



THE NEW YORK CITY COUNCIL

FEDERAL AGENDA FISCAL 2008-2009

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NEW YORK CITY COUNCIL

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WHAT NEW YORK CITY NEEDS NOW

9/11 HEALTH CARE

The Council urges Congress to support funding for New York City September 11th health care programs. New York City is in need of increased federal funding in order to continue providing medical care first responders and by-standers from 9/11. The 2007 report by the New York City World Trade Center Health Panel estimated that a minimum of \$153 million a year is needed to merely sustain the city's three 9/11 health care programs:

- NYC Fire Department's World Trade Center Medical Screening and Treatment Program (FDNY);
- WTC Worker and Volunteer Screening Program (Mt. Sinai Medical Center); and
- WTC Environmental Health Center (Bellevue Hospital).

The Bellevue program serves victims who are city residents. It currently receives no federal funding, although it is expected to apply for funds under a new grant established by the Centers for Disease Control and Prevention.

Council Resolution No. 738 adopted on May 9, 2007, supports the 9/11 Heroes Health Improvement Act (S.201/H.R.1414), sponsored by Sen. Hillary Clinton (D-NY) and Rep. Jerrold Nadler (D-NY). A significant number of the estimated 40,000 people who participated in the rescue and recovery efforts continue to suffer from devastating health problems caused by their work at the site. This bill establishes a grant program to monitor and track the medical and mental health treatment of these individuals.

The Council also urges Congress to pass the 9/11 Health and Compensation Act (H.R.6594), sponsored by Reps. Carolyn Maloney (D-NY), Jerrold Nadler (D-NY), and other members of the New York City Congressional Delegation. Among other things, this important legislation:

- Expands monitoring and treatment to residents, area workers, students, and the thousands who came from across the country to respond to the attacks; and
- Establishes a right to be medically monitored and treated.

The legislation builds on the expertise of the Centers of Excellence, which currently provide high-quality care to thousands of responders and other affected persons.

A special New York City task force, appointed by Mayor Bloomberg, estimated that as many as 400,000 people might have been exposed to the dust from the collapsed World Trade Center. Additionally, the National Institute for Occupational Safety and Health has found that treating sick and injured workers from the site now costs an estimated \$195 million a year and will rise substantially as more people enter treatment programs. Under H.R.6594, ground zero health programs would be included in the federal budget on a regular basis. Since 9/11, all the programs have been financed through supplemental or emergency appropriations.

The 9/11 Health and Compensation Act provides compensation for economic damages through the reopening the 9/11 Victim Compensation Fund. Congress originally created the fund in 2001 to provide financial assistance to the families of those killed on 9/11. It also gave awards to sick or injured rescue workers. While the fund closed on December 22, 2003, the need has not. Thousands of rescue and cleanup workers didn't develop illnesses until after the deadline. To address this tragedy the legislation would:

- Reopen September 11th Victims Compensation Fund for individuals who became ill or did not file before the original December 22, 2003 deadline;
- Allow for adjustment of previous awards if the Special Master of the fund determines the medical conditions of the claimant warrants an adjustment; and
- Amend eligibility rules so that responders to the 9/11 attacks who arrived later than the first 96 hours could be eligible if they experienced illness or injury from their work at the site.

JAMES ZADROGA 9/11 HEALTH AND COMPENSATION ACT

The New York City Council urges Congress to pass the James Zadroga 9/11 Health and Compensation Act (H.R. 6594), introduced by Reps. Carolyn Maloney (D-NY), Jerrold Nadler (D-NY), Vito Fossella (D-NY), and Peter King (D-NY). The bipartisan sponsored 9/11 health bill:

- Ensures that the living victims of the September 11th terrorist attacks have a right to health care for their WTC-related illnesses and a route to compensation for their economic losses;
- Provides comprehensive monitoring and treatment for first responders, area residents, workers, students, and others whose health was affected by 9/11; and
- Reopens the Victim Compensation Fund.

An earlier version of this legislation (H.R.3543) had 111 cosponsors. On July 31, Mayor Michael Bloomberg testified before the House Committee on Energy and Commerce in favor of the bill.

FOOD SECURITY ACT OF 2008

The New York City Council urges Congress to pass the Food Security Act of 2008 (H.R.6651), introduced by Rep. Nydia Velázquez (D-NY), extends to 12 months the amount of time that Able-Bodied Adults Without Dependents (ABAWDs) are eligible to receive food stamp assistance. Under current law, these unemployed workers can only receive three months of food stamp benefits for every 36-month period in which they are out of work. With the tightening job market, it now takes one out of every five unemployed workers six months or more to secure a new job. The reforms to the food stamp program could be implemented quickly and cover the gap during those extra months it often takes to find employment.

The additional food stamp coverage provided in the legislation is increasingly important in New York City, where 1.6 million residents reported in 2007 that they would not be able to afford needed food after the loss of their household income. This number is up an alarming 23% in the past four years. In addition, extending food stamps has been found to be the most effective way to stimulate the economy, providing a nearly \$2 boost to the gross domestic product (GDP) for every \$1 of benefit. That is far more than the economic benefit of extending the Bush Administration's income tax cuts, because food stamp benefits are spent within the matter of a few weeks.

Recent reports from the U.S. Department of Labor reveal that the national unemployment rate jumped more in May than any single month over the past two decades. In total, 438,000 jobs disappeared in the first six months of the year. Minority communities across the country are suffering some of the highest rates of unemployment, with 9.7% of African Americans and 6.9% of Latinos reported jobless. In June 2008, New York State had 505,100 jobless workers – an 18% increase over the previous year.

CMS OUTPATIENT UPL REGULATION

The New York City Council urges Congress to take immediate action to stop the Bush Administration's proposed Center for Medicare and Medicaid Services' (CMS) Rule by supporting a one-year moratorium on the proposed Rule to cut the federal share for the Medicaid Outpatient Clinic and Hospital. The proposed changes limit the services for which Medicaid may reimburse under the hospital outpatient benefit and redefine the formula used to determine the maximum amount Medicaid may pay for community clinic services.

New York State's Medicaid program relies heavily on freestanding, ambulatory care and hospital outpatient clinics. Reducing reimbursement in these settings jeopardizes:

- Clinics providing renal dialysis services, which could face a potential revenue loss of \$41 million, severely impacting access to these services.
- Clinics providing methadone services could stand to lose nearly \$25 million and will impact an individual's ability to recover from drug addiction.
- Mental retardation and developmental disabilities clinic services could lose \$25 million since certain clients will not qualify for services under other reimbursement mechanisms (i.e., State waiver programs).

These proposed changes could potentially result in the loss of over \$350 million in federal Medicaid dollars for New York State's clinic providers.

We urge you to push for the enactment of a one-year moratorium on CMS' Medicaid Outpatient Proposed Rule. The proposed CMS Rule threatens the health and lives of women and families in New York State.

PUBLIC HOUSING EQUAL TREATMENT ACT

The City Council calls on Congress to pass the Public Housing Equal Treatment Act (S.683/H.R.1235), sponsored by Sen. Charles Schumer (D-NY) and Rep. Nydia Velazquez (D-NY), and co-sponsored by members of New York City Congressional Delegation, allowing for the full transition of 21 New York City Housing Authority projects built by New York City and New York State into the federal public housing program for funding purposes.

SECTION 8 VOUCHER REFORM ACT

The City Council urges Congress to pass the Section 8 Voucher Reform Act (S.2684), sponsored by Sen. Christopher Dodd (D-CT) and co-sponsored by Sen. Charles Schumer (D-NY), providing additional Section 8 vouchers, allow families to use a Section 8 voucher as a down-payment on a first-time home purchase and make administrative changes for the voucher, public housing and project-based Section 8 programs to reduce costs for public housing agencies and families.

AFFORDABLE HOUSING EXPANSION AND PUBLIC SAFETY ACT

The City Council calls on Congress to pass the Affordable Housing Expansion and Public Safety Act (S.427), sponsored by Sen. Russell Feingold (WI), providing for additional Section 8 vouchers, to reauthorize the Public and Assisted Housing Drug Elimination Program, and for other purposes including the creation of a National Affordable Housing Trust Fund.

AFFORDABLE HOUSING PRESERVATION TAX RELIEF ACT

The Council encourages Congress to pass the Affordable Housing Preservation Tax Relief Act of 2007 (H.R.1491), sponsored by Rep. Artur Davis (D-AL), amending the Internal Revenue Code of 1986, to provide an incentive to preserve affordable housing in multifamily housing units which are sold or exchanged. The incentive is the exclusion from gross income of the gain from the sale or exchange of certain multifamily housing to a housing credit agency or related organization (referred to in the bill as a preservation entity) that agrees to maintain certain affordability and use restrictions for such property.

PATHWAY TO PRESERVATION ACT

The City Council calls upon Congress to pass the Pathway to Preservation Act of 2007 (H.R.655), sponsored by Rep. Nydia Velazquez (D-NY), providing a more accurate valuation of multifamily housing properties and loans for such properties, that are sold at a discount by the Department of Housing and Urban Development to facilitate acquisition of such properties that maintains the properties as affordable housing.

STABILIZING AFFORDABLE HOUSING FOR THE FUTURE ACT

The Council calls upon Congress to pass the Stabilizing Affordable Housing for the Future Act (H.R.44), sponsored by Rep. Nydia Velazquez (D-NY) and co-sponsored by Rep. Ed Towns (D-NY), preserving affordable housing opportunities for low-income families, and for other purposes.

Furthermore, the Council requests the passage of the Mortgage Reform and Anti-Predatory Lending Act of 2007 (H.R.3915), sponsored by Rep. Brad Miller (D-NC), reforming consumer mortgage practices and provide accountability for such practices, establish licensing and registration requirements for residential mortgage originators and provide certain minimum standard for consumer mortgage loans.

HOME HEALTH SERVICES JOB TRAINING AND CAREGIVING ACT OF 2008

The Council calls upon Congress to pass, the Home Health Services Job Training and Caregiving Act of 2008 (H.R.6033), cosponsored by Rep. Nydia M. Velázquez (D-NY), establishing a three year HUD pilot grant program to promote job training in home care for public housing residents and facilitates providing home care services to senior and disabled public housing residents. The "baby boom" generation will require health care attention that will exceed the current supply of health care providers. This bill creates an opportunity for public housing residents to learn a trade that they can use in any setting, while caring fellow senior or disabled neighbors in their developments. Although the need for home-based health services transcends all income levels, the availability of such services can be particularly challenging to residents in public housing. H.R.6033 will ensure that our public housing residents can also enjoy the benefits and savings of home health care.

HOUSING AMERICA'S WORKFORCE ACT

The Council calls upon Congress to pass the Housing America's Workforce Act (H.R.1850), originally sponsored by Rep. Nydia Velázquez (D-NY) and Rep. Edolphus Towns (D-NY) (subsequently sponsored by Reps. Yvette Clarke (D-NY), Gregory Meeks (D-NY) and Charles Rangel (D-NY), as well as other non-NYC Members), providing employers with incentives to engage in Employer Assisted Housing (EAH) programs by allowing the private sector to play a direct role in promoting housing affordability (rentals and homeownership) among its staff. Employers in states throughout the nation are recognizing the benefits of a more stable workforce when employees live near work, and communities are gaining from reduced traffic congestion and increased investment. EAH programs offer low and moderate-income workers a chance for decent, affordable housing that is currently out of their reach despite their long hours of service to our communities. This bill provides a tax credit equal to 50% of the cost of qualified housing expenses for eligible low- and moderate-income employees, among other things.

ADDITIONAL PRIORITIES

GENERAL WELFARE AND SOCIAL SERVICES

SECTION 202 SUPPORTIVE HOUSING FOR THE ELDERLY ACT

The Council calls upon Congress to pass the Section 202 Supportive Housing for the Elderly Act (S.2736/H.R.2930), sponsored by Sen. Herb Kohl, Rep. Tim Mahoney (D-FL), and co-sponsored by members of the New York City Congressional Delegation. The Section 202 Supportive Housing for the Elderly, the only federally funded housing program specifically designed for senior citizens. The program enables seniors to age in place with the help of supportive, community-based services. Section 202 Housing is administered by the Department of Housing and Urban Development (HUD), which provides interest free capital advances to private, nonprofit groups to finance the development of supportive housing for the elderly. Despite the need, the availability of such housing is scarce. As of 2005, there were 172 buildings with a total of 16,245 units providing Section 202 Housing in New York City. Approximately 200,000 seniors in the city are on waiting lists for Section 202 Housing units. Some facilities report a waiting list of up to ten years. These bills would:

- Delegate the processing of the Section 202 capital advance grants to state or local entities with expertise in housing development in order to streamline the processing of new developments;
- Enhance the ability of organizations to recapitalize and preserve existing Section 202 Housing and increase the funding available for supportive services for aging residents; and
- Include an Assisted Living Conversion Program (ALCP) to fund the rehabilitation of new and existing properties to serve frail seniors who need assisted living services.

VITAL HEALTH SERVICES

The Council calls upon Congress to restore funding to the Preventive Health Services (Title III-D of Older Americans Act) and Alzheimer's disease demonstration grants, which are eliminated in the proposed FY 2009 budget. Title III-D funds support programs addressing disease prevention and health promotion services provided at senior centers, meal sites and other appropriate locations. Priority is given to areas which are medically underserved and in which there are large numbers of individuals who have the greatest economic need for these services. The Alzheimer's Disease Demonstration Project expands the availability of diagnostic and support services for persons with Alzheimer's disease, their families and caregivers, as well as improves the responsiveness of the home and community based care system for persons with dementia. Alzheimer's afflicts approximately 4 million Americans and causes more than 100,000 deaths annually, making Alzheimer's disease the fourth leading cause of death among adults.

LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)

The Council calls upon Congress to restore \$379 million to LIHEAP, which was cut in the proposed FY 2008 budget. LIHEAP is a federal block grant program, which helps low-income families pay their heating and cooling bills, and is the primary funding source for New York State's Home Energy Assistance Program (HEAP). HEAP targets households with vulnerable individuals, such as persons over age 60. In FY 2006, 856,056 households in New York State were LIHEAP recipients.

MEDICARE PART D

The New York City Council calls upon Congress to pass the Medicare Fair Prescription Drug Price Act of 2007 (S.3/H.R.4), sponsored by Sen. Harry Reid (D-NV), Rep. John Dingell (D-MI) and co-sponsored by members of the New York City Congressional Delegation, amending Part D of Title XVIII of the Social Security Act allowing the federal government to negotiate lower drug prices on behalf of Medicare beneficiaries. The current Medicare Prescription Drug Improvement and Modernization Act of 2003 (MMA) expressly prohibits the Secretary of Health and Human Services (HHS) from interfering in negotiations between private plans and drug manufacturers or pharmacies. As a result, the government cannot negotiate prices for prescription drugs, which remain dependent on the decisions made by private sector pharmaceutical and insurance companies. The bill removes that prohibition from the MMA, allowing the Secretary to affect and negotiate prescription drug prices under Medicare Part D.

FEDERAL POVERTY MEASURE

The New York City Council calls upon the federal government to reform the federal poverty level (FPL) that is based on a measure created in 1964. The FPL is outdated and does not reflect the basic needs of today's American families. Problematically, the FPL does not account for geographic differences in cost of living or for differences in family composition, and it assumes that a family will spend one-third of its budget on food. In July 2008, the City of New York introduced a new model of measuring poverty. According to the new measure, the poverty rate in New York City would increase to 23% from the official level of 19%. Furthermore, one in three New Yorkers age 65 and over would fall into the poverty category, as opposed to the one in five figure determined by the current federal formula. This past July, New York City became the first local government in the nation to reformulate the 40-year old broken poverty measure.¹

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http://www.nyc.gov/portal/site/nycgov/menuitem.c0935b9a57bb4ef3daf2f1c701c789a0/index.jsp?pageID=mayor_press_release&catID=1194&doc_name=http%3A%2F%2Fwww.nyc.gov%2Fhtml%2Fom%2Fhtml%2F2008b%2Fpr271-08.html&cc=unused1978&rc=1194&ndi=1

KINSHIP CAREGIVER SUPPORT ACT

The New York City Council calls upon Congress to pass the Kinship Caregiver Support Act (S.661/H.R.2188), sponsored by Sen. Hillary Clinton (D-NY), and co-sponsored by members of the New York City Congressional Delegation, authorizing the Department of Health and Human Services to make grants for kinship navigator programs to state agencies, metropolitan agencies or tribal organizations with experience in addressing the needs of kinship caregivers or children and connecting them with services and assistance. In addition, the bill amends Part E of Title IV of the Social Security Act to authorize all states to opt to enter into agreements to provide kinship guardianship assistance payments on behalf of children to grandparents and other relatives who have assumed legal guardianship of children for whom they have cared as foster parents and have committed to care for on a permanent basis. Furthermore, the bill allows states to use Part E funds to make such payments under specified conditions. According to the 2000 Census, the number of children living in households headed by grandparents increased by 30% nationwide from 1990 to 2000. Over one million children live in households headed by other relatives. Almost 20% of grandparents who care for their grandchildren live in poverty. Among other challenges, kinship caregivers often experience difficulty accessing federal benefits and services, obtaining custody, enrolling children in school, and authorizing medical treatment.

