

# Federal Budget and Legislative Agenda Fiscal Year 2014-2015



**Hon. Melissa Mark-Viverito**  
Speaker

**Hon. Jimmy Van Bramer**  
Majority Leader

**Hon. Julissa Ferreras**  
Chair, Finance Committee

**Hon. Karen Koslowitz**  
Chair, State And Federal Legislation Committee

A photograph of the New York City Council Building, a grand neoclassical structure with a prominent dome and columns. The building is set against a clear blue sky. In the foreground, there is a black metal fence and a few people walking on the sidewalk.

**THE NEW YORK CITY COUNCIL**





THE COUNCIL OF  
THE CITY OF NEW YORK  
CITY HALL  
NEW YORK, NY 10007

**MELISSA MARK-VIVERITO**  
SPEAKER

**TELEPHONE**  
(212) 788-7210

July 21, 2014

Dear Colleagues in Government:

It is with great pleasure that we share with you the New York City Council's Fiscal Year 2014-15 Federal Budget and Legislative Agenda.

From expanding paid sick leave to providing free pre-K for all 4-year-olds in New York City to adopting a balanced, fiscally responsible budget that will greatly improve the lives of all New Yorkers, the City Council and the de Blasio Administration have made significant strides these past seven months implementing our shared vision for a more equal and just New York City.

However, there's much more that we can accomplish with Washington's support.

Outlined in the following pages are some of the federal budget and legislative priorities that we believe are critically important to the future of our city and all New Yorkers, including:

- Extending unemployment insurance benefits to unemployed families as they continue their job hunt;
- Bringing New York City Housing Authority facilities – which are home to more than 400,000 New Yorkers – into a state of good repair;
- Strengthening gun laws to help prevent further violence and mass shootings; and
- Creating pathways to citizenship and ensuring that immigrants and their families can continue to thrive in our city.

While these priorities focus primarily on New York City, many of them would be of great benefit to cities and metropolitan regions across the U.S., and we look forward to working with you and President Obama to help push forward an agenda that's good for our city and good for our entire country.

If you have any comments or concerns about the priorities outlined in this agenda, please feel free to contact us at any time. Thank you.

Sincerely,

**Melissa Mark-Viverito**  
Speaker

**Jimmy Van Bramer**  
Majority Leader

**Julissa Ferreras**  
Chair, Finance

**Karen Koslowitz**  
Chair, State & Fed. Leg.



# Index

## **WORKFORCE PROTECTIONS AND ECONOMIC DEVELOPMENT**

<b>Emergency Unemployment Compensation Extension Act of 2014</b> (S. 2149 Reed/ H.R. 3979 Barletta).....	1
<b>Fair Minimum Wage Act of 2013</b> (S. 460 Harkin/H.R. 1010 Miller).....	1
<b>Paycheck Fairness Act</b> (S. 84 Mikulski/H.R. 377 DeLauro).....	2
<b>Employment Non-Discrimination Act</b> (S. 815 Merkley/H.R. 1755 Polis).....	2
<b>Expand the Earned Income Tax Credit to Workers without Qualifying Children</b> .....	3
<b>The Family and Medical Insurance Leave Act</b> (S.1810 Gillibrand/H.R. 3712 DeLauro).....	3
<b>Reform Industrial Revenue Bond Program</b> .....	4
<b>Terrorism Risk Insurance Act</b> (S. 2244 Schumer) .....	4

## **HOUSING**

<b>Federal Underfunding of Public Housing</b> .....	5
<b>HUD Funding for the Housing Choice Voucher Program</b> .....	5
<b>Support Funding for Low- and Middle-Income Housing</b> .....	6

## **HURRICANE SANDY REBUILDING**

<b>Federal Funding for Hurricane Sandy Relief</b> .....	6
<b>Accelerate Reimbursement Process for Hurricane Sandy Funding</b> .....	6
<b>HUD Ruling Regarding Cancelled SBA Loans Counting Against Hurricane Sandy Victims' CDBG-DR Allocations</b> .....	6
<b>Undocumented Immigrant Rental Assistance Leniency</b> .....	7
<b>Abolish the One-Year Cutoff for Home Reimbursements</b> .....	7
<b>FEMA Reimbursement of Common Property Areas for Condominiums and Housing Cooperatives</b> (S. 1480 Schumer/ H.R. 2887 Israel).....	7

## **TRANSPORTATION**

<b>Moving Ahead for Progress in the 21st Century Act Funding Reauthorization</b> .....	8
<b>Commuter Parity Act</b> (S. 1116 Schumer/H.R. 2288 Grimm).....	9

***PUBLIC SAFETY***

**New York Immigrant Family Unity Project.....9**

**Strengthen Gun Laws ..... 10**

**Avonte’s Law (S. 2386 Schumer).....11**

***EDUCATION***

**Federal Student Loan Refinancing Act (S. 1066 Gillibrand/H.R. 4622 Pocan).....12**

***VETERANS***

**GI Bill Tuition Fairness Act (S. 257 Boozman/H.R. 357 Miller).....12**

***ENVIRONMENT***

**Open Fuel Standard Act of 2013 (H.R. 2493 Engel).....13**

**National Carbon Tax.....13**

***HEALTH AND SOCIAL SERVICES***

**Supplemental Nutrition Assistance Program.....14**

**FDA Blood Donation Rules.....14**

**Ryan White HIV/AIDS Program.....14**

***IMMIGRATION***

**Comprehensive Immigration Reform (S. 744 Schumer/H.R. 15 Garcia).....15**

***CIVIL RIGHTS***

**Respect for Marriage Act (S. 1236 Feinstein/H.R. 2523 Nadler).....15**

**Universal RESPECT Act (H.R. 3560 Horsford).....16**

**Voting Rights Amendment Act of 2014 (S. 1945 Leahy/ H.R. 3899 Sensenbrenner).....16**

## **WORKFORCE PROTECTIONS AND ECONOMIC DEVELOPMENT**

### **Emergency Unemployment Compensation Extension Act of 2014 (S. 2149 Reed/ H.R. 3979 Barletta)**

The heavy impact of the Great Recession on American workers led the Federal Government in 2008 to extend unemployment insurance support from 26 weeks to 99 weeks. Last year that extension was cut to 73 weeks. In December, the emergency extension expired completely, leaving 1.3 million unemployed Americans without this crucial financial support as they endeavored to find gainful employment. Since that time, this number has grown to 2.8 million Americans. The average benefit was about \$300 a week in the years 2010 through 2012.

