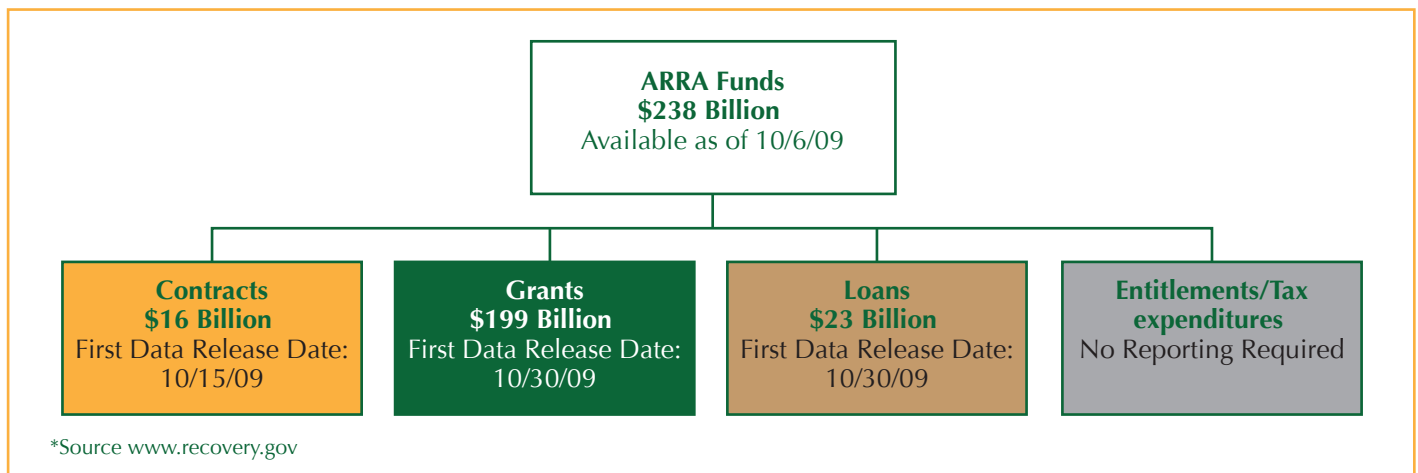


# Ensuring Equitable Recovery:

## A Guide to Stimulus Jobs Data Released on October 15th

### What's Happening in October?

On October 15, 2009, the government will release the first quarterly round of spending data from the American Recovery and Reinvestment Act ("ARRA"). The data disclosed will be for **federal contracts** awarded from the ARRA, and will specifically publicize **the jobs created** by these contracts. The data will be reported on [www.recovery.gov](http://www.recovery.gov). Much more data will be released on **October 30th**.



#### CONTRACTS

The ARRA provides funds for construction contracts and "supply and service" contracts. **Construction Contracts** are for the building, rehabilitation, alteration, conversion, extension, demolition or repair of public buildings, roads and highways, pavements and parking lots, and other public infrastructure such as utility service facilities, levees, irrigation systems, and U.S. Army bases. Examples of **Supply and Service Contracts** include financial analyst support services to ARRA projects, environmental assessments of construction projects, and IT support to government agencies.

#### GRANTS

ARRA funds are also being distributed through grants for public projects or services. ARRA grants have been awarded to government agencies, such as the Departments of Education and Housing and Urban Development (HUD), independent government agencies, such as the Small Business Administration (SBA) and USAID, and non-profits.

#### LOANS

Entities, including "small and disadvantaged businesses," can apply for federal loans funded by the ARRA. Some of these loans have gone to: assist farmers and rural communities and businesses; insure mortgages; and support local water and sewer systems.

#### ENTITLEMENTS & TAX EXPENDITURES

ARRA money is also being distributed to fund entitlements, which are benefits provided by the federal government, such as Medicaid, Social Security, and student financial aid. Tax Expenditures include the Making Work Pay tax credit, COBRA Continuation Coverage Assistance, and tax incentives for businesses.

## The Data Reported on October 15th Will be Limited

### Only Prime & Sub-Recipients Must Report

A prime recipient (for example, the State of Florida) is a non-federal entity that receives Recovery Act funding directly from the federal government. The prime recipient then awards money to the sub-recipient (for example, the City of Miami). The sub-recipient then awards money to **the ultimate recipient** (for example, a construction company), who does the actual hiring and thus creates jobs. But the government **only requires** prime and sub-recipients to report on October 15th. Some recipients **may**, however, include ultimate recipients' job numbers.

### October 15th Data is not Representative of all Contract Data to be Reported

Contracts that are reporting on October 15th are for **large, unusual projects** that are not representative of recovery spending on the whole. Although these numbers are not representative, the October 15th data release is **a good indicator** of how data will be reported on October 30th for grants and loans.

### Entitlements and Tax Expenditures are not Subject to Recipient Reporting

According to the Coalition for an Accountable Recovery, the Recovery Act provides for \$244 billion in entitlements, or 36.6 percent of all recovery funds. It also provides for \$288 billion in **tax expenditures**, or 28.5 percent of all recovery funds. A total of 65.1 percent of all recovery funds are not subject to recipient reporting.