SAFETY OF SENIORS ACT

The New York City Council calls upon Congress to provide funding for the Safety of Seniors Act, (S.845), sponsored by Sen. Michael Enzi (R-WY). The Safety of Seniors Act was signed into law in April 2008, developing education strategies to raise awareness about elder falls, encourage research to identify at-risk populations and evaluate falls interventions, and support demonstration projects. Falls are the leading cause of both fatal and nonfatal injuries for those 65 and over. Currently, one in three older Americans falls, and about 30% of those falls require medical treatment that costs over \$19 billion. The Centers for Disease Control reports that \$19.2 billion annually is spent on treating seniors for the adverse effects of falls and currently only \$1 million is dedicated annually to meet this need.

RUNAWAY AND HOMELESS YOUTH ACT (RHYA)

The Runaway and Homeless Youth Act (RHYA), the sole federal law targeted to unaccompanied youth, is set to expire on September 30, 2008, therefore the New York City Council supports Sen. Patrick Leahy's (VT) legislation (S.2982/H.R.5524) to reauthorize the law. RHYA provides funding for emergency shelter and family reunification services, transitional living programs, education and employment support, street outreach, and a national youth crisis line.

The bill's provisions have most recently been added into the Advancing America's Priorities Act (S.3297), sponsored by Senate Majority Leader Harry Reid (D-NV), as part of a package of legislation. Consequently, the City Council urges Congress to pass the Advancing America's Priorities Act in order to ensure the reauthorization of vital services for runaway and homeless youth.

FOSTERING CONNECTIONS TO SUCCESS ACT

The New York City Council advocates for the passage of the Fostering Connection to Success Act (H.R.6307) sponsored by Rep. Jerry Weller (R-IL) and Rep. Jim McDermott (D-WA). (Sen. Clinton (D-NY) introduced similar legislation last year).

Sadly, children often wind up in foster care when relatives without adequate financial support are unable to care for them, unfortunately when these children become adolescents, they are at greater risk of running away or of aging out of the foster care system and becoming homeless. With family support, this is less likely to occur. The legislation provides vital support to kinship caregivers by:

- Allowing states to use federal funds to support family caregivers raising relatives who have been in the foster care system;
- Providing funding to establish kinship navigator programs, which assists relative caregivers within and outside the foster care system to obtain appropriate benefits and services, such as health care, for the children; and
- Requiring notification of relatives when a child enters foster care. As part of this effort, the bill authorizes matching grants to state and local child welfare agencies to help children who are at risk of entering foster care to reconnect with family members.

The Council supports this legislation to bolster efforts to find safe and stable homes for children who are in foster care and at risk of becoming homeless. Family placements are safer and more stable for children and, in addition, they are cost effective.

SUMMER YOUTH EMPLOYMENT

The Council urges the United States Congress to support legislation for the summer of 2009 in order to increase the number of summer youth employment positions for city's youth. For more than thirty years, the federal summer jobs program provided funding for youth seeking summer employment. After the 1998 Workforce Investment Act dedicated funding for summer youth employment was eliminated in favor of alternative youth programming. New York City and State budget reductions significantly reduced the city's summer youth employment program. Already, over half of the applicants seeking involvement are turned away (in 2007, there were over 92,000 applicants for 41,804 slots). The New York City Council passed a resolution in June 2008, in support of the Summer Jobs Stimulus Act of 2008 (S.2755) sponsored by Sen. Patty Murray.

WIA AND ADULT LITERACY

The New York City Council calls upon the U.S. Department of Labor to give states the authority to delegate to local governments the responsibility to award funding through a competitive process. In the past, WIA Title II funds were distributed directly to the NYC Department of Youth and Community Development (DYCD) through the State Education Department. DYCD then awarded the funds, through a competitive process, to community organizations to provide services under the New York City Adult Literacy Initiative (NYCALI). Beginning in 2007, these community organizations had to bid through a State RFP process, and as a result, the portfolio of NYC adult literacy providers was significantly reduced. This continues to threaten the viability of this valuable literacy program.

DRUG ENDANGERED CHILDREN

The New York City Council calls upon Congress to pass pending legislation providing support for children living in households in which a parent or guardian is using drugs. The Drug Endangered Children Act of 2007 (S.1210/H.R.1199), sponsored by Sen. Dianne Feinstein (D-CA) and co-sponsored by Sen. Charles Schumer (D-NY) authorizes the appropriation of \$20 million to the Office of the Attorney General to disperse in the form of grants to states to assist children with caretakers using drugs.

21ST CENTURY COMMUNITY LEARNING CENTERS

The 21st Century Community Learning Centers Initiative is the only federal funding source dedicated exclusively to after-school programs. After-school centers provide valuable academic support and enrichment opportunities for children at high-poverty and low-performing schools. The initiative, which is found in the NCLB Act, is consistently under-funded. For example, the total funding appropriated by Congress for FY 2007 was approximately \$981 million, which is not even half of the \$2.5 billion authorized under NCLB. In April 2007, the City Council passed Res. No. 742-A, which calls upon the U.S. Congress, the Governor of the State of New York and the New York State Legislature to ensure the continued operation of 21st Century Community Learning Centers. While the state budget, enacted April 1, 2007, allocates \$7.5 million to 21st Century Centers state-wide, an estimated total of \$10 million is needed to sustain the city's existing centers. As of July 11, 2007, the exact award amounts from the state to New York City centers are unknown, but it seems certain that not all centers will have sufficient funds to remain open based on this state funding alone.

CIVIL AND HUMAN RIGHTS

UNITING AMERICAN FAMILIES ACT

The New York City Council calls upon Congress to pass the Uniting American Families Act (UAFA), (S.1328/H.R.2221), introduced by Sen. Patrick Leahy (D-VT) and Rep. Jerrold Nadler (D-NY), allowing a United States citizen or permanent resident to sponsor his or her same-sex partner for immigration to the U.S. in a manner consistent with the legal requirements and rights currently enjoyed by opposite-sex couples. Whether they have bought homes and mingled resources together, established close ties including having cared for sick relatives and raised children together, or shared all of these family responsibilities and more, U.S. citizens and permanent residents cannot currently sponsor their same-sex partners for immigration. Given U.S. immigration policy's stated goal of family unification, it is incumbent on the federal government to join leading democracies worldwide including Australia, Canada, South Africa, and the United Kingdom in recognizing same-sex partners "rightful claim to be considered family" in terms of legal immigration.

AMERICAN ANTI-TORTURE ACT

The Council supports the passage of the American Anti-Torture Act (H.R.4114) introduced by Rep. Jerrold Nadler (D-NY) and Rep. Bill Delahunt (D-MA). U.S. and International law prohibit torture and cruel, inhuman, and degrading treatment. Following the terrorist attacks of September 11, 2001 and in subsequent conflicts in Afghanistan and Iraq, questions have arisen regarding the applicability of these prohibitions to prisoners or detainees. Through a series of secret legal opinions, the Department of Justice and Office of Legal Counsel have argued that constraints imposed by the Geneva Conventions and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment have limited or no applicability to prisoners or detainees in U.S. custody or control. These legal opinions, which set forth the administration's framework for conducting its war on terror, depart from the United States longstanding commitment to fundamental human rights protections. The current use of techniques that have been declared unlawful and shown to result in severe harm has resulted in widespread criticism of the U.S. and has raised considerable concern regarding the impact on the safety of our own troops, our relationships with foreign allies, our ability to garner reliable intelligence, and our moral and legal standing in the world. The American Anti-Torture Act ensures that no person in the custody or under the effective control United States shall be subject to any treatment or technique of interrogation not authorized by and listed in the United States Army Field Manual on Intelligence Interrogation. The bill prohibits the use of certain highly coercive interrogation techniques like waterboarding.

NATIONAL SECURITY LETTERS REFORM ACT

The Council supports the passage of the National Security Letters Reform Act (S.2088/H.R.3189), introduced by Sen. Russ Feingold (D-WI) and Rep. Jerrold Nadler (D-NY). National Security Letters (NSLs) are written directives that the FBI issues directly to third parties, such as telephone companies, financial institutions, Internet service providers, and consumer credit agencies, to provide records and other information concerning a person without judicial review. Prior to September 11, 2001, and the enactment of the PATRIOT Act, the authorizing statutes that

governed NSLs required certification by a senior FBI Headquarters official that the FBI had "specific and articulable facts giving reason to believe that the customer or entity whose records are sought is a foreign power or agent of a foreign power" as defined in the Foreign Intelligence Surveillance Act of 1978. The PATRIOT Act substantially expanded the FBI's preexisting authority to obtain information through NSLs.

In March of 2007, the Justice Department's Office of the Inspector General (OIG) issued a report on the FBI's use of NSLs, which revealed that the FBI has engaged in improper methods to acquire data on individuals. The Report found that FBI agents possibly violated the law or internal rules more than 1,000 times while misusing the National Security Letter (NSL) authority vastly expanded by the PATRIOT Act. Moreover, the Report indicated that even information about individuals who are irrelevant to terrorism investigations is nonetheless indefinitely retained and never purged from FBI database systems.

The National Security Letter Reform Act restores the standard for issuing NSLs to its earlier, more focused form, ensuring both efficiency in targeting terrorist activity and protections for innocent citizens swept up in the process. The bill also provides for judicial review of challenges to NSL directives and "gag orders," bringing the NSL authority into conformity with the Constitution and preserving the FBI's ability to utilize NSLs for legitimate purposes in combating threats to national security.

EMPLOYEE FREE CHOICE ACT

The Council calls upon Congress to pass the Employee Free Choice Act (S.1041/H.R.800), sponsored by Sen. Edward Kennedy (D-MA) and Rep. George Miller (D-CA), amending the National Labor Relations Act to establish a democratic and independent system to allow employees to consider, without employer interference, whether to form a union, and if they do so, to ensure a first contract can be reached by providing a mechanism for mediation and arbitration.

RESPECT ACT

The New York City Council urges Congress to adopt the Re-Empowerment of Skilled and Professional Employees and Construction Trade workers (RESPECT) Act (S.969/H.R.1644), sponsored by Sen. Christopher Dodd (D-CT) and co-sponsored by Sen. Hillary Clinton (D-NY), and sponsored by Rep. Robert Andrews (D-NJ), amending the National Labor Relations Act (NLRA) to modify the definition of "supervisor" to exclude employees with minor supervisory roles. The National Labor Relations Board (NLRB) has determined that millions of workers fall within the definition of "supervisor," (including many minor supervisory officials, professionals, skilled crafts persons and nurses) who does not have collective bargaining rights. This bill clarifies the intent of Congress to exclude minor supervisory employees from being classified as "supervisors."

PROTECTING AMERICA'S WORKERS ACT

The New York City Council urges Congress to pass the Protecting America's Workers Act (S.1244/H.R.2049), sponsored by Sen. Edward Kennedy (D-MA) and Rep. Lynn Woosley (D-CA), amending the Occupational Safety and Health (OSHA) Act of 1970, by expanding its coverage to federal, state, and local government employees. Furthermore, the bill authorizes the Secretary of Labor, under specified conditions, to cede OSHA jurisdiction to another federal agency with respect to certain occupational standards or regulations for such agency's employees. In addition the bill sets forth increased protections for whistleblowers under OSHA. Lastly, the bill increases civil and criminal penalties for certain OSHA violators and sets forth provisions relating to:

- Victims' rights;
- Posting of employee rights;
- Investigations of fatalities and serious injuries;
- Prohibition of unclassified citations;
- Right to contest citations and penalties; and
- Objections to modifications of citations.

EMPLOYMENT NON-DISCRIMINATION ACT

The Council urges the Senate to introduce and pass legislation to extend federal employment discrimination protections that are currently provided on race, religion, gender, national origin, age, and disability to cover both sexual orientation and gender identity. In November 2007, the House of Representatives passed the Employment Non-Discrimination Act (H.R.2015), sponsored by Rep. Barney Frank (D-MA), addressing such protections. Currently, only 20 states and the District of Columbia have passed laws prohibiting discrimination based on sexual orientation, and only 12 states and the District of Columbia have passed laws prohibiting discrimination based on gender identity. The legislation allows all Americans who feel discriminated against because of sexual orientation or gender identity to have employment discrimination protections.

JOB PROTECTION FOR SURVIVORS ACT

The New York City Council calls on the House to pass the Job Protection for Survivors Act (H.R.4015), sponsored by Rep. Lucille Roybal-Allard (D-CA), and calls on the Senate to introduce and pass this legislation prohibiting an employer from failing to hire, or to discharge, harass, or otherwise discriminate against an individual with respect to his or her employment because he or she was a victim of domestic violence, dating violence, sexual assault, or stalking. Specifically, the act entitles such employees to:

- A total of 15 days of unpaid leave during any 12-month period to obtain certain victim services; and
- Leave for court proceedings resulting from an incident of domestic violence, dating violence, sexual assault, or stalking.

Further the Job Protection for Survivors Act authorizes an employee to file an action for damages or equitable relief in federal or state court against an employer who violates the requirements of this Act.

FAMILY AND MEDICAL LEAVE EXPANSION ACT

The New York City Council urges the House to pass the Family and Medical Leave Expansion Act (H.R.1369), sponsored by Rep. Carolyn Maloney (D-NY) and calls on the Senate to introduce and pass this legislation directing the Secretary of Labor to make five-year grants to a state or local government, to pay for the federal share of the cost of carrying out projects that assist families by providing wage replacement for eligible individuals responding to care giving needs resulting from the birth or adoption of a son or daughter or other family care giving needs.

FAMILY AND MEDICAL LEAVE INCLUSION ACT

The New York City Council urges the House to pass the Family and Medical Leave Inclusion Act (H.R.2792), sponsored by Rep. Carolyn Maloney (D-NY) and calls on the Senate to introduce and pass this legislation amending the Family and Medical Leave Act of 1993 (FMLA), to provide for employee leave to care for a same-sex spouse as determined under applicable state law, domestic partner, parent-in-law, adult child, sibling, or grandparent (as well as for a spouse, child, or parent), if such person has a serious health condition.

SUPPORTING FAMILIES

The New York City Council calls on the federal government to promote family-friendly work policies to help improve the lives of working families. Childcare is a necessity for working families and yet it is often difficult to find and equally difficult to afford. In addition to quality childcare, parents often need time to take care of their children's health needs. Unfortunately, the United States has far to go to with respect to family friendly workplace policies. Expanding childcare and early childhood development choices, providing for flex-time and unpaid and paid parental leave and improving access to high quality early childhood programs, including child care, Head Start and Early Head Start for all eligible children, should be major priorities.

The New York City Council calls on Congress to pass the following:

1. *The Family and Workplace Balancing Act (H.R. 2392)*, sponsored by Rep. Lynn Woolsey (D-CA), and co-sponsored by members of the New York City Congressional Delegation increasing childcare options for working families and provide funding for after-school programs and universal pre-kindergarten. The Family and Workplace Balancing Act allows individual states to provide paid leave for those caring for young children, elderly or sick family members; encourage more family-friendly workplace policies, such as flexible work schedules and equitable benefits for part-time and temporary workers; and extend FMLA protections to employers with 15 or more employees.

2. *Amend the Family and Medical Leave Act of 1993 (H.R.1369)*, sponsored by Rep. Carolyn Maloney (D-NY), to expand the scope of the Act. Currently, the Act requires that employers with 50 or more permanent employees allow employees to take unpaid leave for the care of a child, spouse or parent with a serious health condition or in connection with the birth or adoption of a child. The proposed amendment extends coverage of the Act to employers with at least 25 or more permanent employees and provides such workers job security in the event that they need to take care of a family member.

