

United States Senate

WASHINGTON, DC 20510

October 3, 2025

The Honorable Linda McMahon

Secretary

U.S. Department of Education

400 Maryland Avenue, SW

Washington, DC 20202

Dear Secretary McMahon:

We write to express our strong opposition to your recent action on September 10, 2025, to strip away funds from Minority-Serving Institutions (MSIs).^{[1][1]} After cutting over \$300 billion in funding from higher education to pay for tax cuts for millionaires and billionaires, it is especially egregious to reprogram \$350 million from the colleges and universities that serve our most vulnerable students. This decision—made absent a court ruling—needlessly disrupts the fiscal stability of thousands of colleges and universities that educate millions of students of all ethnicities and backgrounds.

There are currently over 800 federally recognized MSIs.^{[2][2]} These include Asian American and Native American Pacific Islander Serving Institutions (AANAPISIs), Alaska Native and Native Hawaiian Serving Institutions (ANNHSIs), Hispanic Serving Institutions (HSIs), Native American Serving Non-Tribal Institutions (NASNTIs), and Predominantly Black Institutions (PBIs). Together, these institutions enroll over 5 million students, many of whom are first-generation college students and come from low-income backgrounds. More than half of all MSI students qualify for Pell grants,^{[3][3]} and HSIs enroll 37 percent of the nation's Pell recipients.^{[4][4]}

Congress first established MSI programs on a bipartisan basis in the 1986 reauthorization of the *Higher Education Act*, and expanded them in subsequent reauthorizations. These programs have continued to receive bipartisan support over the course of six administrations. They have also received Congressional appropriations on a bipartisan basis for the past 39 years. Notably, during President Trump's first term, he signed the *FUTURE Act* into law,^{[5][5]} which secured permanent funding for Historically Black Colleges and Universities (HBCUs), Tribally Controlled Colleges (TCCUS), *and* Minority Serving Institutions (MSIs). After taking such a significant step to offer support to HBCUs, TCCUS, and MSIs, it is both confusing and alarming that the Trump

^{[1][1]} <https://www.ed.gov/about/news/press-release/us-department-of-education-ends-funding-racially-discriminatory-discretionary-grant-programs-minority-serving-institutions>

^{[2][2]} [ope-2025-eligibility-matrix-62325-110283.xlsx](#)

^{[3][3]} [Rutgers GSE CMSI - A Brief History of MSIs](#)

^{[4][4]} [Hispanic-Serving Institutions across the nation total 615 - HACU](#)

^{[5][5]} <https://www.congress.gov/116/statute/STATUTE-133/STATUTE-133-Pg1189.pdf>

Administration would suddenly reverse course and move to eliminate discretionary money for MSIs.

For decades, MSIs have endured chronic underfunding^{[6][6]} and significantly rely on federal funds to best serve their students. For example, for every federal dollar that non-HSIs receive, HSIs only receive 68 cents of federal funding.^{[7][7]} One-fourth of revenue for PBIs, NASNTIs, and ANNHSIs comes from federal sources, while AANAPISIs and HSIs rely on federal sources for nearly one-fifth of their revenue.^{[8][8]} Despite the lack of resources, these colleges and universities have managed to deliver an affordable, high-quality education and achieve substantial positive outcomes for all the students they serve. MSIs support economic mobility for high concentrations of students from working-class families.^{[9][9]} For example, in 2023, eight of the top ten colleges in the Social Mobility Index rankings—which measure the extent to which a college or university enables its students to find good paying jobs after graduation—were HSIs.^{[10][10]} At Predominantly Black Institutions, the graduation rate is 5 percent higher than the graduation rates at non-PBIs. MSIs also play a significant role in preparing students for careers in public service: 28 percent of all teacher preparation candidates and 51 percent of all teacher candidates of color attend an MSI.^{[11][11]} The Department’s decision to cut critical funding for MSIs could devastate these institutions and threaten their ability to adequately serve all the students they enroll.

