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Mentza



November 13, 1998

The Honorable Xavier Becerra  
Chairman  
Congressional Hispanic Caucus (CHC)  
1119 LHOB  
Independence & New Jersey Avenues, SE  
Washington, D.C. 20515

Post-It® Fax Note	7671	Date	11/18	# of pages	11
To	MARITZA RIVERA		From ROGER CAMPOS		
Co./Dept.	Here is our funding priorities				
Phone #	for FY2000.		Phone #		
Fax #			Fax #		

Dear Representative Becerra:

On behalf the Hispanic Association of Colleges and Universities (HACU) and the over 200 colleges and universities in its membership, I am pleased to propose target funding levels for Hispanic-Serving Institutions (HSIs) in FY2000 and a new approach to seeking additional federal resources for HSIs and Hispanic Americans under authorizing federal statutes, regulations, programs, and executive orders that affect higher education. In addition to the specific provisions of Title V of the Higher Education Act (HEA) of 1965, as amended, and of Title VIII of the Federal Agriculture Improvement and Reform Act of 1996 (the Farm Bill) which authorize \$62.5 million and \$20 million for HSIs, respectively, other significant amounts should be sought through affirmative action federal provisions.

For your upcoming meeting with Jack Lew, Director of the Office of Management and Budget (OMB), the enclosed table on "FEDERAL AFFIRMATIVE ACTION PROGRAMS IN HIGHER EDUCATION" could be the main tool to promote greater federal funding for HSIs. This HACU-produced document provides the specific legislative authorities for set-asides aimed at minority colleges and universities or minority populations in higher education. We recommend that at least 15 percent of each line item appropriated to support each such authority be designated for HSIs or Hispanic Americans as appropriate.

Concerning Title V of the HEA, it is imperative that the Administration support the maximum allowed, \$62.5 million, as a means of compensating for the past years of overt neglect in the funding of HSIs. Although the HEA authorized \$45 million for HSIs in 1993, it was not until FY95 that \$12 million were appropriated; since then, HSIs have received only \$73.6 million in competitive grants for the past five years including the \$28 million of FY99. This compares with \$164.5 million non-competitive received by Historically Black Colleges and Universities (HBCUs) in one year (FY99) under Title III of the HEA. In seven years of authorized funding, HSIs received less than one-half of the funds awarded to HBCUs in one year. This disparity is exacerbated by the fact that 192 HSIs enroll over 700,000 Hispanics, versus 280,000 black students at 96 HBCUs. Further, projections by the Educational Testing Service indicate that of the 3.3 million new college students to be added by 2015 to America's higher education, almost 40 percent will be Hispanic.

Funding under the Farm Bill for HSIs must also be increased to no less than \$15 million in FY2000. This will provide the foundation for a maximum authorized appropriation of \$20 million in FY2001, before the reauthorization of this legislation is done again. Since FY97, only \$6.85 million has been appropriated for HSIs under this authority (\$1.5 million FY97, \$2.5 million FY98, \$2.85 million FY99).

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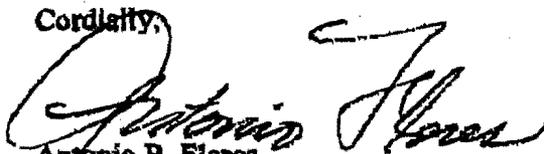
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The Honorable Xavier Becerra  
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HACU stands ready to assist you and other members of Congress to ensure that HSIs do not remain grossly neglected by the federal government. They are an invaluable national resource and collectively educate almost two out of every three Hispanics, as well as millions of other needy and deserving college students.

Thank you for your consideration of this matter.

Cordially,

  
Antonio R. Flores  
President

ARF/ga

Enclosure

- c: Rep. Luis Gutiérrez, Chairman  
CHC Task Force on Immigration and Citizenship
- Rep. Ruben Hinojosa, Chairman  
CHC Task Force on Education and Training
- Rep. Robert Underwood, Chairman  
CHC Task Force on Health & Welfare
- Rep. Robert Menendez, Chairman  
CHC Task Force on International Relations
- Rep. Jose Serrano, Chairman  
CHC Task Force on Civil & Constitutional Rights
- Rep. Silvestre Reyes, Chairman  
CHC Task Force on Telecommunications
- Rep. Lucille Roybal-Allard, Chairman  
CHC Task Force on Census
- Rep. Solomon Ortiz, Chairman  
CHC Task Force on Arts and Entertainment

## FEDERAL AFFIRMATIVE ACTION PROGRAMS IN HIGHER EDUCATION

The following represents a list of those federal statutes, regulations, programs, and executive orders that affect higher education and grant a preference to individuals on the basis of race, sex, national origin, or ethnic background. Preferences include, but are not limited to, timetables, goals, set-asides, and quotas. To the extent possible, the references are grouped according to agency and subject matter.

