

37th Annual Legislative Conference

2014 RATIFIED POLICY RESOLUTIONS



NBCSL

National Black
Caucus of State
Legislators

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NBCSL 37th ANNUAL LEGISLATIVE CONFERENCE

2014 RATIFIED RESOLUTIONS

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FOR

AGRICULTURE POLICY COMMITTEE (AGR)



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AGR-14-09

ADVOCATING THE ELIMINATION OF FOOD DESERTS

WHEREAS, the U.S. Department of Agriculture (USDA) defines a food desert as any census district where at least 20 percent of inhabitants are below the poverty line and 33 percent live over a mile from the nearest supermarket (or in rural areas, over 10 miles);

WHEREAS, approximately 23.5 million Americans live in a food desert, in both rural and urban areas;

WHEREAS, food deserts are one of the main contributing factors to the obesity epidemic in the U.S., by forcing struggling families to rely on processed and fast food, instead of fresh vegetables, fruit, and proteins;

WHEREAS, adult obesity rates are 51 percent higher for African Americans than Whites, and 21 percent higher than Latinos;

WHEREAS, African American children are more likely to become obese than White children according to the Centers for Disease Control and Prevention; and

WHEREAS, food deserts frequently exist due to economic stagnation and disinvestment.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) calls for access to healthy, fresh, and affordable food in these rural and urban areas to improve overall health by combating obesity, diabetes, heart disease, cancer, and other health-related problems that can be aided by a healthy diet;

BE IT FURTHER RESOLVED, that this resolution reaffirms NBCSL's commitment to wellness (mind, body, and spirit) policies that incentivize and encourage the establishment of supermarkets and farmers' markets, as well as affordable, fresh, and healthy food options in local stores and restaurants within communities lacking access;

BE IT FURTHER RESOLVED, that NBCSL supports policy solutions encouraging grocers and other store owners to sell healthy food options in underserved communities, including food trusts and programs to help small stores carry fresh food for purchase;

BE IT FURTHER RESOLVED, that NBCSL urges the U.S. Department of Agriculture, Congress, state legislators, local officials, agencies, and non-profits to work together for the elimination of food deserts in the communities where people travel an unreasonable distance to buy fresh produce and proteins as a result of grocery stores and affordable fresh food disappearing from their communities;

BE IT FURTHER RESOLVED, that NBCSL applauds and supports the expanded use of electronic benefits cards at farmers' markets, and urges local growers to allow the use of electronic benefits cards whenever possible;

BE IT FURTHER RESOLVED, that NBCSL applauds the actions already taken and urges Congress to increase allocations to the Healthy Food Financing Initiative (a collaborative effort of the Departments of Agriculture, Health and Human Services, and Treasury), which brings grocery stores and other healthy food retailers to underserved urban and rural communities across America; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Representative Brenda Gilmore (TN)

Committee of Jurisdiction: Agriculture Policy Committee

Certified by Committee Chair: Representative Helen Miller (IA)

Ratified in Plenary Session: Ratification Date is December 13, 2013

Ratification is certified by: Representative Joe Armstrong (TN), President

AGR-14-46

SUPPORTING AGRICULTURAL EDUCATION INITIATIVES AND DIVERSITY IN AGRICULTURAL POLICY

WHEREAS, agricultural policies have a significant impact on all Americans;

WHEREAS, agriculture is a vital and growing part of the American economy and the Agriculture sector plays a vital role in the energy, education, environment, manufacturing, and international trade industries;

WHEREAS, legislators have the opportunity to play a major role in informing the public about the developments and concerns in this area, and in impacting policy;

WHEREAS, agricultural policy directly impacts farmers' markets, the Supplemental Nutrition Assistance Program (SNAP), rural development, healthy lifestyles, food safety, education, and energy policy;

WHEREAS, according to the latest Census, African Americans make up less than 2 percent of principle farm operators;

WHEREAS, cities and states throughout the country have expanded urban farming to communities of color across America in recent years, opening opportunities for enterprises owned and operated by people of color;

WHEREAS, legislators also have a role in working with agricultural producers to assure safe, economical, and accessible food production in America;

WHEREAS, efforts are being made to educate and involve legislators of color in agricultural policy, and the National Black Caucus of State Legislators (NBCSL) recognizes the importance of ensuring legislators of color have opportunities to gain the requisite knowledge and perspective to develop effective agricultural policies;

WHEREAS, it is imperative that legislators representing urban districts are afforded greater opportunities to expand their knowledge of agricultural and rural policy issues, so that, they too, may engage in effective policymaking; and

WHEREAS, NBCSL's involvement and encouragement of such efforts and initiatives are necessary to promote equity.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) affirms and supports educational agricultural programs and initiatives aimed at state legislators of color, especially given their tremendous impact on state and local economies;

BE IT FURTHER RESOLVED, that NBCSL encourages legislators and other policy leaders of color to engage in agriculture policy in their own states and on a national level, where possible, and inspire other people of color to become more active in this sector; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Representative Helen Miller (IA)

Committee of Jurisdiction: Agriculture Policy Committee

Certified by Committee Chair: Representative Helen Miller (IA)

Ratified in Plenary Session: Ratification Date is December 13, 2013

Ratification is certified by: Representative Joe Armstrong (TN), President

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BFI-14-06

CALLING FOR CONSUMER PROTECTIONS UNDER LAWSUIT LENDING

WHEREAS, consumer lawsuit lenders seek plaintiffs through television and online marketing, and offer advance cash to cover immediate living or medical expenses while plaintiffs are engaged in a lawsuit;

WHEREAS, these loans are then paid back to the lender from any settlement or monetary judgment the plaintiff is later awarded;

WHEREAS, the lenders offer to lend a portion of the expected settlement to the consumer, while charging interest rates often in excess of 100 percent annually;

WHEREAS, even when the consumer prevails or settles the case, he or she often recovers no money, because the entire amount of the award or settlement goes to pay the plaintiff's attorneys and to repay the lawsuit lender;

WHEREAS, lawsuit lending is a serious problem because it diminishes recoveries for injured consumers, increases litigation costs, and crowds court dockets;

WHEREAS, as a direct result of consumer lawsuit lending, defendants have to pay additional monies to plaintiffs, and plaintiffs, in turn, are forced to pay any additional monies to lawsuit lenders;

WHEREAS, the consumer lawsuit lender, now owning an interest in the plaintiff's settlement, may influence decision-making on the case contrary to the best interest of the plaintiff;

WHEREAS, the lawsuit lending industry is virtually unregulated across the United States;

WHEREAS, in the event the loan exceeds the settlement or award, and other associated expenses, such as legal representation, the plaintiff may then become indebted to the lawsuit lender;

WHEREAS, lawsuit lenders avoid most state oversight and regulation by categorizing their services as "investments" instead of "loans";

WHEREAS, NBCSL supports businesses, as well as consumer protections and fair market conditions; and

WHEREAS, it is important that consumers be protected, especially when they are at their most vulnerable.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) calls for the lawsuit lending industry to be subject to the same disclosures, regulations, and consumer protections as conventional lenders and banks;

BE IT FURTHER RESOLVED, that NBCSL supports state legislation that shall do the following:

- a. Protects consumers and curbs lending abuses by bringing lawsuit lending into alignment with existing state law;
- b. Subjects consumer lawsuit lending to the same fair-lending laws already in force in that particular state;
- c. Caps the interest rate consumer lawsuit lenders can charge at the same amount applicable to other lenders, and requires lawsuit lenders to provide their customers with the same information other lenders are required to disclose to further protect consumers; and
- d. Requires lawsuit lending disclosure to the courts and other parties, so that all parties can be adequately informed without undermining the plaintiff's case; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Senator Donne E. Trotter (IL) and Representative Harold Love, Jr. (TN)
Committee of Jurisdiction: Business, Financial Services, and Insurance Policy Committee
Certified by Committee Chair: Representative Eric Johnson (TX)
Ratified in Plenary Session: Ratification Date is December 13, 2013
Ratification is certified by: Representative Joe Armstrong (TN), President

BFI-14-10

PROTECTING THE ELDERLY AND SERVICE MEMBERS FROM PREDATORY SHORT-TERM LOANS

WHEREAS, the National Black Caucus of State Legislators (NBCSL) has been historically focused on ensuring the safe and adequate protection of vulnerable populations;

WHEREAS, those communities that require increased levels of protection should include the elderly, veterans, active military personnel, and those who lack adequate understanding about financial products and services, particularly regarding short-term loans;

WHEREAS, the elderly have, and continually experience, abuse from many sectors of the United States economy, but one of the most egregious is financial exploitation;

WHEREAS, the U.S. Department of Justice (DOJ) reported that "Financial exploitation of elders is complex and, in some instances, accompanied by other forms of elder mistreatment";

WHEREAS, the DOJ sought to evaluate the "Incidence of Financial Exploitation," and "Characteristics of Financial Exploitation;"

WHEREAS, the DOJ study found that there was no adequate reporting mechanism in this country, but a 1998 study by the National Center on Elder Abuse reported that financial abuse accounted for about 12 percent of all elder abuse reported nationally in 1993 and 1994, and 30 percent of substantiated elder abuse reported submitted to Adult Protective Services in 1996 after excluding reports of self-neglect;

WHEREAS, A 2000 survey of the National Association of Adult Protective Services Administrators conducted for the National Center on Elder Abuse found that financial exploitation comprised 13 percent of the mistreatment allegations investigated;

WHEREAS, financial exploitation combined with neglect or abuse is referred to as hybrid financial exploitation;

WHEREAS, the DOJ found that the characteristics and dynamics of the two types of cases (pure financial exploitation and hybrid financial exploitation) vary depending on the type of exploitation involved;

WHEREAS, NBCSL encourages states to enact appropriate laws and statutes to protect the elderly from incidences of abuse within families, and among those entrusted with the care of the elderly, veterans, active duty military, and those with limited financial understanding;

WHEREAS, in addition to protecting the elderly, veterans, active duty military and those with limited financial understanding from abuse in the home, appropriate safeguards should be established to protect the these groups from predatory lending practices;

WHEREAS, NBCSL passed Resolution BFI-13-14, PROMOTING SAFE AND AFFORDABLE LENDING PRACTICES, among the 2013 Ratified Resolutions, and that resolution promotes adequate safeguards to protect the general community from abusive financial services, this resolution aims to increase attention to the elderly population (those who have been historically abused by these types of organizations);

WHEREAS, this resolution maintains that responsibly structured credit is an essential part of the wealth-building ecosystem, that includes building a sound credit history, as well as saving and wise investment;

WHEREAS, the key structural qualities of loans that are safe and affordable are that the lender makes a good faith effort to assess the borrower's ability to repay the loan and that the loan is repayable in substantially equal installments of principal and interest, with no balloon payments; and

WHEREAS, NBCSL's intention is to ensure access to loans that are low cost rather than low rate.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) urges state legislators to work with organizations focused on protecting the elderly, veterans, active duty military, and those with limited financial understanding to ensure that adequate safeguards and protections are put in place;

BE IT FURTHER RESOLVED, that NBCSL supports lending that protects consumers by encouraging responsible underwriting, and assessing a borrower's ability and willingness to repay the loan at a reasonable rate;

BE IT FURTHER RESOLVED, that NBCSL encourages financial service organizations that offer lending services to the elderly and service members take the following into account:

- a. that lenders should examine factors like a borrower's credit bureau reports, the availability of monthly income for debt service, and the amount of the borrowers' debt compared to assets and income as a condition for making a loan;
- b. that lenders should adhere to all applicable state laws regarding collection practices, and that lenders should make good faith attempts with borrowers to remedy a delinquent account and refer consumers to financial counseling, if needed;
- c. that any loan should be structured in such a way as to minimize the danger that a borrower might fall into the cycle of debt;
- d. that lenders take care to explain to borrowers the terms of a possible loan transaction in as clear and transparent a manner as possible;
- e. that lenders should be a vital part of the communities in which they operate and actively participate in community activities and charitable endeavors;
- f. that lenders support and participate in financial education programs by contributing financially to organizations that offer these services to borrowers; and
- g. that lenders, non-profit organizations, and government entities should work together to improve financial education;

BE IT FURTHER RESOLVED, that NBCSL supports efforts by the U.S. Department of Veterans Affairs to bring low-cost loans to service members, and NBCSL further urges Congress to take the actions necessary to ensure the continuance, and the expansion of such programs;

BE IT FURTHER RESOLVED, that NBCSL supports efforts to protect the elderly, veterans, active duty military, and consumers with limited financial understanding who may need short-term loans; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Representative Johnny W. Shaw (TN)

Committee of Jurisdiction: Business, Financial Services, and Insurance Policy Committee

Certified by Committee Chair: Representative Eric Johnson (TX)

Ratified in Plenary Session: Ratification Date is December 13, 2013

Ratification is certified by: Representative Joe Armstrong (TN), President

BFI-14-12

URGING CAUTION ON BARRIERS FOR BROADCASTERS

WHEREAS, the National Black Caucus of State Legislators (NBCSL) has a long history of protecting and expanding African-American ownership in the United States;

WHEREAS, NBCSL recognizes that local radio broadcasters provide entertainment programming to the public for free; jobs for a range of skilled workers, including radio producers, engineers, technicians, and radio announcers; and provide many hours of free news, weather, natural disaster, and other emergency information, and public service announcements; and they promote local charities, causes, and local sports events;

WHEREAS, NBCSL recognizes that free over-the-air radio broadcast stations strive to reflect the rich diversity of their local audiences;

WHEREAS, NBCSL recognizes that small and minority-owned radio broadcasters play a critical role in reaching listeners around the country and contribute to the experience of delivering music and information to people in their homes, cars, and places of work, introducing listeners to new music, and increasing listeners' exposure to music;

WHEREAS, NBCSL recognizes that local radio broadcasters have donated considerable funding to charities and donated airtime throughout their history;

WHEREAS, NBCSL recognizes that local radio broadcasters have invested hundreds of millions of dollars in new digital technology and are committed to enhancing local media programming services, but due to a decrease in advertising revenue coupled with increased competition from unregulated audio platforms, the broadcast radio industry has experienced a decline in revenue;

WHEREAS, NBCSL recognizes that continued access to free over-the-air broadcasting is a key element of digital media;

WHEREAS, both the recording industry and the broadcast radio industry benefit from their current relationship;

WHEREAS, NBCSL recognizes that local radio stations provide the public with access to free sports, music, and other entertainment programming, which in turn, provide free promotion and publicity for the recording industry and musical performers and provides the performer with increased recording and concert ticket sales; and

WHEREAS, new fees, royalties, or other assessments could have an economic impact on broadcasters and, ultimately, the public, given the current economic environment where so many members of the public are struggling, and rely on local radio for news, weather, and entertainment.

