

Working for an Equitable Economic Recovery

National Teleconference
September 30, 2009



The **Opportunity** Agenda

*Building the National Will
to Expand Opportunity in America*



Agenda

- Alan Jenkins, The Opportunity Agenda
- Maya Wiley, Center for Social Inclusion
- Juhu Thukral, The Opportunity Agenda
- Q & A
- Chris Keeley, Common Cause/New York
- Jason Reece, The Kirwan Institute
- Yvonne Liu, Applied Research Center
- Q & A



Investing in Opportunity



Ensuring that Our Economic
Recovery is Shared by All
Communities

Alan Jenkins

The Opportunity Agenda



The **Opportunity** Agenda



White House Directive: “OMB Guidance”

“The Executive Branch shall distribute Recovery Act funds in accordance with:

- “All **anti-discrimination** and **equal opportunity** statutes, regulations, and Executive Orders that apply to the expenditure of funds under Federal contracts, grants, cooperative agreements, loans, and other forms of Federal assistance...”
- “Generally applicable **civil rights laws** also continue to apply”
- “The **National Environmental Policy Act**, the National Historic Preservation Act, and related statutes...”
- “...the payment of not less than the **prevailing wages** under the Davis-Bacon Act to ‘all laborers and mechanics employed by contractors and subcontractors on [federally-funded] projects...’”



What Sectors Are Covered?

- Employment
- Housing
- Education
- Procurement
- Lending
- Federally Funded Programs (transportation, healthcare, education...)



On What Bases Is Equal Opportunity Protected?

- Race
- Ethnicity
- Gender (Employment and Education)
- National Origin
- Language Ability (Federally-Funded Programs)
- Disability
- Age (Employment)
- Familial Status (Housing)
- Religion (Employment, Housing)



What Is Prohibited?

Intentional Discrimination (covert or overt), *e.g.*:

- Employer intentionally avoids hiring members of one group, segregates jobs or workplace, harasses or allows harassment.
- Municipality intentionally concentrates environmental hazards or uproots particular ethnic communities.
- A new school or hospital is inaccessible to people with disabilities.
- A housing development has a “no children” policy (and is not senior citizen housing).



What Is Prohibited?

Discrimination in Practice: “Disparate Impact”

- A job criterion like a high school diploma or height requirement is not job related and disproportionately excludes one racial or gender group
- A highway would displace mostly members of one group, while an alternative route would have less discriminatory impact.
- A new school is sited in a segregated neighborhood instead of a viable integrated location.
- A city or state disproportionately locates quality hospitals outside of communities of color.
- A federally-funded health center is inaccessible to people with limited English proficiency.



What Is Required?

- Fund recipients Commit to **Data Collection** and **Reporting** to Demonstrate Compliance with funding restrictions.
- Community Development Block Grant (CDBG) grantees **certify** that they will **affirmatively further fair housing**.
- Certain federal contractors must maintain **disadvantaged business enterprise (DBE) programs** protecting equal opportunity for women and minority owned subcontractors.



What Must We Prove?

Intentional Discrimination:

- Covered Decisionmaker took adverse action *because of* (not just in spite of) impact on protected characteristics:
 - Harassment
 - Bigoted Remarks
 - Whistleblower information
 - Formal or informal testing results
 - Gross disparities explainable only by race, gender, etc.



What Must We Prove?

Unlawful Disparate Impact:

- Significant discriminatory impact on protected basis—
 - Mismatch between state/metro area population and population affected by program or decision.
 - Disparity between qualified applicants and those selected.
 - Program or services are segregated in practice.

AND

- Not justified by a necessary institutional reason.

OR

- Less discriminatory alternatives exist that would fulfill the program's needs.



What Must We Prove?