<b>Agriculture</b>		
Chapter 64 - Agricultural Research, Extension and Teaching. Subchapter III - Agricultural Research and Education Grants and Fellowships § 3154	7 U.S.C.S. § 3154	The Secretary of Agriculture is authorized "to set aside a portion of funds" appropriated for certain research on the production and marketing of alcohols and industrial hydrocarbons for grants to colleges and universities to achieve "the objective of full participation of minority groups."
<b>Commerce</b>		
Chapter III - Support of Science, Mathematics, and Engineering Education § 2196 - Manufacturing Engineering Education Grant Program; ROTC Vitalization Act of 1964	15 C.F.R. § 917.11(d) (1994)	A "factor considered" in the approval of proposals under the Sea Grant Matched Funding Program "will be the potential of the proposed program to stimulate interest in marine related careers among those individuals, for example, minorities, women, and the handicapped whose previous background or training might not have generated such an interest."
<b>Defense:</b>		
Chapter 138 - North Atlantic Treaty Organization Acquisition and Coas - Service of Agreements § 2323 - Law Applicable to the Acquisition and Cross-Servicing Agreements; North Atlantic Treaty Organization Mutual Support Act of 1979	10 U.S.C.S. § 2196 (D)(8)	Selection criteria for manufacturing engineering grant program established by the Secretary of Defense require proposal by applicant "to achieve a significant level of participation by women, members of minority groups, and individuals with disabilities through active recruitment of students from among such persons."

	10 U.S.C.S. § 2323	Establishes a goal of awarding five percent of the total value of the Department of Defense procurement, research and development, military construction, and operation and maintenance contracts to "socially and economically disadvantaged individuals," historically black colleges and universities, and minority institutions in each of the fiscal years from 1987 to 2000. This requirement was extended to contracting activities of the Coast Guard and the National Aeronautics and Space Administration by § 7105 of the Federal Acquisition Act of 1994, P.L. 103-355, 108 St. 3243, 3369 (1994) which also added a requirement that "[t]o the extent practicable," the head of each of these agencies is to "maximize the number of minority small business concerns, historically black colleges and universities, and minority institutions participating in the program."
	48 C.F.R. § 205.207(d)(iv) (1994)	States that "[f]or acquisition being considered for historically black college and university and minority institution set-aside," the proposed contract "is being considered as a 100 percent set-aside for historically black colleges and universities (HBCUs) and minority institutions (MIs), as defined by the clause at § 252.226-7000 of the Defense Acquisition Regulation Supplement."
	41 C.F.R. Part 219, § 219.000 (1994)	DOD regulation which implements "goal" in 10 U.S.C. 2323 to "[a]ward five percent of contract and subcontract dollars to small disadvantaged business (SDB) concerns, historically black colleges and universities (HBCUs), and minority institutions (MIs)." DOD adopts the Small Business Act definition of "disadvantaged" individuals which presumptively includes designated racial and ethnic minorities. See 48 C.F.R. § 252.219-7000; 134 C.F.R. Part 124, § 124.106(b). Specific requirements include data collection and reporting (§219.202-5); eligibility criteria for program participation (§ 219.703); subcontracting plan goals for SDB concerns and institutions (§ 219.704); reviewing the subcontracting plan (§ 219.705-4); solicitation provisions and contract clauses (§ 219.708); and evaluation preferences for small disadvantaged business concerns ("by adding a factor of ten percent to the price of all offers") (§ 219.7002). See also 48 C.F.R. § 226.7000 (implements the historically black college and university and minority institution provisions of 10 U.S.C. § 2323; § 252.219-7005 (small business and small disadvantaged business subcontracting plan on DOD contracts); § 252.219-7005 (incentive for subcontracting with small businesses, small disadvantaged businesses, historically black colleges and universities, and minority institutions); § 252.219-7006 (notice of evaluation preference for small disadvantaged business concerns); and § 252.226-7000 (notice of historically black college or university and minority institution set-aside).
Education		
	20 U.S.C.S. § 1047	Authorizes grants and contracts by the Department of Education (ED) with "historically black colleges and universities" and other institutions of higher education serving a "high percentage of minority students" for the purpose of strengthening their library and information science programs, and establishing fellowships and traineeships for that purpose.

	20 U.S.C.S. § 1059c	Hispanic-Serving Institutions. ED Secretary is authorized to award grants to Hispanic-serving institutions, on eligibility criterion of which is having an undergraduate full-time equivalent enrollment that is at least 25% Hispanic.
	20 U.S.C.S. § 1063b	Authorizes ED grants to specified postgraduate institutions "determined by the Secretary [of Education] to be making substantial contributions to the legal, medical, dental, veterinary, or other graduate education opportunities for Black Americans."
	20 U.S.C.S. § 1069f	Reservation of 25% of the excess of certain educational appropriations for allocation "among eligible institutions at which at least 60 percent of the students are African Americans, Hispanic Americans, Native Americans, Asian Americans, Native Hawaiians, or Pacific Islanders, or any combination thereof."
	20 U.S.C.S. § 1070a-41	"Priority" in selection for Model Program Community Partnership and Counseling Grants given to program proposals "directed at areas which have a high proportion of minority, limited English proficiency, economically disadvantaged, disabled, nontraditional, or at-risk students . . ."
	20 U.S.C.S. § 1112d(d)	"Special consideration" to be given to "historically Black colleges and universities" and to institutions having at least 50% minority enrollment in making grants for teacher training and placement.
	20 U.S.C.S. § 1132b-2	In awarding facilities improvement grants, the ED Secretary or each State higher education agency "shall give priority to institutions of higher education that serve large numbers or percentages of minority or disadvantaged students.
	20 U.S.C.S. § 1134c	In making grants for post-graduate students, the ED Secretary shall "consider that need to prepare a larger number of women and individuals from minority groups, especially from among such groups which have been traditionally under represented in professional and academic careers," and shall accord a "priority" for awards to "individuals from minority groups and women" pursuing study in specified professional and career fields. See also 20 U.S.C.S. §§ 1143a, 1143b (graduate fellowships for under represented minority groups and women).
	20 U.S.C.S. § 1134e	The ED Secretary "shall carry out a program to assist minority, low-income, or educationally disadvantaged college students" to pursue a degree and career in law through an annual grant or contract.