The Emergency Unemployment Compensation Extension Act of 2014 would extend about \$9 billion in support to unemployed families as they continue their job hunt, it would also provide increased support to help job seekers get back in the workforce through enhanced assessments and referrals to reemployment services. Moreover, it would break precedent in simultaneously fully offsetting the cost of this urgently needed support through various cost-saving measures. These include extending “pension smoothing” provisions that were set to phase out this year and extending customs user fees through 2024. The bill also includes an additional offset allowing single-employer pension plans to prepay their flat rate premiums to the Pension Benefit Guaranty Corporation. This bill enjoys wide support from both parties in the House.

The New York City Council supports the immediate passage and enactment of the bill and encourages Congress to work toward a longer-term extension of the emergency unemployment benefits.

### **Fair Minimum Wage Act of 2013 (S. 460 Harkin/H.R. 1010 Miller)**

Currently the federal minimum wage is \$7.25 per hour. The Fair Minimum Wage Act of 2013 (the Act) amends the Fair Labor Standards Act of 1938, raising the federal minimum wage to \$8.20 per hour on the first day of the third month following the Act’s passage, to \$9.15 per hour after one year, and to \$10.10 per hour after two years. Additionally, the Act authorizes the U.S. Secretary of Labor to adjust the minimum wage every three years, based on changes to the Consumer Price Index (CPI) due to inflation.

The current wage for tipped employees (defined as employees who routinely receive over \$30 per month in tips) is \$2.13 per hour. The Act increases this rate to \$3.00 per hour on the first day of the third month following its passage. Thereafter, the Act would institute annual 85-cent adjustments to the minimum wage for tipped employees, until that rate matches 70 percent of the minimum wage for non-tipped employees.

The Act requires the Secretary of Labor to publish impending minimum wage increases 60 days before they take effect in the Federal Register and on the U.S. Department of Labor’s website. If the 1968 federal minimum wage of \$1.60 per hour were indexed to the CPI, it would currently stand at \$10.79 per hour, according to the U.S. Bureau of Labor Statistics. President Obama expressed support for the Act in his 2014 State of the Union address. The New York City Council supports a national minimum wage increase to support the well-being of working families.

### **Paycheck Fairness Act** ([S. 84 Mikulski/H.R. 377 DeLauro](#))

The Paycheck Fairness Act (the Act) is intended to ensure that women receive equal pay for equal work. Specifically, it updates and strengthens the Equal Pay Act (EPA) of 1963, giving women the tools they need to challenge the wage gap.

According to the U.S. Census Bureau, women who work full-time earn, on average, 77 cents for every dollar men earn. The data is bleaker for women of color, with African-American women earning 64 cents and Latinas earning 55 cents for each dollar earned by a white man.

In the ongoing effort to remedy pay discrimination, the Act would require employers to demonstrate that wage differentials between men and women holding the same position and doing the same work stem from factors other than sex. It would also prohibit retaliation against workers who inquire about their employers' wage practices or disclose their own wages. In addition, the Act would permit reasonable comparisons between employees within clearly defined geographical areas to determine fair wages; strengthen penalties for equal pay violations; encourage proactive enforcement of equal pay laws; and modernize the EPA to make it more in line with the class action procedures available under Title VII. Finally, the Act would provide important safeguards for businesses, including exemptions for small businesses, instituting a six-month waiting period from the time of enactment, and requiring the U.S. Department of Labor to assist small businesses with compliance.

### **Employment Non-Discrimination Act** ([S. 815 Merkley/H.R. 1755 Polis](#))

The New York City Council calls on Congress to pass a comprehensive federal law prohibiting employment discrimination on the basis of sexual orientation or gender identity.

There is currently no federal law that consistently provides workplace protections for members of the lesbian, gay, bisexual, or transgender (LGBT) community. We believe that the current version of the Employment Non-Discrimination Act (ENDA) has too broad of a religious exemption and that it should be rewritten and updated to ensure greater protections based on sexual orientation and gender identity.

Studies show that relative to their respective populations, sexual orientation complaints in the workplace are within the same magnitude as race and gender complaints, though only the latter two classifications receive federal protections in the workplace. Accordingly, the Council urges Congress to revisit the issue of workplace protections and to enact a new, comprehensive Employment Non-Discrimination Act of 2013.

Presently, 29 states lack any explicit protections against discrimination based on sexual orientation. Even where such protections do exist, given their ineffective and inconsistent enforcement, there is an obvious need for protections at the federal level. Sponsored by Rep. Jared Polis (D-CO) and Sen. Jeff Merkley (D-OR), ENDA seeks to prohibit employment discrimination on the basis of actual or perceived sexual orientation or gender identity by employers, employment agencies, labor organizations, or joint labor-management committees. Thus, ENDA would: (i) permit employees who believe their employers engaged in disparate treatment on the basis of actual or perceived sexual orientation or gender identity to sue their

employers; and (ii) prohibit any retaliatory actions in the event that such a claim is made. Small businesses, religious organizations and the military would be exempt from ENDA.

The Council also believes that Congress should enact Rep. Jerrold Nadler's (D-NY) piece of legislation that bans discrimination in housing based on sexual orientation and gender identity and consider more comprehensive legislation that bans discrimination based on sexual orientation and gender identity more broadly in all aspects.

### **Expand the Earned Income Tax Credit to Workers without Qualifying Children**

President Obama's Fiscal 2015 Executive Budget contains an important proposal to enhance the Earned Income Tax Credit (EITC) for low-income working Americans. The New York City Council urges Congress to enact the President's proposal. If enacted, this proposal, also pending as the EITC for Childless Workers Act of 2014 (H.R. 4117 Rangel), would double the maximum EITC benefit for workers without children from the current \$500 to \$1,000. It would increase the maximum income at which workers without children can receive the credit to \$18,070 for unmarried taxpayers and to \$23,750 for married couples filing jointly. It would also lower the age at which a childless worker could receive the credit from 25 to 21.