THEREFORE BE IT RESOLVED, that NBCSL supports policies to promote the continuation of free over-the-air broadcasting and the important services it provides for our constituents and communities;

BE IT FURTHER RESOLVED, that NBCSL affirms and respects a state's responsibility to regulate local radio stations and protect the public interest, but also believes that while regulation may be needed, states should work, where possible, to encourage minority broadcasting; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, the Federal Communications Commission, and other federal and state government officials as appropriate.

SPONSOR: Representative Johnny W. Shaw (TN)

Committee of Jurisdiction: Business, Financial Services, and Insurance Policy Committee

Certified by Committee Chair: Representative Eric Johnson (TX)

Ratified in Plenary Session: Ratification Date is December 13, 2013

Ratification is certified by: Representative Joe Armstrong (TN), President

BFI-14-17

EMPOWERING CONSUMERS' DECISION-MAKING THROUGH FINANCIAL EDUCATION

WHEREAS, the National Black Caucus of State Legislators (NBCSL) has historically been focused on improving education, thus improving the quality of life, for every member of the community;

WHEREAS, the Pew Charitable Trust undertook a study entitled "Payday Lending in America: Who Borrows, Where They Borrow, and Why," that was designed to identify the characteristics or traits of communities and/or consumers who use payday loans;

WHEREAS, the study found that the odds of using a payday loan are 57 percent higher for renters than homeowners, 62 percent higher for those earning less than \$40,000 annually, 82 percent higher for those with some college education or less versus those with a college degree or more;

WHEREAS, the study findings showed that people who are separated or divorced are 103 percent more likely to be payday loan customers than those of all other marital statuses (single, living with a partner, married, or widowed);

WHEREAS, although the study found that most payday loan customers are White, female, and 25-44 years old, it also found that African Americans were 105 percent more likely to borrow payday loans—higher than for any other race or ethnicity;

WHEREAS, in addition to these factors, there are additional attributes like unemployment, low disposable income, poverty, low credit scores, limited access to mainstream financial services, as well as choice and convenience, that result in higher usage of payday loans;

WHEREAS, African American consumers should have access to a number of viable financial options in their communities;

WHEREAS, legislators should attempt to increase financial understanding in communities that have limited options;

WHEREAS, the majority of the financial education has been focused rightly on children and teenagers, but it is critically important to ensure that the parents of these children and others who may have missed out on good financial education be afforded opportunities to become better educated about their personal finances; and

WHEREAS, one of the most important factors in improving choice in African American communities is the dissemination of appropriate, accurate, and accessible financial education so that consumers are better informed and can navigate their financial options more effectively.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) encourages payday lenders, check cashing services, title loan companies, pawn shops, banks, credit unions, credit card companies, installment lenders and all other financial service organizations to offer financial education to their employees and customers;

BE IT FURTHER RESOLVED, that the curriculum of this financial education includes: budgeting, banking, credit, wealth creation, homeownership, identity theft, and insurance;

BE IT FURTHER RESOLVED, that NBCSL encourages the dissemination of this information in multiple languages to facilitate broad outreach to communities across the country;

BE IT FURTHER RESOLVED, that NBCSL supports the U.S. Department of Treasury's Financial Literacy and Education Commission's recommendations in the "Promoting Financial Success in the United States: National Strategy for Financial Literacy 2011" to create a national strategy for improving financial literacy, and further urges Congress to provide the resources necessary to improve financial literacy in the United States; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Representative Johnny W. Shaw (TN)

Committee of Jurisdiction: Business, Financial Services, and Insurance Policy Committee

Certified by Committee Chair: Representative Eric Johnson (TX)

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Ratification is certified by: Representative Joe Armstrong (TN), President

BFI-14-26

REDUCING CREDIT-BASED BARRIERS IN HIRING AND EMPLOYMENT

WHEREAS, the National Black Caucus of State Legislators (NBCSL) has been historically focused on protecting vulnerable populations from arbitrary factors that limit and/or prohibit their ability to prosper;

WHEREAS, NBCSL supports efforts to re-engage constituents in the workforce and facilitate greater job opportunities;

WHEREAS, NBCSL opposes any unlawful or discriminatory hiring practices that may negatively and unjustly impact a person's ability to secure employment and opposes legislation that could be perceived as culturally biased;

WHEREAS, federal law allows employment credit checks under the Fair Credit Reporting Act (FCRA), which permits employers to request credit reports on job applicants and existing employees;

WHEREAS, credit reports were not designed as an employment screening tool, rather as a means for lenders to evaluate whether a borrower would be a good credit risk;

WHEREAS, those that would be most adversely impacted would be individuals in the low- and middle-income households with credit card debt, and households experiencing job loss, lack of health coverage, or medical debt;

WHEREAS, the potential racial discriminatory impact of employment credit checks is the key reason that civil rights organizations, such as the NAACP, the National Council of La Raza, the Leadership Conference on Civil and Human Rights, and the Lawyers Committee for Civil Rights under Law opposed them;

WHEREAS, a new civil rights agenda must include consumer protection from arbitrary factors that limit one's ability to prosper in a global economy;

WHEREAS, one of the factors many employers examine when determining whether to offer an applicant employment is the person's credit information;

WHEREAS, many employers claim a person's credit score is indicative to some degree of his or her trustworthiness, but substantial data suggests that there is no relationship between these two factors;

WHEREAS, according to a Federal Trade Commission (FTC) study undertaken in 2012, 42 million Americans have errors on their credit reports;

WHEREAS, these errors can have an adverse impact on a consumer's credit score;

WHEREAS, 45 bills in 25 states and the District of Columbia have been introduced in the 2013 legislative session relating to the use of credit information in employment decisions;

WHEREAS, eight states have passed legislation to restrict the use of credit checks in employment, and dozens of additional cities and states have introduced bills to do so; and

WHEREAS, in 2013, legislation was introduced in Congress to amend the Fair Credit Reporting Act to prohibit the use of employment credit checks.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) understands the importance of fair and just hiring practices and the negative impact that credit ratings, history, or scores may have, especially on persons from certain socioeconomic or cultural backgrounds;

BE IT FURTHER RESOLVED, that NBCSL discourages the use of credit scores and similar types of information to be used in determining a job applicant's employability and whether this information should be used to deny employment;

BE IT FURTHER RESOLVED, that NBCSL urges Congress to make it an unlawful discriminatory hiring practice for an employer to use a person's credit rating, credit score, or consumer credit history to render decisions regarding ones employment;

BE IT FURTHER RESOLVED, that NBCSL applauds the passage of similar legislation in California, Colorado, Connecticut, Hawaii, Illinois, Maryland, Oregon, Vermont, and Washington;

BE IT FURTHER RESOLVED, that NBCSL also recognizes credit information is sometimes needed in certain circumstances, or for certain kinds of jobs and clearances, and supports limited, reasonable exceptions to laws prohibiting the use of credit information in employment; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives, members of the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Senator Charleta B. Tavares (OH) and Representative Johnny W. Shaw (TN)
Committee of Jurisdiction: Business, Financial Services, and Insurance Policy Committee
Certified by Committee Chair: Representative Eric Johnson (TX)
Ratified in Plenary Session: Ratification Date is December 13, 2013
Ratification is certified by: Representative Joe Armstrong (TN), President

BFI-14-37

ENSURING CONSUMER PRIVACY AND PROTECTION FOR INSURANCE PREMIUMS

WHEREAS, the National Black Caucus of State Legislators (NBCSL) is supportive of insurance rates that are equitable and reasonable, regardless of race or other attributes which may factor into discriminatory rate-setting;

WHEREAS, insurance companies employ multiple ways to require individuals and families to pay increased rates, including reasons such as poor health and/or unhealthy lifestyle choices;

WHEREAS, insurance companies have been using credit information to determine a consumer's level of risk before selling or renewing auto, home, or renter's insurance;

WHEREAS, these companies have increasingly used the method of checking credit history and scores as a method of determining the premium rate to set forth or whether the provider will offer services at all;

WHEREAS, most consumers are unaware that credit-based insurance ratings may have an impact on insurance cost and are led to believe that criteria such as driving records or the condition of their home will be the most influential factors in determining insurance premiums, due to the fact that providers do not advertise this practice;

WHEREAS, the insurance industry explains its use of credit information based on the "propensity of those with poor credit to file an insurance claim" versus those who actually have poor driving records or are more likely to get into a car accidents;

WHEREAS, the people who are deemed more likely to file a claim based on their credit score should not be considered "actuarially" more risky than anyone else, given the lower credit score is used to justify high insurance premiums;

WHEREAS, providers claim that the use of credit information enables them to charge lower premiums to consumers who are perceived as "better risks" despite the lack of evidence that it is an accurate indicator of risk level as it concerns "good risks" versus "bad risks" for the provider;

WHEREAS, insurance premiums should be based on the normal categories of risk, including driving history, accidents, and factors directly related to a driver's past driving record;

WHEREAS, bad credit is most commonly associated with irresponsible behavior, but many factors such as job loss, home foreclosure, medical bills, student loans, and divorce can also have a negative effect on credit rating and should not directly impact the ability to obtain reasonable health insurance;

WHEREAS, according to a Federal Trade Commission (FTC) study undertaken in 2012, 42 million Americans have errors on their credit reports;

WHEREAS, these errors can have an adverse impact on a consumer's credit score;

WHEREAS, insurance credit checks can be used as a discriminatory tool, and it has been documented that there are significant disparities in credit scores for different demographics such as African Americans and Hispanics having significantly lower credit scores than non-Hispanic White and Asian populations;

WHEREAS, individuals under 30 years old have lower scores than older individuals, which could lead to discriminatory practices on the basis of age;

WHEREAS, four states have prohibited insurers from using consumer credit information in determining premiums and three others prohibit the use of credit history for auto insurance rates; and

WHEREAS, legislators in 22 states and Puerto Rico are addressing legislation regarding the use of credit information in insurance in the 2013 legislative session.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) applauds the states that have enacted legislation to outlaw this discriminatory practice which include California, Hawaii, Massachusetts, Montana, Nevada, Oklahoma, and Oregon;

BE IT FURTHER RESOLVED, that NBCSL urges states to pass legislation that would discourage the use of credit scores, and similar information, to be used in determining a person's premium or payment on car or any other type of insurance, except in cases where the insurance is directly based on the policyholder's ability to repay the loan;

BE IT FURTHER RESOLVED, that NBCSL urges Congress to enact legislation that prohibits an insurance provider from using credit scores, credit history, or credit reports to determine a premium rate, establish the terms and conditions of an insurance policy, or decide whether to issue, continue, or renew a policy; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Senator Charleta B. Tavares (OH) and Representative Johnny W. Shaw (TN)
Committee of Jurisdiction: Business, Financial Services, and Insurance Policy Committee
Certified by Committee Chair: Representative Eric Johnson (TX)
Ratified in Plenary Session: Ratification Date is December 13, 2013
Ratification is certified by: Representative Joe Armstrong (TN), President

BFI-14-41

CALLING ON STATES TO CONDUCT DISPARITY STUDIES

WHEREAS, the National Black Caucus of State Legislators (NBCSL) has a long history of encouraging parity between minority and non minority-owned businesses;

WHEREAS, last year, NBCSL passed “FACILITATING A LEVEL PLAYING FIELD FOR ALL DISADVANTAGED BUSINESS ENTERPRISES” (BFI-13-29) AND “INCREASING FAIR CONTRACTING OPPORTUNITIES AND PRACTICES FOR GREATER ECONOMIC PARITY” (BFI-13-37) to increase opportunity for businesses owned by people of color;

WHEREAS, there is a history of discrimination against business owners of color and women business owners in the awarding of contracts in every state in the United States of America;

WHEREAS, the U. S. Supreme Court in *City of Richmond v. J. A. Croson Co.*, 488 U.S. 469 (1989), held that remedial action to rectify past discrimination required specific statistical and anecdotal evidence of discrimination; and

WHEREAS, since 1989, many state and local governments have conducted disparity studies to determine whether those governments have a compelling interest in taking affirmative steps to remedy identified discrimination and the current effects of past discrimination.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) recommends that its members introduce legislation calling for their states to conduct a disparity study to compare the number of state contracts held by minority- or women-owned businesses, and to determine whether minority and/or women-owned firms are being discriminated against in the awarding of public contracts;

BE IT FURTHER RESOLVED, that these disparity studies should disaggregate data by race, ethnicity, and gender;

BE IT FURTHER RESOLVED, that NBCSL urges state legislators to include research grants in their state’s disparity study to determine whether discrimination is potentially occurring in the grants awarded to minority-serving institutions relative to predominantly White institutions;

BE IT FURTHER RESOLVED, that NBCSL urges the United States Congress to allocate appropriate funding to support the growth and development of minority-owned businesses within the Minority Business Development Agency and in offices throughout the federal government dedicated to supporting minority-owned businesses; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Representative Larry Miller (TN)
Committee of Jurisdiction: Business, Financial Services, and Insurance Policy Committee
Certified by Committee Chair: Representative Eric Johnson (TX)
Ratified in Plenary Session: Ratification Date is December 13, 2013
Ratification is certified by: Representative Joe Armstrong (TN), President

