterans who are homeless. And that there are some set ways, or methods of affordable house development that are tried and true. The Veterans Benefits Clearinghouse (VBC) can offer a 'How to List'. Further, VBC advocates believe, shelters do save lives, but 'good jobs' are critical to allowing homeless veterans a wider array of independent living options. While the VBC's unique approach of moving 'veterans from homelessness to homeownership' should be replicated as a national model (i.e. a continuum of housing). They are the one group in the northeast, which has successfully applied this conceptual model as an overarching long-term strategy for wealth creating, and neighborhood revitalization; and

WHEREAS, the population of those incarcerated across the United States continues to grow by leaps and bounds. And among this increasing population are a large number of African American veterans who in most cases will return to the community upon release. Yet, coming out of jail/prison continues to be just another invisible sub-population, permanently marginalized; while still suffering from prevailing anti-war sentiments on one hand, and institutional racism coupled with apathy on the other when seeking supportive services. Subsequently, released incarcerated veterans continue to take their chances on the streets, remaining vulnerable for return to prison/jail. Due in no small part to the absence of direct intervention services, and/or a lack of comprehensive transitional services being in place such as halfway houses, affordable housing, substance abuse, mental health and PTSD treatment, or counseling. However, paramount to successful transitioning is the very real need to revisit and modify the 'criminal offender record identification' law, known as the 'CORI' law. Due to political and community concerns about safety open access to this criminal information is frequently used to discriminate against ex-offenders in obtaining housing, jobs, education and vocational training; and

WHEREAS, locally community efforts are often hampered by a variety of factors such as: state budgetary cutbacks, limitations on existing funds, and ambiguity as to whether 'veterans' are a federal, state, or local responsibility (i.e. as an appropriation issue) in terms of considering homeless veterans as a special population; and

WHEREAS, these men, and indeed some women veterans as well, were the subject of concern during an event sponsored at the 22nd Annual Congressional Black Caucus Legislative Conference, 1992 Veterans Braintrust Forum exactly ten years ago when Hon. Charles B. Rangel (D-NY) called attention to one of our nations greatest failings: the plight of our homeless veterans. Indication as many as 250,000 men, one in every three of the single homeless men sleeping on the streets, or in shelters on any given night, were veterans of the Armed Forces. With an estimated 40 to 60 percent of them having served during the Vietnam War. And Hon. Charles Rangel (D-NY) saying "it is truly a tragedy that in our great country, many of yesterdays heroes - going back as far as World War I - are today's homeless."; and

WHEREAS, the following year's report on the sixth annual Congressional Black Caucus Veterans Braintrust (September 15, 16, & 17, 1993), sponsored by Hons. Charles B. Rangel (D-NY), Sanford Bishop, Jr., (D_GA) and Corrine Brown (D-FL) of Florida addressing health care issues facing African American veterans noted, "African American veterans suffer at a disproportionate rate from tuberculosis, diabetes, heart disease, respiratory disease, substance abuse, HIV/AIDS, post traumatic stress disorder (PTSD, and other mental illnesses. Further, African American Vietnam veterans suffer an unemployment rate three times higher than most veterans of Vietnam." And where there is high unemployment and homelessness health concerns prevail; and

WHEREAS, Dr. Erwin Parson, Vietnam veteran and health care professional summarized the essence of the problem by acknowledging, we are aware that the stream of scientific studies on comparative health seem to always reach the same conclusion: "race is a factor in access and quality care for many life - threatening medical conditions which afflict African Americans"; and



WHEREAS, despite these and other revelations health care concerns persist and are magnified with regard to not only the homeless, but African American veterans as well and now include Hepatitis C, and Type I and II Diabetes; as well as veterans at risk of homelessness, particularly veterans being released from penal institutions, or imprisonment; along with homeless veterans with special needs (i.e. women, frail elderly, terminally ill, or chronically mentally ill). Thus, the continued inability to access quality medical treatment, health care related services, and preventative health care often leads to prolonged suffering, chronic illnesses and/or ultimately disability determinations made only at time of death. Therefore, it is commonplace for these less than able veterans to go for unreasonably long periods of time untreated, under-treated and mistreated in all to many cases; and

WHEREAS, in fact, the Home of the Brave, Land of the Free: Homelessness among African American veterans issue forum was an ironic reminder, with Ron Armstead, Executive Director for the Congressional Black Caucus Veterans Braintrust (CBCVB) saying, that approximately 47% of America's homeless veterans are African American, up from 40% nearly a decade ago. This constitutes nearly half of the general homeless single male veterans' population. And a decade later speaks volumes about the urgent need to reduce African American veterans overrepresentation in the ranks of America's homeless and has lead the CBCVB to call for the creation of a national campaign to develop a series of legislative, policy, and programming recommendations to address the issue;

THEREFORE BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, that the National Black Caucus of State Legislators seeks to affirm it is imperative that greater homeless research funding, health care related and supportive services; VA and community collaboration; affordable housing development (both transitional and permanent) and community development, or jobs; along with adequate community technical assistance resources that will eradicate the scourge of homelessness, and reverse the tragic waste of human life be made available. In addition, that research funding also be targeted to conduct a series of African American veterans homeless studies to determine homeless causation, risk factors, and relevant literature of importance for understanding socio-economic, behavioral and environmental variables associated with the risk of homelessness among African American veterans; and

BE IT FURTHER RESOLVED that the federal government must establish this special homeless group as a 'high priority population.' Further, the Interagency Council on Homelessness with the U.S. Department of Housing and Urban Development (HUD) as one of the lead agencies for homeless funding should eliminate the 'match requirement' as a stipulation for funding homeless veterans programs. They should fund these programs outright (100%) and not as part of the overall continuum of care, but as separated funded entities. However, not as a set-aside; and

BE IT FURTHER RESOLVED that HUD should encourage wherever possible the development of homeownership initiatives by non-profit service providers for this special homeless population; and

BE IT FINALLY RESOLVED that NBCSL encourages all black state elected officials across the nation, their constituents, and every African American organization, institution, or group to think and act accordingly. Because this resolution is a living document dedicated to taking the necessary action to prevent, address and eliminate the current disparity in homelessness among veterans.

Sponsored by: Representative Gloria L. Fox, (MA)

Approved Date is December 12, 2002

Committee of Jurisdiction: Committee on Housing

Certified by Committee Chair: Assm. Gloria Davis (NY)

Ratified in Plenary Session, Ratified Date is December 13, 2002.

Ratification certified by: Representative James Thomas (AL), President



HUMAN SERVICES



Resolution 03 52***DOMESTIC VIOLENCE AND SEXUAL ASSAULT RESPONSES IN TANF PROGRAM***

WHEREAS, historically, many victims of domestic violence have utilized the welfare system for economic support when leaving abusive relationships and varying studies have found that as many as 70% of current welfare recipients have experienced severe forms of domestic violence; and

WHEREAS, a significant number of women receiving welfare also report physical and/or sexual abuse in childhood; and

WHEREAS, since the adoption of federal Temporary Assistance for Needy Families (TANF), advocates for victims of domestic violence and/or sexual assault and their children have raised concerns about the ability of victims to safely seek and sustain employment as part of the strict work requirements under TANF; and

WHEREAS, the federal TANF program allowed states to adopt the Family Violence Option (FVO), which provides program flexibility and additional support to victims of physical and/or sexual violence so that barriers to self-sufficiency might be reduced or eliminated; and

WHEREAS, all but six states have adopted the FVO; and

WHEREAS, NBCSL shall provide leadership in advocating that each state be required to address domestic and sexual violence in its TANF program, including in each state plan descriptions of how trained caseworkers will screen individuals and refer victims to services, waive program requirements as necessary, and consult with domestic and sexual violence experts to develop and implement policies and programs.

THEREFORE, BE IT RESOLVED BY THE 26th CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, ON DECEMBER 9TH-14TH, 2002, that the National Black Caucus of State Legislators supports that all states be required to address domestic and sexual violence as a significant barrier to safety and self-sufficiency within each state's TANF program; and

BE IT FURTHER RESOLVED, that NBCSL and its members will oppose additional measures in state TANF programs, such as Marriage Promotion, that could have the unintended consequence of further endangering victims of domestic and sexual violence because such policies may stigmatize single parents, or single headed families, and therefore may make it more difficult for some victims to leave violent relationships; and

BE IT FINALLY RESOLVED, that NBCSL and its members will work within their own states to ensure that each state TANF plan includes measures that will adequately and appropriately address domestic and sexual violence among welfare recipients.

Sponsored by: Senator Gwendolyn Moore (WI)

Approved Date is December 12, 2002 by the Committee on Human Services

Certified by Committee Chair: Senator Gwendolyn Moore (WI)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



Resolution 03 62***HUNGER IN THE UNITED STATES***

WHEREAS, the United States Census Bureau and Department of Agriculture (USDA) data confirm that, despite the nation's prosperity, 33 million Americans--13 million of them children--still suffer from hunger (technically "food insecure"); and

WHEREAS, African American and Hispanic households suffer higher than national average rates of food insecurity; and

WHEREAS, local emergency food program operators report a continuing strong need and long lines of working families, children, elderly, and legal immigrants in need of food assistance; and

WHEREAS, hunger is a national problem that undermines the ability of children to learn and grow, of adults to be productive, and of elderly persons to live in dignity; and

WHEREAS, the USDA reports that four in ten persons eligible for food stamp benefits are not receiving them; and

WHEREAS, the Food Research and Action Center (FRAC) reports that Food Stamp Program monthly participation dropped by more than 1.2 million persons between September 1997 and September 2002; and

WHEREAS, each \$5 in federal food stamp benefits generates approximately \$10 in economic activity, benefiting local communities as well as recipients; and

WHEREAS, effective strategies to connect eligible people with benefits have been identified and implemented, including through USDA's 2002 grants to 19 non-profit groups that are partnership with state and local food stamp agencies; and

WHEREAS, Congress made many improvements in the Food Stamp Program that promise progress, including many of the improvements recommended by NBCSL, the National Conference of State Legislatures, FRAC, America's Second Harvest, and American Public Human Services Associations; and

WHEREAS, IN THE 2002 REAUTHORIZATION OF THE Food Stamp Program Congress wisely maintained its national entitlement structure; and

WHEREAS, the House-passed bill to reauthorize the Temporary Assistance for Needy Families (TANF) Program (H.R. 4737) included radical proposals for new executive branch authority to approve super waiver requests from governors for changes in the Food Stamp Program and other programs as well included five state optional food stamp block grants; and

WHEREAS, the national entitlement structure of the Food Stamp Program and its effectiveness in responding timely to changes in the economy would be undercut by H.R. 4737's risky super waiver and optional block grant proposals; and

WHEREAS, the School Lunch, School Breakfast, Summer Food Service, Child and Adult Care Food (CACFP), and WIC Programs are also important components of the national nutrition safety net; and

WHEREAS, the federal Child Nutrition Programs can be strengthened to serve more needy children more adequately; and

WHEREAS, universal school breakfast programs can help many more children start the education day ready to learn; and



WHEREAS, streamlining area eligibility requirements, administrative procedures and meal reimbursement levels for program sponsors can be effective in serving more children during summer as well as in child care and after-school settings year-round; and

WHEREAS, it is vitally important to earmark sufficient federal resources for School Lunch, School Breakfast, Summer Food Service, CACFP, and WIC Programs; and

WHEREAS, Congress is due to reauthorize federal Child Nutrition Programs in 2003; and

WHEREAS, the federal Food Stamp Program and Child Nutrition programs can be effective weapons in the fight against hunger; and

WHEREAS, our nation has the resources to end hunger in the United States.

