

POLICY ESSAY

DEVELOPING THE WILL AND THE WAY TO ADDRESS PERSISTENT POVERTY IN AMERICA

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There are currently 488 counties in America where twenty percent of the population has lived below the poverty line for the past thirty years or more. In the 113th Congress, these counties—known as persistent poverty counties—are represented by 139 Democrats and 331 Republicans, and 18 are split between the two parties. It is clearly a bipartisan concern. Congressman James E. Clyburn included language in the American Recovery and Reinvestment Act which directed ten percent of rural development funding to be spent in these persistent poverty counties and he believes future spending bills should include this so-called 10-20-30 amendment to help address long-term unmet needs in these areas. In this article, Congressman Clyburn discusses the history of our nation's efforts to address chronic poverty and lays out the case for broadly implementing the 10-20-30 amendment with bipartisan support.

We have all heard the proverb, “Give a man a fish and you feed him for a day; teach a man to fish and you feed him for a lifetime.” This maxim is often bandied about by those who find fault with social safety nets. While I agree that self-sufficiency is the ultimate goal of government assistance to individuals, I believe achieving it is much more complex than simply “teaching a man to fish.”

Today, the poor in America are in poverty not because they do not know how to pull themselves out of that predicament, but because they do not have available to them the resources necessary to do so. They can learn how to fish, but do they have transportation to the fishing hole? Where will they get the bait and tackle needed to catch the fish? Who will tend to their children while they are out there waiting for the fish to bite? And how will the medical bills be paid when they get tetanus from handling rusty pliers with hands blistered from the hard and tedious work that often goes with fishing?

Poverty is a conundrum that has perplexed our nation for centuries. The persistent impoverishment of our communities is especially troubling because we know the issues and the obstacles that cause persistent poverty to thrive. We know where poverty is concentrated, and we have the tools to address this chronic problem. The question is, can we develop the will? As

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Dr. Martin Luther King Jr. eloquently said in his 1964 Nobel Prize lecture: “Why should there be hunger and privation in any land, in any city, at any table when man has the resources and the scientific know-how to provide all mankind with the basic necessities of life? . . . There is no deficit in human resources; the deficit is in human will.”¹

President Franklin D. Roosevelt had the will and little choice when faced with the Great Depression and forced to lead our nation in a time of growing, desperate poverty. He foreshadowed Dr. King’s sentiment when he said in his second inaugural address, “[t]he test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little.”²

President Roosevelt’s initiatives, commonly known as the New Deal, were hailed as the saving grace that helped stem the growing poverty and desperation he and the country faced. The New Deal created the Works Progress Administration, the Civilian Conservation Corps and several other entities charged with putting people back to work on public service projects. They built everything from dams and post office buildings to parks and bridges. People were able to earn an honest day’s pay for an honest day’s work, and the country’s infrastructure was dramatically improved in the process. And to provide a safety net for the most vulnerable—the elderly and the infirm—President Roosevelt created the Social Security program.³

Just a few years later, President Harry Truman took on the lingering issue of poverty with his Fair Deal programs. His domestic agenda was grounded in his belief that “[e]very segment of our population and every individual has a right to expect from our government a fair deal.”⁴

Though met by Congressional opposition, the Fair Deal featured investments in public education, higher minimum wages, increased assistance to farmers and small businesses, full employment legislation, public housing subsidies, an expansion of Social Security, and other measures that helped fuel the postwar economic boom.⁵

The issue of poverty became a national topic again in the 1960s. In his 1964 State of the Union address, President Lyndon Johnson said, “[t]his administration today, here and now, declares unconditional war on poverty in America. . . . It will not be a short or easy struggle, no single weapon or

¹ Martin Luther King, Jr., Nobel Lecture at the University of Oslo: The Quest for Peace and Justice (Dec. 11, 1964), available at http://www.nobelprize.org/nobel_prizes/peace/laureates/1964/king-lecture.html, archived at <http://perma.cc/05cGBDKfakG>.

² President Franklin D. Roosevelt, Second Inaugural Address (Jan. 20, 1937), in 1937 PUBLIC PAPERS AND ADDRESSES OF FRANKLIN D. ROOSEVELT 1, 5.

³ See *Roosevelt Facts and Figures*, FRANKLIN D. ROOSEVELT PRESIDENTIAL LIBR. AND MUSEUM, <http://www.fdrlibrary.marist.edu/facts.html> (last visited Oct. 26, 2013), archived at <http://perma.cc/0MNYTgDqZ58>.

⁴ President Harry S. Truman, Annual Message to Congress on the State of the Union (Jan. 5, 1949) in 1949 PUB. PAPERS 1, 7.

⁵ See *id.*; Harry S. Truman, THE WHITE HOUSE, <http://www.whitehouse.gov/about/presidents/harrystruman> (last visited Oct. 26, 2013), archived at <http://perma.cc/0WmCrwffw5k>.

strategy will suffice, but we shall not rest until that war is won.”⁶ Ending poverty became a centerpiece of his Great Society initiative.

There are lasting programs from President Johnson’s Great Society that have made a real difference in helping those in poverty gain the tools and hands-on experiences necessary to overcome the effects of planned neglect and institutionalized inequity.

The Great Society’s Medicare and Medicaid programs provide health care to those who can least afford it, just as the New Deal’s Social Security program allows seniors and the disabled to live with some level of dignity and respect, and the Fair Deal’s minimum wage brings stability to workers’ families. The Supplemental Nutrition Assistance Program—food stamps, food banks, and school lunches and breakfasts—has fed those who would otherwise go hungry while student loans and work-study programs have given our youth the ability to afford a higher education and gain valuable work experiences.

The Great Society’s other key component was ending government-sanctioned racial discrimination. It included enactment of the Civil Rights Act of 1964,⁷ the Voting Rights Act of 1965,⁸ and the Fair Housing Law of 1968.⁹ Their combined effects finally brought racial minorities out of the era of Jim Crow and helped to mitigate the continuing effects of past discrimination. I know of what I speak, I am one of them, as are most members of the Congressional Black Caucus, the Congressional Hispanic Caucus, and the Congressional Asian Pacific American Caucus.