37th ANNUAL LEGISLATIVE CONFERENCE

2014 RATIFIED POLICY RESOLUTIONS

FOR

EMERGENCY PREPAREDNESS / HOMELAND SECURITY
POLICY COMMITTEE (EPHS)



N B C S L

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NBCSL OFFICIAL DOCUMENT

EHS-14-33

URGING INCREASED FUNDING TO COMBAT CRIMINAL TRAFFICKING OF HUMANS, WEAPONS, AND NARCOTICS

WHEREAS, drug trafficking and related violence is on the rise throughout the Caribbean;

WHEREAS, the Caribbean's unsecured borders allow drug cartels to take advantage of uncontrolled coastlines and mountainous interiors for the growth and transportation of narcotics;

WHEREAS, in the Caribbean, where over 700 islands exist, only thirty or forty are inhabited, which makes it difficult to regulate and detect such illegal activities taking place in those waters;

WHEREAS, the U.S. Virgin Islands has been deemed a High Intensity Drug Trafficking Area along with counties in 46 states as well as the District of Columbia and Puerto Rico;

WHEREAS, the U.S. Virgin Islands' location on the main route to the continental United States, and the ease of inter-island travel and open coastlines, contribute to making smuggling difficult to detect; and

WHEREAS, the U.S. Virgin Islands is the southernmost point of entry into the United States for people and goods, and the porous border between the U.S. Virgin Islands and the U.S. mainland makes it appreciably easier to transport guns, humans, and drugs;

WHEREAS, the U.S. Virgin Islands is a major bulk cash movement center for drug traffickers, and leaders of high-profile money laundering organizations, maintain money laundering cells in the Virgin Islands;

WHEREAS, statistics show that where there are drugs, there is violence;

WHEREAS, the porous border can allow non-U.S. Virgin Islands residents to commit acts of violence and leave undetected;

WHEREAS, the U.S. Virgin Islands is additionally vulnerable to becoming a target for criminal enterprise due to their status as a U.S. territory and greater access to the U.S. mainland;

WHEREAS, some significant challenges to address the problems of human smuggling are inadequate facilities and manpower to clear passengers and cargo at various ports;

WHEREAS, in order to combat these trafficking and smuggling issues, U.S. Customs and Border Patrol needs to increase its presence on the sea and conduct land and sea operations simultaneously to control the flow of illegal items into the territory; and

WHEREAS, the U.S. Customs and Border Patrol needs additional personnel to increase its presence, and more funding will be necessary to accomplish this aim.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL), respectfully urges the Congress of the United States to authorize and appropriate the necessary funding to the United States Customs and Border Protection to address and combat the high volume of drugs, guns and human trafficking, particularly in the Caribbean as the region is largely unsecured which poses a serious risk;

BE IT FURTHER RESOLVED, that NBCSL reiterates its position that while increased border security is needed, that it should not be used as a justification to racially profile minorities and that Congress should include in any pending immigration reforms, protections to prevent racial profiling;

BE IT FURTHER RESOLVED, that NBCSL urges Congress to provide increased diversity in contracting related to border security and to visa operations, as minority contractors will likely have greater cultural competence, which will aid service and efficiency; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Senator Shawn-Michael Malone, (USVI)

Committee of Jurisdiction: Emergency Preparedness / Homeland Security Policy Committee

Certified by Committee Chair: Representative Willie Perkins (MS)

Ratified in Plenary Session: Ratification Date is December 13, 2013

Ratification is certified by: Representative Joe Armstrong (TN), President

37th ANNUAL LEGISLATIVE CONFERENCE

2014 RATIFIED POLICY RESOLUTIONS

FOR

ENERGY, TRANSPORTATION, AND ENVIRONMENT
POLICY COMMITTEE (ETE)



NBCSL

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NBCSL OFFICIAL DOCUMENT

ETE-14-29

SUPPORTING NEW ECONOMIC OPPORTUNITIES THROUGH THE PANAMA CANAL EXPANSION

WHEREAS, in 1914, the Panama Canal changed the way the World conducted trade, creating new, dynamic economic opportunities;

WHEREAS, the expansion of the Panama Canal has the potential to transform global trade, yet again, resulting in additional economic opportunity upon completion of the expansion project in 2015;

WHEREAS, supporting the expansion of the Panama Canal can assist our constituents in accessing economic opportunities, such as business creation and growth in fields like consulting, professional services, financial services, and community development;

WHEREAS, workers with a wide variety of skills and skill levels will be able to avail themselves of job openings related to port fortification and expansion, docks, container management, warehouse construction and management, logistics, and skills training;

WHEREAS, an expanded Panama Canal could potentially provide tremendous economic opportunities for the United States, primarily due to a projected increase in trade between Asia and North America, which would bring more ships to United States sea ports;

WHEREAS, an expanded Panama Canal can accommodate longer and wider ships, which will carry almost three times the amount of cargo currently transported;

WHEREAS, many U.S. ports have already begun positioning themselves to capitalize on this opportunity, allowing large ships to bring cargo to southern ports and cutting cargo delivery times;

WHEREAS, economic analysis conducted by the University of William and Mary suggests that six Twenty-foot Equivalent Units (TEU) would equate to one new job, one TEU would equate to \$20,000 in economic activity, and a shift of 5 percent of cargo going from the West Coast to the East Coast would mean one million additional TEUs coming to the East Coast; and

WHEREAS, with increased imports and exports, the South can expect cargo volumes flowing through its region to increase dramatically and likely impact the following U.S. sectors:

- the transportation system as existing ports are built out into mega ports to improve the efficient transportation of goods;
- construction jobs coming from new and improved roads, rail lines, and warehouses;
- freight jobs from off-loading, container management, and warehousing both imports and exports;

- agriculture through promoting the export of U.S. foods and livestock, for example, in 2012, southern states produced 7.5 billion broilers or 93 percent of all chickens in the U.S. with production expected to increase 12 percent; and
- energy, given that many states have major reserves of natural gas, coal, and oil, and the expanded transportation infrastructure will allow more efficient sale and delivery of these fuels as well as renewable energies, hopefully reducing reliance on foreign energy sources.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) encourages all states to pass policies that support active trade within the United States and with other countries;

BE IT FURTHER RESOLVED, that NBCSL applauds the expansion of the Panama Canal in order to expand transportation options around the United States;

BE IT FURTHER RESOLVED, that NBCSL calls upon Congress when considering the reauthorization of the Water Resources Development Act (WRDA) to provide the necessary resources to ports in the United States, in order to increase their overall capacity;

BE IT FURTHER RESOLVED, that steps should be taken to ensure minority-owned businesses and contractors may fully participate in new opportunities being created; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Representative Karen Camper (TN)
 Committee of Jurisdiction: Energy, Transportation, and Environment Policy Committee
 Certified by Committee Chair: Representative Joe Gibbons (FL)
 Ratified in Plenary Session: Ratification Date is December 13, 2013
 Ratification is certified by: Representative Joe Armstrong (TN), President

URGING EQUITABLE DISTRIBUTION OF ELECTRICITY GRID SYSTEM COSTS

WHEREAS, the U.S. electric grid delivers a product essential to all Americans;

WHEREAS, electricity runs our economy and it powers our homes, businesses, industries, and the smart technologies and innovations that enhance our quality of life;

WHEREAS, the United States needs a diverse supply of safe and reliable electricity;

WHEREAS, the domestic development of alternative energy sources should be concurrently beneficial to our country's environment and to our country's economy;

WHEREAS, the electric power industry is leading the transformation to make the grid more flexible and more resilient to meet the growing demands of our digital society;

WHEREAS, the electric power industry directly employs more than 500,000 American workers and is the nation's most capital-intensive industry, investing more than \$85 billion per year, on average, in capital expenditures, including investments in transmission and distribution infrastructure;

WHEREAS, more than 40 states plus the District of Columbia and four U.S. territories now have established policies to regulate the use of rooftop solar panels and other small-scale, on-site distributed generation (DG) systems;

WHEREAS, it is recognized that when these rooftop solar and other DG systems first came to market years ago, many states approved a billing plan called net metering to encourage their introduction;

WHEREAS, net-metered customers pull energy from the grid in the absence of sunshine, and must use the grid to feed energy back into the grid when the solar unit is generating more power than the house or business needs;

WHEREAS, some states now have net metering policies that credit rooftop solar or other DG customers for any excess electricity they generate and sell using the grid, and require utilities to buy this power typically at the full retail rate—despite the availability of lower retail rates through self-production or through wholesale market providers;

WHEREAS, the full retail rate of electricity often includes the fixed costs of the poles, wires, meters, advanced technologies, and other infrastructure that make the electric grid safe, reliable, and able to accommodate solar panels and other DG systems;

WHEREAS, when net-metered customers are credited for the full retail cost of electricity, they effectively avoid paying the grid costs, and utilities may shift these costs for maintaining the grid to those customers without rooftop solar or other DG systems through higher utility bills;

WHEREAS, all residential and business consumers who use the electric grid should pay to support its maintenance and to ensure its reliability;

WHEREAS, shifting costs from those who can afford DG systems to less affluent customers and others unable to afford or qualify for rooftop solar leases is an unfair financial burden; and

WHEREAS, the use of rooftop solar and other DG systems now has become more widespread, and many states are reviewing their net metering policies.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) encourages state policymakers to recognize the value that the electric grid delivers to all and to examine the following:

1. Updating net metering policies in their states so that solar customers and other distributed generation customers that use the electric grid pay a fair and equitable fee to maintain the grid and to keep it operating reliably at all times;
2. Whether such a fee should be charged only to solar customers and other distributed generation customers and assessed based on their electricity use;
3. Policies for solar rooftop customers that distribute system costs equitably by creating mechanisms that recover grid costs from DG systems, enhance cost transparency, and determine if non-solar customers do, in fact, benefit sufficiently from the policy change; and
4. Ensuring electric rates are fair and affordable for all customers and that all customers have safe and reliable electricity;

BE IT FURTHER RESOLVED, that NBCSL supports subsidizing the cost of alternative energy build out throughout the country and encourages legislators on the state and federal level to continue to encourage the implementation of alternative sources;

BE IT FURTHER RESOLVED, that NBCSL urges state and federal lawmakers to support programs that provide funding or utilize alternative financing models to aid low-income households and communities to become more energy efficient and to use solar panels or other forms of alternative energy; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Representative Joseph Gibbons (FL)

Committee of Jurisdiction: Energy, Transportation, and Environment Policy Committee

Certified by Committee Chair: Representative Joe Gibbons (FL)

Ratified in Plenary Session: Ratification Date is December 13, 2013

Ratification is certified by: Representative Joe Armstrong (TN), President

37th ANNUAL LEGISLATIVE CONFERENCE

2014 RATIFIED POLICY RESOLUTIONS

FOR

HEALTH AND HUMAN SERVICES POLICY COMMITTEE
(HHS)



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NBCSL OFFICIAL DOCUMENT

PROMOTING HEALTHCARE QUALITY IN STATE INSURANCE EXCHANGES

WHEREAS, despite an increased focus on improving the quality of care in the United States, our nation's healthcare system suffers from misaligned payment systems, a lack of information and transparency, and gaps in care delivery;

WHEREAS, the healthcare marketplace traditionally has rewarded providers for the volume of care they deliver, and although healthcare utilization is high, there are significant differences between the healthcare that should be received and the healthcare actually received, with those gaps resulting in increased costs, and in some cases, harm to patients;

WHEREAS, the Patient Protection and Affordable Care Act (PPACA) contains provisions that are facilitating a shift from volume of services provided, to the value of services provided by linking provider and physician payment to quality of care and patient outcomes;

WHEREAS, the PPACA calls for the use of community-based navigators to improve the quality of health insurance coverage selection and understanding;

WHEREAS, the Institute of Medicine (IOM) defines healthcare quality as "the degree to which health services for individuals and populations increase the likelihood of desired health outcomes and are consistent with current professional knowledge," and has recommended the U.S. healthcare system be aligned to deliver care meeting six aims critical to quality improvement, including care that is safe, effective, patient-centered, timely, efficient, and equitable;

WHEREAS, the U.S. Department of Health and Human Services has convened public and private stakeholders to establish a National Quality Strategy for Improvement in Health Care (National Quality Strategy) focused on six priorities: safety, care coordination, population/community health, effective prevention and treatment, patient and caregiver-centered experience and outcomes, and making quality care affordable;

WHEREAS, the National Quality Strategy is the first effort to create national aims and priorities to guide local, state, and national efforts to improve the quality of health care in the United States;

WHEREAS, the National Quality Strategy also encourages public and private entities to align their activities to reach these common aims;

WHEREAS, working from this common understanding of quality, experts have developed hundreds of quality measures in use today and continue to develop and refine new ones;

WHEREAS, measures of quality should be evidence-based, consistent with nationally recognized practice guidelines, and endorsed through a multi-stakeholder consensus-based organizations;

WHEREAS, the trends of linking quality of care to reimbursement and using quality information to inform patient choices will continue to grow as they are critically important to ensuring that healthcare reforms preserve and enhance the quality of healthcare;

WHEREAS, evidence-based cost and quality measures will help the healthcare system evolve from one rewarded for the volume of services to one promoting the value of services; and

WHEREAS, due to rapidly occurring medical advances, quality measures must be updated regularly to reflect the latest medical knowledge, and continuous reassessment must be required to avoid penalizing early adopters of care improvement as well as to facilitate medical innovations.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) supports the application of evidence-based quality measures, and that health plans and providers report publicly on quality performance to improve patient outcomes as well as better inform patient choices in state Health Insurance Marketplaces (Insurance Exchanges) and government-funded healthcare programs, including Medicaid;

BE IT FURTHER RESOLVED, that NBCSL supports the implementation of the National Strategy for Quality Improvement in Health Care and the creation of the Center for Medicare and Medicaid Innovation as they will promote quality health care that is focused on the needs of patients, families, and communities; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Representative Charlie Brown (IN)
Committee of Jurisdiction: Health and Human Services Policy Committee
Certified by Committee Chair: Senator Connie Johnson (OK)
Ratified in Plenary Session: Ratification Date is December 13, 2013
Ratification is certified by: Representative Joe Armstrong (TN), President