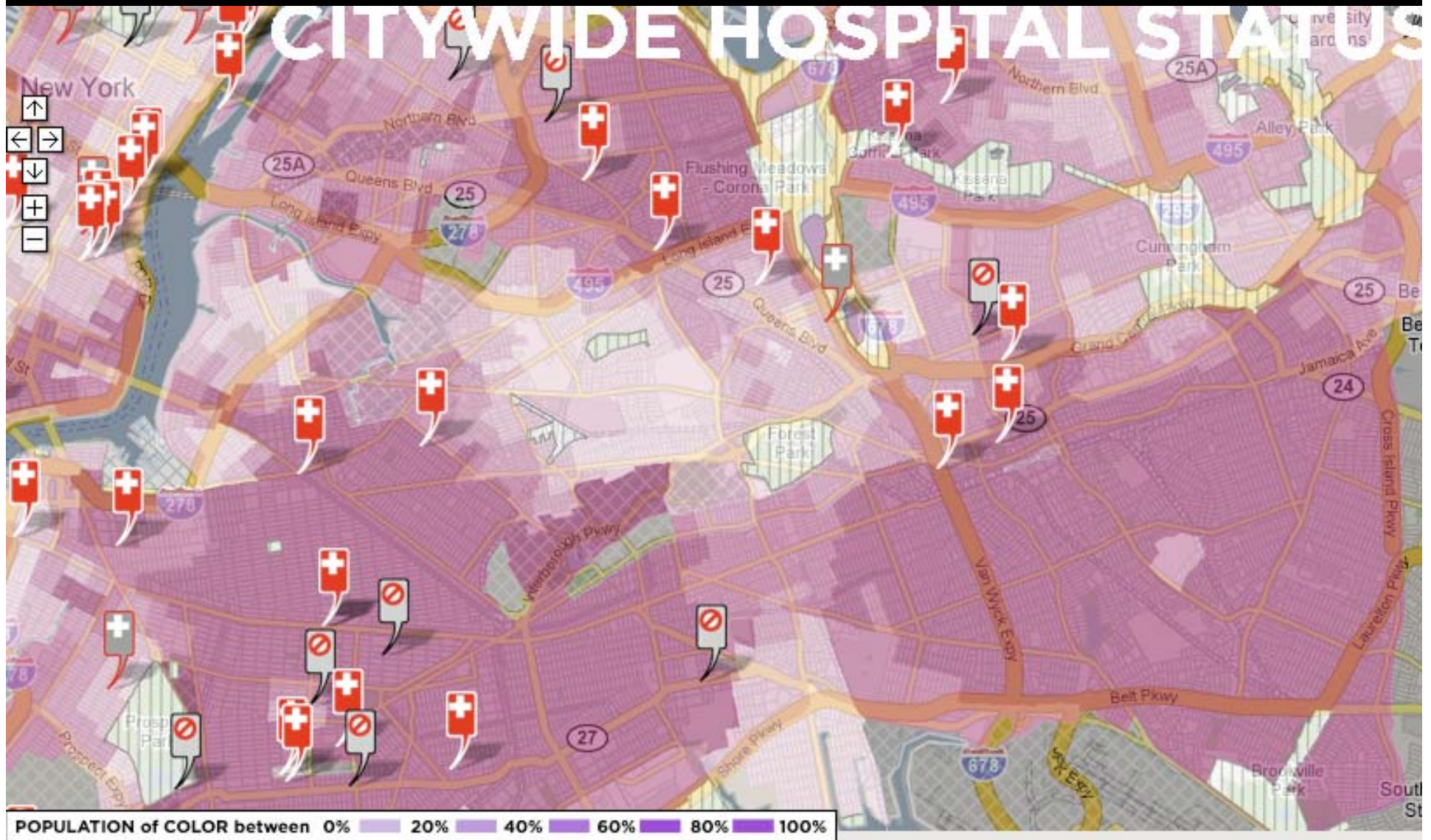
Failure to Fulfill Commitments:

- Federal fund recipient failed to undertake actions to which they committed in certification.

The screenshot shows a PR Newswire news release. At the top left is the PR Newswire logo with the tagline "United Business Media". On the top right, there are links for "Send a release", "Member sign in", "Become a member", "For journalists", and "Global sites". Below the navigation bar, there are three menu items: "Products & Services", "Knowledge Center", and "Browse News Releases". The main content area features a headline: "County Legislature Gives Final Approvals to Westchester Desegregation Agreement, But Major Compliance Issues Loom from the Outset. What Will HUD Do?". Below the headline is a short paragraph of text starting with "NEW YORK, Sept. 23 /PRNewswire-USNewswire/ -- Facing a Thursday deadline for approving a historic desegregation Settlement Order, the Westchester County Legislature gave the necessary final approvals early Wednesday morning. The Settlement Order was the result of the groundbreaking False Claims Act case brought by the Anti-Discrimination Center ('ADC') in 2006. A highly-respected federal District Court Judge in Manhattan, who earlier this year ruled that Westchester had 'utterly failed' to meet its obligations to analyze, identify, and overcome barriers to fair housing choice, will retain jurisdiction over the parties throughout the course of the seven-year agreement."



Example: NYC Health Care Resources





Hypothetical Highway Construction Project

- Gotham City Metropolitan Area is **32% Latino**
- People displaced by highway are **68% Latino**
- People hired or trained as construction workers are **6% Latino**
- Each disparity creates an “**inference of discrimination**” and warrants **nondiscriminatory justification**.
- Gotham provides **facially neutral explanations** (e.g., location)
- Advocates Respond By:
 - Examining justification for **accuracy and necessity**
 - Identifying **less discriminatory alternatives**
 - Exploring **mitigation and remediation** strategies



What Can We Do?

- Write and meet with public and private officials responsible for stimulus spending to request equal opportunity plans and data.
- Locate, investigate, and visit stimulus-funded sites.
- Collect Census and other data on community and regional demographics.
- Identify and document discriminatory practices and those that exemplify equal opportunity.
- Propose proactive equal opportunity projects and less discriminatory alternatives.
- File complaints with federal, state, and local civil and human rights agencies.
- Explore litigation or other legal action.



Promising Policy Idea: The Opportunity Impact Statement

- *Projects Involving Public Funds*
- *Data Collection and Analysis*
- *Public Comment and Participation*
- *Accountability and Enforcement*



Ensuring Uniform Compliance and Accountability

➤ **Federal Statutes:**

- Titles VI & VII of the Civil Rights Act of 1964
- Age Discrimination in Employment Act of 1967
- Title IX of the Education Amendments of 1972
- Section 504 of the Rehabilitation Act of 1973
- Americans with Disabilities Act of 1990
- Uniform Relocation Act of 1970
- Home Mortgage Disclosure Act of 1975
- Fair Credit Reporting Act of 1996
- Hill-Burton Act of 1946
- Medicaid's Equal Access Provision

➤ **Executive Orders:**

- **11246 (affirmative action in federal contracting)**
- **12898 (environmental justice)**
- **13107 (human rights law compliance)**



➤ **Human Rights:**

- Civil & Political Rights
- Elimination of Racial Discrimin.
- Elimination of Discrim. Against Women



Csi

CENTER FOR SOCIAL INCLUSION

Maya Wiley

Executive Director

Center for Social Inclusion

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Economic Recovery

- The Goal
 - Create and preserve jobs
 - Strengthen the economy long-term
- The Method





What do we need to know?

