

Resolutions

NBCSL 27th

ANNUAL LEGISLATIVE CONFERENCE

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Ratified
December 5, 2003



Anchoring Today's Reality—
Promoting Tomorrow's Future

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December 29, 2003



Dear NBCSL Members and Supporters:

I am pleased to present NBCSL's 2004 Policy Resolutions! Having met throughout the year and in Houston for our concluding ratification session, this collection of resolutions represents the combined body of work, ideas, and positions of the organization. It is the culmination of work from sixteen policy committees, whose work and dedication ensures that NBCSL maintains a position of leadership in the ongoing national debate on various policy issues.

It is my hope that as you work to implement these policies in your various legislatures and communities, you will be reminded of the strength and value that we gain as an organization. When we work toward a common purpose, we gain immeasurable benefits for our constituents. I look forward to working with you to bring each of these resolutions to fruition in the upcoming year.

May all of your efforts be blessed!

Sincerely



Representative Mary H. Coleman (MS)
President

AGRICULTURE

Resolution 04-28

A Resolution In Support Of the Black Farmers and Agriculturists Association, Incorporated, In Their Efforts to Obtain Remedies for Past Discriminatory Practice against Black Farmers

WHEREAS, throughout the history of this country, African Americans have made substantial contributions to the agricultural industry in the United States; and

WHEREAS, in 1920, there were 925,000 African American farms in the United States; and

WHEREAS, today there are fewer than 18,000 African American farms in the United States, and that number is steadily decreasing; and

WHEREAS, the United States Congress created the United States Department of Agriculture ("USDA") in 1862, and charged it with a variety of duties concerning the agricultural industry, including the administration of farm loans and credit extensions; and

WHEREAS, many farmers rely on the timely administration of USDA loan and benefit programs in order to compensate for lean production periods and to assist with operations improvements; and

WHEREAS, decisions as to whether a credit application will be approved are made on the local county level by a county committee, headed by a county executive who is responsible for assisting farmers with credit and benefit applications, and for making recommendations to the committee as to which applications should be approved; and

WHEREAS, the county committees are not racially diverse and do not represent the racial diversity of the communities they serve; and

WHEREAS, in 1998, across the United States, only 37 of 8147, or .45% of all the USDA county commissioners were African American; and

WHEREAS, in the Southeastern region of the country, where most African American farmers are based, about 1% of USDA county Commissioners are African American; and

WHEREAS, in the Southeastern region, the county commissioners take about three times longer to process credit and benefit applications from African American farmers, as they do to process applications from white farmers; and

WHEREAS, in many instances, when monies are made available to African American farmers, the funds are placed in a supervised bank account, that requires a county supervisor's signature before the farmer can withdraw money; white farmers are not usually bound to this requirement; and

WHEREAS, the USDA and the county commissioners discriminated against African American farmers when they denied, delayed or otherwise frustrated the applications of those farmers for farm loans and other credit and benefit programs; and

WHEREAS, the USDA Office of Civil Rights Enforcement and Adjudication ("OCREA") was created to provide a system through which African American farmers could formally lodge complaints and seek redress of racial discrimination claims; and

WHEREAS, according to a USDA Inspector General report issued in 1997, many discrimination complaints were never processed, investigated or otherwise resolved, and the discrimination complaint process at the Farm Services Agency lacked "integrity, direction, and accountability"; and

WHEREAS, the delays in processing African American farmers discrimination claims often resulted in the farmer's loss to the right to the claim, as the statute of limitations had run on many of the claims; and

WHEREAS, in 1997, three African American farmers consolidated their racial discrimination claims into one class action lawsuit, which included as the certified class, all African American farmers operating between 1981 and 1996, who applied for credit or benefits with the USDA and were discriminated against in the USDA's response to the application, and who filed discrimination complaint before July 1997 regarding the USDA's response to the application; and

WHEREAS, in January 1999, the African American farmers and the USDA entered into a five-year Consent Decree, and in April 1999, the court approved the settlement and assigned four entities to facilitate implementation of the Consent Decree; and

WHEREAS, Judge Paul Friedman of the United States District Court for the District of Columbia wrote in the Consent Decree, that, "For decades, despite its promise that 'no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity of an applicant or recipient receiving Federal financial assistance from the Department of Agriculture'; the Department of Agriculture and the county commissioners discriminated against African American farmers when they denied, delayed, or otherwise frustrated the applications of those farmers for farm loans and other credit and benefit programs. Further compounding the problem, in 1983 the Department of Agriculture disbanded the OCREA and stopped responding to discrimination claims. These events were the culmination of a string of broken promises that had been made to African American farmers for well over a Century"; and

WHEREAS, despite the provisions of the Consent Decree, African American farmers continue to experience discrimination in the resolution of their racial discrimination claims; and

WHEREAS, in 2003, the USDA Secretary created a civil rights office to expedite handling

of African American farmers' claims, yet that office has not been successful in addressing the claims, as the volume of claims far outweighs the resources available to handle the claims; and

WHEREAS, the Black Farmers and Agriculturists Association, Incorporated intends to file separate lawsuit(s) in federal court to challenge the implementation of the Consent Decree, and to raise awareness of the extent to which African American farmers continue to experience discrimination;

THEREFORE BE IT RESOLVED BY THE 27th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1 - 5, 2003, that the undersigned legislators individually and as elected representatives of our individual legislative districts and our constituencies, support the Black Farmers and Agriculturists Association, Incorporated, and the United Farmers of America in their efforts to obtain recognition of African American farmers' rights and remedies for violation of those rights pursuant to Title VI of the 1964 Civil Rights Act, the Civil Rights Restoration Act of 1987 and the Equal Credit Opportunity Lending Act; and.

BE IT FURTHER RESOLVED, that we expect the support and cooperation of President Bush's administration, the Department of Justice, the Department of Agriculture, and the heads of these governmental entities and their employees in obtaining recognition of African American farmers' rights, and remedies for violation of those rights by their legal representatives; and.

BE IT FURTHER RESOLVED, that we urge the USDA to create a separate independent entity to be charged with handling African American farmers' past and present discrimination claims; and.

BE IT FINALLY RESOLVED, that a copy of this resolution shall be sent to the United States Congressional Black Caucus, the United States Senate, and the United States House of Representatives, and that we ask the Congressional Black Caucus to stand in solidarity with us in our support of the Black Farmers and Agriculturist Associations, Inc.

Sponsored by: Representative Henri E. Brooks (TN), Representative R. Dwayne Dobbins (AR), Senator John Ford (TN), Speaker Pro Tem Lois Deberry (TN), Senator Roscoe Dixon (TN), Senator Kay Patterson (SC), Representative Steve Jones (AR), Representative Ulysses Jones (TN), Representative Joe Armstrong (TN), Representative Thomas Jackson (AL), Representative John Myers (PA), Representative Johnny Shaw (TN), Representative Lindbergh Thomas (AR)

Approved Date is December 3, 2003 by the Committee of Jurisdiction: Agriculture
Certified by Committee Chair: Representative Thomas Jackson (AL)

Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President

BUSINESS & FINANCE

Resolution 04-48***African American Business Contracts***

WHEREAS, the opportunities for acquiring business contracts for a wide range of public projects are immense; and

WHEREAS, African American contractors have historically had difficulty in obtaining government business contracts; and

WHEREAS, the percentage of contracts awarded to African Americans does not reflect the percentage of the population that is African American; and

WHEREAS, all of the cases in which minority set asides have been examined by the United States Supreme Court, i.e. setting aside a portion of public contracts for award to minority owned businesses, or to contractors which employ a minimum percentage of minority workers, the court found such practices to be unconstitutional, or have remanded cases to lower courts with instructions to apply tougher standards in evaluating the issues, leading the lower courts to reach the same conclusion; and

WHEREAS, the courts have not stated that such practices are per se unconstitutional, but have established a very tough test to be applied to when set aside programs or practices are challenged in court, under which all have been found unconstitutional; and

WHEREAS, although it is possible to provide for minority set-asides, it is a very difficult and complex task to establish a program or practice which will be upheld in court.

THEREFORE BE IT RESOLVED BY THE 27th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1 - 5, 2003, that NBCSL asserts that there is a need for a greater percentage of government contracts awarded to African Americans, one that is more reflective of the percentage of the local population that they represent; or no less than 15% of the contract, whichever is greater; and

BE IT FURTHER RESOLVED, that member states should be encouraged to develop constitutionally legal programs to achieve the goal of increasing the participation of minority businesses to provide services and products to local and state governments.

Sponsored by: Representative Ronald G. Waters (PA)

Approved Date is December 3, 2003 by the Committee of Jurisdiction: Business & Finance

Certified by Committee Chair: Representative Ed Murray (LA)

NBCSL



Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President

**ELEMENTARY & SECONDARY
EDUCATION**

Resolution 04-1

Early Childhood Education

WHEREAS, if we are to address the needs of all children to meet high standards and to close the large achievement gap, we must turn our attention to issues related to early childhood education and school readiness; and

WHEREAS, well-regarded studies have shown that high-quality preschool both increases the likelihood that children will become successful students and productive citizens; and

WHEREAS, more than 50 percent, and as many as 80 percent, of the early care and education programs in the country fail to meet basic standards of quality; and

WHEREAS, most public elementary schools and other providers do not have the capacity to deliver free high-quality early childhood education programs or full-day kindergarten;

THEREFORE BE IT RESOLVED BY THE 27th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1 - 5, 2003, that NBCSL call on the nation to make a commitment to high-quality early childhood education programs that start at age three, are accessible and affordable to all families, and give poor children enrollment priority and free quality services and:

Make sure that such early childhood programs promote and support children's learning and development, and include:

- Low staff turnover
- Low teacher-child ratios and small class sizes
- Standards and curriculum that emphasize language, early literacy, early numerical literacy, and social-emotional competence
- Provision of a well-rounded curriculum that supports all areas of development through instruction in reading, mathematics, science, social studies, writing, art, music and physical education
- Utilization of multiple forms of assessment (screenings that are linked to follow-up, samples of children's work, observations, and limited use of standardized tests) that are used to improve instruction, identify concerns, and enhance student learning
- Provision of comprehensive social services and nurturing environments; and periodic licensing and/or accreditation of centers
- Urge that such programs, at a minimum, focus on school readiness in all its forms, provide comprehensive support services, include resources and support for high levels of training, certification, professional development and compensation of staff; and

BE IT FURTHER RESOLVED, that NBCSL in the short term, support the creation of

kindergarten plus (kgnPlus) program; and

BE IT FURTHER RESOLVED, that NBCSL call on Congress and the President to fully fund Head Start so that it will cover all eligible children and provide them with an educational program that includes and strengthens Head Start's performance standards, baseline for credentialing, and its trademark health and social services, its parent involvement programs in addition to meeting the other criteria for a high-quality program; and

BE IT FURTHER RESOLVED, that NBCSL urge policymakers to take action by informing them that to meet current needs, we must expand beyond Head Start, using the potential of school and community-based programs to create a universal system of high-quality early childhood learning and care, whether the programs are in schools or community-based centers and whether they are state-funded preschool programs or federally funded programs like Head Start; and

BE IT FURTHER RESOLVED, that NBCSL urge federal, state, and local legislators to fund a voluntary, universal early childhood education program through cost sharing, first by leveraging existing funds for preschool initiatives and programs, to establish a quality system and to pay the costs for poor families who want to enroll their children in preschool; and

BE IT FURTHER RESOLVED, that NBCSL calls upon states to develop a sliding-scale fee system for parents above the poverty line so that all families have access to quality services and children from various socioeconomic backgrounds can be educated together; and

BE IT FINALLY RESOLVED, that NBCSL acknowledge that our goal is an inclusive, voluntary, high-quality system of universal preschool and full-day kindergarten that is publicly funded, and is accommodated within the public schools and other public providers.