HHS-14-05

INCREASING AWARENESS OF ATRIAL FIBRILLATION TO REDUCE STROKE

WHEREAS, according to the Centers for Disease Control and Prevention (CDC), atrial fibrillation is the most common type of arrhythmia (abnormal heart rhythm), and other arrhythmias occur when the electrical activity of the heart is disorganized, causing an irregular heartbeat that disrupts the flow of blood through the heart;

WHEREAS, atrial fibrillation (AF) consists of two types, non-valvular atrial fibrillation (NVAf) and valvular atrial fibrillation;

WHEREAS, atrial fibrillation affects about 4 percent of the U.S. population over 65, which amounts to more than 2.6 million people, and those older than 40 have about a 25 percent chance of developing atrial fibrillation;

WHEREAS, one in every 20 people over the age of 70 has atrial fibrillation, and risk factors for atrial fibrillation include high blood pressure, heart failure, diabetes, advanced age, hyperthyroidism, and heart disease;

WHEREAS, those with atrial fibrillation have a risk of stroke that is three to five times greater than those without, and 15 percent of all people who have strokes also have atrial fibrillation;

WHEREAS, according to the CDC, the mortality rate from atrial fibrillation as either the primary or an underlying cause of death has been increasing for more than two decades;

WHEREAS, stroke is the fourth leading cause of death as well as a leading cause of long-term disability in the U.S., accounting for one in every 19 deaths in 2009;

WHEREAS, according to the National Stroke Association, African Americans are twice as likely to die from stroke as White Americans:

WHEREAS, the rate of first strokes in African Americans is almost double that of White Americans;

WHEREAS, strokes tend to occur earlier in life of African Americans than White Americans;

WHEREAS, stroke survivors are more likely to become disabled and experience difficulties with daily living and activities, and African Americans are more impacted by stroke than any other racial groups within the American population;

WHEREAS, in 2010, the total cost of cardiovascular diseases in the U.S. was estimated at \$444 billion, and treatment of these diseases accounts for about \$1 of every \$6 spent on health care in this country;

WHEREAS, atrial fibrillation can be detected with an electrocardiogram (also called an EKG) a simple, painless test that records the heart's electrical activity;

WHEREAS, as of 2005, AF alone cost an estimated \$6.65 billion per year, with nearly 75 percent of those direct and indirect costs associated with hospitalization; and

WHEREAS, AF is a serious health issue deserving attention from state health officials; an increase in community awareness of AF can improve the likelihood that people with AF will seek the treatment they need before suffering from devastating consequences.

THEREFORE BE IT RESOLVED, that in order to improve public health and ultimately save taxpayer dollars, the National Black Caucus of State Legislators (NBCSL) urges Congress and the Administration to increase public awareness of the risks posed by atrial fibrillation and stroke, and to enable the availability of safe diagnostic and treatment options;

BE IT FURTHER RESOLVED, that NBCSL further urges its members to partner with state health departments, medical communities, and community-based organizations to raise awareness about the risks posed by atrial fibrillation and stroke; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Senator Donne E. Trotter (IL)

Committee of Jurisdiction: Health and Human Services Policy Committee

Certified by Committee Chair: Senator Connie Johnson (OK)

Ratified in Plenary Session: Ratification Date is December 13, 2013

Ratification is certified by: Representative Joe Armstrong (TN), President

HHS-14-20

CALLING FOR MEDICAID EXPANSION ACROSS AMERICA

WHEREAS, the National Black Caucus of State Legislators (NBCSL) has always been dedicated to improving the quality of health services for every constituent;

WHEREAS, the Patient Protection and Affordable Care Act commonly called the Affordable Care Act (ACA), is a U.S. federal statute signed into law by President Barack Obama on March 23, 2010;

WHEREAS, NBCSL has ratified policy resolutions calling for health reform and lauding its passage in BFI-10-32, A RESOLUTION SUPPORTING HEALTH CARE REFORM THAT REDUCES HEALTH CARE COSTS, GUARANTEES AFFORDABLE HEALTH CARE FOR ALL AMERICANS, AND ELIMINATES INSURANCE DISCRIMINATION FOR PRE-EXISTING CONDITIONS, and BFI-11-22, calling for the continued SUPPORT OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT AND THE HEALTH CARE AND EDUCATION RECONCILIATION ACT;

WHEREAS, the ACA represents the most significant regulatory overhaul of the country's healthcare system since the passage of Medicare and Medicaid in 1965;

WHEREAS, the ACA aims, among many other things, to increase the quality and affordability of health insurance, lower the uninsured rate by expanding public and private insurance coverage, and reduce the cost of healthcare for individuals and the government;

WHEREAS, the ACA provides a number of mechanisms including subsidies, penalties, and insurance exchanges to increase coverage and affordability;

WHEREAS, the ACA also requires insurance companies to cover all applicants within new minimum standards and offer the same rates regardless of pre-existing conditions or gender;

WHEREAS, additional reforms aim to reduce costs and improve healthcare outcomes by shifting the system towards quality over quantity through increased competition, regulation, and incentives to streamline health care delivery systems;

WHEREAS, the Congressional Budget Office projected that the ACA will lower both future deficits and Medicare spending;

WHEREAS, on June 28, 2012, the United States Supreme Court upheld the constitutionality of most of the ACA in *National Federation of Independent Business v. Sebelius*;

WHEREAS, even though the Supreme Court upheld the law, it held that states cannot be forced to participate in the ACA's Medicaid expansion under penalty of losing their current Medicaid funding;

WHEREAS, following the Supreme Court's ruling, twenty-five (25) states and the District of Columbia are now participating and have accepted expanded Medicaid coverage provided by the Act, and fifteen (15) have opted to reject the coverage—although the ACA allows states to change their status and expand Medicaid at any point in the future;

WHEREAS, a significant portion of the nation's uninsured population lives in the fifteen (15) states that have chosen not to accept expanded Medicaid coverage;

WHEREAS, the majority of the states that have chosen not to expand coverage under the ACA are in the southern geographic region of this country where African Americans are concentrated most heavily; and

WHEREAS, hospitals, physicians, diagnostic service providers, ambulatory care facilities and other medical organizations and personnel will heavily rely on this coverage to increase and improve the quality of services for African Americans and all citizens.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) supports Medicaid expansion under the Patient Protection and Affordable Care Act (ACA) and calls for its implementation in every part of the country;

BE IT FURTHER RESOLVED, that NBCSL's support is based on the ACA providing services that will improve the quality of care to African Americans, Hispanics, women, children, and every other population in this country;

BE IT FURTHER RESOLVED, that NBCSL's support is based on the ACA controlling healthcare costs and providing increased options for individuals, municipalities, states, the federal government, and businesses throughout this country;

BE IT FURTHER RESOLVED, that NBCSL's support is based on hospitals, physicians, diagnostic service providers, ambulatory care facilities, other medical organizations, and personnel being adequately and appropriately reimbursed for their services, and thus improving the economies of the communities where these organizations are located;

BE IT FURTHER RESOLVED, that NBCSL urges those states that have opted out of Medicaid expansion to reconsider their decisions because of the cost and lower quality of health care services that will be provided to their citizens, as they will fall into an unfortunate trap in which they are ineligible for Medicaid and unable to purchase subsidized insurance from the healthcare exchange servicing their state; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Representative Johnny W. Shaw (TN)
Committee of Jurisdiction: Health and Human Services Policy Committee
Certified by Committee Chair: Senator Connie Johnson (OK)
Ratified in Plenary Session: Ratification Date is December 13, 2013
Ratification is certified by: Representative Joe Armstrong (TN), President

ELIMINATING HEALTH DISPARITIES

WHEREAS, the National Black Caucus of State Legislators (NBCSL) focuses heavily on health education, research, and the promotion of good health care policies with a view toward specific implications for the African American community;

WHEREAS, two in five African Americans are uninsured and lack consistent access to health care, including 24 percent of African Americans at 400 percent above the Federal Poverty Level, with 15 percent of the population utilizing emergency rooms as their primary source of care;

WHEREAS, in the United States, African American women maintain the highest rate of infant mortality at 13.3 deaths per 1,000, which is almost double the national average and higher than that of many non-industrialized countries;

WHEREAS, although African American women are 2.5 times more likely to begin prenatal care in the third trimester or to receive no prenatal care at all during pregnancy, even in cases where they begin primary care at the beginning of pregnancy, the mortality rate is still higher for African American babies, revealing that simply increasing access to prenatal care for African American women who are pregnant will be insufficient to decrease racial disparities in the infant mortality rate;

WHEREAS, there are stark differences in the quality of health care received by African American women who are pregnant as compared to other women who are pregnant so much so that infants are more likely to be born at hospitals with higher overall mortality rates, which has led researchers to conclude that if African American infants were to be born at the same hospitals as white infants, their mortality rates would be lower;

WHEREAS, African Americans are more likely than all other racial populations in the U.S. to die prematurely as a result of diabetes, prostate cancer, breast cancer diagnosed at advanced stage, maternal deaths per 100,000 live births, and other treatable diseases and conditions; and

WHEREAS, the Patient Protection and Affordable Care Act (ACA) implementation provides an opportunity for Congress and the Administration to work with NBCSL, state policymakers, public, community and faith-based institutions to develop strategies, policies and programs to reduce health disparities among racial, ethnic, and cultural populations in the U.S.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) believes reporting requirements are important, and should focus on requirements where there is a reasonable expectation that the data will be used to analyze trends, improve patient outcomes, improve programs, and eliminate health disparities with reporting requirements in the least burdensome way possible;

BE IT FURTHER RESOLVED, that NBCSL recognizes the steps already taken and urges the U.S. Department of Health and Human Services and its offices and centers including but not limited to, the Office of Minority Health, Centers for Disease Control and Prevention, National Institutes of Mental Health, and the Substance Abuse and Mental Health Services Administration to continue to work with NBCSL, other minority stakeholder groups, and state policymakers to accomplish the following:

- identify the social determinants of health, which lead to disparities;
- adopt the National Standards for Culturally and Linguistically Appropriate Services in Health Care (CLAS Standards) and;
- develop standards for the collection and reporting by federally-funded health and health care programs of data on race, ethnicity, gender, primary language, disability status, those living in rural and frontier areas, and other characteristics identified by the U.S. Secretary of Health and Human Services;

BE IT FURTHER RESOLVED, that NBCSL urges Congress to increase funding and provide additional support to:

- reduce health disparities;
- provide quality care and efficiencies;
- improve health outcomes, increase cost-effectiveness, and save money; and
- meet legislative, organizational, and accreditation standards;

BE IT FURTHER RESOLVED, that NBCSL urges the federal government to make every effort to include more women and minorities in clinical trials and other research initiatives to improve health care strategies and programs to eliminate disparities;

BE IT FURTHER RESOLVED, that NBCSL urges Congress to increase funding for the U.S. Department of Health and Human Services and relevant agencies, including the Centers for Disease Control and Prevention; Office of Minority Health, and the National Institutes of Health to

- (1) implement the U.S. Department of Health and Human Services' Office of Minority Health's National Partnership for Action to End Health Disparities' (NPA) efforts to mobilize a nationwide, comprehensive, community-driven, and sustained approach to combating health disparities and to move the nation toward achieving health equity;
- (2) expand funding and other resources to support the Regional Blueprints for Action that will align with the National Stakeholder Strategy to help guide action at the local, state, and regional levels;
- (3) augment outreach and other efforts targeting populations, including racial and ethnic minorities at higher risk of chronic diseases and illnesses; and
- (4) develop additional evidence-based prevention and interventions targeting ethnic and racial minorities;

BE IT FURTHER RESOLVED, that NBCSL encourages state lawmakers to review current health care practices that may contribute to health disparities and support the elimination of health disparities;

BE IT FURTHER RESOLVED, that NBCSL collaborates with federal and state-level stakeholders to identify social determinants of health and create innovative partnerships that can help eliminate health disparities; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives, members of the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Senator Charleta B. Tavares (OH)

Committee of Jurisdiction: Health and Human Services Policy Committee

Certified by Committee Chair: Senator Connie Johnson (OK)

Ratified in Plenary Session: Ratification Date is December 13, 2013

Ratification is certified by: Representative Joe Armstrong (TN), President

ENCOURAGING INCREASED AWARENESS AND ADVOCACY FOR HEPATITIS C VIRUS TESTING OF BABY BOOMERS

WHEREAS, Hepatitis is inflammation of the liver, and the Hepatitis C Virus (HCV)—the most common chronic blood-borne infection—is a contagious chronic virus, and eight out of ten individuals will remain infected for life with HCV most likely being their cause of death;

WHEREAS, HCV rarely displays symptoms, resulting in untimely diagnosis and treatment, and subsequent symptoms of Chronic Hepatitis C can take up to 30 years to develop;

WHEREAS, Chronic Hepatitis C, or the effects of liver damage or disease, usually leads to liver cancer and liver cancer is the most prevalent cause of liver transplants;

WHEREAS, HCV is spread when blood from an infected person enters the blood stream of an uninfected person via the sharing of needles or instruments used to inject drugs even if utilized only once, and/or via instruments used to facilitate organ, blood, and tissue donation, prior to blood screening procedures that began in 1992;

WHEREAS, individuals at risk for HCV should get tested including those who, any time in the past, have injected drugs, even if only once; are HIV positive or have AIDS; have abnormal liver tests or liver disease; have received or donated an organ, blood, or tissue prior to 1992; are on hemodialysis; or have been exposed to blood via a needle stick or sharp object;

WHEREAS, the National Center for Health Statistics reported that by 2007, HCV had surpassed HIV as a cause of death in the United States;

WHEREAS, America's current HCV infection rate is 17,000 new cases per year, with 12,000 Americans dying annually from Hepatitis C-related liver disease;

WHEREAS, current risk-based screening alone is insufficient in identifying those with the hidden infection;

WHEREAS, 3.2 million Americans are unaware that they currently have HCV, and 75 percent of these individuals were born between 1945 and 1965; and

WHEREAS, "Baby Boomers" are five times more likely to have HCV and were most likely infected during the 1970s and the 1980s when HCV infection rates were highest and because of this high risk status and the need to reduce the rising toll of Hepatitis C-related illness and deaths as well as costly consequences of liver cancer, on August 16, 2012, the Centers for Disease Control and Prevention (CDC) recommended that "Baby Boomers" be tested for the HCV.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL), recognizes the Centers for Disease Control and Prevention's (CDC) expanded recommendation that those born between 1945 and 1965 be tested for HCV;

BE IT FURTHER RESOLVED, that NBCSL urges its members to introduce legislation advocating for increased HCV awareness and testing in partnership and collaboration with state health departments, the medical community (physician offices and hospital settings), and community partners; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States Senate and the United States House of Representatives, and other federal and state government officials as appropriate.