3. *The Healthy Families Act (S.910/H.R.1542)*, sponsored by Sen. Edward Kennedy (D-MA) and co-sponsored by Sen. Hillary Clinton (D-NY) and Sen. Charles Schumer (D-NY) and Rep. Rosa DeLauro (D-CT), as well as members of the New York City Congressional Delegation, providing paid sick leave to employees to ensure that Americans can address their own health needs and the health needs of their families. Specifically, the Act mandates that certain employers with at least 15 employees provide a minimum paid sick leave of seven days annually for those who work at least 30 hours per week, as well as a pro-rated amount for those who work 20-30 hours per week, and allows employees to use such leave to meet their own or their families' medical needs.

4. *Increase the Child Care and Development Block Grant (CCDBG)*, helping low-income families, families receiving public assistance and those transitioning from public assistance in obtaining childcare so that they can work or participate in training/educational activities. The program, created in 1990, is authorized under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193). While demand for childcare has grown over the years, federal childcare funding has been stagnant. According to the U.S. Department of Health and Human Services, last year's funding level for CCDBG provided assistance to only one out of ten eligible children. Last year in New York City, although over 345,000 children were eligible for subsidized childcare, at least 200,000 of these children were not being served. Additional funding is required to meet this need.

5. *The Paycheck Fairness Act (S.766/H.R.1338)*, sponsored by Sen. Hillary Clinton (D-NY) and Rep. Rosa DeLauro (D-CT). According to current research, on average, women earn about 77% of what men are paid. These pay disparities exist despite the passage of the Equal Pay Act and other legislation prohibiting employment discrimination, and are readily apparent in both the private and governmental sectors. The Paycheck Fairness Act reduces the pay gap between men and women, enhances enforcement mechanisms of the Equal Pay Act and provides training on matters involving wage discrimination.

6. *The Fair Pay Restoration Act (S.1843)*, sponsored by Sen. Edward Kennedy (D-MA), also known as the "Lilly Ledbetter Fair Pay Act," amends the Civil Rights Act of 1964, to declare that unlawful employment practice occurs at the time an individual is affected by the discriminatory practice. According to the National Organization for Women, the Act addresses misinterpretation of Title VII and ensures that pay discrimination victims get their day in court by treating every discriminatory paycheck as a new act of discrimination.

TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT

According to the United States Department of Justice, trafficking in persons or human trafficking is a form of modern day slavery and is identified as the recruitment and transportation of persons within or across boundaries by force, fraud or deception, for the purpose of exploiting them economically. It is estimated that annually almost 14,500 to 20,000 persons are trafficked into and within the United States. The New York City Council calls on the United States Senate to pass the House of Representatives' version of the William Wilberforce Trafficking Victims Protection Reauthorization Act (S.3061/H.R.3887), sponsored by Rep. Tom Lantos. The House version of the Trafficking Victims Protection Reauthorization Act requires the United States to work towards preventing trafficking in countries of origin, provide services to trafficking victims in the U.S., and prosecute local traffickers and their associates. The Council also calls upon Congress to pass the Trafficking Victims Protection Reauthorization Act of 2007 (H.R.270), sponsored by Rep. Christopher Smith (NJ). The bill amends the Trafficking Victims Protection Act of 2000, authorizing trafficking victims-related appropriations, allowing juvenile victims of trafficking to be eligible for interim assistance, and directs the Attorney General to prepare model legislation for state use to define and prohibit all acts relating to prostitution of children and trafficking in children for the purpose of labor or sexual exploitation.

VETERAN VOTING SUPPORT ACT

The Council supports S.3308, also known as the Veteran Voting Support Act, sponsored by Sen. Dianne Feinstein (D-CA) and co-sponsored by Sen. Hillary Clinton (D-NY), Sen. Charles Schumer (D-NY) and Sen. Barack Obama (D-IL), among others, requiring the Secretary of Veterans Affairs to permit VA facilities to be designated as voter registration agencies. In May 2008, the VA's Veteran Health Administration (VHA) issued a directive banning nonpartisan voter registration drives at federally financed nursing homes, rehabilitation centers and shelters for homeless veterans. This directive inhibits many veterans from obtaining the assistance they may need to participate in the voting process, from registering to submitting their ballots. Veterans should be given every opportunity to have their voices heard in the democratic process that they so valiantly served to protect. The legislation calls for the VA to assist veterans with absentee ballots, permit a meaningful opportunity for nonpartisan organizations to provide voter registration information and assistance at VA facilities and require the issuance of an annual report on how the Secretary has complied with the requirements of this Act.

DON'T ASK, DON'T TELL, DON'T PURSUE LEGISLATION

The New York City Council calls on Congress to pass the Military Readiness Enhancement Act of 2007 (H.R.1246), sponsored by Rep. Martin Meehan (D-MA) and co-sponsored by members of the New York City Congressional Delegation, amending Title 10 of the United States Code to enhance the readiness of the Armed Forces by replacing the current policy concerning homosexuality in the Armed Forces with a policy of nondiscrimination on the basis of sexual orientation.

The Michael D. Palm Center reports that, since Congress passed into law the policy known as “Don’t Ask, Don’t Tell, Don’t Pursue” in 1993, nearly 12,000 service members have been discharged from the military, including several hundred health care workers and at least 54 Arabic specialists. A 2006 Blue Ribbon Report estimated the cost of the “Don’t Ask, Don’t Tell” policy during the first ten years of its existence to be at least \$363.8 million. Not only is this policy discriminatory and un-American, it also flies in the face of the views of the American people, four-fifths of whom support allowing gays to serve openly in the military. The Council urges Congress to consider this piece of legislation and to remove institutionalized discrimination from the military.

REMOVE HIV FROM LIST OF COMMUNICABLE DISEASE LISTED BY U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

After successful repeal of the statutory entry ban on HIV-positive immigrants and travelers, the New York City Council calls on the U.S. Department of Health and Human Services (HHS) to take the next step and fully remove the HIV entry ban. This will be achieved when the Secretary of HHS removes HIV from the list of “communicable diseases of public health significance.”

The HIV entry ban is blatantly discriminatory and has been devastating individuals and families since 1987. It has profound negative economic, public health, and human rights impacts. The entry ban prevents immigrants from getting tested and into treatment, and is a significant contributor to wide health disparities between native-born and foreign-born individuals living with HIV.

EDUCATION

No CHILD LEFT BEHIND

The No Child Left Behind Act of 2001 (NCLB) set laudable goals - high standards of academic achievement for all students and accountability for student outcomes. However, NCLB has been under-funded since its inception, with actual funding appropriated falling far short of “authorized” or promised funding. Since 2002, the gap between authorized and appropriated funding has grown wider each year to more than \$56 billion in total, with a shortfall of more than \$15 billion last year alone. This under-funding hits urban school districts like New York City particularly hard. The Act is up for re-authorization this year and dozens of bills have been introduced to change it, including some that address NCLB funding. The New York City Council calls on Congress to pass the following:

1. *Keep Our Promises to America's Children and Teachers (PACT) Act (H.R. 627)*, introduced by Rep. Chris Van Hollen (D-MD) and co-sponsored by members of the New York City Congressional Delegation, requires full funding of the Elementary and Secondary Education Act and the Individuals with Disabilities Education Act (IDEA). PACT provides the financial amounts necessary to fully fund NCLB programs through the FY 2014, and provides mandatory full funding for IDEA.
2. *Keeping Our Promises to America's Children Act of 2007 (H.R. 684)*, introduced by Rep. Dennis Moore (D-KS) and co-sponsored by members of the New York City Congressional Delegation, calls for a moratorium on compliance with accountability requirements that are not fully funded. This bill allows states or school districts to suspend, modify or defer any of the sanctions for failing to meet Adequate Yearly Progress (AYP) in any year in which Title I is not funded at its authorized level.
3. *The No Child Left Behind Reform Act (S.1194/H.R.2087)*, introduced by Rep. Rossa DeLauro (D-CT) and co-sponsored by Rep. Nita Lowey (D-NY), and by Sen. Christopher Dodd (D-CT), is of particular interest because it creates a new grant program for states and school districts to improve data systems needed to measure AYP, and could be used to support ARIS, the New York City Department of Education’s new data system. The bill gives states flexibility to use additional academic indicators in addition to test scores to measure AYP, and targets school choice and supplemental educational services to students in specific subgroups that fall short of AYP goals. It also provides additional flexibility, particularly for middle school teachers, in meeting the highly qualified teacher requirements.

DROPOUT PREVENTION

Stemming the flood of dropouts from New York City's public schools has been one of the Council's education priorities this year. Following a Dropout Summit in February co-sponsored by the Council's Black, Latino and Asian Caucus, the Education Committee held a hearing on the issue of dropout prevention and the Council subsequently allocated more than \$5.5 million for dropout prevention and intervention initiatives. Several bills are pending that address the national dropout crisis, and the Council calls on Congress to pass the following:

1. *The Graduation Promise Act of 2007 (S.1185/H.R.2928)*, sponsored by Rep. Ruben Hinojosa (D-TX) and co-sponsored by members of the New York City Congressional Delegation, and by Sen. Jeff Bingaman (D-NM), providing grants to states to improve high schools and raise graduation rates. This bill supports the development of model intervention programs for "high-priority" high schools with low student achievement and graduation rates, and assists states in providing technical assistance to such high-priority schools.
2. *The Graduate for a Better Future Act (S.765)*, sponsored by Sen. Richard Burr (R-NC), establishes a grant program to improve high school graduation rates and prepare students for college and work. In addition, this bill seeks to create models of excellent high schools that prepare students for college and work; improve teaching and curricula to make high school more rigorous and relevant; improve instruction and access to supports for struggling students; improve communication between parents, students and schools; and create early warning systems to help identify students at risk of dropping out of high school.
3. *The Graduation for All Act (HR.1623)*, sponsored by Rep. Ruben Hinojosa (D-TX) and co-sponsored by members of the New York City Congressional Delegation, prevents students from dropping out of school by providing grants to states to improve adolescent literacy. Specifically, this bill provides assistance to states to: establish effective research-based reading programs for students attending middle schools and high schools; hire and provide in-service training for at least one literacy coach per 600 students or 20 teachers; strengthen reading and writing instruction; and develop and implement individual graduation plans for students who are most at risk of not graduating from high school.
4. Finally, *the GRAD Act (H.R.887)*, sponsored by Rep. Carolyn McCarthy (D-NY), funds Project GRAD USA, a nonprofit educational organization that seeks to improve secondary school graduation, college attendance and completion rates for disadvantaged students, to by providing services at existing Project GRAD program sites, as well as to expand to new sites.

CHILDREN WITH SPECIAL EDUCATION NEEDS

In addition to passing PACT (described above), the Council calls on Congress to pass H.R.526, a bill sponsored by Rep. John Larson (D-CT) and co-sponsored by members of the New York City Congressional Delegation, amending IDEA to provide more federal funding for states to educate children with disabilities. The bill sets forth mandatory minimum levels of federal grant payments to states for assistance in educating children with disabilities. The amount of the grant is determined by current formulas for maximum authorization levels for funding to states.

COMMUNITY SCHOOLS

The City Council calls on Congress to pass the Full Service Community Schools Act of 2007 (S.1391/HR.2323), sponsored by Rep. Steny H. Hoyer (D-MD) and Sen. Benjamin Nelson (D-NE), defining full service community schools as public elementary or secondary schools that participate in a community-based effort to coordinate educational, developmental, family, health, and other comprehensive services through community-based organizations and public and private partnerships. Full service community schools would provide access to services to students, families and the community through coordination of services offered by community-based organizations, nonprofit organizations and state, local and tribal governments. This results in a more efficient use of federal, state, local and private sector resources that serve children and families.

INVESTMENT IN SCHOOL CONSTRUCTION

The Council calls on Congress to pass America's Better Classrooms Act of 2007 (S.912/H.R.2470), sponsored by Sen. John D. Rockefeller (D-WV), Rep. Charles Rangel (D-NY) and co-sponsored by members of the New York City Congressional Delegation, amending the Internal Revenue Code to allow for a tax credit for investment in public school modernization bonds, which are defined to include: 1) bonds for the construction, rehabilitation or repair of a public school facility or for the acquisition of land for such a facility; and 2) bonds to finance certain academic programs below the postsecondary level in empowerment zones or enterprise communities.

CHILD NUTRITION

The City Council calls on Congress to pass the Child Nutrition Promotion and School Lunch Protection Act of 2007 (S.771/H.R.1363), sponsored by Sen. Tom Harkin (D-IA), Rep. Lynn Woolsey (D-CA), and co-sponsored Sen. Charles Schumer, as well as by members of the New York City Congressional Delegation, amends the Child Nutrition Act of 1966, to improve the nutrition and health of schoolchildren by updating the definition of "food of minimal nutritional value," to meet current nutritional standards and expand the application of such standards to all foods that are sold outside of the school meal programs, on school campus, and at any other time during the day.

In addition, the Council calls on Congress to amend the Richard B. Russell National School Lunch Act (S.790/H.R.1740), sponsored by Sen. Richard Lugar (R-IN), Rep. Maurice Hinchey (D-NY) and co-sponsored by members of the New York City Congressional Delegation, permitting the simplified summer food programs to be carried out in all states and by all service institutions. Currently 27 states have the authority to allow summer food program sponsors to receive the maximum amount of operating and administrative reimbursements without regard to actual or budgeted costs. Those states that have participated in the simplified summer meals programs have experienced significant increase in participation rates, helping to ensure that all children are receiving healthy meals.

UNIVERSAL SCHOOL MEALS

The City Council calls on the United States Department of Agriculture to expand the Universal School Meals pilot program that currently exists in Philadelphia to also include New York City.

New York City can increase school meals participation and save money in staff time and costs by implementing Universal School Meals (USM) in New York City public schools for breakfast and lunch.

Under the Philadelphia USM pilot no applications are distributed or collected, no system is needed to categorize and identify students and no money is collected. Only total meals served are counted. Reimbursement for meals is determined by percentages of free, reduced price or paid students as established by a study that provides this information for each school, but does not identify any student or family by name or income.

Universal School Meals removes the stigma associated with school meals by eliminating the need to identify students by payment category and ensure that more hungry children will participate. This has already been proven in New York City's Universal Free Breakfast program. Since implementation of the New York City program, participation has increased by 25%. At the same time, USM would save the city money in staff time and other costs associated with the current administrative system.

SCHOOL-BASED HEALTH CLINIC ESTABLISHMENT ACT

The Council calls on Congress to pass the School-Based Health Clinic Establishment Act (S. 600/H.R. 4230), sponsored by Sen. Gordon H. Smith (R-OR) and Rep. Darlene Hooley (D-OR), with the House bill co-sponsored by members of the New York City Congressional Delegation. School-based health clinics (SBHCs) increase students' connection to health care and aid in their physical and academic development. The clinics provide primary care and first aid to students and emergency care to anyone on school premises, and many provide additional services such as mental health care, optometry services and dental care. Often, they participate in their school's health education programs. In New York City, approximately 120 school-based health clinics (SBHCs) are operated by independent institutions such as hospitals and community groups. The legislation requires the Secretary of Health and Human Services to provide grants for the operation of SBHCs. The SBHCs receiving the grants provide services to children on-site when school is in session, and through backup providers and an on-call system at other times. Applicants who serve populations with historic problems accessing health care services may be given priority for grant funds.

STUDENT-TO-SCHOOL NURSE RATIO IMPROVEMENT ACT

The Council calls on Congress to pass the Student-to-School Nurse Ratio Improvement Act (H.R.6201), sponsored by Rep. Carolyn McCarthy (D-NY), authorizing the Centers for Disease Control and Prevention to make grants to states to reduce the student-to-school nurse ratio in public schools at the kindergarten, elementary and secondary levels. School nurses play a critical role

in meeting the health needs of children and the availability of these nurses has been linked to educational success. The Federal Healthy People 2010 Program includes a goal of increasing the number of schools, which have one school nurse for every 750 students. However, according to recent estimates by the National Association of School Nurses, the average in New York State and the nation as a whole exceeds this recommendation.