- What are ARRA programs supposed to do?
- Rebuild public infrastructure (roads, bridges, transit, broadband, weatherization)
- For whom?
- Those hurt the most
- Is it?
- We don't know



What do we know?

- The most impacted:
 - Blacks earning \$350,000 per year more likely to have a sub-prime mortgage than whites earning \$50,000 per year
 - Black and Latino unemployment is 15.1% and 13%, respectively, compared to 9.7% for the total population
 - Latino incomes are down 5.6%, Asian incomes are down 4.4% and Black incomes are down 2.8% and white incomes 2.6%





What do we need to know?

- What jobs are created, who is getting them and is it a good job?
- Who benefits from the infrastructure projects?
- How can government design the programs and implement them to accomplish the goal?



What can we do?

- Feds, states and local governments need to ask the right questions:
 - Who got the money?
 - Where was the project and Who does it help?
 - Who was hired?
 - What kind of job?
- Equity Metrics
- States need to figure out:
 - Which infrastructure projects create longer-term benefits? (e.g., bus rapid transit)
- Data Visualization tool



Messaging and Framing

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Goals of Economic Recovery Work

- **Main Premise:** Economic recovery is a moment of public investment for all Americans
- Ensure that stimulus and economic recovery funds invest in all groups and communities



Basic Elements of the Narrative

- Equal levels of access regardless of race/ethnicity, gender, disability
- Public spending can help or harm communities
- Recovery can and must be transformative
- Transparency/accountability = equity



Why Framing and Messaging?

- Substance + Story
- Meeting the audience “where they’re at”
- The long-term moving of hearts and minds
- Value, Problem, Solution, Action



Key Values Inherent to Economic Recovery

- **Community:** “We are all in it together”
- **Opportunity:** “Everyone deserves a fair chance”
- **Security:** “Tools and resources to support their families”
- **Mobility:** “Opportunity to move forward”
- **Equality:** “What we look like should not determine our status”

It is in everyone’s interest to ensure that all Americans have economic security and the opportunity to move forward.



Specific “Value/Problem” Statements on Economic Recovery

- This moment of economic recovery is an opportunity to make transformative change in our country. It should not just take us back to where we were in 2007, because there were stark disparities in the lives and realities of communities of color and women:
 - In 2007, African American individual median income was only 75.2% of white median income, and women made only 78.2% the median income of men.
 - In 2007, the overall poverty rate was 12.5%. The poverty rate for women was 13.8%, compared to 11.1% for men.

(State of Opportunity in America, 2009:
www.opportunityagenda.org/stateofopportunity)



Specific “Solution/Action” Statements on Economic Recovery

- We call on the new Administration to ensure that public investments offer equal and expanded opportunity for everyone and lift the common good.
 - Meet with or write to state/local officials to request their compliance plans
 - Write blog posts/letters to the editor/comments on blogs and articles
 - Monitor flow of funds in your area



Q & A

- Alan Jenkins, *The Opportunity Agenda*
- Maya Wiley, *The Center for Social Inclusion*
- Juhu Thukral, *The Opportunity Agenda*



Chris Keeley, Associate Director
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ckeeley@commoncause.org

The Opportunity Agenda's
Equitable Economic Recovery Telebriefing
September 30, 2009



Common Cause/New York

- Convened NYS Stimulus Oversight Working Group, Feb. 2009
- Common Principles for Transparency and Accountability
 - Fairness
 - Effectiveness
 - Ethical and Honest Use
- Open decision-making, Equitable distribution of benefits, & Aggressive oversight



Common Cause/New York

- NY State and NY City websites further transparency
- NYS Economic Recovery Cabinet immediate and intermediate steps:
 - Rider on all contracts requiring jobs listed in JobBank
 - Economic Recovery Oversight Panel (Inspectors General, NYS Div. of Human Rights)
- Upcoming steps:
 - Measuring community-level impacts (“performance metrics”)

[You can contact Chris Keeley at (212)-691-6421 or ckeeley@commoncause.org]



FAIRRECOVERY.ORG

ADVOCATING FOR A FAIR AND EQUITABLE RECOVERY

Introduction to The Kirwan Institute's Fair Recovery Initiative

Jason Reece, Senior Researcher, Opportunity Communities Initiative
The Kirwan Institute for the Study of Race & Ethnicity

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The Opportunity Agenda's Equitable Economic Recovery Tele-briefing
September 30th 2009



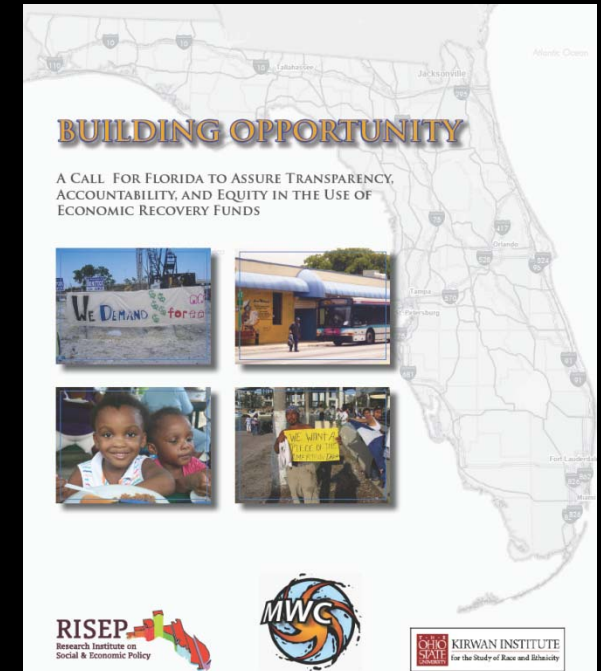
THE KIRWAN INSTITUTE'S RECOVERY INITIATIVE

➤ Our Recovery Platform

- Recovery fund investments must be marked by full transparency and accountability
- Families and communities hit hardest by the economic crisis merit focused attention in the recovery process
- Investments must promote equity and expand opportunity for all (targeted investment)

➤ How is this manifested in State/National Work?