SPONSOR: Senator Connie Johnson (OK)

Committee of Jurisdiction: Health and Human Services Policy Committee

Certified by Committee Chair: Senator Connie Johnson (OK)

Ratified in Plenary Session: Ratification Date is December 13, 2013

Ratification is certified by: Representative Joe Armstrong (TN), President

HHS-14-49

ENCOURAGING INCREASED ACCESS TO OBESITY TREATMENT OPTIONS

WHEREAS, the National Black Caucus of State Legislators (NBCSL) has previous policy resolutions recognizing the importance of preventing and reducing obesity, such as AGR-13-15, “ADDRESSING THE OBESITY EPIDEMIC IN AMERICA,” HHS-11-19, “SUPPORTING INCREASED ACCESS TO QUALITY NUTRITION AND SUPPORT FOR INFANTS AND CHILDREN,” and HHS-10-11, “A RESOLUTION RECOGNIZING THE PREVALENCE OF EXCESS WEIGHT AND OBESITY WITHIN THE AFRICAN-AMERICAN COMMUNITY, AND ITS IMPACT ON DIABETES AND CARDIOVASCULAR DISEASE AND URGING INNOVATIVE AND IMPROVED SOLUTIONS”;

WHEREAS, obesity is recognized as a disease by organizations that include the World Health Organization, the U.S. Food and Drug Administration (FDA), the National Institutes of Health (NIH), the Internal Revenue Service (IRS), the American Medical Association, and the American Association of Clinical Endocrinologists;

WHEREAS, nearly two-thirds of Americans are overweight or obese and certain demographic and socioeconomic groups, like African Americans, Hispanic Americans, and the impoverished are disproportionately affected by obesity;

WHEREAS, the U.S. Department of Health & Human Services Office of Minority Health reports that in 2010, African Americans were 40 percent more likely to be obese than non-Hispanic Whites, and African American women were 70 percent more likely to be obese than non-Hispanic White women;

WHEREAS, obesity significantly increases the mortality and morbidity rates for conditions such as cardiovascular disease, type 2 diabetes, cancer (endometrial, breast, and colon), hypertension, dyslipidemia, stroke, liver disease, and gallbladder disease;

WHEREAS, obesity is associated with other serious health issues such as sleep apnea and respiratory problems, osteoarthritis, joint pain, immobility, and gynecological conditions (abnormal menses and infertility);

WHEREAS, obesity significantly reduces the quality and years of life expectancy for millions of people in this country and throughout the world;

WHEREAS, according to a 2012 study in the Journal of Health Economics, obesity accounts for approximately \$190 billion per year in U.S. medical spending, and more than 20 percent of national healthcare costs;

WHEREAS, the FDA has approved a number of pharmaceuticals as safe and effective for weight management and the treatment of obesity;

WHEREAS, progress in the development of lifestyle modification therapy, pharmacotherapy, and bariatric surgery has led to new options with improved patient outcomes;

WHEREAS, the Centers for Disease Control and Prevention estimates that nearly 35 percent of adults 65 and over were obese in the 2007-2010 period, and a Congressional Research Service report projected that nearly half of the elderly population could be obese in 2030 if existing trends continue;

WHEREAS, the Medicare program currently covers obesity screening and counseling and certain bariatric surgery procedures for morbidly obese beneficiaries, but the Medicare law prohibits Part D coverage of prescription drugs to treat obesity;

WHEREAS, an increasing number of state Medicaid programs (currently about 23 states) provide some coverage for prescription weight-loss medications; and

WHEREAS, simultaneously promoting healthy lifestyle choices, such as improved diet and increased physical activity through evidence-based policymaking, will increase the overall health and wellness of individuals and communities, and can ultimately support longer life spans and decreased healthcare costs.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) recognizes the critical importance of expanding access to and increasing awareness of obesity treatment options, including safe and FDA-approved prescription weight loss medications;

BE IT FURTHER RESOLVED, that NBCSL fully supports the First Lady Michelle Obama's "Let's Move Initiative" and the passage of the Healthy, Hunger-Free Kids Act, and urges all legislators to support healthy lifestyles and diet as well as physical activity in their own communities;

BE IT FURTHER RESOLVED, that NBCSL calls on the U.S. Congress to conduct a thorough review of the prohibition on Medicare Part D coverage for weight loss medications, and determine whether safe and FDA-approved weight loss medications and treatment should be allowed under certain circumstances;

BE IT FURTHER RESOLVED, that NBCSL works with stakeholders on a national level with members of Congress and the Administration and on the local level with fellow lawmakers and state health departments to spur increased access to medically necessary weight loss medications, and to facilitate a reduction in instances of obesity; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government offices as appropriate.

SPONSOR: Representative Roderick Scott (AL)
Committee of Jurisdiction: Health and Human Services Policy Committee
Certified by Committee Chair: Senator Connie Johnson (OK)
Ratified in Plenary Session: Ratification Date is December 13, 2013
Ratification is certified by: Representative Joe Armstrong (TN), President

37th ANNUAL LEGISLATIVE CONFERENCE

2014 RATIFIED POLICY RESOLUTIONS

FOR

INTERNATIONAL AFFAIRS POLICY COMMITTEE (IAF)



N B C S L

National Black
Caucus of State
Legislators

NBCSL OFFICIAL DOCUMENT

IAF-14-07

URGING FAIR TRADE WITH INDIA

WHEREAS, the Government of India has recently demanded that as much as 100 percent of its market for certain information technology and clean energy equipment must be satisfied by firms based domestically;

WHEREAS, over the last year, the courts and policymakers in India have engaged in a persistent pattern designed to benefit India's business community at the expense of foreign intellectual property rights and, ultimately, American jobs;

WHEREAS, administrative and court rulings of India have repeatedly ignored internationally recognized rights, including imposing arbitrary marketing restrictions on medical devices and denying, breaking, or revoking patents for nearly a dozen lifesaving medications;

WHEREAS, the United States of America is the second-largest export trading partner to India;

WHEREAS, these actions undermine international obligations to protect ideas, brands, and inventions and results in imported goods being treated less favorably than domestic products; and

WHEREAS, it is time the Government of India end its discrimination against the U.S. exporters and take steps to ensure it is not repeated.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) urges the U.S. government to initiate bilateral engagement at the highest levels and to coordinate closely with the European Union and other like-minded economies; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Representative Roderick Scott (AL)

Committee of Jurisdiction: International Affairs Policy Committee

Certified by Committee Chair: Senator Donne Trotter (IL)

Ratified in Plenary Session: Ratification Date is December 13, 2013

Ratification is certified by: Representative Joe Armstrong (TN), President

37th ANNUAL LEGISLATIVE CONFERENCE

2014 RATIFIED POLICY RESOLUTIONS

FOR

LAW, JUSTICE, AND ETHICS POLICY COMMITTEE (LJE)



N B C S L

National Black
Caucus of State
Legislators

NBCSL OFFICIAL DOCUMENT

LJE-14-11

URGING THE ABOLISHMENT OF VOTER SUPPRESSION TACTICS

WHEREAS, the National Black Caucus of State Legislators (NBCSL) has, since its inception nearly four decades ago, supported voting rights, most recently ratifying LJE 13-16, “PRESERVING AND EXPANDING ACCESS TO THE BALLOT BOX FOR ALL” and LJE 13-19, “SUPPORTING THE RESTORATION OF VOTING RIGHTS”;

WHEREAS, voting rights are fundamental rights, because they are protective of all other Constitutionally-guaranteed rights and, as such, constitute the cornerstone of our democracy;

WHEREAS, we must defend and enforce the right of every American citizen, and ensure the Constitution’s promise is fully realized;

WHEREAS, county elections offices across the nation continue to reduce the hours for early voting in areas of high minority populations, fail to have adequate voting machines and adequate forms for voters when voting issues arise in polling places, and voting facilities are often ill-equipped to handle the number of senior aged voters;

WHEREAS, voter ID laws, restrictions on voter registration, purging of voter rolls, and curtailing of early voting days, hours, and locations are the latest tactics for suppression of voting by historically disenfranchised groups, including African Americans, the elderly, students, and people with disabilities;

WHEREAS, fifteen states have passed laws suppressing voters and another five states have pending legislation, these laws having been employed as a systematic way to disenfranchise voters, especially African Americans; and

WHEREAS, legislation has been introduced in both houses of the U.S. Congress that would reauthorize the Election Assistance Commission, prohibit voter caging, protect voters from deceptive practices and intimidation, ensure online voter registration access, encourage youth to become voters, assist voters with disabilities, restore rehabilitated citizens’ right to vote, and encourage informed and reliable poll workers.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) urges Congress to vigorously enforce our voting rights laws and oppose laws that restrict identification to government-issued identification in order to vote or register to vote, which create discriminatory barriers to the right to vote and disenfranchise many eligible voters, and oppose tactics that purge eligible voters from voter rolls;

BE IT FURTHER RESOLVED, that NBCSL supports policies as well as community education and engagement that combat voter suppression and its underlying causes;

BE IT FURTHER RESOLVED, that NBCSL urges legislators and legislative Black caucuses around the country to keep the voters aware of accurate voter information through grassroots workshops in their communities and via social media communication tools;

BE IT FURTHER RESOLVED, that NBCSL urges the abolishment of voter suppression tactics being implemented by state legislatures and legislation throughout the United States;

BE IT FURTHER RESOLVED, that NBCSL urges Congress to pass legislation that would reauthorize the Election Assistance Commission, prohibit voter caging, protect voters from deceptive practices and intimidation, ensure online voter registration access, encourage youth to become voters, assist voters with disabilities, restore rehabilitated citizens' right to vote, and encourage informed and reliable poll workers; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Representative Brenda Gilmore (TN)

Committee of Jurisdiction: Law, Justice, and Ethics Policy Committee

Certified by Committee Chair: Representative Brenda Gilmore (TN)

Ratified in Plenary Session: Ratification Date is December 13, 2013

Ratification is certified by: Representative Joe Armstrong (TN), President

CALLING ON CONGRESS TO RESTORE THE VOTING RIGHTS ACT

WHEREAS, the National Black Caucus of State Legislators (NBCSL) has always supported the Voting Rights Act and its legacy of protecting American citizens;

WHEREAS, the Voting Rights Act of 1965 was one of the greatest achievements of the Civil Rights Movement, and helped to not only allow equal access at the ballot box, but to facilitate advancement in other areas of life for minorities across the country;

WHEREAS, in 1964, fewer than seven percent of eligible Blacks were registered to vote in Mississippi and, by the end of 1966, that figure had risen to nearly 60 percent, and during the same period Alabama registration rates climbed from below 20 percent to over 50 percent;

WHEREAS, in 1964, only five Blacks held seats in Congress (with none from any Southern state) and a total of 94 Blacks served in all legislatures, and today the Congressional Black Caucus has 43 members while over 600 African Americans hold seats in all legislatures, with another 8,800 being mayors, sheriffs, school-board members, and other elected officials;

WHEREAS, 47 percent of these public officials live in the seven states originally covered by the Voting Rights Act;

WHEREAS, in a 5-to-4 decision, the United States Supreme Court ruled that Section 4 of the Voting Rights Act was unconstitutional, that section setting the formula under which states and jurisdictions must seek preclearance from U.S. Department of Justice before enacting new voter laws and regulations, or changes to existing laws;

WHEREAS, Section 5 preclearance relied on the formula contained in Section 4 to protect all citizens' right to vote;

WHEREAS, prior to the U.S. Supreme Court's invalidation of Section 4, federal district courts in several preclearance states, including Texas, Florida, and Alabama ruled their proposed voting law changes unconstitutional;

WHEREAS, sufficient data has been established from numerous studies and surveys that could serve as the basis for a new formula, including data found from calculating the overall size of the minority population, voter turnout among all groups, the number of voting discrimination lawsuits as well as number of cases that have been lost or settled, and the prevalence of racially polarized or biased voting as a factor in voter preferences;

WHEREAS, Congress has repeatedly extended the Voting Rights Act, first passed in 1965 then reauthorized for five years in 1970, then seven years in 1975, 25 years in 1982, and finally Congress renewed the act in 2006 for 25 years after holding extensive hearings from which they found persistent racial discrimination at the polls; and

WHEREAS, the last time the Voting Rights Act passed in 2006, it enjoyed wide bipartisan support and was signed into law by President George W. Bush.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators urges and requests members of Congress to update the formula in Section 4 as quickly as possible to ensure Section 5 can be restored and every citizen's voice is heard and vote is counted; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Representative Katrina Jackson (LA)

Committee of Jurisdiction: Law, Justice, and Ethics Policy Committee

Certified by Committee Chair: Representative Brenda Gilmore (TN)