THEREFORE, BE IT RESOLVED BY THE 26th CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, ON DECEMBER 9TH-14TH, 2002, that the National Black Caucus of State Legislators calls for immediate and longer term actions to further strengthen the nutrition safety net to assist families and communities:

1. NBCSL urges full implementation of the Food Stamp Program Reauthorization Act of 2002: federal and state governments should promote enrollment of eligible needy people, especially by reaching out to the 400,000 legal immigrants who regain eligibility during 2003 and the millions of other working low-income families and children in need.
2. NBCSL specifically urges states to utilize all options available to streamline application and reporting procedures for recipients and caseworkers (including five month transitional benefits for those leaving cash assistance, six month reporting, and waiver of face-to-face interviews), as well as to utilize all options to safeguard benefits for unemployed, childless adults who are willing to work but face a three month out of 36 month time limit (including by seeking high jobless area waivers and granting caseload exemptions provided by USDA).
3. NBCSL reiterates its support for the Food Stamp Program as a federal entitlement program and urges rejection of proposals for super waiver authority and optional food stamp block grants such as those proposed in 2002 in H.R. 4737.
4. NBCSL urges the Administration and Congress to reauthorize and strengthen the federal Child Nutrition Programs in 2003, and, for that purpose, to reserve an additional \$1 billion per year in the FY 2004 budget.
5. NBCSL specifically urges the Administration and Congress to ensure access to child nutrition program benefits, including by promoting universal school breakfast programs and making changes in the Summer Food Service Program and CACFP that streamline area eligibility requirements, ease administrative procedures for sponsors, and enhance meal reimbursement levels.
6. NBCSL urges federal, state and non-governmental efforts to connect eligible people with federal nutrition benefits: specifically, in 2003 USDA should provide another, larger round of food stamp outreach and research grants to nonprofit groups, states should invest funds for food stamp outreach that will be matched dollar for dollar by the federal government; and USDA and states should conduct increase outreach for the federal Child Nutrition Programs.

Sponsored by: Senator Gwendolyn S. Moore (WI)

Approved Date is December 12, 2002 by the Committee on Human Services



Certified by Committee Chair: Senator Gwendolyn Moore (WI)
Ratified in Plenary Session, Ratified Date is December 13, 2002
Ratification certified by: Representative James Thomas (AL), President



Resolution 03 54***POSTSECONDARY EDUCATION FOR TANF RECIPIENTS***

WHEREAS, a college education, whether it be from a technical, two-year, or four-year institution, has been a traditional route to economic prosperity and social mobility in the United States; and

WHEREAS, to succeed in the workplace of the 21st century, virtually every American will need some postsecondary education and life long learning opportunities; and

WHEREAS, our Presidents for the last two decades have extolled the benefit of a college education and established it as a goal for every American; and

WHEREAS, our nation has not extended this commitment to educational opportunity to recipients of Temporary Assistance for Needy Families (TANF); and

WHEREAS, the strong correlation between the years of postsecondary education and increased earning power is well documented; for example, in 2003, Latinas with bachelor's degrees earned a median weekly income of \$676, compared to \$467 with an associate's degree and \$406 with a high school diploma. African American women with bachelor's degrees earned a median weekly income of \$692, compared to \$502 with an associate's degree and \$395 with a high school diploma. White women with bachelor's degrees earned \$744 weekly, compared to \$579 with an associate's degree and \$453 with a high school diploma; and

WHEREAS, former TANF recipients with postsecondary education experiences are more likely to stay employed and less likely to return to TANF; and

WHEREAS, states, using their flexibility under the current welfare law, have demonstrated leadership in providing access to postsecondary education for recipients of TANF; and

WHEREAS, current proposed legislation supported by the White House and the House of Representatives explicitly excludes postsecondary education as an allowable work activity, thus eliminating the flexibility afforded states under the 1996 law.

THEREFORE, BE IT RESOLVED BY THE 26TH ANNUAL CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9th-14th, 2002, that the National Black Caucus of State Legislators supports welfare reform legislation that counts postsecondary education beyond 24 months as an allowable work activity for TANF recipients; and

BE IT FURTHER RESOLVED THAT such legislation would allow states the flexibility they need to tailor programs to provide access to postsecondary educational opportunities; and

BE IT FINALLY RESOLVED THAT, federal financial resources be increased to reflect the rising cost of living, increased unemployment rates and support services needed by families moving from welfare to work.

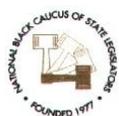
Sponsored by: Senator Gwendolyn Moore (WI)

Approved Date is December 12, 2002 by the Committee on Human Services

Certified by Committee Chair: Senator Gwendolyn Moore (WI)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



Resolution 03 53***REAUTHORIZATION OF TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) PROGRAM***

WHEREAS, poverty persists even in periods of robust economic growth and many families who have left welfare for low-wage work continue to struggle and face ongoing barriers to true self-sufficiency; and

WHEREAS, welfare reform has not yet proven to sufficiently meet the needs of low-income families during periods of economic recession and there is evidence that very poor single-parent families have grown poorer since 1995; and

WHEREAS, many families have left welfare without having obtained employment or are underemployed and lack access to other means of support; and

WHEREAS, many families remaining on welfare face time limits on their receipt of cash assistance in spite of multiple, substantial long-term employment barriers; and

WHEREAS, the nationwide reduction in welfare caseloads has not been accompanied by a corresponding precipitous reduction in poverty, nor by substantial nationwide improvement in the well-being of children in low-income families; and

WHEREAS, historic state budget deficits are resulting in sweeping cuts to supportive services and social programs; and

WHEREAS, the federal poverty measurement grossly underestimates the real cost of basic needs (e.g. food, shelter costs, child care, energy, medical, and transportation); and

WHEREAS, TANF sanctions for parental noncompliance has an adverse impact on the entire family; and

WHEREAS, TANF has had the unintended consequence of ending financial support of children raised by non-legally responsible relatives and creating undo financial hardship; and

WHEREAS marriage promotion is a misguided approach to poverty reduction versus education and training opportunities; and

WHEREAS, the 1996 law mandates a lifetime ban on receipt of TANF benefits for felony drug convictions unless the state opts out; and

WHEREAS, the loss of public benefits to legal immigrants have created egregious harm to these families; and

WHEREAS, there is evidence of discrimination, racial profiling, and disparate racial outcomes within public assistance programs since the inception of TANF;

THEREFORE, BE IT RESOLVED BY THE 26TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9TH-14TH, 2002, to call upon Congress to include the following measures in its 2003 reauthorization of Temporary Assistance for Needy Families (TANF) program:

- Increase current TANF funding levels to reflect COLA adjustments and identified needs;
- Expand resources for providing supportive services to low-income working families and provide states with temporary emergency grants to ensure that state budget deficits do not result in cuts to critical supportive services;



- Redefine goals and outcomes of the TANF program to emphasize poverty reduction rather than caseload reduction;
- Establish a safety net for families with severe and/or multiple barriers to self-sufficiency;
- Mandate states to include education and job training activities as fulfilling participant work requirements;
- Eliminate time limits on receipt of TANF assistance for all participants complying with program requirements, particularly during times of economic recession;
- Redirect marriage promotion funds to education, domestic violence prevention, child care, and other proven, time tested programs;
- Enforce existing civil rights laws to ensure TANF participants' rights are protected;
- Provide mandatory training and education for TANF caseworkers to ensure TANF participants are apprised of all services and options;
- Adopt a new federal poverty measurement that accurately reflects the real cost of basic living expenses (e.g. food, shelter costs, child care, energy, medical, and transportation);
- Ensure that full family sanctions shall not be applied;
- Restore entitlement status to child-only cases;
- Repeal the mandate for the lifetime ban on receipt of TANF benefits for felony drug conviction and further work to encourage states to opt out of such lifetime bans; Restore all public benefits to legal immigrants abrogated as a result of Personal Responsibility and Work Opportunity Reconciliation Act;
- Strengthen and enforce civil rights laws and due process protections to ensure equitable access to TANF related services;
- Direct resources to further investigate, document, and remedy disparate racial outcomes.

Sponsored by: Senator Gwendolyn Moore (WI)

Approved Date is December 12, 2002 by the Committee on Human Services

Certified by Committee Chair: Senator Gwendolyn Moore (WI)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



INSURANCE



Resolution 03 103***OWNER CONTROLLED INSURANCE***

WHEREAS, the percentage of African American contractors doing Transportation construction work who lack adequate property and casualty insurance is increasing; and

WHEREAS, percentage of African American contractors without property and casualty insurance coverage is higher than the national average; and

WHEREAS, the portion of uninsured and underinsured contractors, architects and engineers are unable to access the standard insurance marketplace continues to increase; and

WHEREAS, according to a recent study by the United States General Accounting Office (GAO) found that through the use of the Owner Controlled Insurance program (OCIP) and its elimination of insurance from bids, more disadvantaged contractors are able to bid on construction contracts; and

WHEREAS, the OCIP often reduces the cost of insurance by as much as 50%; and

WHEREAS, programs such as OCIP are needed particularly since states are facing fiscally difficult times, thus reducing the number of road projects that can be constructed; and

WHEREAS, NBCSL members are urged to encouraged the use of OCIP; and

THEREFORE BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, that NBCSL members will author, sponsor and support legislative measures to accomplish the ideas hereto set forth and be advocated for improving opportunities for disadvantaged business.

Sponsored by: Representative Helen Giddings (TX)

Approved Date is December 12, 2002 by the Committee of Insurance

Certified by Committee Chair: Representative Helen Giddings (TX)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



Resolution 03 70

SMALL BUSINESS INSURANCE

WHEREAS, small business is the life blood of the economy; and

WHEREAS, in the 2002 economy major early retirements, layoffs, and other work separations are on the rise; and

WHEREAS, many of the persons separated from work in the corporate sector will find difficulty in the short term "reconnecting" and will use their skills to start small businesses; and

WHEREAS, small businesses suffer extreme difficulty in making insurance available to their employees; and

THEREFORE BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, that the members of the National Black Caucus of State Legislators are encouraged to support legislation that offers incentives to small businesses to offer health insurance to employees.

Sponsored by: Representative Wayne Ford (IA)

Approved Date is December 12, 2002 by the Committee of Insurance

Certified by Committee Chair: Representative Helen Giddings (TX)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



Resolution 03 13***SUBSTANCE ABUSE TREATMENT INSURANCE PARITY***

WHEREAS, an estimated 6.4 percent of African-Americans 12 years of age and older in the United States in the year 2000 had used an illicit drug during the past month; and

WHEREAS, addiction to alcohol and other legal and illegal drugs is recognized by the American Medical Association as a chronic medical condition like asthma, hypertension, and diabetes; and

WHEREAS, studies show that treatment for addiction is as effective as or more effective than treatment for other chronic medical conditions; and

WHEREAS, non-Hispanic Blacks constituted 23 percent of admissions to publicly-funded substance abuse treatment facilities in the 1999 Treatment Episode Data Set although they made up 12 percent of the U.S. population; and

WHEREAS, medical insurance benefits for addiction are not at parity with those for other chronic medical conditions; and

WHEREAS, studies conducted by the Substance Abuse and Mental Health Services Administration of the U.S. Department of Health and Human Services estimate that comprehensive parity would increase family insurance premiums by approximately one percent annually.

THEREFORE BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, that the National Black Caucus of State Legislators supports the following measures:

1. Comprehensive parity for substance abuse treatment services be achieved by prohibiting individual and group health insurance policies from having terms, conditions, or levels of benefits that place a greater financial burden on an insured for substance abuse treatment than for a medical, surgical, or other physical condition.
2. Comprehensive parity for substance abuse treatment services be achieved by prohibiting Medicare, Medicaid, and other government-funded or government-sponsored insurance programs from having terms, conditions, or levels of benefits that place a greater financial burden on an insured for substance abuse treatment than for a medical, surgical, or other physical condition.

