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Exhibit R-2, PB 2010 Office of Secretary Of Defense RDT&E Budget Item Justification **DATE:** May 2009

APPROPRIATION/BUDGET ACTIVITY					R-1 ITEM NOMENCLATURE					
0400 - Research, Development, Test & Evaluation, Defense-Wide/BA 2 - Applied Research					PE 0602228D8Z Historically Black Colleges and Universities and Minority Institutions (HBCU/MI)					
COST (\$ in Millions)	FY 2008 Actual	FY 2009 Estimate	FY 2010 Estimate	FY 2011 Estimate	FY 2012 Estimate	FY 2013 Estimate	FY 2014 Estimate	FY 2015 Estimate	Cost To Complete	Total Cost
Total Program Element	35.945	41.327	15.164						Continuing	Continuing
P489: Historically Black Colleges and Universities and Minority Institutions (HBCU/MI)	35.945	41.327	15.164						Continuing	Continuing

A. Mission Description and Budget Item Justification

The Historically Black Colleges and Universities and Minority Institutions (HBCU/MI) program provides support for research and collaboration with DoD facilities and personnel.

Research. The research grants further knowledge in the basic physical scientific and engineering disciplines through theoretical and empirical activities. Collaborative research allows university professors to work directly with military laboratories or other universities.

Section 242 of the FY 2009 Authorization Report directs the Secretary of Defense to carry out an independent assessment of the DoD-wide HBCU/MI Programs. The assessment is due no later than 12 months after the enactment this of Act (October 2009). The National Academy of Sciences will conduct the independent assessment.

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APPROPRIATION/BUDGET ACTIVITY 0400 - Research, Development, Test & Evaluation, Defense-Wide/BA 2 - Applied Research	R-1 ITEM NOMENCLATURE PE 0602228D8Z Historically Black Colleges and Universities and Minority Institutions (HBCU/MI)
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B. Program Change Summary (\$ in Millions)

	<u>FY 2008</u>	<u>FY 2009</u>	<u>FY 2010</u>	<u>FY 2011</u>
Previous President's Budget	37.463	15.156	15.426	
Current BES/President's Budget	35.945	41.327	15.164	
Total Adjustments	-1.518	26.171	-0.262	
Congressional Program Reductions				
Congressional Rescissions		-0.229		
Total Congressional Increases		26.400		
Total Reprogrammings	-0.386			
SBIR/STTR Transfer	-1.049			
Program Adjustment			-0.078	
Undistributed Reduction	-0.083			
Other			-0.184	

Congressional Increase Details (\$ in Millions)

Project: P489, Morehouse College, John Hopps Program

Project: P489, Defense Leadership and Technology Initiative

Project: P489, Program Increase

Project: P489, Instrumentation Program for Tribal Colleges

The FY 2009 Tribal Colleges and Universities congressional add for \$2.400 million will be competed under 10 U.S.C. 2361 (b) (1)(C).

	<u>FY 2008</u>	<u>FY 2009</u>
		1.600
		2.400
		20.000
		2.400

Change Summary Explanation

The FY 2009 HBCU/MI Program received a congressional increase in the amount of \$20.000 million.

On 11/4/08, the U.S. Court of Appeals for the Federal Circuit found 10 U.S.C. 2323 to be unconstitutional.

- The case stems from a 1998 Air Force contract awarded to a minority owned firm despite another firm having bid lower. The other firm sued.

- While the case relates specifically to a small business preference authorized by 10 U.S.C. 2323, the court's decision goes to 10 U.S.C. 2323 in its entirety, which also includes:

-A goal to award 5 percent of extramural DoD funding to small disadvantaged businesses, HBCUs and minority institutions (MI)

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<ul style="list-style-type: none">-Authorities to provide infrastructure assistance to HBCU/MI—e.g., through undergrad, graduate, and postdoctoral education programs; DoD lab partnerships with institutions for student training purposes; and equipment or laboratory renovation for defense research.- The court decision took effect December 26th unless DoJ/DoD ask for reconsideration or file an appeal, in which case the court likely would extend that date.- On February 26, 2009, in Rothe Development Corp. v. U.S. Department of Defense, et. al., No. SA-98-CA-1011-XR (W.D. TX), the court entered a final judgment granting Rothe's request for a complete injunction of the application of 10 U.S.C. 2323.- On March 10, 2009 the USD(AT&L) signed a memorandum to all of DoD stating that "Accordingly, as preliminary guidance, effective February 26, 2009, any activity, which includes but is not limited to the award of contracts and orders under contracts, advance payments, and the award of grants or scholarships or the addition of funds to existing grants and scholarships, that rely exclusively on the authority of 10 U.S.C. 2323 should cease".- The FY 2009 DoD HBCU/MI Program is on hold until DoD hears back from Congress and the DOJ on new legislation for the program to continue.		