- Tools, information and resources for Advocates
 - www.fairrecovery.org
- National advocacy reports and research
 - Fair Credit
 - Data and tracking
- Local/State level research and advocacy
 - Example: Florida





FROM CRISIS TO OPPORTUNITY

- Why FairRecovery.org
- Economic Recovery Programs
- Transparency & Tracking
- Equity Tools & Strategies

[Please read Our Mission Statement](#)

FairRecovery Updates:

- [Ensuring Equal Opportunity in Our Nation's Economic Recovery Efforts](#): The Opportunity Agenda (August 2009) *new!*
- [john powell](#) discusses the role of race in the recession and the recovery: [Essence.com](#) *new!*
- [Promoting Opportunity and Racial Equality in America: A Guide for Federal State and Local Government](#) (ACLU - RJP) (July 2009) *new!*
- [Proposed Metrics for Equitable and Expanded Opportunity in the Economic Recovery](#)
The Opportunity Agenda, NAACP Legal Defense Fund, The Center for Social Inclusion, and Leadership Conference on Civil Rights (July 17, 2009) *new!*

NEWSROOM



What communities have been hit hardest by the recession?



Do national economic recovery programs help those who need it most?

Why FairRecovery.org



ARRA, Neighborhood Stabilization, TARP - What does it all mean?

Timeline, resources and process?

Economic Recovery Programs: What are they?

How can program design and structure help those most in need?



How can we measure program success?



What legal requirements impact these programs?

How can we make sure the needs of the most marginalized Americans are addressed?



RECOVERY PROGRAM: CHALLENGES & OPPORTUNITIES

➤ Opportunities

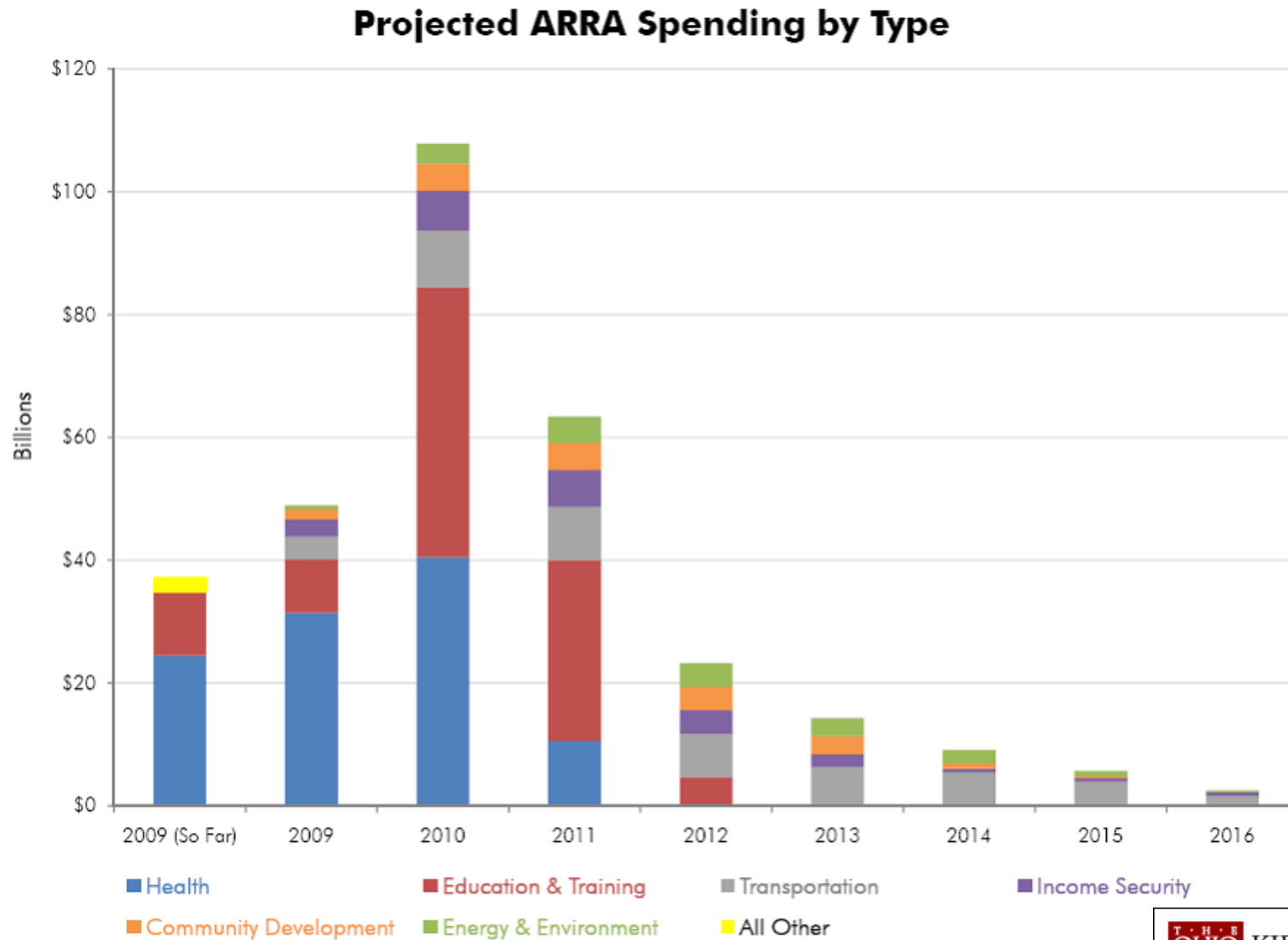
- Massive investment in State's and communities
- Neighborhood based investment (NSP)
- Potential for Job Creation
- Green Economy