Ratified in Plenary Session: Ratification Date is December 13, 2013

Ratification is certified by: Representative Joe Armstrong (TN), President

LJE-14-16

SUPPORTING “BAN THE BOX” INITIATIVES TO FACILITATE RE-ENTRY TO THE WORKFORCE

WHEREAS, the National Black Caucus of State Legislators (NBCSL) has a long history of supporting meaningful reentry and rehabilitation opportunities for citizens returning from jails and prisons to their homes and communities;

WHEREAS, questions about an applicant’s criminal record on a job application should be removed from employment applications, as it may prematurely rule out an otherwise qualified candidate;

WHEREAS, an employer should only be able to ask about an applicant’s criminal history once the applicant is selected for an interview, allowing applicants to be evaluated initially based on all of their skills and qualifications, not discriminate against applicants based solely on their past;

WHEREAS, employers should still be able to conduct background checks once they select the applicants that will be interviewed;

WHEREAS, employers benefit by opening the initial step of the hiring process to a larger, potentially more qualified, and diverse pool of applicants and the opportunity to determine if an applicant’s past is relevant to the applicant’s current qualifications as a potential employee;

WHEREAS, by not inquiring into an applicant’s criminal record on the job application, employers are less likely to miss applicants who have the skills, qualifications, and character needed for jobs;

WHEREAS, applicants benefit by being evaluated on their skills and qualifications for the job, not just their past, and those who have offended will then have greater opportunity to become responsible and tax-paying community members;

WHEREAS, Americans will benefit by developing a workforce that is employed to its full potential, both now and into the future when the demand for trained and skilled employees increases; and

WHEREAS, states such as Colorado, Connecticut, Illinois, and Maryland, and the District of Columbia have adopted legislation to “Ban the Box” for public sector employers, and Hawaii, Massachusetts, Minnesota, and Rhode Island have adopted legislation to “Ban the Box” for public and private employers.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators supports the rehabilitation of criminal offenders through making changes to employment laws, and encourages states to ban the disclosure of a criminal record or criminal history on job applications before an initial interview; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Senator Bobby Joe Champion (MN)

Committee of Jurisdiction: Law, Justice, and Ethics Policy Committee

Certified by Committee Chair: Representative Brenda Gilmore (TN)

Ratified in Plenary Session: Ratification Date is December 13, 2013

Ratification is certified by: Representative Joe Armstrong (TN), President

LJE-14-24

IMPROVING NATIONWIDE RECIDIVISM RATES, SENTENCING EQUITY, AND REHABILITATION

WHEREAS, the National Black Caucus of State Legislators (NBCSL) has been a strong proponent of reforming our criminal justice system and aiding successful re-entry of returning citizens to their communities in order to decrease overall crime by giving people a second chance;

WHEREAS, according to a study by the Bureau of Justice Statistics, Louisiana has the highest incarceration rate in the United States, followed by Mississippi, Alabama, Oklahoma, and Texas;

WHEREAS, 1 in every 13 African American males aged 30 to 34 were in prison in 2011, 1 in 36 Latino males were in prison, and 1 in every 90 White males in the same age group were in prison;

WHEREAS, African American and Latino women were 2.5 times higher and 1.4 times higher respectively, to be incarcerated than their White counterparts;

WHEREAS, according to the National Council on Crime and Delinquency, African American youth represent 28 percent of juvenile arrests and 58 percent of youth committed to adult prison while only comprising 17 percent of the youth population;

WHEREAS, the expenses associated with incarceration account for a large portion of the budget of almost every state;

WHEREAS, the costs associated with incarceration are borne by the taxpayers in each state;

WHEREAS, the goals of incarceration are to enhance public safety through the safe and secure incarceration of offenders and to provide rehabilitative strategies that successfully reintegrate offenders into society;

WHEREAS, successful offender reentry and reintegration into the community is a matter of critical importance to the public's safety; however, reentry is often unsuccessful due to the barriers offenders face, including a lack of access to family and community support;

WHEREAS, the ability of offenders to obtain employment and become productive members of their communities is essential to reducing recidivism rates;

WHEREAS, the best utilization of state resources involves educational opportunities, skills and job training, and effective community supervision, all of which give the returning citizen the necessary tools to successfully reenter society by maintaining ties to his family and community and offering him an opportunity to obtain employment;

WHEREAS, the Arkansas legislature enacted the Public Safety Improvement Act in 2011 through a bipartisan legislative effort which provided for reducing recidivism, strengthening community supervision, improving data collection, and containing incarceration costs by concentrating prison space on violent and career criminals;

WHEREAS, home incarceration and electronic monitoring, better utilization of parole supervision, increased opportunities for probation, and reduction of minimum mandatory sentences all can contribute to reducing the costs of incarceration; and

WHEREAS, the reinvestment of savings realized by these measures into vocational training and educational opportunities will work to encourage successful offender reentry, reduce crime and the number of crime victims, and ultimately ensure opportunities for safer communities.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) urges the U.S. Department of Justice and Congress to expand the Bureau of Justice Statistics and National Reentry Resource Center to study reducing recidivism in each state as well as to curtail the rate of incarceration, and to make recommendations to the legislature of each state and to the United States Congress;

BE IT FURTHER RESOLVED, that NBCSL calls for full funding and expansion of the Second Chance Act, which has been an invaluable tool for reducing recidivism and providing increased opportunities for those reentering society;

BE IT FURTHER RESOLVED, that NBCSL reiterates its unwavering support for the Youth Promise Act, as a solution to providing early intervention for youth to avoid entering the justice system in the first place;

BE IT FURTHER RESOLVED, that NBCSL applauds the efforts taken recently and further encourages the U.S. Department of Justice to reduce sentences for nonviolent drug offenses, eliminate the disparity in sentencing between crack cocaine and powder cocaine drug offenses, and end mandatory life sentences without parole for juveniles; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Representative Katrina Jackson (LA)

Committee of Jurisdiction: Law, Justice, and Ethics Policy Committee

Certified by Committee Chair: Representative Brenda Gilmore (TN)

Ratified in Plenary Session: Ratification Date is December 13, 2013

Ratification is certified by: Representative Joe Armstrong (TN), President

LJE-14-34

SUPPORTING THE EXTENSION OF VOTING RIGHTS TO ALL ELECTED REPRESENTATIVES TO CONGRESS

WHEREAS, the National Black Caucus of State Legislators (NBCSL) has long advocated for the voting rights of those who have been disenfranchised, such as in resolution LJE-09-17 “RESOLUTION ON VOTING RIGHTS FOR THE DISTRICT OF COLUMBIA,” which calls for the citizens of the District of Columbia to have full voting rights and equal representation in Congress;

WHEREAS, American citizens residing in the District of Columbia, the U.S. Virgin Islands, and Puerto Rico still do not have equal representation in Congress;

WHEREAS, the famous *Insular Cases*, identified and defined the differences between “incorporated” and “unincorporated” territories;

WHEREAS, the U.S. Virgin Islands and Puerto Rico are unincorporated territories of the United States, whose political status was considered as not destined for statehood and, as such, would not necessarily be extended all rights and privileges afforded to U.S. citizens in incorporated territories while still being subject to U.S. governmental authority;

WHEREAS, Virgin Islanders and Puerto Ricans have served in the U.S. military and fought in wars on behalf of the United States prior to obtaining the privilege of becoming citizens of the United States;

WHEREAS, Virgin Islanders and Puerto Ricans are American citizens afforded most of the same rights and opportunities as citizens of the 50 states;

WHEREAS, one of the rights of citizens of the 50 states is voting representation in the United States Congress;

WHEREAS, the right to vote is among the most sacred and paramount rights accorded to us under our Constitution;

WHEREAS, Virgin Islanders elect a Delegate to Congress to represent the U.S. Virgin Islands in the United States Congress and Puerto Ricans elect a Resident Commissioner of Puerto Rico;

WHEREAS, these representatives were never afforded the right to have a final vote on the Floor of the House of Representatives, but prior to the 112th Congress were afforded voting rights in the Committee of the Whole; and since then, have had even these voting rights stripped;

WHEREAS, every United States citizen deserves to be represented fairly in Congress;

WHEREAS, though stripped of the right to vote in Committee of the Whole, delegates and the resident commissioner enjoy powers, rights, and responsibilities identical, in most respects, to those of House Members from one of the 50 states;

WHEREAS, Delegates and the Resident Commissioner can speak, introduce bills and resolutions, and offer amendments on the House floor;

WHEREAS, Delegates and the Resident Commissioner cannot offer a motion to reconsider a vote during a floor debate; have limited input in shaping the final bill, which may be detrimental to the territory that they represent;

WHEREAS, because Delegates do not have full voting rights, their constituents, who are United States citizens, have no real representation in the United States Congress;

WHEREAS, Delegates and the Resident Commissioner can vote in the Committee and can speak in favor or against any proposal, it does not suffice in that they still have no right to cast a final vote for something that directly impacts the territory that they represent;

WHEREAS, non-voting representation is equal to no representation;

WHEREAS, non-representation is not what our founding fathers envisioned for American citizens; and

WHEREAS, American citizens, no matter where they live, should be afforded equal representation in our national lawmaking body.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) recognizes that citizens living in the District of Columbia, the United States Virgin Islands, and Puerto Rico are American and should be afforded the same representation as Americans living in the 50 states;

BE IT FURTHER RESOLVED, that NBCSL respectfully urges the Congress of the United States to grant full voting rights to the Resident Commissioner and Delegates to Congress in the House of Representatives; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Senator Shawn-Michael Malone, (USVI)
Committee of Jurisdiction: Law, Justice, and Ethics Policy Committee
Certified by Committee Chair: Representative Brenda Gilmore (TN)
Ratified in Plenary Session: Ratification Date is December 13, 2013
Ratification is certified by: Representative Joe Armstrong (TN), President

LJE-14-40

SUPPORTING STATES RIGHTS TO DECRIMINALIZE MARIJUANA USE

WHEREAS, a number of states have decriminalized the use of marijuana for adults;

WHEREAS, according to the National Cannabis Industry Association, eighteen states and Washington, D.C. have already made medical marijuana legal and ten other states are currently considering legislation to legalize medical marijuana for adults;

WHEREAS, the U.S. Department of Justice and the Obama Administration have said the federal government will not sue to stop the states of Colorado and Washington from allowing recreational marijuana use;

WHEREAS, various members of Congress have called for changes to the Controlled Substances Act to allow states the ability to set their own laws related to marijuana;

WHEREAS, a recent Pew Research Center poll shows the majority of Americans support marijuana legalization, 52 percent to 45 percent, with 72 percent saying that the cost of federal law enforcement efforts are not worth it;

WHEREAS, according to the American Civil Liberties Union, there were over eight million marijuana arrests in the United States between 2001 and 2010, occurring in an upward trajectory with 140,000 more arrests in 2010 than 2001; in 2010, there were 300,000 more arrests for marijuana than arrests for all violent crimes combined; and nearly three quarters of a million people were arrested for marijuana violations in 2012, with 88 percent of drug arrests being for possession alone; and

WHEREAS, state and local governments could potentially stand to save billions of dollars that they currently spend regulating marijuana use by decriminalizing the recreational use of marijuana.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) recognizes the decision of the Administration to not challenge the choice made by citizens of these states, and urges the continued respect of the state law, and encourages other states to consider decriminalization;

BE IT FURTHER RESOLVED, that NBCSL supports the states' authority to make a determination as to what age, at or above 18, qualifies as a "legal adult" who may purchase, possess, or consume marijuana;

BE IT FURTHER RESOLVED, that NBCSL urges the federal government to reduce the penalties associated with the use and simple possession of marijuana, and increase counseling and other alternative punitive methods; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Representative Larry Miller (TN)

Committee of Jurisdiction: Law, Justice, and Ethics Policy Committee

Certified by Committee Chair: Senator Arthenia Joyner (FL)

Ratified in Plenary Session: Ratification Date is December 13, 2013

Ratification is certified by: Representative Joe Armstrong (TN), President

LJE-14-50

THE RIGHT TO VOTE IN UNITED STATES PRESIDENTIAL ELECTIONS TO USVI RESIDENTS

WHEREAS, the Virgin Islands is a territory of the United States;

WHEREAS, the U.S. Virgin Islands, like the other 50 states, participate in the Democratic and Republican nomination process for the Office of President of the United States;

WHEREAS, U.S. Virgin Islanders who reside in one of the 50 States have the right to vote for the President of the United States;

WHEREAS, U.S. Virgin Islands residents, who are predominantly African American, however, are denied voting rights and access to presidential elections;

WHEREAS, the Democratic and Republican conventions are the territory's only chance at having a say in whom the next president is;

WHEREAS, this denial began with the controversial and divided series of U.S. Supreme Court decisions known as the *Insular Cases*, which were decided shortly after the United States acquired overseas territories;

WHEREAS, the *Insular Cases* established a jurisprudence of "separate and unequal" treatment for overseas U.S. territories when applying Constitutional rights, such that U.S. Supreme Court Justice Hugo Black wrote in the Court's opinion in *Reid v. Covert*, 354 U.S. 1, 12-15 (1957) "The concept that the Bill of Rights and other constitutional protections against arbitrary government are inoperative when they become inconvenient or when expediency dictates otherwise is a very dangerous doctrine and if allowed to flourish would destroy the benefit of a written Constitution and undermine the basis of our Government";

WHEREAS, the *Insular Cases* defined the premise that the United States Constitution applies "only in part in unincorporated Territories" but "in full in incorporated Territories destined for statehood";

WHEREAS, the U.S. Virgin Islands is an unincorporated territory of the United States;

WHEREAS, the U.S. Virgin Islands is subject to the Congress' plenary powers under the territorial clause of Article IV, section 3, of the U.S. Constitution;

WHEREAS, the Constitution of the United States specifies that the President and the Vice President shall be elected by electors chosen by the States and federal court cases have supported this premise;

WHEREAS, the U.S. Virgin Islands is not a part of any state but, like states, are able to elect their own governor and legislature;

WHEREAS, Virgin Islanders, in a few years, will enjoy 100 years of American citizenship though never given the opportunity to elect the President of the United States;