Workers without qualifying children include many young workers, older workers whose children have left home, and non-custodial parents. Under current law the credit for these workers is very small and ends at much too low a level.

The EITC is one of our most important and effective programs to simultaneously reduce poverty and encourage labor force participation. This proposal targets a number of groups whose labor force participation has fallen, along with their wages, for some time now. These workers include men without college degrees, women without dependent children, older workers, and young people who are not in school. For young workers this is particularly important to help them gain the work experience that will pay off throughout their lives. Proponents also hope to help families by helping fathers, who often are non-custodial parents. Given some encouragement and a higher income, fathers will be in a better position to meet their family obligations and be better parents. New York City currently has a pilot program called 'Paycheck Plus' to study the impact of a program like this on a group of low-income men.

Since New York City's EITC 'piggybacks' on the federal law, enacting the President's proposal would automatically increase the City EITC for workers without qualifying children. The Council of Economic Advisors estimates that the President's proposal will help 13.5 million workers and lift half a million people over the poverty line.

### **The Family and Medical Insurance Leave Act ([S.1810 Gillibrand/H.R. 3712 DeLauro](#))**

The Family and Medical Insurance Leave Act (the FAMILY Act) was introduced in December 2013 by Sen. Kirsten Gillibrand (D-NY) and Rep. Rosa DeLauro (D-CT) and would expand the Family and Medical Leave Act (FMLA) to provide paid coverage. Under the current FMLA, employees of businesses with 50 or more employees may take up to 12 weeks (60 days) of unpaid job-protected leave for personal or family illness, family military leave, pregnancy, birth of a child, care of a child up to one year old, and/or adoption or the foster care placement of a child.

The FAMILY Act sets up a fund to be administered by a newly established Office of Paid Family and Medical Leave to provide benefits for up to allowable 60 FMLA days per year. Benefits would be calculated based on about 66 percent of a worker's salary, but would be at least \$580 and would be capped at \$4,000 per month. The Fund would be paid for with a payroll tax on all workers and an excise tax on employers (\$2 per week per employee).

### **Reform Industrial Revenue Bond Program**

The New York City Council urges Congress to take an in-depth look at the Industrial Revenue Bond (IRB) Program and to revisit the restrictions on it to see how it can be adapted to better serve the modern manufacturing industry. It is our view that because of outdated program requirements that have not evolved with the changing trends in the manufacturing industry, there are not many manufacturers that currently meet the eligibility requirements to finance their projects using the program.

Currently there is a set limit of \$10 million on the value of bonds per issuance, a \$20 million limit on total capital expenditures from all sources during a six-year period, and a \$40 million aggregate limit on the total outstanding bond debt per borrower. No more than 25 percent of net bond proceeds can be used to finance ancillary facilities, and the facilities themselves have to be located in the same site as the manufacturing facility.

The Council proposes an increase in the limit on the value of bonds per issuance to \$20 to \$30 million and a proportional increase in total capital expenditures. It is also important to redefine the manufacturing industry so that the program parameters are not restrictive to the sector, which is structurally very different today than it was 20 to 30 years ago.

Over the years the manufacturing industry has evolved, with multi-tenanted buildings housing several small manufacturers replacing large manufacturers exclusively occupying their own buildings. Developers have created multi-tenant facilities for rent by industrial and manufacturing tenants to meet the growing need. However, due to the cap on the value of bonds and capital expenditures, many projects fail to qualify for the IRB program. Other requirements, such as investigating the capital expenditures of each tenant over the six-year compliance period, would add a big administrative burden, stripping away all potential benefits of the program.

In recent years tax-exempt bonds have failed to serve as an economic development tool. The New York City Economic Development Corporation has been unable to use the program for most of their projects due to the restrictive requirements. In conclusion, it is crucial to adapt the IRB Program in order to ensure that it serves as a federal financing tool for the newly structured manufacturing industry.

### **Terrorism Risk Insurance Act (S. 2244 Schumer)**

After the September 11<sup>th</sup> attacks, many insurance companies excluded terrorism events from their policies, which, among other things, hampered large commercial real estate projects. To help make terrorism insurance available and affordable to businesses, particularly those in major urban areas such as New York City, Congress passed the Terrorism Risk Insurance Act of 2002 (TRIA). TRIA created the Federal Terrorism Insurance Program (the Program), which required property and casualty insurers conducting business in the United States to offer terrorism

insurance to all commercial policy holders and provided for federally backed reinsurance coverage to insurers following a terrorist attack. The Program has been extended twice and is set to expire at the end of 2014. The ability of businesses to obtain affordable terrorism insurance could be hampered if the Program expires, affecting businesses, workers and consumers across the country, especially in New York City. Sen. Charles Schumer (D-NY), in collaboration with a bipartisan group of senators, has introduced legislation to re-authorize and extend TRIA (S. 2244 Schumer). The New York City Council therefore calls on Congress to pass this legislation.

## **HOUSING**

### **Federal Underfunding of Public Housing**

The New York City Housing Authority (NYCHA) receives federal operating funding based on an eligibility formula that is intended to reflect the costs of operating public housing. Congress determines the level of funding eligibility annually. While the average proration for the past five years has been 90 percent, 2013 saw the lowest proration rate Public Housing Authorities have experienced in over a decade – just 82 percent. NYCHA would not have a general fund deficit of about \$200 million in the years 2014-2016 if Congress appropriated full funding in accordance with the U.S. Department of Housing and Urban Development’s (HUD) eligibility formula. In addition, NYCHA’s aging housing stock requires far more capital investment than has been available from federal, state, and city grants. Funding available to NYCHA for capital improvements has not only failed to keep pace with needs, but has dramatically declined. From 2001 to 2013, annual federal capital grants have declined \$162 million (or 36 percent) from \$420 million to \$259 million. As a result, NYCHA has experienced a cumulative federal capital grant funding loss of \$1.037 billion since 2001. Given the urgent need to bring NYCHA’s facilities into a state of good repair, the New York City Council calls on Congress to fully fund NYCHA’s operating and capital needs in accordance with HUD’s eligibility formula.