Sponsored by: Representative Wayne Ford (IA)

Approved Date is December 12, 2002 by the Committee of Insurance

Certified by Committee Chair: Representative Helen Giddings (TX)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



Resolution 03 68***UNIVERSAL HEALTH INSURANCE***

WHEREAS, the percentage of Americans who lack health insurance is increasing; and

WHEREAS, the percentage of African Americans without health insurance coverage is higher than the national average; and

WHEREAS, many of the uninsured Americans are working but have limited income; and

WHEREAS, the portion of uninsured persons who have not seen a doctor in the past year continues to increase; and

WHEREAS, according to a recent study by the Center for Studying Health System Change found fewer doctors providing charity care; and

WHEREAS, the uninsured often rely on the safety net of hospital emergency rooms for routine care which is extremely expensive and does not control costs, only shifts cost; and

WHEREAS, programs such as CHIP and Medicaid are needed and while states are facing fiscally difficult times, denying access by changing eligibility requirements, thus reducing the number of persons served is counter-productive; and

WHEREAS, NBCSL members are urged to discourage the notion of balancing state budgets by the aforementioned method short term; and

WHEREAS, our country's health care system is badly in need of reform and the development of a national health care plan where all citizens would receive coverage for basic health care is long term solution.

THEREFORE BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, that NBCSL support the short term and long term goals to improve, maintain and restore health by working with the National Medical Association and others; and

BE IT FURTHER RESOLVED, that NBCSL members will author, sponsor and support legislative measures to accomplish the ideals hereto set forth and be advocates for improving health through insurance coverage.

BE IT FINALLY RESOLVED, that the president of NBCSL communicates this resolution to the President of the United States and any other individual or entity deemed appropriate.

Sponsored by: Representative Wayne Ford (IA)

Approved Date is December 12, 2002 by the Committee of Insurance

Certified by Committee Chair: Representative Helen Giddings (TX)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



Resolution 03 81***USE OF CREDIT SCORING***

WHEREAS, the use of credit history and credit scoring in the insurance industry has increased precipitously in recent years; and

WHEREAS, the increased use of credit history and credit scoring affects a substantial number of insurance consumers including homeowners and personal automobiles insurance consumers; and

WHEREAS, the National Black Caucus of State Legislators is concerned that the use of credit history may produce a disparate impact upon minorities, low income and cash consumers; and

WHEREAS, the absence of standardization in the use of credit history and credit scoring models in the insurance industry means that a specific score may make a consumer ineligible for coverage from one insurer but eligible for higher priced coverage from another insurer; and

WHEREAS, vendors of credit scoring models have historically asserted that the information used to develop the models is proprietary information and have been unwilling to release that information to consumers and, until recently, to regulators; and

WHEREAS, the lack of minimum standards in the use of credit history and credit scores result in some consumers being penalized in the insurance rates they pay because they choose not to use credit or because a one-time catastrophic event has misrepresented their credit history; and

WHEREAS, the amount that a person pays for insurance can increase substantially due to an insurer's use of credit scoring; and

WHEREAS, little or no information has been provided to regulators by vendors or insurers to demonstrate that there is a direct causal relationship between a consumer's credit history and his or her risk of loss.

THEREFORE BE IT RESOLVED BY THE 26TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9-14, 2002, urges those states who have not already done so to enact legislation banning the use of credit scoring unless an insurer can demonstrate that an actuarial basis exists for the use of credit scoring and the insurer can demonstrate that the use of credit scoring does not produce disparate impact upon minorities, low-income and cash consumers.

BE IT FURTHER RESOLVED that The National Black Caucus of State Legislators, urges those states in enacting legislation to prohibit the use of credit scoring on renewal business; prohibit insurers from using credit scoring in a manner that produce a disparate impact upon persons with no credit history or persons whose history reflects a decline due to a catastrophic event; provide a means for consumers to appeal an adverse determination based on a credit score; and limit direct affect of credit scoring on a consumer's rate to 25% of the base rate charged by the insurer.

Sponsored by: Committee on Insurance

Approved Date is December 12, 2002 by the Committee of Insurance

Certified by Committee Chair: Representative Helen Giddings (TX)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



INTERNATIONAL AFFAIRS



Resolution 03 85***A RESOLUTION OPPOSING THE UNITED STATES INVASION OF IRAQ***

WHEREAS, President George W. Bush has voiced his intention to carry-out a “regime-change” in the sovereign nation of Iraq; and

WHEREAS, the United States past polices have precluded the open attack against a sovereign nation for the purpose of “regime-change”; and

WHEREAS, United States efforts to bring about a peaceful conclusion with Iraq has not been exalted; and

WHEREAS, the case has yet to be made that has convinced the American public that Iraq represents a clear and present danger to the security of the United States; and

WHEREAS, Iraq is not the only middle-east country to violate the tenets of a United Nations resolution; and

WHEREAS, considering the critical needs for funding urban schools, higher education, health-care, prescription drugs for seniors, affordable housing, infrastructural development, and a host of other domestic needs; and

WHEREAS, the United States can ill afford to waste resources in prosecuting a costly unjust war against a country that represents no clear and present threat to its national security.

THEREFORE BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, that the National Black Caucus of State Legislators states its opposition against the United States invasion of Iraq; and

BE IT FURTHER RESOLVED that a copy of these resolutions be forwarded to President George W. Bush at the White House in Washington, D.C.

Sponsored by: Representative Benjamin Swan (MA)

Approved Date is December 12, 2002 by the Committee of International Affairs

Certified by Committee Chair: Representative Reginald Beamon (CT)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



Resolution 03 114***BOTSWANA EDUCATIONAL AND ASSISTANCE EXCHANGE BETWEEN NBCSL AND BOTSWANA***

WHEREAS, NBCSL is one of the most recognized and largest organizations of black elected officials; and

WHEREAS, NBCSL has over 600 members from 41 states, the District of Columbia, and the U.S. Virgin Islands; and

WHEREAS, at the urging of Ambassador Lapologang Caesar Lekoa of Botswana, on December 8th, 2002, NBCSL endeavors to begin a working relationship; and

WHEREAS, NBCSL members are promoting cultural, educational and economic exchanges between their respective states and African countries; and

WHEREAS, through it's International Affairs Committee, has begun exchanges throughout Africa.

THEREFORE, BE IT RESOLVED BY THE 26TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9-14, 2002 that the National Black Caucus of State Legislators begin a legislative/educational exchange program with Botswana Legislators; and its institutions and non-governmental organizations.

Sponsored by: Representative Henri Brooks (TN)

Approved Date is December 12, 2002 by the Committee of International Affairs

Certified by Committee Chair: Representative Reginald Beamon (CT)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



Resolution 03 14***COOPERATION BETWEEN A UNIVERSITY IN NEW JERSEY AND NBCSL'S INTERNATIONAL TECHNICAL ASSISTANCE CENTER (ITAC)***

WHEREAS, the New Jersey Department of Education and African American Studies at a university in New Jersey are interested in developing programs to help train teachers in New Jersey school districts to create an awareness of the history of slavery and the African Diaspora; and

WHEREAS, The UNESCO Office in the Dominican Republic has developed an educational project for teaching about the Transatlantic Slave Trade (TST) which has the potential for involving U.S. teachers and college students to achieve its long term goals, which include producing curriculum guides, supplementary text books and instructional materials to promote the integration of the TST into the curricula of public schools worldwide; and

WHEREAS, the National Black Caucus of State Legislators (NBCSL) has created an International Technical Assistance Center (ITAC) and has an agreement with the Secretary of State for Higher Education, Science and Technology of the Dominican Republic to establish partnerships between universities and educational organizations in the U.S. and the Dominican Republic.

THEREFORE BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, that the National Black Caucus of State Legislators authorize and enable its International Technical Assistance Center (ITAC) in Santo Domingo to assist the New Jersey Departments of Education and African American Studies at a university in New Jersey, Historically Black Colleges and Universities (HBCU's) to recruit teachers and college student interns to work in the UNESCO project in Santo Domingo and carry out research, exchange information and workshops for teachers in both countries to develop curriculum, lesson plans, and related learning activities to achieve the UNESCO TST project goal which is helping school districts, throughout the world include the history of the slave trade in the public school curriculum; and

BE IT FURTHER RESOLVED that a university in New Jersey and NBCSL's ITAC will collaborate in writing proposals to seek funds from outside sources to provide fellowships and travel grants for teachers and college interns from the U.S. to work on the UNESCO project in Santo Domingo.; and

BE IT FURTHER RESOLVED, that NBCSL will seek revenues from its members and other sources to enable the ITAC to support the UNESCO project by providing technical assistance to a university in New Jersey and HBCUs to involve teachers and college students from their districts. The ITAC mission is to have all resources minority students need to participate in the UNESCO Project and other study abroad programs in the Dominican Republic, provided by local civic and community organizations. Financial support for ITAC is from NBCSL members, foundation, corporations and individuals sympathetic to the role ITAC plays in providing technical assistance to HBCUs, schools and organizations sponsoring programs in the Dominican Republic.

Sponsored by: Assemblyman Craig Stanley (NJ)

Approved Date is December 12, 2002 by the Committee of International Affairs

Certified by Committee Chair: Representative Reginald Beamon (CT)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



Resolution 03 50***HAITIAN IMMIGRANTS***

WHEREAS, Miami-Dade County, Florida is home to a vibrant and involved immigrant and community; and

WHEREAS, the people who reside in Miami-Dade County are concerned about the welfare and safety of immigrants in the United States; and

WHEREAS, the county and the cities are governed by a legislative body which include immigrants; and

WHEREAS, a newly enacted U.S. Department of Justice policy supports disparate treatment against Haitian immigrants; and

WHEREAS, certain nationals are granted credible fear interviews and often paroled into the community once they touch land, while Haitian immigrants are incarcerated indefinitely and denied due process and

WHEREAS, this newly enacted Department of Justice policy is unfair, discriminatory and inhumane; and

WHEREAS, the County, the City North Miami, City of Miami, the City of Hialeah and the City of Key Biscayne call upon the Bush administration to issue the necessary directives providing for equal treatment and due process for all immigrants, including Haitian nationals, and the immediate release of the unjustly incarcerated Haitian immigrants.

THEREFORE BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002:

- That President Bush issue the necessary directives providing for due process for all immigrants and the immediate release of the incarcerated Haitian immigrants
- That President Bush directs the Justice Department to eliminate the word “indefinitely” from the Haitian asylum policy.
- That NBCSL forward a certified copy of this Resolution to the President of the United States, all cities in Miami-Dade County and to the local communication media.
- That the resolution shall take effect immediately upon adoption.
- That the Congressional Black Caucus (CBC) investigate this practice.

Sponsored by: Senator Tony Hill (FL)

Approved Date is December 12, 2002 by the Committee of International Affairs

Certified by Committee Chair: Representative Reginald Beamon (CT)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



Resolution 03 115***INTERNATIONAL TRADE AND EDUCATION***

WHEREAS, NBCSL seeks to empower its constituents with innovative approaches to learning; and

WHEREAS, many students have not been exposed to foreign trade, import and export opportunities; and

WHEREAS, most adult education, welfare to work, and other educational programs, have not given recipients resources necessary to allow entrepreneurship nor have those programs focused or trained in the area of business opportunity; and

WHEREAS, schools, non-profit, community based, faith based organizations as well as quasi governmental entities need to expand their education options; and

WHEREAS, expansion of educational opportunities in the respective districts of NBCSL members is of utmost importance; NBCSL recommends utilization of new skills and opportunities developed by the Researched Entrepreneur Idea Specialists ("REIS") Foundation. The REIS Foundation is a non-profit corporation founded in 1998 by Roosevelt Roby and Catherine Roby. The Foundation provides educational programs, entrepreneurial training and the opportunity to engage in the business of international trade via innovative technology resources for public/private K-12 schools, higher education, distance learning, community based organizations and other learning institutions throughout America; and

WHEREAS, NBCSL seeks to strengthen "Memorandums of Understanding" with the Sullivan entities, (OICA, OCI, IFESH, and the Leon H. Sullivan Summit formerly known as the African/African American Summit); and the government of the Dominican Republic; with programs which empower NBCSL constituents.