The collective impact of the Great Society proved to be very beneficial to the plight of many Americans, especially the poor and disenfranchised. The federal efforts would not have been such a success had not several southern governors enlisted into the cause: Terry Sanford in North Carolina whose actions precipitated the Community Action Agencies;¹⁰ Ernest Hollings whose antipoverty initiatives and book *Case Against Hunger* led to the Women, Infants and Children (WIC) program;¹¹ and John West who followed up his inaugural pledge of a truly color-blind administration by creating the first Commission on Human Relations in South Carolina.¹²

Joseph Califano, in his 1999 Washington Monthly online article *What’s Great about the Great Society*, wrote, “[i]n numbers of Americans helped,

⁶ President Lyndon B. Johnson, Annual Message to Congress on the State of the Union (Jan. 8, 1964) in 1963–1964 PUB. PAPERS 112, 114.

⁷ Civil Rights Act of 1964, Pub. L. No. 88-352, 78 Stat. 241 (1964).

⁸ Voting Rights Act of 1965, Pub. L. No. 89-110, 79 Stat. 437 (1965).

⁹ Civil Rights Act of 1968, Pub. L. No. 90-284, 82 Stat. 73, 81–89 (1968).

¹⁰ See Aidan Smith, *July 1963—The North Carolina Fund*, in series *This Month in North Carolina History*, UNC U. LIBR. (July 2005), <http://www2.lib.unc.edu/ncc/ref/nchistory/jul2005/>, archived at <http://perma.cc/0owxrLGAKSp>.

¹¹ See *The Honorable Ernest F. Hollings*, U. S. C. LIBR., <http://library.sc.edu/develop/renehollings.html> (last visited Oct. 26, 2013), archived at <http://perma.cc/ONTaG9MQiJ5>.

¹² See *John Carl West Papers*, U. S. C. LIBR., http://library.sc.edu/scpc/west_findingaid.pdf (last visited Oct. 26, 2013), archived at <http://perma.cc/0h2YwU9u1LF>.

the Great Society exceeds in domestic impact even the New Deal of LBJ's idol, Franklin Roosevelt."¹³

Califano's assessment is shared by the 1979 *Hunger in America: The Federal Response* report which showed that programs like food stamps immediately began to produce benefits, especially in areas of long-standing poverty.¹⁴

In the Mississippi delta, in the coal fields of Appalachia and in coastal South Carolina—where visitors ten years ago could quickly see large numbers of stunted, apathetic children with swollen stomachs and the dull eyes and poorly healing wounds characteristic of malnutrition—such children are not to be seen in such numbers.¹⁵

Today the Center for Budget and Policy Priorities reports that without social safety net programs like food stamps, the Earned Income Tax Credit, and housing assistance, the percentage of Americans in poverty in 2010 after the Great Recession would have nearly doubled, reaching 28.6% rather than the 15.5% it reached with these safety nets in place.¹⁶

In 1987, President Reagan quipped, “[i]n the sixties we waged a war on poverty, and poverty won.”¹⁷ This was very quotable, and may have been pleasing for some, but was not entirely true, especially in rural America: “In 1960, a total of 2,083 rural counties had 20% or more of their population living below the poverty level. By 1990, the number had shrunk to 765, a decline of nearly two-thirds and an indication of the remarkable reduction of poverty across rural America.”¹⁸

A significant number of the rural counties that the U.S. Department of Agriculture reported to be in poverty in 1990 are likely still stuck in that quagmire today. Using 2011 census data, we know that there are 488 persistent poverty counties in our country.¹⁹ These are counties where at least 20% of the population has lived below the poverty line for at least thirty years.

¹³ Joseph A. Califano Jr., *What Was Really Great About the Great Society*, WASHINGTON MONTHLY, Oct. 1999, at 13, 17, available at <http://www.washingtonmonthly.com/features/1999/9910.califano.html>, archived at <http://perma.cc/09rzGL3HdTh>.

¹⁴ NICK KOTZ, HUNGER IN AMERICA: THE FEDERAL RESPONSE 9 (1979).

¹⁵ *Id.*

¹⁶ Robert Greenstein, *Commentary: How Effective is the Safety Net?*, CENTER ON BUDGET AND POLICY PRIORITIES (Feb. 6, 2013), <http://www.cbpp.org/cms/index.cfm?fa=view&id=3898>, archived at <http://perma.cc/0VhQ498oU7Q>.

¹⁷ Nicholas Lemann, *The Unfinished War*, ATLANTIC MONTHLY, Dec. 1988, at 37, 37.

¹⁸ ECONOMIC RESEARCH SERVICE, U.S. DEP'T OF AGRIC., AGRIC. INFO. BULL. NO. 710, UNDERSTANDING RURAL AMERICA (1995), available at <http://www.nal.usda.gov/ric/ricpubs/understd.htm>, archived at <http://perma.cc/0WLuZACHRiZ>.

¹⁹ Data compiled from *Population by Poverty Status by Counties: 1989* (1990 Decennial Census), U.S. CENSUS BUREAU, <http://www.census.gov/hhes/www/poverty/data/census/1960/index.html> (last visited Oct. 26, 2013), archived at <http://perma.cc/06usbpmZ7g3>; *Population by Poverty Status by Counties: 1999* (2000 Decennial Census), U.S. CENSUS BUREAU, <http://www.census.gov/hhes/www/poverty/data/census/1960/index.html> (last visited Oct. 26, 2013), archived at <http://perma.cc/06usbpmZ7g3>; *Small Area Income and Poverty Estimates: State*

Today, the poverty threshold is defined by the U.S. Department of Health and Human Services as \$11,490 for an individual or \$23,550 for a family of four.²⁰ That is barely enough to sustain the basics of life, much less address the issues presented by “learning to fish.”

The face of poverty in America comes in every hue. According to a National Poverty Center report in 2010, black and brown Americans are disproportionately poor. At the time of that report, 27.4% of blacks and 26.6% of Hispanics lived in poverty. But they were not alone: 12.1% of Asians were poor, as were 9.9% of non-Hispanic whites. Being foreign-born also meant higher poverty rates of 19.9% compared to 14.4% of native-born Americans who were considered poor.²¹

Despite the diversity of those living in poverty, the chronically poor do have a tendency to be concentrated in certain areas. According to the Rural Policy Research Institute, persistent poverty pockets “are geographically concentrated—in Appalachia, the southeast and Mississippi Delta, the Rio Grande Valley, and Indian Reservations in the Great Plains and Southwest.”²²

Persistent poverty counties have two things in common: historic neglect and a disparate allocation of resources. In an interview with PBS’s *Frontline* in 2005, Cynthia Duncan, author of *Worlds Apart: Why Poverty Persists in Rural America*, summarized what we intuitively know to be true: “[C]hronic poverty in rural areas, and urban areas for that matter, really represents long-term neglect and lack of investment—a lack of investment in people as well as communities.”²³

In my home state of South Carolina, for instance, fifteen of our forty-six counties are labeled persistent poverty counties.²⁴ These counties are largely rural and many are predominantly black.²⁵ Many were farming communities that once were home to large southern plantations.