### **HUD Funding for the Housing Choice Voucher Program**

The federal budget includes \$20 billion for the Housing Choice Voucher program – \$0.9 billion more than the 2014 enacted level but still \$100 million less than the level before sequestration. While this current funding level supports all existing vouchers and restores reductions in assisted housing units that resulted from the 2013 sequestration funding cut, the impact of this cut continues to affect Section 8 voucher holders in New York City.

Collectively, NYCHA and the New York City Department of Housing Preservation and Development (HPD) administer about 123,000 vouchers and receive about \$1.3 billion in Section 8 federal funding each year. As a result of sequestration, NYCHA faced a \$70 million cut in program funding, while HPD faced a \$36 million cut, forcing both agencies to implement cost-saving measures to their Section 8 programs, including requiring some voucher holders to either pay a greater share of their rent or move to a smaller apartment. These policy changes resulted in about \$10.5 million in cost savings for HPD in 2014, while NYCHA’s Section 8 program will face a \$9 million shortfall in 2014 despite cost-saving strategies. The New York City Council strongly urges Congress to restore \$106 million in Section 8 funding lost during sequestration and to fully fund both HPD’s and NYCHA’s Section 8 programs.

### **Support Funding for Low- and Middle-Income Housing**

The federal budget includes \$9.7 billion for the Project-Based Rental Assistance program to maintain affordable rental housing for 1.2 million families. This amount is \$0.2 billion below the 2014 enacted level. The budget also provides \$2.8 billion for the Community Development Block Grant program and \$950 million for the HOME Investment Partnerships Program. These funding levels represent a total decrease of \$280 million below the 2014 enacted level for these two programs. The New York City Council requests restoration to 2014 levels for major HUD programs serving low- and middle-income households.

### ***Hurricane Sandy Rebuilding***

#### **Federal Funding for Hurricane Sandy Relief**

The New York City Council acknowledges the critical role that the Federal Government played in Hurricane Sandy disaster response, whereby it appropriated \$47.9 billion in federal aid as part of the Disaster Relief Appropriations Act of 2013. New York City was devastated by Hurricane Sandy and suffered \$5.8 billion in direct damages and expenses, with estimated costs reaching \$19 billion, including lost economic activity. The Council appreciates the time and resources of the various federal agencies working on the recovery effort.

The Council is particularly thankful for the \$4.2 billion that the U.S. Department of Housing and Urban Development (HUD) appropriated directly to New York City in Tranches 1 - 3 of HUD's Community Development Block Grant - Disaster Relief (CDBG-DR) grant program.

The Council wants to continue to ensure that New York City gets the funding required for permanent capital repairs and resiliency measures to protect against possible future damages and therefore calls on other federal agencies such as the U.S. Department of Transportation and the U.S. Army Corps of Engineers to continue to provide the needed level of appropriation.

#### **Accelerate Reimbursement Process for Hurricane Sandy Funding**

Of the total \$5.8 billion in estimated damages and expenses relating to Hurricane Sandy, only \$2.1 billion has been determined to be eligible for reimbursement by the U.S. Federal Emergency Management Agency (FEMA) and other federal agencies to date, and only \$928 million has been dispersed to New York City.

We are encouraged by reports from the New York City Office of Management and Budget that there have been promising agreements with FEMA that should help speed up the public assistance grant program reimbursement process. We strongly urge that procedures and processes be streamlined to the greatest extent possible in order to assist in this process.

#### **HUD Ruling Regarding Cancelled SBA Loans Counting Against Hurricane Sandy Victims' CDBG-DR Allocations**

In determining individual CDBG-DR grants for victims of Hurricane Sandy, the NYC Mayor's Office of Housing Recovery Operations has testified that HUD requires it to count the full U.S. Small Business Administration (SBA) loan offer against the grant that the individual is qualified for, even if only a small portion of the loan was accepted by the applicant. While the New York

City Council understands that the prohibition on the duplication of benefits is an important provision of the Stafford Act and appreciates that HUD, at the urging of Sen. Charles Schumer (D-NY) and Sen. Kirsten Gillibrand (D-NY), previously relaxed the rule for people who had turned down the entirety of the SBA loan, we call for a change to the ruling that any portion of a cancelled SBA loan should count as a “benefit.” This ruling has proved disastrous for homeowners struggling financially after being devastated by Hurricane Sandy. The Council strongly urges that this policy decision be revised.

### **Undocumented Immigrant Rental Assistance Leniency**

Immigrant advocacy groups have argued that the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) guarantees undocumented immigrants access to short-term, in-kind, non-cash, emergency disaster relief and that the City’s Temporary Disaster Assistance Program (TDAP) funded with CDBG-DR grants meets these qualifications. HUD, however, has stated that it cannot find a way for TDAP to stay in compliance with federal requirements while providing funds to non-legal immigrants. The New York City Council urges Congress to reconsider whether the PRWORA could be applied in the case of the City’s TDAP program since funding would go directly to landlords. A new ruling would allow the City to provide temporary rental assistance to undocumented immigrants who are among the most vulnerable population affected by Hurricane Sandy.

### **Abolish the One-Year Cutoff for Home Reimbursements**

The NYC Build it Back Program allows for reimbursement to homeowners who meet certain requirements, including that work was deemed necessary and that costs are determined to be reasonable. However, the City must limit the program to repairs completed or contracts signed before October 29, 2013, the 1-year anniversary of Hurricane Sandy, due to HUD’s interpretation of its own rules. The New York City Council strongly urges that this limit be removed, particularly in light of the delays in the City’s Build It Back program. Homeowners who took the initiative to get repairs done themselves and otherwise meet requirements to be refunded should be eligible to receive CDBG-DR funds for the repair work.