THEREFORE BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, that NBCSL urges its members to utilize the REIS Foundation Program as a model program for adoption.

BE IT FURTHER RESOLVED NBCSL members direct their states' Department of Education, community based organizations, and other training entities within their communities to explore this resource; NBCSL also directs its NBCSL ITAC to at include this program as a part of it's student activities.

Sponsored by: Representative Reginald Beamon (CT)

Approved Date is December 12, 2002 by the Committee of International Affairs

Certified by Committee Chair: Representative Reginald Beamon (CT)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



Resolution 03 111

RECOGNIZING ANGELA MUNSON

WHEREAS, Angela Munson served NBCSL well as a committed member of the organization; and

WHEREAS, Angela Munson was elected president of the National Caucus of State Legislators (NCSL), NBCSL congratulates her; and

WHEREAS, NBCSL expresses it's appreciation for her hard work, service, and participation in international activities.

THEREFORE BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, under her leadership NBCSL hopes to strengthen ties with NCSL.

Sponsored by: Representative Reginald Beamon (CT)

Approved Date is December 12, 2002 by the Committee of International Affairs

Certified by Committee Chair: Representative Reginald Beamon (CT)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



Resolution 03 107***RECOGNIZING JAMES L. THOMAS***

WHEREAS, The National Black Caucus of State Legislators under its rules doesn't allow a President to serve more than 2 terms (4) years; and

WHEREAS, NBCSL President James Thomas of Alabama has ended his tenure; and

WHEREAS, NBCSL President James Thomas initiated and implemented International Day at NBCSL's annual conference; and

WHEREAS, NBCSL President James Thomas, spearheaded "Memorandums of Understanding" between Sullivan entities (OICA, OICI, IFESH, the Leon H. Sullivan Summit formerly known as the African- African American Summit); and the Nation of the Dominican Republic; and

WHEREAS, NBCSL President James Thomas led delegations of NBCSL members to the African-African American Summit in Accra, Ghana, and Dominican Republic; and

WHEREAS, NBCSL President James Thomas has shown by his leadership the importance of, NBCSL in the global community; and

WHEREAS NBCSL President James Thomas's vision for the expansion of NBCSL's international focus has created many opportunities for its members and constituents; and

THEREFORE BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, that a room in ITAC be named "The NBCSL James L. Thomas Room", in honor of his work on international affairs.

Sponsored by: Representative Reginald Beamon (CT)

Approved Date is December 12, 2002 by the Committee of International Affairs

Certified by Committee Chair: Representative Reginald Beamon (CT)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



Resolution 03 65***RESOLUTION IN SUPPORT OF AFRICAN REFUGEES***

WHEREAS, the United Nations was established to maintain peace and security in the world; and

WHEREAS, the preamble of the Universal Declaration of Human Rights speaks of “The recognition of the inherent dignity and of the equal and inalienable rights of all of the human family is the foundation of freedom, justice and peace in the world.... The peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in equal rights of men and women...”; and

WHEREAS, there appears to be a growing sense worldwide that race, nationality, social class and religion are key determining factors in the quality of service provided to people and the way the UN and its agencies respond to needs of members of the human family, thus departing from the founding principles of equal protection and justice. Examples are the deteriorating and dangerous situation in the African nations of Burundi and De Cote d’Ivoire where African refugees under the jurisdiction of the United Nations are left unprotected and abandoned by the United Nations High Commission on Refugees (UNHCR) while other members of the human family from wealthy nations are evacuated to safety: The Rwandan Genocide is an example of double standard; and

WHEREAS, worldwide demise of equal protection rights, justice, freedom and erosion of foundations upon which the United Nations stands.

THEREFORE BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, in concert with the African human rights activists as convened by the Universal Human Rights International in Boston, Massachusetts, December 3, 2002, advance these urgent recommendations to ensure equal protection of all members of the human family, especially refugees who have escaped death and now live in clear and present danger under the jurisdiction of the UNHCR in De Cote d’Ivoire:

1. That the UN Security Council suspend all business as usual and begin an urgent inquiry into the growing worldwide perception of disparity in the treatment of members of the human family based on race, religion, social class and national origin by the UN and its agencies such as the UNHCR, beginning with a review of the 1951 Geneva Convention on refugees aimed at creating a minimum global standard for the protection of refugees and asylum seekers, especially refugees under the jurisdiction of the United Nations.
2. Immediate inquiry into the fate of thousands of African refugees in De Cote d’Ivoire and Burundi under the UNHCR for over a decade who were abandoned and left unprotected while other members of the human family were evacuated to safety.
3. Inquiry into the responsibility for the growing lawlessness and discipline of UN Peacekeeping soldiers in conflict zones and aid workers who are alleged to be sexual predators in their countries of assignment. Immediate inquiry into responsibility for the children allegedly fathered by UN soldiers in their countries of assignment, and investigation into allegations of UN soldiers’ involvement in trade of diamonds, gold and minerals as well as arms to rebels.
4. Study of the impact of using UN peacekeeping force dominated by females as opposed to male domination to stamp out sexual abuse.
5. Inquiry into allegation of discrimination against African refugees through indefinite separation of families, unreasonable delays in refugee processing, the imposition of unreasonable and expensive conditions such as DNA requirements for poor refugees, lack of adequate resources and logistics, insensitivity to the cultural and religious practices of Africans.



6. Increased assistance (non-military) to countries emerging from wars such as Ethiopia, Sierra Leone, Eritrea and failed states like Somalia to prevent further descent into the state of anarchy.
7. Inclusion of all refugees in safe countries, yet without asylum or refugee status under the jurisdiction of the United Nations no matter where they reside. An example, are individuals and families under Temporary Protected Status, TPS from many conflict zones in the world who reside in safe nations without asylum or refugee status, such as the 10,000 Liberians in the United States for over a decade, Sierra Leonean, Congolese, Somalis etc.
8. Resumption of refugee resettlement processing for African nations terminated from refugee resettlement processing in December 1999 by the United States. There are ongoing hostilities in these countries and termination of refugee processing in the face of continuation of war is unfair and unjust for such nations as Liberia, Somalia, etc.
9. Expedite the refugee processing of the refugees in Guinea, De Cote d'Ivoire and Burundi from Sierra Leone, Liberia, Somalia and Congo, among other countries, especially those in danger in De Cote d'Ivoire and Burundi already processed for refugee resettlement; and

BE IT FURTHER RESOLVED, that a copy of these resolutions be forwarded to Secretary of State Colin Powell, at the United States Department of State forthwith; and

BE IT FURTHER RESOLVED that a copy of these resolutions will be forward to President George W. Bush, at the White House and to Secretary of State Colin Powell, at the US State Department.

Sponsored by: Representative Benjamin Swan (MA)

Approved Date is December 12, 2002 by the Committee of International Affairs

Certified by Committee Chair: Representative Reginald Beamon (CT)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



Resolution 03 86***RESOLUTION IN SUPPORT OF PEACE AND STABILITY IN THE IVORY COAST***

WHEREAS, until recently peace and stability existed in the Ivory Coast; and

WHEREAS, there exists serious concerns pertaining to the French governments real interest in the Ivory Coast based on her temptation to further neo-colonialism; and

WHEREAS, the United States is in position, to bring about an end to violence, between the opposing parties in the conflict in the Ivory Coast.

THEREFORE BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, that the National Black Caucus of State Legislators formally request the intervention of the United States as a neutral party to seek an end to the conflict between the opposing parties in the Ivory Coast; and

BE IT FURTHER RESOLVED, that a copy of these resolutions be forwarded to President George W. Bush and Secretary of State Colin Powell.

Sponsored by: Representative Reginald Beamon (CT)

Approved Date is December 12, 2002 by the Committee of International Affairs

Certified by Committee Chair: Representative Reginald Beamon (CT)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



Resolution 03 120***RESOLUTION TO RE-COMMIT NBCSL TO THE LEON H. SULLIVAN SUMMIT, JULY 2002 IN ABUJA, NIGERIA***

WHEREAS, NBCSL through a "Memorandum of Understanding" with the Sullivan entities, (OICA, OCI, IFESH, and the Leon H. Sullivan Summit formerly known as the African/African American Summit); signed with Reverend Leon H. Sullivan in 1999.

THEREFORE BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, in the spirit of unity and continued cooperation, NBCSL will support the Leon H. Sullivan Summit and its efforts to promote Africa; and

BE IT FURTHER RESOLVED NBCSL agrees to re-commit and promote the Leon H. Sullivan Summit to its members across the United States; and

Sponsored by: Representative Reginald Beamon (CT)

Approved Date is December 12, 2002 by the Committee of International Affairs

Certified by Committee Chair: Representative Reginald Beamon (CT)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



Resolution 03 109***UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT***

WHEREAS, NBCSL at its 24th Annual Convention held in Charlotte, NC passed "Resolution 03-38" regarding the United States Agency for International Development (USAID); and

WHEREAS, this resolution resolved to review performance and financial audits performed by the U.S. Office of Management and Budget (OMB); and

WHEREAS, it was further resolved that OMB submit to NBCSL and NBCSL's Committee on International Affairs both financial and performance audits; and

WHEREAS, NBCSL's requests are still unanswered; and

WHEREAS, NBCSL with regard to one of the objectives of "Resolution 03-38"; HIV/AIDS in Africa, specifically in the nation of Ghana.

THEREFORE BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, strongly encourage United States Congress to instruct the OMB to review and audit funding of USAID relative to expenditures for HIV/AIDS programs and implementation in the following measures:

1. Develop a comprehensive program of education focusing on "Prevention and Treatment"
2. Establishment of standardized testing
3. Access to non-governmental organizations "NGO" as a direct interface with the public for both information and treatment of HIV/AIDS.
4. Cooperative training with HIV/AIDS experts from around the world for African doctors and other health care providers.
5. Affordable treatment and access to medicines and "alternative treatments"
6. Counseling and support for people before and after testing and long-term support for people who are experiencing a problem using substances as well as HIV/AIDS related issues.

Sponsored by: Representative Henri E. Brooks (TN)

Approved Date is December 12, 2002 by the Committee of International Affairs

Certified by Committee Chair: Representative Reginald Beamon (CT)

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Ratification certified by: Representative James Thomas (AL), President



LABOR AND MANAGEMENT



Resolution 03 92***PENSION FUNDS, INVESTMENTS WITH JOB INTENSIVE OPPORTUNITIES***

WHEREAS, a significant portion of African American workers pension fund contributions and retirement funds are invested in union financial institutions and real estate trusts which invest in commercial building, multi-family and single family developments; and

WHEREAS, the mission of the union financial institutions and trusts are to provide increased union jobs and opportunities for career development; and

WHEREAS, there is an opportunity for recruitment and training and apprenticeships for African American and low-income workers in the building and construction trades; and

WHEREAS, investments by public pension funds in union financial vehicles with a recruitment and training program, i.e. A. Phillip Randolph Education Fund, Recruitment and Training Program, will increase jobs, apprenticeships and opportunities for career path development in the building and construction trades for African American and low-income workers and communities.

THEREFORE, BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, that the National Black Caucus of State Legislators requests that each state black caucus develop a plan to encourage investment of public pension fund dollars in union financial institutions and real estate trusts with recruitment and training programs for African American and low-income workers, and contribute to the overall state economic development.