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

Approved Date is December 3, 2003 by the Committee of Jurisdiction: Elementary & Secondary Education

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

Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President

Resolution 04-43

Brown V. Board of Education 50th Anniversary: Securing Equal Educational Opportunities for Black Students

WHEREAS, the Committees on Elementary and Secondary and on Post Secondary Education of the National Black Caucus of State Legislators commemorate the 50th anniversary of the landmark *Brown v. Board of Education of Topeka, Kansas* decision that occurs on May 17, 2004; and

WHEREAS, the *Brown* case includes three companion cases and one related case: *Briggs v. Elliott*; *Davis v. County School Board of Prince Edward County*; *Gebhart v. Belton* based on the United States Constitution Fourteenth Amendment Equal Protection Clause and the related case of *Bolling v. Sharpe* based on the Constitution Fifth Amendment Due Process Clause and was pursued by brave African Americans in Topeka, Kansas; New Castle County, Delaware; Prince Edward County, Virginia; Clarendon County, South Carolina; and in Washington, DC; and

WHEREAS, the United States Supreme Court said in that seminal decision that “today education is perhaps the most important function of state and local governments. . . . It is the very foundation of good citizenship. . . . It is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms” and subsequently concluded that “in the field of public education, the doctrine of ‘separate but equal’ has no place” and that “separate educational facilities are inherently unequal”; and

WHEREAS, the historic 1954 decision formed the basis for school desegregation litigation in other historic cases such as *Dayton v. Brink*, *Lee v. Alabama*, *Swann v. Charlotte/Mecklenburg*, *Milliken v. Bradley*, *Pasadena v. Spangler*, and *Keys v. Denver*, and, throughout the country, led to hundreds of court-ordered plans to desegregate racially dual school systems; and

WHEREAS, the spirit of that decision inspired brave hearts leading public schools of higher education to voluntarily adopt race-conscious measures, such as affirmative action admissions policies or plans, in order to have racially integrated or diverse public schools; and

WHEREAS, with brave hearts and in spite of misguided massive resistance following the 1954 decision, racial segregation in K-12 public schools declined over two decades until 1985, at which time segregation levels began to rise as indicated by the increasing percentage of the Black K-12 student population educated in schools that are 90 percent or more predominantly minority schools and the increasing percentage in schools that are 50 percent or more predominantly minority schools, as recently reported by the Civil Rights Project at Harvard University; and

WHEREAS, 94 percent of the Black K-12 students and 76 percent of the Black college students attend public education institutions, according to census 2000 data reports, and many of those students and many African American educators face old and new forms of racial segregation and lack of equal access to educational opportunities in elementary, secondary, and higher education as a result of educational practices and policies, which although seemingly neutral on their face, nevertheless adversely impacts African American students and educators; and

WHEREAS, today's African American students endure conditions similar to the conditions of those schools in the 1954 case, and thus opportunities for African American students remain unequal in many areas, among them teacher training opportunities, pupil-teacher ratios, access to challenging curricula (such as Advanced Placement courses today) or extracurricular activities, and facilities; and

WHEREAS, the benefits of racial integration as expressed in the 1954 decision include the ability to study, engage in discussions, exchange views within a racially diverse body of students, learn a profession, stem feelings of inferiority by treating students alike, and close student achievement gaps, thereby generating lasting contributions to society; and

WHEREAS, equal educational opportunities for Black students are diminished by various trends including nonacademic challenges in family and community lives, rising college costs, limited access to federal and private financial aid, and increased usage of high stakes tests to measure academic achievement, all of which adversely impact Black students and effectively deny them equal educational opportunities; and

WHEREAS, equal educational opportunities remain at risk as current trends show that public education funding is being effectively cut due to increased federal spending on national security and mounting state budget deficits while the average household income for Black families continues to lag, according to the Digest of Education Statistics and income data reported by the United States Census Bureau; and

WHEREAS, the eternal spirit and words in that 1954 decision became the breath of life over the last 50 years by expanding opportunities and fueling 50 years of landmark legislation in fields such as education, housing, community health care, political access, and small business development to provide equal opportunities for disadvantaged people of all races.

THEREFORE BE IT RESOLVED BY THE 27th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1 - 5, 2003, that in commemorating the victory of that decision and its legacy and recognizing the needs for strategic litigation, legislation, and other policymaking avenues to ensure equal educational opportunities, the NBCSL joins the national NAACP Brown v. Board Equity Commission – co-chaired by the NAACP and the NAACP Legal Defense and Educational Fund and including over 75 national organizations such as the National Education Association, the American Federation of Teachers, National Alliance of Black School Educators, National

Association for Equal Opportunity in Higher Education, The Brown Foundation, Howard University, the National Bar Association, the American Bar Association, The College Board, National Council of Negro Women, 100 Black Men, National Coalition on Black Civic Participation, Congressional Black Caucus Foundation, Inc., The Rainbow/PUSH Coalition, National Urban League, People For the American Way, Leadership Conference on Civil Rights, Mexican American Legal Defense and Educational Fund, National Newspaper Publisher's Association, Civil Rights Project at Harvard, National PTA, African American sororities and fraternities and several foundations and for-profit corporations to achieve equal opportunities in education for all children; and

BE IT FURTHER RESOLVED, that on the day of the 50th anniversary May 17, 2004, the NBCSL joins the Equity Commission in co-convening a summit of the federal government and the states to provide great public schools for every child and execute the responsibilities of governments as said in the 1954 decision namely that "Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms."; and

BE IT FINALLY RESOLVED, that at this summit the NBCSL release a statement to the press and the country on what the 1954 decision means then and now, how far we have come, and recommendations on what should be done to realize the laudatory promises inscribed in that 1954 decision.

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

Approved Date is December 3, 2003 by the Committee of Jurisdiction: Elementary & Secondary Education

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

Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President

Resolution 04-45***Elementary and Secondary Education Act/No Child Left Behind***

WHEREAS, NBCSL applauds the goals of the "No Child Left Behind" law, especially the recognition of the imperative of "closing the achievement gap"; and

WHEREAS, NBCSL supports the concept of accountability within the public school system, especially as it relates to the need to identify and aid students with disabilities, minority students and students in poverty; and

WHEREAS, NBCSL also recognizes that there are serious fundamental flaws in the law that will prohibit reaching the goal of leaving no child left behind; and

WHEREAS, NBCSL is aware that under President Bush's proposed Fiscal Year 2004 Budget, the gap between what was promised in "No Child Left Behind" act and what would actually be provided is over \$9 billion; and

WHEREAS, NBCSL believes that unless the law's requirements are fully funded, the goal of closing the achievement gap will not be reached.

THEREFORE BE IT RESOLVED BY THE 27th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1 - 5, 2003, that NBCSL commit to working with parents, community organizations and other groups to lobby Congress for full-funding of the No Child Left Behind Act;

BE IT FURTHER RESOLVED, that NBCSL call for legislative hearings to be held in each state to document the financial costs to states and school districts of NBCSL constituents in and also problems implementing the law and the U.S. Department of Education regulations and guidelines, with particular emphasis on the difficulties inherent in the definition of *adequate yearly progress*, which in fact is arbitrary, unreasonable and unattainable, and does not give credit for progress;

BE IT FURTHER RESOLVED, that the Education Committee of the National Black Caucus of State Legislators in conjunction with State Caucuses, their House and Senate Education hearing committees, collaborate to examine the duality of implementing No Child Left Behind;

BE IT FURTHER RESOLVED, that NBSL require full funding of the "No Child Left Behind" Act in order to provide more flexibility in measuring adequate yearly progress so that all students including students with disabilities, and those most in need are correctly identified. Schools should be able to use multiple measures of progress rather than a single test. Progress also should be identified when schools succeed in improving the number of all students moving up the achievement scale and rigidly focus on proficiency;

BE IT FURTHER RESOLVED, that NBSL will target school choice and insist that supplemental services be provided to all eligible students in the specific groups that do not reach adequate yearly progress; and

BE IT FURTHER RESOLVED, that NBCSL urge Congress to provide additional funding and support for, Head Start and other early childhood education programs to ensure children arrive at school ready to learn, funding to provide high quality teachers in every classroom and sufficient federal resources to ensure high quality teachers in high poverty schools; and

BE IT FINALLY RESOLVED, that NBCSL urge Congress to provide additional funding to schools for the purpose of making major investment in high schools to prevent dropouts and to deter a situation such as in Houston, TX, where students are being "pushed out" of schools, and address the problems of Adequate Yearly Progress (AYP) and other aspects of the "No Child Left Behind" Act.

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

Approved Date is December 3, 2003 by the Committee of Jurisdiction: Elementary & Secondary Education

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

Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President

Resolution 04-76***Urging Congress to Maintain Prior Provision for Colleges and Universities Applying For Trio Grants***

WHEREAS, the seven Federal TRIO programs provide retention services to more than 874,000 students annually to assist them in enrolling and succeeding in college; and

WHEREAS, the Federal legislation authorizing TRIO programs encourages continuity in the delivery of program services; and

WHEREAS, under current federal law, colleges and universities with existing TRIO programs are provided "prior experience" provision when applying for TRIO grants; and

WHEREAS, the prior experience provision gives institutions with existing TRIO programs an advantage in competing for TRIO grants, Congress decided several years ago that there are good reasons for this provision when it acknowledged that TRIO programs are not one-time demonstration programs but rather student assistance programs funded under Title IV of the Higher Education Act and should be evaluated on an on-going basis; and

WHEREAS, the prior experience provision holds colleges and universities accountable for how they treat low-income and disabled students by awarding prior experience points to institutions based on how they meet the student outcome objectives they set for college entrance, persistence, academic performance, graduation and number of students served; and

WHEREAS, under current federal law, the prior experience provision assures that 13% (15 points out of a 115 points) of an applicant institution's total score is based on the prior performance of the institution and determined by how well the institution served its students and whether or not it achieved the goals and objectives established in its last application submitted four (4) years earlier; and

WHEREAS, 87% of an applicant institution's total score is based on what it proposed to do with TRIO funds in the next funding cycle and how it plans to serve students, it is appropriate and fair that 13% of the applicant institution's total score is based on its prior experience in serving students; and

WHEREAS, colleges and universities applying for new TRIO programs, without having the benefit of prior experience points, still have a reasonable chance of being funded, with 452 new TRIO projects having been funded within the last four (4) years; and

WHEREAS, the prior experience provision is not hindering minority-serving institutions from receiving TRIO grants, as evidenced by the fact that 31 of the new TRIO programs were awarded to 23 Historically Black Colleges and Universities (HBCU's), that 85% of HBCU's have TRIO programs and that 36% of TRIO students are African American; and

WHEREAS, H.R. 3039 is now pending before Congress and proposes to create a new and unnecessary priority for making TRIO grants, which is in conflict with the underlying purpose of TRIO in that TRIO has been designed as a student-aid program and the proposal in H.R. 3039 would cause TRIO to become an institutional aid program; and

WHEREAS, the new priority provision proposed in H.R. 3039 does not aid minority- serving institutions because these institutions would not be eligible for the priority proposed in H.R. 3039 and the proposal would reduce the effect of the current prior experience priority for which these colleges and universities are eligible; and

WHEREAS, the current application process for TRIO grants provides a significant advantage to institutions enrolling high numbers of low-income students;

THEREFORE BE IT RESOLVED BY THE 27th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1 - 5, 2003, that the National Black Caucus of State Legislators urge Congress to support maintaining the current prior experience advantage given to colleges and universities in applying for TRIO grants and to oppose the new priority proposed in H.R. 3039; and

BE IT FURTHER RESOLVED, that the NBCSL urge Congress to oppose any other measure proposed in H.R. 3039 or other legislation that will diminish the current prior experience advantage given to colleges and universities in applying for TRIO grants.

Sponsored by: Rep. Calvin Johnson (AR)

Approved Date is December 3, 2003 by the Committee of Jurisdiction: Elementary & Secondary Education

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

Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President

ENERGY

Resolution 04-2

National Energy Policy

WHEREAS, the United States is abundant in natural resources and is a global leader in advanced energy technologies, current demands for energy places local economies and suppliers at risk and poses serious challenges for our Nation; and

WHEREAS, oil and gas availability and price stability attributable to a growing dependence on foreign oil, along with a constrained electric power grid and other factors are all signs that our Nation's energy situation requires immediate attention; and

WHEREAS, State and local communities, energy providers and businesses have a common interest in assuring the availability and reliability to consumers of low-cost electric power generation and supply; and

WHEREAS, market-based solutions are needed to assure adequate and diverse domestic energy supplies and infrastructure, encourage development of advanced technologies, improve energy efficiency and meet state and local community and business and consumer needs for affordable and reliable energy, while ensuring the quality of the environment.

THEREFORE BE IT RESOLVED BY THE 27th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1 - 5, 2003, that NBCSL dedicates itself to educating its members, constituents and others on the need for a sound, rational domestic energy policy; and

BE IT FURTHER RESOLVED, that on behalf of its Members, the National Black Caucus of State Legislators calls on Congress to enact legislation in the 108th Congress establishing a domestic energy policy that will assure adequate domestic supply of energy and the appropriate infrastructure; and

BE IT FURTHER RESOLVED, that such domestic energy policy, at a minimum, further address state and local community needs for energy assistance to low-income households, development of alternative energy sources, improvements in energy efficiency, appropriate consideration of the impact of regulatory energy policies, expansion and strengthening of critical energy infrastructure such as electric transmission, the role of other important energy options and provide incentives for contracting with underutilized businesses; and

BE IT FINALLY RESOLVED, that this Resolution be dispatched to the President of the United States, the Vice President of the United States, Members of Congress, Governors and other local officials as appropriate.

