

GOVERNMENT ACCOUNTABILITY

NHLA is committed to improving the representation of Hispanics in the federal government career workforce, in appointments to state and federal political positions, and in federal procurement.

PRINCIPAL POLICY RECOMMENDATIONS

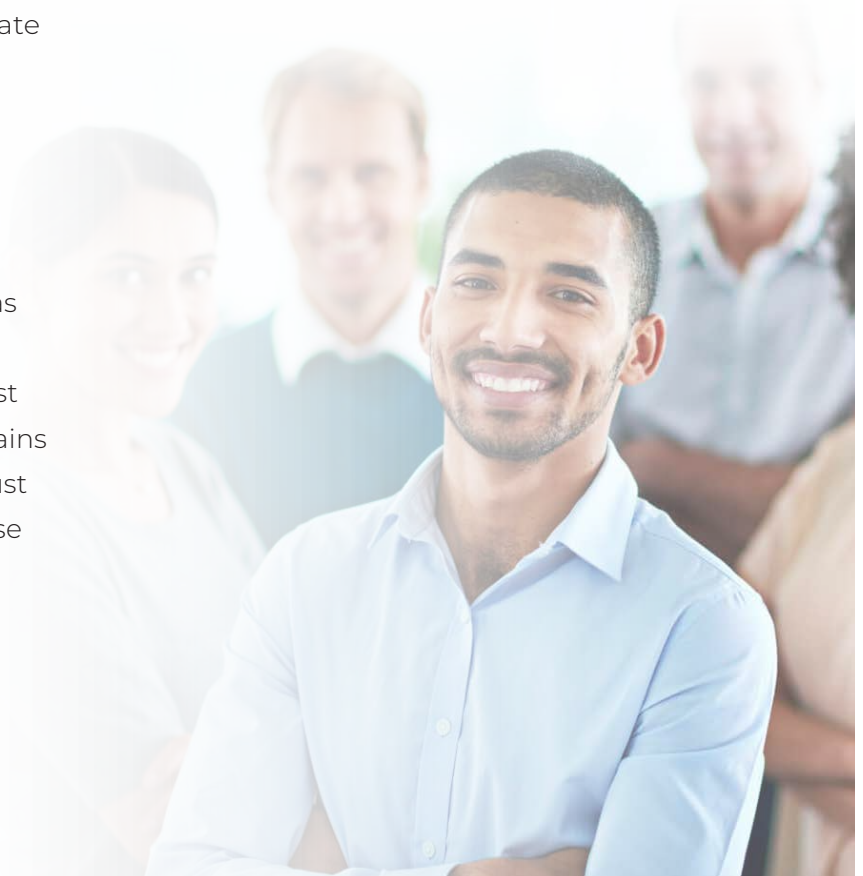
FEDERAL EMPLOYMENT

The president should issue an executive order on Hispanic hiring to increase the representation of Hispanics in career federal employment positions and other government posts. In the absence of an executive order, federal government agencies and departments should address the underrepresentation of Hispanics in the federal workforce by implementing the following items:

- Developing, funding, implementing, and enforcing a pipeline program for Hispanic candidates into GS-12 through GS-15 senior positions, to include the career Senior Executive Service (SES) and Candidate Development Programs.
- Increased cooperation with Hispanic organizations that promote Hispanic hiring and training through memorandums of understanding and partnerships.
- Implementing, funding, and enforcing strong accountability mechanisms that encourage agencies and managers to meet hiring targets.
- Require hiring and retention policies that do not discriminate based on sexual orientation or gender identity, which include policies that are inclusive of transgender military personnel.

POLITICAL APPOINTMENTS

NHLA Latino Appointments Program has helped increase the number of Latinos tapped for appointed positions in the last Administration, though more work remains to be done. The next administration must implement an executive order to increase the pool of eligible candidates for appointed positions.



FEDERAL PROCUREMENT

To increase federal contracting opportunities for the thriving Latino-, and particularly Latina-, owned small business sector, the federal government should:

- Take steps to increase Hispanic participation in the 8(a) Business Development Program.
- Increase the number of Hispanics serving as Small Business Directors in the top 25 agencies.
- Implement the White House's Small Business Federal Contracting Task Force recommendations.
- Improve small business contracting opportunities in general.