When slavery ended, sharecropping began, and all of us are aware of how disproportionate the shares were. Consequently, the wealth gap between the haves and the have-nots remained wide and grew by design. Over time,

and County Estimates for 2011, U.S. CENSUS BUREAU, <http://www.census.gov/did/www/saipe/data/statecounty/data/2011.html> (last visited Oct. 26, 2013), *archived at* <http://perma.cc/0wHFvdkM9T> (on file with author).

²⁰ Annual Update of the HHS Poverty Guidelines, 78 Fed. Reg. 5182, 5183 (Jan. 24, 2013).

²¹ See *Poverty in the United States Frequently Asked Questions*, NAT’L POVERTY CENTER, <http://www.npc.umich.edu/poverty/> (last visited Oct. 26, 2013), *archived at* <http://perma.cc/OtuFrmgspmf>.

²² *Poverty and Human Services*, RURAL POVERTY INST., <http://www.rupri.org/povhumerservices.php> (last visited Oct. 26, 2013), *archived at* <http://perma.cc/05mCdD1m5MR>.

²³ *Why Poverty Persists in Appalachia: An Interview with Cynthia M. Duncan*, PBS FRONTLINE (Jan. 9, 2006), <http://www.pbs.org/wgbh/pages/frontline/countryboys/readings/duncan.html>, *archived at* <http://perma.cc/0cpvfZrkrrq>.

²⁴ See compiled data, *supra* note 19.

²⁵ See *id.*; *State and County QuickFacts: South Carolina*, U.S. CENSUS BUREAU, <http://quickfacts.census.gov/qfd/states/45000.html> (last visited Oct. 26, 2013), *archived at* <http://perma.cc/0VoRxZuelg7>.

the economy in South Carolina began to change and agriculture lost its luster. Industry began to relocate from the more expensive and unionized northern states to the South where land and wages were cheaper.

It was during this time of industrial influx that I was working in the governor's office in South Carolina. It was the early 1970s, and I was the first African American to serve as an advisor to a sitting governor in my home state. One day a memo came to my attention that was not meant for my eyes. It was from the state's economic development consultants who had been hired to advise our state's political leaders about recruiting industry to South Carolina. They warned against directing any companies to sites in about a dozen counties because the counties had majority black populations, whom the authors argued were more likely to unionize than white workers.

Cynthia Duncan says the same objection to labor unions is a common obstacle for Appalachia's persistent poverty communities, although they are mostly white.

[I]n the rural areas that I know in America, that lack of investment began as deliberate efforts by those in power—local elites or employers—to hold people back. Because it has worked for them, to keep their labor force vulnerable, keep them powerless. In the case of Appalachia, the coal operators wanted to keep workers from unionizing and demanding higher wages in the early days of coal mining because the industry was so competitive.²⁶

This institutionalized neglect resulted in what are today pockets of poverty. The counties that were referred to in that early 1970s memo are among those that are characterized as persistent poverty counties in South Carolina today. After decades of historic neglect, these counties have very little to recommend them for economic development. Low tax bases result in poor schools. Sparse populations in these counties result in fewer services locating in the area—services like medical centers, libraries, and child care facilities. Isolation contributes to the lack of basic necessities—water, sewer, roads, and, in today's highly connected society, broadband.²⁷

And many of these communities did not benefit from programs like the New Deal. In fact for many communities I represent in South Carolina, the New Deal was a raw deal. In the congressional district I currently represent, the New Deal funded the construction of two lakes—Lake Marion and Lake Moultrie—which dammed the Santee River to generate electricity.²⁸ It ex-

²⁶ *Why Poverty Persists in Appalachia*, *supra* note 23.

²⁷ See CARL VINSON INST. OF GOV'T, *IT'S A MATTER OF WEALTH: DISMANTLING PERSISTENT POVERTY IN THE SOUTHEASTERN UNITED STATES* 18–19 (2002), available at http://www.dca.state.ga.us/communities/regionalism/programs/downloads/SE_report.pdf, archived at <http://www.perma.cc/0v7SQqCRXNe>.

²⁸ See Tom Taylor, *The Ghost Towns of Lake Marion, Part 3—The Water Rises*, RANDOM CONNECTIONS (Apr. 19, 2013), <http://randomconnections.com/the-ghost-towns-of-lake-marion-part-3-the-water-rises/>, archived at <http://www.perma.cc/0jwPgRt7qsj>.

panded rural electrification to many communities in the state, but the price was high for many African American families. White landowners were compensated for the land that was flooded when the lakes were created. However, the sharecroppers and tenant farmers who worked that land were forced from their homes and jobs with little or no compensation.²⁹

For many families—like my wife’s family—there were other unquantifiable losses. The grave of my wife’s grandmother now rests at the bottom of Lake Moultrie. It was a stinging blow to the family, and was something about which my mother-in-law, who lived to be 92 years old, always fretted and frequently complained.

While the safety net programs have not eradicated poverty as defined by income level, these programs provide those in poverty with basic necessities to survive. They address the immediate needs of the individual and family, but they do not address the underlying causes of persistent poverty that is concentrated in certain communities.

After each decennial census, new congressional district lines are drawn. I was first elected in 1992, in a district that had 26.9% of residents in poverty, which ranked it the twenty-third highest of all 435 congressional districts. In 2011 census data, the Sixth District ranked thirty-first of the 435 congressional districts for the high rate of poverty, with 26.2% of residents living below the poverty line.³⁰

These statistics do not reflect the current congressional lines that were redrawn for the 2012 election. We do know that South Carolina’s Sixth District now has fifteen counties, and eight of them are considered persistent poverty counties.³¹ The percentage of poverty in this district has grown because in redrawing the lines the South Carolina legislature removed pockets of wealth in Florence and Charleston counties and replaced them with three rural, poverty-stricken counties: Allendale, Hampton, and Jasper.³²

In 2000, we were at the height of a decade of economic prosperity brought on by the policies of President Bill Clinton. However, the next decade plunged our country into a “Great Recession” caused by unpaid-for

²⁹ See Claudia Smith Brinson, *Crossing a Great Divide*, THE STATE, May 20, 2007, at special section 10.