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	20 U.S.C.S. § 1135c, 1135d	The ED Secretary shall "carry out a program of making grants to institutions of higher education that are designed to provide and improve support programs for minority students enrolled in science and engineering programs as institutions with a significant minority enrollment (at least 10 percent)." Eligibility for such grants is limited to "minority institutions" (minority enrollment in excess of 50%) or other public or private nonprofit institutions with at least 10 percent minority enrollment. See also 20 U.S.C.S. § 1135c (Women and Minorities Science and Engineering Outreach Program).
	20 U.S.C.S. § 1409(j)(2)	The ED Secretary "shall develop a plan for providing outreach services" to historically Black colleges and universities, other higher educational institutions with at least 25% minority student enrollment, and "under represented populations" in order to "increase the participation of such entities" in competitions for certain grants, contracts, and cooperative agreements.
	20 U.S.C.S. § 1431(a)(3):	"Priority consideration" for fellowships and traineeships in special education and related services shall be given to "individuals from disadvantaged backgrounds, including minority and individuals with disabilities who are underrepresented in the teaching profession or in the specialization in which they are being trained."
	20 U.S.C.S. § 2986(b)	A portion of state allotment of critical skills improvement funds to be distributed for various purposes, including "recruitment or retaining of minority teacher to become mathematics and science teachers."
	20 U.S.C.S. § 3156(a)	Program to assist local educational agencies "which have significant percentages of minority students" to conduct "alternative curriculum" schools which "reflect a minority composition of at least 50 percent" and contribute to school desegregation efforts.
	20 U.S.C.S. § 3916	Fifteen percent of National Science Foundation funds available for science and engineering education is to be allotted to faculty exchange and other programs involving higher educational institutions with "an enrollment which includes a substantial percentage of students who are members of a minority group."
	20 U.S.C.S. § 5205(d)	No less than 10 percent of Eisenhower Exchange Fellowship Program funds "shall be available only for participation by individuals who are representative of United States minority populations."
	20 U.S.C.S. § 6031(c)(5)	ED "shall establish and maintain initiatives and programs to increase the participation" of "researchers who are women, African-American, Hispanic, American Indian and Alaskan Native, or other ethnic minorities" in the activities of various authorized educational institutes.
	42 U.S.C.S. § 292g(d)(3)	For a three-year period beginning on October 13, 1992, historically black colleges and universities are exempted from provision rendering certain institutions ineligible for student loan program based on high loan default rate.

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	42 U.S.C.S. § 293a	"Special consideration" in scholarship grant program to be given to "health profession schools that have enrollments of under represented minorities above the national average for health profession schools."
	42 U.S.C.S. 293b(3)	Institutional eligibility for faculty fellowship program based on "ability to . . . identify, recruit and select individuals from under represented minorities in the health profession" with potential for teaching and educational administration.
	42 U.S.C.S. § 1862d	At least 12 percent of amounts appropriated for the Academic Research Facilities Modernization Program shall be reserved for historically Black colleges and universities and other institutions which enroll a substantial percentage of Black American, Hispanic American, or Native American students.
	34 C.F.R. § 74.12 (1994)	Department of Education (ED) Uniform Administrative Requirements for Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations "encourage" ED grantees and subgrantees to use minority-owned banks. See also 34 C.F.R. § 80.21 (a) (1994).
	34 C.F.R. § 1811(a)(15), (16) (1994)	Includes "(t) raining minorities and individuals with disabilities" and "minority institutions" among several optional funding priorities under special education training program.
	34 C.F.R. § 451.33(a)(2)(5) (1994)	"(P) articular emphasis" placed on training "minority" adult educators under one aspect of adult education demonstration grant program.
	34 C.F.R. Part 607, § 607.2(b) (1994)	An institution of higher education is eligible to receive a grant under the Strengthening Institutions Program even if it does not satisfy certain other generally applicable state authorization or accreditation requirements if its student enrollment consists of specified percentages of "designated minority groups."
	34 C.F.R. Parts 608, 609 (1994)	"The Strengthening Historically Black Colleges and Universities Program [HBCU] provides grants to Historically Black Colleges and Universities to assist these institutions in establishing and strengthening their physical plants, academic resources and student services so that they may continue to participate in fulfilling the goal of equality of educational opportunity." (§608.1).
	34 C.F.R. § 637.1 (1994)	"The Minority Science Improvement Program is designed to effect long-range improvement in science education at predominantly minority institutions and to increase the flow of under represented ethnic minorities, particularly minority women, into scientific careers."
	34 C.F.R. § 641.1 (1994)	"The Faculty Development Fellowship Program provides grants to institutions of higher education, consortia of institutions, and consortia of institutions and nonprofit organizations to fund fellowships for individuals from under represented minority groups to enter or continue in the higher education profession."