NBCSL



Sponsored by: Representative Joe Deshotel (TX)

Approved Date is December 3, 2003 by the Committee of Jurisdiction: Energy

Certified by Committee Chair: Senator Bettye Davis (AK)

Ratified in Plenary Session, Ratified Date is December 5, 2003

Ratification certified by: Representative Mary H. Coleman (MS), President

ENVIRONMENT

Resolution 04-3***NBCSL Calls for the Full Implementation of the Clean Air Act and Limiting Emissions of Carbon Dioxide from Power Plants***

WHEREAS, pollution from power plants cuts short an estimated 30,000 lives in the U.S. every year, aggravates asthma three times more frequently in African Americans than in whites, and is especially harmful to groups such as children, the elderly, people with existing lung and heart disease, and the 78% of African Americans living within 30 miles of a power plant; and

WHEREAS, coal-fired power plants in America are significant sources of air pollution in the U.S., emitting smog and acid rain forming nitrogen oxides and sulfur dioxide, which increase the susceptibility of African-Americans to Sudden Infant Death Syndrome (SIDS) and other birth complications; carbon dioxide that contributes to climate change and thus places the agriculturally-dependent economy of the African continent at a particular disadvantage; and toxic metals, such as mercury that poisons fish, an item consumed more frequently in African American communities than the white community; and

WHEREAS, power plant emissions of the global warming gas, carbon dioxide, pose threats to human health and our ecosystems, yet are currently free of state or federal regulations; and

WHEREAS, pollution from power plants freely crosses state boundaries, requiring federal and state action to protect the health of our citizens and the natural resources of our states; and

WHEREAS, power plant pollution poses a threat to the health and safety of the 71% of African Americans living in counties that violate federal air pollution standards; and

WHEREAS, most coal-fired power plants were planned or built before 1977 are currently exempt from meeting the pollution standards of the Clean Air Act that new plants must meet; and

WHEREAS, recent weakening of the Clean Air Act's New Source Review rules will make this exemption permanent; and

WHEREAS, The U.S. EPA has found that in the two decades since the Clean Air Act was passed Americans received approximately \$20 of value in reduced risk of death, illness and other adverse health effects for every dollar spent to control air pollution; and

WHEREAS, pollution from coal-fired power plants could be reduced by installing modern pollution controls or burning cleaner fuels such as natural gas.

THEREFORE BE IT RESOLVED BY THE 27th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS,

ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1 - 5, 2003, urges President George W. Bush to enforce and implement the Clean Air Act and abandon all attempts to weaken the standards; and

BE IT FURTHER RESOLVED, that the United States Congress should resist all efforts to weaken current clean air standards and should enact legislation that will assist the states in meeting clean air standards by reducing pollution from coal-fired power plants, ending the “grandfathering” of these plants from modern emissions standards and curbing the effect of global warming on our states by placing mandatory limits on emissions of carbon dioxide; and

BE IT FINALLY RESOLVED, that this Resolution be dispatched to the President of the United States, Vice President of the United States, Members of Congress and other local and state elected officials as appropriate.

Sponsored by: Representative Bob Holmes (GA)

Approved Date is December 3, 2003 by the Committee of Jurisdiction: Environment

Certified by Committee Chair: Representative Bob Holmes (GA)

Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President

ETHICS

Resolution 04-80

A Resolution to Support Political Reciprocity

WHEREAS, the NBCSL has met at the annual conference in Houston, Texas on December 1-5, 2003; and

WHEREAS, the NBCSL is a nationally recognized organization made up of minority legislators from different states; and

WHEREAS, political parties and individuals seek to have endorsements and help from the NBCSL and or its members; and

WHEREAS, these same political parties and individuals, after they are successful in their campaigns so often forget or fail to acknowledge the assistance they receive from the NBCSL and its members.

THEREFORE BE IT RESOLVED BY THE 27th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1 - 5, 2003, that NBCSL and its members will no longer tolerate those forgetful actions from those political parties and individuals and that NBCSL and its members will not forget but remember their forgetful actions in the future.

Sponsored by: Representative Arthur Morrell (LA), Vice Chair

Approved Date is December 3, 2003 by the Committee of Jurisdiction: Ethics

Certified by Committee Chair: Representative Arthur Morrell (LA), Vice Chair

Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President

NBCSL



HEALTH

Resolution 04-5

Resolution Concerning Respiratory Syncytial Virus in Children

WHEREAS, Respiratory Syncytial Virus (RSV) is the most common respiratory virus affecting infants and young children and infects virtually all infants by the age of two; and

WHEREAS, RSV is the number one cause of hospitalization and a leading cause of viral death for infants under one year of age; and

WHEREAS, RSV results each year in more than 125,000 hospitalizations in children under five years of age, with approximately one to two percent of those hospitalized dying from the complications of RSV; and

WHEREAS, in children born prematurely and/or with chronic lung disease and/or with congenital heart disease, there is an elevated risk of severe and even life-threatening RSV disease; and

WHEREAS, premature babies are at particular high risk of a more severe RSV infection because they have underdeveloped and immature lungs, a weaker immune system and lower maternal antibody levels than babies born at full term; and

WHEREAS, babies in minority populations are especially vulnerable to RSV because of the higher rates of premature and low birth weight births which result in higher rates of infant mortality; and

WHEREAS, RSV can be particularly devastating to premature infants and high-risk children and can result in serious symptoms such as compromised breathing, coughing and wheezing and lung blockage that may require expensive medical care such as emergency room visits, costly hospitalizations, prolonged neonatal or pediatric intensive care unit stays, breathing assistance through ventilators or sometimes even death; and

WHEREAS, the United States Food and Drug Administration has approved the use of Synagis™ (palivizumab) for the prevention of serious lower respiratory tract disease caused by respiratory syncytial virus (RSV) in pediatric patients at high risk of RSV disease. Safety and efficacy were established in infants with bronchopulmonary dysplasia (BPD), infants with a history of prematurity (<35 weeks gestational age), and children with hemodynamically significant congenital heart defects (CHD); and

WHEREAS, palivizumab has been shown to be both safe and effective in protecting high-risk infants from RSV, and has been shown to reduce costly RSV hospitalizations by 45 to 55 percent among high-risk pediatric patients (ImPact-RSV and CHD Trials); and

WHEREAS, research from the Centers for Disease Control indicates that low birthweight (<2500 g) is the strongest predictor of bronchiolitis death (of which RSV is the principal cause), and suggested that the use of palivizumab should reduce bronchiolitis mortality among low birthweight infants; and

WHEREAS, RSV outbreaks occur each year on a fairly predictable schedule that varies from one region to another and, in the United States, the RSV “season” usually begins in early fall and lasts through the spring, however, there are certain areas of the United States where the RSV season may begin earlier and/or end later; and

WHEREAS, the American Academy of Pediatrics has issued guidelines that recommend that RSV prevention with palivizumab be initiated before the start of, and through the end of, the entire RSV season, based on local RSV virology and hospitalization data; and

WHEREAS, the American Academy of Pediatrics recommends that prophylaxis with palivizumab be considered in the following high risk groups:

1. Infants and children younger than two years of age at the start of the local RSV season with chronic lung disease (CLD/BPD) and/or hemodynamically significant congenital heart disease (CHD); and
2. Premature infants born at 28 weeks of gestational age or earlier if born 12 months or less before the start of the local RSV season; and
3. Premature infants born between 29 and 32 weeks of gestational age if born 6 months or less before the start of local RSV season; and
4. Premature infants born between 32 and 35 weeks of gestational age who are born 6 months or less before the start of the local RSV season and have two or more risk factors such as school-aged siblings, child care attendance, exposure to environmental air pollutants, congenital abnormalities of the airways, or severe neuromuscular disease.

THEREFORE BE IT RESOLVED BY THE 27th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1 - 5, 2003, that NBCSL, a body that has long advocated and supported medical and educational programs that protect and enhance the lives of our nation’s children with special health care needs, urgently calls upon all public health officials in all the fifty states to endorse and adopt, in whole, the recommendations issued by the American Academy of Pediatrics as a minimum standard for the prevention of severe RSV disease in high-risk children; and

BE IT FURTHER RESOLVED, that each State Medicaid program eliminate the prior-authorization requirement for Palivizumab I infants that meet the American Academy of

NBCSL



Pediatrics recommendations as delineated earlier in this Resolution; and

BE IT FINNALLY RESOLVED, that copies of this resolution are delivered to the National Conference of State Legislatures Health Committee (NCSL), the Council of State Governments (CSG), the American Legislative Exchange Committee (ALEC), the Women in Government (WIG), the National Medical Association, the Chairs of the House and Senate Health Care Committees in all fifty states and to all state Governors for their immediate consideration and action.

Sponsored by: Representative Beverly Earle (NC)

Approved Date is December 3, 2003 by the Committee of Jurisdiction: Health

Certified by Committee Chair: Senator Roscoe Dixon (TN)

Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President

Resolution 04-6

Eliminating Racial/Ethnic Disparities through Greater Access to Healthcare

WHEREAS, notable progress in the overall health of the United States, there are still continuing health disparities in the occurrence of illnesses, conditions and deaths experienced by African Americans, Hispanics, Native Americans, Alaskan Natives, Asians, and Pacific Islanders, compared to the Caucasian population; and

WHEREAS, in 2000, the U.S. Surgeon General announced as a goal the elimination of health disparities experienced by racial and ethnic minorities in health access and outcome in six areas in its "Healthy People 2010" initiative: infant mortality, cancer screening, cardiovascular disease, diabetes, acquired immunodeficiency syndrome and human immunodeficiency virus infection, and immunizations; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) report indicates that the burden of chronic and disabling diseases is significant among African Americans and Hispanics. Death rates due to cardiovascular disease are 29% higher for African Americans versus Whites while African Americans have a stroke death rate that is 40% greater than Whites; and

WHEREAS, the CDC National Center for Health Statistics studies indicate that the death rates due to diabetes disease is 42% higher for Latino Americans versus Whites and 150% higher for HIV/AIDS; and

WHEREAS, there is a recognized need to address the impact of gender on disease incidence and progression; diseases such as diabetes, cancer, heart disease and obesity continue to harm women. African American women are twice as likely to have diabetes than White women and have an obesity rate of 49%; and

WHEREAS, the Institute of Medicine's (IOM) century old report entitled, "Unequal Treatment," provides a comprehensive analysis of differences in access to health services, lacking health insurance, inadequate treatment and many other factors that contribute to health disparities in minority populations and will serve as a basis for improving the quality of health for all citizens; and

WHEREAS, the current health care system lacks an adequate supply of diverse and culturally competent medical providers. Minority patients are often discouraged from seeking treatment due to different beliefs about illness and health care. Language barriers can create difficulty in understanding their health care providers or complying with recommended treatments; and

WHEREAS, states have been curtailing drug benefits in an attempt to control costs. Cuts in

Medicaid drug benefits harms the populations that rely on them the most. Medicaid was the leading source of drug coverage for under-65 disabled beneficiaries across racial/ethnic groups. In June 1999, 42% of African Americans and 41% of Latinos had drug coverage through Medicaid; and

WHEREAS, in times of state budget crises, legislatures and state agencies often look at cost as the determining factor in decisions about a drugs status as preferred or prior authorized in the Medicaid program; and

WHEREAS, research has shown that drug metabolism, clinical effectiveness and tolerability differ based upon the racial and ethnic composition of the patient; African Americans and Hispanics face genetic variations that can result in varying drug responses compared to those in white populations. “Preferred Drug Lists (PDLs)” pose a threat to the quality of patient care by challenging the drug selection decisions of prescribers and ignoring racial and ethnic patient characteristics that influence the drug’s clinical effectiveness; and

WHEREAS, there is a significant need for a comprehensive, collaborative effort to eliminate health disparities on a local, state and national level; and

WHEREAS, the National Institute to Combat Health Disparities (NICHD) is a non-profit research and program development organization that works with policymakers, corporations, foundations, community groups, and others to improve the health for minority children, youth and their families.