LIFELONG LEARNING ACCOUNTS ACT

The New York City Council calls upon Congress to enact the Lifelong Learning Accounts Act of 2008 (H.R. 6036), sponsored by Rep. Rahm Emanuel (D-IL). Lifelong Accounts are employee-owned, employer-matched, transferable accounts used to finance education and training. The purpose of the bill is to amend the Internal Revenue Code of 1986, establishing lifelong learning accounts to provide an incentive to save for education. Specifically, it establishes tax-exempt lifelong learning accounts to pay for certain educational expenses, including tuition, fees, books, supplies and information technology devices. Individuals between age 18 and 71 receive a tax credit for cash contributions to their lifelong learning accounts and employers receive a tax credit for contributions made to the lifelong learning accounts of their employees and for administrative costs associated with small employer lifelong learning accounts.

COLLEGE STUDENT RELIEF ACT

The New York City Council calls upon Congress to enact the College Student Relief Act of 2007 (H.R.5), sponsored by Rep. George Miller (D-CA) and co-sponsored by members of the New York City Congressional Delegation, reducing the interest rates charged to undergraduate student borrowers under the Federal Family Education Loan and Direct Loan Programs. Such an amendment assists in decreasing college costs for low and middle-income students, thereby making college attendance more affordable.

ABUSIVE LOAN PRACTICES

The New York City Council calls upon Congress to amend the Higher Education Act to establish requirements for lenders and institutions of higher education in order to protect students and other borrowers receiving educational loans. Recent reports show that lenders and institutions have engaged in abusive loan practices and have taken advantage of students and other borrowers. Such legislation prohibits institutions and lenders from engaging in such practices and requires students and other borrowers be given information about loan options and terms, and the relationship between lenders and institutions.

HIGHER EDUCATION ACT OF 1965

The New York City Council calls upon Congress to reauthorize the Higher Education Act (HEA) of 1965. The Act provides the largest federal funding support for higher education and is comprised of programs administered by the U.S. Department of Education and includes major financial aid programs such as the Federal Pell Grant, Federal Direct Student Loans, and Federal Perkins Loans. Authorization for the Higher Education Act expired on September 30, 2003; however, funding has continued because of several extensions enacted by Congress.

STUDENT GRANT AND LOAN PROGRAMS

The New York City Council calls upon Congress to restore funding to the Perkins Loan Program, Federal Supplemental Educational Opportunity Grants (SEOG), the Leveraging Educational Assistance Partnerships (LEAP) program, the Demonstration Projects for Postsecondary Students with Disabilities, and the Robert C. Byrd Honors Scholarships. President Bush has proposed the elimination of these programs.

ACCESS TO FINANCIAL AID

The New York City Council calls upon Congress to repeal the 1998 amendments to the Higher Education Act of 1965, barring students with previous drug convictions from receiving federal financial aid for college.

LIBRARIAN ACT

The Council is asking Congress to pass the LIBRARIAN Act of 2007 (S.1121/H.R.1877), sponsored by Rep. Xavier Becerra (D-CA). The Librarian Incentive to Boost Recruitment and Retention in Areas of Need (LIBRARIAN) Act of 2007 amends the Higher Education Act of 1965, providing Perkins Student Loan forgiveness in order to encourage individuals to become and remain librarians in low-income school and public libraries. Librarians working full time in low-income areas qualify for up to 100% Perkins Loan forgiveness depending on the number of years of service.

NATIONAL ENDOWMENT FOR THE ARTS (NEA)

Federal support for the arts stimulates economic growth, creates jobs and fosters community development, guaranteeing that every citizen has access to experience the arts. According to the Association for Performing Arts Presenters, an arts advocacy group, the non-profit arts industry supports 4.9 million full-time domestic jobs nationally, returns \$10.5 billion to the federal government in income taxes and generates \$24.4 billion in federal, state and local government revenues annually. By comparison, federal, state and local governments collectively spend less than \$3 billion on support for the arts, an 8-to-1 return.

The NEA is essential to sustaining and advancing the arts industry and its funding is a direct investment in the economic vitality of every American community, particularly in New York City where the arts industry is most prominent. According to the Association for Performing Arts Presenters, for every NEA dollar invested, there is an additional \$8 generated in the local economy. Forty percent of NEA program dollars are granted to state arts agencies, ensuring that every state can access these federal funds. These grants serve as a catalyst and are coupled with state appropriations and local funding to strengthen states' arts infrastructures.

ARTS IN EDUCATION PROGRAMS THROUGH THE U.S. DEPARTMENT OF EDUCATION

Learning in the arts nurtures a motivation to learn, including active engagement, disciplined and sustained attention, persistence, and increased attendance and educational aspirations. Arts in Education funds will help in developing and strengthening an integrated arts curriculum in elementary and middle schools. Therefore, federal support is crucial to arts education programs, professional development of arts educators, and ongoing arts education initiatives. Being that cultural tourism is extremely vital to the city's economy, arts education gives the young people of our city an opportunity to appreciate the arts and encourage them to seek careers in the arts industry.

FEDERAL FUNDING FOR LIBRARIES

Increases in library funding will allow libraries throughout the country to continue to provide key programs and services to their communities, like bookmobiles and public access to the Internet. Increased funding is particularly important for New York City because it has the largest library system in the country. Since NYC libraries are now open at least six days a week, the demand for services has increased significantly.

BROADBAND DATA IMPROVEMENT ACT

The Council supports the Broadband Data Improvement Act (S.1492), sponsored by Sen. Daniel Inouye (D-HI) and co-sponsored by Sen. Hillary Clinton (D-NY), assisting our nation in the determination of which parts of the country have high-speed access and which do not. The bill provides funding to states to increase broadband deployment and adoption.

The Council urges the Federal Communications Commission to consider all options and extensively research the planned technologies for 'White Spaces' before rendering any decisions to open the spectrum to commercial bidding.

We must encourage universal availability of affordable Internet/broadband access through regulation, tax policies, incentives and other means by expanding the e-rate program in public schools and libraries. The federal government should offer matching grants to provide the public with access from municipal sites including parks, neighborhood centers, public housing, etc.

HEALTH AND MENTAL HEALTH

UNIVERSAL HEALTH CARE

According to the Census Bureau, approximately 16% of Americans did not have health insurance coverage at any time during 2006. A person without health care coverage typically does not have regular access to primary care physicians and instead relies on hospital emergency departments for routine medical care. Such an individual is more likely to go without screening and preventive care, be sicker and die earlier than a person with health insurance. In addition, people lacking health insurance tend to receive medical care that is ultimately more costly than care provided for insured individuals. The New York City Council supports the following bills in Congress related to the provision of universal health coverage:

1. *The Healthy Americans Act (S.334)*, introduced by Sen. Ron Wyden (D-OR), allows all individuals legally in the United States to choose an insurance plan from among those offered by their state within two years. The plans feature sliding scale premiums, do not require co-pays for preventive services or chronic disease management, and offer incentives to participate in wellness programs. During the two-year phase-in of the program, employers who were already providing health insurance provide the amount they spent on the insurance as wages to their employees. After two years, the employer makes payments for care up to 25% of the average premium for essential care in the area.
2. *The United States National Health Insurance Act (H.R.676)*, sponsored by Rep. John Conyers (D-MI) and co-sponsored by members of the New York City Congressional Delegation, expands the Medicare program to all residents living in the United States or its territories. The health care system converts to a not-for-profit system over 15 years, and is funded by a combination of current state and federal health care funds, a payroll tax on employers, a health tax on the highest-income earners, a tax on stock and bond transfers, and closing of corporate tax loopholes.
3. *The AmeriCare Health Care Act of 2007 (H.R.1841)*, introduced by Rep. Pete Stark (D-CA), provides universal health care for all residents of the United States by expanding Medicare to all those not receiving insurance from their employer. Participants who are not children, pregnant women or low-income individuals are expected to share some of the cost of their insurance. Employers are required to provide insurance or pay 80% of the cost of the AmeriCare insurance.

The All Healthy Children Act (S.1564/H.R.1688), sponsored by Sen. Bernard Sanders (I-VT) and Rep. Robert Scott (D-VA), increases the number of children with health insurance and consolidates Medicaid for children with the State Children's Health Insurance Program (SCHIP). In addition, the bill eliminates variations in state eligibility criteria by making eligible all children and pregnant women in families with incomes at or below 300% of the federal poverty level (FPL). Families with incomes greater than 300% FPL could purchase coverage for their children and those who receive employer-sponsored insurance with less than full benefits could get supplemental coverage. Families pay little or no co-payments for services, depending on income.

HEALTH CENTER RENEWAL ACT

The Council calls on Congress to pass the Health Center Renewal Act (S.901/H.R.1343), sponsored by Sen. Edward Kennedy (D-MA), Rep. Raymond Green (D-TX), and co-sponsored by members of the New York City Congressional Delegation, reauthorizing the Community Health Centers program for five years. These community health centers strive to meet the needs of medically underserved populations and are a critical part of the health care safety net. The legislation allocates more than \$13 billion over five years and puts the program on track to reach the goals of America's Health Centers' ACCESS for All America plan. This plan aims to reach 30 million patients by the year 2015, according to the National Association of Community Health Centers. On June 5, 2008, the House of Representatives passed H.R. 1343 by a vote of 393 to 24 and referred the bill to the Senate Committee on Health, Education, Labor and Pensions.

ACCESS TO PRIMARY CARE

The goal of primary care is to provide every individual with a medical home. A strong network of primary care services enables health care professionals to address health problems before they become acute and require costly hospitalizations. Studies have shown that populations with adequate primary care have significantly lower rates of preventable hospitalizations. In addition, primary care settings allow the most effective management of chronic illnesses such as diabetes and asthma. The community health center model has proven to be effective in delivering quality primary care in New York. Studies indicate that the cost of treating patients in community health centers is 24% less than in other settings. The Council urges the federal government to strengthen community health centers in the following ways:

1. *Allow new Federally Qualified Health Centers (FQHCs)* in urban areas by changing the rules of the Center for Medicare and Medicaid Services (CMS). FQHCs are community health centers that have access to federal funding and advantageous Medicaid and Medicare reimbursement rates as a result of a special federal designation. CMS has adopted a rule that prevents the designation of new FQHCs in urban areas. This rule should be changed in order to allow urban health centers to apply for designation as FQHCs.
2. *The Family Health Care Accessibility Act (H.R.1626)*, sponsored by Rep. Tim Murphy (R-PA), encourages physicians to volunteer at community health centers by allowing them to be covered under the Federal Tort Claims Act for medical liability.

STATE CHILD HEALTH INSURANCE PROGRAM (SCHIP)

The Council calls on Congress to reauthorize the State Child Health Insurance Program (SCHIP) and to reverse recent Bush Administration guidelines concerning substitution of public insurance for private coverage. In 1997, the federal government created (SCHIP), which was modeled on several state insurance programs, including New York's Child Health Plus program. The Program targets children whose family incomes are too high to be eligible for Medicaid, but are not high enough to afford private health insurance. SCHIP provides federal matching funds to states for insuring

children in families whose incomes are no more than 250% of the federal poverty level (FPL). Historically, the Center for Medicare and Medicaid Services (CMS), the federal agency that administers the SCHIP program, has provided waivers to some states that wish to cover children in families whose incomes exceed 250% of the FPL.

The original SCHIP law expired in September 2007. Congress was unable to reauthorize the legislation due to two vetoes by President Bush and was forced to pass a temporary extension of the program through the end of March 2009. Without a new reauthorization, the Congressional Research Service predicts that at least several states will completely run out of SCHIP funds on April 1, 2009. The City Council urges Congress and the Bush Administration to reauthorize SCHIP and expand the number of children who can be insured by the program.

The Council strongly advocates passage of the Protecting Children’s Health Coverage Act of 2008 (H.R. 5998), sponsored by Rep. Frank Pallone, Jr. (D-NJ) and Rep. Carol Shea-Porter (D-NH). This legislation nullifies the August 17, 2007, SCHIP guidelines issued to states by the CMS and ostensibly aimed at reducing crowd-out, which is the substitution of public insurance for private coverage. The new guidelines affect a considerable number of states and apply to any state that allows children in families with incomes above 250% FPL to be eligible for SCHIP. Perhaps the most problematic of the new guidelines is the requirement that a state enroll at least 95% of children in families with incomes below 200% of FPL who are eligible for SCHIP. According to experts, no state currently meets this standard and it is unlikely that many will be able to comply. Other new requirements include forcing children to be uninsured for a minimum of one year before participating in SCHIP, increasing the costs borne by families participating in the Program, and demanding states collect information about possible insurance coverage of non-custodial parents.

The new guidelines impede the goal of reducing the number of uninsured children and could have the opposite effect. New York State had applied for a waiver from CMS to expand eligibility for its SCHIP program. New York, which has an estimated 415,000 uninsured children, planned to cover children in families with incomes up to 400% of FPL. This change would make an additional 60,000 to 70,000 children eligible for insurance coverage. CMS, however, rejected the State’s waiver request because New York failed to prove that it had enrolled at least 95% of children in families with incomes below 200% FPL. As a result, New York, Illinois, Maryland and Washington have filed a lawsuit challenging the guidelines. The City Council submitted a brief in support of the states in this litigation.

EQUAL ACCESS TO REPRODUCTIVE HEALTH CARE

The Council calls on Congress to block a proposed Department of Health and Human Services (HHS) regulation permitting health care providers to refuse to perform certain services of which they disapprove. Facilities not complying with the regulation are at risk of losing federal funding. HHS estimates that this regulation can affect approximately 584,000 individual medical facilities across the United States. The Provider Conscience Rights regulation requires programs to certify their facility’s compliance with the Church Amendments, the Public Health Service Act and the Weldon Amendment, all of which have to do with abortion. The language of an earlier draft of the regulation had defined abortion to include contraceptive pills. While the current regulation does not

explicitly contain that language, advocates fear that given the ambiguity of the regulation certain medical professionals can broadly interpret the definition to include contraception. Advocates feel these regulations will have chilling effects on the delivery of women's reproductive health care services and the unclear language is inconsistent with federal law, which guarantees access to reproductive care.

MAMMOGRAM AND MRI AVAILABILITY ACT

The Council urges Congress to pass the Mammogram and MRI Availability Act (H.R.2708) introduced by Rep. Jerrold Nadler (D-NY) to ensure the early detection of breast cancer. Breast cancer is the second leading cause of death in women in the United States, and the leading cause of death for women between the ages of 40 and 49. In 2007 alone, 40,000 women in the U.S. will die from breast cancer, and more than 211,000 new cases of the disease will be discovered. While breast cancer is often treatable, early detection is critical to preventing the rapid spread of this deadly disease and beginning effective treatment. The National Cancer Institute recommends that women 40 and older should have a mammogram at least every one to two years. Experts also agree that the decision whether to have a mammogram should be made by a doctor and his or her patient depending on her personal preferences, family history, and risk factors, and not on the basis of cost. H.R. 2708 requires insurance companies that pay for diagnostic mammography to also pay for an annual screening mammogram for women 40 and older. Although annual screening mammograms are already covered under Medicare and Medicaid, currently, many private insurers cover only diagnostic mammography. Women should not have to worry that their insurance will not cover this potentially life-saving procedure. This legislation requires group health plans and individual health insurance to provide coverage for annual mammography screening for women 40 years of age and older, and also provide annual magnetic resonance imaging for women at high risk for breast cancer.

WIRED FOR HEALTH QUALITY ACT

The Council urges Congress to pass the Wired for Health Quality Act (S.1693/H.R.3800), sponsored by Sen. Edward Kennedy (D-MA) and Rep. Anna Eshoo (D-CA), and co-sponsored by members of the New York City Congressional Delegation, advancing the adoption of nationwide interoperable health information technology (HIT). Health Information Technology can improve health care quality and simultaneously reduce health care costs in the United States. This legislation sets and codifies standards for a HIT system and safeguards privacy rights, while providing grants to states for this technology. According to the Department of Health and Human Services, HIT benefits the consumer by offering higher quality care, reduced medical errors, fewer duplicative treatments and tests, decreased paperwork, lower costs, constant access to health information and an expansion of access to affordable health care. Potential public health benefits include earlier detection of infectious disease outbreaks, improved tracking of chronic disease management, the ability to gather medical data for research purposes and the capacity to conduct an overall evaluation of health care based on value. According to a 2005 RAND Corporation study, HIT can save U.S. consumers approximately \$162 billion per year and prevent nearly 2.2 million adverse drug events over the same period.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

The Council calls on Congress to pass the Family Smoking Prevention and Tobacco Control Act (S.625/H.R.1108), sponsored by Sen. Edward Kennedy (D-MA) and Rep. Henry Waxman (D-CA), and co-sponsored by members of the New York City Congressional Delegation, providing the Food and Drug Administration with the authority to regulate tobacco products. Such regulation might include requiring prior approval of all label statements, restricting the sale or distribution of tobacco products where appropriate to protect the public health, prohibiting cigarettes from containing any artificial or natural flavor and establishing tobacco product standards. Additionally, the legislation allows the Secretary of Health and Human Services to take action against unreasonably harmful products. According to the Centers for Disease Control and Prevention (CDC), smoking remains the leading preventable cause of death in the United States, accounting for approximately one out of every five deaths per year. The CDC estimates that 45.3 million adults smoke in the United States. Given the impact that smoking has on an individual's health, increased federal regulation is beneficial and result in lives being saved and lower health care costs.