### **FEMA Reimbursement of Common Property Areas for Condominiums and Housing Cooperatives (S. 1480 Schumer/ H.R. 2887 Israel)**

Currently the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) only allows for FEMA reimbursement of individually owned units within condominiums and housing cooperatives. The City Council supports S. 1480/H.R. 2887 which would amend the Stafford Act to allow condominiums or housing cooperatives to be treated as individuals or households for the purposes of financial assistance for repairs to common areas such as hallways, elevators, basement and roofs. The maximum amount of assistance would be determined by the President by regulation annually.

## **Transportation**

### **Moving Ahead for Progress in the 21st Century Act Funding Reauthorization**

The New York City 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 it reauthorizes the transportation bill in 2014.

In 2012, Congress reauthorized the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) by passing the Moving Ahead for Progress in the 21st Century Act (MAP-21). MAP-21 provides funding of approximately \$105 billion for surface transportation programs nationwide for fiscal years 2013 and 2014 while serving as a catalyst for growth and development of the nation's vital transportation infrastructure. MAP-21 expires on October 1, 2014. As a result, Congress must pass a 2014 transportation bill in order to continue funding the Highway Trust Fund (HTF). Given the dire need for public transportation in cities and towns across the nation, it is essential that a decent transportation bill in line with what President Obama has proposed (\$302 billion over four years) be passed to fund public transit, including the systems themselves and roads that carry buses.

The HTF 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 HTF 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 New York City Council supports the efforts of the New York Congressional 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 MAP-21.

The Council also supports Rep. Nadler's efforts to increase federal funding for expanding freight rail capacity and to provide dedicated funding for the Cross Harbor Rail Tunnel in the MAP-21 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 percent of all 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 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. It also contributes to some of the highest asthma rates in the world in the neighborhoods surrounding the truck route.

The Port Authority of New York and New Jersey is currently conducting a Tier 1 Environmental Impact Statement (EIS) for the Cross Harbor Tunnel Project (the Tunnel), and will release a draft of the EIS in the near future. The EIS will show that the Tunnel, when implemented, will alleviate truck traffic on the George Washington Bridge by providing a rail connection from Brooklyn to New Jersey. The EIS also shows that the Tunnel will remove at least one million tractor-trailer trucks per year from New York City streets, while introducing 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 the attacks on September 11, 2001). With traffic expected to increase 80 percent over the next 20 years in the Northeast and with many segments of our roadways already at capacity, construction of the Tunnel will ensure that we can handle the movement of goods without sacrificing economic growth or endangering our national security.

Lastly, the Council urges Congress to provide financial support in the MAP-21 reauthorization bill for the Staten Island West Shore Light Rail proposal. The proposed Light Rail link will go over the Bayonne Bridge to connect to the Hudson-Bergen Light Rail.

Staten Island is New York City's fastest-growing borough; yet it remains fairly detached from the rest of the City. For the borough to continue to expand and become an integral part of the five boroughs, it will require a direct connection to Manhattan. But until that happens, an extension of the light rail line across the Bayonne Bridge seems like the most affordable way to offer a rail connection off the island. In addition, because many Staten Island residents endure very long commutes into Manhattan, the West Shore Light Rail project would lessen commute times and bring much needed relief to many of these commuters while increasing access in and out of the borough.

#### **Commuter Parity Act (S. 1116 Schumer/H.R. 2288 Grimm)**

Federal law allows employers to offer employees the opportunity to pay for qualified commuting expenses on a pre-tax basis. Doing so helps employees to save money while employers can also benefit from a reduced payroll tax burden. Due to the lapse of a federal law at the end of 2013, the current maximum for transit-related expenses is \$130 per month while the maximum for parking-related expense is \$250 per month. The Commuter Parity Act would permanently codify parity between qualified, pre-tax and tax-free fringe transit and parking benefits, ensuring that commuters who use public transportation have access to benefits equal to those available to commuters who drive. In addition to maintaining fairness, it would also give commuters more of an incentive to use public transportation, thus helping to decrease road congestion and pollution. It would also make expenses related to bike-share systems eligible for this benefit for the first time.

The Commuter Parity Act would particularly benefit the tens of thousands of New York City commuters who use transportation options such as express buses or ferries, which can result in commuting costs that are often much higher than the current \$130 cap. The New York City Council therefore calls on Congress to pass this legislation.

## **PUBLIC SAFETY**

### **New York Immigrant Family Unity Project**

This year the New York City Council provided \$4.9 million in funding to support the expansion of the New York Immigrant Family Unity Project (NYIFUP). First funded in Fiscal 2014 at \$500,000 as a pilot program, NYIFUP, which is the nation's first government-funded legal representation program for detained immigrants, provided high-quality, holistic representation to indigent New Yorkers facing deportation who could not afford an attorney at the Varick Street

Immigration Court. Under the pilot, legal representation was provided to only 20 percent (or 190) of the approximately 900 indigent detained and otherwise-unrepresented New Yorkers.

Under the expansion, legal representation will be provided to all eligible immigrants in the Varick Street Immigration Court, as well as to city residents detained and facing deportation in the immigration courts in Newark and Elizabeth, N.J. In total it is anticipated that approximately 1,380 New Yorkers will receive legal representation.

It is further anticipated that NYIFUP will result in federal detention cost savings in three ways. First, more immigrants facing deportation will be released during the pendency of deportation proceedings; second, cases will move faster for immigrants who intend to fight their cases while detained because they will now have attorney representation at the onset rather than having to seek one; and third, having an attorney will enable an immigrant who has no success in remaining in the country choose to accept deportation or voluntary departure faster since they have legal advice.

On average, immigration detention costs approximately \$159 per day, so every 19 days of detention avoided by 1 person saves enough to fund the representation of 1 NYIFUP case, which is approximately \$3,500. The Vera Institute of Justice will conduct a comprehensive evaluation after substantial data is collected in order to quantify the amount of savings due to more efficient case processing and quicker custody release resulting from this program.

However, preliminary data has shown that NYIFUP has yielded success; therefore, the Council calls on the Federal Government to assume the costs of New York City's program in the future, and to use NYIFUP as a model for funding legal representation nationwide.