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<b>Energy:</b>		
	42 U.S.C. § 13356	Provides that "[t]o the extent practicable, the head of each agency shall provide that the obligation of not less than 10 percent of the total combined amounts obligated for contracts and subcontracts by each agency" under the Energy Policy Act of 1992 "shall be expended with" socially and economically disadvantaged small businesses, historically Black colleges or universities, or college and universities with more than 20 percent Hispanic or Native American enrollment.
	P.L. 103-160, 107 Stat. 1547, 1956, § 3158 (1993)	Provides, as a "goal," that 5 percent of the combined total of funds obligated by the Department of Energy for purposes of carrying out national security programs for fiscal years 1994 through 2000 be allocated to contracts subcontracts with socially and economically disadvantaged small businesses, historically black colleges and universities, and minority institutions.
<b>General Services Administration:</b>		
	41 C.F.R. § 101-72.504(b) (1994)	All recipients of GSA grants and agreements awarded to institutions of higher education, hospitals, and other non-profit organizations are to establish written procurement procedures to provide for "positive efforts . . . to utilize small businesses, minority-owned businesses, and women's business enterprises, whenever possible, and to ensure that such businesses "are utilized to the fullest extent practicable."
<b>Health and Human Services:</b>		
	42 C.F.R. § 52a.2 (1994)	Minority Biomedical Research Support Programs makes grants to higher educational institutions with 30 percent or other "significant proportion" of ethnic minority enrollment.
	42 C.F.R. § 62.57(h) (1994)	which special consideration will be extended to medically underserved areas with large minority population Among factors considered in making certain State loan repayment grants to State applicants is "[t]he extent to us."
<b>Housing and Urban Development</b>		

	24 C.F.R. § 84.22(j) <sup>1</sup>	All recipients of Department of Housing and Urban Development (HUD) grants and agreements awarded to institutions of higher education, hospitals, and other non-profit organizations "shall be encouraged to use women-owned and minority-owned banks (a bank which is owned at least 50 percent by women or minority group members)." Same provisions apply to use of lump-sum grants under this program, 24 C.F.R. § 84.82(e)(2), a related HUD state and local grant and cooperative agreement program, 24 C.F.R. § 85.21(b)(1994), and comprehensive planning assistance grants at 24 C.F.R. § 600.410(b)(2) (1994).
	24 C.F.R. § 84.44(b)	All recipients of HUD grants and agreements awarded to institutions of higher education, hospitals, and other non-profit organizations are to establish written procurement procedures to provide for "positive efforts . . . to utilize small businesses, minority-owned businesses, and women's business enterprises, wherever possible" and to ensure that such businesses "are utilized to the fullest extent practicable." Same provisions apply to procurement standard use by recipients for the procurement of supplies, equipment, real property and other services with federal funds. 24 C.F.R. § 84.84(e)(2)(i).
<b>Justice:</b>		
	P.L. 103-322, 108 Stat. 1796, 1860, § 37001 (1994)	Not less than 10 percent of the amount paid from the Local Government Fiscal Assistance Fund created by the Violent Crime Control Act shall be expended on contracts or subcontracts with socially and economically disadvantaged and women-owned small businesses, historically Black colleges and universities, and higher educational institutions with more than 40 percent Hispanic student enrollment.
<b>Labor:</b>		
	29 U.S.C.S. § 7185(b)	Directs the Commissioner of the Rehabilitation Services Administration to develop an "outreach" policy for "recruitment of minorities into the field of vocational rehabilitation, counseling and related disciplines" and for "financially assisting Historically Black Colleges and Universities, Hispanic-serving institutions of higher education, and other institutions of higher education whose minority enrollment is at least 50 percent."
	29 U.S.C.S. § 771a	Authorizes grants for personnel projects relating to training, traineeships and related activities to historically Black colleges and universities and other higher educational institutions with at least 50% minority student enrollment.
	29 C.F.R. §§ 89.52(d), 89.72(d), 95.22(j), 97.21(b), 1470.21(h) (1994):	Administrative requirements for Department of Labor (DOL) Project Grants to State and Local Governments, higher educational institutions, and other programs, "encourage" grantees to use minority banks.

<sup>1</sup>The provisions listed in 24 C.F.R. Part 84 are not yet codified by may be found at 59 Fed. Reg. 47010 *et seq.* (September 13, 1994).