THEREFORE BE IT RESOLVED BY THE 27th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1 - 5, 2003, that the National Caucus of Black Legislators and the National Caucus of Hispanic Legislators express concern that access to necessary health care and appropriate treatments for specific patient populations will continue to decrease as states encounter growing budgets shortfalls; and

BE IT FURTHER RESOLVED, that the National Caucus of Black Legislators and the National Caucus of Hispanic Legislators work together in an effort to facilitate improved access to care and treatments at the state and federal level; and

BE IT FURTHER RESOLVED, the National Black Caucus of State Legislators, National Hispanic Caucus of State Legislators, and the National Institute to Combat Health Disparities will form a Health Disparities Consortium devoted to addressing Black and Hispanic health disparities and the social, economic and environmental conditions that affect these disparities; and

BE IT FURTHER RESOLVED, that the Health Disparities Consortium will be a collaborative effort of NBCSL, NHCSL and the National Institute to Combat Health Disparities. The Consortium will establish goals and benchmarks, compile primary and

secondary data, evaluate and prioritize best-practice solutions, identify funding opportunities, link health service providers and convene an Annual National Health Disparities Summit; and

BE IT FURTHER RESOLVED, that as officials elected to represent our diverse constituencies, we will be full partners with the National Institute to Combat Health Disparities in its efforts to educate our peers and other policymakers about the need to ensure that minorities have access to affordable health care and medical services and that health care providers render care in a culturally sensitive manner; and

BE IT FINALLY RESOLVED, that it is the responsibility of elected officials to advise key stakeholders about the harmful impact of preferred drug lists for specific patient populations and the importance of protecting the physician's drug selection authority.

Sponsored by: Representative Mary H. Coleman (MS), President

Approved Date is December 3, 2003 by the Committee of Jurisdiction: Health

Certified by Committee Chair: Senator Roscoe Dixon (TN)

Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President

Resolution 04-8

Health Literacy

WHEREAS, health literacy is the ability to read, understand and act appropriately on health care information and is essential for navigating our nation's complicated health care system; and

WHEREAS, low health literacy is a widespread but unrecognized problem in the United States that drives up health care costs, results in poorer health outcomes and hinders patients from taking an active, informed role in the health care they receive; and

WHEREAS, health care costs, especially in public health care programs are skyrocketing;

WHEREAS, low health literacy costs the U.S. an estimated \$30 to \$73 billion dollars a year due to lower adherence with treatment recommendations, longer hospital stays, and poor health outcomes; and

WHEREAS, low health literacy is a major barrier to containing health care costs because many cost-containment strategies rely on informed and empowered health care consumers to combat inefficient and unnecessary care; and

WHEREAS, vulnerable populations, such as the elderly, chronically ill, and lower-income individuals are at a greater risk for low health literacy; and

WHEREAS, many of the individuals most at risk for low health literacy receive assistance through public health care programs including Medicare, Medicaid, the Children's Health Insurance Program, WIC, and maternal-child health programs, among others; and

WHEREAS, individuals with low or inadequate health literacy are more likely to experience confusion concerning how to complete medical or insurance forms, have more difficulty understanding coverage rules such as referrals for specialty care or seeing network providers, and may not provide adequate informed consent.

THEREFORE BE IT RESOLVED BY THE 27th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1 - 5, 2003, that NBCSL calls upon states and the federal government in conjunction with the health care community, to adopt legislation and undertake initiatives designed to address low health literacy in the United States, including, but not limited to, the following:

Holding hearings, establishing advisory bodies or task forces, convening conferences

and issuing proclamations to raise awareness regarding health literacy; Using plain language, pictures and simplified formatting in written health care information funded by and provided by states and the federal government; Providing written and audio-visual health care information that is suited to individuals with low health literacy and non-English speakers; Training health care providers, agency staff and others regarding strategies to identify and assist individuals with low health literacy.

Sponsored by: Representative Calvin Smyre (GA), Representative Ronald G. Waters (PA)

Approved Date is December 3, 2003 by the Committee of Jurisdiction: Health

Certified by Committee Chair: Senator Roscoe Dixon (TN)

Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President

Resolution 04-9

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 (10 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, while many state agencies and their contractors use cost as the major factor

when they make decisions about the drugs that will not require prior approval, the “preferred drug list,” and those that will require prior approval; 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 health care 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 27th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1 - 5, 2003, 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.

NBCSL



Sponsored by: Representative Roscoe Dixon (TN)

Approved Date is December 3, 2003 by the Committee of Jurisdiction: Health

Certified by Committee Chair: Senator Roscoe Dixon (TN)

Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President

Resolution 04-56

Medical Errors Elimination

WHEREAS, medical errors cause the deaths each year of between 44,000 and 98,000 Americans in hospitals alone according to the Institute of Medicine and other national authorities; and

WHEREAS, medical errors constitute between the 4th and 8th leading cause of death in the United States; more than breast cancer (42,297), automobile accidents (43,458), or AIDS (16,516); and

WHEREAS, medical errors are a symptom of a health care system that despite great advances is not able to meet the needs of each person without error or waste; and

WHEREAS, efforts to eliminate medical errors can also lead to improvements in the quality of healthcare services, access to healthcare services, and reductions in health disparities; and

WHEREAS, regional coalitions such as the Pittsburgh Regional Healthcare Initiative are working in partnership with state governments to eliminate medical errors and improve the quality of health care services in their community.

THEREFORE BE IT RESOLVED BY THE 27th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1 - 5, 2003, that the elimination of medical errors should be a major policy objective, linked to achieving access to high quality health care for every American, and the elimination of health disparities; and

BE IT FURTHER RESOLVED, that Caucus members will work together to stimulate the development of local efforts to eliminate medical errors, such as the Pittsburgh Regional Healthcare Initiative, and support their ongoing operations to improve the safety of American health care.

Sponsored by: Representative Jake Wheatley, Jr. (PA)

Approved Date is December 3, 2003 by the Committee of Jurisdiction: Health

Certified by Committee Chair: Senator Roscoe Dixon (TN)

Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President

Resolution 04-83

Opposition to the Prescription Drug Benefit Package

WHEREAS, the National Black Caucus of State Legislators represents millions of Americans and affirms the need to provide affordable and accessible healthcare; and

WHEREAS, the National Black Caucus of State Legislators supports affordable Prescription Drug Coverage for all people; and

WHEREAS, the National Black Caucus of State Legislators recognizes the great need for a prescription drug benefit for the 40 million older and disabled Americans; and

WHEREAS, Senator Edward Kennedy denounced the Prescription Drug Benefit Package that was passed by the Congress by saying “What happened in the House of Representatives in the dead of night was Florida 2000 all over again. It was a rigged vote. Republicans are playing politics with Medicare, and our seniors will pay the price.” and

WHEREAS, Senate Minority Leader, Tom Daschle, said after the vote, “I was struck by how vacant the galleries were and so few senior citizens look down what you saw instead were lobbyist packing the halls. They will do well. Our seniors will not, and that is why the fight will go on.”; and

WHEREAS, the Interim Drug Card that will be available in 2004 and 2005 to older and disabled Americans would only yield a savings of 15 percent, and

WHEREAS, low-income seniors will only receive an annual subsidy of \$600 to defray further drug costs; and

WHEREAS, the main drug benefit will not begin until 2006 and the participants will be charged a minimum premium of \$35 per month or a minimum of \$420 per year and the participants must meet a \$75 deductible then the benefit will only pay 75% of the drug costs up to \$2,200; and

WHEREAS, there is a coverage gap for drugs costs between \$2,200 and \$3,600 out of pocket, and catastrophic coverage begins when out-of-pocket spending reaches \$3,600 and then the insurance covers 95 percent of drug costs and requires a co-payment; and

WHEREAS, the drug benefit has a cruel assets test which requires seniors to have no more than \$6000 in fluid assets; and

WHEREAS, the Prescription Drug Benefit Package will reduce the amount of Medicaid dollars available to the states, and prevent the states from negotiating bulk drug purchases; and

WHEREAS, the Prescription Drug Benefit Package will prevent the states from importing prescription drugs from abroad; and

WHEREAS, the Prescription Drug Benefit Package will provide \$12 billion in subsidies to private insurers and Medicare would have to compete with these HMO's and PPO's without the benefit of subsidies to control the agency's cost; and

WHEREAS, Senator Edward Kennedy said, "We will continue this battle here in the United States Senate and in the course of the elections. I'm absolutely sure that at the end of the day we will preserve the Medicare system . . . and we will get to the day when we have a real prescription drug program."

THEREFORE BE IT RESOLVED BY THE 27TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1-5, 2003, the National Black Caucus of State Legislators opposes the implementation of these initiatives because their implementation will destroy the Medicare program that has provided needed benefits to older and disabled Americans; and

BE IT FURTHER RESOLVED that we recommend that Congress revisit the Prescription Drug Benefit Legislation and eliminate the above outlined measures.

Sponsored by: Representative Omeria Scott (MA), Representative Ben Swan (MA), Representative Gloria Fox (MA)

Approved Date is December 5, 2003 by the Committee of Jurisdiction: Health

Certified by Committee Chair: Senator Roscoe Dixon (TN)

Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President

NBCSL



HOUSING

Resolution 04 -75

Homeowner Access and Affordability

WHEREAS, homeownership is central to achieving the “American Dream” of economic freedom and prosperity; and

WHEREAS, lack of access to affordable housing options has a debilitating economic, social, and political effect on African Americans as evidenced by the disproportionate rate of homelessness, displacement, and predatory lending; and

WHEREAS, the Federal Reserve Board has shown that African Americans and Hispanics - even those making 120 percent of the median income - are much more likely to be denied housing credit than Whites; and

WHEREAS, key findings from the Department of Housing and Urban Development show that: 1) From 1993 to 1998, the number of sub-prime refinancing loans increased ten-fold, 2) Sub-prime loans are five times more likely in Black neighborhoods than in White neighborhoods, 3) Homeowners in high-income Black areas are twice as likely as homeowners in low-income White areas to have sub-prime loans; which increases the likelihood of foreclosures in African American neighborhoods, and disproportionately drains those same communities of wealth and stability; and

WHEREAS, appraisal inflation as well as excessive fees and improper incentives for mortgage brokers rob African Americans of equity in their homes; and

WHEREAS, African American homeownership is stifled at a rate of 46% by predatory lending, home mortgage discrimination, urban redlining and other housing-related barriers endemic to poor and minority communities; and

WHEREAS, these factors among others work as a kind of financial apartheid that bars African Americans from access to credit at a fair rate, affordable rental housing, and a meaningful opportunity to build wealth for their families and communities through homeownership.

THEREFORE BE IT RESOLVED BY THE 27th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1 - 5, 2003, that we, the NBCSL, urge members to develop policies and programs that preserve affordable housing options, that promote access to mortgage loans on fair terms, and that protect home equity, often the fruits of a lifetime of savings for all Americans.

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Sponsored by: Representative Mable Thomas (GA)

Approved Date is December 3, 2003 by the Committee of Jurisdiction: Housing

Certified by Committee Chair: Representative Larry Womble (NC)

Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President

Resolution 04-82

Predatory Lending

WHEREAS, many cities and communities have experienced a ten-fold increase in the number of sub-prime loans since 1993 according to a recently published report by the Department of Housing and Urban Development; and

WHEREAS, several federal regulators and others recognize that a subset of sub-prime and prime lenders engage in predatory lending, which includes unscrupulous lending practices involving misleading marketing and high pressure lending tactics, excessive fees, exorbitant interest rates, and hidden loan terms; and

WHEREAS, these lending practices strip hard-earned equity from homeowners, including senior citizens, African Americans, and poor citizens putting them at risk of foreclosure and damaging their credit ratings; and

WHEREAS, regulatory oversight and examination of the institutions engaged in these activities has been at best inadequate; and

WHEREAS, several federal regulatory agencies, the Department of Housing and Urban Development, Fannie Mae and Freddie Mac are discussing ways to curb predatory lending practices throughout the country; and model legislation has been passed in North Carolina.

THEREFORE BE IT RESOLVED BY THE 27th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1 - 5, 2003, that NBCSL urges members to look at appropriate options for direct action by State government to reduce predatory lending, and declare its opposition to any preemptive federal legislation, and encourage the U.S. Congress to strengthen fair housing and homeownership laws regarding predatory lending and fair housing through federal regulation and legislation that:

- Require that loans with high points and fees or high Annual Percentage Rates are prohibited from including predatory practices such as basing the loans on collateral instead of ability to pay, including high prepayments, financing single-premium credit life insurance, negative amortization, refinancing a loan within two years without demonstrable benefit to the borrower, and making payments directly to home improvement contractors who do shoddy work or no work at all;
- Require financial institutions, including mortgage companies that primarily make these loans, to undergo examinations that specifically seek out evidence of high cost

loans with predatory practices;

- Impose additional reporting standards on lenders, including requiring them to report specific loan terms and disclose whether they are charging homeowners with high fees and interest rates that put them at risk of foreclosure;
- Modifies Certified Risk Professional (CRP) regulations to ensure that lenders do not receive Community Reinvestment Act (CRA) credit for purchasing and originating high-cost predatory loans; and
- Does not allow Government Sponsored Enterprises (GSE) such as Fannie Mae and Freddie Mac to receive positive credit for purchasing loans with predatory characteristics.