³⁰ See U.S. CENSUS BUREAU, POPULATION AND HOUSING CHARACTERISTICS FOR THE CONGRESSIONAL DISTRICTS OF THE 103RD CONGRESS (1990 CPH-4): SOUTH CAROLINA 45, available at <http://www.census.gov/prod/1/90dec/cph4/tables/cph4tb42/table-22.pdf>, archived at <http://perma.cc/0Ph3iDekA4z>; THOMAS GABE, CONG. RESEARCH SERV., POVERTY IN THE UNITED STATES: 2011, at 73 (2012).

³¹ See compiled data, *supra* note 19.

³² Compare *South Carolina Congressional Districts: Federal Court Order 2002*, S.C. S. JUDICIARY COMM.: S.C. REDISTRICTING 2011, http://redistricting.scsenate.gov/CongressionalDistrictMaps/Congress2002_Statewide_AE.pdf (last visited Oct. 26, 2013), archived at <http://perma.cc/0s9ptwfTsCF>, with *South Carolina Congressional Plan H. 3992*, S.C. S. JUDICIARY COMM.: S.C. REDISTRICTING 2011, http://redistricting.scsenate.gov/WebFolder/SCCongress_H3992_26JUL2011.jpg (last visited Oct. 26, 2013), archived at <http://perma.cc/0wkZHmcXHnA>. See *113th Congressional Districts Analytics Gallery: South Carolina*, PROXIMITYONE, <http://proximityone.com/cdgallery/guide/index.htm?sc.htm> (last visited Oct. 26, 2013), archived at <http://perma.cc/0vWw2Jb16Pg>.

wars and unprecedented tax cuts. The economic downturn hit areas of chronic poverty with full force, plunging them into depression-era levels of unemployment.

But the Great Recession caused us to focus with a new intensity on the issue of poverty. President Obama and the Democratic-led Congress felt strongly about the need for quick action to jumpstart the economy and generate broad-based growth. In his first inaugural address, President Obama issued an urgent call, “everywhere we look, there is work to be done. The state of the economy calls for action, bold and swift, and we will act not only to create new jobs but to lay a new foundation for growth.”³³

The result was an imperfect and inadequate \$787 billion package which included tax credits and unemployment benefits, and made federal investments in infrastructure, health, education, and energy projects in order to create jobs and stimulate the economy. The law, known as the American Recovery and Reinvestment Act (“Recovery Act” or “ARRA”), directed spending across all federal agencies.³⁴

As House Majority Whip at the time, I was at the table as the law was being written. Remembering the lessons I learned from studying the New Deal, I sought to ensure that persistent poverty counties were not overlooked in the federal efforts to revive the economy. I proposed language which was inserted in section 105 of the ARRA and directed that:

Of the amounts appropriated in this title to the “Rural Housing Service, Rural Community Facilities Program Account,” the “Rural Business-Cooperative Service, Rural Business Program Account,” and the “Rural Utilities Service, Rural Water and Waste Disposal Program Account,” at least 10 percent shall be allocated for assistance in persistent poverty counties: *Provided*, That for the purposes of this section, the term “persistent poverty counties” means any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1980, 1990, and 2000 decennial censuses.³⁵

This became known as the 10-20-30 program. Using these criteria, 444 persistent poverty counties were eligible for this funding, which represents fifteen percent of all counties nationwide.³⁶

³³ President Barack Obama, Inaugural Address (Jan. 20, 2009) in 2009 PUB. PAPERS 1, 2.

³⁴ See American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, 123 Stat. 115 (2009); Recovery Accountability and Transparency Bd., *The Recovery Act*, RECOVERY.GOV, http://www.recovery.gov/About/Pages/The_Act.aspx (last visited Oct. 26, 2013), archived at <http://www.perma.cc/0o4xMitYH8D>.

³⁵ 123 Stat. at 127.

³⁶ See data compiled from *Population by Poverty Status by Counties: 1979* (1980 Decennial Census), U.S. CENSUS BUREAU, <http://www.census.gov/hhes/www/poverty/data/census/1960/index.html> (last visited Oct. 26, 2013), archived at <http://perma.cc/06usbpmZ7g3>; *Population by Poverty Status by Counties: 1989*, *supra* note 19; *Population by Poverty Status by Counties: 1999*, *supra* note 19 (on file with author).

The 10-20-30 initiative is designed to address the causes of persistent poverty. Although the concept was not formalized in law until ARRA passed in 2009, the need became apparent to me during my first campaign for Congress. At that time, I traveled throughout the Sixth District of South Carolina, which is bisected by the I-95 corridor. This corridor is the heart of what has been dubbed in South Carolina as the “Corridor of Shame,” a 200-mile stretch of interstate highway that is flanked on either side by persistent poverty counties.

As I visited the communities in the Sixth District during my first campaign, I kept hearing common refrains about the lack of opportunities. With the lack of local employment, many of the residents in these communities would ride an hour or more each way on buses to reach the beachfront resorts where they could find employment working minimum wage jobs. They told me of the limited time and resources they had to spend with their children and sustain their families. They asked me to help recruit business and industries for their areas so they could have better wages and jobs closer to home. They showed me clothes stained from being washed in tainted well water and asked for help to get them clean, potable water and sewage. They took me to schools where roofs were collapsing and plumbing was crumbling, and asked for safe buildings where students could focus on learning. To each of these requests, I answered that I would work every day to improve the quality of their lives. Once elected, I sought ways to address these concerns to the best of my ability.

Before I was sworn-in, I requested and was granted a meeting with Bob Royall, the South Carolina Commerce Secretary at the time. He was very familiar with the myriad of problems facing the district I had just been elected to represent, and we both knew the lynchpin to turning things around was economic development. However, he told me he could not entice business and industry to locate in many of these communities along the I-95 corridor because they lacked basic infrastructure—potable water, sufficient sewage, adequate roads, and appropriate bridges.

I went to work trying to address as many of these issues as I could through direct appropriations—a process commonly called earmarking. This perfectly legitimate procedure has gotten a bad rap in recent years because of a few bad apples misusing the process.

Congress directing appropriations is a central part of legislative authority and responsibility under Article I of the U.S. Constitution. Members of Congress directing a fraction of appropriated funds to specific projects ensures that the needs of the American people are being served most effectively and efficiently, as the Founders had intended. Members of Congress are the ones who hold town hall meetings, conduct community meetings, and hear firsthand the dreams and aspirations of their constituents. When we visit churches, attend family reunions, and walk the aisles of the local pharmacy or grocery store, we get a good feel, and sometimes an earful, of what is on people’s minds.