➤ Challenges

- Primary focus only on ARRA
- Most funds stabilizing existing programs in State Budgets
- Most funds not "on the street" as this time
- Use of existing programs and pipelines to get funds out to communities (many agencies involved)
- Capacity challenges and other barriers for contracting to MBE's and DBE's
- Lots of data (little of it useful for answering questions around equity)

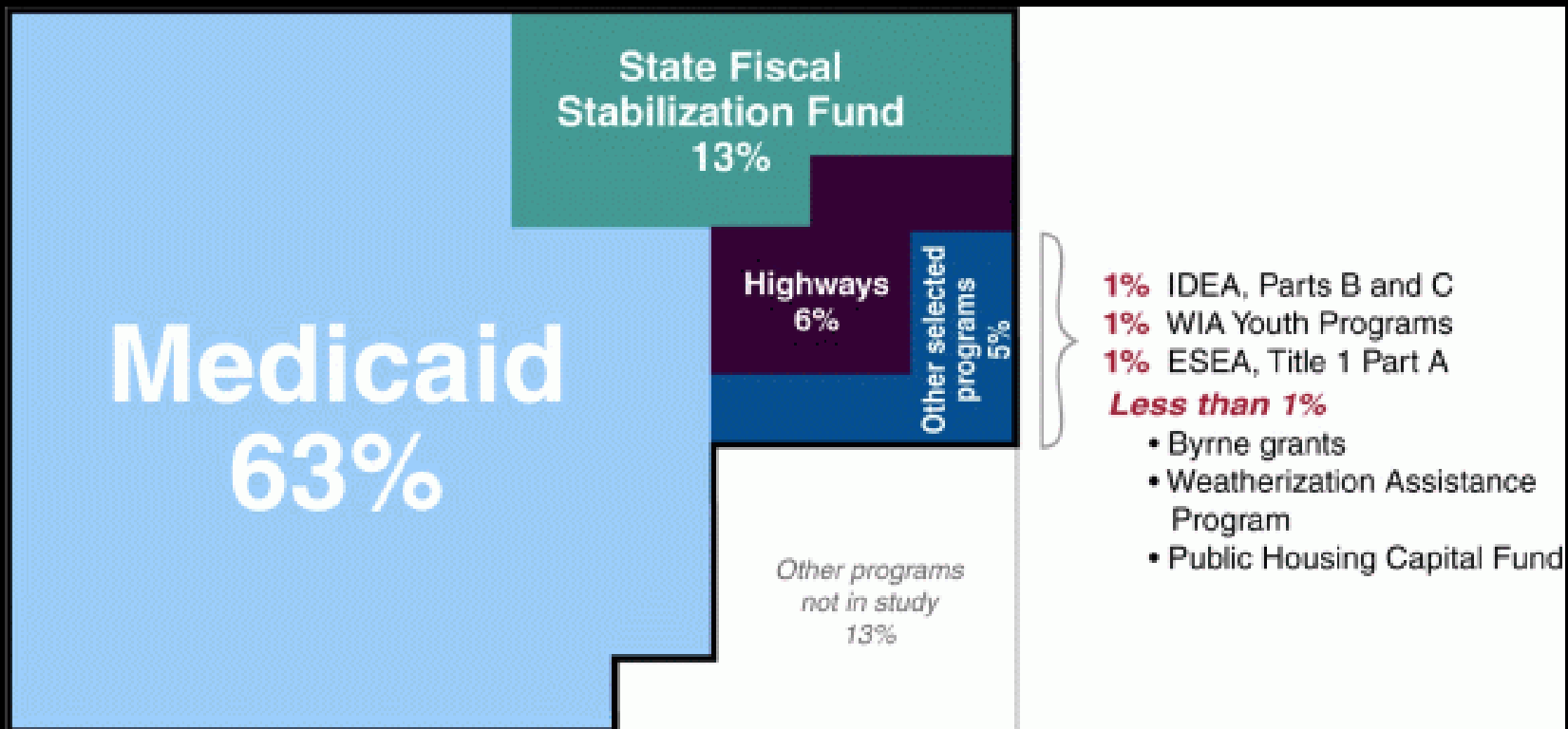


WHEN DO FUNDS GET DISPERSED TO COMMUNITIES?