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	29 C.F.R. § 95.44(b) (1994) <sup>2</sup>	All recipients of DOL grants and agreements awarded to institutions of higher education, hospitals, and other non-profit organizations are to establish written procurement procedures to provide for "positive efforts . . . to utilize small businesses, minority-owned businesses, and women's business enterprises, whenever possible" and to ensure that such businesses "are utilized to the fullest extent practicable."
<b>National Aeronautics and Space Administration:</b>		
	42 U.S.C.S. § 2673b	NASA Administrator is required to annually establish a goal of at least eight percent of the total value of prime and subcontracts awarded in support of authorized programs to be made to small disadvantaged businesses, as defined by § 8(a) of the Small Business Act, "including Historically Black Colleges and Universities and minority educational institutions. . ."
	48 C.F.R. § 1819.705-4(1994)	Small disadvantaged business subcontracting regulation of the National Aeronautics and Space Administration (NASA) states that "NASA contracting officers may accept as an element of a subcontracting plan the prime contractor's intention to use total small business, small disadvantaged business, women-owned business, historically black college and university, or minority educational institution set-asides in awarding subcontracts so long as such set-asides are competitive and awards are made of reasonable prices." See also § 1819.7003 (agency goal of awarding 8 percent of total value of prime and subcontracts to "small disadvantaged business concerns, Historically Black Colleges and Universities, and minority educational institutions. . ."); and § 1815.219-76 (prescribed clause for NASA contracts incorporating 8 percent goal for "small business concerns or other organizations owned or controlled by socially and economically disadvantaged individuals (including women), Historically Black Colleges and Universities, and minority educational institutions").
<b>State Department and Foreign Affairs</b>		
	P.L. 103-306, 108 Stat. 1608, 1646 § 555 (1994)	Provides for a 10 percent set-aside of the aggregate amount of certain appropriations to the Agency for International Development—the Development Assistance Fund, Population, Development Assistance, and the Development Fund for Africa—for socially and economically disadvantaged U.S. businesses and private voluntary organizations, historically black colleges and universities, and higher educational institutions with more than 40 percent Hispanic student enrollment.
<b>Government Procurement Agreements.</b>		

<sup>2</sup>59 Fed. Reg. 38281 (July 27, 1994).

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	22 C.F.R. § 145.44(b) (1994)	All recipients of Department of State grants and cooperative agreements awarded to institutions of higher education and other non-profit organizations are to establish written procurement procedures to provide for "positive efforts . . . to utilize small businesses, minority-owned businesses, and women's business enterprises, whenever possible" and to ensure that such businesses "are utilized to the fullest extent practicable." Same provisions apply pursuant to uniform administrative requirements prescribed by 22 C.F.R. 518.44(b)(1994).
	48 C.F.R. § 706.302-71 (1994)	Agency for International Development (AID) requirement that "[e]xcept to the extent otherwise determined by the Administrator, no less than ten percent of amounts made available for development assistance and for assistance for famine recovery and development in Africa shall be used only for activities of disadvantaged enterprises." "Disadvantaged enterprise" means concerns owned and controlled by "socially and economically disadvantaged individuals," as defined by FAR (48 C.F.R. § 19001(b)) to be members of designated racial and ethnic minority groups, "Historically Black Colleges and Universities," and "colleges and universities having a student body in which more than 40 percent of the students are Hispanic American." 48 C.F.R. § 726.101(b).
	48 C.F.R. Part 719 (1994)	Socioeconomic Program policies of AID state that "(w)here practicable and desirable, small businesses and minority goals will be established" for procuring activities (§ 719.270(c), and mandates that the AID Office of Small Disadvantaged Business develop "a plan of operation designed to increase the share of contracts awarded to small business concerns, including small minority business enterprises" (§ 719.271-2(6)). Disadvantaged enterprises include socially and economically disadvantaged concern, historically black colleges and universities, and higher educational institutions with more than 40 percent Hispanic student enrollments (§§ 726.201, 752.226-1, 2).
	<b>EQUAL EMPLOYMENT OPPORTUNITY LAWS</b>	
	5 U.S.C.S. § 7201	Establishes a "Minority Recruitment Program" for the Executive Branch and directs each Executive agency, "in the maximum extent possible," to "conduct a continuing program for the recruitment of members of minorities for positions in the agency . . . in a manner designed to eliminate under representation of minorities in the various categories of civil service employment within the Federal service, with special efforts directed at recruiting in minority communities, in educational institutions, and from other sources from which minorities can be recruited."

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	22 U.S.C.S. § 4141(b)	Establishes the Foreign Service Internship Program "to promote the Foreign Service as a viable and rewarding career opportunity for qualified individuals who reflect the cultural and ethnic diversity of the United States..."
	42 U.S.C.S. § 282(h)	The Secretary of HHS, and the National Institutes of Health, "shall, in conducting and supporting programs for research, research training, recruitment, and other activities, provide for an increase in the number of women and individuals from disadvantaged backgrounds (including racial and ethnic minorities) in the fields of biomedical and behavioral research."