Sponsored by: Representative Ronald Waters (PA)

Approved Date is December 12, 2002 by the Committee of Labor and Management

Certified by Committee Chair: Representative Joe Preston (PA)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



Resolution 03 121***REPEALING THE GOVERNMENT PENSION OFFSET AND WINDFALL ELIMINATION PROVISIONS FROM THE SOCIAL SECURITY ACT***

WHEREAS, the Social Security Act includes two provisions, the Government Pension Offset and the Windfall Elimination Provision, that reduce the Social Security benefits payable to persons who are entitled to benefits under other retirement systems under certain circumstances; and

WHEREAS, these provisions penalize individuals who dedicate their lives to public service, including educators, police and firefighters; and

WHEREAS, these provisions take away benefits that public employees or their spouses have earned by paying into the Social Security system; and

WHEREAS, every child should have the opportunity to learn from highly qualified teachers, but talented teachers may leave the profession because of offset penalties; and

WHEREAS, at a time of national teacher savings, these provisions discourage individuals from moving from private sector employment into teaching.

THEREFORE, BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, requests the Congress of the United States to enact legislation to repeal the Government Pension Offset and the Windfall Elimination from the Social Security Act, and further requests President George W. Bush to sign that legislation.

Sponsored by: Representative Joe Preston (PA)

Approved Date is December 12, 2002 by the Committee of Labor and Management

Certified by Committee Chair: Representative Joe Preston (PA)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



Resolution 03 119***UNEMPLOYMENT BENEFITS***

WHEREAS, in March 2202, Congress passed a program to provide 13 additional weeks of unemployment benefits to workers thrown out of work by the recession and unable to find a new job before running out of their state unemployment benefits; and

WHEREAS, House and Senate Democrats proposed several bills in the fall of 2002 to extend the Temporary Emergency Unemployment Compensation (TEUC) program beyond its expiration date of December 28, and the Senate unanimously approved a bipartisan compromise to extend the program; and

WHEREAS, rigid opposition by the House Republican leadership and the unwillingness of the Bush administration to intervene effectively killed legislation extending federal unemployment benefits; and

WHEREAS, the decision of the White House and House Republican leadership to turn their backs on the unemployed means that 830,000 jobless workers will have their federal unemployment benefits cut off three days after Christmas, and another 95,000 who run out of state unemployment benefits each week after that will have no federal extended benefits at all; and

WHEREAS, by the end of March 2.1 million jobless workers will not have received federal unemployment benefits that they would have gotten under the bipartisan Senate bill; and

WHEREAS, unemployment remains at essentially the same 5.7% level it was in March 2002 when the TEUC program was passed, and 8 million unemployed workers are competing for just 3.5 million jobs; and

WHEREAS, long-term unemployment is higher than at any time in the last 10 years, and more workers have run out of their state unemployment benefits without finding a job than in the last recession 32 states.

THEREFORE BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, that NBCSL strongly condemns the callous disregard shown by House Republican leaders and President George W. Bush to the hardship and despair of millions of unemployed Americans; and

BE IT FURTHER RESOLVED, that NBCSL calls on President Bush to seek legislation extending the TEUC program and providing additional unemployment benefits to all workers exhausting their benefits without finding a job and to use his leadership to move this legislation through Congress in early January.

Sponsored by: Representative Joe Preston (PA)

Approved Date is December 12, 2002 by the Committee of Labor and Management

Certified by Committee Chair: Representative Joe Preston (PA)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



LAW & JUSTICE



Resolution 03 16***ABOLITION OF DEATH PENALTY FOR JUVENILE OFFENDERS***

WHEREAS, African American juvenile offenders disproportionately make up almost half of the 81 juvenile offenders currently on death row in this country and 100% of the last six juvenile offenders executed in this country since 2000; and

WHEREAS, a recent Harvard University study on adolescent brain development undermined a previously held notion that the brain is fully developed by age 14; and

WHEREAS, the study found that the brain's frontal and pre-frontal lobes, which regulate impulse control and judgment, are the last to develop and are not fully operational until ages 18-22; and

WHEREAS, adolescents are more likely to act based on emotions rather than judgment and reason; and

WHEREAS, the United States Supreme Court in its landmark ruling in *Atkins v. Virginia*, which banned the execution of mentally retarded or developmentally disabled persons, recently stated that "those mentally retarded persons who meet the law's requirements for criminal responsibility should be tried and punished when they commit crimes. Because of their disabilities in the areas of reason, judgment and control of their impulses, however, they do not act with the level of moral culpability that characterizes the most serious adult criminal conduct;" and

WHEREAS, the same reasoning for banning the execution of mentally retarded or developmentally disabled offenders can be equally applied to juvenile offenders who also lack the maturity and judgment of adults; and

WHEREAS, a May 2002 Gallop poll found that 69% of Americans oppose the death penalty for juveniles; and

WHEREAS, the United States is the only country in the world that has not ratified the United Nations Convention on the Rights of the Child in which Article 37(a) provides that "Neither capital punishment nor life imprisonment without the possibility of release shall be imposed for offenses committed by persons below eighteen years of age;" and

WHEREAS, the United States is one of only three countries in the world along with Iran and the Democratic Republic of the Congo that continues to execute juvenile offenders; and

WHEREAS, 22 states still permit the execution of juvenile offenders.

THEREFORE, BE IT RESOLVED BY THE 26TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9-14, 2002, the National Black Caucus of State Legislators (NBCSL) believes that each state that currently allows for the execution of juvenile offenders should enact legislation to ban the execution of persons who at the time of the alleged offense were under the age of 18.

Sponsored by: Representative Opio Toure (OK)

Approved Date is December 12, 2002 by the Committee of Law & Justice

Certified by Committee Chair: Senator Charles Jones (LA)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



Resolution 03 99

AUTOMATIC REINSTATEMENT OF VOTER REGISTRATION UPON COMPLETION OF SENTENCE

WHEREAS, the voting rights of a person whose voting registration has been suspended by the Registrar of Voters for conviction of a felony; and

WHEREAS, that person's voting rights shall be automatically reinstated upon completion of sentence; and

WHEREAS, the appropriate correctional institution and/or probation/parole shall provide the Registrar of Voters the documentations showing that such person is no longer under an order of imprisonment.

THEREFORE, BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, the National Black Caucus of State Legislators urge the Registrar of Voter to reinstate a convicted felon of all voting privileges upon completion of sentence.

Sponsored by: Representative Joe Towns, Jr. (TN)

Approved Date is December 12, 2002 by the Committee of Law & Justice

Certified by Committee Chair: Senator Charles Jones (LA)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



Resolution 03 110

CHALLENGE TO LOTT'S REMARKS

WHEREAS, African-Americans represent the largest single voting block within the Democratic Party; and

WHEREAS, the Democratic leadership in the House failed to initiate an immediate response to the statement where he praised the retiring senator's 1948 run for the presidency – which included a segregationist platform; and

WHEREAS, Senator Tom Daschle offered an excuse and rational notion for Senator Trent Lott; and

WHEREAS, the National Black Caucus of State Legislators call upon the Senator to offer an unconditional public apology to the African American community; and

THEREFORE, BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, that the National Black Caucus of Legislators challenges the entire Democratic leadership to become a more forceful advocate for the rights and dignity of African-Americans.

Sponsored by: Representative Harold James (PA)

Approved Date is December 12, 2002 by the Committee of Law & Justice

Certified by Committee Chair: Senator Charles Jones (LA)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



Resolution 0380***COMPENSATION FOR WRONGFUL CONVICTIONS***

WHEREAS, a person wrongfully convicted of a crime; and

WHEREAS, that person is entitled to compensation if he served in whole or in part a sentence in prison under the laws of a state for the crime for which the person was convicted and imprisoned; and

WHEREAS, that person receives a full pardon on the basis of innocence; and

WHEREAS, that person is granted relief on the basis of actual innocence of the crime for which the person was sentenced; and

WHEREAS, that the suit may be brought in the district court of either the county/parish of the petitioner's residence at the time of the suit or the capitol city; and

WHEREAS, that the petition be served on the Attorney General who shall represent the state; and

WHEREAS, that the petitioner establish by a preponderance of the evidence that the person is entitled to compensation and the amount of compensation to which they are entitled; and

WHEREAS, that the following are not defenses to an action brought; the judgment of conviction in the trial that resulted in the petitioner's imprisonment; and an indictment, information, compliant, or other formal accusation; and

WHEREAS, that the court be authorized to admit as evidence, the record of the trial at which the petitioner was convicted and, if applicable, the pardon issued to the petitioner by the governor as well as all court papers, orders, docket notations, or other writings; and

WHEREAS, if petitioner is entitled to compensation, the petitioner is entitled to expenses incurred by the petitioner in connection with all associated criminal proceedings and appeals and in connection with obtaining the petitioner's discharge from imprisonment, including any fine or court costs paid and reasonable attorney's fees, including reasonable attorney's fees for representing the petitioner in the suit; wages, salary, or other earned income that was lost as a direct result of the arrest, prosecution, conviction, or wrongful imprisonment; medical and counseling expenses incurred by the petitioner as a direct result of the arrest, prosecution, conviction, or wrongful imprisonment; and \$25,000 for each full year that the petitioner was wrongfully imprisoned and, for each part of a year that the petitioner share of \$25,000; and

WHEREAS, that in determining the sum of money owed to the petitioner, expenses incurred by state may not be deducted or any of its political subdivisions in connection with the arrest, prosecution, conviction, and wrongful imprisonment of the petitioner, including expenses for food, clothing, shelter, and medical services; and

WHEREAS, that a person who claims compensation from a sentence served in whole or in part after September 1, 2003, must be brought within three years after the person ceased serving the sentence of imprisonment; the person was released from custody; and the person was discovered or should have discovered the evidence substantiating the person's innocence.

THEREFORE, BE IT RESOLVED BY THE 26TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9-14, 2002, that a person who claims compensation for a sentence served before September 1, 2003 must bring the action within three years after the person has discovered or should have discovered the evidence substantiating the person's innocence; and



BE IT FURTHER RESOLVED, that any person wrongfully convicted shall be entitled to compensation.

Sponsored by: Senator Charles D. Jones (LA)

Approved Date is December 12, 2002 by the Committee of Law & Justice

Certified by Committee Chair: Senator Charles D. Jones (LA)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



Resolution 03 112

CREDIT REPORTING

WHEREAS, errors in credit reports lead to low credit scores; and

WHEREAS, low credit scores lead to either supreme credit or credit denial; and

WHEREAS, credit scores are routinely being used to deny African American credit; and

WHEREAS, most companies use credit bureaus before issuing credit to a consumer; and

WHEREAS, the National Black Caucus of State Legislators encourages lending institutions to consider favorable consumer banking history regarding a loan; and

WHEREAS, the National Black Caucus of State Legislators recommends credit bureaus to expedite false claims on credit reports.

THEREFORE, BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, that the National Black Caucus of State Legislators requests lending institutions to consider favorable consumer banking history and recommends the credit bureaus to expedite false claims on credit reports.