ALLOCATION OF ARRA FUNDS FROM THE GAO



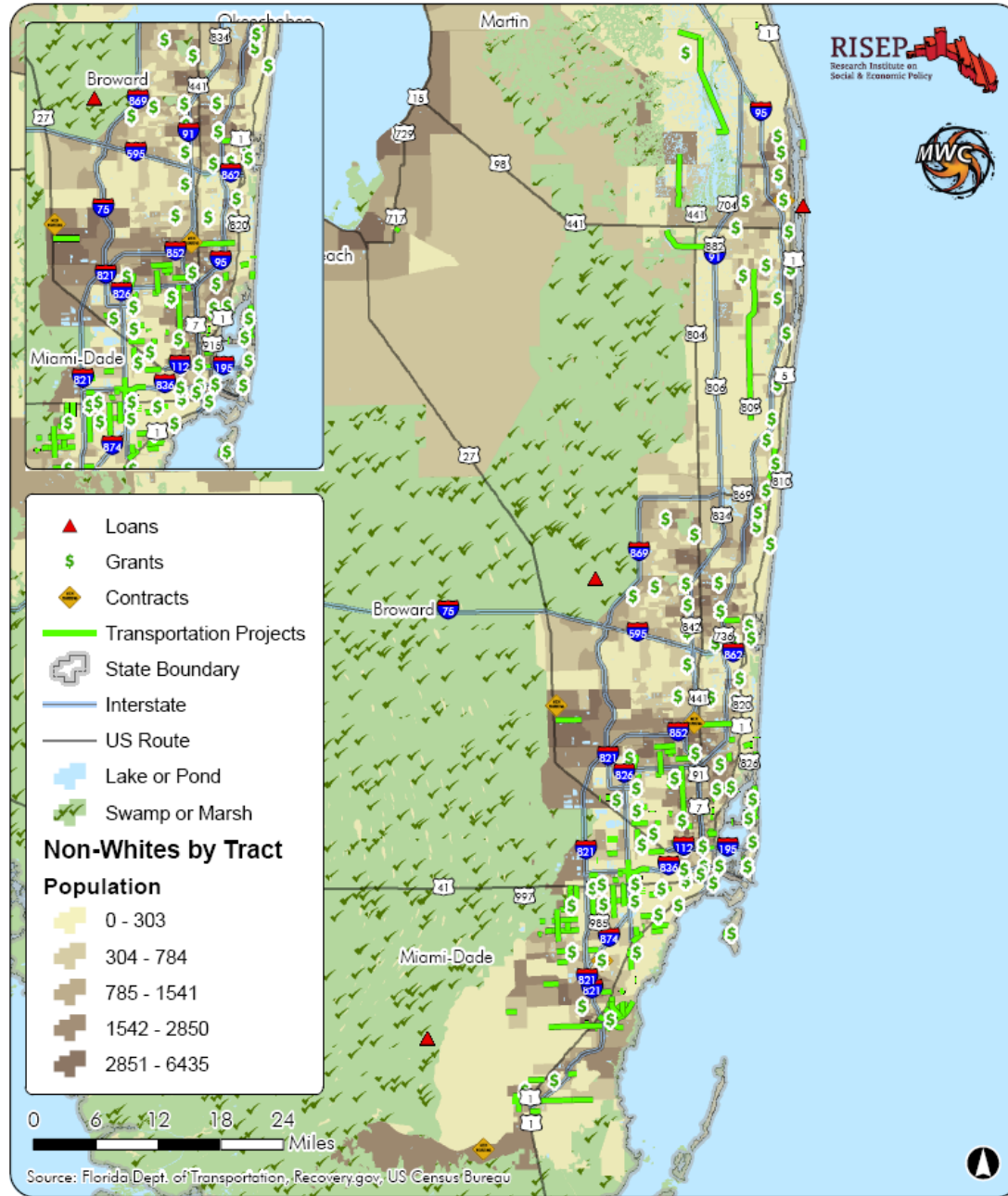


FLORIDA: EQUITY AND RECOVERY INITIATIVE

- Lead Partner – Miami Workers Center
 - Additional Research Partner – RISEP
- Tracking the impact of the economic crisis and the impact of ongoing economic recovery activities
 - Looking at impact across lines of race, ethnicity, class, gender and geography
- Tracking is complicated due to the low volume of funding released at this time and data access challenges
 - Mixed methods approach (quantitative & qualitative)
- Early Results (example)
 - Of the 283 direct federal contracts issued for \$264 million in FL
 - Only 2 out 3 contracts and 1/3 of \$'s to Florida businesses
 - Only 1 in 10 contracts and 3% of \$'s to Black owned FL businesses
 - Less than 15% of contracts and 5% of \$'s to Latino owned businesses

Miami Race and The Recovery

This map represents the spatial relationship between non-White population in the Miami region and the location of particular Recovery Act investments.