AFFORDABLE GENERICS ACT

The Council calls on Congress to pass the Preserve Access to Affordable Generics Act (S.316/H.R.1432), sponsored by Sen. Herb Kohl and Rep. Henry Waxman (D-CA) and co-sponsored by Sen. Charles Schumer, prohibiting brand-name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market. Additional filing requirements would be set forth regarding agreements between brand-name drug companies and a generic applicant. The bill also repeals the 180-day exclusivity period that brand-name drug companies have over their generic counterparts. According to the Congressional Budget Office, Americans save an estimated \$8 to \$10 billion annually at retail pharmacies by using generic drugs.

SMALL BUSINESS HEALTH OPTIONS PROGRAM (SHOP) ACT

The Council urges Congress to pass the Small Business Health Options Program (SHOP) Act (S.2795/H.R.5918), sponsored by Sen. Richard Durbin (D-IL) and Rep. John Barrow (D-GA), establishing a nationwide health insurance purchasing pool for small businesses and the self-employed that offer a choice of private health plans. This legislation makes health coverage more affordable, predictable, and accessible. Participating employers need to ensure that each eligible employee has the opportunity to enroll in a plan. According to the New York Times, of the 47 million uninsured individuals in the United States, 20 million either work for a small business or are self-employed, leaving them without any kind of employer-sponsored coverage.

VITAL MEDICAID OUTPATIENT SERVICES

The Council calls on Congress to block a proposed Medicaid regulation that would drastically alter the manner in which states receive aid and provide service. The Centers for Medicare and Medicaid Services proposed seven Medicaid regulations that if enacted would have seriously impacted New York City and our current health care delivery system. The Council urged Congressional leadership to act to protect the Medicaid safety net. Fortunately, Congress voted to block six of these regulations by granting a moratorium, which will remain in place until April 1, 2009. Yet, there was one regulation that was not included in the moratorium, the proposed outpatient regulation. The

regulation would restrict Medicaid payments for hospital outpatient services. Additionally, it will effect reimbursement rates by making the upper payment limit artificially low based on a new formula for hospital-based and non-hospital based patients that will only permit services that Medicare would pay for. Governor Paterson's office estimates that the proposed regulation could cost New York State in excess of \$350 million in federal dollars. CMS is currently in the Final Rule Stage and can move to have this regulation take full effect after a 60-day period.

TEMPORARILY INCREASE FEDERAL MEDICAL ASSISTANCE PERCENTAGES TO PROVIDE CARE TO OUR MOST VULNERABLE

The Council calls on Congress to temporarily increase the Federal Medical Assistance Percentages (FMAP) as part of a second economic stimulus package. According to the United States Department of Health and Human Services (HHS), FMAP is used in determining the amount of federal matching funds for state expenditures for assistance payments for certain social services, state medical and medical insurance expenditures. The Secretary of HHS is required to calculate FMAP each year, pursuant to the Social Security Act. New York State is in the lowest FMAP tier and receives 50% payment for services to Medicaid patients, while other states such as Mississippi qualify for more than 75%. Given the current fiscal situation and large state deficits, it is essential that the federal government provide relief and guarantees funding which will allow states to provide care for residents. In 2003, another period of difficult fiscal times, Congress acted to temporarily increase FMAP. An increase of New York's FMAP by 2.9% could result in approximately \$1.8 billion over five quarters which will be used to serve high need individuals.

PUBLIC HEALTH PREPAREDNESS WORKFORCE DEVELOPMENT ACT

The Council calls on Congress to pass legislation expanding, strengthening and providing incentives for individuals to become part of the public health workforce. The Public Health Preparedness Workforce Development Act of 2007 (S.1882/H.R.5496), sponsored by Sen. Charles Hagel (R-NE) and Rep. Doris Matsui (D-CA), establishes various programs for the recruitment and retention of public health workers, as well as striving to eliminate critical public health workforce shortages in federal, state, local, and tribal public health agencies. The legislation establishes four-year scholarships for individuals who become members of the public health workforce in areas that are underserved or are experiencing shortages in the current workforce. In addition to the scholarship program, a loan repayment program is created to provide another opportunity for individuals who are committed to working in such areas. According to the Association of State and Territorial Health Officials, by 2012, over 50% of some state health agency workforces will be eligible to retire. Due to these factors, positions such as nurses, epidemiologists and environmental health workers are experiencing mass shortages across the entire country. These shortages underscore the importance of helping subsidize educational costs associated with entering the public health workforce.

PREVENTIVE MEDICINE AND PUBLIC HEALTH TRAINING ACT

The Preventive Medicine and Public Health Training Act (S.1120/H.R.3404), sponsored by Sen. Thomas Harkin (D-IA) and Rep. Gene Green (D-TX) and co-sponsored by members of the New York City Congressional Delegation, provides grants for the training of graduate medical residents in preventive medicine and public health. Preventive care attempts to prevent rather than treat disease.

According to a 2007 Milken Institute report, the implementation of a national effort focused on prevention, early detection and chronic disease management could save the country hundreds of billions annually, with savings surpassing a trillion dollars annually in about 15 years. To achieve these savings, it is essential to train our future health care professionals in preventive medicine.

PHYSICIAN SHORTAGE ELIMINATION ACT

The Council calls on Congress to pass the Physician Shortage Elimination Act (S.896/H.R.410), sponsored by Sen. Lisa Murkowski (R-AK) and Rep. John Conyers (D-MI), providing incentives for physicians to enter medical fields where shortages exist. Many predict that a significant shortage of physicians will occur over the next couple of decades, particularly in urban areas and in certain sub-specialties such as radiology and primary care. To address this problem, the legislation reauthorizes and increases funding for the National Health Service Corps and scholarships for medical students from disadvantaged backgrounds, authorizes grants to community health centers to establish medical doctor training programs, increases the number of medical service providers associated with community health centers, and provides grants for primary care center capital expenditures.

MICROBICIDE DEVELOPMENT ACT

The Council calls on Congress to pass the Microbicide Development Act (S.823/H.R.1420), sponsored by Sen. Barack Obama (D-IL) and Rep. Janice Schakowsky (D-IL) and co-sponsored by several members of the New York City Congressional Delegation. Microbicides are a class of products currently under development that women could apply topically to prevent HIV and other sexually transmitted infections. Microbicides were named in a survey of 28 eminent international scientists and experts as one of the ten most promising biotechnologies for improving global health.

The proposed legislation establishes a unit dedicated to microbicide research and development within the National Institute of Health's (NIH), charges the Director of the Office of AIDS research to prioritize funding and activities in terms of their scientific urgency and requires increased coordination between the NIH and other federal agencies supporting microbicide development.

CHRONIC DISEASES

The Council urges the federal government to provide adequate resources to combat serious chronic diseases. Public health authorities have traditionally focused on the control and management of infectious diseases such as tuberculosis. Today, however, chronic diseases pose at least as significant a threat as infectious diseases to the health of New Yorkers. Despite the fact that the leading causes of death in New York City is from chronic illnesses such as cancer and heart disease, the city receives little federal grant funding for chronic diseases. The federal government continues to fund infectious disease control efforts at far higher levels than chronic disease control programs. The need to combat conditions such as heart disease, diabetes and asthma is projected to increase in the coming years.

PREGNANCY PREVENTION, RESPONSIBILITY, AND OPPORTUNITY ACT

The Council also calls on Congress to pass the Teen Pregnancy Prevention, Responsibility, and Opportunity Act (S.1137/H.R.2097) sponsored by Sen. Robert Menendez (D-NJ) and Rep. Steven Rothman (D-NJ). The United States has the highest teen pregnancy and birth rate in the western industrialized world, with two out of five young women in the United States becoming pregnant before they reach the age of 20. The Teen Pregnancy Prevention, Responsibility and Opportunity Act authorizes grants to governmental and non-governmental agencies for the purpose of carrying out projects to provide education on preventing teen pregnancies. The legislation establishes a demonstration project for schools, non-profits and faith-based and community organizations to develop new pregnancy prevention programs.

ABSTINENCE-ONLY EDUCATION UNDER TITLE V

The Council calls on Congress to stop funding abstinence-only education under Title V. The Temporary Assistance for Needy Families Act of 1996 established a new funding stream to provide grants to states for abstinence-only sex education programs. Under current law, to receive Title V funds states must adhere to certain requirements, including barring teachers from discussing contraception. Several states, including New York, have declined the option to apply for Title V funds. A study of federal abstinence-only programs commissioned by the U.S. Department of Health and Human Services determined that the programs were ineffective – they did not delay the start of sexual activity or reduce the number of partners for young people who are sexually active. Despite this evidence, Title V abstinence-only funding was reauthorized for 12 months in July 2008. When it expires, it is imperative that Congress passes sex education legislation that:

- Requires funded programs to contain medically and scientifically accurate information;
- Provides states with the flexibility to use funds for more comprehensive programs which discuss abstinence, but may also include information on birth control and other sex issues; and
- Requires funded programs to have been proven effective at decreasing teen pregnancy, STD and HIV/AIDS rates.

FREEDOM OF CHOICE ACT

The New York City Council calls on Congress to pass the Freedom of Choice Act (S.1173/H.R. 1964), sponsored by Sen. Barbara Boxer (CA) and Rep. Jerry Nadler (D-NY). The Supreme Court recently upheld the federal law banning certain second-trimester abortions in *Gonzales v. Carhart* and *Gonzales v. Planned Parenthood Federation of America*. By doing so, the Court supported a measure that, for the first time, does not allow any exception for cases where the health of the woman is in danger. The Freedom of Choice Act, consistent with *Roe v. Wade*, protects a woman's reproductive rights and fundamental right to choose to bear a child or terminate a pregnancy. The Act prohibits a governmental entity from denying or interfering with a woman's right to exercise such choices or discriminating against the exercise of such rights.

ACCESS TO AFFORDABLE BIRTH CONTROL

Birth control prices have soared, increasing up to five times in cost at college campus health centers and clinics serving low-income women across the country. Students who used to pay only \$10 a month now need to spend up to \$53 for the same method of birth control. The Council supports H.R. 4054/S.2347 sponsored by Rep. Joseph Crowley and Sen. Barak Obama, also known as Prevention Through Affordable Access Act, restores and protects access to discount drug prices at university-based and safety net clinics.

BPA-FREE KIDS ACT

The BPA-Free Kids Act of 2008 (S.2928), sponsored by Sen. Charles Schumer and co-sponsored by Sen. Hillary Clinton, bans bisphenol A (BPA) in children's products. BPA is a chemical found in many everyday products including baby and water bottles, lining for baby food cans, food and beverage cans and other household products. A United States-led panel found some cause for concern that BPA affects fetal and infant brain development and behavior. The Canadian government plans to ban the importation of products containing BPA and has moved to classify the chemical as toxic, and several major companies and retailers are ceasing to produce and sell products with BPA.

COMMUNITY CHOICE ACT OF 2007

The New York City Council urges Congress to pass the Community Choice Act of 2007 (S.799/H.R.1621), sponsored by Sen. Tom Harkin (D-IA), Sen. Hilary Clinton (D-NY) and Rep. Danny Davis (D-IL), reforming the Medicaid program established under Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) by providing individuals with disabilities and older Americans with equal access to community based attendant services and support. The Community Choice Act requires states to offer community-based supports for Medicaid-eligible consumers who want to stay in or return to their homes and communities, providing an alternative to institutional care. In the case of Medicaid beneficiaries who need long-term care, currently the only service guaranteed by federal law in every State relates to nursing home care. Only 30 states have adopted the benefit option of providing personal care services under the Medicaid program. This bill provides a choice of receiving long-term services and support in the most integrated setting appropriate to the individual's needs, as well as control over the services received.

AMERICANS WITH DISABILITIES ACT (ADA) AMENDMENTS ACT

The Council urges Congress to pass the ADA Amendments Act of 2008 (H.R. 3195), sponsored by Rep. Steny Hoyer (D-MD), making several amendments to the ADA of 1990. The bill amends the definition of the term "disability" and clarifies the prohibition on discrimination on the basis of disability. Additionally, the bill empowers: 1) the Attorney General to promulgate regulations and guidance to provide for consistent and effective standards among enforcing agencies; and 2) the Equal Employment Opportunity Commission (EEOC) and Secretary of Transportation to then issue implementing regulations or policy guidance consistent with the Attorney General's requirements.

COMMUNITY LIVING ASSISTANCE SERVICES AND SUPPORTS (CLASS) ACT

The Council urges Congress to pass the CLASS Act (S.1758/H.R.3001), sponsored by Sen. Edward Kennedy (D-MA) and Rep. Frank Pallone (D-NJ), amending the Public Health Service Act to create a national, voluntary disability insurance program (CLASS program) in an effort to help individuals with functional impairments and their families pay for services and supports needed to maximize their functionality and independence, as well as have choices about community participation, education, and employment, and for other purposes.

ENDING THE MEDICARE DISABILITY WAITING PERIOD ACT

The Council urges Congress to pass the Ending the Medicare Disability Waiting Period Act of 2007 (S.2102/H.R.154), sponsored by Sen. Jeff Bingaman (D-NM) and Rep. Raymond Green (D-TX), amending Title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits and eliminate the waiting period for individuals with life-threatening conditions to become eligible for such benefits. Additionally, the bill directs the Secretary of Health and Human Services to request the Institute of Medicine of the National Academy of Sciences to study the range of disability conditions that can be delayed or prevented if individuals receive access to health care services and coverage before a condition reaches disability levels. Currently, there are about 600,000 Americans with significant disabilities who have no insurance and go without health care. Many go into debt, are forced into personal bankruptcy, or die while waiting the required two years for their Medicare coverage to begin.

VETERANS SUBSTANCE USE DISORDERS PREVENTION AND TREATMENT ACT

The New York City Council supports the passage of the Justice Bailey Veterans Substance Use Disorders Prevention and Treatment Act of 2008 (H.R.5554), sponsored by Rep. Michael Michaud (D-ME). Similar to the Mental Health Improvements Act of 2007, this bill requires improvements to veterans substance use disorder treatment plans developed by the Department of Veterans Affairs medical center. Therefore, the Council urges Congress to pass legislation increasing funding for these vital services.

IMPROVE SERVICES FOR VETERANS WITH TRAUMATIC BRAIN INJURY

The New York City Council calls on Congress to further support the implementation of coordinated services for severely injured service members working with willing family members. Due to advancements in body armor and medicine, many more soldiers are surviving the current conflicts as compared to those surviving injuries in previous wars. Unfortunately, they return with serious injuries, including traumatic brain injury (TBI). Such injuries affect not only the wounded veterans, but also their families who often need to assist in such long-term care. The Caring for Wounded Warriors Act (S.2921), sponsored by Sen. Hilary Clinton (D-NY) establishes a training program to certify family caregivers of TBI patients as personal care attendants. It enables family members to provide quality care at home while receiving compensation from the VA. This family support component is a unique provision and an important component of any legislative attempts to address TBI among veterans.

IMPROVE SERVICES AIMED AT THE HEALTH NEEDS OF WOMEN VETERANS

The New York City Council calls upon Congress to pass the Women Veterans Health Care Improvement Act of 2008 (S.2799), sponsored by Sen. Patty Murray (D-WA) and co-sponsored by Sen. Charles Schumer. With increasing numbers of female service members, unique issues and needs are arising that require attention and further study. Among other provisions, the bill requires the Secretary of Veterans Affairs to conduct a long-term study on the health of women veterans who served on active duty in Operations Iraqi Freedom and Enduring Freedom. In addition, it provides training and certification for mental health professionals who provide counseling and care to women veterans suffering from sexual trauma. Additionally, the bill funds a pilot childcare program for certain women veterans receiving health care from VA facilities.