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# Fax Cover Page

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**Date:** November 24, 1998  
**Subject:** FY2000 Budget Priorities  
**Pages:** 9  
**Comments:** [Comments]

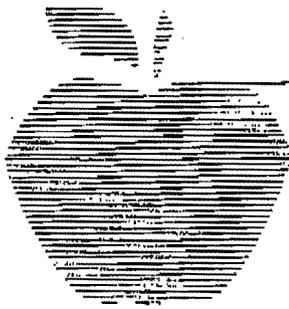
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## Hispanic Education Coalition

November 24, 1998

The Honorable Richard Riley  
Secretary  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

Dear Mr. Secretary:

On behalf of the Hispanic Education Coalition, an *ad hoc* coalition of national organizations dedicated to improving educational opportunities for Hispanics, we want to thank the Department of Education for its efforts to improve and expand educational opportunities for Hispanic children. The Hispanic Education Action Plan was a significant initial step in addressing the education crisis in the Hispanic Community. For the first time, the federal government has taken a comprehensive approach across the education pipeline and existing education programs to improve academic achievement for Hispanics. We urge you to build upon the accomplishments of this budget cycle. As the Administration develops its fiscal year (FY) 2000 funding priorities, we recommend that it consider increasing funding levels for several programs that provide the backbone of support for Hispanic students.

Recent demographic data show that Hispanic children are the fastest growing segment of the population. According to a Census report released in July 1998, there are now 10.5 million Hispanic children under age 18 living in the United States, making Hispanic Children the largest minority group of children in the United States. In addition, Hispanics will constitute more than 40 percent of net, new labor force entrants over the next several decades, and will be increasingly responsible for maintaining the Social Security system.

Unfortunately, Census data released earlier in the year also show that Hispanic children continue to lag behind other groups economically and educationally. Thirty-nine percent of Hispanic children live in families with an income below the poverty line, a rate more than twice as high as that of White children. Nationally, the dropout rate for Hispanics is 30 percent, nearly three times the rate of African American or White Students. In many states, Hispanic students drop out of school at higher rates. For example, in Texas nearly 49 percent of all Hispanic students

Letter to Secretary Riley

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drop out of school. The Hispanic dropout rate is without a doubt one of the most significant challenges faced by our nation. To reduce the dropout rate, and ensure Hispanics continue to contribute to our nation's economic security, the Administration must continue to support funding increases for programs serving Hispanic children and youth. Our nation's best hope for economic prosperity, global competitiveness and social wellness lies in making education accessible to all of its people.

## **BILINGUAL EDUCATION**

Bilingual Education Act (BEA) grant funds are critical for local school districts to provide high-quality instruction to the nation's 3.2 million limited English proficient (LEP) students, over 75 percent of whom are Hispanic. The 1990 Census showed that LEP students are no longer concentrated in a limited number of regions of the United States. These students are in virtually every large urban area as well as many smaller and rural communities. Since the 1990-91 school year, the size of the LEP population has increased an estimated 45 percent. Unprepared for the rapid growth in the number of LEP students, school districts have been unable to provide these children with educational services of sufficient quality. BEA grant funds provide school districts with much needed assistance as they attempt to meet the educational needs of LEP children.

Although the number of LEP students has grown exponentially, BEA funding has not increased correspondingly. For example, in 1980 bilingual education received \$166 million in appropriations; for FY 1999, it was funded at \$224 million. According to the Congressional Research Service, funding for the BEA, after adjusting for inflation, has declined an estimated 39 percent from FY 1980 to FY 1998. Indeed, the Office of Bilingual Education Minority Languages Affairs is unable to fund three quarters of all qualifying applications for BEA assistance. Clearly, appropriation levels have not kept pace with inflation, let alone the increasing need for services.

To help LEP students achieve the same high standards required of all children in the United States BEA funding should be increased by \$112 million to a total of \$336 million. This increase would fund instructional services which provides direct assistance to school districts by an extra \$80 million to \$240 million and increase Support Services, which funds grants to State educational agencies, the National Clearinghouse for Bilingual Education, Academic Excellence dissemination grants and grants for research, by \$7 million to \$21 million.

Unfortunately, funding for Instructional Services was held level in FY 1999 and Support Services has been level funded for the past two years. The requested increase in funding would assist school districts in meeting their obligation to LEP students under the Civil Rights Act of 1964 as delineated by the Supreme Court in Lau v. Nichols as well as support important research and dissemination of information to the public. Last, we urge an increase of \$25 million for professional development to \$75 million to address the critical shortage of qualified and certified

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bilingual education teachers. A 1993 study found that only 18 percent --- or fewer than one in five teachers serving LEP students --- were certified in either English-as-a-Second-Language or bilingual education.

**HEP/CAMP**

The High School Equivalency Program (HEP) provides an excellent model for bringing dropouts back into the educational world so that they can receive their GED and pursue postsecondary education opportunities. The College Assistance Migrant Program (CAMP) provides significant services to migrant students during their first year of college. Both programs show excellent success rates with 69 percent of HEP students receiving GEDs and 96 percent of CAMP students completing their first year of college. Over 73 percent of CAMP students go on to receive baccalaureate degrees.

Despite the phenomenal success of HEP/CAMP, both programs are seriously underfunded. Even taking into consideration the funding increases for FY 1999, HEP can serve approximately ten percent of the eligible students and CAMP is limited to serving only four percent of its eligible population. To be able to meet the needs of all eligible migrant students, over \$70 million would be required for the HEP program and \$100 million would be needed for CAMP. Although the FY 1999 funding level of \$9 million for HEP and \$4 million for CAMP is a step in the right direction, much more needs to be done. For FY 2000, we urge the Administration to recommend that the programs receive \$15 million and \$7 million, respectively.