Sponsored by: Representative Kenneth Green (CT)

Approved Date is December 3, 2003 by the Committee of Jurisdiction: Housing

Certified by Committee Chair: Representative Larry Womble (NC)

Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President

NBCSL



HUMAN SERVICES

Resolution 04-10

Medical Consent for Kinship Caregivers

WHEREAS, the number of grandparents and other relatives raising children has been increasing rapidly over the past decade; and

WHEREAS, about 6 percent of US children under the age of 18 (3.9 million children) currently live in 2.5 million grandparent-headed households; and

WHEREAS, for 1.4 million of these children, no parent is present in the home; and

WHEREAS, approximately five percent of white grandparents and 17 percent of African-American grandparents have grandchildren residing in their homes; and

WHEREAS, grandparents and other relative caregivers often lack legal custody or guardianship to seek or consent to medical care for a child; and

WHEREAS, legal and social services systems can be confusing, making it difficult for caregivers to obtain needed medical care (including immunizations, dental care and mental health services) for the children in their care; and

WHEREAS, the filing of an affidavit attesting to parental approval, or to unsuccessful attempts to locate a child's parents, can enable the caregiver to provide care that is in the best interest of the child; and

WHEREAS, 24 states and the District of Columbia have enacted medical consent laws, including: Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Indiana, Kansas, Louisiana, Maryland, Mississippi, Missouri, Nevada, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, Tennessee, Texas, Utah, and Virginia; and

WHEREAS, 26 states have not yet enacted medical consent laws, including: Alabama, Alaska, Arizona, Connecticut, Hawaii, Illinois, Iowa, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, Ohio, Oregon, Rhode Island, South Carolina, South Dakota, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

THEREFORE BE IT RESOLVED BY THE 27th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1 - 5, 2003, that NBCSL urges state Black caucuses in those states without such legislation to work with AARP and other allies to enact medical consent laws so that caregivers lacking legal custody of the children in their

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care can obtain necessary medical services for those children.

Sponsored by: Representative Billy Broomfield (MS)

Approved Date is December 3, 2003 by the Committee of Jurisdiction: Human Services

Certified by Committee Chair: Representative Billy Broomfield (MS)

Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President

Resolution 04-11

Education Consent for Kinship Caregivers

WHEREAS, the number of grandparents and other relatives raising children has been increasing rapidly over the past decade; and

WHEREAS, about six percent of US children under the age of 18 (3.9 million children) currently live in 2.5 million grandparent-headed households; and

WHEREAS, for 1.4 million of these children, no parent is present in the home; and

WHEREAS, approximately five percent of white grandparents and 17 percent of African-American grandparents have grandchildren residing in their homes; and

WHEREAS, grandparents and other relative caregivers often lack legal custody or guardianship to enroll a child in school; and

WHEREAS, most states require a formal, legal relationship to enable caregivers to enroll their charges in school; and

WHEREAS, education consent legislation can allow a caregiver to enroll a child in school with the filing of an affidavit attesting to parental approval or to unsuccessful attempts to locate the parents; and

WHEREAS, only seven states have enacted education consent laws: California, Connecticut, Delaware, North Carolina, Ohio, Oklahoma, and Tennessee; while 43 states have not passed such laws.

THEREFORE BE IT RESOLVED BY THE 27th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1 - 5, 2003, that NBCSL urges state Black caucuses in those states without such legislation to work with AARP and other allies to enact education consent laws so that caregivers lacking legal custody of the children in their care can enroll them in school.

Sponsored by: Representative Billy Broomfield (MS)

Approved Date is December 3, 2003 by the Committee of Jurisdiction: Human Services

Certified by Committee Chair: Representative Billy Broomfield (MS)

Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President

Resolution 04-52

Study Group on Kinship Care

WHEREAS, the number of grandparents and other relatives raising children has been increasing rapidly over the past decade; and

WHEREAS, about 6 percent of US children under the age of 18 (3.9 million children) currently live in 2.5 million grandparent-headed households; and

WHEREAS, for 1.4 million of these children, no parent is present in the home; and

WHEREAS, approximately five percent of white grandparents and 17 percent of African-American grandparents have grandchildren residing in their homes.

THEREFORE BE IT RESOLVED BY THE 27th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1 - 5, 2003, that NBCSL consents to the establishment a Study Group on Kinship Care, focusing on the needs of kinship caregivers and the children in their care. The Study Group will examine and recommend strategies and policies on: increasing awareness among NBCSL members about issues surrounding kinship care in the African-American community; recommending administrative remedies and accountability standards; addressing the health, financial, and social issues confronting kinship caregivers; and assessing the financial resources and sustainability thereof for establishing adequate kinship care programs in the states. The Study Group will report back to the NBCSL Executive Committee in twelve months in Philadelphia, Pennsylvania, at its 28th Annual Meeting.

Sponsored by: Representative Billy Broomfield (MS)

Approved Date is December 3, 2003 by the Committee of Jurisdiction: Human Services

Certified by Committee Chair: Representative Billy Broomfield (MS)

Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President

NBCSL



INSURANCE

Resolution 04-54

Diabetes Health 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, and 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 to 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 within 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; and

WHEREAS, the NBCSL Committee on Health passed resolution 03-7 on the diabetic insurance coverage in the 2002 annual conference in Indianapolis, Indiana.

THEREFORE BE IT RESOLVED BY THE 27th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1 - 5, 2003, that the NBCSL Committee on Insurance encourages all state legislators to oppose 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 and costly disease; and

BE IT FURTHER RESOLVED that NBCSL encourages those states without diabetes health insurance coverage (Alabama, Idaho, North Dakota, and Ohio) to cover diabetes supplies, education, self management and training to effectively manage the health care needs of a person with diabetes.

Sponsored by: Representative Helen Giddings (TX) Representative Wayne Ford (IW), Representative Ernest Baylor, Jr. (LA), Representative Claudette J. Woodard (OH), Representative Catherine L. Barrett (OH)

Approved Date is December 3, 2003 by the Committee of Jurisdiction: Insurance

Certified by Committee Chair: Representative Helen Giddings (TX)

Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President

Resolution 04-58

Credit Scoring

WHEREAS, the NBCSL passed resolution 03-81 in the 2002 Annual Conference urging states to ban the use of credit scoring unless an insurer can demonstrate that the use of credit scoring does not produce disparate impact upon minorities, low-income and cash consumers; and

WHEREAS, there is much confusion and misunderstanding about insurance credit scoring models and practices; and

WHEREAS, a few states, including Texas and Virginia, have made credit scoring models available to the public and such public availability of the credit scoring models creates a better understanding of insurer credit scoring practices and promotes more competitive insurance markets.

THEREFORE BE IT RESOLVED BY THE 27th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1 - 5, 2003, urges those states allowing the use of credit scoring for underwriting and/or rating personal lines insurance to perform a study of whether insurance credit scoring has a disparate impact on minorities, low-income and cash consumers; and

BE IT FURTHER RESOLVED, that the National Black Caucus of State Legislators urges those states that allow the use of credit scoring for underwriting and/or rating personal lines insurance to require that insurance credit scoring models be filed with the insurance department and that those models be declared public information and made available to the public.

Sponsored by: Representative Helen Giddings (TX), Representative Wayne Ford (IA) and Committee Members: Representative Ernest Baylor, Jr. (LA), Representative Claudette Woodard (OH), Representative Catherine Barrett (OH)

Approved Date is December 3, 2003 by the Committee of Jurisdiction: Insurance

Certified by Committee Chair: Representative Helen Giddings (TX)

Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President

Resolution 04-59

Study on the Effects of Medicare Legislation on Employer Provided Health Insurance

WHEREAS, Congress passed major Medicare legislation in November 2003; and

WHEREAS, that legislation allows individuals and families to set aside money for medical savings accounts if they have a \$1,000 deductible for individuals and \$2,000 deductibles for families; and

WHEREAS, there is concern that employers will move dramatically away from providing health insurance to providing medical savings accounts in response to this legislation; and

WHEREAS, the requirement for large deductibles will make medical savings accounts unaffordable for many consumers; and

WHEREAS, a large movement of employers away from providing health insurance to medical savings accounts creates a danger of increasing the number of uninsured and underinsured consumers.

THEREFORE BE IT RESOLVED BY THE 27th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1 - 5, 2003, that NBCSL urges each state to study the expected impact of the recently passed Medicare legislation on the availability and affordability of health insurance coverage to consumers by the end of 2004 so that this information is available prior to the effective date of the Medicare legislation.

Sponsored by: Representative Helen Giddings (TX), Representative Wayne Ford (IA) and Committee Members: Representative Ernest Baylor, Jr. (LA), Representative Claudette Woodard (OH), Representative Catherine Barrett (OH)

Approved Date is December 3, 2003 by the Committee of Jurisdiction: Insurance

Certified by Committee Chair: Representative Helen Giddings (TX)

Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President

NBCSL



INTERNATIONAL AFFAIRS

Resolution 04-30

Support for Liberian Refugees Immigration Fairness Act

WHEREAS, over the last 13 years, many Liberians have been forced to flee their country due to civil war and wide spread violence. From 1991 through 2003, the United States of America provided Liberians in the United States with temporary protection status because of these difficulties; and

WHEREAS, this policy was well meaning, nevertheless, Liberians fleeing from violence, including genocide, should have been granted refugee status the same as that granted to 50,000 Chinese after the Tiananmen Square massacre, 150,000 Nicaraguans, 200,000 El Salvadorans, 50,000 Guatemalans, and hundreds of thousands from countries like Kosovo, Bosnia and the former Soviet Union, after these countries were plunged into violence and genocide as Liberia was; and

WHEREAS, President Bush did act in a humane manner on September 25, 2001, when he issued a memorandum to the Attorney General to defer his order to deport certain Liberians in the United States for one year; and

WHEREAS, the Department of Homeland Security and the Bureau of Citizenship and Immigration Services on August 7, 2003, extended Temporary Protected Status (TPS) to Liberians whose TPS was set to expire on October 6, 2003, but were denied to those Liberians who entered the U.S. after October 1, 2002, notwithstanding the continued violence and bloodshed in Liberia as can be seen by the deployment of American troops to the region; and

WHEREAS, the National Black Caucus of State Legislators opposes the inequitable treatment of African refugees no matter what country of origin.

THEREFORE BE IT RESOLVED BY THE 27th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1 - 5, 2003, that H.R.1930, the "Liberian Refugees Immigration Protection Act" and S.656, introduced as the "Refugee Immigration Fairness Act" introduced by Congressman Patrick Kennedy and Senator Jack Reed respectively, be passed by the Congress of the United States and further joins the call of the Massachusetts Delegation of the U.S. Congress urging the Department of Homeland Security to designate Temporary Protected Status to Liberians that arrived in the U.S. after October 1, 2002.

Sponsored by: Representative Benjamin Swan (MA)

Approved Date is December 3, 2003 by the Committee of Jurisdiction: International

NBCSL



Affairs

Certified by Committee Chair: Representative LeAnna Washington (PA)

Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President

Resolution 04-31

Resolution Supporting a Strategic Partnership with African Immigrants and Refugees

WHEREAS, Africa is a rich continent endowed by the creator with vast mineral resources including oil, diamonds, gold, uranium, among many others; and

WHEREAS, the wealth of Africa does not enrich its inhabitants but has instead become a curse, attracting unscrupulous African dictators, weapon manufacturers from industrialized nations and business entities that plunder and exploit local African communities; and

WHEREAS, genocide, civil insurrections and civil wars forced African refugees to flee to the United States. Many Africans from Rwanda, Congo, Liberia, Sierra Leone, Angola, Uganda, Ivory Coast, Kenya, Cameroon, Zimbabwe, among others, reside here without refugee status or permanent residence status, thus depriving them of making meaningful contributions to the communities they now reside in; and

WHEREAS, in addition to proper immigration status, African immigrants need to acquire skills for civic participation to join forces with African American civil rights and legislative leadership in strengthening African American causes as well as Pan African solidarity.

THEREFORE BE IT RESOLVED BY THE 27th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1 - 5, 2003, that NBCSL in concert with the African human rights activists as convened by the Universal Human Rights International in Boston, Massachusetts, advance these urgent recommendations to ensure equal protection of all members of the human family, especially African refugees and immigrants who have escaped death and now seek a better life in America.