According to the New York Times, women make up about 15% of the United States active duty forces, and 11% of the soldiers in Iraq and Afghanistan. Nearly one-third of female veterans report having been sexually assaulted or raped while in the military. In February 2008, the RAND Corporation released a study finding that women returning from war suffer from higher rates of post-traumatic stress disorder and depression than men do. Their unique needs will be better served by legislation studying both the long and short-term health effects of war on women. Therefore, the Council strongly advocates for this legislation that greatly benefits the female veterans who have returned and will continue to return home to New York City from Iraq and Afghanistan.

COMPASSIONATE CARE FOR SERVICEWOMEN ACT

There are over 350,000 women serving in our nation's armed services and last year nearly 3,000 military women reported sexual assault while on active duty. Treatment for survivors of sexual assault includes providing them information about and offering them emergency contraception. However, it is not universally available to servicewomen at their base pharmacies and medical facilities in the U.S. and overseas. It is essential that these women have access to these services, therefore, the Council supports the Compassionate Care for Servicewomen Act (S.1800/H.R. 2064), sponsored by Sen. Hillary Clinton (D-NY) and Rep. Michael Michaud (D-ME), requiring full access to emergency contraception for servicewomen at all U.S. military health care facilities around the world.

HOMES FOR HEROES ACT

Homelessness among veterans is a growing problem both in New York City and elsewhere in the country. The New York City Council calls upon Congress to pass the Homes for Heroes Act of 2007 (S.1084/H.R.3329), sponsored by Sen. Barack Obama, Rep. Al Green (D-TX), and cosponsored by Sen. Charles Schumer. The Act passed by the House, provides housing assistance for low-income veterans. It amends the Department of Housing and Urban Development Act to establish a Special Assistant for Veterans Affairs in the Department of Housing and Urban Development (HUD). The goals of the legislation are to ensure veteran access to HUD housing and homeless assistance programs, coordinate all HUD programs and activities relating to veterans, and provide a liaison between HUD and the Department of Veterans Affairs.

According to the National Alliance to End Homelessness, the number of homeless veterans in New York State is estimated to be more than 21,000, while the Veterans Administration estimates that 10,000 veterans in New York City alone are estimated to be homeless. With more soldiers returning from the wars in Iraq and Afghanistan, advocates voice concern that these numbers may increase if supports are not put into place. The New York City Council urges the United States Congress to pass this legislation in order to assist the growing numbers of homeless veterans find safe and secure housing.

PATIENT SAFETY AND ABUSE PREVENTION ACT

The Council calls on Congress to pass the Patient Safety and Abuse Prevention Act of 2007 (S.1577/H.R.3078), sponsored by Sen. Herbert Kohl (D-WI), Rep. Tim Mahoney (D-FL), and co-sponsored by members of the New York City Congressional Delegation. Abuse at nursing homes and other long-term care facilities remains a significant problem for the senior community. According to the U.S. General Accounting Office, there are many gaps in protecting nursing home residents, including the inadequacies of state registries in tracking employees. According to the U.S. Department of Health and Human Services, conducting criminal background checks on potential employees is critical in reducing the possibility of hiring long-term --care workers who may harm elderly residents. This legislation would expand to nationwide a pilot program that provides federal matching funds to states that require long-term care facilities to perform criminal background checks on prospective employees and would also require that criminal history background checks be performed on employees who have or will have direct patient access by skilled nursing facilities and long-term care providers participating in the Medicare or Medicaid programs. Finally, the legislation would prohibit nursing facilities or long-term care providers from employing any person who has been convicted of certain crimes or who has perpetrated patient or resident abuse.

CARING FOR AN AGING AMERICA ACT

The New York City Council calls upon Congress to pass the Caring for an Aging America Act of 2008 (S.2708/H.R.6337), sponsored by Sen. Barbara Boxer (D-CA) and Rep. Carolyn Kilpatrick (D-MI), amends the Public Health Service Act to require the Secretary of Health and Human Services to establish a Geriatric and Gerontology Loan Repayment Program and establish the National Advisory Council on the Geriatric and Gerontology Loan Repayment Program. The intent of the legislation is to meet three main objectives:

- To build a cadre of health professionals trained in the care of older adults by linking educational loan repayment to a service commitment to the aging population;
- Expand career advancement opportunities for direct care workers in long-term care settings; and
- Create a Health and Long-Term Care Workforce Advisory Panel for an aging America.

NATIONAL AIDS STRATEGY

The New York City Council calls on Congress to develop and implement a National AIDS Strategy that engages multiple sectors in strategy development; is comprehensive across federal agencies; sets timelines and assigns responsibility for implementing changes; identifies targets for improved prevention and treatment outcomes; reduced racial disparities and the disproportionate impact on gay men, especially gay Black men; and mandates annual reporting on progress.

Numerous government and private studies have pointed to the need for better planning of U.S. HIV/AIDS policy and programming. For example, in 2004, the Institute of Medicine determined that federal financing of AIDS-related health care "does not allow for comprehensive and sustained access to quality HIV care" in the United States. HIV/AIDS remains one of the most significant public health problems in the United States. Over a million people-more than ever before-are now living with HIV/AIDS. More than 56,000 people are newly diagnosed each year. Half of those living with HIV/AIDS are not receiving lifesaving health care. African Americans represent nearly half of all new HIV infections; gay and bisexual men are 57% of new infections. Unsatisfactory outcomes from the U.S. response to its domestic epidemic have serious economic costs: A 2003 study found that failure to meet the government's then goal of reducing HIV infections by half would lead to \$18 billion in excess expenses through 2010.

REPEAL FEDERAL FUNDS BAN ON SYRINGE EXCHANGE

The Council calls on Congress to end the federal funds ban on syringe exchange. Syringe exchange programs (SEPs), which allow injection drug users to trade used needles for sterile ones and which safely dispose of used needles, are a proven means of reducing HIV transmission without increasing rates of drug use. Their effectiveness has been borne out by study after study throughout the epidemic. Currently, there are an estimated 185 syringe exchange programs (SEPs) operating in 36 states, the District of Columbia, and Puerto Rico.

Many SEPs, in addition to reducing the spread of HIV, offer services that further protect and educate injection drug users. Nearly all SEPs provide alcohol pads, male condoms, and referrals to substance abuse treatment. Some SEPs also offer onsite medical care, counseling and testing for HIV and hepatitis C, and certain vaccinations.

HIV PREVENTION AND CARE

The New York City Council calls on Congress to provide an additional \$200 million in federal funds for HIV prevention at the Centers for Disease Control (CDC) for FY 2009. New York City HIV/AIDS Prevention and Services dollars have been hit hard at every level of government over the past two years. After losing \$10 million in funds due to changes in the 2006 reauthorization of the Ryan White CARE Act, New York has also lost funding at the state and city level. Most recently, cuts to the New York City budget have resulted in over \$5 million in cuts to HIV prevention and care citywide. Congress should fully fund the Ryan White CARE Act and the Minority AIDS Initiative.

FEDERAL MEDICAL ASSISTANCE PERCENTAGE (FMAP)

As of August 2008, according to the Center on Budget and Policy Priorities, at least 29 states plus the District of Columbia face an estimated \$48 billion in combined budget shortfalls for FY2009, which began on July 1, 2008. And analysts in three other states project budget gaps in their states as well, bring us to a total of 32 states identified as facing budget gaps – close to two-thirds of all states. Unlike the federal government, states cannot run deficits when the economy turns down; they must cut expenditures, raise taxes, or draw down reserve funds to balance their budgets. Already at least 13 states have implemented or are considering cuts that will affect low-income children’s or family’s eligibility for health insurance or reduce their access to health care services. At least seven states are cutting medical, rehabilitative, home care and other services.

In 2003, during a similar economic downturn, President Bush signed into law the Jobs and Growth Tax relief Reconciliation Act of 2003, which in part provided temporary increases in the federal medical assistance percentage (FMAP). Under this provision, which was sponsored by Congressman Pete King, a 2.95% increased FMAP was available over five quarters. The bill included language ensuring that those states where local government has a share in the state Medicaid participation, the local governments would also benefit from the increased FMAP. This increase provided New York City with \$290 million in savings over those quarters and NYS’ estimated benefit was \$940 million.

On February 7, 2008, Repres. John Dingell (D-MI), Frank Pallone (D-NJ), Peter King (R-NY) and Thomas Reynolds (R-NY) introduced H.R.5268 calling for a 2.95% FMAP boost for all states with an estimated \$13 billion. Again, the bill provides local governments who have a share in the state Medicaid participation would receive a benefit of the increased FMAP. The National Association of Counties supports an enhanced FMAP with a pass down to local governments who have a share in their state Medicaid participation. There are 17 states where counties have a share in their state Medicaid participation.

In April 2008, Sen. John Rockefeller (D-WV) introduced S.2819, providing \$12 billion in fiscal relief to those states meeting certain economic benchmarks (i.e., employment, foreclosures, food stamp participation). Sen. Charles Schumer (D-NY) succeeded in placing language in this bill, as well, to insure there be a pass down to local governments who have a share in their state Medicaid participation.

Today, an enhanced FMAP fiscal stimulus is supported by thousands of organizations nationwide as well as by the National Governor’s Association.

BUSINESS, TAXATION AND NYC COMPETITIVENESS

SMALL BUSINESS INNOVATION RESEARCH PROGRAM (SBIR)

The Council calls on Congress to renew the Small Business Innovation Research Program (SBIR) (H.R.5819), sponsored by Rep. Nydia Velazquez (D-NY), was recently passed in the House and would renew the SBIR program, which is set to expire at the end of FY 2008. The program encourages small businesses to explore their technological potential and provides such businesses with incentives to profit from the commercialization of such technological innovation. SBIR reserves a specific percentage of federal research and development funds that it awards to small businesses by funding their startup and development stages and encouraging the commercialization of the technology, products or service that the business may offer. H.R. 5819 would also increase the individual small business award levels from: 1) \$100,000 to \$300,000 for participation at a Phase One level, which is the startup phase; and 2) \$750,000 to \$2.2 million for participation at a Phase Two level, which is the development phase. The SBIR program is currently the nation's largest source of seed stage capital for small technology-based businesses. If this program expires, economic growth in the crucial fields of energy, environmental technologies, transportation, computer programming, as well as other areas would be stifled.

MICROLENDING

The Council calls on Congress to increase federal funding for micro loan programs. According to the Association for Enterprise Opportunity, the Federal Micro loan Program, administered by the United States Small Business Administration (SBA), funds entrepreneurs with direct, low interest loans and provides training to help them launch startups and sustain their businesses. These micro loans can range up to \$35,000. While the current FY 2009 budget includes the Micro Loan Program, no new funding has been allocated. Instead of helping to revive this successful program, the federal government is shifting the fiscal responsibility in this area to nonprofit organizations. Domestic micro lending capital helps struggling small business owners and new entrepreneurs who are looking for seed money, and ultimately encourages overall economic growth. To better support micro loans, the House passed the Micro Loan Amendments and Modernization Act (H.R.3020), which was sponsored by Rep. Steve Chabot (R-OH) and co-sponsored by members of the New York City Congressional Delegation, aiding micro lending by raising the minimum amount available in the SBA's Micro Loan Program from \$7,500 to \$10,000. The bill requires the SBA Administrator to establish a process in which a lender can provide the major credit reporting agencies information about the borrower that is relevant to credit reporting (such as loan payment activity) in order to more properly affect such borrower's credit score.

SMALL BUSINESS FAIRNESS IN CONTRACTING ACT

The Council calls on Congress to pass the Small Business Fairness in Contracting Act (H.R.1873), sponsored by Rep. Bruce Bailey (D-IA) and co-sponsored by members of the New York City Congressional Delegation, improving the economic viability of many small businesses throughout the nation by amending laws that encourage federal agencies to contract with small businesses for various goods and services. Current law requires federal agencies to meet a threshold of acquiring 23% of contracted goods and services from small businesses. The bill amends current law to increase this amount to 30% of such contracts. The legislation also increases government contracts

with disadvantaged and women-owned small businesses from 5% of the value of all government contracts to 8%. Additionally, the legislation requires the SBA to develop new regulations and new databases to conduct other efforts to encourage and promote the use of small businesses in government contracting. H.R.1873 passed the House in 2007, and is waiting to be considered by the Senate's Committee on Small Business and Entrepreneurship.

SMALL BUSINESS LENDING IMPROVEMENTS ACT

The Council calls on Congress to pass the Small Business Lending Improvements Act of 2007 (H.R. 1332), sponsored by Rep. Melissa Bean (D-IL) and co-sponsored by members of the New York City Congressional Delegation, aiming to improve access to capital and loan programs administered by the SBA. Affordable capital is vital to the success and growth of small and minority-owned small businesses. The bill makes capital much more accessible to such businesses. Specifically, the bill authorizes the SBA to use appropriated funds in lieu of charging borrower and lender fees to cover the cost of SBA business Section 7(a) start-up loans (Small Business Act, 15 USC 636 (a)), to the extent that such funds are made available. Currently, the SBA must adjust fees charged to both borrowers and lenders to produce an estimated subsidy rate of zero at the time the loans are guaranteed. The bill eases the financial requirements for individuals in certain groups, such as borrowers in rural and low- and moderate-income areas, certain medical professionals and veterans, to receive loan guarantees under the 7(a) program. These targeted groups would receive higher loan guarantees from SBA; pay lower fees, or both. Finally, the bill amends SBA's Section 504, guaranteeing debentures issued by community development corporations (CDC's) to provide funding for investments for infrastructure needs such as land, physical structures, machinery and equipment. H.R.1332 expands the number of CDCs eligible to issue debentures, broaden the purposes for which loan proceeds may be used and allow CDCs to contract with third parties to foreclose and liquidate defaulted loans.

MINORITY ENTREPRENEURSHIP DEVELOPMENT ACT

The Council calls on Congress to pass the Minority Entrepreneurship Development Act of 2007 (S.98/H.R.1985), sponsored by Sen. John Kerry (D-MA), Rep. Elijah E. Cummins (D-MD) and co-sponsored by members of the New York City Congressional Delegation, establishing policies to help the growth and development of small businesses owned by minorities. Specifically, the bill creates an Office of Minority Small Business Development within the SBA. This office would develop and promote SBA policies and programs to provide assistance to minority-owned businesses. Additionally, this bill authorizes the SBA Administrator to make grants to eligible higher educational institutions (such as historically black colleges, Hispanic serving institutions and tribal colleges) to establish undergraduate and graduate entrepreneurship curricula and small business development centers on campuses. Finally, the bill authorizes the Administrator to issue grants to national minority business organizations to provide small business training seminars for government contracting.

SUSTAIN NEW YORK'S LEADERSHIP IN GLOBAL FINANCIAL SERVICES

The New York City Council applauds the efforts of Sen. Charles Schumer (D-NY) and Mayor Bloomberg to promote New York City's competitiveness in financial services.

New York has long been the leader in financial services, but that leadership is facing increasing challenges. London has been catching up, and by some measures has now surpassed New York as a global financial center.

One of the keys to competitiveness is having a high quality workforce. In dealing with global markets, this requires drawing talent from overseas. New York as an immigrant city with vast opportunities and high quality of life has long had an advantage in this. Visa policies, however, are weakening this advantage by lessening our supply of skilled workers and even discouraging business travel to New York.

Limits on H-1B visas, which are temporary work visas for skilled workers, have made it difficult to recruit and retain employees with experience in foreign markets. Furthermore, this limit partially offsets one of New York City's advantages. New York's universities have renowned programs, training students in skills needed in the financial service sector. Current law allows foreign students with J-1 and F-1 visas to work in the industry, receiving practical training. An employer wishing to continue their employment once they graduate can seek to obtain an H-1B visa. Shortages of H-1B visas, however, and the requirement that students return home in the gap period between the expiration of their student visa and the start of their H-1B means that we lose many of these students to jobs in their home countries.

