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May 17, 2018

Honorable Pete Sessions (32<sup>nd</sup> TX)  
Chairman  
House Rules Committee  
H-312 Capitol  
Washington, D.C. 20515

Honorable Jim McGovern (2<sup>nd</sup>-MA)  
Ranking Member  
House Rules Committee  
H-312 Capitol  
Washington, D.C. 20515

Dear Chairman Sessions and Ranking Member McGovern:

I am writing as the chief executive officer of the National Association for Equal Opportunity in Higher Education (NAFEO), the 501(c) (3)-membership association of the nation's 106 Historically Black Colleges and Universities (HBCUs) and roughly 80 Predominately Black Institutions (PBIs), including Huston Tillotson, Jarvis Christian College, Lon Morris College, Paul Quinn College, Prairie View A & M University, Southwestern Christian College, St. Phillips College, Texas College, Texas Southern University, and Wiley College in Texas and Roxbury College in Massachusetts. We also have member colleges and universities in the states of Rules Committee Members from Alabama, Georgia, Florida, New York, and Oklahoma.

For more than 49 years, NAFEO has served as *“the voice for blacks in higher education.”* NAFEO members are the chief executive officers of the HBCUs and PBIs that collectively represent 700,000 students, 70,000 faculty, and 7 million alumni nationwide. I am writing to urge your support and that of all of the Members of the House Rules Committee, for two amendments that Congresswoman Alma Adams (NC-12th), Chair of the HBCU Bipartisan Congressional Caucus, introduced:

- (1) Amendment to Sec.10\_\_\_. Promoting Federal Procurement with Historically Black College and Minority Institutions;<sup>1</sup> and
- (2) SEC. 10\_\_\_. REPORT ON HBCU FEDERAL PROCUREMENT.<sup>2</sup>

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<sup>1</sup> (a) IN GENERAL. —The head of an executive agency, or a contracting officer where applicable, shall—

(1) assist historically Black colleges and universities and minority institutions to develop viable, self-sustaining businesses capable of competing on an equal basis in the mainstream of the United States economy; and

(2) promote Federal procurement with historically Black colleges and universities and minority institutions by establishing—

(A) participation goals of not less than 5 percent for historically Black colleges and universities and minority institutions;

(B) requirements that prime contractors and other recipients of Federal funds attain similar participation goals in their procurement; and

(C) other mechanisms that ensure historically Black colleges and universities and minority institutions have a fair opportunity to participate in Federal procurement.

(b) DEFINITIONS. —In this section:

(1) The term “executive agency” has the meaning given the term in section 133 of title 41, United States Code.

(2) The term “historically Black college and university” has the meaning given that term in section 631 of the Higher Education Act of 1965 (2014 U.S.C. 1132).

(3) The term “minority institution” has the meaning given that term in section 365 of the Higher Education Act of 1965 (20 U.S.C. 1067k).

<sup>2</sup> 1 SEC. 10\_\_\_. REPORT ON HBCU FEDERAL PROCUREMENT.

The Administrator of the Office of Federal Procurement Policy shall report to Congress on the progress of all Federal departments and agencies

As you know, HBCUs and MSIs are graduating disproportionate percentages of the growing populations of the Nation with two-year certificates and four-year degrees in high- and critical-need disciplines for our Nation's competitiveness. This richly diverse community represents 36 Tribal Colleges and Universities (TCUs), approximately 27 Asian American/Pacific Islander Colleges and Universities (AAPICUs), 500+ Hispanic-serving Institutions (HSIs), 106 HBCUs and roughly 80 PBIs. HBCUs and MSIs are two- and four-year colleges and universities across six Carnegie classifications. They are located in 40 states in the contiguous United States as well as Antigua & Barbuda, Brazil, Columbia, Costa Rica, Ecuador, El Salvador, Guatemala, Mexico, Nicaragua, Puerto Rico, Spain and the Virgin Islands. These institutions enroll and graduate more than one-third of all students from America's growing populations (Hispanic, African American, Asian American and Pacific Islander, and American Indian/Alaska Native). Collectively these institutions are continuing to do the best job of providing access to high quality postsecondary education opportunities to the growing populations in America, disproportionate percentages of whom are low income and first-generation students.

We believe that the Adams' amendments will clarify and concretize the intent of a bipartisan majority of Members of Congress relative to the Nation's investments in HBCUs and MSIs, America's quintessential equal educational opportunity institutions.