GOVERNMENT SHUTDOWNS

Amend the Antideficiency Act to ensure that government shutdowns are no longer used as a partisan weapon that puts innocent Americans in the crossfire.





GOVERNMENT ACCOUNTABILITY

The future of the Latino community hinges on the ability for Latinos to sit at every decision-making table in our government. Our democracy works best when it represents the diverse voices of every community. NHLA is committed to improving the representation of Hispanics in the federal government career workforce, in appointments to state and federal political positions, and in federal procurement.

FEDERAL EMPLOYMENT

In 2000, the President signed Executive Order 13171 on Hispanic Employment in the federal government, noting the significant underrepresentation of Latinos, representing a mere 6.4 percent at that time. Twenty years later, Latino representation in the federal workforce is now 8.4 percent, but given the increase in the Latino population since 2000, this modest increase represents a regression when compared to the population as a whole.⁶⁸

The issue of Hispanic underrepresentation remains protracted and problematic. Hispanics remain the most underrepresented group in the federal workforce.⁶⁹ In 2016, Hispanics

represented 17 percent of the civilian labor force but only 8.6 percent of the federal government's workforce.⁷⁰ Similarly, Hispanic representation in the career Senior Executive Service (SES) ranks was very poor at a mere 4.6 percent.⁷¹ The absence of a representational number of Hispanics across the federal government undercuts the government's ability to produce policies that are inclusive, fair, and responsive to the concerns of the Hispanic community. The federal government must work toward creating equal opportunities to remedy the historically severe underrepresentation of Hispanics in the federal workforce.

POLICY RECOMMENDATIONS

- Sign a new executive order addressing the need for the federal government to affirmatively correct the underrepresentation of Hispanics in its workforce, which should increase the representation of Hispanics in the career SES, military officer recruitment, and military officer promotion to general and flag officer positions.
- Provide staff development programs to retain existing Hispanic federal workers and increase opportunities for promotion into higher ranks of government service.
- Develop a Federal Hispanic Accountability Model, to be promoted at departments and agencies by the Office of Personnel Management.
- Monitor progress toward reaching the Hispanic civilian labor force statistics as tangible hiring goals and hold department and agency leaders accountable by making Hispanic hiring goals part of the performance-based review system and using it as an evaluation tool for the promotion of managers.
- Eliminate citizenship requirements for employment with the federal government, unless constitutionally mandated.
- Require that Hispanic Council on Federal Employment (HCFE) recommendations be institutionalized into agencies' policy structures.
- Prevent agencies from receiving a positive green Government Performance and Results Act (GPRA) rating if their hiring of Hispanics fails to meet strategic targets.
- Place the agencies with the worst records of Hispanic hiring under special status requiring a major restructuring. This should include agencies that have historically had the poorest records of Hispanic hiring.
- Require each agency to undergo an annual Federal Advisory Commission Act comprehensive review process addressing Hispanic underrepresentation in its workforce.
- Require agencies to develop partnerships through Memoranda of Understanding with Hispanic organizations that promote Hispanic hiring.
- Provide adequate resources to develop a pipeline program of Hispanic candidates leading into GS-14 and GS-15 positions, the career Senior Executive Service (SES) positions, and SES Candidate Development Programs (CDP).
- Develop mentoring programs for Hispanics, women, and LGBTQ persons aspiring to progress and advance into the supervisory/management and SES levels. Publicly disclose demographic data for federal flagship programs, such as the Presidential Management Fellows (PMF) Program, career pathways, and special hiring authorities.
- Increase recruitment and placement of Hispanics, women, and LGBTQ persons in the Presidential Management Fellows Program, especially Hispanics from Hispanic Serving Institutions (HSIs). If there is a lack of commitment to increasing Hispanic representation in this program, a separate program for Hispanics should be created and funded.
- Require hiring and retention policies that do not discriminate based on sexual orientation or gender identity, which include policies that are inclusive of transgender military personnel.
- Proactively encourage federal agencies to sponsor/hire Hispanics and students from HSIs into federal internships and contract for such internships through third-party Hispanic providers.