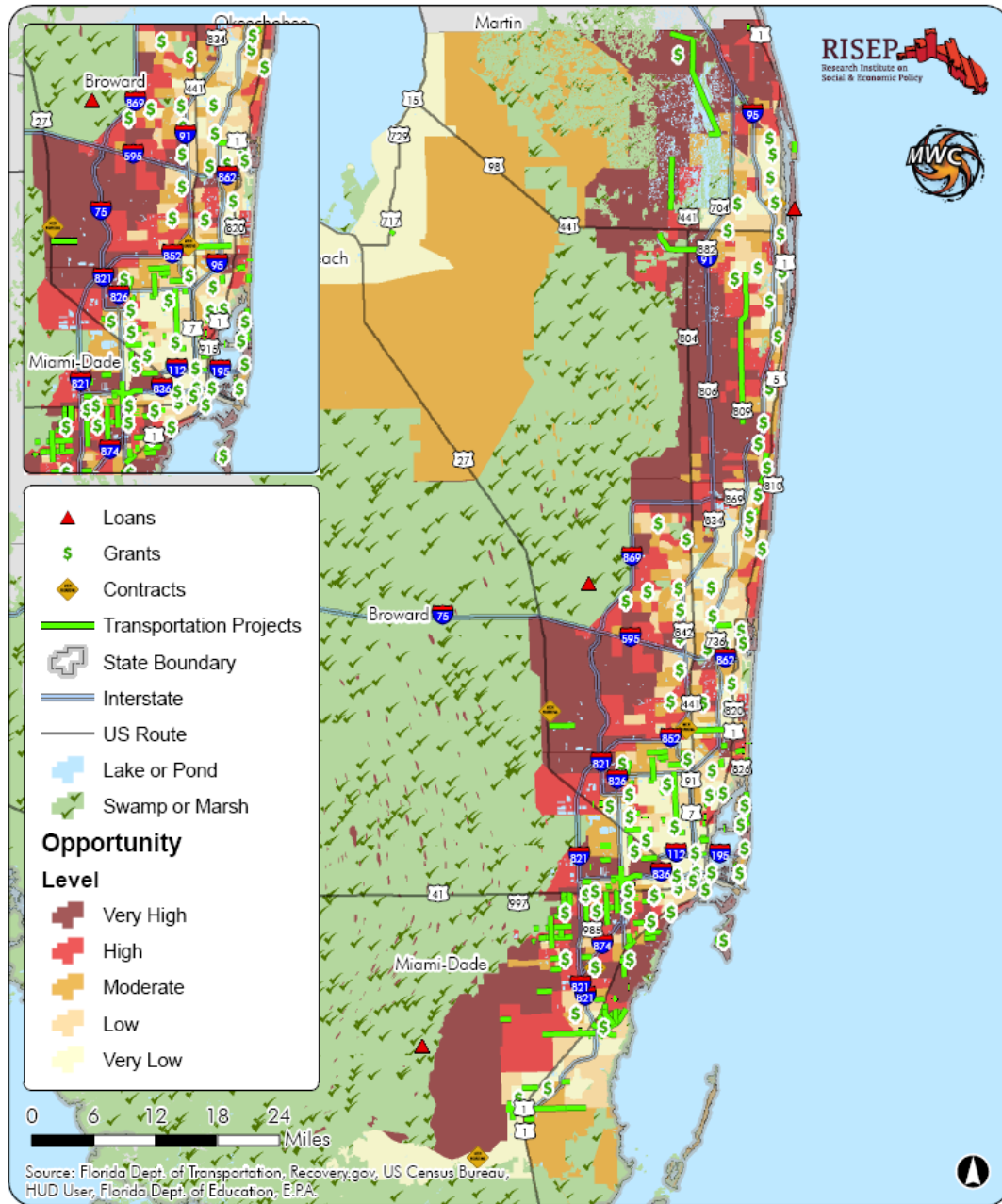


Race and ARRA investments (as of 9/2009) in the Miami area

Miami Opportunity and The Recovery



This map represents the spatial relationship between access to opportunity in the Miami region and the location of particular Recovery Act investments.



Miami	Very High	28.6	\$332,480,300	\$1,422,587,451
	High	17.1	\$269,863,657	\$817,937,549
	Moderate	17.4	\$394,857,897	\$1,982,282,282
	Low	17.2	\$614,657,725	\$3,747,221,982
	Very Low	18.7	\$339,818,522	\$1,400,307,797
Tampa	Very High	4.7	\$346,581,386	\$1,610,930,039
	High	11.6	\$268,346,514	\$1,114,276,148
	Moderate	8.5	\$442,850,894	\$1,979,836,927
	Low	3.8	\$789,495,906	\$3,866,102,848
	Very Low	4.5	\$846,047,616	\$4,207,181,204
Orlando	Very High	15.4	\$204,071,879	\$226,544,018
	High	7.1	\$27,639,739	\$28,653,587
	Moderate	7.7	\$93,949,271	\$104,373,034
	Low	2.1	\$33,594,848	\$34,616,313
	Very Low	3.5	\$42,455,301	\$43,656,289
Jacksonville	Very High	5	\$56,210,193	\$59,655,540
	High	8.2	\$86,036,974	\$91,210,619
	Moderate	7.8	\$23,813,845	\$28,129,899
	Low	2.2	\$4,585,551	\$4,634,447
	Very Low	1.2	\$7,500,000	\$7,585,069



THE TALE OF TWO CITIES: CREATING RACE AND GENDER EQUITY IN L.A.'S GREEN ECONOMY

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www.arc.org/greenjobs



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Advancing Racial Justice Through Research, Advocacy and Journalism

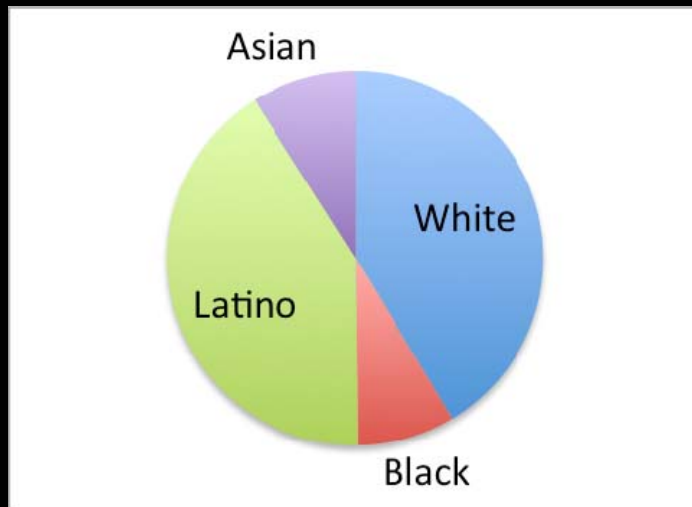
www.arc.org



Race and Recession in L.A.

Poor L.A.