Doing business globally often requires travel. But a recent survey found the United States to be the most difficult place to travel to in terms of obtaining visa documents and dealing with customs officials. Visa delays can range from several days in Paris to a month in Beijing. There are stories of CEO's avoiding the U.S., academics missing conferences and business meetings relocated to London, all because of visa difficulties. A recent front-page article in the Financial Times was headlined "EU Warns that Visa Plans Could Scupper Last Minute Business Trips".

The Council urges Congress to consider the needs of New York's global financial service sector in revising our immigration and visa policies.

ALTERNATIVE MINIMUM TAX

The New York City Council applauds Congressman Charles Rangel for making reform of the Alternative Minimum Tax (AMT) a top priority for the House Ways and Means Committee. The Council urges Congress to continue raising the exemption level to keep pace with inflation, as it works towards a more permanent solution.

The AMT, originally intended to recapture revenues from 155 high-income taxpayers paying little or no tax, is increasingly extending its reach to the middle-income filers. The AMT requires the taxpayer, in addition to calculating the normal tax code amount, to also calculate a tax that excludes

the customary exemptions and deductions, apply a 26% or 28% rate, and then pay the higher tax liability. Unlike the rest of the tax code, however, the AMT's brackets and exemptions are not indexed to inflation. As a result, more and more taxpayers are being pushed into paying this tax. If nothing is done, by 2010, nearly one third of all filers will be subject to the AMT.

Middle-class taxpayers have been drawn into paying the AMT, not only through inflation, but also by popular deductions and exemptions that used to benefit them but are now no longer allowed in calculating AMT. These preference items include the standard deduction, personal exemptions, mortgage interest payments, and state and local taxes. These taxpayers are especially penalized if they have large families or live in high-cost regions like the Northeast. New York City taxpayers are especially hard hit by the AMT. According to 2005 data from the Tax Policy Center, 7.5% of New Yorkers had to file under AMT, compared to 4.1% for the entire U.S. Recently, a New York City Assistant Fire Chief with a wife and three children testified before the House Ways and Means Committee that his family had to pay an additional \$10,000 over the last two years because of the AMT.

The AMT should refocus on those higher-income taxpayers who abuse highly sophisticated tax shelters, instead of ensnaring the middle class, who simply use the most basic personal exemptions and deductions. The Council reiterates its support for Congressional efforts in protecting middle-class taxpayers from the expanding purview of the AMT.

EARNED INCOME TAX CREDIT

The Federal Earned Income Tax Credit (EITC) has established a track record as one of the most successful antipoverty programs, lifting over five million families above the official poverty line. The New York City Council urges Congress to pass S.1333 and H.R.1333, sponsored by Sen. Kerry (D-MA) and Rep. Bill Pascrell (D-NJ) respectively, which further expands and improves upon the current program.

Under this bill, the reduction of the marriage penalty applicable to the EITC, will be made permanent. Families with three or more children, which were previously, treated the same, as families with two children, will be given a higher percentage of their earned income in calculating their credit. Individuals with no children, currently assigned less than a fourth the percentage of income given to those with one child, will now have their rate doubled. Finally, this will also make permanent the inclusion of combat pay in calculating the credit.

Extensive research has shown that the EITC is responsible for significantly reducing poverty, as well as increasing the labor force participation among low-income families. The Columbia University National Center for Children in Poverty reported that the EITC has slashed poverty among children by nearly a quarter. Several prominent studies cited by the Center on Budget and Policy Priorities found that between 1984 and 1996, there was a substantial increase in the proportion of single mothers in the workforce, over half of which was attributed to the newly expanded EITC. Economists explain that for each dollar received from the credit, its actual impact on the local low-income communities where it's largely spent comes to between \$1.50 and \$2.00, as the credit is spent and re-spent.

The EITC is specifically structured to be an incentive to work, regardless of changes in earned income, and to direct the bulk of its resources to those below the poverty level. The credit is refundable, so if it exceeds the tax liability, the difference is refunded as an income supplement. As one's earned income increases, the credit initially increases as well, then remains constant for an additional range, and then gradually decreases to zero.

Because of its successful functions as both a reducer of poverty and a work incentive, it enjoys rare acclaim from Democrats and Republicans, liberals and conservatives. The Council firmly endorses the Senate and House Bills that will further enhance the effectiveness of the EITC.

CHILD AND DEPENDENT CARE CREDIT

The child and dependent care credit is intended to offset the cost of child or dependent care for working parents. Under current law, however, the credit is not refundable. This limits the usefulness of the credit to low income households. The New York City Council calls upon Congress to make the child and dependent care credit fully refundable.

Child care is a necessity for many working families. On average, families with a child under the age of five will spend over \$7,000 per year on child care. Those with slightly older children, between five and 15 will spend close to \$5,000. The problem is especially acute for low and moderate-income families where child care expenses can represent 13% to 25% of family income.

Care of dependent adults, especially the frail elderly is also a growing problem with 10% of non-institutionalized frail elderly receiving paid care.

Taxpayers are allowed to credit a portion of their qualified childcare expenses against their personal income tax liability. Qualified expenses currently range from \$3,000 to \$6,000 depending on whether one or more children (or dependents) are present in the household.

The current credit equals 35% of allowable expenses at an income of \$15,000, and phases down to 20% at incomes over \$43,000. A low-income household could receive up to \$2,100, while middle class and upper income households could receive up to \$1,200 from the program. Close to 280,000 New York City families receive the federal credit.

Households with incomes under \$15,000, however, rarely owe federal income tax and are unable to make use of the credit. Indeed, less than 6% of households with qualifying children, and AGI under \$30,000 take advantage of the credit. Despite their potentially higher credit these households receive about 8% of the benefits, while households with incomes over \$100,000 receive close to 30% of the benefits.

Making the credit refundable will help remedy this. According to the Urban-Brookings Tax Policy Center, an additional 1.5 million households with incomes under \$30,000 would be able to take advantage of the refundable credit. The fiscal impact would be approximately \$1.7 billion per year with 75% of the benefits going to households with incomes under \$30,000.

TAX EQUITY FOR DOMESTIC PARTNER & HEALTH PLAN BENEFICIARIES ACT

The New York City Council urges Congress to pass the Tax Equity for Domestic Partner and Health Plan Beneficiaries Act, also known as the Domestic Partner Health Benefits Equity Act (S.1556/H.R.1820), sponsored by Sen. Gordon Smith (R-OR) and Rep. Jim McDermott (D-WA), amending the Internal Revenue Code of 1986 to end the taxation of health insurance benefits for domestic partners and treat them the same as health benefits for legal spouses and dependents.

Under current law, the Internal Revenue Code excludes from taxable income the value of employer-provided insurance premiums and benefits received by employees for coverage of a legal spouse, but do not extend this treatment to coverage of domestic partners. Extending this tax benefit would not only further the goal of equity between married couples and domestic partners, but would also help make quality healthcare more accessible and affordable.

CHILD CARE CREDIT

The Federal Child Credit aids families by providing a personal income tax credit of up to \$1,000 per child. Current rules limit access to the credit for low-income families. The credit is not refundable for families with earned incomes under \$12,500 and only partially refundable for families with earned income under \$30,000. Since the income tax liabilities of these families are small they are unable to fully avail themselves of the credit. The Center for American Progress estimates that there are ten million children in low-income families ineligible for the credit and 11 million children in low-income families that receive only partial credits. The earned income minimum is indexed to inflation, rising from year to year. Among the provisions of a version of HR 6049 sponsored by Congressman Charles Rangel (D-NY) is one that would have lower required minimum earnings for this credit at \$8,500 from its current \$12,500. This provides an increased credit for families of 13 million children. Unfortunately this provision was dropped in the Senate version of the bill. The New York City Council applauds Congressman Rangel and his cosponsors for their attempt to extend this credit to children in need and urges Congress to find another opportunity to do so.

PROVIDE SECOND STIMULUS PACKAGE TO AID LOCAL ECONOMIES

By most calculations the economic boost from the Economic Stimulus Act of 2008 last spring will run out by the fourth quarter of 2008 with the bulk of rebate spending tapering out in the third quarter. The Act's business depreciation allowance, providing tax incentives to invest during 2008 may actually depress growth in the first quarter of 2009. Forecasters portray this as a 'W' pattern; after an initial slowdown, the stimulus temporarily increases growth in the 3rd and 4th quarters, followed by a resumption of the economic downturn before a more structural recovery occurs. The number of jobs has now fallen for seven months in a row and many economists believe that GDP will finally experience negative growth in the fourth quarter of 2008 and first quarter of 2009. In its August 2008 forecast, Global Insight projects that after 1.5% annual growth in the 3rd quarter 2008, GDP will turn negative in the fourth quarter 2008 and first quarter 2009 at -0.7% and -0.4%, respectively.

The Stimulus Act has been effective in temporarily buoying up the economy in midyear when the downward trend at the beginning of 2008 would have projected negative growth. An initial hope was that the stimulus would foster positive growth long enough for the housing market to have bottomed out, and the credit market to have regained liquidity. With housing and finance still providing a drag on the economy, an additional stimulus makes sense. Such a stimulus package should be temporary, quick to deliver, and target those likely to spend the money.

Sen. Barak Obama (D-IL) has outlined such a stimulus, suggesting an initial \$250 refundable tax credit, followed by a conditional extra \$250 should net job losses continue cumulatively for the next three months. Senior citizens would also receive the same benefit, but in the form of a Social Security supplement. Sen. Obama's stimulus package also includes an extension of unemployment benefits, a fund to help state and local governments weather reduced revenues, and a fund to prevent foreclosures by aiding in the refinancing of mortgages.

In providing some broad-based relief for struggling families, Sen. Obama's stimulus package can bolster consumption and provide an additional economic lift, which would occur closer to the point where the economy structurally recovers. The Council encourages Congress to pass a second economic stimulus packages with similar provisions.

ESTABLISH COUNTER CYCLICAL AID PROGRAM

State and local government spending is procyclical; it tends to further stimulate the economy when it goes up by increasing spending and lowering taxes. It also tends to further slow the economy in recessions by cutting spending and raising taxes. The federal government, on the other hand, by virtue of its scale and ability to spend counter-cyclically, is in a position to help offset this by providing aid to state and local governments during economic downturns. Federal revenue sharing has a significant track record. Between 1972 and 1986 its General Revenue Sharing Program provided aid to state and local governments approaching 1.4% of the total federal budget. What's needed now is a far more modest federal revenue sharing program targeted to help states and local governments get through the current economic slowdown.

State and local governments provide services that most tangibly effect peoples' lives, including education, health, police and fire protection, sanitation, as well as a social safety net. When recessions cause states and localities to cut vital services and reduce disposable income through higher taxes, it exacerbates the hardships already suffered by its residents.

New York City is unique as a local government in that it encompasses the responsibilities typical of municipalities, counties, school districts and states. It provides for police, firefighters, sanitation workers, and public school teachers. It also matches New York State in shouldering huge Medicaid costs. Its revenues are also characteristic of states in that 40% of its revenues are from the highly cyclical taxes, such as personal and business income as well as sales and transaction taxes. New York is especially dependent on Wall Street, with 25% of income related taxes coming from the securities industry. With the economic slowdown beginning to impact New York through this vital financial sector, job growth is almost in negative territory, and lower business tax revenues are already responding to the slowdown.

Sen. Barak Obama has proposed a fund to provide aid to states and localities hard-pressed by the current economic slowdown and revenues drying up. The Council recommends supporting this or a similar measure providing federal counter-cyclical revenue sharing targeted to helping states and local governments get through these difficult times.

COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING

The City Council supports U.S. Sen. Charles Schumer's (D-NY) call for President Bush not to further reduce New York City's Community Development Block Grant (CDBG) funding. Recent changes to the funding formula have reduced CDGB funding by \$65 million in FY 2009. The Administration is proposing additional formula changes that would further reduce funding for New York State and New York City. Reduced funding would affect the City's ability to deal with foreclosed and vacant properties as a result of the subprime mortgage crisis and also the City's ability to create jobs, spur economic development, create small business opportunities and expand homeownership.

THE FALSE CLAIMS ACT

We need to exempt local governments and independent local government agencies, such as school boards and public hospital corporations, from qui tam lawsuit and punitive damage provisions of the Federal Claims Act (FCA).

The FCA allows the federal government to sue local governments and independent local government agencies (locals), not just for the actual damages caused by waste, fraud or abuse of federal funds but also punitive damages, as well. Moreover, through qui tam lawsuits, the FCA allows and encourages any individual to bring FCA lawsuits on behalf of the federal government, with or without federal government concurrence. Thus, the FCA subjects locals to tremendous financial liability.

S.2041, introduced by Sen. Chuck Grassley (R-IA) and H.R.4854, introduced by Rep. Mary Fallin (R-OK) amends the FCA, but puts locals at even greater risk. These bills would:

- Allow "whistleblowers" to claim financial rewards for suing local governments even when information regarding the alleged infraction was already publicly available;
- Extend the statute of limitations to ten years (beyond many local record-keeping requirements);
- Encourage federal employees to bring lawsuits against local government instead of administrative resolving claims;
- Alter the way FCA damages are calculated, increasing its penalties and threat;

- Make it easier to bring suits against local government, not just for actively seeking overpayment of federal funds, but also for retaining federal overpayments; and
- Eliminates the requirement that false claims be presented to the federal government rather than to a mere recipient of federal funds.

The Senate and House Judiciary Committees have passed S.2041 and H.R.4854, respectively.

TRANSPORTATION

NEW YORK'S TRANSPORTATION INFRASTRUCTURE

The Council calls on Congress to ensure that New York receives its fair share of federal funding in core transportation programs, and to include dedicated funding for major transportation projects, when Congress reauthorizes the transportation bill in 2009. In 2005, Congress passed the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). SAFETEA-LU authorizes federal highway, transit, highway safety and motor carrier safety programs through FY 2009. That bill provided roughly \$286.4 billion in guaranteed funding to the states for these federal surface transportation programs.

The Highway Trust Fund is primarily funded through a federal gas tax set at about 18 cents per gallon of gas. As gas prices rise, and people drive less, the amount of money in the Highway Trust Fund will continue to be lower than anticipated. Rising gas prices, combined with rising construction costs and inflation, have constrained the ability of state and city transportation departments to fund projects that increase capacity and reduce congestion. The Council supports the efforts of the New York Delegation, led by Rep. Jerrold Nadler (D-NY), the senior Northeast Democrat on the Transportation and Infrastructure Committee, to fight for increased funding for New York's transportation priorities in the reauthorization of SAFETEA-LU.

The Council also supports the efforts of Rep. Jerrold Nadler (D-NY) to increase federal funding for expanding freight rail capacity, and to provide dedicated funding for the Cross Harbor Rail Tunnel in the SAFETEA-LU Reauthorization bill. New York is the only major port city in the United States that has never built a rail connection across its harbor or river. As a result, over 95% of all the goods destined for New York City, Long Island, Westchester County and Southwestern Connecticut travel by truck, most of which travel over the George Washington Bridge. Until a rail connection is made, truck traffic will continue to increase on the I-95 corridor, and it will continue to bottleneck in Northern New Jersey and New York City. The concentrated truck traffic on the George Washington Bridge creates unique national security vulnerability as closure of this bridge would strangle the region, and it creates some of the highest asthma rates in the world in the neighborhoods surrounding the truck route.

The Cross Harbor Tunnel Project will alleviate this problem by providing a rail connection from Brooklyn to New Jersey. The Environmental Impact Statement shows that the tunnel would remove at least one million tractor-trailer trucks per year from New York City streets, and it would introduce redundancy into our transportation system, so that goods can still be delivered even if the George Washington Bridge is temporarily out of action (as it was following September 11, 2001). With traffic expected to increase 80% over the next 20 years in the Northeast, and many segments of our roadways already at capacity, construction of the Cross Harbor Tunnel will ensure that we can handle the movement of goods without sacrificing economic growth or endangering our national security.

Congress appropriated \$100 million for the project in SAFETEA-LU. The Council supports additional funding for the project when SAFETEA-LU is reauthorized.

COMMUTER BENEFITS EQUITY ACT

To encourage more people to use mass transportation, reduce pollution and combat congestion, the New York City Council urges the passage of the Commuter Benefits Equity Act (S. 712/HR. 1475), sponsored by Sen. Charles Schumer (D-NY), Rep. James McGovern (D-MA) and co-sponsored by members of the New York City Congressional Delegation, increasing the public transportation pre-tax benefits to \$200 per month. Currently, public transportation pre-tax benefits are capped at \$110, which does not allow New York City residents to purchase commuter rail passes or express bus passes. Raising the limit to \$200 would also make such benefits equal to the commuter parking pre-tax benefit.