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Exhibit R-2a, PB 2010 Office of Secretary Of Defense RDT&E Project Justification									DATE: May 2009	
APPROPRIATION/BUDGET ACTIVITY 0400 - Research, Development, Test & Evaluation, Defense-Wide/BA 2 - Applied Research				R-1 ITEM NOMENCLATURE PE 0602228D8Z Historically Black Colleges and Universities and Minority Institutions (HBCU/MI)					PROJECT NUMBER P489	
COST (\$ in Millions)	FY 2008 Actual	FY 2009 Estimate	FY 2010 Estimate	FY 2011 Estimate	FY 2012 Estimate	FY 2013 Estimate	FY 2014 Estimate	FY 2015 Estimate	Cost To Complete	Total Cost
P489: Historically Black Colleges and Universities and Minority Institutions (HBCU/MI)	35.945	41.327	15.164						Continuing	Continuing

Note

The FY 2009 HBCU/MI Program received a congressional increase in the amount of \$20.000 million.
 On 11/4/08, the U.S. Court of Appeals for the Federal Circuit found 10 U.S.C. 2323 to be unconstitutional.
 - The case stems from a 1998 Air Force contract awarded to a minority owned firm despite another firm having bid lower. The other firm sued.
 - While the case relates specifically to a small business preference authorized by 10 U.S.C. 2323, the court's decision goes to 10 U.S.C. 2323 in its entirety, which also includes:
 -A goal to award 5 percent of extramural DoD funding to small disadvantaged businesses, HBCUs and minority institutions (MI)
 -Authorities to provide infrastructure assistance to HBCU/MI—e.g., through undergrad, graduate, and postdoctoral education programs; DoD lab partnerships with institutions for student training purposes; and equipment or laboratory renovation for defense research.
 - The court decision took effect December 26th unless DoJ/DoD ask for reconsideration or file an appeal, in which case the court likely would extend that date.
 - On February 26, 2009, in Rothe Development Corp. v. U.S. Department of Defense, et. al., No. SA-98-CA-1011-XR (W.D. TX), the court entered a final judgment granting Rothe's request for a complete injunction of the application of 10 U.S.C. 2323.
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A. Mission Description and Budget Item Justification

The Historically Black Colleges and Universities and Minority Institutions (HBCU/MI) program provides support for research and collaboration with DoD facilities and personnel.

The research grants further knowledge in the basic physical scientific and engineering disciplines through theoretical and empirical activities. Collaborative research allows university professors to work directly with military laboratories or other universities.

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R-1 Line Item #9

Page 4 of 6

UNCLASSIFIED

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Section 242 of the FY 2009 Authorization Report directs the Secretary of Defense to carry out an independent assessment of the DoD-wide HBCU/MI Programs. The assessment is due no later than 12 months after the enactment this Act (October 2009). The National Academy of Sciences will conduct the independent assessment.					
B. Accomplishments/Planned Program (\$ in Millions)		FY 2008	FY 2009	FY 2010	FY 2011
Historically Black Colleges and Universities and Minority Institutions (HBCU/MI) The Historically Black Colleges and Universities and Minority Institutions (HBCU/MI) program provides support for research and collaboration with DoD facilities and personnel. The research grants further knowledge in the basic physical scientific and engineering disciplines through theoretical and empirical activities. Collaborative research allows university professors to work directly with military laboratories or other universities. <i>FY 2008 Accomplishments:</i> This program funded 21 research awards to HBCUs and MIs and 13 equipment awards to TCUs totaling \$2.400 million. The research grants have a performance period of 36 months with grants ranging from \$0.430 to \$0.785 million. The equipment grants are for a twelve-month performance period and range from \$0.097 to \$0.244 million. The Army Research Office made the awards. DoD announced results of the second HBCU/MI FY 2008 competition on March 30, 2008. Awards were made under 10 U.S.C. 2358 and 10 U.S.C. 2371. This announcement funded the \$20.000 million congressional increase. <i>FY 2009 Plans:</i> Continue evaluation and funding of research and education awards made with prior year funds. Execute new funding for grants and awards following legislative and executive policy and guidance when Congress directs. Conduct an assessment of the HBCU/MI Program. The FY 2009 Tribal Colleges and Universities congressional add for \$2.400 million will be competed under 10 U.S.C. 2361 (b)(1)(C). <i>FY 2010 Plans:</i> Conduct BAAs and solicitations to execute funding for grants and awards following legislative and executive policy and guidance when Congress directs.		35.945	41.327	15.164	

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C. Other Program Funding Summary (\$ in Millions) N/A		
D. Acquisition Strategy N/A		
E. Performance Metrics Since 2007, the following data is collected as a grant requirement: Percent of students graduating with undergraduate degrees in Science, Mathematics, Engineering, and Technology fields. Percent of students pursuing graduate and Ph.D. degrees. Number of undergraduate students achieving specified GPA average. Number of students participating in the Centers of Excellence for Research and Engineering. Number of students working in Defense Laboratories. This data will constitute the "Existing Baseline" for measurement and improvement in future years. First results expected by May 2009.		

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