Sponsored by: Senator Charles D. Jones (LA)

Approved Date is December 12, 2002 by the Committee of Law & Justice

Certified by Committee Chair: Senator Charles Jones (LA)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



Resolution 03 30***DOCUMENTATION OF CRIMINAL RESEARCH***

WHEREAS, African Americans and other minorities in America face a paradox when it comes to crime and justice. They suffer disproportionately from most crime, yet when blacks and whites join forces to fight crime, the injustices felt in the black communities at the hands of the criminal justice system are often either ignored or discounted by the larger population; and

WHEREAS, the changing face of the United States prison population is due in large measure to the war on drugs: in 1985, the number of whites imprisoned in the state system actually exceeded the number of blacks; and

WHEREAS, between 1985 and 1995, while the number of white drug offenders in state prisons increased by 300%, the number of similarly situated black drug offenders increased by 700%, such that there are 50% more black drug offenders in state prison systems than white drug offenders; and

WHEREAS, the unequal treatment of minorities in our criminal justice systems manifests itself in a mushrooming prison population that is overwhelmingly black; and

WHEREAS, racial profiling and other enforcement strategies begin the insidious process by which minorities are disproportionately caught up in the criminal justice system; and

WHEREAS, racial disparities affect both innocent and guilty minority citizens; and

WHEREAS, mandatory minimum sentences are creating drastic deleterious effects upon the black community; and

WHEREAS, race continues to plague the application of the death penalty in the United States.

THEREFORE, BE IT RESOLVED BY THE 26TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9-14, 2002, that police, courts and legislatures have adopted an increasingly punitive approach to the treatment of people who do not fit within societal "norms" (i.e., minorities and mentally ill offenders); and

BE IT FURTHER RESOLVED, that members are encouraged to study the document, Criminal Justice Research, compiled by the Pennsylvania Legislative Black Caucus, Summer, 2002, and duplicate the effort in their respective states.

Sponsored by: Representative LeAnna M. Washington (PA)

Approved Date is December 12, 2002 by the Committee of Law & Justice

Certified by Committee Chair: Senator Charles Jones (LA)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



Resolution 03 102***ESTABLISHMENT OF NBCSL LEGAL DEFENSE FUND***

WHEREAS, the apparent targeting of black elected officials for criminal prosecution threatens to deprive Black America of some of its most effective political leaders; and

WHEREAS, many of these prosecutions are without merit, yet are costly to defend because of the subtlety of the issues involved and because of the amount of resources committed by the prosecution; and

WHEREAS, there should be a coordinated effort to provide legal assistance to the National Black Caucus of State Legislators members who are unfairly targeted for prosecution; and

WHEREAS, the committee shall develop regulations and guidelines, subject to approval by a committee, for the distribution of monies appropriated from the fund.

THEREFORE, BE IT RESOLVED BY THE 23RD ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, that a legal defense fund should provide for deposit of monies into the fund and for uses of monies in the fund in order to assist the National Black Caucus of State Legislators members who have been wrongfully and unfairly targeted for criminal prosecution.

Sponsored by: Senator Charles D. Jones (LA)

Approved Date is December 12, 2002 by the Committee of Law & Justice

Certified by Committee Chair: Senator Charles D. Jones (LA)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



Resolution 03 79***HOMICIDE INVESTIGATION OF A STATE ELECTED OFFICIAL***

WHEREAS, state elected officials, who have served in the capacity as public servants; and

WHEREAS, esteemed state elected officials who left indelible marks on the lives of citizens; and

WHEREAS, distinguished state elected officials who use every opportunity to serve their constituency and the citizens at their states in a honorable, dedicated and effective manner; and

WHEREAS, for the fierce determination fought by the state elected official to bring innovative ideas to life for the benefit of their constituency; and

WHEREAS, with deep regret and profound sorrow that members of the National Black Caucus of State Legislators (NBCSL) learn of tragic and untimely death of all state elected officials; and

WHEREAS, these elected officials die by a homicidal act.

THEREFORE, BE IT RESOLVED BY THE 26TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9-14, 2002, that an investigation shall be conducted by the state police and/or Attorney General; and

BE IT FURTHER RESOLVED, the National Black Caucus of State Legislators (NBCSL) supports legislation for the State Police and/or Attorney General to investigate homicidal deaths of all state elected officials.

Sponsored by: Senator Charles D. Jones (LA)

Approved Date is December 12, 2002 by the Committee of Law & Justice

Certified by Committee Chair: Senator Charles D. Jones (LA)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



Resolution 03 60***LEONARD PELTIER JUSTICE RESOLUTION***

WHEREAS, the National Black Caucus of State Legislators supports justice and human rights for all people of all nations; and

WHEREAS, Leonard Peltier, in upholding the goals of the American Indian Movement, those of securing and protecting the human and civil rights of American Indians or First Nations, was convicted of murder for the deaths of two Federal Bureau of Investigations agents, on June 26th, 1975; and

WHEREAS, Leonard Peltier has served more than 25 years in federal prison since sentencing on June 1st, 1977; and

WHEREAS, it has since been revealed through use of the Freedom of Information Act that Leonard Peltier was convicted on the bases of fabricated and suppressed evidence in violation of his constitutional and human rights, that the affidavits which were used to arrest and extradite Peltier are false and the Peltier's shell casing did not match the bullets which killed the agents; and

WHEREAS, the misconduct and judicial impropriety, such as coercion of witnesses, perjury, evidence, fabrication, and suppression by the Federal Bureau of Investigations and the government, is clearly an abuse of the legal standards of American justice; and

WHEREAS, worldwide, numerous and respectable law, religious, and political groups, including Amnesty International, the National Association of Criminal Defense Lawyers, the National Council of Churches, and noted individuals, including 8 Nobel Peace Prize recipients, Mary Robinson, United Nations Commissioner for Human Rights, and Coretta Scott King, have called for reevaluation of Peltier's case.

THEREFORE, BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, does hereby call for the release of up to 100,000 related documents held in the Federal Bureau of Investigations files and for the congressional investigation into the Federal Bureau of Investigations misconduct in Leonard Peltier's case; and

BE IT FURTHER RESOLVED, that the National Black Caucus of State Legislators supports justice for Leonard Peltier in an appropriate form which may include a new trial in which all pertinent evidence is presented, parole, executive clemency, and/or a full pardon.

Sponsored by: Representative Gloria L. Fox (MA)

Approved Date is December 12, 2002 by the Committee of Law & Justice

Certified by Committee Chair: Senator Charles D. Jones (LA)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



Resolution 03 104

MEDICAID FOR JUVENILE OFFENDERS

WHEREAS, to memorialize the United States Congress to rescind federal restrictions that deny Medicaid to juveniles during their time in a detention facility; and

WHEREAS, a youth who qualifies for Medicaid benefits; and

WHEREAS, a youth who is incarcerated in a juvenile correctional facility or detention home; and

WHEREAS, federal money is not available for services provided to “inmates of public institution.”

THEREFORE, BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, request the National Black Caucus of State Legislators to memorialize the United States Congress to rescind federal restrictions that deny Medicaid to juveniles during their time in a detention facility.

Sponsored by: Representative Erik Fleming, (MS)

Approved Date is December 12, 2002 by the Committee of Law & Justice

Certified by Committee Chair: Senator Charles D. Jones (LA)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



Resolution 03 15***MORATORIUM ON THE DEATH PENALTY***

WHEREAS, the odds of receiving a death sentence are nearly four times higher if the defendant is African American; and

WHEREAS, more than half the persons under death sentences are people of color; and

WHEREAS, nationally over 80% of those who have been executed were convicted for the murder of a white person despite the fact that more than half of all murder victims are people of color; and

WHEREAS, 90% of the persons that United States federal prosecutors seek to execute are Black or Latino; and

WHEREAS, of the more than 100 people that have been released from death row with evidence of their innocence, with more than half of those being people of color; and

WHEREAS, more than two thirds of mentally retarded persons who have been executed in the United States were people of color; and

WHEREAS, nearly two thirds of minors sentenced to death in the United States have been people of color; and

WHEREAS, Governor Parris Glendening of Maryland declared a moratorium on executions citing the need to investigate whether there is racial bias in the use of the death penalty; and

WHEREAS, following the exoneration of 13 people from death row in Illinois, Governor George H. Ryan declared a moratorium on executions in January of 2000 and appointed a commission to study the death penalty in Illinois; and

WHEREAS, Governor Ryan's Commission on Capital Punishment, the nation's most thorough review of the death penalty, recommended 85 changes to the capital punishment system; and

WHEREAS, in the last decade the African countries of Angola, Cote d'Ivoire, Namibia, Mauritius, Mozambique and South Africa, along with 20 other countries worldwide, have abolished the death penalty for all crimes; and

WHEREAS, the United Nation Human Rights Commission has called upon all countries to impose a moratorium on the death penalty; and

WHEREAS, the United States Supreme Court has restricted the rights of death row prisoners to appeal their convictions and death sentences in federal court, even in cases where prisoners present compelling evidence of innocence; and

WHEREAS, in 1996, legislation was enacted that limited federal court review of death penalty appeals and drastically cut public funding of legal aid services for death row prisoners; and

WHEREAS, those sentenced to death are overwhelmingly poor because indigent defendants are often subject to grossly incompetent, even racist, counsel and prosecutorial misconduct; and

WHEREAS, the death penalty has not been shown to be a deterrent to murder; and

WHEREAS, the death penalty is far more expensive than life in prison without the possibility of parole.



THEREFORE, BE IT RESOLVED BY THE 26TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9-14, 2002, urges states with death penalty statutes and the federal government to pass bills imposing a moratorium on the death penalty until such time as an investigation can be made evaluating the fairness, effectiveness and costs of the death penalty versus alternative sentencing.

Sponsored by: Representative Opio Toure (OK)

Approved Date is December 12, 2002 by the Committee of Law & Justice

Certified by Committee Chair: Senator Charles D. Jones (LA)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



Resolution 03 106***NATIONAL BLACK CAUCUS OF STATE LEGISLATORS VOTER REGISTRATION DRIVE***

WHEREAS, there is nothing more important in democracy than the ability to register and cast a vote for the candidate of your choice; and

WHEREAS, it is important to empower the black vote in the United States; and

WHEREAS, aggressively mounting a national media campaign that communicates the value of participation through voter registration; and

WHEREAS, it is of importance that African American vote in local, state, congressional and presidential elections; and

WHEREAS, working with existing organizations to implement long-range voter education and mobilization initiatives; and

WHEREAS, the National Black Caucus of State Legislators are to conduct voter registration drives; and

WHEREAS, the National Black Caucus of State Legislators members shall set a goal to register a minimum of 100,000 people before the National Black Caucus of State Legislators 27th Annual Legislative Conference to be held in Houston, Texas; and

WHEREAS, all members are urged to assist in the collection and completion of voter registration to meet the goal.

THEREFORE, BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, that the National Black Caucus of State Legislators members shall set a goal to register a minimum of 100,000 people before the National Black Caucus of State Legislators 27th Annual Legislative Conference to be held in Houston, Texas.

Sponsored by: Senator Charles D. Jones (LA)

Approved Date is December 12, 2002 by the Committee of Law & Justice

Certified by Committee Chair: Senator Charles D. Jones (LA)

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Ratification certified by: Representative James Thomas (AL), President



Resolution 03 59***RECIDIVISM DISCLOSURE***

WHEREAS, there are three reasons for imprisoning people: to punish them for committing crimes, to incapacitate them for committing additional crimes while they are in prison and to rehabilitate them so that they will not commit crimes after they complete their sentences and return to society; and

WHEREAS, the most basic measure of the long-term effectiveness of imprisoning people is the recidivism rate; and

WHEREAS, recidivism is the rate at which people who have served prison time commit additional crimes after they are released; and

WHEREAS, there is general agreement that recidivism is an important statistic, but there is at present no general agreement, either on the state or national level, on how to define the recidivism rate; and

WHEREAS, recidivism in the interim shall be defined as any release who is re-incarcerated in a correctional institution or to a house of correction/jail for at least 30 days within three years of the date of release to the street; and

WHEREAS, until a permanent national definition of recidivism can be defined, the interim definition shall be in use for a period of four years, so that meaningful comparisons can be generated over time to consider other possible definitions of recidivism that might more effectively capture information about post-release behavior of offenders; and

WHEREAS, the formula to provide the permanent definition of recidivism should include factors such as period of time after release, whether new arrests or only new convictions shall be counted, and whether technical violations of parole that do not involve new crimes shall be counted; and

WHEREAS, a study shall commence using the interim definition of recidivism that includes persons incarcerated in federal, state, and country correctional facilities, and shall further include and compute separately, recidivism rates from those released from isolation, segregation and/or disciplinary units who spent thirty or more days in an isolation, segregation, and/or disciplinary unit within six months immediately prior to their release.