FEDERAL FUNDING FOR MASS TRANSPORTATION

The Council urges Congress to increase funding for the operation of mass transportation. The Metropolitan Transportation Authority (MTA) is in the middle of an important \$21 billion capital program to expand and improve mass transportation. According to the *New York Times*, because of unexpected increases in costs caused by rising construction costs and the weak dollar, the MTA's capital program is \$1.4 billion over budget. Some of the important projects at risk include the Second Avenue Subway, Long Island Rail Road Link to Grand Central Station and No. 7 line extension. These projects and maintaining a state of good repair in the rest of the mass transportation system are vital for New York City's economy. Also, a significant investment is needed to improve and expand our mass transportation network to accommodate a projected one million additional New York City residents expected by 2030.

FEDERAL FUNDING FOR ACCESS-A-RIDE

The Council urges Congress to provide funding for the Access-A-Ride (AAR) Program. AAR is operated by the New York City Transit Authority and provides paratransit services for people with disabilities in NYC, as mandated by the Americans with Disabilities Act of 1990. AAR is an important program that assists people with disabilities conduct everyday activities. It is also a very popular program, with ridership increasing by more than 50% since 2000 because of new riders and more frequent trips by registered users. Because of this significant increase in ridership, operating costs for AAR have increased from \$85 million dollars in 2000 to \$240 million dollars in 2006. AAR is funded entirely through city and state sources. Two major sources of funding for AAR are subsidies from New York City, which are capped, and a percentage of two taxes levied on large commercial real estate transactions, which are expected to decline. Due to limitations on these two significant funding sources, additional funding will be needed to accommodate the growth in the AAR program. Currently, the federal government does not provide funding for this costly and growing program mandated by federal law.

NATIONAL HIGHWAY SYSTEM DESIGNATION ACT

The Council urges Congress to amend the National Highway System Designation Act of 1995, to allow collection of tolls in both directions on the Verrazano-Narrows Bridge. In 1986, the Congress passed legislation eliminating toll collection from vehicles traveling eastbound on the Verrazano-Narrows Bridge (VNB). Although a 1987 New York State study found that the one-way toll would increase traffic and pollution in Manhattan and Brooklyn, Congress passed the National Highway System Designation Act in 1995, making the one-way VNB toll permanent. Many transportation advocates consider the one-way VNB toll one of the largest contributors to congestion and pollution in Brooklyn and Manhattan, because motorists take detours through these boroughs to avoid the toll on the VNB.

PROMOTE HYDROGEN FUEL CELLS

The Council urges adoption of legislation and/or regulatory measures to incentivize the immediate marketing and use of hydrogen fuel cell vehicles (HFCVs) and creation of the necessary infrastructure to support these vehicles. HFCVs show great promise in addressing two major problems facing the United States: shortage of fossil fuels and pollution. HFCVs are powered by electricity generated by a chemical reaction involving hydrogen and oxygen and are classified as zero emissions vehicles. According to the New York Times, General Motors has predicted it will have HFCVs in showrooms by 2011. The use of HFCVs will also help to wean the United States off of its dependence on foreign oil.

ENVIRONMENT

ENVIRONMENTAL JUSTICE RENEWAL ACT

The Council supports the Environmental Justice Renewal Act, S.2549, introduced by Sen. Hillary Clinton (D-NY) and co-sponsored by Sen. Charles Schumer (D-NY), requiring the Administrator of the Environmental Protection Agency to establish an Interagency Working Group on Environmental Justice to provide guidance to federal agencies on the development of criteria for identifying disproportionately high and adverse human health or environmental effects on minority populations and low-income populations, and for other purposes.

TITLE VI OF THE PUBLIC UTILITY REGULATORY POLICIES ACT

The City Council urges Congress to pass the Amendment to Title VI of the Public Utility Regulatory Policies Act of 1978 (H.R. 969), sponsored by Rep. Tom Udall (D-NM) and co-sponsored by members of the New York City Congressional Delegation, establishing a Federal renewable energy portfolio standard for certain retail electric utilities and for other purposes. This bill requires most utilities to produce escalating amounts of their electricity from renewable energy sources, from 1% in 2010 through 20% by 2020 and each year thereafter. Renewable energy sources include solar, wind, ocean tidal, geothermal, biomass, landfill gas or increases in hydropower. The bill creates a “renewable energy credit” program through which a utility that generates power using renewable energy sources may be issued credits by the Secretary of Energy, which may be traded.

SAFE CLIMATE ACT AND THE GLOBAL WARMING POLLUTION REDUCTION ACT

The City Council urges Congress to pass the Safe Climate Act of 2007 (H.R.1590), sponsored by Rep. Henry A. Waxman (D-CA) and co-sponsored by members of the New York City Congressional Delegation, requiring the United States Environmental Protection Agency (EPA) to promulgate targets to reduce greenhouse gas emissions by approximately 2% per year from 2011 to 2020 so that by 2020 the amount of United States greenhouse gas emissions does not exceed the level of emissions in 1990 and by 5% per year starting in 2021 so that by 2050 United States greenhouse gas emissions must be no greater than 20% of the levels emitted in 1990, and among other things, establish a market-based cap and trade program to achieve those objectives.

The City Council urges Congress to pass the Global Warming Pollution Reduction Act (S.309), sponsored by Sen. Bernard Sanders (D-VT) and co-sponsored by Sen. Hillary Clinton (D-NY), which is similar to H.R.1590 but establishes interim benchmarks that must be met prior to 2050 - a 1/3 reduction of 80% of 1990-level emissions by 2030, a 2/3 reduction of 80% of 1990-level emissions by 2040, and the same 80% reduction of 1990-level emissions by 2050. This bill requires the creation of market-based programs to achieve these reductions, but also requires manufacturers of automobiles and heavier vehicles to reduce fleet-wide emissions of carbon dioxide beginning model years 2016 and 2020, respectively. In subsequent years the carbon dioxide reductions would increase.

CLEAN WATER PROTECTION ACT

The City Council urges Congress to pass the Clean Water Protection Act (H.R.2169), sponsored by Rep. Frank Pallone (D-NJ) and co-sponsored by members of the New York City Congressional Delegation, amending the Federal Water Pollution Control Act to clarify that fill materials used to fill wetlands cannot be composed of waste.

SECURING AMERICA'S ENERGY INDEPENDENCE ACT

The City Council urges Congress to pass the Securing America's Energy Independence Act of 2007 (H.R.550), sponsored by Rep. Michael McNulty (D-NY) and co-sponsored by members of the New York City Congressional Delegation and (S.590) Securing America's Energy Independence Act of 2007, sponsored by Sen. Gordon Smith (D-OR) and co-sponsored by Sen. Charles Schumer (D-NY). These bills amend the Internal Revenue Code to extend the investment tax credit for solar energy property and qualified fuel cell property through 2017 and 2016, respectively, as well as extending a tax credit with respect to residential properties through 2016. Both bills also extend the three-year accelerated depreciation period for solar energy and fuel cell properties.

FUEL ECONOMY REFORM ACT

The City Council urges Congress to pass the Fuel Economy Reform Act (S.768), sponsored by Sen. Barack Obama (D-IL) and co-sponsored by Sen. Joseph Biden (D-DE), increasing fuel economy standards for automobiles by 4% per year from 2010 through 2012 and includes heavier vehicles within the definition of "automobile", thereby further increasing fuel economy standards. For model year 2013, all automobiles by all manufacturers must achieve a fuel economy standard of 27.5 miles per gallon and for model years after 2013, that standard must increase by 4% above the prior model year. This bill also extends through 2011 the alternative vehicle credit for hybrid vehicles and ends a limit on the number of hybrid vehicles for which the tax credit may be granted. Finally, the bill expands the classes of people who may seek judicial review of any wrong suffered as a result of fuel economy standards.

BEACH PROTECTION ACT

The City Council urges Congress to pass the Beach Protection Act of 2008 (S.2844), sponsored by Sen. Frank Lautenberg (D-NJ) and co-sponsored by Sen. Hillary Clinton (D-NY) and Sen. Charles Schumer (D-NY), amending the Federal Water Pollution Control Act by expanding a grant program that may be used by state and local governments to develop beach water pollution source identification and tracking programs and a database on beach closings and advisory days, as well as remediation.

OCEANS CONSERVATION, EDUCATION AND NATIONAL STRATEGY FOR THE 21ST CENTURY ACT

The City Council urges Congress to pass the Oceans Conservation, Education and National Strategy for the 21st Century Act (H.R.21) sponsored by Rep Sam Farr (D-CA) and co-sponsored by members of the New York City Congressional Delegation, strengthening the National Oceanic and Atmospheric Administration and directing establishment of a better national and regional ocean governance structure by designating regions for ecosystem-based management and creates the Ocean and Great Lakes Conservation Trust Fund, from which coastal states may receive payment for the development and implementation of Regional Ocean Strategic Plans.

ENERGY INDEPENDENCE AND SECURITY ACT

The City Council urges Congress to oppose this amendment to repeal a requirement with respect to the procurement and acquisition of alternative fuels (H.R.5656), sponsored by Rep. Jeb Hensarling (R-TX), amending the Energy Independence and Security Act of 2007 to repeal the prohibition on federal agencies from procuring alternative fuels unless the contract specifies the life cycle greenhouse gas emissions associated with the production of the fuel. Although the bill purports to provide greater flexibility for the military to acquire fuels, the repeal is not limited to the military but applies to all federal agencies and is tucked away in the FY 2009 Defense Authorization Act. If repealed, it will permit the development and expanded use of fuels derived from unconventional sources such as tar sands that produce significantly higher greenhouse gas emissions.

BROWNFIELDS REDEVELOPMENT ENHANCEMENT ACT

The New York City Council supports the passage of the Brownfields Redevelopment Enhancement Act (H.R.644), sponsored by Rep. Miller (R-CA) and co-sponsored by New York State Rep. Carolyn Maloney (D-NY) and Rep. John McHugh (R-NY), facilitating the provision of financial assistance offered by the Department of Housing and Urban Development for the clean-up and economic development of brownfields. The bill gives communities greater access to grants for brownfield development under section 108 of the Housing and Community Development Act of 1974. Under current law, to be eligible for such grant funds, a community must be willing to pledge Community Development Block Grant (CDBG) funds as partial collateral to secure the grant. This requirement is a barrier to many local communities that are unable or unwilling to pledge CDBG funds as collateral. H.R. 644 would eliminate this requirement thus making more grants available for the redevelopment of brownfields.

PUBLIC SAFETY

ELDER JUSTICE ACT

The Council calls upon Congress to pass the Elder Justice Act (S.1070/H.R.1783), sponsored by Sen. Orrin Hatch (R-UT), Rep. Rahm Emanuel (D-IL) and co-sponsored by members of the New York City Congressional Delegation, providing numerous resources to municipalities seeking to combat elder abuse. The Elder Justice Act establishes penalties and prosecution for failure to promptly report crimes in long-term care facilities, requires reporting of crimes in nursing homes on an official federal website and provides a direct funding stream for Adult Protective Services at \$100 million a year for four years. The bill also authorizes \$10 million for states and national organizations that provide training, technical assistance, demonstration programs and research to improve effectiveness with respect to addressing abuse and neglect in nursing homes and assisted living facilities.

NEW YORK URBAN AREA’S UASI GRANT APPROPRIATION

The New York City Council recommends that the formula used by the Department of Homeland Security (DHS) to allocate Urban Area Security Initiative (UASI) funding to eligible localities continue to reflect the locality’s actual threat level, as well as its true vulnerability to terrorist attacks rather than placing any significant emphasis upon per capita funding mechanisms. Likewise, the Council recommends that New York City, in light of the manner in which it has continued to cooperate with federal efforts to combat terrorist threats, as well as its success at doing so since 9-11, should be given maximum flexibility to use its Homeland Security Grant funding to cover payroll expenses for both regular and overtime salaries incurred in the pursuit of both citywide and regional security.

According to New York City’s Office of Management and Budget, this type of flexibility is crucial to the continued success of our counter-terrorism efforts. New York City requires an enormous mobilization of resources to protect crucial segments of our region, our city and, by extension, the security of the nation as a whole. Lower Manhattan is the nation’s financial capital and the third largest business district in the United States after midtown Manhattan and Chicago’s Loop. Any attack in this area could do tremendous damage not only to the New York City metropolitan region but to the national economy as well. There are any number of such strategic “stress points” within our region that require intense surveillance and increased protection because of the existing threat of terrorism. This stark reality, therefore, entails giving the City enough flexibility to respond to emergencies in the manner, which its first responder agencies deem most effective.

UASI Allocations for the New York Urban Area (FFY 2003, 2007 & 2008)			
Area	FFY 2003	FFY 2007	FFY 2008
Nation	\$ 596.3	\$ 746.9	\$ 781.6
State	\$ 160.0	\$ 138.0	\$ 154.4
Urban Area	\$ 149.7	\$ 134.0	\$ 144.2
NYC	\$ 124.8	\$ 107.2	\$ 115.0

Finally, the Council urges the administration and the Department of Homeland Security (DHS) to bring New York's share of the national UASI appropriation back up to its high water mark of FFY 2003 when New York State was appropriately awarded 27% of the total UASI appropriation (see above chart) and the New York Urban Area received 25%. In contrast, the FFY 2008 appropriation included a 20% share for the State and a 19% share for the New York Urban Area. Though the Council is pleased that the FFY 2008 share was increased appreciably over the FFY 2007 appropriation, considering the disproportionate share of the risk borne by the New York Urban Area, this larger share of funding is demonstrably appropriate, as well as necessary. We would once again urge DHS to seriously consider the necessity of revisiting this distribution pattern for the next federal fiscal year's appropriation.

HOMELAND SECURITY FUNDING FOR NYC CULTURAL INSTITUTIONS

The City Council calls upon Congress to approve funding to support the security operations of New York City's cultural institutions. Culture in New York City is an economic engine, providing a financial impact of \$5.8 billion and over 40,000 jobs according to a 2005 report.

The cultural organizations of the five-boroughs play host to millions of visitors, but also are housed in historic, land marked facilities; play host to many vulnerable themes and topics; and display and store millions of priceless artifacts. With the continuing terrorist threat to New York City it is important that Congress recognize the national importance of protecting these organizations due to their unique status. With diminishing public funding being provided, the continuing strain on the NYPD to provide counter-terrorism resources throughout the City, and the increasing difficulty in today's economic climate to independently raise money for security needs, it is critical that Congress recognize the need for security funding for New York City's cultural treasures.

PROHIBIT CIRCULATION OF CERTAIN SPECIALLY DESIGNED FIREARMS AND AMMUNITION

Though current New York State law prohibits the sale and possession of weapons designed to penetrate body armor, bulletproof vests, and helmets, no federal regulation exists to outlaw such weapons. The Council urges Congress to establish regulations that ban the circulation of firearms and ammunition designed to penetrate body armor and bulletproof vests in the United States. These weapons threaten the safety of law enforcement officers throughout the country.

TIAHRT AMENDMENT

Illegal gun trafficking continues to plague New York City and other areas throughout the nation, and law enforcement agencies on the state and local levels need as many tools as possible to combat this enduring problem. The Council urges Congress to pass the Anti-Gun Trafficking Penalties Enhancement Act of 2007 (S.77/H.R.1895), sponsored by Sen. Charles Schumer (D-NY) and Rep. Carolyn McCarthy (D-NY). This legislation improves the tracking of stolen firearms and firearms used in crimes, allows for more frequent inspections of gun dealers ensuring compliance with the federal gun law, and enhances the penalties for gun trafficking. Once enacted, this legislation grants

state and local law enforcement agencies access to gun tracing data contained in the Firearms Trace System database maintained by the Bureau of Alcohol, Tobacco, Firearms, and Explosives agency. This legislation largely overturns the Tiahrt Amendment, a rider attached annually to the U.S. Department of Justice Appropriations Bill, which severely impairs the ability of law enforcement agencies to investigate patterns of gun trafficking.

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Hon. Christine C. Quinn
Speaker of the New York City Council

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Hon. Erik Martin Dilan
Hon. Lewis A. Fidler
Hon. Michael E. McMahon
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