**MIGRANT EDUCATION PROGRAM**

Before this year, the Migrant Education Program (MEP) funded through Title I of the Elementary and Secondary Education Act (ESEA), had been level funding for five consecutive years, although costs have increased steadily and provisions in the Improving America's Schools Act expanded the program's purposes. Although the MEP program received an increase in FY1999, the program needs additional funding if it is to serve migrant students adequately. Migrant children have a dropout rate well in excess of 50 percent. Many of the very specialized services provided by MEP, including health screening, are crucial to allowing students to stay in school. Expansion of services to migrant children at an early age is a necessary first step in enabling them to participate fully in school. For FY 2000, we recommend that the Administration propose an increase of \$46 million to \$400 million.

**HISPANIC SERVING INSTITUTIONS**

Hispanic Serving Institutions (HSIs) serve more than one million students, of whom more than 65 percent are minorities. Hispanic students at HSIs earned 56 percent of all associate degrees and 65 percent of all bachelors degrees awarded in 1995-96. By contrast, at non-HSIs, Hispanic

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students earned 4 percent of the associate degrees and 3 percent of the bachelors degrees. This data reflects HSIs commitment to serving a diverse student body and improving access to postsecondary education for low income and educationally disadvantaged groups like Hispanics. Given the key role HSIs play in providing access to higher education, we must continue to strengthen and develop these institutions.

Grants to HSIs improve their ability to provide a quality education to their students. Limited funding for the program, however, denies grants to many eligible institutions that need additional resources to provide quality academic services for Hispanic and other disadvantaged young people. Although nearly 100 institutions applied for HSI grants, because of inadequate funding, only 37 HSIs were awarded grants under the Title III Part A HSI program, totaling \$12 million in FY 1998.

The Higher Education Amendments of 1998 enhanced the status of HSIs, placing them in a new Title V, Developing Institutions. In this new title, HSIs have been granted expanded authority for activities that will improve postsecondary education opportunities for Hispanic and other low-income students and strengthen the institutions that provide these opportunities. HSIs may now use their grants for the development of graduate programs, construction of instructional facilities, the establishment of a development office, the establishment of an endowment fund, creation of distance learning programs, teacher education programs, and community outreach and early awareness programs. The FY1999 level of \$28 million allows for a first installment. We urge the Administration to include \$62.5 million in its budget for HSIs.

### **HISPANIC DROPOUT INITIATIVE**

We appreciate your leadership in raising national awareness about the dropout crisis through the FY 1999 Hispanic Education Action Plan released in support of funding increases for programs that affect Hispanic students. We urge you, however, to consider many of the provisions in Senator Bingaman's National Dropout Prevention Act of 1997, S. 1295. Many of the ideas in this bill could be implemented without new legislation. For example, the bill contained provisions allowing middle schools and high schools with the highest dropout rates in each state to compete for grants that would enable them to implement proven and widely replicated models of comprehensive reform. To improve coordination and accountability of federal efforts to help at-risk children, this bill also called for a national clearinghouse and dropout "czar" at the Department of Education. Both of these initiatives can be implemented now under the Department's discretionary authority.

Furthermore, any coordinated federal effort to reduce the nation's dropout rate should incorporate community-based organizations (CBO's). Many CBO's help keep Latino youth in the education pipeline when the traditional education system has either expelled or given up on these students. Thus, more federal funds should be allocated for the creation and support of community-based alternative education programs, which focus on at-risk Latino, immigrant, LEP

and migrant students. In addition, funding should be made available to community-based organizations for school-to-work transitional programs, which provide hands-on job training skills, mentoring, and related education services to students in transition from school-to-work. Incorporating the key elements of Senator Bingaman's legislation into the Hispanic Education Action Plan and increasing funding for important services provided by CBO's would integrate existing federal education programs into a cohesive federal dropout prevention plan.

### **GEAR UP, TITLE I, COMPREHENSIVE REGIONAL SERVICE CENTERS AND TRIO PROGRAMS**

Although not exclusively directed at Hispanic children, Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP), Title I, Comprehensive Regional Centers and TRIO programs provide essential services to all disadvantaged children and college students. We fully support GEAR UP authorized in the 1998 Higher Education Amendments Act. However, we would like to see CBO's that have a track record of working with youth get funding preference. We urge you to propose at least a \$25 million increase for GEAR UP.

Since the Improving America's Schools Act of 1994 (IASA) lifted a prior restriction in Title I on serving LEP children, an estimated 1.5 million LEP students participated in Title I in the 1994-95 school year. Title I services may now be provided to LEP students to address their special language needs or other academic deficiencies unrelated to their LEP status. We urge you to propose significant increases for Title I programs for FY 2000.