THEREFORE, BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, that the National Black Caucus of State Legislators encourages black state elected officials across the nation, their constituents, and every African American organization, institution, or group to require each state and the federal government to provide more timely information essential to effective monitoring of the correctional system's success or failure at discouraging crime by requiring these agencies to publish recidivism rate using the interim definition no later than 48 months following the passage of this resolution; and

BE IT FURTHER RESOLVED, that the National Black Caucus of State Legislators seeks to reaffirm that a statutory mandate be adopted that permanently defines recidivism, and that the National Black Caucus of State Legislators will use the data from the recidivism studies to enact this permanent definition.

Sponsored by: Representative Gloria L. Fox (MA)

Approved Date is December 12, 2002 by the Committee of Law & Justice

Certified by Committee Chair: Senator Charles D. Jones (LA)

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Ratification certified by: Representative James Thomas (AL), President



Resolution 03 100***REPEAL MANDATORY MINIMUM SENTENCING***

WHEREAS, African Americans represent the majority of persons incarcerated in our local, state and federal prisons; and

WHEREAS, the Louisiana legislature has passed Act No. 403 authored by Senator Charles D. Jones during their 2003 Regular Session to repeal Mandatory Minimum sentence for certain offenses for non-violent crimes and drug offenses; and

WHEREAS, Act 403 reduces the length of incarceration in the penalty provisions for certain offenses; and

WHEREAS, Act 403 provides that certain offenses can be subject to parole, probation or suspension of sentence; and

WHEREAS, Act 403 provides suspension of sentences for certain crimes; and

WHEREAS, Act 403 created a Risk Review Panel; and

WHEREAS, the Mandatory Minimum sentence law is detrimental to African American citizens; and

WHEREAS, the Law and Justice Committee of the National Black Caucus of State Legislators recommends that the Congressional Black Caucus pass legislation to repeal mandatory minimum sentences.

THEREFORE, BE IT RESOLVED BY THE 26TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, the National Black Caucus of State Legislators (NBCSL) urges Congress to create and pass a Mandatory Minimum sentence law on the federal level; and

BE IT FURTHER RESOLVED, that NBCSL call on Congress to make the repeal of the Mandatory Minimum sentencing and appropriate modification of the Federal Sentencing Guidelines a high priority; and

BE IT FURTHER RESOLVED, that NBCSL encourage Congressional leaders to support Congressional legislation in creating and passing a federal law repealing Mandatory Minimum sentencing and the President of the National Black Caucus of State Legislators shall convene a meeting with the Congressional Black Caucus, its Chairman and the Law and Justice Committee of the National Black Caucus of State Legislators and members to develop strategy and craft legislation in furtherance of the Federal Repeal of Mandatory Minimum Sentences in the United States.

Sponsored by: Senator Charles D. Jones (LA)

Approved Date is December 12, 2002 by the Committee of Law & Justice

Certified by Committee Chair: Senator Charles D. Jones (LA)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



Resolution 03 98

RESTORATION OF VOTING RIGHTS

WHEREAS, a person arrested who is absent during an election; and

WHEREAS, that person has not been convicted; and

WHEREAS, that person is not able to exercise his right to vote due to his detention; and

WHEREAS, that the detention facility shall provide the detained person access to his voting privileges.

THEREFORE, BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, that the National Black Caucus of State Legislators urge the appropriate detention facility to provide the detainee who has not been convicted access to voting.

Sponsored by: Representative Joe Towns (TN)

Approved Date is December 12, 2002 by the Committee of Law & Justice

Certified by Committee Chair: Senator Charles D. Jones (LA)

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Ratification certified by: Representative James Thomas (AL), President



Resolution 03 105

RESTORE BLACK ENTERTAINMENT TELEVISION NEWS PROGRAMS

WHEREAS, Black Entertainment Television is removing all news programs from television; and

WHEREAS, to ensure journalistic independence in order to keep media diversity; and

WHEREAS, to have alternative media sources that is responsive to the African American community; and

WHEREAS, keeping information flowing regarding African Americans, past, present and future; and

WHEREAS, to reflect positive and correct African American news stories to the mainstream media.

THEREFORE, BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, that the National Black Caucus of State Legislators implore the Black Entertainment Television (BET) to restore news programs.

Sponsored by: Representative Sharon Sanders Brooks (MO)

Approved Date is December 12, 2002 by the Committee of Law & Justice

Certified by Committee Chair: Senator Charles D. Jones (LA)

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Ratification certified by: Representative James Thomas (AL), President



Resolution 03 35***SUPPORT FOR THE AMERICAN COMMUNITY SURVEY***

WHEREAS, in 1996, the United States Bureau of the Census began testing the American Community Survey in response to bi-partisan requests from Congress after the 1990 Census to respond to the problem that Decennial Census data has diminishing utility during the decade between Decennial Censuses; and

WHEREAS, the American Community Survey, as part of the 2030 Census Re-engineering effort, is an alternative method of administering the long form component of the Decennial Census which will result in yearly data releases instead of the current releases once every ten years; and

WHEREAS, questions on the American Community Survey are essentially the same as those on the Census 2000 long form, which were required by Federal laws, regulations, or court decisions; and

WHEREAS, the Census Bureau will make every effort to partner with state, local and tribal governments officials to educate the nation about the census and to keep our constituencies informed about the survey's uses, benefits and protections; and

WHEREAS, as the American Community Survey is a component of the Decennial Census, respondents will be protected by the same privacy and confidentiality protections afforded to all respondents of the traditional Decennial Census; and

WHEREAS, through the American Community Survey the Census Bureau will provide data to all levels of government to empower state, local and tribal elected, appointed and career officials to track the status of the communities they serve; and

WHEREAS, the American Community Survey has demonstrated its usefulness as a decision-making tool for administrators and legislators during its testing phase with a data release that demonstrated emerging regional trends in a timely manner; and

WHEREAS, in the American Community Survey will make long form socio-economic data available to populations at all levels of geography prior to the 2030 Decennial Census; and

WHEREAS, full nationwide implementation of the American Community Survey has the potential to improve the quality of reapportionment and redistricting data by eliminating the long-form burden from the 2030 Census; and

WHEREAS, the American Community Survey has the potential to reduce differential undercounts among African-Americans and other communities of racial and cultural minorities that have been difficult to enumerate; and

WHEREAS, full funding is necessary to launch the survey nationwide, with an adequate sample size and effective outreach to historically hard-to-reach populations.

THEREFORE, BE IT FURTHER RESOLVED BY THE 26TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS ASSEMBLED IN INDIAAPOLIS, INDIANA DECEMBER 9-14, 2002, that the National Black Caucus of State Legislators (NBCSL) hereby supports the American Community Survey and the Census Bureau's 2030 Re-engineering effort, and seeks continued partnership with the Census Bureau as the 2030 Re-engineering effort develops throughout the decade; and

BE IT FURTHER RESOLVED that NBCSL urges Congress to fully fund the American Community Survey at the level requested by the Administration, and make a long-term commitment to fund this effort at adequate levels in future fiscal years.



Sponsored by: Senator Charles D. Jones (LA)

Approved Date is December 12, 2002 by the Committee of Law & Justice

Certified by Committee Chair: Senator Charles D. Jones (LA)

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RESOLUTION 03-127***SENATOR TRENT LOTT REMARKS***

WHEREAS, on Thursday, December 5, 2002, Senator Trent Lott (R-Mississippi), made remarks at a nationally televised birthday party for retiring Senator Strom Thurmond (R-South Carolina), stating that, "when Strom Thurmond ran for president in 1948, we voted for him. We're proud of it. And if the rest of the country had followed our lead, we wouldn't have had all these problems over all these years," and

WHEREAS, Senator Thurmond, then Governor of South Carolina in 1948, ran for President as a state's right and anti-integration Dixiecrat, opposing the civil rights policies of President Harry S. Truman. Mississippi joined three other states in providing Senator Thurmond with 39 southern electoral votes; and

WHEREAS, one of the South's most vocal opponents of integration, Senator Strom Thurmond opposed the 1954 Supreme Court school desegregation ruling and filibustered against civil rights legislation as a United States Senator; and

WHEREAS, in 1980, Senator Trent Lott made strikingly similar remarks when introducing Senator Thurmond at an event and has been involved in previous controversies over remarks that appeared sympathetic to opponents of racial integration, including the white supremacist organization, The Council of Conservative Citizens; and

WHEREAS, Senator Lott, in not only using a poor choice of words, but also with a shocking lack of sensitivity toward African Americans, and the institutional racism they have endured for hundreds of years; and

WHEREAS, the state of Mississippi has one of the highest proportions of African-Americans in its population in the country; and

WHEREAS, these remarks are not only offensive to the African American population, but they are also highly divisive and fan the fires of racism. Senator Lott's belated apology does not mitigate the offensive nature of his comments, as they endorse a political philosophy that first enslaved and later discriminated against millions of African Americans for centuries; and

WHEREAS, in light of the nature of the office that Senator Lott currently holds, his remarks cast a shadow not only on the majority party, but America as a whole, calling into serious question the continuing effectiveness of his leadership role in the Senate.

WHEREAS, Senator Trent Lott, incoming majority leader of the United States Senate has been elected to represent all the people of Mississippi, and to serve in his position in the United States representing the best interest of all the people of this great nation.



WHEREAS, the comments of Senator Trent Lott, majority leader of the Senate reflects negatively on the position of the United States as a world leader and "friend" of nations, whose population consists of People of Color.

WHEREAS, we call on President Bush and all Members of Congress to immediately, publicly, and unequivocally denounce Senator Lott's racist remarks and ideology. Silence will not make this shocking episode go away. To the contrary, silence will only feed the boldness of bigots who want to turn back the clock to the heyday of white supremacy.

THEREFORE BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9-14, 2002, that NBCSL calls upon President George W. Bush, Vice President Dick Cheney, the United States Senate, United States Congress, and all fair-minded Americans to request and demand the immediate resignation of Senator Trent Lott as majority leader of the United States Senate.

Sponsored by: NBCSL President James Thomas (AL)
 Law and Justice Chairman, Charles D. Jones (LA)
 Mississippi Black Caucus Chairman, Representative Phillip West (MS)
 Representative Harold James, (PA)
 Representative Ulysses Jones (TN)
 Representative Henri Brooks (TN)
 Representative LeAnna M. Washington (PA)
 Representative Ronald G. Waters (PA)
 Representative Jewell Williams (PA)
 Representative Thaddeus Kirkland (PA)
 Representative Joseph Preston, Jr. (PA)
 Representative Art Turner (IL)
 Representative Fred Strahorn (OH)
 Consensus of NBCSL 2002

Approved December 12, 2002

Committee of Jurisdiction: Committee on Law and Justice

Certified by Chairperson: Senator Charles Jones (LA)

Ratified in Plenary Session December 13, 2002

Ratification Certified by: Representative James L. Thomas (AL), President



POST-SECONDARY EDUCATION



Resolution 03 49***ACCREDITATION OF MORRIS BROWN COLLEGE***

WHEREAS, Morris Brown College was established in 1881 by the African American Methodist Episcopal Church to serve the educational needs of African-American young men and women, and is a historic institution with a unique offering on today's educational horizon; and

WHEREAS, Morris Brown College is proud of its tradition of serving the educational needs of the best and brightest young minds and simultaneously providing educational support to students who might not otherwise receive the opportunity to compete on the college level; and

WHEREAS, Morris Brown College has graduated students who have gone on to do great things, among them Isaac Blythers, president of Atlanta Gas Light Company, Eula Adams, executive vice president for First Data Corporation, Albert J. Edmonds, Retired Lt. Gen. of the United States Air Force, the late Hosea Williams, civil rights leader, Thomas J. Byrd, actor of television, film and stage and Pulitzer Prize winning author, James A. McPherson; and

WHEREAS, students enrolled at Morris Brown College with the understanding, the confidence that if they worked hard and completed their course work, they would receive a degree from an accredited school.

