



December 31, 2002

Ms. Leslie Sanchez
Executive Director
White House Initiative on
Educational Excellence for
Hispanic Americans
400 Maryland Avenue, SW
Room 5E110
Washington, DC 20202

Dear Ms. Sanchez:

Thanks for your November 25, 2002 response regarding the fiscal reporting requirements of Executive Order 13230.

We will respond individually to each of the points in your letter followed by a list of recommendations. While we are glad that you have acknowledged some of our concerns and have promised to address those matters in the future, there are some issues that we think need further clarification.

Concern no. 1 from the Council. The letter requesting the Report, which was dated August 29, 2002, was delivered to the Federal agencies during the first week of September. Considering that the Report was due to the Initiative on September 30, this gave agencies less than thirty days to collect the data—an unrealistic goal for agencies like the Department of Defense and the Treasury Departments, which have large workforces and overseas personnel. In the future, the Initiative should give agencies a minimum of two months to compile this Report.

Response from the Initiative. We appreciate this observation and will take it into account in the future in order to permit Federal departments and agencies more time to submit their reports. In fact, some Federal departments and agencies submitted requests for extensions to submit the completed Federal Reporting form. Please note, however, that Executive Order 13230 does not ask departments and agencies to report on their workforce or personnel. The Office of Personnel Management, as specified in Executive Order 13171, is charged with collecting that information. Moreover, the information requested on the Federal reporting form is not contingent on the size of a department or an agency. For example, reporting the percent of a department's education

budget devoted to meeting the educational needs of Hispanic Americans does not rely on the size of its workforce or number of overseas personnel.

Response from the Council. The members of the Council of Federal EEO and Civil Rights Executives are seasoned civil rights managers who are well aware of the responsibilities of the Office of Personnel Management, the Merit Systems Protection Board, the Equal Employment Opportunity Commission, and the White House Initiative. While we realize that some Federal agencies have a centralized fund dedicated to the educational initiatives of Hispanic Americans, the majority have decentralized funds at the bureau levels. Agencies in the latter category have to collect the needed data from their bureaus, and this takes time. Consequently, the size of the workforce and the number of overseas personnel is relevant to compiling this information.

Concern no. 2 from the Council. The requested data was for fiscal year 2002, and yet the letter from the Initiative was sent to Federal agencies before the end of fiscal year 2002. The last Report issued by the Initiative covered fiscal year 2000. Thus, although Executive Order 13230 stipulated that the Initiative had to submit a report to the President by September 30, 2002, it did not have to be a report with fiscal year 2002 data. Instead, the Initiative should have collected data for the fiscal year 2001 Report, and still be able to meet the September 30, 2002 due date of the Executive Order.

Response from the Initiative. We acknowledge this concern. However, the President signed Executive Order 13230 on October 12, 2001, at the beginning of fiscal year 2002. Up until then, Executive Order 12900 governed the way in which Federal departments and agencies reported to the Initiative. New Executive Order 13230 changed in significant ways from the previous one, particularly about the depth of educational information it required from Federal departments and agencies. Thus, it would not have been appropriate or useful to ask Federal agencies to submit reports for a fiscal year during which another Executive Order was in effect.

Moreover, we have high expectations of Federal departments and agencies and believe they would have known by the 12th month of the fiscal year whether any specific programs, projects, or initiatives were undertaken to increase the level of participation of Hispanic Americans in Federal education programs and services. Similarly, they would have known by then the proportions of budgets that were devoted for these purposes.

Response from the Council. We have reviewed the requirements of Executive Orders 12900 and 13230, and found them to be similar. Thus, the data for FY 2001 could have been used to meet the reporting requirements of Executive Order 13230. At best, the Initiative could have included a footnote in the final report about the new Executive Order.

Federal agencies compile a multitude of reports annually. Therefore, they need to know ahead of time the format that will be used to collect any information, as well as the due date for these reports. The Initiative did not give Federal agencies sufficient time for these action items. In addition, the statistics provided to the Initiative were of questionable reliability since they were

based on 11-month information. Finally, we are not aware of any fiscal year reports in the Federal sector that required the collection of the statistical information before the end of the fiscal year. We have prepared many reports during our tenure as managers and executives in the Federal sector.



Concern no. 3 from the Council. Since the Initiative gave Federal agencies until September 30, 2002, to submit their Reports, it did not allow itself time to edit the agencies' Reports and generate a Report for the entire Federal Government. We do not believe that the intent of the Executive Order was for the Initiative to submit a plethora of Reports to the President. Instead, we believe that the White House intended for the Initiative to generate one report for the Federal Government.

Response from the Initiative. You are correct in stating that Federal departments and agencies were asked to submit the Federal Reporting form to the White House Initiative by September 30, 2002, as stated in Section 4 of Executive Order 13230 above. However, it was never our intent to issue a report summarizing the performance of Federal departments and agencies in meeting the educational needs of Hispanic Americans by that date. As stated in the Interim Report issued on September 30, 2002, "This Commission will examine the information supplied by Federal departments and agencies and address the results in more detail in its final report of March 2003."

Response from the Council. Considering that the Initiative gave Federal agencies one month to collect the information for Executive Order 13230, it seems unreasonable that it has given itself six months to issue its final report. In addition, we have checked the Initiative's webpage on the Internet and have not located the Interim Report issued on September 30, 2002. We have also checked with several of our Council members and they have not received a copy of said Interim Report.