However well-intended bureaucrats in Washington may be, they are not in the best position to address the needs of our nation's communities, especially those that have little political consequence to the powers that be. As a lifelong resident and twenty-year representative of South Carolina's Sixth Congressional District, I think I know the needs of my constituents very well, and the quality of their lives means a lot to me.

For example, after long meetings with South Carolina state government bureaucrats, state and local elected officials, and community leaders, I directed millions of dollars to projects like the Lake Marion Regional Water Agency that provides clean, potable water to a four-county region (Orangeburg, Calhoun, Dorchester and Berkeley) whose citizens would otherwise go without these essential services.³⁷

In another instance, I directed funds to the little town of Hemingway in rural Williamsburg County so that those funds could be leveraged with a significant private contribution to retrofit an old, abandoned school building to house a Boys and Girls Club.³⁸ Also, in my hometown of Sumter, I responded to requests of the Mayor, City Council, and Regional Transportation Authority and directed funds to build a much needed intermodal facility that serves four rural counties.³⁹ These are but a few examples of putting good public policy above partisan political posturing.

Outside of earmarks, Congress has made several attempts to address some of the underlying causes of persistent poverty, but they have been piecemeal at best. In 1993, my first year in Congress, I helped to ensure

³⁷ See Press Release, Congressman James E. Clyburn, Congressman Clyburn Announces Funding for Sixth District Energy and Water Projects (Nov. 23, 2004), available at <http://clyburn.house.gov/press-release/congressman-clyburn-announces-funding-sixth-district-energy-and-water-projects>, archived at <http://www.perma.cc/0yb9xi5C6dD>; Press Release, Congressman James E. Clyburn, Congressman Clyburn Announces Energy & Water Appropriations for South Carolina (Nov. 9, 2005), available at <http://clyburn.house.gov/press-release/congressman-clyburn-announces-energy-water-appropriations-south-carolina-0>, archived at <http://www.perma.cc/0zQPu5TcbRN>; Press Release, Congressman James E. Clyburn, Congressman Clyburn Secures More than \$65 Million in Funding (Dec. 20, 2007), available at <http://clyburn.house.gov/press-release/congressman-clyburn-secures-more-65-million-funding>, archived at <http://www.perma.cc/02kxH4v5QED>; Press Release, Congressman James E. Clyburn, Congressman Clyburn Secures More than \$35 Million for SC in the Omnibus 2009 Appropriations Bill (Feb. 25, 2009), available at <http://clyburn.house.gov/press-release/congressman-clyburn-secures-more-35-million-sc-omnibus-2009-appropriations-bill>, archived at <http://www.perma.cc/0KguPisioqh>; Press Release, Congressman James E. Clyburn, Clyburn Secures more than \$17 Million for S.C. Projects (Nov. 2, 2009), available at <http://clyburn.house.gov/press-release/clyburn-secures-more-17-million-sc-projects>, archived at <http://www.perma.cc/0AqcpMsjANt>.

³⁸ See Press Release, Congressman James E. Clyburn, Congressman Clyburn Announces S.C. Projects in Transportation, Treasury, Judiciary, Housing & Urban Development and Related Agencies Appropriation Bill (Nov. 21, 2005), available at <http://clyburn.house.gov/press-release/congressman-clyburn-announces-sc-projects-transportation-treasury-judiciary-housing>, archived at <http://www.perma.cc/0nfJKgDMEEE>.

³⁹ See Bonnie Franklin, *Grand Opening Ceremonies Set For SWRTA'S New James E. Clyburn Intermodal Transportation Center*, SWAMPFOX (Jul. 10, 2008, 4:48 PM), <http://www.swampfox.ws/2008/07/10/grand-opening-ceremonies-set-for-swrtas-new-james-e-clyburn-intermodal-transportation-cen>, archived at <http://www.perma.cc/0GQMG33hJmC>.

Empowerment Zones and Enterprise Communities were included in the historic budget crafted by President Clinton and a Democratic Congress.⁴⁰ Those initiatives created designations in both rural and urban poverty-stricken areas for a ten-year period. While President Clinton and the Democratic Congress invested in much needed economic development initiatives, these initiatives were too short-term and underfunded to fully overcome years of institutionalized neglect.

There are longer-term programs like the congressionally mandated Appalachian Regional Commission of 1965 (“ARC”). This initiative still exists today and is tasked with creating sustainable economic development in thirteen Appalachian states.⁴¹

ARC has made tangible progress. Mike Armour, Director of ARC’s Mississippi office, bragged about the program’s success a few years ago:

From 1965 to 2010 ARC Mississippi has funded roughly 1,700 projects with \$260 million invested directly. ARC is sometimes referred to as the glue that makes a project work. On average, every \$1 invested brings another \$9 in private and public investment. That increases the total impact to over \$2.3 billion in total investment since 1965.⁴²

This is evidence that public investments earn a valuable return for the communities where the funding is spent.

Today the process of congressionally directed funding is no longer allowed. The current rules of the U.S. House of Representatives forbid the practice even with transparency initiatives implemented to protect against personal abuses.⁴³ However, the needs of my constituents, and those of similarly situated congressional districts, still must be addressed.

Many people erroneously believe that persistent poverty counties are mostly communities of color, represented by Democrats in the Congress. While districts like mine certainly fit that profile, there are many other congressional districts with persistent poverty counties throughout the country. More of these counties are represented by Republicans than Democrats, and most of them are populated by non-blacks.

Again, let’s look at the 2011 census data that identified 488 counties where twenty percent or more of the population had been living below the