## **Strengthen Gun Laws**

### **Bans on Assault Weapons and High-Capacity Magazines**

Currently, there is no federal ban on the purchase of military-style assault weapons or high-capacity gun magazines. A large gun magazine can hold many bullets – 20, 30, 40, or even 100 – enabling an individual to fire many rounds without the need to reload the gun. These large magazines are intended for military purposes rather than civilian use. Despite the destructive nature of these magazines, it is lawful in some states, such as Arizona, for an individual to purchase magazines that hold more than 10 rounds of ammunition. The danger of these magazines was evident in the mass shootings in Tucson, AZ, and Newtown, CT. In previous years federal regulations governing the purchase of large capacity magazines have been more restrictive; the Federal Violent Crime Control and Law Enforcement Act of 1994 included a section limiting civilian ownership of large capacity magazines to 10 rounds. However, the ban had a 10-year sunset provision and Congress failed to renew it when it expired in 2004. While New York City and State have done their parts to prohibit the purchase of assault weapons and high-capacity magazines, it is important for there to be consistent federal laws. For this reason, the New York City Council urges Congress to enact sensible legislation banning the purchase of assault weapons and high-capacity magazines.

## **Strengthen Gun Trafficking Laws and Enforcement**

There are at least three ways for an individual to obtain a gun illegally: the underground market, through straw purchasers, and from corrupt firearm sellers. The underground gun market contributes more than 90 percent of the guns used to commit crimes. A straw purchase occurs when someone (the "straw purchaser") legally purchases a gun with the intent to give the gun to someone else, usually someone who would not be able to purchase a gun legally. The Federal Government needs to prevent guns from falling into the hands of those individuals who are not legally allowed to possess them and should enact legislation that would make trafficking or assisting in the trafficking of firearms a felony.

## **Strengthen the National Criminal Background Check System and Require Universal Background Checks**

The New York City Council supports legislation intended to ensure that all firearm sales are accompanied by a proper background check and that the federal background check system is adequately up to date at all times. Under current federal law, only firearms sellers who are "engaged in the business" of selling guns are required to conduct background checks of prospective purchasers using the Federal Bureau of Investigation's (FBI) National Instant Check System (NICS). Private sellers (persons not engaged in the business of selling firearms), on the other hand, are exempt from these requirements. While this "private seller" exemption is commonly exploited by the gun show marketplace, sales via the Internet have revealed an alarming trend: namely, private sellers selling to purchasers who they know would not pass a federal background check. In addition to the exploitation of the private seller exemption, it has been shown that the FBI's NICS is not always completely accurate and up to date, so at times firearms end up in the hands of those who would otherwise be prohibited because of a less-than-adequate background check system. Therefore, the New York City Council supports H.R. 1565, a bipartisan piece of legislation sponsored by Rep. Pete King (R-NY) and Rep. Mike Thompson (D-CA), that would:

- 1. ensure** that all individuals who should be prohibited from buying a gun are listed in NICS by reauthorizing, for FY2014-FY2017, a grant program for improvements to the system that would help states improve their reporting systems, require federal courts to submit records, and remove hurdles to the submission of critical mental health records; and
- 2. provide** a responsible and consistent background check process that would require background checks for all gun sales in commercial settings, including at gun shows, on the Internet, and in classified ads.

## **Avonte's Law (S. 2386 Schumer)**

Autism is one of a group of neurodevelopmental disorders known as autism spectrum disorders (ASD) that are characterized by social impairments, difficulties with verbal and nonverbal communication, and repetitive behaviors. According to a recent study published in the official journal of the American Academy of Pediatrics, nearly half of children with an autism spectrum disorder attempt to wander or bolt from supervised areas, and more than half of those that do go missing. In October 2013, Avonte Oquendo, a 14-year-old autistic teenager who had a tendency to wander from safe environments, went missing from his school in Queens. Avonte left his school through an unlocked exterior door that was not being monitored by school staff. Despite a

citywide effort to locate Avonte, the search ended tragically with the discovery of his remains in January 2014.

Avonte's Law would authorize \$10 million in federal grants through the U.S. Department of Justice (DOJ) to local law enforcement agencies and other organizations committed to assisting children with autism for voluntary tracking devices and training for parents, schools, and police officers. The new funding would expand a program currently run by the DOJ that supports programs to locate missing persons with Alzheimer's disease. As approximately 30,000 children and teenagers in New York have been identified as having autism, Avonte's law would benefit thousands of families in the City and help to ensure that children who go missing are located quickly. The New York City Council therefore calls on Congress to pass this legislation.

## **EDUCATION**

### **Federal Student Loan Refinancing Act (S. 1066 Gillibrand/H.R. 4622 Pocan)**

Outstanding student loan debt nationwide exceeded \$1 trillion dollars as of 2011, according to the Consumer Protection Financial Bureau. The Federal Reserve Bank of New York reported that student loan debt is currently the largest form of consumer debt outside of mortgages, surpassing auto loan and credit card debt. In the first quarter of 2012, the outstanding student debt for New York State residents totaled \$66.8 billion, according to the latest data by the Federal Reserve Bank of New York. The U.S. Department of Education cites that nearly 11 percent of New York State graduates (or 24,800 borrowers) have defaulted on their student loans between 2009 and 2012. Students who took out undergraduate student loans before July 1<sup>st</sup> of last year are locked into interest rates of nearly 7 percent. Older loans run at 8 percent and higher. According to Sen. Kirsten Gillibrand (D-NY), in New York City the average debt of graduates with federal loans from the 2010-2011 school year was more than \$20,000, and approximately 15.5 percent of New York City graduates (or 141,000 borrowers) were more than three months behind in paying their student loans at the end of 2012 (up from 13.1 percent the previous year).

The Federal Student Loan Refinancing Act would enable individuals who have an interest rate above 4 percent to refinance for a lower, fixed interest rate of 4 percent.

The New York City Council therefore calls on Congress to pass this legislation, which would bring much needed relief to approximately 2.7 million student borrowers in New York State and to 37 million borrowers nationwide.