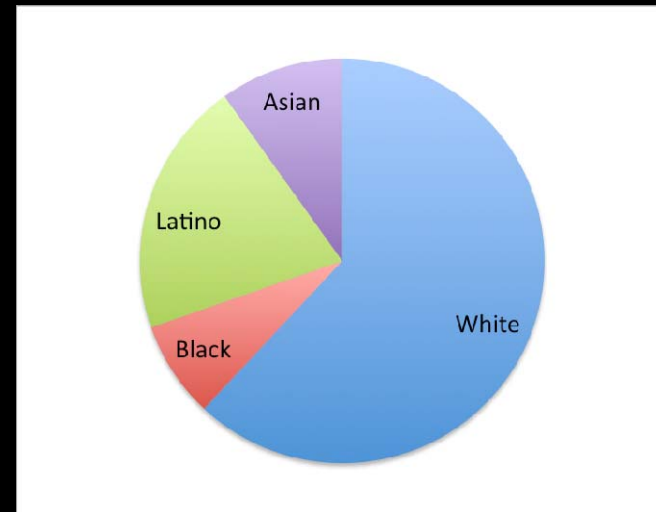
More than half are people of color.



One in five residents live in poverty.

Rich L.A.

More than 70% are white.



About 10% live in poverty.

ARC's calculations based on U.S. Census data from 2005-2007 American Community Survey.



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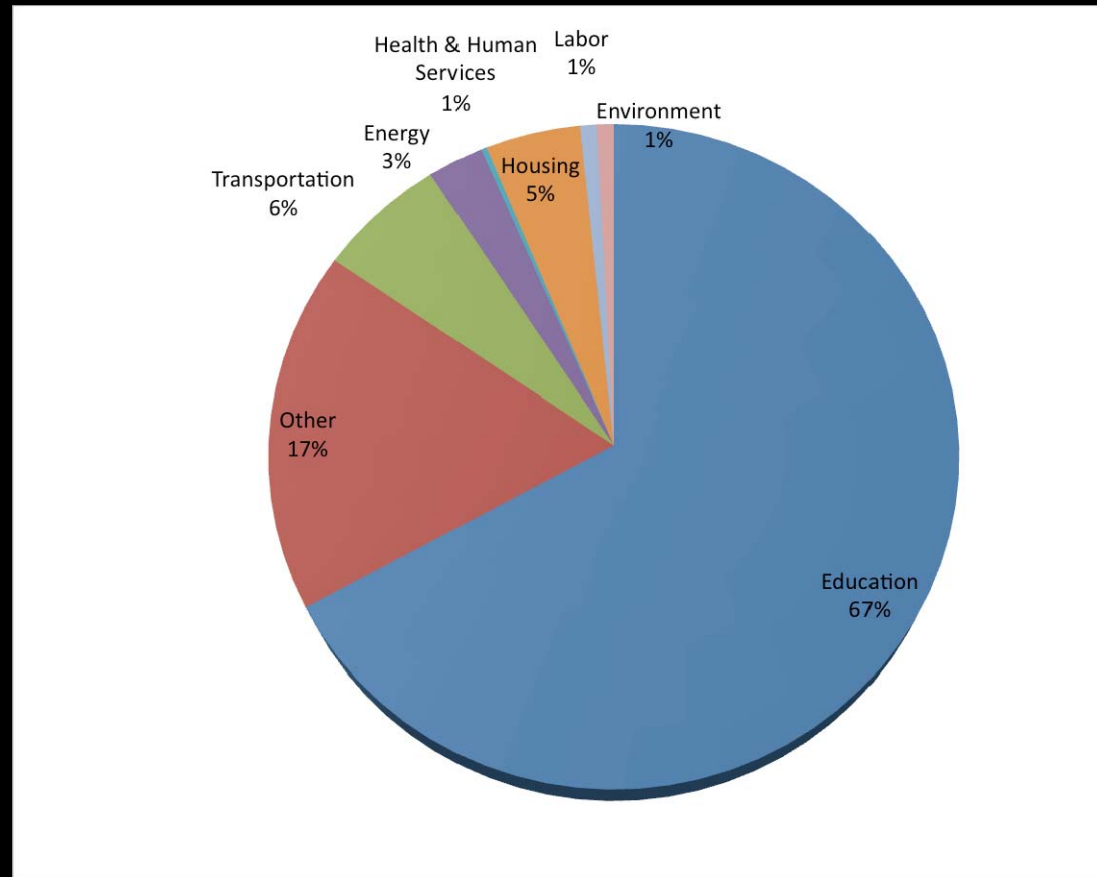
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Race and Recovery in L.A., 2009

- Poor L.A. received \$244.43 per person in recovery funds.
- Rich L.A. received an average of \$966.20 per poor person.



* ARC's calculations based on Yee-Liu Index, paper forthcoming.



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Creating Equity in L.A.'s Green Jobs

Equity Goals	Equity Strategies
Race and gender parity in inclusion in the green economy.	<ul style="list-style-type: none">▪ First source hiring▪ Green job training programs
Increase quality of green jobs employing people of color and women.	<ul style="list-style-type: none">▪ Project labor agreements▪ Labor peace agreements▪ Living wage ordinance▪ Prevailing wage for construction and weatherization sectors▪ Community benefits agreements
Advance pathways out of poverty and into family-sustaining careers for communities of color and women-headed households.	<ul style="list-style-type: none">▪ Construction career policy▪ Workforce partnerships▪ Professional development



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Next Steps





www.OpportunityAgenda.org



Opportunity

is a core American Belief.

A promise that empowers a nation,
and drives our collective ingenuity.

Yamini Nayer
DETROIT, MI
TEACHER AND ARTIST

“Opportunity is possible only if
we have our health, an education,
a roof over our heads.”