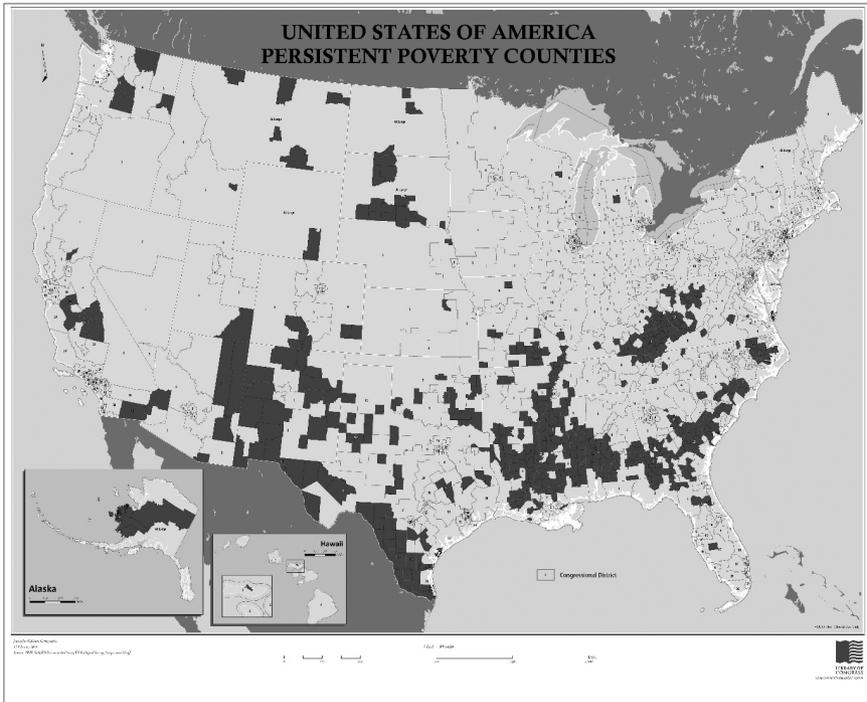
⁴⁰ See Wilton Hyman, *Empowerment Zones, Enterprise Communities, Black Business, and Unemployment*, 53 WASH. U. J. URB. & CONTEMP. L. 143 (1998).

⁴¹ See *ARC History*, APPALACHIAN REGIONAL COMMISSION, <http://www.arc.gov/about/ARCHistory.asp> (last visited Oct. 26, 2013), archived at <http://www.perma.cc/0TBETwJs3FH>; *The Appalachian Region*, APPALACHIAN REGIONAL COMMISSION, http://www.arc.gov/appalachian_region/TheAppalachianRegion.asp (last visited Oct. 26, 2013), archived at <http://www.perma.cc/0MhAbkAwMTG>.

⁴² Editorial, *A program that works*, NORTHEAST MISS. DAILY J., Dec. 5, 2010, available at <http://djournal.com/news/editorial-a-program-that-works/>, archived at <http://perma.cc/0vfY6B LEC3x>.

⁴³ See H.R. R. XXIII (16), available at <http://clerk.house.gov/legislative/house-rules.pdf>, archived at <http://www.perma.cc/0eay5x46U1w> (stating H.R. CODE OF OFFICIAL CONDUCT).

poverty line for the last thirty years.⁴⁴ In the 113th Congress, these counties are represented by 139 Democrats and 331 Republicans, and 18 are split between the two parties.⁴⁵ So this is clearly not a partisan or racial issue.



As a result of the most recent Great Recession, we are headed in the wrong direction on the issue of persistent poverty. Under the ARRA definition—using data from 1980, 1990, and 2000—there were 444 persistent poverty counties.⁴⁶ So, the more recent data—from 1990 to 2011—show that the number of 488 persistent poverty counties represents an increase of nearly ten percent.

The ARRA began to address some long-term unmet needs in those communities. According to the U.S. Department of Agriculture (“USDA”), the 10-20-30 amendment in the Recovery Act was responsible for funding 4655 projects totaling nearly \$1.7 billion in persistent poverty counties.⁴⁷

⁴⁴ See compiled data, *supra* note 19.

⁴⁵ See data compiled from *Lookup ZIP Codes by County*, ZIPEXPRESS, <http://www.getzips.com/county.htm> and *Find Your Rep by ZIP Code*, U.S. HOUSE OF REPRESENTATIVES, <http://www.house.gov/htbin/findrep?ZIP> (on file with author).

⁴⁶ See compiled data, *supra* note 36.

⁴⁷ E-mail from Kevin Bailey, Legislative Analyst, Office of Cong. Relations, U.S. Dep’t of Agric., to Matthew Ellison, Legislative Assistant, Office of the Assistant Democratic Leader,

The Recovery Act funded a total of 108 water and environmental projects totaling more than \$373 million in persistent poverty counties.⁴⁸ In my home state of South Carolina, Orangeburg County received a \$2.8 million loan and a \$2.5 million grant from USDA to provide drinking water to more than 200 customers who relied on well water. According to USDA, “the project include[d] the construction of more than 20 miles of water mains and two 300,000 gallon elevated storage tanks, as well as the construction of approximately 14 miles of water main, valves, and fire hydrants.”⁴⁹

The Sharpsburg Water District in Bath County, Kentucky, got a \$642,000 loan and a \$345,600 grant to install new waterlines in order to correct numerous water leaks in the existing distribution system and ensure an adequate water supply for 1456 existing customers.⁵⁰

The ARRA 10-20-30 initiative also invested \$201 million in 309 community facilities projects.⁵¹ The Sikeston Economic Development Corporation in New Madrid County, Missouri, received a \$4,186,200 USDA loan to construct a new public safety building.⁵² The new facility allowed the community to consolidate services and provided room to expand. And according to the local media, the new building is a source of community pride.⁵³

In Pine Ridge, South Dakota, a USDA Community Facility Direct loan of \$3,625,000 enabled the Oglala Sioux (Lakota) Housing Authority (“OSLHA”) to build a “green” administration building.

As the first Indian Housing Authority in the country and first housing authority of any kind in South Dakota, OSLHA has been in existence over 50 years. The former OSLHA facility had been outgrown and was not energy efficient. The new construction is a 13,500 square foot ‘green’ building with an attached paved parking area. The OSLHA serves 28,787 people on the Pine Ridge Reser-

and Hope Derrick, Commc’ns Dir., Office of Congressman James E. Clyburn (July 2, 2013, 08:34 EDT) (on file with author).

⁴⁸ *Id.*

⁴⁹ News Release, U.S. Dep’t of Agric., Release No. 0474.10, Agriculture Secretary Vilsack Announces Recovery Act Funding to Improve Water System Infrastructure, Health and Sanitation in Rural Communities (Sept. 20, 2010), *available at* <http://www.usda.gov/wps/portal/usda/usdamediafb?contentid=2010/09/0474.xml&printable=true&contentidonly=true>, *archived at* <http://perma.cc/0qPyZ15CFdd>.

⁵⁰ *Id.*

⁵¹ E-mail from Kevin Bailey, *supra* note 47.

⁵² News Release, U.S. Dep’t of Agric., Release No. 0435.10, Agriculture Secretary Vilsack Announces Recovery Act Support for Public Safety, Community Centers, Public Schools and Health Care Facilities (Sept. 1, 2010), *available at* <http://www.usda.gov/wps/portal/usda/usdamediafb?contentid=2010/09/0435.xml&printable=true&contentidonly=true>, *archived at* <http://perma.cc/09HprnmFsrX>.