## **VETERANS**

### **GI Bill Tuition Fairness Act (S. 257 Boozman/H.R. 357 Miller)**

The Post-9/11 GI Bill provides up to 36 months of education benefits to veterans. Veterans can receive up to \$17,500 a year at private schools, but only the cost for in-state tuition at public schools. As many veterans struggle with establishing in-state residency due to frequent moves required by their military career and a desire to enroll in college quickly after leaving the service,

they must pay the difference between in-state and non-resident tuition out of pocket. A number of states have passed laws that offer veterans in-state tuition regardless of the length of residency; however, New York does not currently offer such a benefit.

The GI Bill Tuition Fairness Act would allow veterans to use GI Bill benefits at public schools and receive the in-state tuition rate. Public schools would be required to offer veterans in-state tuition rates in order to be eligible to receive payments issued under the GI Bill. As post-9/11 veterans return home and move to New York City, they should not be forced to pay out-of-state tuition or wait to reestablish residency if they choose to attend a CUNY or SUNY school. The New York City Council therefore calls on Congress to pass this legislation.

## **ENVIRONMENT**

### **Open Fuel Standard Act of 2013 (H.R. 2493 Engel)**

The Open Fuel Standard Act of 2013 would require manufacturers of covered motor vehicles, such as passenger automobiles and light-duty motor vehicles, to produce no less than 30 percent qualified vehicles in model year 2016 and no less than 50 percent qualified vehicles in model year 2017 and in subsequent years. Qualified vehicles means that the vehicles are able to operate on alternative fuels, including natural gas, hydrogen, biodiesel, electric plug-ins, fuels cells and anything other than an internal combustion engine that produces power without the use of petroleum based fuels.

This legislation would benefit New York City residents and commuters who would breathe easier from the use of fuels that create less air pollution and fewer carbon dioxide emissions that threaten the entire planet. The New York City Council therefore calls on Congress to pass this legislation.

### **National Carbon Tax**

Nationally and worldwide, global climate change threatens humans and the environment with potentially catastrophic impacts, including shortages of food and water, drastic sea level rise and increased storm surges, increased disease and poverty, more droughts and flooding, and impacts to natural systems such as extinctions of species. Some experts believe that global atmospheric carbon dioxide levels over 350 parts per million (ppm) will lead inevitably to such negative impacts. Considering current CO<sub>2</sub> levels are hovering at around 400 ppm, a significant reduction in atmospheric levels of CO<sub>2</sub> would be in order if these experts are correct. The United Nations International Panel on Climate Change's recently released report calls for reductions of CO<sub>2</sub> emission of 40 to 70 percent by 2050 to avoid catastrophic climate impacts, which would require a massive worldwide effort.

The New York City Council and the City of New York have taken a broad range of measures to curb greenhouse gas emissions in New York City. We have passed legislation requiring a city sustainability plan, which was developed under then Mayor Bloomberg and which is to be updated every four years; passed legislation requiring the City and its citizens and businesses to reduce carbon emissions by 30 percent; passed legislation requiring the "greening" of the City's

buildings; legislated the improved efficiency of the City's vehicle fleets; and taken other important steps to improve energy efficiency and reduce emissions.

To achieve the goals of the above-mentioned experts, a greater national effort is required. The best way to achieve such necessary reductions is to price carbon emissions in a way that better reflects the cost to society that those emissions will cause due to climate change. A straight tax on carbon emissions could achieve such a result, increasing the cost of emitting greenhouse gasses so that polluters either pay for the harm they cause or find ways to help reduce emissions and avoid costs. Therefore, the New York City Council supports a national carbon tax.

## **HEALTH AND SOCIAL SERVICES**

### **Supplemental Nutrition Assistance Program**

The Supplemental Nutrition Assistance Program (SNAP) and other programs that reduce hunger and meet families' nutritional needs are vital to the country's wellbeing and help keep families out of poverty. For 2015, the proposed federal budget decreases SNAP funding based on estimates that SNAP participation will fall to an average level of 46.9 million participants per month from 47.5 million in 2014 (a decrease of 1.3 percent). The proposed federal budget also includes \$5 billion for the SNAP Contingency Fund to support the program's role as a critical safety net. The New York City Council supports continued funding for SNAP based on need and participation rates, and calls on Congress to increase SNAP funding in light of previous cuts in order to reduce food insecurity.

### **FDA Blood Donation Rules**

The Food and Drug Administration (FDA) regulates blood donation in the United States and explicitly bars any man who has had sex with another man at any time since 1977 from donating blood. The FDA justifies this policy by citing that 1977 was the beginning of the U.S. AIDS epidemic and that men who have sex with men (MSM) are at a greater risk of HIV, Hepatitis B and other infections that can be transmitted by transfusion. This blanket lifetime restriction on donating blood by men who have had sex with men even once since 1977 has been the FDA's policy since 1982 and fails to consider the individual's HIV status. The only other groups on the FDA's lifetime deferral list for blood donation are intravenous drug users, people who have received transplants of animal tissue or organs, people who traveled to or live in certain countries due to the risk of transmitting variant Creutzfeldt-Jakob Disease (known as mad cow disease), and people who had sex for drugs or money since 1977. Despite the FDA's lifetime ban on MSM, an individual needs a lifesaving blood transfusion once every few seconds in the United States. Although an estimated 38 percent of the U.S. population is eligible to donate, less than 10 percent actually do each year. Limiting the population of potential blood donors leaves numerous vulnerable individuals in need of receiving life-saving blood. The New York City Council therefore calls on the FDA to revise their lifetime ban on MSM donating blood.

### **Ryan White HIV/AIDS Program**

The Ryan White HIV/AIDS Program, critical in supporting patients across the HIV/AIDS continuum and ensuring care across all life stages, provides care and services to more than half a million low-income people with and affected by HIV each year. The federal budget requests \$2.3

billion in FY 2015 to continue linking patients to care, engaging and retaining patients, prescribing and improving adherence to antiretroviral medicine, and achieving viral suppression. However, despite the fact that HIV diagnoses are concentrated primarily in large U.S. metropolitan areas like New York, Ryan White funding has not been aligned to address the continuum of needs of people with HIV/AIDS. The New York City Council calls for the reassessing of funding formulas and allocation mechanisms to effectively and fairly allocate Ryan White resources.