Comprehensive Regional Resource Centers support critical elementary and secondary education programs, such as the Migrant Education Program and Bilingual and Emergency Immigrant Education. These 15 centers provide an essential technical support network to schools, local education agencies, state education agencies, and other grant recipients delivering vital educational services to our nation's poorest and most disadvantaged students through the programs authorized under the IASA. For FY 2000, we recommend that funding for the Comprehensive Regional Resource Centers be increased to \$55 million.

TRIO programs, in particular, provide excellent services that help reduce the dropout rate and increase college participation rates. The TRIO programs are, however, significantly underfunded for the needs they are addressing. In addition, Hispanic students are particularly under-represented because of the manner in which the grants are awarded and the inadequate funding for the programs. We urge you to address these issues in your upcoming budget request.

### **SCHOOL CONSTRUCTION**

Although the 105<sup>th</sup> Congress did not authorize the President's School Construction initiative, we urge its inclusion in the education budget. With an additional 500,000 students entering

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elementary and secondary schools earlier this fall, for a new record total of 52.7 million children, the need for this new program is greater than ever. Hispanic students in particular are more likely to attend overcrowded schools or attend schools in desperate need of repair. Therefore, federal investment in school construction and school repair would greatly help improve the learning environment for Hispanic students.

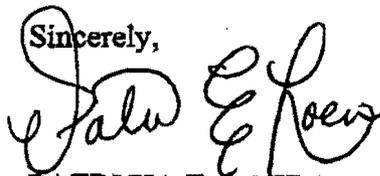
**MINORITY TEACHER RECRUITMENT AND CLASS SIZE REDUCTION**

The key to delivering quality education services is a dedicated, well-prepared teaching corps. The research shows that Hispanic teachers have a positive influence in the lives of Hispanic students. Yet, in 1993-94 only 4.25 percent of the entire teaching force was Hispanic. In contrast, it is expected that by the year 2005 there will be significant increases in the number of Hispanic children attending public schools. Furthermore, as noted above, many Hispanic children attend the most overcrowded schools. Given the acute need for qualified teachers and minority teachers, we urge increased funding for Teacher Recruitment, Minority Teacher Recruitment and Class Size Reduction.

**CONCLUSION**

The Hispanic Education Coalition respectfully requests that you give a high priority to the programs outlined above as you develop your FY 2000 budget request. We appreciate your consideration of our request for significant increases in programs serving Hispanic children. We greatly appreciate the Administration's support for our programs over the past year and look forward to working with you to increase the educational achievement of Hispanic children across the country.

Sincerely,



PATRICIA E. LOERA  
HEC Co-Chair  
National Association for Bilingual Education



RAUL GONZALEZ  
HEC Co-Chair  
National Council of La Raza

On behalf of:

ASPIRA Association, Inc.  
Cuban American National Council  
HEP/CAMP Association  
Hispanic Association for Colleges and Universities  
Intercultural Development Research Association

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- League of United Latin American Citizens
- MANA-A National Latina Organization
- Migrant Legal Action Program, Inc.
- National Association for Bilingual Education
- National Association for College Admission Counseling
- National Association of Latino Elected and Appointed Officials
- National Association for Migrant Education
- National Council of La Raza
- National Conference for Puerto Rican Women
- National Latino Children's Institute
- National Puerto Rican Coalition
- Puerto Rican Legal Defense and Education Fund

- cc: Maria Echaveste, Deputy Chief of Staff  
 Gene Sperling, National Economic Council  
 Michael Cohen, Domestic Policy Council  
 Janet Murguia, Deputy Director for White House Legislative Affairs  
 Sarita Brown, Executive Director, White House Initiative on Educational  
 Excellence for Hispanic Americans  
 Delia Pompa, OBEMLA Director  
 Congressional Hispanic Caucus  
 Senate Democratic Working Group on Hispanic Issues

### HEC PRIORITY PROGRAMS FOR FY2000

Program	Fiscal Year 1999 Funding (millions)	Fiscal Year 2000 Request (millions)	Proposed increase (millions)
<b>Bilingual Education</b>	\$224	\$336	\$112
<b>Instructional Services</b>	\$160	\$240	\$ 80
<b>Support Services</b>	\$ 14	\$ 21	\$ 7
<b>Prof. Development</b>	\$ 50	\$ 75	\$ 25
<b>HEP/CAMP</b>	\$ 9 HEP \$ 4 CAMP	\$15 \$ 7	\$ 6 \$ 3
<b>Migrant Education Program</b>	\$ 354, 689	\$ 400	\$ 46
<b>Hispanic Serving Institutions</b>	\$ 28	\$ 62.5	\$ 34.5
<b>GEAR UP</b>	\$ 120	urge significant increases	
<b>Title I</b>	\$7,696,020	urge significant increases	
<b>Comprehensive Regional Service Centers</b>	\$28	\$55	\$27
<b>TRIO</b>	\$600	urge significant increases	
<b>Minority Teacher Recruitment</b>	\$ 2,212	urge significant increases	
<b>Improving Teacher Quality</b>	\$ 75,000	urge significant increases	
<b>Reduced Class Size</b>	\$1.2 billion	urge significant increases	

**Initiatives to Include in FY200 Budget Priorities**

- **Hispanic Education Action Plan**
- **School Construction**