⁵³ See Michael Jensen, *New DPS Building Is A Source Of Pride*, SIKESTON STANDARD DEMOCRAT, June 25, 2011, *available at* <http://www.standard-democrat.com/story/1739455.html>, *archived at* <http://perma.cc/08mBzPjBk2q>.

vation and manages more than 1,500 low-income rental units and 500 homeownership units.⁵⁴

After passage of the Recovery Act—although not under the 10-20-30 initiative—29 Broadband Initiatives Programs were funded in persistent poverty counties, totaling more than \$473 million.⁵⁵ About \$7.1 million was awarded to the Pyramid Lake Paiute Tribe in Washoe County, Nevada,

[T]o offer affordable middle-mile broadband service in Nevada and expand access to online tools like distance learning, telemedicine and enhanced public safety services on its reservation. The project plans to directly connect local community institutions to broadband. As many as 1,500 people stand to benefit. In addition to the jobs this project will create, it will provide a foundation for economic growth and job creation for decades to come.⁵⁶

U.S. Department of Agriculture Secretary Tom Vilsack was pleased by the impact ARRA funding was having in rural communities. In 2011, when he issued a report on the ARRA's success in rural America he said:

Not only are Recovery Act projects breathing life into rural economies and putting rural residents back to work, but they are laying a new foundation for growth and economic competitiveness. The investments made in rural America will help 'win the future.' While these Recovery Act efforts proved vital for the health of our national economy as a whole, they were especially vital to the residents of rural America.⁵⁷

Due to the proven success of the 10-20-30 initiative in ARRA, the USDA took administrative action to address the inequities that contribute to poverty's persistent hold on rural communities. "Unfortunately, 90 percent

⁵⁴ *Oglala Sioux (Lakota) Housing Authority Dedicates A New Administration Building*, LAKOTA COUNTRY TIMES, Aug. 29, 2012, at A5, available at http://www.lakotacountrytimes.com/news/2012-08-29/Headlines/Oglala_Sioux_Lakota_Housing_Authority_Dedicates_a_.html, archived at <http://perma.cc/0nazcZUSJ5r>.

⁵⁵ E-mail from Kevin Bailey, *supra* note 47.

⁵⁶ *Complete List of Projects Receiving Recovery Act Broadband Grant Awards*, THE WHITE HOUSE (Aug. 18, 2010), http://www.whitehouse.gov/sites/default/files/microsites/20100818_Broadband_Awards.pdf, archived at <http://perma.cc/05VrQsJ3hbG>; see also *Vice President Biden Announces Recovery Act Investments in Broadband Projects to Bring Jobs, Economic Opportunity to Communities Nationwide*, THE WHITE HOUSE (Aug. 18, 2010), <http://www.whitehouse.gov/the-press-office/2010/08/18/vice-president-biden-announces-recovery-act-investments-broadband-projec>, archived at <http://perma.cc/0ynD1mibZNY> (announcement of awards).

⁵⁷ News Release, U.S. Dep't of Agric., Release No. 0106.11, Secretary Vilsack Releases Report Showing the Recovery Act Is Providing Jobs and Benefiting America's Rural Communities (Mar. 9, 2011), available at <http://www.usda.gov/wps/portal/usda/usdamediafb?contentid=2011/03/0106.xml&printable=true&contentidonly=true>, archived at <http://perma.cc/0q7cPe5yGgc>.

of America's persistent poverty counties are in rural America—and we can't allow these areas to be left behind. In 2010, USDA launched the StrikeForce for Rural Growth and Opportunity—an effort to leverage partnerships in poverty-stricken rural areas to ensure that every community has equal access to USDA programs.⁵⁸

StrikeForce has expanded over the past three years to include sixteen states: Alabama, Alaska, Arizona, Arkansas, Colorado, Georgia, Mississippi, Nevada, New Mexico, North Carolina, North Dakota, South Carolina, South Dakota, Texas, Utah, and Virginia.⁵⁹ USDA partners with local organizations to provide expertise and assistance to locally supported projects like promoting locally grown food or getting a small business up and running.⁶⁰ And just like the 10-20-30 program, StrikeForce doesn't require any new funding. The USDA is simply reprioritizing where its existing funding will be spent to have the greatest impact.

It is wonderful that USDA has recognized the value of this program, and I believe it is time to implement it on a broader scale. I wrote a Dear Colleague letter on February 16, 2011 to all Members of the House who represent persistent poverty counties and entreated them to join in this effort. I wrote:

We are now in a time of fiscal belt-tightening and operating in a post-earmark world. We must not allow these persistent poverty counties to continue to be left behind. These are the poorest of the poor, and many of these communities lack the wherewithal and technical expertise to apply for federal grants and loans. With Members of the Congress now restricted from directing spending to these impoverished areas, it is even more important that we direct the federal bureaucracy to focus on these distressed communities.⁶¹

A lack of influence and technical expertise also prevents rural areas from securing private sector investment.

Recent analysis of grant making by the top 1,000 U.S. foundations shows that although rural America accounts for 50 million people

⁵⁸ U.S. DEP'T OF AGRIC., STRIKEFORCE FOR RURAL GROWTH AND OPPORTUNITY 1 (2013), <http://www.usda.gov/documents/usda-strikeforce-fact-sheet.pdf>, archived at <http://perma.cc/0RY7mocCMsn>.

⁵⁹ See *id.*; News Release, U.S. Dep't of Agric., Release No. 0054.13, Secretary Vilsack Launches USDA "StrikeForce" Initiative to Boost Rural Economic Growth and Opportunity (Mar. 26, 2013), available at <http://www.usda.gov/wps/portal/usda/usdamediafb?contentid=2013/03/0054.xml&printable=true&contentidonly=true>, archived at <http://perma.cc/03wzirJgLF8>.

⁶⁰ U.S. DEP'T OF AGRIC., *supra* note 58 at 1.