## **IMMIGRATION**

### **Comprehensive Immigration Reform (S. 744 Schumer/H.R. 15 Garcia)**

The Immigration and Nationality Act (INA) established requirements for admission to the United States and naturalization for immigrants. Legislative reforms to the INA have made it increasingly difficult for immigrants to survive and thrive in this country, in particular those who are undocumented. For example, undocumented immigrants are often victimized by unscrupulous employers or fraudulent immigration service providers; undocumented students often struggle when trying to access higher education because their lack of status limits their ability to access student loans; immigrants who encounter the criminal justice system are often subject to deportation because of the extensive list of offenses for which they could be deported; and immigration judges have limited ability to exercise discretion during deportation proceedings. The Border Security, Economic Opportunity, and Immigration Modernization Act (H.R. 15 Garcia), a comprehensive immigration reform bill, was introduced in the House of Representatives in October 2013 to address these issues. The Senate passed its version of this bill (S. 744 Schumer) in June 2013.

H.R. 15 includes provisions of the Development, Relief, and Education for Alien Minors Act of 2013 to provide a pathway to citizenship for undocumented immigrant youth who are pursuing a higher education or service in the armed forces. Additionally, H.R. 15 would increase the number of annual U-visas and immigration court resources, among other things.

The passage of a comprehensive immigration reform bill is essential to expand the pathways to citizenship and to put an end to aggressive immigration enforcement.

## **CIVIL RIGHTS**

### **Respect for Marriage Act (S. 1236 Feinstein/H.R. 2523 Nadler)**

Although the U.S. Supreme Court struck down Section Three of the Defense of Marriage Act (DOMA) in 2013, which had previously prevented the Federal Government from providing federal marriage benefits to spouses in same-sex marriages, other provisions of DOMA that allow states to not recognize same-sex marriages from other states are still in effect. The Respect for Marriage Act would fully repeal DOMA and would require the Federal Government to validate a marriage for federal purposes as long as that marriage is either valid in the state where it was conducted, or valid in at least one state if it was conducted in another country.

### **Universal RESPECT Act (H.R. 3560 Horsford)**

The Universal RESPECT (Racial Profiling Elimination Standards and Procedures for Effective Constitutional Rights Training) Act (the Act) bans federal law enforcement agents from engaging in racial profiling. The Act defines racial profiling as the practice of a law enforcement agent or agency relying, to any degree, on race, ethnicity, national origin, gender, or religion in selecting which individual to subject to routine or spontaneous investigatory activities or in deciding upon the scope and substance of law enforcement activity following the initial investigatory procedure. The Act, however, allows reliance on race, ethnicity, national origin, gender, or religion when there is trustworthy information relevant to the locality and timeframe that links a person of a particular race, ethnicity, national origin, gender, or religion to an identified criminal incident or scheme.

The Act grants the U.S. Attorney General the power to review all applicable law enforcement policies and procedures in order to ensure that these policies uphold the standard of eliminating racial profiling. The Act also bestows on the U.S. Secretary of Homeland Security the power to ensure that no recipient of covered federal law enforcement assistance engages in racial profiling. The Secretary of Homeland Security in collaboration with the Officer for Civil Rights and Civil Liberties and the Director of the Law Enforcement Training Center would be responsible for developing and incorporating any necessary changes to all training and curriculum and professional certification classes provided by the Federal Law Enforcement Training Center to comply with the requirements of the Act. The bill would address racial profiling at the state, local and tribal level by suspending or revoking the U.S. Department of Homeland Security grants these entities receive if they violate the Act. The bill would also enable the Officer for Civil Rights and Civil Liberties to request the assistance of the U.S. Inspector General to investigate compliance with civil rights protection standards and complaints of racial profiling by law enforcement agencies. In addition, the bill allows the United States, or any individual injured by racial profiling, to bring a civil action for declaratory or injunctive relief. Finally, the bill would require certain law enforcement agencies to collect data relating to routine or investigatory activities.

The City of New York has enacted a strong bias-based profiling ban that aims to eliminate racial profiling in the City. The federal law would further strengthen the City's ban on racial profiling and create a uniform nationwide standard. However, the Council recommends amending the Act to ensure that any penalties under the bill do not revoke all Homeland Security funding and that the consequences be carefully measured instead. The Council therefore calls on Congress to pass this legislation with this modification.

### **Voting Rights Amendment Act of 2014 (S. 1945 Leahy/ H.R. 3899 Sensenbrenner)**

On June 25, 2013, the U.S. Supreme Court, in a 5-4 decision regarding the case *Shelby County, Alabama v. Holder*, held that the coverage formula of Section 4(b) of the Voting Rights Act of 1965 (the Act) is unconstitutional. Without the coverage formula of section 4(b), no jurisdiction is subject to the preclearance provisions of Section 5 of the Act. Section 5 prohibited certain political subdivisions with a history of discrimination from implementing any change affecting voting without receiving "preclearance" from the U.S. Attorney General or the U.S. District Court for D.C. that the change would not discriminate against protected minorities. At the time section 4(b) was struck down, three of New York City's five counties – Bronx, Kings, and

Manhattan – were subject to the preclearance requirements of Section 5. Since becoming subject to the preclearance provisions of the Voting Rights Act, the City has cleared over 2,000 changes in voting procedures with the Justice Department. Introduced in the Senate by Sen. Patrick Leahy (D-VT) and in the House of Representatives by Rep. Jim Sensenbrenner (R-WI) on January 16, 2014, the Voting Rights Amendment Act of 2014 would address the gap left by the Supreme Court’s decision by, among other things, amending the test for covered political subdivisions in Section 4(b). The New York City Council urges the passage of this bill because in addition to assuring that New York City continues to conduct elections that are fair to all its citizens, the Voting Rights Amendment Act will protect against minority disenfranchisement efforts across the country that are strategically aimed at preventing the enactment of a host of federal laws affecting a host of issues of great importance to New Yorkers including civil rights, immigration, education, economic justice, and the environment.