FEDERAL CAREER EMPLOYMENT SCORECARD

NHLA will develop and distribute a Federal Career Employment Scorecard. NHLA periodically issues an assessment of the Administration on its efforts to ensure the full inclusion of Hispanics throughout the federal workforce and issues a scorecard on the level of Hispanic employment within each federal agency. The fundamental purpose of the Scorecard is to ensure that leaders, organizations, the public, and the media are fully informed about the performance of federal agencies as related to the underrepresentation of career and non-career employees in the federal government.

NHLA Federal Career Employment Scorecard will reflect the representation of Hispanics within those agencies. The categories specifically related to Hispanics that will be scored will be: GS-5 through GS-11, GS-12 through GS-13, GS-14, and GS-15, as well as Senior Executive Service (SES) levels. It will also evaluate programs developed to address the underrepresentation of Hispanics, including: how those programs are implemented, enforced, funded versus other non-Hispanic programs, the Applicant Data Pool collected for Hispanics, and the number of Hispanics selected from that Applicant Pool by occupation.

CONGRESSIONAL SCORECARD

NHLA regularly supports and opposes pieces of legislation before Congress, as consistent with or in opposition to various provisions within this policy agenda. NHLA periodically issues a Congressional Scorecard to educate the public, media, and Members of Congress on important votes taken in the House and Senate, which affect the social, economic, and political

advancement and quality of life of Latinos. The goal of the Scorecard is not to influence elections but rather to provide important legislative feedback to the public as well as to shape the upcoming legislative agenda in the remaining days of this Congress and into the next Congress.

FEDERAL PROCUREMENT

In fiscal year 2011, the latest year for which we have data, of the \$98.2 billion in government awards, Hispanic-owned companies won only about 8.4 percent of that total, or \$8.21 billion. That year, only the U.S. Department of the Treasury and the U.S. Small Business Administration exceeded their minority-owned small business procurement goals. Under the 8(a) program, Hispanic businesses constitute 40 percent of all minority-owned firms in the United States, but receive only 14 percent

of the dollar value of all contracts awarded by that program. Hispanic businesses are also underrepresented among recipients of SBA loans and technical assistance grants. Additionally, the number of women-owned firms is increasing faster than the number of male-owned businesses. Hispanic women-owned operations have increased by an astounding 87.5 percent.⁷²

According to the National Women’s Business Council, Latinas own close to 1.9 million businesses in the U.S., employing 550,400 workers and generating \$97 billion in revenues.⁷³ The number of Hispanic women entrepreneurs grew at a faster rate than any other group: 137 percent between 2007 and 2016.⁷⁴ However, Hispanic women-owned businesses are significantly smaller than businesses owned by other major racial and ethnic groups, generating on average \$54,000

in revenue per year compared to businesses owned by their white women counterparts (\$171,000) and businesses owned by white men (\$716,000). They represent less than one percent of government contractors from the five percent of the prime and subcontractors for women-owned small businesses established by federal executive agencies according to the SBA.⁷⁵ Moreover, there is only one Hispanic serving as Small Business Director among the top 25 federal agencies.

POLICY RECOMMENDATIONS

- Support improvements on critical issues such as contract bundling, increased federal contracting goals for small businesses, size standard reform and improved enforcement, and equal access to grants across all federal agencies.
- Implement the White House’s Small Business Federal Contracting Task Force recommendations that require federal agencies to include small businesses in task and delivery orders under General Services Administration Schedules and Multiple Award Schedule contracts.
- Streamline the 8(a) application process to make it more accessible to Hispanic entrepreneurs.
- Provide training for Hispanic Providers on the 8(a) application process.
- Increase the number of contracts with Latino owned ad agencies
- Implement prime contractor accountability systems on mainstream ad agencies to hire Latino owned ad agencies to conduct outreach and place ads and stories that are relevant to the Latino community rather than relying on Latino owned agencies to publish information or stories via free public service messages.