WHEREAS, the U.S. Virgin Islands is effectively disenfranchised at the national level due to its inability to elect a president;

WHEREAS, though unable to elect a president, the U.S. Virgin Islands must abide by and is subject to all national policies, rules, regulations and laws enacted in the United States;

WHEREAS, a number of scholars have concluded that the United States national electoral process is not fully democratic due to U.S. government disenfranchisement of United States citizens residing in United States territories;

WHEREAS, the passage of the 23rd Amendment to the Constitution in 1964 allowed the District of Columbia to be given three electoral votes and the ability to vote in presidential elections; and

WHEREAS, the U.S. territories would similarly need a constitutional amendment to be able to vote in a presidential election.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators respectfully urges the United States Congress to amend the United States Constitution to allow residents of the U.S. Virgin Islands to have a voice in electing a President of the United States; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Senator Shawn-Michael Malone (USVI)

Committee of Jurisdiction: Law, Justice, and Ethics Policy Committee

Certified by Committee Chair: Representative Brenda Gilmore (TN)

Ratified in Plenary Session: Ratification Date is December 13, 2013

Ratification is certified by: Representative Joe Armstrong (TN), President

37th ANNUAL LEGISLATIVE CONFERENCE

2014 RATIFIED POLICY RESOLUTIONS

FOR

LABOR, MILITARY, AND VETERANS AFFAIRS
POLICY COMMITTEE (LMV)



N B C S L

National Black
Caucus of State
Legislators

NBCSL OFFICIAL DOCUMENT

PROMOTING TRANSPARENCY AND GOOD GOVERNMENT

WHEREAS, employment is a ladder to the middle class, especially for people of color, as approximately one in five employed African Americans is a public service worker, and African Americans are 30 percent more likely than other workers to be employed in the public sector;

WHEREAS, African American public service workers earn 25 percent more than their counterparts in the private sector, and Black/White wage disparity is less in the public sector compared to the entire workforce;

WHEREAS, faced with severe budget problems in the wake of the Great Recession, state and local governments across America are handing over control of public services and assets to corporations that promise to operate them better, faster, and cheaper;

WHEREAS, outsourcing these services and assets not only fails to keep these promises, too often it undermines transparency, accountability, shared prosperity, and competition;

WHEREAS, outsourcing means that taxpayers have very little say over how tax dollars are spent and lose the ability to vote out executives who make decisions that harm the public interest;

WHEREAS, outsourcing frequently means that wages and benefits for public service workers fall and the local economy suffers while corporate profits rise, for example, of the 5.4 million people working for federal service contractors in 2008, an estimated 80 percent earned below the living wage for their city or region, and for-profit corporations are three times more likely than the public sector to employ workers at poverty-threshold wages with 2 million private sector employees who work for federal contractors earning less than \$12/hour—too little to support a family;

WHEREAS, outsourcing can shield government from open records and other transparency requirements if such records are considered proprietary;

WHEREAS, there is a concerning trend among American corporations of outsourcing the operation of their customer service call centers to foreign countries, which causes communication difficulties between the corporation and its customers and practical difficulties in addressing complex problems from thousands of miles removed from the United States;

WHEREAS, although outsourcing is often justified in economic terms by American corporations, evidence shows that outsourcing contributes negatively to employment rates by moving jobs to foreign countries that would otherwise be held by deserving Americans;

WHEREAS, these good government protections are not only good policy, recent polling shows that taxpayers oppose the outsourcing of public services and assets to for-profit companies and support these common sense controls to ensure their interests are protected.

THEREFORE BE IT RESOLVED, that the National Caucus of Black State Legislators (NBCSL) supports common sense protections that preserve transparency, accountability, shared prosperity and competition when public services or assets are outsourced;

BE IT FURTHER RESOLVED, that if outsourcing is required or a state's best course of action, NBCSL urges adherence to the following principles:

- There should be transparency, accountability, shared prosperity, and competition in the operation of public services and assets;
- To ensure transparency, governments should post information about their contracts online and require contractors to open their books and meetings to the public;
- For accountability, governments must have the capacity to adequately oversee and manage contracts and to cancel contracts that fail to deliver on their promises, and to prohibit law-breaking companies from acquiring government contracts;
- To promote shared prosperity, contractors must be required to pay their employees living wages and benefits, and the public should be afforded the opportunity to understand the contract's costs and benefits prior to a decision being made to outsource; and
- To facilitate competition, governments must require competitive bidding on contracts and must give public service workers the opportunity to develop their own plan for how to deliver cost-effective, high-quality services;

BE IT FURTHER RESOLVED, that NBCSL recommends that each state's legislative Black caucus introduce legislation to discourage or prevent companies doing business with their respective states from outsourcing their customer service call centers to foreign countries; and

BE IN FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Representative Clem Smith (MO) and Representative Larry Miller (TN)
Committee of Jurisdiction: Labor, Military, and Veteran's Affairs Policy Committee
Certified by Committee Chair: Representative Sharon Beasley-Teague (GA)
Ratified in Plenary Session: Ratification Date is December 13, 2013
Ratification is certified by: Representative Joe Armstrong (TN), President

ADVOCATING RETIREMENT SECURITY IN AMERICA

WHEREAS, there is a retirement security crisis in America that threatens virtually all citizens and residents, with Americans less prepared for retirement today than in previous decades;

WHEREAS, older workers are working longer and delaying their retirement, which means younger workers have far fewer opportunities for jobs and advancement;

WHEREAS, many of today's seniors rely on their children, who are already struggling financially to pay basic expenses and raise their own families, while other seniors are forced to rely on public services;

WHEREAS, although for decades, Americans have built their retirement with traditional pensions, Social Security, and individual savings, currently half of America's workforce does not have any type of employer-sponsored retirement;

WHEREAS, traditional pensions have been all but eliminated in the private sector and have seen increasing challenges to their viability in the public sector, the funding sustainability of Social Security is increasingly being called into question, and individual savings such as 401(k) plans were particularly vulnerable during the financial crisis of 2008;

WHEREAS, recent studies project an aggregate retirement savings deficit of \$7 trillion to \$14 trillion and over 38 million working age households without retirement account assets;

WHEREAS, families who have retirement accounts tend to have significantly higher income and wealth, but the average working household has little or no retirement assets, with a median account balance of \$3,000, and the median is \$12,000 for near-retirement households;

WHEREAS, approximately 92 percent of working households have much less than they need for retirement—failing to meet even very conservative retirement savings targets and the majority of households are at risk for not being able to maintain their living standards upon retirement;

WHEREAS, the crisis runs much deeper for women and people of color, with Social Security as the sole source of income for 40 percent of women age 65 and older and living alone;

WHEREAS, the median household net worth of African American and Hispanic households is just 5 percent of the median net wealth of white households, which translates into an average net worth of \$113,149 for White families, compared to \$6,325 for Hispanics and \$5,677 for Blacks;

WHEREAS, individual savings accounts, such as IRAs and 401(k)s, to create a secure retirement may be helpful at the margins to increase access to IRAs and 401(k)s by providing financial assistance and administrative simplicity to employers, and by creating enrollment incentives to employees, but such policy measures are wholly insufficient to meet the retirement income challenges faced by most households;

WHEREAS, individual accounts disproportionately benefit the financial services industry and high-income households, while largely failing to address the needs of the working middle class; and

WHEREAS, the continued advocacy of these ideas is counterproductive as it obscures the need for more robust solutions for increasing retirement savings and pension benefits.

THEREFORE BE IT RESOLVED, the National Black Caucus of State Legislators (NBCSL) believes everyone in America should look forward to retirement free from financial anxiety or hardship after a lifetime of working hard and playing by the rules;

BE IT FURTHER RESOLVED, that NBCSL advocates for retirees obtaining the benefits they have paid into and been promised;

BE IT FURTHER RESOLVED, that federal sequestration is not a long-term or strategic solution to the nation's debt, and that indiscriminate spending cuts hurt those served by state and local programs;

BE IT FURTHER RESOLVED, that NCBSL supports a national solution that achieves the following:

- transforms our retirement system so that economic security in retirement is guaranteed for retiring beneficiaries and future generations of retirees;
- guarantees retirement income for life that allows workers to maintain their standard of living after a lifetime of work that is not subject to financial market volatility and protects retirees from falling into poverty as they age;
- acknowledges that employees, employers, and government share responsibility for retirement security;
- improves and builds on Social Security and Supplemental Security Income and includes all workers unless they are in public sector pension plans that provide benefits that are equal or better;
- creates a system in which we all participate so that our contributions are pooled, costs are reduced, risks are shared, and everyone has the opportunity to benefit;
- ensures the system is not subject to manipulation, excessive fees, and other unfair aspects of our economy;
- utilizes the government as a regulator or administrator of retirement funds to protect them and to ensure retirement security;
- amends bankruptcy laws so that pension and retiree health benefits are first to receive payment ahead of investors and bondholders, in both the public and private sectors; and
- strengthens Medicare and Medicaid so retirees have health care they can afford and access to long-term care if they need it; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Representative Clem Smith (MO)
Committee of Jurisdiction: Labor, Military, and Veteran's Affairs Policy Committee
Certified by Committee Chair: Representative Sharon Beasley-Teague (GA)
Ratified in Plenary Session: Ratification Date is December 13, 2013
Ratification is certified by: Representative Joe Armstrong (TN), President

37th ANNUAL LEGISLATIVE CONFERENCE

2014 RATIFIED POLICY RESOLUTIONS

FOR

TELECOMMUNICATIONS, SCIENCE, AND TECHNOLOGY
POLICY COMMITTEE (TST)



NBCSL

National Black
Caucus of State
Legislators

NBCSL OFFICIAL DOCUMENT

TST-14-08

CALLING FOR AN UPDATE ON FEDERAL TELECOMMUNICATION LAWS

WHEREAS, the Internet has flourished into a vibrant marketplace with positive effects for all Americans;

WHEREAS, the United States leads the world with Internet infrastructure investment with \$1.2 trillion invested from 1996 to 2011 and this investment is enabling and growing the American economy by creating thousands of jobs and driving innovation;

WHEREAS, the Federal Communications Commission (FCC) acknowledged in its 16th Mobile Competition Report that 91.6 percent of U.S. citizens have a choice of three or more wireless broadband providers, and 97.8 percent have access to at least two;

WHEREAS, the FCC reports that annual investment in U.S. wireless networks grew more than 40 percent between 2009 and 2012, from \$21 billion to \$30 billion;

WHEREAS, 94 percent of the U.S. population has access to a wired broadband provider;

WHEREAS, the National Black Caucus of State Legislators (NBCSL) stated in our collaborative policy report with the Joint Center for Political and Economic Studies and other key legislative organizations in 2009, *Broadband Imperatives for African Americans: Policy Recommendations to Increase Digital Adoption for Minorities and their Communities*, that “access to broadband is essential to economic and social progress in every community, and that broadband itself can be an essential tool for bringing jobs, economic development, and a better quality of life in economically challenged communities across the country;”

WHEREAS, continued investment and innovation in broadband will provide additional competitive choices and affordable options for advanced home-based and mobile broadband allowing communities to further capitalize on this technology;

WHEREAS, the current federal regulatory approach applied to broadband networks is based on policies intended to address previous challenges and is not commensurate with current advances in technology;

WHEREAS, a new policy framework should allow for a fair, competitive, and equitable market for all consumers as well as businesses in the Internet ecosystem, including network providers, software makers, applications developers, and device manufacturers; and

WHEREAS, the nation’s telecommunications laws and regulations should keep pace with today’s highly innovative marketplace.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) acknowledges that broadband innovations and investments are rapidly evolving and the government, must implement the most appropriate regulatory policies to protect citizens and communities;

BE IT FURTHER RESOLVED, that NBCSL believes state policy and rule makers are most adept at understanding the needs of their communities, and their ability to tax and implement necessary regulations for their respective jurisdictions should be maintained;

BE IT FURTHER RESOLVED, that NBCSL urges federal policymakers to implement a 21st century policy framework that encourages continued investment and innovation while addressing advanced technology issues, such as privacy, cybersecurity, and spectrum policy;

BE IT FURTHER RESOLVED, that NBCSL urges its members to introduce policies that use a national, 21st century framework and encourages participation by people of color and other underserved communities; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice-President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate including the Federal Communications Commission and the Federal Trade Commission.

SPONSOR: Representative Mia Jones (FL)

Committee of Jurisdiction: Telecommunications, Science, and Technology Policy Committee

Certified by Committee Chair: Delegate Michael Vaughn (MD)

Ratified in Plenary Session: Ratification Date is December 13, 2013

Ratification is certified by: Representative Joe Armstrong (TN), President

TST-14-14

PROMOTING A HEALTHY MARKETPLACE FOR INTERNET RADIO

WHEREAS, it is imperative that a thoughtful, progressive approach to retaining and expanding the growth of internet radio exists in our states, our counties, and our municipalities so that the broad economic, social, and cultural benefits generated by this industry are not lost;

WHEREAS, radio broadcasts have a vital connection to minority and multicultural communities by providing critical weather, traffic, news, and entertainment to local minority communities;

WHEREAS, radio broadcast businesses, like many other businesses, are expanding to the Internet, and include traditional radio companies, minority companies, entrepreneurs who are just entering the business, as well as those who have been in the internet radio business for years;

WHEREAS, new entrants or businesses trying to serve niche communities, such as the African American communities, cannot adequately take advantage of the low barriers to entry available to internet radio under the current copyright system;

WHEREAS, internet broadcast companies are burdened by different copyright laws than traditional radio broadcasters;

WHEREAS, internet radio synergistically bolsters the local music industry and thereby assists in preserving and disseminating local culture by introducing millions of people around the world to recording artists, music, and dance; and

WHEREAS, a sustainable internet radio market will mean jobs and economic opportunities throughout the country.