1. That the United States of America makes it a foreign policy priority to end human rights abuses in Africa by ensuring that dictators and warlords committing heinous crimes against humanity in Africa are not given safe haven in the United States of America. Additionally, that the United States of America ensure that American companies operating in Africa adopt humane policies and protect human rights.
2. General Amnesty and permanent residency be granted to African refugees and immigrants from African nations who escaped the terror and human rights abuses of Africa and now reside in the United States of America.
3. That the National Black Caucus of State Legislators, in collaboration with Traditional African American colleges and universities, African American Studies department, African American churches and civil rights organizations, establish strategic partnerships with African immigrant and refugee communities for the purpose of leadership development, cultural

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exchange, civic participation, voters education and promotion of commerce; and

BE IT FURTHER RESOLVED that a copy of these resolutions will be forward to African American institutions nationwide; and

BE IT FINNALY RESOLVED that a copy of these resolutions will be forward to the Congressional Black Caucus.

Sponsored by: Representative Benjamin Swan (MA)

Approved Date is December 3, 2003 by the Committee of Jurisdiction: International Affairs

Certified by Committee Chair: Representative LeAnna Washington (PA)

Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President

Resolution 04 -63

Urging the United States Commitment to the United Nations Global Fund, AIDS, Tuberculosis and Malaria

WHEREAS, the Global Fund is an international financing institution established in January 2002 at the initiative of UN Secretary-General Kofi Annan to finance a dramatic turnaround in the worldwide fight against HIV/AIDS; and

WHEREAS, the United States has made a funding commitment to only 14 countries, and;

WHEREAS, the United Nations Global Fund, AIDS, Tuberculosis and Malaria has the infrastructure in over 100 countries to fight HIV/AIDS, and

WHEREAS, this infrastructure has demonstrated its ability to provide education and outreach treatment and prevention; and

WHEREAS, the United Nations has received commitments of 4.7 billion dollars in pledges from international donors.

THEREFORE BE IT RESOLVED BY THE 27th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1 - 5, 2003, that NBCSL urges the President of the United States and the United States Congress to provide direct funding of two billion dollars to the global fund to fight AIDS, Tuberculosis and Malaria;

BE IT FURTHER RESOLVED, that NBCSL send certified copies of this resolution to the President of the United States and the United States Congress.

Sponsored by: Representative LeAnna M. Washington (PA)

Approved Date is December 3, 2003 by the Committee of Jurisdiction: International Affairs

Certified by Committee Chair: Representative LeAnna Washington (PA)

Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President

Resolution 04-65

Supporting Expansion of the United States Office of Global AIDS Service Recipients

WHEREAS, the National Black Caucus of State Legislators appreciates President Bush's and the 108th Congress' commitment to establish the United States Office of Global AIDS by providing fifteen billion dollars over a five-year period towards the Global AIDS Fund; and

WHEREAS, this fifteen billion dollars only provides services and programs to fourteen countries; and

WHEREAS, there are over twenty-seven million men women and children on the African continent infected with HIV/AIDS; and

WHEREAS, there are thirteen million children on the African continent who have been orphaned by HIV/AIDS and by 2010 there will be twenty-five million children orphaned by HIV/AIDS;

THEREFORE BE IT RESOLVED BY THE 27th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1 - 5, 2003, that NBCSL urges the President of the United States and members of Congress to expand the United States Office of Global AIDS service recipients from 14 countries to all countries affected by HIV/AIDS especially Sub-Saharan Africa and the Caribbean; and to also expand funding and to provide for special education programming, nurturing, and other care for children who have been orphaned by HIV/AIDS

Sponsored by: Representative LeAnna M. Washington (PA)

Approved Date is December 3, 2003 by the Committee of Jurisdiction: International Affairs

Certified by Committee Chair: Representative LeAnna M. Washington (PA)

Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President

Resolution 04-71

Funding For Community Based HIV/AIDS Organizations

WHEREAS, Individuals affected by HIV/AIDS across the country do not receive direct funding for services and programs; and

WHEREAS, it is in the best interest for HIV/AIDS organizations that serve communities of color to receive direct funding for services and programs.

THEREFORE BE IT RESOLVED BY THE 27th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1 - 5, 2003, that NBCSL encourages Tommy G. Thompson, Secretary of Health and Human Services to provide funding that builds the capacity of community groups for the purpose of directly serving their targeted populations.

Sponsored by: Representative LeAnna M. Washington (PA)

Approved Date is December 3, 2003 by the Committee of Jurisdiction: International Affairs

Certified by Committee Chair: Representative LeAnna M. Washington (PA)

Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President



Resolution 04-73

Opposition to Lifting Tariffs on Foreign Steel

WHEREAS, the National Black Caucus of State Legislators declares its support for the United States Steel industry which has historically provided excellent employment, good wages, and benefits to African American and other minority men and women.

THEREFORE BE IT RESOLVED BY THE 27th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1 - 5, 2003, that NBCSL opposes the President of the United States recent decision to lift the tariffs on foreign steel; and

BE IT FURTHER RESOLVED, that NBCSL urges the President of the United States and the United States Congress to provide a safety net for any displaced steel workers in the form of access to retraining opportunities, compensation for an extended time period, and any other support necessary to make the transition into another career field.

Sponsored by: Delegate Emmett Burns, Jr. (MD)

Approved Date is December 3, 2003 by the Committee of Jurisdiction: International Affairs

Certified by Committee Chair: Representative LeAnna M. Washington (PA)

Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President

Resolution 04 -74

Commemoration of the 200th Anniversary of the Independence of the Republic Of Haiti

WHEREAS, NBCSL recognizes that Haiti, 2 years before its independence, won the war and became an independent nation on January 1st, 1804; and

WHEREAS, on January 1st, 2004 The Republic of Haiti will celebrate its' bicentennial marking 200 years of independence.

THEREFORE BE IT RESOLVED BY THE 27th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1 - 5, 2003, that NBCSL recognizes Haiti's bicentennial celebration and requests that the NBCSL President forward to the Haitian President of the Republic of Haiti appropriate congratulations on January 1st, 2004, which is the Republic of Haiti's the 200th anniversary.

BE IT FURTHER RESOLVED, that NBCSL recommends to the President of NBCSL that a delegation be selected and sent to Haiti in 2004.

Sponsored by: Representative LeAnna M. Washington (PA)

Approved Date is December 3, 2003 by the Committee of Jurisdiction: International Affairs

Certified by Committee Chair: Representative LeAnna M. Washington (PA)

Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President

NBCSL



LABOR

Resolution 04-12

Calling for an Investigation of Retail Industry Practices to Document Racial and Gender Based Gaps in Wages and Promotions

WHEREAS, the Retail Industry provides substantial employment opportunities for many people of color, increasingly more abuses, discriminatory complaints, accusations of sexual harassment and manipulation of hourly work and proper pay are being reported; and

WHEREAS, many company records made public during litigation reflect race and gender discrimination against women in both pay and promotional opportunities; and

WHEREAS, in many cases the existence of these unwritten policies are rooted in the “corporate culture;” and

WHEREAS, the National Black Caucus of Legislators as a group believing in social, political and economic justice, believes that these injustices to women and people of color must be addressed through public disclosure and steady and conscientious enforcement of existing laws; and

WHEREAS, there should be an assessment of whether or not workers are paid for every hour worked and, whether all workers are provided the opportunity to participate in employer sponsored health plans and a comprehensive analysis to determine if there is a gender or racially based wage and promotion gap.

THEREFORE BE IT RESOLVED BY THE 27th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1 - 5, 2003, that NBCSL supports a review by appropriate organizations and governmental entities examining the programs and practices of major employers in the retail trade industry employing large numbers of people of color; and

BE IT FURTHER RESOLVED, that where there currently exists major class action litigation against existing employers where public reports exists, these documents serve as a guide for any review of these practices; and

BE IT FINNALLY RESOLVED, that existing laws be vigorously enforced to address any gender or racially based wage or promotion gap, or any other form of gender or racially based discrimination against these employees.

Sponsored by: Senator Tony Hill (FL)

NBCSL



Approved Date is December 3, 2003 by the Committee of Jurisdiction: Labor

Certified by Committee Chair: Senator Tony Hill (FL)

Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President

Resolution 04-13

Calling For Immigration Reform

WHEREAS, The Nation was founded on immigration, both voluntary and coerced, and for more than two centuries, people have emigrated from every corner of the earth in search of freedom, justice and opportunity; and

WHEREAS, these immigrants hail from all over the world, including the Caribbean, Africa, Asia, Europe, as well as Central and South America, and bring with them the racial and ethnic diversity which has long enriched our Nation; and

WHEREAS, immigrants integrate our states, our workplaces, and our communities, immigrants enrich our nation with their cultures and join in participating in the World's most long-lived Democracy of self-governed people; and

WHEREAS, many people have emigrated in the recent decades, some with legal protection and some without, and have found themselves victims of employment discrimination, worker abuse, and anti-immigrant bias; and

WHEREAS, many of these immigrants live in our communities, educate their children in our schools, and participate in labor, civic and neighborhood associations with non-immigrants; and

WHEREAS, many seek to join our nation as legal, permanent residents, with all the rights and responsibilities therein; and

WHEREAS, many unscrupulous employers are seeking to exploit the undocumented status of these workers and take advantage of lax labor law enforcement by treating them as second-class residents of our nation;

THEREFORE BE IT RESOLVED BY THE 27th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1 - 5, 2003, that the National Black Caucus of State Legislators declare that undocumented workers and their families who are employed, complying with U.S. laws, and are not deemed a threat to the United States of America be granted the opportunity to adjust their status and become legal permanent residents of the United States of America; and that our nation not revisit the failed policies of indentured servitude known as guest workers, such as existed in the Bracero Program of the 1950s which abused Mexican workers, nor the indentured servant policies of the 17th and 18th centuries, nor the slave trade that caused such misery and stained the reputation of Our Nation.

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Sponsored by: Senator Tony Hill (FL)

Approved Date is December 3, 2003 by the Committee of Jurisdiction: Labor

Certified by Committee Chair: Senator Tony Hill (FL)

Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President

Resolution 04-14

Opposing Efforts to Compromise the Fair Labor Standards Act

WHEREAS, the Fair Labor Standards Act (FLSA) was enacted in 1938 in order to establish a minimum wage, premium pay for overtime, child labor standards, coverage for full and part-time workers in the private and public sectors; and

WHEREAS, the FLSA was instrumental in raising wages, ending the Great depression, and creating the great middle class, which has translated into economic prosperity for 65 years; and

WHEREAS, some employers and their associations are looking for ways to reduce overall costs to employers by reducing workers wages; and

WHEREAS, these self same special interests have devised several methods by which to accomplish their goals including: supporting a “comp time” proposal by which employers will have the option of giving workers time off instead of premium pay for overtime under the guise of pretending to be “family friendly”, thereby reducing overtime pay for those who want to earn overtime; supporting FLSA changes that eliminate overtime protection and recordkeeping requirements for certain categories of employees under the pretense of categorizing the positions as “professional” and therefore, “exempt”; supporting efforts to permit states to “opt out” or “secede” from future minimum wage increases, thereby keeping the workers in their states at the lower minimum wage and thus eliminating the federal nature of the law; and

WHEREAS, these efforts would have the impact of further dividing the nation, reducing workers wages, and endangering our economy.

THEREFORE BE IT RESOLVED BY THE 27th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1 - 5, 2003, that the National Black Caucus of State Legislators opposes efforts to diminish workers’ wages by opposing the Department of Labor’s proposed regulatory changes; and opposing other efforts to reduce worker wages and eliminate overtime protections; and

BE IT FURTHER RESOLVED, that NBCSL opposes efforts to diminish workers’ wages by supporting the “Overtime Compensation Protection Act of 2003” H.R. 2665 by Representative Peter King (R-NY) and Representative George Miller (D-CA).

Sponsored by: Senator Tony Hill (FL)

Approved Date is December 3, 2003 by the Committee of Jurisdiction: Labor

NBCSL



Certified by Committee Chair: Senator Tony Hill (FL)

Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President

Resolution 04-79

A Resolution to Recognize the Negro Baseball League

WHEREAS, African-Americans were excluded from playing in the major leagues of baseball with their Caucasian counterparts, the desire of some African-Americans to play baseball could not be repressed; and

WHEREAS, Major League Baseball was not fully integrated until July 1959; and

WHEREAS, African-Americans began organizing their own professional baseball teams in 1885; and

WHEREAS, six separate baseball leagues, known collectively as the Negro Baseball Leagues, were organized by African-Americans between 1920 and 1960; and

WHEREAS, the Negro Baseball Leagues included exceptionally talented players; and

WHEREAS, Jackie Robinson, whose career began in the Negro Baseball Leagues, was named Rookie of the Year in 1947 and subsequently led the Brooklyn Dodgers to 6 National League pennants and a World Series Championship; and

WHEREAS, by achieving success on the baseball field, African-American baseball players helped break down color barriers and integrate African-Americans into all aspects of society in the United States; and

WHEREAS, during World War II, more than 50 Negro Baseball League players served in the Armed Forces of the United States; and

WHEREAS, during an era of sexism and gender barriers, 3 women played in the Negro Baseball Leagues; and

WHEREAS, the Negro Baseball Leagues helped teach the people of the United States that what matters most is not the color of a person's skin, but the content of that person's character and the measure of that person's skills and abilities; and

WHEREAS, only in recent years has the history of the Negro Baseball Leagues begun receiving the recognition that it deserves; and

WHEREAS, baseball is the national pastime and reflects the history of the Nation.