POLITICAL APPOINTMENTS

Despite the growth of the Latino population and their increased civic participation, Latinos account for a fraction of state and presidential political appointments. The Latino Appointments Program helps tackle the pipeline problem by creating the infrastructure to identify and support Latino candidates interested in political appointments, running state pilot programs with our coalition members to increase

political appointments made by Governors, and creating a network of current and former appointees that we can support as they move up the pipeline and that we engage to serve as mentors for those coming up behind them. Over time, tied to Presidential elections, it appears that Hispanic appointments have increased within each term. Following the creation of NHLA Latino Appointments Program, Hispanic appointments increased

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more steadily. The apparent correlation between increased representation and direct intervention provides evidence in favor of the need for an Executive Order on Hispanic Federal Employment.

Another disparity occurs in the appointment of Article I judges and other Executive Branch adjudicators, including immigration judges. Hispanics have had a much harder time than others achieving meaningful participation in the legal field which is central to determining

our rights and the policies our government enacts. This occurs even though over 5 percent of all lawyers nationwide are Hispanic and 13 percent of law students are Hispanic. In the federal government's main offices in the DC area, only 3.3 percent of attorneys are Hispanic. This has real-life implications beyond the careers of Hispanic attorneys. For example, only one of the 21 members of the Board of Immigration Appeals has a Hispanic surname.⁷⁶ Unconscious bias in immigration decisions is hard to avoid without diversity.

POLICY RECOMMENDATIONS

- Ensure that Hispanic-Americans are fairly represented in the legal field, including Federal employment and appointments.
- Devise new methods to evaluate their qualifications that take into account that they have been systematically excluded from appointments and good career positions up to now.

GOVERNMENT SHUTDOWNS

National Hispanic Leadership Agenda (NHLA) believes that an open government should be a priority and that, in the event of a budgetary impasse, the Congress and the Executive should prevent shutdowns by carrying over the latest approved budget at the end of a fiscal year, month by month, with certain inflationary adjustments. Government shutdowns are particularly difficult for innocent government

workers and small contractors caught in the political crossfire, as well as Americans of color who often depend, more than others, on Federal government services. Additionally, more recent shutdowns are increasingly centered on issues of particular concern to Hispanic Americans such as the southern border and DACA.

POLICY RECOMMENDATIONS

- Amend the Antideficiency Act to prevent shutdowns when there is a budgetary impasse, with safeguards including:
 - an automatic continuation of monetary totals for recurrent expenditures, such as employee salaries, safety-net programs, Medicaid, veterans' compensation, SSI and SNAP, which should be automatically deemed appropriated and increased to cover inflation; and
 - that the continuation should have a one-year sunset, thereby forcing a new budget at least every two years.

PUERTO RICO DISASTER AND DEBT RELIEF

Between 3,000 and 4,000 people died in Puerto Rico within six months of Hurricane Maria. The response by FEMA and HUD was anemic at best in terms of preparedness, staffing and release of disaster relief funding. Already several years have passed since the disaster devastated Puerto Rico and, yet, of the \$46 billion appropriated by Congress, a little over half has been delivered by federal agencies.⁷⁷ In particular, HUD has released only a fraction of the relief. Our federal government has a moral and legal responsibility to help Puerto Rico recover. This

includes the appropriation of all appropriate disaster relief funds and their timely release.

Puerto Rico's \$74 billion debt is being restructured without a clear understanding of the terms under which the debt was issued and under which the people of Puerto Rico are obligated to pay. Punitive debt payment agreements are forcing the Puerto Rican government to cut essential services and strangling the economy. Puerto Ricans should not be held liable for debt that is illegal and unconstitutional.

POLICY RECOMMENDATIONS

- Require HUD and other federal agencies to release all funds that are appropriated.
- Establish a process that ensures transparency in decisions, allocations, and contracts by all government agencies at every level to avoid corruption and favoritism and to help ensure meaningful community participation and appropriate allocation of resources.
- Create systems that ensure public participation and radical transparency during all phases of decision-making
- processes, such as robust stakeholder analyses and collaborative and mandatory public participation mechanisms.
- Establish a moratorium on negotiations or repayment of existing debt until the federal government has ensured an independent audit is performed and certified by non-governmental experts and discharge of any illegal or unconstitutional debt is allowed.