We believe that the Adams' amendments are reflective of the underpinnings of the consecutive Executive Orders on HBCUs.

In working with the current President in shaping the White House Initiative on HBCUs, the united HBCU Community recommended, and the White House drafting team accepted, the following pertinent explanatory notes:

“In order to advance the development of the Nation's full human potential and to advance equal opportunity in higher education, strengthen the capacity of historically black colleges and universities to provide the highest quality of education, and increase opportunities for these institutions to participate in and benefit from Federal programs the Executive Order will...

- .... establish a White House Initiative on HBCUs that will...work with executive departments, agencies, and offices, to ensure an increase in the number and amounts of federal contracts, grants, internships, sponsored programs, and cooperative agreements awarded to HBCUs...;
- .... supervise annually the development of a Federal program designed to achieve an aspirational goal that 5 percent of total federal funding awarded to colleges and universities be awarded to HBCUs. The 5 percent total federal funding goal, shall be backed up with concrete commitments for annual funding increases of at least 10 percent at each federal agency reflected in agency budgets...;
- .... seek to identify, reduce, and eliminate barriers which may have resulted in reduced participation in, and reduced benefits from, federally sponsored programs, grants, contracts, internships and cooperative agreements...;
- .... each Executive Department and Executive agency shall establish and publish annual goals and measurable objectives of proposed agency actions to fulfill this Order that shall be submitted at such time and in such form as the senior advisor to the President shall designate...;
- the senior advisor to the President shall undertake a review of these plans and develop an integrated Annual Federal Plan for *Promoting Excellence and Innovation at Historically Black Colleges and*

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in complying with Executive Order 12928 (promoting procurement with small businesses owned and controlled by socially and economically disadvantaged individuals, historically black colleges and universities, and minority institutions), the results of actions taken as a result of such Executive Order, and whether such departments and agencies are still working to increase HBCU (historically black colleges and universities) Federal procurement.

*Universities and Increasing Their Participation in Federal Programs* for review and appropriate action by the President and for publication...;

- .... each year, the senior advisor to the President shall supervise a special review by every Executive Department and agency of its programs and services to determine the extent to which historically black colleges and universities are given an equal opportunity to participate in federally sponsored programs. This review will examine regulatory, procedural and other barriers, determine the adequacy of the announcement of programmatic opportunities of interest to these colleges, and identify ways of eliminating regulatory, procedural and other barriers, as well as inequities and disadvantages....”

The above language was instructive to those Members of the White House HBCU Executive Order teams that shaped the ultimate White House Initiative on HBCUs. Congresswoman Adams’ proposed amendments capture the essence of what was intended by this Administration at the time the current White House Initiative on HBCUs was signed, what was intended by the HBCU Advocacy Community, and by the diverse stakeholders with whom they consulted when assisting with guiding and shaping the Order. These persons included the core and unfaltering HBCU champions, the Congressional Black Caucus, and also a broad and diverse group of other Democratic and Republican Members of Congress.

In 1981, President Reagan issued Executive Order 12320. His order recognized the discriminatory treatment of HBCUs at the hands of government, resulting in their under-funding. He also recognized the central role these institutions must play in “the development of American human potential.” President Reagan, accordingly, established a program to “achieve a significant increase in the participation of by historically Black colleges and universities in [f]ederally sponsored programs.” President Reagan’s Executive Order on HBCUs required that annually, each Executive Department and specified Executive agencies must establish annual plans to increase the ability of historically Black colleges and universities to participate in Federally sponsored programs that included “measurable objectives” of proposed agency actions to fulfill the Order. He required agency and departmental progress reports on the achievement of their plans and end of the year Annual Performance Reports specifying agency performance against their approved measurable objectives.

Twenty-eight years after the Chief Executives of this Nation began recognizing the centrality of HBCUs to the Nation’s competitiveness, security, and to its ability to be a peaceful, inclusive, pluralistic, and just nation, Congresswoman Adam’s proposed amendments would formalize and integrate into important congressional legislation, the report language of successive White House Initiatives on HBCUs, that until now, has remained in the files and the memories of Presidential, legislative, and HBCU counsel.

Please champion and urge members of your respective parties to support Congresswoman Adams’ amendments that would simply incorporate into the Rules the spirit of critical education access and success principles on which this Nation has acted, with varying degrees of commitment and success, for nearly three decades.

Respectfully submitted,

*Lezli Baskerville*

Lezli Baskerville  
President & CEO

cc: All Members of the House Rules Committee