WHEREAS, The teams and players of the Negro Baseball Leagues have not been duly recognized for their achievements, dedication, sacrifices, and contributions to the baseball and

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the Nation.

THEREFORE BE IT RESOLVED BY THE 27th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1 - 5, 2003, that NBCSL (1) recognizes the teams and players of the Negro Baseball Leagues for their achievements, dedication, sacrifices, and contributions to both baseball and our Nation; and (2) encourages the Major League Baseball to reach a fair compensation agreement with former players of the Negro Baseball Leagues who were excluded under Major Leagues Baseball's 1997 pension plan.

Sponsored by: Senator Tony Hill (FL)

Approved Date is December 3, 2003 by the Committee of Jurisdiction: Labor

Certified by Committee Chair: Senator Tony Hill (FL)

Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President

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LAW & JUSTICE

Resolution 04-25

Calling For A Federal Special Prosecutor To Investigate The Recent FBI Eavesdropping Of Philadelphia Mayor John Street's Office Only A Few Weeks Prior To The Election

WHEREAS, during the final weeks of a contentious race for the Philadelphia Mayor's office, it was discovered that FBI eavesdropping devices recorded private conversations of the Mayor of Philadelphia, a man highly regarded for his honesty and integrity during his 25 years in public office; and

WHEREAS, the FBI investigation had questionable motivation and poor timing and therefore reflects Republican tactics last used in Florida for the 2000 presidential recount; and

WHEREAS, we need to research new ideas to keep our elections free of last-minute partisan gimmicks and to explore new legislative remedies to prevent similar cases in the future.

THEREFORE BE IT RESOLVED BY THE 27th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1 - 5, 2003, that the National Black Caucus of State Legislators calls for a federal special prosecutor to investigate the recent FBI eavesdropping of Philadelphia Mayor John Street's office only a few weeks prior to the election; and

BE IT FURTHER RESOLVED, that the National Black Caucus of the State Legislators supports new federal legislation prohibiting public disclosure of federal investigations 60 days prior to the date of an election.

Sponsored by: Representative Harold James (PA)

Approved Date is December 3, 2003 by the Committee of Jurisdiction: Law & Justice

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

Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President

Resolution 04-26

Expressing Concern Regarding the USA Patriot Act

WHEREAS, the United States of America is home to a diverse population, including citizens of other nations, whose contributions to the community are vital to its character and function; and

WHEREAS, the United States Constitution guarantees certain fundamental rights including: freedom of religion, freedom of speech, freedom of assembly and right to privacy; protection from unreasonable searches and seizures; right to due process and equal protection to any person; equality before the law and the presumption of innocence; right to access to counsel in judicial proceedings; and a fair, speedy and public trial; and

WHEREAS, the USA PATRIOT Act (HR 3162) signed by George W. Bush on October 26, 2001, contains a number of provisions that undermine the above mentioned rights and which fundamentally alter our civil liberties without increasing our security; and

WHEREAS, examples of the provisions in the USA PATRIOT Act and Executive Orders that may undermine the constitution and the rights and civil liberties of Americans include:

- A significant expansion of the government’s ability to access sensitive medical, mental health, financial and educational records about individuals; and lowers the burden of proof required to conduct secret searches and telephone and Internet surveillance
- Giving law enforcement expanded authority to obtain library records, and prohibits librarians from informing patrons of monitoring or information requests
- Giving the Attorney General and the Secretary of State the power to designate domestic groups, including religious and political organizations, as “terrorist organizations”
- Granting the Attorney General the power to subject citizens of other nations to indefinite detention or deportation even if they have not committed a crime
- Authorizing eavesdropping on confidential communications between lawyers and their clients in federal custody
- Limiting disclosure of public documents and records under the Freedom of Information Act; and

WHEREAS, the Department of Justice interpretations of this Act and these Executive Orders particularly target immigrants, including Hispanics, people of Middle Eastern and South Asian descent and citizens of other nations, thereby potentially encouraging racial profiling by law enforcement and the unintended consequence of increased hate crimes by individuals in our community; and

WHEREAS, three states and at least more than 160 cities and municipalities from 28 states -- approximately 20 million people across the country have enacted resolutions reaffirming support for civil rights and civil liberties in the face of government policies that threaten these values, and are demanding accountability from federal agencies regarding the use of these new powers.

THEREFORE BE IT RESOLVED BY THE 27th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1 - 5, 2003, that NBCSL reaffirms its strong opposition to terrorism, but also affirms that any efforts to end terrorism not be waged at the expense of the fundamental civil rights and liberties of the people of the United States and the World; and

BE IT FURTHER RESOLVED that the National Black Caucus of the State Legislators affirms the rights of all people, including United States citizens, and citizens of other nations living within this nation, in accordance with the Bill of Rights and the Fourteenth Amendment of the U.S. Constitution; and

BE IT FINNALLY RESOLVED that the National Black Caucus of the State Legislators reaffirms the concepts and doctrines promulgated in the Bill of Rights and the U.S. Constitution by lawfully resisting every effort to erode those rights and protections including: freedom of religion, freedom of speech, freedom of assembly and right to privacy; protection from unreasonable searches and seizures; right to due process and equal protection to any person; right to equality before the law and the presumption of innocence; right to access to counsel in judicial proceedings; and a fair, speedy and public trial; and

BE IT FURTHER RESOLVED that the National Black Caucus of the State Legislators calls on our United States Representative and Senators to monitor the implementation of the Act and Orders cited herein and actively work for the repeal of the Act and those Orders that violate fundamental rights and liberties as stated in the US Constitution and its Amendments by sending a copy of this resolution to the US Congress.

Sponsored by: Representative. Harold James (PA)

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Approved Date is December 3, 2003 by the Committee of Jurisdiction: Law & Justice

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

Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President

Resolution 04-29

Calling for Reparations for the Descendants of African Slaves in the United States

WHEREAS, four million Africans and their descendants were enslaved in the United States from the years of 1619 to 1865, and the institution of slavery was constitutionally and statutorily sanctioned by the government of the United States during the years 1789 through 1865; and

WHEREAS, slavery in America constituted an immoral and inhumane deprivation of life, liberty, citizenship rights and cultural heritage for African slaves and denied them the fruits of their own labor while building a great and wealthy nation; and

WHEREAS, slaves during cotton-picking season usually labored in the field the whole of the daylight, and then spent a good part of the night ginning and bailing, thereby creating tremendous wealth for slaveholders who reaped the vast economic benefits of the American garment industry; and

WHEREAS, since the end of the period of the Civil War known as Reconstruction, when the Federal Government briefly attempted to compensate the former slave community for hundreds of years of bondage, African Americans have been widely prevented through legal and extralegal measures from obtaining equal education, employment, housing and health care; in short prevented from joining the American middle class in substantial numbers; and

WHEREAS, the United States has a long history of supporting reparations and reconciliation including a formal apology and reparations to Japanese Americans interned during World War II and reparations to various Indian nations.

THEREFORE BE IT RESOLVED BY THE 27th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1 - 5, 2003, that the National Black Caucus of State Legislators call for a federal African-American Reparation Study Commission directed to cover topics relating to slavery, including:

- The capture and acquisition of Africans
- The conditions aboard slave trade ships
- The trade of Africans as property in interstate and intrastate commerce
- State and federal laws that discriminated against freed slaves and their descendants from 1865 to the present
- Other public and private discrimination against freed slaves and their descendants, and the negative effects of slavery on today's living descendants in the United States

BE IT FURTHER RESOLVED, that the National Black Caucus of the State Legislators

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calls for the United States House and Senate to schedule and conduct hearings to examine equitable methods to finally award reparations to descendants of African American slaves who were forced to supply their labor under extreme conditions of tyranny and injustice to build this nation; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the President of the United States and to the U.S. Congress.

Sponsored by: Representative Jewell Williams (PA)

Approved Date is December 3, 2003 by the Committee of Jurisdiction: Law & Justice

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

Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President

Resolution 04-46

Memorializing the Congress of the United States to Repeal Mandatory Minimum Sentences

WHEREAS, the rising cost of incarceration at all levels is placing an increased fiscal burden on state and local governments; and

WHEREAS, studies continue to indicate that incarceration is not always the answer or the cure-all for crime and its consequences in the nation; and

WHEREAS, alternatives to incarceration, such as pre-trial intervention programs, drug courts, and restorative justice, are proving to be more effective in rehabilitation of offenders as well as in lowering incidents of recidivism; and

WHEREAS, only through rehabilitation, educational opportunities, and re-entry and acceptance into the community can an offender make the transition from societal dropout to community contributor; and

WHEREAS, each offense and each offender's potential must be judged individually by the court system to determine, within statutory guidelines, the consequence which will be most beneficial to society; and

WHEREAS, realizing the expense and the limitations placed on sentencing options by minimum mandatory sentencing, the state of Louisiana has removed minimum mandatory sentencing for non-violent crimes in the state through passage of Act 403 during the 2001 Regular Session.

THEREFORE BE IT RESOLVED BY THE 27th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1 - 5, 2003, that NBCSL issue a memorial to the Congress of the United States to repeal mandatory minimum sentences, and form a collaborative relationship with the Congressional Black Caucus, National NAACP, National Urban League, National Baptist Convention, Southern Christian Leadership Conference and many other local, state, national and international groups to enact legislation to repeal federal sentencing guidelines and mandatory minimum sentences; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be transmitted to the Secretary of the United States Senate, the Clerk of the United States House of Representatives and to each member of the National Black Caucus of State Legislators; and

BE IT FINNALLY RESOLVED, that the National Black Caucus of State Legislators will convene in 2004 a national meeting in furtherance of the repeal of federal sentencing guidelines and the repeal of mandatory minimum sentences.

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Sponsored by: Senator Charles D. Jones (LA)

Approved Date is December 3, 2003 by the Committee of Jurisdiction: Law & Justice

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

Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President

Resolution 04-49

A Resolution to Investigate the Recidivism Rate in Prison

WHEREAS, there are nearly two million people incarcerated in the United States; and

WHEREAS, nearly six percent of the adult population is under some form of correctional supervision; and

WHEREAS, local, state and federal governments spend nearly forty billion dollars on corrections in the United States; and

WHEREAS, nearly two-thirds of United States money is spent dealing with recidivism; and

WHEREAS, recidivism cost taxpayers over thirty-five billion dollars a year in law enforcement costs; and

WHEREAS, recidivism costs taxpayers over seventeen billions dollars a year in additional court costs; and

WHEREAS, over eighty percent of the crimes in the United States are committed by recidivists; and

WHEREAS, the only continuous factor for the past twenty-five years linked to recidivism is drug addiction, two-thirds of the prison population recidivate, two-third of the prison population is addicted and approximately ninety percent of the incarcerated addicted recidivate; and

WHEREAS, corrections spending is growing two out of five times faster than education across the United States; and

WHEREAS, nine out of ten inmates in the United States are men; and

WHEREAS, Blacks were two times more likely than Hispanics to be in jail, and they were five times more likely than Whites to be in jail; and

WHEREAS, the breakdown of race in the United State Prison population is 42.4% Black, 42.3% White, 11.0% Hispanic and 4.3% other; and

WHEREAS, if you look at the rates of incarceration in the United States, Blacks have a rate of incarceration nearly five times higher than that of Whites.

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THEREFORE BE IT RESOLVED BY THE 27th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1 - 5, 2003, that NBCSL calls on Congress to investigate the recidivism rate in the prisons and consider The Second Chance Program as a rehabilitation model.

Sponsored by: Representative Juanita Head Walton (MO)

Approved Date is December 3, 2003 by the Committee of Jurisdiction: Law & Justice

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

Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President

Resolution 04-51

Changes in the Election Code

WHEREAS, the majority party in the Pennsylvania House of Representatives attempted to pass legislation that would effectively resurrect the poll tax for poor and urban residents by requiring voters to display photo identification before they can cast a ballot; and

WHEREAS, this attempt occurred merely weeks prior to an important state-wide election and largely without public notice; and,

WHEREAS, this effort was done without the process of public comment and debate that is one of the hallmarks of our representative democracy; and

WHEREAS, if it was successful, thousands of voters would have been disenfranchised.