THEREFORE BE IT RESOLVED, that counties, municipalities, and states establish an environment to attract, retain, and expand internet radio;

BE IT FURTHER RESOLVED, that the National Black Caucus of State Legislators educates its members on the current internet music copyright model to ensure an equitable market place and growth of internet radio;

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Representative Johnny W. Shaw (TN)

Committee of Jurisdiction: Telecommunications, Science, and Technology Policy Committee

Certified by Committee Chair: Delegate Michael Vaughn (MD)

Ratified in Plenary Session: Ratification Date is December 13, 2013

Ratification is certified by: Representative Joe Armstrong (TN), President

TST-14-27

PROMOTING INDIVIDUALS' RIGHTS THROUGH SOCIAL MEDIA PRIVACY PROTECTION

WHEREAS, protecting all Americans from discrimination and ensuring individual rights are priorities for the National Black Caucus of State Legislators (NBCSL);

WHEREAS, no federal law prohibits employers from requiring potential and current employees to disclose personal social media account login information so that they may gain unfettered access;

WHEREAS, Americans can use personal social media accounts to post their religious views, sexual orientation, marital and parental status, personal interests, and political affiliations, which should not be determinants of successful employment;

WHEREAS, the Pew Research Center indicated that African Americans and Latinos over index in the use of social media, specifically Twitter, YouTube, and other video-sharing sites;

WHEREAS, there are a number of alternative methods to screen applicants for employment, including aptitude tests, drug screenings, and integrity tests;

WHEREAS, employers are within their right to locate information listed on public pages of prospective and current employees, without taking the next step to gain access to the profile itself;

WHEREAS, civil rights advocates warn against the potential for employment discrimination and retaliation as a potential employer may obtain additional information about a candidate after viewing social networking sites it would not ordinarily have had the legal right to obtain, and this action could adversely affect the hiring process;

WHEREAS, six states enacted legislation in 2012 that prohibits requesting or requiring an employee, student, or applicant to disclose a user name or password for a personal social media account;

WHEREAS, legislation was introduced in Congress to limit how employers, schools, and universities can ask employees, applicants, and students for social networking information; and

WHEREAS, additional legislation has been introduced in Congress with an even greater focus on privacy protections for employees.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) understands the importance of fair and just hiring practices and how the abuse of social media privacy can have a discriminatory and unfair impact on persons from certain socioeconomic or cultural backgrounds;

BE IT FURTHER RESOLVED, that NBCSL urges Congress to make it unlawful to require the usernames or passwords of the personal social media accounts of job applicants and current employees as this practice is an invasion of the employee's or applicant's privacy;

BE IT FURTHER RESOLVED, that NBCSL calls upon its members and social media companies to educate the public about privacy on the Internet, particularly younger generations that may not fully understand implications of certain actions and the privacy protection available to them;

BE IT FURTHER RESOLVED, that NBCSL applauds members of Congress who have already introduced legislation to federally address social media privacy for Americans;

BE IT FURTHER RESOLVED, that NBCSL recognizes the thirteen (13) states that have enacted legislation in 2012 and 2013 to social media privacy rights: Arkansas, California, Colorado, Delaware, Illinois, Maryland, Michigan, New Jersey, New Mexico, Oregon, Utah, Vermont, and Washington; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives, members of the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Senator Charleta B. Tavares (OH)

Committee of Jurisdiction: Telecommunications, Science, and Technology Policy Committee

Certified by Committee Chair: Delegate Michael Vaughn (MD)

Ratified in Plenary Session: Ratification Date is December 13, 2013

Ratification is certified by: Representative Joe Armstrong (TN), President

TST-14-30

CALLING ON A REFORM TO THE E-RATE PROGRAM

WHEREAS, the E-Rate program was established in 1998 and initially provided funding and service to all schools to make sure they had access to broadband;

WHEREAS, according to a 2011 Federal Communications Commission (FCC) study, 80 percent of schools do not believe their broadband needs are currently being met, and according to the FCC Notice of Proposed Rulemaking, roughly half of E-Rate schools access the Internet at speeds of 10 Mbps or less, with 48 percent of schools reporting that level;

WHEREAS, broadband-enabled technologies are now the foundation on which the world communicates, and not having such technology leaves communities, families, and students with fewer opportunities that can improve their lives and ensure a competitive future;

WHEREAS, access to broadband in all schools and libraries will prepare America's future workforce to be globally competitive in science, technology, engineering, and mathematics (STEM) fields, and in order to do so, E-Rate reform should focus on providing students with access to digital learning tools through high-speed broadband connections to the classroom and not just the school;

WHEREAS, Federal Communications Commissioner Jessica Rosenworcel has called for the Commission to reboot, reinvigorate, and recharge the E-Rate program with the initiative, "E-Rate 2.0," which would

- (1) increase funding to E-Rate program, in part by redirecting savings resulting from audits of the Lifeline program, into the E-Rate;
- (2) set clear capacity goals for schools seeking E-Rate funds such as by the 2015 school year that every school should have access to 100 megabits per 1,000 students, and by the end of the decade, every school should have access to 1 gigabit per 1,000 students;
- (3) encourage more public-private sector partnerships that would help create cost-effective technologies, educational applications, and devices; and
- (4) create a simpler process for E-Rate applications that would include allowances for multi-year applications, and those from consortia, which will reduce paperwork and administrative expenses.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) affirms that broadband technologies have the power to improve access to quality education tools and services for students, families, and communities;

BE IT FURTHER RESOLVED, that NBCSL urges the reevaluation and updating of the E-Rate program to increase funding to meet the demands of schools and libraries in every community;

BE IT FURTHER RESOLVED, that NBCSL urges the Federal Communications Commission to establish a framework for the continuous reassessment and support of the E-Rate program to expand broadband access to schools, particularly classrooms and libraries; and

BE IT FINALLY RESOLVED, that NBCSL send a copy of this resolution to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Representative Mia Jones (FL)

Committee of Jurisdiction: Telecommunications, Science, and Technology Policy Committee

Certified by Committee Chair: Delegate Michael Vaughn (MD)

Ratified in Plenary Session: Ratification Date is December 13, 2013

Ratification is certified by: Representative Joe Armstrong (TN), President

TST-14-43

ENCOURAGING MINORITY ENTREPRENEURSHIP IN MEDIA AND TELECOMMUNICATIONS

WHEREAS, the National Black Caucus of State Legislators (NBCSL) recognizes that television, radio, and the Internet serve as platforms for public service, dissemination of public safety information, and are vital to a well-informed community;

WHEREAS, diverse programming created by diverse entrepreneurs contributes greatly to social justice and to American society as a whole;

WHEREAS, a 2011 study by the University of Minnesota illustrated a link between minority media ownership and programming and minority audiences, supporting the conclusion that media programming should be tailored to the cultural interests of listeners and viewers;

WHEREAS, the white paper, "On the Digital Path to the Digital Beloved Community: A Civil Rights Agenda for the Technological Age (2012)," noted that people must be able to access content that will engage them, and minority communities must be enabled to speak for themselves;

WHEREAS, increased investment by the telecom industry in network facilities has the potential to offer extensive opportunities for minority employment and entrepreneurship;

WHEREAS, the majority of minority media and telecom executives are employed by minority entrepreneurs;

WHEREAS, entrepreneurship in the media and telecom industries increases market competition, promotes diversity, and encourages innovation;

WHEREAS, entrepreneurs have the advantage of greater flexibility and ability to customize service and products for their customers;

WHEREAS, entrepreneurs are eager to capture a share of the market and thus strive to offer competitive prices and quality of products to all sectors of the community;

WHEREAS, minority and women-owned telecommunications entrepreneurs currently face high entry barriers including lack of access to capital and opportunity;

WHEREAS, the full inclusion of minority entrepreneurs in network buildout and management can promote competition in the market, increase employment opportunities, and increase the quality of service; and

WHEREAS, supporting competition from minority and women-owned businesses is in the public interest and commercially beneficial because doing so will favor diversity of media voices, vigorous economic competition, and technological advancement.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) supports the Federal Communications Commission's (FCC) efforts to identify market entry barriers that should be addressed to allow for greater participation in media and telecom by minority entrepreneurs and other small businesses;

BE IT FURTHER RESOLVED, that NBCSL supports prompt FCC action to increase the number of media MWBEs, and to incentivize small business owners and minority entrepreneurs to enter the market and compete against larger market participants;

BE IT FURTHER RESOLVED, that access to high speed broadband Internet service should be available to all Americans regardless of wealth, income, language, or ethnicity;

BE IT FURTHER RESOLVED, that NBCSL supports legislation to award tax credits to companies that train minorities and women in broadcasting, and to small or minority-owned businesses invested in telecommunication entrepreneurship;

BE IT FURTHER RESOLVED, that NBCSL supports funding for Historically Black Colleges and Universities that educate and train minorities and women in telecommunication entrepreneurship; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Delegate Michael Vaughn (MD)

Committee of Jurisdiction: Telecommunications, Science, and Technology Policy Committee

Certified by Committee Chair: Delegate Michael Vaughn (MD)

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Ratification is certified by: Representative Joe Armstrong (TN), President

37th ANNUAL LEGISLATIVE CONFERENCE

2014 RATIFIED POLICY RESOLUTIONS

FOR

YOUTH POLICY COMMITTEE (YTH)



N B C S L

National Black
Caucus of State
Legislators

NBCSL OFFICIAL DOCUMENT

YTH-14-01

DECLARING YOUTH VIOLENCE AS A PUBLIC HEALTH EPIDEMIC AND
SUPPORTING STATEWIDE TRAUMA-INFORMED EDUCATION

WHEREAS, youth across the United States are committing acts of violence against one another and throughout our communities;

WHEREAS, a national survey by the Centers for Disease Control and Prevention (CDC) found that American adults reported approximately 1.56 million incidents of victimization by perpetrators estimated to be between 12 and 20 years of age;

WHEREAS, the CDC states, "Violence is a serious public health problem in the United States. From infants to the elderly, it affects people in all stages of life. In 2007, more than 18,000 people were victims of homicide and more than 34,000 took their own life";

WHEREAS, the CDC reports that many people survive violence and are left with permanent physical and emotional scars and that violence erodes communities by reducing productivity, decreasing property values, and disrupting social services;

WHEREAS, a national initiative lead by the CDC, Striving to Reduce Youth Violence Everywhere (STRYVE), assists communities in applying a public health perspective to preventing youth violence;

WHEREAS, in 1985, former United States Surgeon General C. Everett Koop declared violence as a public health issue and called for the application of the science of public health to the treatment and prevention of violence;

WHEREAS, in 2000, former United States Surgeon General David Satcher declared youth violence as a public health epidemic;

WHEREAS, Dr. Satcher released a report deeming youth violence as a threat to public health and calling for federal, state, local, and private entities to invest in research on youth violence to inform both prevention and intervention programs;

WHEREAS, the report states that a public health approach to youth violence involves identifying risk and protective factors, determining how they work, making the public aware of these findings, and designing programs to prevent or stop the violence;

WHEREAS, the 2000 public health report calls for national resolve to confront the problem of youth violence systematically; to facilitate entry of youth into effective intervention programs rather than incarceration; to improve public awareness of effective interventions; to convene youth, families, researchers, and public and private organizations for periodic youth violence summits; and to develop new collaborative multidisciplinary partnerships;

WHEREAS, an individual's characteristics, experiences, and environmental conditions during childhood and adolescence are an indicator of future violent behavior;

WHEREAS, ages 15 through 18, the ages that students spend in high school are the peak years of offending;

WHEREAS, there is concern about high school dropout rates, academic performance, and violence in schools across this nation;

WHEREAS, according to the Yale School of Medicine Child Study Center, the Comer School Development Program offers low-achieving schools assistance in creating a conducive learning environment while providing a solid foundation for students;

WHEREAS, the work of the Yale School of Medicine Child Study Center has demonstrated that, "When teachers, administrators, parents, and/or mature adults interact with students in a supportive school environment and/or culture, and provide adequate instruction in a way that mediates physical, social-interactive, psycho-emotional, moral-ethical, linguistic, and cognitive-intellectual development, [then] acceptable academic achievement will take place";

WHEREAS, the Comer School Development Program is an operating system comprising three teams: the School Planning and Management Team, the Student and Staff Support Team, and the Parent Team, which work together to create a comprehensive school plan;

WHEREAS, the Comer School Development Program model is guided by three principles: decision-making by consensus, no-fault problem solving, and collaboration;

WHEREAS, due to the violence epidemic, youth suffer from either primary or secondary trauma with primary trauma being associated with the violent death of a loved one and secondary trauma resulting from exposure to violence present within their community;

WHEREAS, exposure to violence in families and communities, as well as exposure to homicidal death, can lead to youth-specific post-traumatic stress disorder with complex effects as well as homicidal grief;

WHEREAS, trauma is not easily visible within youth because it requires proper assessment and, due to the amount of violence youth are currently exposed to, measures should be taken to properly assess the issue;

WHEREAS, trauma impacts children from all backgrounds and conditions across this country; and

WHEREAS, in August 2007, the CDC deemed schools as providing "a critical opportunity for changing societal behavior because almost the entire population is engaged in this institution for many years, starting at an early and formative period," and "Universal school-based violence prevention programs represent an important means of reducing violent and aggressive behavior in the United States.";

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) declares youth violence as a public health epidemic and supports the establishment of nationwide trauma-informed education to enable educators and communities to reduce youth violence in the United States;

BE IT FURTHER RESOLVED, that NBCSL applauds the Promise Neighborhoods Program at the U.S. Department of Education and further urges Congress to provide the resources necessary to expand the Promise Neighborhoods program, so that it can serve communities around the nation;

BE IT FURTHER RESOLVED, that NBCSL calls upon public health officials to treat youth violence as a public health epidemic in a manner consistent with the resource allocation and attention to problem-solving of other public health crises; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Representative Ronald G. Waters (PA)

Committee of Jurisdiction: Youth Policy Committee

Certified by Committee Chair: Representative Mike Shelton (OK)

Ratified in Plenary Session: Ratification Date is December 13, 2013

Ratification is certified by: Representative Joe Armstrong (TN), President