⁶¹ Letter from James E. Clyburn, Assistant Democratic Leader, to Colleagues (Feb. 16, 2011) available at http://assistantdemocraticleader.house.gov/index.cfm?a=Files.Serve&File_id=b1584678-8609-4fd0-9e02-29cacb957d14, archived at <http://perma.cc/0tQDgeSUVdP>.

or 17 percent of the nation's population, and 28 percent of those who live in poverty, grants to rural America accounted for only 6.8 percent of overall annual giving by foundations (Murphy, 2006).⁶²

While I would love to see private foundations step up and invest more in the effort to eradicate poverty, as a Member of Congress I do not have the bully pulpit to make that happen. What is within my purview is enabling government to lead by example. In 2011, I introduced an amendment to the Continuing (Budget) Resolution that would have used language similar to that from ARRA that directs ten percent of all federal agency budgets to be used for projects in persistent poverty counties.⁶³ This would have expanded the ARRA language beyond just USDA Rural Development funds. However, the amendment was rejected on the grounds that it violated House rules, which had been waived when ARRA was passed.⁶⁴

Because this is such a non-partisan issue, I enlisted the help of Missouri Republican Representative Jo Ann Emerson. She was a great partner in this effort, but has now left the Congress to serve as CEO of the National Rural Electric Cooperative Association.⁶⁵ In January 2013, the Government Accountability Office issued a report requested by several Members of the House and Senate. The report, *The Distribution of Federal Economic Development Grants to Communities with High Rates of Poverty and Unemployment*, buttresses the point of view that there should be a more equitable distribution of federal dollars to those communities most in need.⁶⁶

I plan to introduce the 10-20-30 amendment, or a reasonable facsimile thereof, on future budget proposals, and am trying to get a coalition of bipartisan support. The Congressional Black Caucus has embraced this initiative to address poverty, and we have discussed it with President Obama and Speaker John Boehner and have received positive responses from both of them.⁶⁷ But, to paraphrase scripture I learned in that little parsonage in which I was born and reared, "It's their deeds, not their words, that really matter." My friends on the Republican side of the aisle, who represent a much larger share of these persistent poverty counties, seem a bit reticent to join the effort.

⁶² James A. Richardson, Jr. & Jonathan K. London. *Strategies and Lessons for Reducing Persistent Rural Poverty: A Social Justice Approach to Funding Rural Community Transformation*, 38 COMMUNITY DEV. 92, 93 (2007).

⁶³ 157 Cong. Rec. H1271 (daily ed. Feb. 18, 2011) (statement of Rep. Clyburn).

⁶⁴ See *id.* (statement of Rep. Frelinghuysen and action of the Chair).

⁶⁵ See *Meet Our CEO*, NAT'L RURAL ELEC. COOP. ASS'N., <http://www.nreca.coop/what-we-do/about-us/meet-our-ceo/> (last visited Oct. 26, 2013), archived at <http://perma.cc/OuGFaYqp4RA>.

⁶⁶ U.S. GOV'T ACCOUNTABILITY OFFICE, GAO-12-938R, THE DISTRIBUTION OF FEDERAL ECONOMIC DEVELOPMENT GRANTS TO COMMUNITIES WITH HIGH RATES OF POVERTY AND UNEMPLOYMENT (2012).

⁶⁷ See Roger Runningen, *Black Caucus Meets With Obama For First Time in Two Years*, BLOOMBERG (July 9, 2013, 3:35 PM), <http://www.bloomberg.com/news/2013-07-09/black-caucus-meets-with-obama-for-first-time-in-two-years.html>, archived at <http://perma.cc/0ahJb1mLDP>.

There are misconceptions about this proposal, as there always were about earmarks. Despite arguments to the contrary neither approach adds to the federal deficit. The 10-20-30 initiative is revenue neutral, as were earmarks. Neither requires new expenditures. Both allocate resources from funds already appropriated. The earmark process usually reserved around two percent of that which had been appropriated for Members' priorities.⁶⁸ The 10-20-30 initiative directs federal agencies to target at least ten percent of their budget appropriations to persistent poverty counties.

In recent years, we have been so heavily focused on easing the national unemployment rate that we have not given adequate attention to communities that are suffering from chronic distress and Depression-era levels of joblessness. The 10-20-30 approach would provide a mechanism to address those concerns in times of want and in times of plenty.

I fully support the concept of teaching a man to fish so that he might provide for himself and his family in the long term. But without efforts to lower the barriers that prevent him from fishing, merely teaching him to fish will not yield much success. I am realistic enough to know that finding meaningful approaches to eradicating persistent poverty requires more comprehensive and compassionate approaches.

Renowned newscaster Edward R. Murrow once said, "our major obligation is not to mistake slogans for solutions."⁶⁹ The 10-20-30 initiative is a viable solution to address a long-term problem that has perplexed our nation for too long. It is not a campaign slogan or an often-quoted adage meant to distract from the issue at hand. I believe it has the ability to continue the efforts to reduce persistent poverty, efforts begun by President Roosevelt with the New Deal and expanded by President Truman with the Fair Deal and President Johnson with the Great Society. However, we must have bipartisan agreement and support for this initiative or it will fall by the wayside like so many other well-intended bills that have been brought down by partisan gridlock.

Dr. Martin Luther King, Jr. often spoke of the "fierce urgency of now."⁷⁰ In an April 1967 sermon, he called Americans to action:

Our only hope today lies in our ability to recapture the revolutionary spirit and go out into a sometimes hostile world declaring eternal hostility to poverty. . . . With this powerful commitment we shall boldly challenge the status quo and unjust mores and thereby speed the day when "every valley shall be exalted, and every

⁶⁸ See Jonathan Rauch, *Earmarks Are A Model, Not A Menace*, NAT'L J., March 14, 2009, at 15.

⁶⁹ Edward R. Murrow (CBS Radio Broadcast Apr. 3, 1951), in *IN SEARCH OF LIGHT: THE BROADCASTS OF EDWARD R. MURROW, 1938-1961*, at 181, 183 (Edward Bliss, Jr. ed. 1967).

⁷⁰ See, e.g., Martin Luther King, Jr., Remarks at the March on Washington for Jobs and Freedom: I Have a Dream (Aug. 28, 1963), in *A CALL TO CONSCIENCE: THE LANDMARK SPEECHES OF DR. MARTIN LUTHER KING, JR.* (Clayborne Carson and Kris Shepard, eds., 2001) at 82.

mountain and hill shall be made low, and the crooked shall be made straight and the rough places plain.”⁷¹

The need for urgency still exists today, and those who have been left behind by institutionalized neglect and planned persistent poverty need a course of action to change their plight. We must not only teach people to fish, we must adequately equip them with the support and tools they need to sustain their families and their communities for the long-term.

⁷¹ Martin Luther King, Jr., Remarks at Riverside Church: Beyond Vietnam (Apr. 4, 1967), in *A CALL TO CONSCIENCE: THE LANDMARK SPEECHES OF DR. MARTIN LUTHER KING, JR.*, *supra* note 70, at 160.