THEREFORE BE IT RESOLVED BY THE 27th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1 - 5, 2003, that NBCSL supports legislation in member states that prohibits the alteration of a state's election code during a current election season, legislating that such changes should take effect for the following election; and

BE IT FURTHER RESOLVED, that member states should be encouraged to develop statewide voter education programs to inform the voting public of any changes in the election code.

Sponsored by: Representative Ronald G. Waters, (PA)

Approved Date is December 3, 2003 by the Committee of Jurisdiction: Law & Justice

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

Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President

Resolution 04-53

Racial Justice Act/Commission to Study Impact of Race Bias

WHEREAS, racial disparities and racial discrimination have consistently played an insidious impact on the administration and implementation of the death penalty; and

WHEREAS, African-Americans make up approximately 46 % of those on death row; and

WHEREAS, African-Americans make up 12% of the population of the United States; and

WHEREAS, 80 % of those who have been executed were convicted for the murder of white victims although approximately 50% of all homicide victims are African-American; and

WHEREAS, 66 % of juveniles on death row in the United States are people of color; and

WHEREAS, less than one percent of Chief District Attorneys are African-Americans; and

WHEREAS, the United States Supreme Court in *McClesky vs. Kemp*, 481 US 279 (1987), has held that courts cannot consider statistical evidence of racial discrimination in a particular jurisdiction as a basis for equal protection claim in individual capital murder cases; and

WHEREAS, in each state and the federal government should determine the effect of racial discrimination on the administration of the death penalty of their respective jurisdiction; and

WHEREAS, the United States Supreme Court in *McClesky vs. Kemp* (1987) does not permit capital defendants to use statistical evidence that their conviction and death sentence is unconstitutional.

THEREFORE BE IT RESOLVED BY THE 27TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1-5, 2003, that NBCSL supports the passage of a Racial Justice Act at both the state and federal level to document racial discrimination and to create a vehicle for criminal defendants to outline evidence of racial discrimination in challenging their convictions and sentences; and

BE IT FURTHER RESOLVED, that the National Black Caucus of State Legislators supports the creation of a Commission to study, document and collect evidence of racial bias and discrimination in the administration of criminal justice at both the states and federal level.

Sponsored by: Senator Charles D. Jones (LA)

NBCSL



Approved Date is December 3, 2003 by the Committee of Jurisdiction: Law & Justice

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

Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President

Resolution 04-77

The National Black Agenda Convention Inc. (NBAC)

WHEREAS, the National Black Caucus of State Legislators affirms the need to develop a unified schema and political strategy for creating and implementing a national Black agenda; and

WHEREAS, we recall the tradition of conventions and congresses which have taken place for as long as Black people have been struggling for freedom; and

WHEREAS, we desire to train people for the purpose of improving or advancing a national agenda for Black people; and

WHEREAS, we recognize the success of past conventions when they have met specifically to fulfill the need to plot, plan and act collectively; and

WHEREAS, we acknowledge the roll and the responsibility of Black elected officials to be advocates of change for the advancement of the masses of Black people; and

WHEREAS, we are guided by the knowledge that gathering our forces, analyzing current conditions, and strategizing about how to move forward has been a tradition in the Black freedom struggle since Black people were brought to the shores of North America; and

WHEREAS, we are fully aware of the obstacles that have historically prevented the national Black community from consistently maintaining a permanent means of operation created for the purpose of communicating, reaching out, training, and organizing Black people on a national scale and toward a national agenda; and

WHEREAS, we are concerned that many issues addressed by past Black conventions remain unresolved and that the United States has political, economic, social, and educational systems that routinely work well for some and routinely fail to work for black people; and

WHEREAS, we are deeply committed to the challenge of consolidating and organizing Black People to participate as the vanguards in the struggle for a better society for all Black people.

THEREFORE BE IT RESOLVED BY THE 27th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1 - 5, 2003, that NBCSL supports the efforts of the National Black Agenda Convention Inc. as related to all of the above mentioned paragraphs and that we support the development of a unified agenda and political strategy for the empowerment of people of African descent across the United States and throughout the world; and

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BE IT FURTHER RESOLVED, that we recommend that all able and available interested bodies attend the actual NBAC convention scheduled at the Boston Marriot Copley Place on March 17-21, 2004.

Sponsored by: Representative Benjamin Swan (MA), Representative Shirley Owens-Hicks (MA) and Representative Gloria Fox (MA)

Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President

Resolution 04-84

Medical Conditions and/or Internal Injuries and the Use of Police Force

WHEREAS, the use of some force by police to subdue criminal suspects is often warranted in order to protect the arresting officers and the public at large from those who would seek to create havoc and or harm to the innocent; and

WHEREAS, anecdotal evidence would seem to suggest, however, that African American males are victims of inappropriate behavior and excessive force by police at a disproportionate rate; and

WHEREAS, a recent event, i.e. the death of Nathaniel Jones, the unarmed African American male who died as a result of his violent apprehension by police officers in Cincinnati, Ohio, has provoked an angry response worldwide and once again has thrust the issue of such alleged inappropriate behavior an excessive force by police into the public consciousness; and

WHEREAS, although certain medical conditions experienced by Nathaniel Jones were a contributing factor in his death, his death has been ruled a homicide because it would not have occurred absent the altercation with police; and

WHEREAS, because unseen medical conditions and/or internal injuries like those of Nathaniel Jones are, by definition, unable to be detected by the naked eye—making the use of the type of sophisticated medical equipment only available at hospitals and other similar medical facilities necessary to uncover them.

THEREFORE BE IT RESOLVED BY THE 27th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1 - 5, 2003, that NBCSL encourages all policing organizations in the United State to reexamine their policies regarding the use of force to subdue suspects in order to insure that such force is not excessive is not likely to contribute to the death of a suspect; and

BE IT FURTHER RESOLVED, that NBCSL encourages revisions in police polices nationwide to include the requirement that all suspects who have been apprehended following a struggle with police in which physical force is used be immediately taken to the nearest hospital or similar medical facility in order to be evaluated for unseen medical conditions and/or internal injuries; and

BE IT FINNALY RESOLVED, that NBCSL offers its condolences and expresses its deepest sympathy to the family and friends of Nathaniel Jones.

Sponsored by: Representative Harold James (PA) and Representative LeaAnna M.

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Washington (PA)

Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President

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POST-SECONDARY EDUCATION

Resolution 04-62

Commemorating the Historical Brown Decision and the Selma to Montgomery March by Supporting the National Classroom Project

WHEREAS, the historical Brown v. Board of Education decision was designed to ensure a high quality education for all children in saying that: “In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms; and

WHEREAS, the spirit and words in that 1954 decision ignited The Civil Rights Movement that lead to 50 years of expanding opportunities and landmark legislation such as the 1965 Voting Rights Act that opened political and educational opportunities for many people; and

WHEREAS, through the Voting Rights Act we may use our collective power to help end devastating inequalities in our public schools; and

WHEREAS, too many students of color continue to experience public school inequities and discrimination such as so-called “academic tracking” or “leveling” of students that result in achievement gaps and students of color being relegated to inferior social and economic conditions; and

WHEREAS, inequities affecting Black students in public education will be addressed by the National Classroom Project at Tuskegee University in conjunction with organizations, such as the Coalition of African Americans Rebuilding Education (CARE) and the National Voting Rights Museum, while observing the Anniversaries of Brown in 2004 and the Voting Rights Act in 2005; and

WHEREAS, CARE has identified highly effective teachers and research-based pedagogies to reach and teach students without inappropriately resorting to separate curriculum, classes, and schools under the disguise of ability grouping; and

WHEREAS, colleges of education must prepare educators to move beyond apparent inequities and teach excellence to all children in preparing them to be successful; and

WHEREAS, the successes in dealing with the challenges of school inequities are to be dramatized with a Bridge Crossing Jubilee sponsored by the Voting Rights Museum, Southern Christian Leadership Conference, and educational and civil rights groups with a slow ride from Selma to Montgomery on March 5 – 7, 2004 in commemoration of the Civil Rights Movement’s historic Selma to Montgomery March in 1965.

THEREFORE BE IT RESOLVED BY THE 27th ANNUAL LEGISLATIVE

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CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1 - 5, 2003, that NBCSL supports the National Classroom at Tuskegee University in May 2004; and

BE IT FURTHER RESOLVED that the NBCSL support the Bridge Crossing Jubilee on March 5 – 7, 2004.

Sponsored by: Representative Barbara Boyd, Ed.D. (AL) and Senator C. J. Prentiss (OH)

Approved Date is December 3, 2003 by the Committee of Jurisdiction: Post-Secondary Education

Certified by Committee Chair: Representative Barbara Boyd, Ed.D. (AL)

Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President

NBCSL



TRANSPORTATION

Resolution 04-16

Resolution for Safer Automobiles

WHEREAS, African Americans are over-represented in the number of traffic related fatalities and injuries, when compared with the general population; and

WHEREAS, motor vehicle crashes are the second leading cause of death among African American youth; and

WHEREAS, occupant ejection from motor vehicles is a major safety problem, and National Highway Traffic Safety Administration (NHTSA) reports that partial and complete ejections result in about 7,800 deaths and 7,100 serious injuries annually; and

WHEREAS, NHTSA has estimated that hundreds of lives could be saved by reducing the incidence of ejection using available safety technologies such as advanced side glazing, side air bags, and enhanced roof strength.

THEREFORE BE IT RESOLVED BY THE 27th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1 - 5, 2003, that NBCSL support current language in the Senate NHTSA reauthorization Bill that would promulgate a final rule containing standards and measures to reduce occupant ejection from passenger vehicles no later than June 30, 2005. Full compliance with the occupant ejection rule shall occur as soon as practical, but in no case later than December 31, 2008. In order to meet this rulemaking deadline, NHTSA must complete any additional analysis and research on occupant ejection prior to issuing a proposed rule which is required to be issued by June 30, 2004.

Sponsored by: Representative Steve Jones (AR)

Approved Date is December 3, 2003 by the Committee of Jurisdiction: Transportation

Certified by Committee Chair: Representative Steve Jones (AR)

Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President

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YOUTH

Resolution 04-57

Mandate To Include African American Studies (Black History) In Elementary and Secondary Education Curriculum

WHEREAS, the National Black Caucus of State Legislators is committed in celebrating the African Americans cultural contribution to the history and structure of the United States; and

WHEREAS, the committee on Youth of the National Black Caucus of State Legislators strongly encourages legislators throughout the United States to develop a mandate to include African-American history in elementary, middle and high school curriculums; and

WHEREAS, the committee on Youth of the National Black Caucus of State Legislators also requires that the curriculum be brought before state's senate and house education committees for review and approval; and

WHEREAS, the committee on Youth of the National Black Caucus of State Legislators requires that an annual report be submitted to the legislature.

THEREFORE BE IT RESOLVED BY THE 27th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1 - 5, 2003, that NBCSL believes that this measure will increase and develop a greater awareness and appreciation for the African-American culture.

Sponsored by: Representative LaNett Stanley Turner (GA) and Senator Nathaniel Exum (MD)

Approved Date is December 3, 2003 by the Committee of Jurisdiction: Youth

Certified by Committee Chair: Representative LaNett Stanley Turner (GA)

Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President

Resolution 04-61

Mentoring Programs

WHEREAS, the National Black Caucus of State Legislators is committed to investing in the life and future of today's youth which are our future; and

WHEREAS, the committee on Youth of the National Black Caucus of State Legislators strongly encourages legislators throughout the United States to develop and mandate African-American mentoring programs to inspire youth participation in the political process; and

WHEREAS, the committee on Youth of the National Black Caucus of State Legislators encourages state legislators to start "mock sessions" that will act as a catalyst for early participation in the political process thus causing students to feel that they have a vested interest in their future; and

WHEREAS, the committee on Youth of the National Black Caucus of State Legislators believes that through these types of programs, youth will benefit greatly in the future.

THEREFORE BE IT RESOLVED BY THE 27th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN HOUSTON, TEXAS, DECEMBER 1 - 5, 2003, that NBCSL believes that this measure will inspire youth to participate in the political process, which will allow their voices to be heard at an early age; and

BE IT FURTHER RESOLVED, that this measure will cause youth to become politically or civically involved in their communities, state and nation.

Sponsored by: Representative LaNett Stanley Turner (GA) and Senator Nathaniel Exum (MD)

Approved Date is December 3, 2003 by the Committee of Jurisdiction: Youth

Certified by Committee Chair: Senator Nathaniel Exum (MD), Vice Chair

Ratified in Plenary Session, Ratified Date is December 5, 2003.

Ratification certified by: Representative Mary H. Coleman (MS), President