THEREFORE BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, is urging the Congressional Black Caucus to adopt a resolution not seeking special privileges or special exception but feels that Morris Brown College:

- Should be granted a probationary period understanding that one has been granted before.
- Selected a new president and adopted new policies to address the problems and to ensure that commitments made under the previous probationary period were kept.
- Has students enrolled who have worked hard to graduate from an esteemed black college and their future, their lives, their history is in your hands.

Sponsored by: Assem. Gloria Davis, (NY)

Approved Date is December 12, 2002 by the Committee of Post-Secondary Education

Certified by Committee Chair: Representative Barbara Boyd, Ed. D. Chair, (AL)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



Resolution 03 67***MEETING THE CHALLENGES OF BLACK STUDENTS IN SECURING A COLLEGE EDUCATION***

WHEREAS, the Committee on Post Secondary Education of the National Black Caucus of State Legislators (NBCSL) met and received briefings on Educational Opportunities for African American Students in Post Secondary Education from the Black Star Project, the College Board, the National Education Association, and the Indiana Higher Education Commission; and

WHEREAS, African American students face unprecedented challenges in securing a college education as a result of trends in nonacademic challenges in family and community lives, rising college costs, limited access to federal and private financial aid, and increased high stakes tests being used to measure academic achievement; and

WHEREAS, trends in the average costs of a college education show a 23 percent increase in public and a 27 percent increase in the average cost of a private college education, according to the United States Department of Education, Digest of Education Statistics, 2003; and

WHEREAS, the average costs of \$21,907 for a college education is almost two-thirds of the \$29,470 average household income for Black families during the years 1967 – 2003, according to the Digest of Education Statistics and income data reported by the United States Census Bureau; and

WHEREAS, tuition tax credits – largely unused by taxpayers with \$29,470 household income –, Pell Grants, Stafford loans – for households of less than \$25,000 –, and Stafford Plus Loans – that require credit check approvals and private bank promissory notes offer barriers and limits on the financial aid available to Black students; and

WHEREAS, several factors should be used cumulatively to measure student academic achievement such as socio-economic and cultural factors, individual student progress, and pre- and post-evaluations; and

WHEREAS, in reality many African American and other students need supplemental educational resources in order to meet acceptable proficiency and other standards of high-stakes tests, increasingly being mandated by state legislated high school graduation exit requirements, the federal No Child Left Behind Act, and by colleges and universities relying upon college entrance SAT and ACT exams; and

THEREFORE BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, that the NBCSL provide copies of this resolution, call for, and co-convene a summit on higher education that will design and direct the implementation of the National Dialogue on Student Financial Aid and the Pathways to College Network Report on higher education access and success. This report will focus primarily on low income, underrepresented, and minority students; and

BE IT FURTHER RESOLVED that the recommendations from the summit be presented to the 27th Annual Legislative Conference of NBCSL. The recommendations produced by the summit shall include model legislation that addresses student aid, college pricing, and student readiness.

Sponsored by: Representative Barbara Boyd, Ed.D. (AL)

Approved Date is December 12, 2002 by the Committee of Post-Secondary Education

Certified by Committee Chair: Representative Barbara Boyd, Ed.D, Chair (AL)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



SCIENCE & TECHNOLOGY



Resolution 03 57***ENGINEERING PROGRAMS***

WHEREAS, there currently exists a dearth of U.S. born engineering students and graduates; and

WHEREAS, today's professions and the technological requirements of society indicate a greater need for engineers than at any time in our nation's history; and

WHEREAS, in order to meet this growing demand, the federal government has developed and approved special initiatives to allow for the immigration of foreign engineering graduates and professionals; and

WHEREAS, African-Americans currently comprise an exceedingly small percentage (approximately 4%) of current engineering professionals; and

WHEREAS, the current and short term future enrollment of African-American students in engineering programs is still quite limited; and

WHEREAS, there are only a limited number of programs developed to put more African-American students on engineering career paths; and

WHEREAS, too few African-American students are being equipped at the K-12 level with advanced science and math skills needed to prepare them for engineering studies in higher education; and

WHEREAS, special programs need to be developed at the 6 - 12 grade level to enable African-American students to acquire the math and pre-engineering competencies needed to matriculate in engineering programs at the universities; and

WHEREAS, special emphasis needs to be placed on African-American students being encouraged to choose engineering majors in higher education; and

WHEREAS, retention and intervention programs are needed to ensure the successful completion of engineering studies by African-American K-12 and higher education students; and

WHEREAS, the National Science Foundation has recognized the need for special initiatives to attract support and retain the involvement of substantially more African-American students in the field of math, science and engineering.

THEREFORE, BE IT RESOLVED BY THE 26TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, that the National Science Foundation has agreed to establish a memorandum of understanding with the National Black Caucus of State Legislators Science and Technology Committee to develop initiatives, including pilot or demonstration projects, which will help to increase the number of African-American students who pursue math, science and engineering careers, using such delivery systems as public schools, the Algebra Project and Historically Black Colleges and Universities, and other educational entities.

Sponsored by: Senator John Horhn (MS)

Approved Date is December 12, 2002 by the Committee of Science & Technology

Certified by Committee Chair: Senator John Horhn (MS)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



Resolution 03 46***NBCSL FORWARDS E-CLEARINGHOUSE PROJECT TO PROMOTE USE OF TECHNOLOGY AND ONLINE CONTENT IN UNDERSERVED COMMUNITIES***

WHEREAS, education today and in future generations requires the responsible installation, access and application of technology into the nation's K-12 classrooms; and

WHEREAS, online education is important to allow students to maximize learning opportunities, to take full advantage of all available technologies for instruction and learning; and to develop technology skills necessary for the future; and

WHEREAS, vital to this process is access to high-quality, standards-based, online content, teacher training and education resources that leads to cost-effective, meaningful integration of Internet technology on a national scale; and

WHEREAS, the National Black Caucus of State Legislators initiated the E-Clearinghouse project to deliver online services, including online education to their communities and to underserved communities across the nation; and

WHEREAS, the National Black Caucus of State Legislators' network will work to promote and implement policies and best practices related to education and technology to ensure that no children within NBCSL or underserved communities are left behind; and

WHEREAS, the use of model online content programs such as Marco Polo: Internet Content for the Classroom will buttress National Black Caucus of State Legislators' network efforts and support National Black Caucus of State Legislators' E-Clearinghouse project and related programs allowing all parties to forward technology initiatives in schools represented by the National Black Caucus of State Legislators.

THEREFORE, BE IT RESOLVED BY THE 26TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - DECEMBER 14, 2002, that NBCSL will call on political, education and business leaders to stand together with NBCSL to support the E-Clearinghouse project and make every effort to leverage the use technology in NBCSL activities and in underserved communities.

Sponsored by: Senator G. Spencer Coggs (WI)

Approved Date is December 12, 2002 by the Committee of Science & Technology

Certified by Committee Chair: Senator John Horhn (MS)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



TRANSPORTATION & ENVIRONMENT



Resolution 03 91

BLACK MOLD

WHEREAS, African Americans, poor people and renters are disproportionately adversely impacted by environmental hazards related to lack of standards in housing construction; and

WHEREAS, there is a need for the federal government to take a leadership role in conducting health risk assessment research to determine danger levels of exposure to black mold; and

WHEREAS, the Center for Communicable Disease (CDC), Environmental Protection Agency (EPA) and the National Institutes of Health (NIH) are the relevant national agencies with the expertise to lead and conduct such a research effort; and

WHEREAS, it is imperative for the health of Americans of various socio-economic status to be protected from Black Mold.

THEREFORE BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, that the National Black Caucus of State Legislators membership supports the creation of a task force comprised of the CDC, EPA, and NIH to begin the task of conducting research to study health risks in 2003 with adequate congressional funding; and

BE IT FURTHER RESOLVED THAT, the President of NBCSL transmit a copy of this resolution to the President of the United States, the US Senate and House of Representatives Majority and Minority Leaders and presiding officers, and their heads.

Sponsored by: Representative Bob Holmes (GA), Representative Erik Fleming (MS)

Approved Date is December 12, 2002 by the Committee of Transportation & Environment

Certified by Committee Chair: Representative Bob Holmes (GA)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



Resolution 03 87***CREATING STATE ADVISORY COMMITTEES ON HOUSING CONSTRUCTION POLICY***

WHEREAS, there is a need to involve all of the major stakeholders concerned that moisture-free housing commercial structures are constructed, maintained and renovated on the 50 states; and

WHEREAS, research has revealed that prevention should be the focus of efforts to reduce or eliminate Black Mold in the building of housing; and

WHEREAS, recent multimillion dollar legal settlements have occurred because there has not been an insistence or requirement that criteria and standards be met before insurance is provided for building structures.

THEREFORE BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, that the National Black Caucus of State Legislators urges that an Advisory Committee be created in each of the states as a way to develop policies and funds to educate the public about moisture, Black Mold and construction standards; and that a copy of this resolution be forwarded by the President of the National Black Caucus of State Legislators to the Governor of each of the 50 states; and

BE IT FURTHER RESOLVED, that such state committee's membership include, among other representatives such as the state Insurance Commissioner, Commissioner of Health, Building Contractors, public housing agencies, public interest organizations, the Top 3 Insurance Companies, and the Architectural and Engineering profession.

Sponsored by: Representative Bob Holmes (GA), Representative Erik Fleming (MS)

Approved Date is December 12, 2002 by the Committee of Transportation & Environment

Certified by Committee Chair: Representative Bob Holmes (GA)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President



Resolution 03 88***ENFORCING STANDARDS TO PREVENT THE PROBLEM OF BLACK MOLD***

WHEREAS, the public possesses a paucity of information on the issue of Black Mold and such information is essential to protecting public health; and

WHEREAS, building standards which minimize moisture in construction of housing, which is the major cause of mold, are not being followed; and

WHEREAS, the American Society of Testing and Materials (ASTM) has created such standards that should be required and enforced in housing construction in all states; and

WHEREAS, all Housing and Urban Development (HUD) sponsored programs, such as Section 8 (Housing Choice) and weatherization should include regulations requiring elimination or prevention of moisture in any housing repairs of such properties.

THEREFORE BE IT RESOLVED BY THE 26th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN INDIANAPOLIS, INDIANA, DECEMBER 9 - 14, 2002, that the National Black Caucus of State Legislatures supports the requirement that the ASTM standards be utilized to prevent moisture which causes Black Mold; and

BE IT FURTHER RESOLVED, that HUD and all state housing regulatory agencies require such pro-active prevention measures be enforced in these programs and that the President of the National Black Caucus of State Legislatures transmit a copy of this resolution to the Secretary of HUD and Governors in each of the 50 states.

Sponsored by: Representative Bob Holmes (GA), Representative Erik Fleming (MS)

Approved Date is December 12, 2002 by the Committee of Transportation & Environment

Certified by Committee Chair: Representative Bob Holmes (GA)

Ratified in Plenary Session, Ratified Date is December 13, 2002

Ratification certified by: Representative James Thomas (AL), President