[www.coalitionforanaccountablerecovery.org](http://www.coalitionforanaccountablerecovery.org)

**Despite these limitations, we must remember that Recovery Act transparency is an organizing tool—use what information is provided & fight for what is not!**

## What Are The Legal Obligations of Federal Contractors & How Can We Ensure That They Follow Them?

If you suspect that recovery funds are not being reported in a proper manner, or that there are fraudulent actions related to a project, you can call or write the Recovery Board.

**Recovery Board Fraud Hotline:** 1-877-392-3375 (1-877-FWA-DESK)

**Recovery Accountability and Transparency Board**

Attention: Hotline Operators

P.O. Box 27545

Washington, D.C. 20038-7958

### DISCRIMINATION & EQUAL EMPLOYMENT OPPORTUNITIES

Contractors who receive ARRA funds, must comply with the U.S. Department of Labor's (DOL) Office of Federal Contract Compliance Programs (OFCCP) guidelines. Contractors and subcontractors who have received more than \$10,000 **cannot discriminate on the basis of race, color, religion, sex, or national origin**. Construction contractors must take affirmative action to ensure equal employment opportunities, but do **not** have to develop a written affirmative action program. Supply and service contractors also have to take affirmative action to ensure equal employment opportunities, and **do** have to develop a written program.

### COMPLIANCE EVALUATIONS BY THE DOL

The OFCCP is in charge of conducting a **full compliance evaluation**, including a full paperwork and onsite review, of every ARRA funded contractor. Where there is reason to believe that a contractor has **violated the equal opportunity** requirement, the OFCCP can issue a notice requiring the contractor to prove within 30 days why OFCCP should not monitor them or start enforcement proceedings.

### WHAT'S MISSING FROM THE DATA & HOW TO FILL THE GAP

The data released October 15th will disclose **how many jobs** have been created by ARRA funded contracts. In addition to the data on the whole not reflecting jobs created by the ultimate recipients, it will **not** include a breakdown of **who** received the jobs. For example, you will not be able to determine to whom the funding went based on race or gender. The public can, however, call contractors and subcontractors directly to find out specific employment information. If you believe there are contractors or subcontractors who are not in compliance with ARRA requirements, you can contact your regional OFCCP office, and/or file a complaint. For information on how to file a complaint, go to: <http://www.dol.gov/esa/ofccp/regs/compliance/pdf/pdfstart.htm>.

## OFCCP National and Regional Offices

### National Office

Office of Federal Contract Compliance Programs  
Room C-3325  
200 Constitution Avenue, NW  
Washington, DC 20210  
(202) 693-0101 PH / (202) 693-1304 FAX

### Northeast Region

*(Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Puerto Rico, Rhode Island, Vermont, Virgin Islands)*  
Regional Office  
201 Varick Street, Room 750  
New York, NY 10014  
(646) 264-3170 PH / (646) 264-3009 FAX

### Mid-Atlantic Region

*(Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia)*  
Regional Office  
Curtis Center, Suite 750 West  
170 S. Independence Mall West  
Philadelphia, PA 19106  
(215) 861-5765 PH / (215) 861-5769 FAX

### Southeast Region

*(Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee)*  
Regional Office  
61 Forsyth Street, Room 7B75  
Atlanta, GA 30303  
(404) 893-4545 PH / (404) 893-4546 FAX

### Midwest Region

*(Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, Wisconsin)*  
Regional Office  
Kluczynski Federal Building, Room 570  
230 South Dearborn Street  
Chicago, IL 60604  
(312) 596-7010 PH / (312) 596-7037 FAX

### Southwest & Rocky Mountain Region

*(Arkansas, Colorado, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, Wyoming)*  
Regional Office  
525 South Griffin Street  
Federal Building, Room 840  
Dallas, TX 75202  
(972) 850-2550 PH / (972) 850-2552 FAX

### Pacific Region

*(Alaska, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, Washington)*  
Regional Office  
90 7th Street, Suite # 18-300  
San Francisco, CA 94103  
(415) 625-7800 PH / (415) 625-7799 FAX

## Resources

### **Federal Government's Recovery Website**

[www.recovery.gov](http://www.recovery.gov)

### **Private Recovery Websites**

[www.recovery.org](http://www.recovery.org)

[www.coalitionforanaccountablerecovery.org](http://www.coalitionforanaccountablerecovery.org)

[www.accountablerecovery.org](http://www.accountablerecovery.org)

### **Department of Labor OFCCP Recovery website:**

[http://www.dol.gov/esa/ofccp/arra\\_web.html](http://www.dol.gov/esa/ofccp/arra_web.html)

### **Department of Labor OFCCP ARRA Contract guide:**

[http://www.dol.gov/esa/ofccp/arra\\_data/ARRA\\_Directive\\_Transmittal288.pdf](http://www.dol.gov/esa/ofccp/arra_data/ARRA_Directive_Transmittal288.pdf)

### **Department of Labor OFCCP Construction Contract Guide**

<https://www.dol.gov/esa/ofccp/TAguides/consttag.htm>

## Questions? Want More Information?

### **Contact Advancement Project:**

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**Anita Sinha:** (202) 728-9557, ext. 323 / [asinha@advancementproject.org](mailto:asinha@advancementproject.org)