Concern no. 4 from the Council. By generating its own unique form for this Report, the Initiative made it impossible to compare the participation rate of Hispanics in Federal education programs and services with that of African Americans and Native Americans. At a time of shrinking federal funds, it is essential that Federal funds be spent wisely. Thus, if an agency wanted to know whether there was an equitable distribution of its funds to the different minority serving institutions, it could be overspending its educational funds in minority serving institutions that graduated students who belonged to minority groups that were overrepresented in that agency's workforce, when it should have been spending more of its educational funds in institutions that graduated students belonging to minority groups who were underrepresented in that agency's workforce. In addition, if an agency wanted to know which Hispanic Serving Institutions received its funds and how much, it would not be able to get this important information from the Initiative form. We suggest that the Initiative use the same report format as the one used by the White House Initiative on Historically Black Colleges and Universities.

Response from the Initiative. As noted, Executive Order 13230 does not require Federal departments and agencies to monitor the representation of Hispanic Americans in their workforce. That task falls under the purview of Executive Order 13171, which is administered by the Office of Personnel Management. Nevertheless, members of the President’s Advisory Commission and the White House Initiative are committed to ensuring Federal departments and agencies are making efforts to meet the educational needs of Hispanic Americans. The Federal Reporting form was designed to obtain information that will permit us to assess Federal performance in meeting those needs. This assessment can take place without comparing the participation of Hispanic Americans in Federal education programs and services with that of African Americans, Native Americans, or any other minority group. The Commission in its work believes it would be more appropriate to establish a standard against which departments and agencies will be measured and held accountable for results. This is also consistent with the President’s Management Agenda.

Response from the Council. Your references to Executive Order 13171 are indicative that you misunderstood the point that we were trying to make. It is essential and consistent with the President’s Management Agenda that federal agencies and other stakeholders be able to get information on the distribution of Institutions of Higher Education (IHE) funds to Hispanic Serving Institutions, Historically Black Colleges and Universities (HBCUs), and Tribal Colleges and Universities. In times of shrinking resources, it makes sense for federal agencies to be more selective in the allocation of these funds. Thus, if a federal agency has an underrepresentation of a particular minority group, it would be wise to distribute a larger share of its IHE funds to minority institution that graduate students from the underrepresented minority group. It makes no sense and is also fiscally irresponsible for a federal agency to spend a larger share of its IHE funds in minority institutions that graduate students from minority groups that are overrepresented in that agency’s workforce. This is why it is imperative that this data be collected, and the Initiative is not collecting it in its current reporting format. We direct your attention to Section 4(b) of Executive Order 13230:

..and agencies involved ... shall report the President on: “efforts to include Hispanic-serving school districts, Hispanic-serving institutions, and other educational institutions for Hispanic Americans in Federal education programs and services.”

While we realize that Executive Order 13230 does not mention HBCUs and Tribal Colleges, we think that the Initiative should use the same reporting format that is used by the oldest Initiative—the White House Initiative on HBCUs. In fact, we just found out that the Initiative on Tribal Colleges and Universities has decided to use it. This will facilitate the comparison of IHE expenditures, and provide the standard against which departments and agencies will be measured and held accountable for results. More importantly, it will also make it easier for the White House to monitor the performance of all the White House Initiatives.

The Initiative reporting format does not itemize the expenditures of IHE funds by specific Hispanic Serving Institutions, as is done in the format used by the Initiative on HBCUs. Moreover, the Initiative’s webpage does not even have a list of Hispanic Serving Institutions.

We are receptive to your request for assistance from the Council of Federal EEO and Civil Executives. Since it is never our intent to identify challenges without providing possible solutions, following is a list of our recommendations:

- 1) Send a memorandum, by January or February 2003, to all Federal agencies to announce a new reporting format for FY 2003. [The reporting format should mirror the one developed by the Initiative on HBCUs, with a few modifications at the end of the reporting format].
- 2) Indicate in the memorandum mentioned above that the due date for the new reporting format will be December 30, 2003.
- 3) Announce that the reporting format and its due date will be the same in the future, unless the Initiative gives federal agencies at least six-month advance notice of any modifications.
- 4) Upload a list of Hispanic Serving Institutions on the Initiative webpage by January 2003. Indicate on the new reporting format that only the HSIs listed on the Initiative webpage are to be used. [In the past, Federal agencies that have not done much with Hispanic initiatives have gotten creative in reporting progress on programs that have nothing do with HSIs].
- 5) Upload a list of addresses, phone and fax numbers, and e-mail addresses for all members of the Initiative and the President's Advisory Commission on the Initiative webpage by January 2003.
- 6) Upload a copy of the Interim Report issued on September 30, 2003, on the Initiative webpage and send a hardcopy of the Interim Report to all Federal agencies by January 2003.
- 7) Do not use the statistics that were reported for the 2002 Final Report that the Initiative plans to issue in March 2003. Since the statistics are not reliable because they were collected before the end of FY 2002, use only the narrative information that Federal agencies provided for the Final Report.

We thank you for taking the time to respond to our concerns to make the Initiative a more efficient organization.

Sincerely,

Jorge E. Ponce
Co-Chair

Delia Johnson
Co-Chair

cc:

Rod Paige, Secretary, U.S. Dept. of Education
Frank Hanna, Co-Chair, President's Advisory Commission
Octavio Visiedo, Chair, President's Advisory Commission, Government Resources and

Accountability Working Group
Charles Garcia, Chair, President's Advisory Commission, Public Awareness and Motivation
Working Group