Earlier this year, Tennessee filed a lawsuit^{[12][12]} against the U.S. Department of Education to challenge the eligibility requirement that 25 percent of full-time undergraduate students enrolled at an institution are Hispanic for the institution to receive a designation as a HSI. This designation helps institutions gain access to the associated grant funding that allows them to direct resources to student supports. There are several eligibility criteria an institution must meet in order to become an MSI, and the Department of Justice’s assertion that MSI grant programs “restrict eligibility to institutions that meet government mandated racial quotas” ignores how this grant funding supports institutions that fulfill the federal trust responsibility to provide an education for American Indians, Alaska Natives, and Native Hawaiians because of their unique legal status and political relationship with the United States.^{[13][13]} Further, institutions are granted resources based on a holistic review of all the students they serve and are not mandated to restrict or expand their enrollment to meet a specific quota.

^{[6][6]} <https://www.gao.gov/products/gao-24-106162>

^{[7][7]} [Serving Many in Many Ways: Hispanic-Serving Institutions as Drivers of Opportunity and Socioeconomic Mobility – Third Way](#)

^{[8][8]} https://sheeo.org/wp-content/uploads/2024/12/MSI_fudning.pdf

^{[9][9]} <https://www.acenet.edu/documents/msis-as-engines-of-upward-mobility.pdf>

^{[10][10]} <https://www.socialmobilityindex.org/>

^{[11][11]} [OPINION: Minority-serving institutions’ powerful partnerships with school districts can help solve the national teaching shortage](#)

^{[12][12]} [Tennessee Sues to End HSI Requirements](#)

^{[13][13]} See, e.g. 20 U.S.C. § 7513; 25 U.S.C. §§ 2000, 2501; Exec. Order No. 13592, 76 Fed. Reg. 76603 (2011); American Indian and Alaska Native Education, Exec. Order No. 13096, 63 Fed. Reg. 42681 (1998); see also 20 U.S.C. § 7701; Tribal Colleges and Universities, Exec. Order No. 13270, 67 Fed. Reg. 45288 (2002); American Indian and Alaska Native Education, Exec. Order No. 13336, 69 Fed. Reg. 25295 (2004); see also 1 Cohen’s Handbook of Federal Indian Law § 23.01 (2024).

To be very clear, no court has found the Minority Serving Institution program unconstitutional, nor has a court instructed the Department of Education to terminate this funding. We vehemently disagree with the Department of Justice's determination^{[14][14]} that these institutions apply "racial quotas" in a manner that is unconstitutional, as well as the Department of Education's decision to cut funding from *all* MSIs, even though PBIs, ANNHSIs, AANAPISIs, and NASNTIs have not been the subject of any litigation.

Additionally, during your confirmation process, in the questions for the record submitted to the Committee on Health, Education, Labor and Pensions, you answered the following question regarding HSIs:

271. Ms. McMahon we've heard from Hispanic Serving Institutions (HSI) going through the re-application process that allows them to re-certify their designation as a Hispanic-Serving Institution that this administration has not made the application available or provided a timeline that would allow the institutions to recertify their designation as an HSI. Will you make this application immediately available to those institutions? Will you commit to ensuring this application process remains open and available to the institutions applying for designation as a Hispanic Serving Institution?

If confirmed, I will instruct staff to implement the program as required by the law.

The MSI programs are required by law. Further, you did not raise any constitutional concerns regarding MSI programs during the confirmation process.

The administration has chosen to reprogram funds from MSIs to HBCUs and TCCUs. HBCUs and TCCUs play a vital role in advancing educational opportunities and have faced significant challenges in recent years due to a lack of resources. We are deeply supportive of increasing funds for these institutions. However, increases in funding for HBCUs and TCCUs should not come at the expense of others. We would welcome the opportunity to work on a bipartisan basis with the administration to increase investments in MSIs, HBCUS, and TCCUs.

We urge you to immediately reverse course and continue to fund MSIs to protect critical institutions that educate millions of working-class Americans across the country. Thank you for your attention to this urgent matter. We look forward to your prompt response.

Sincerely,



Bernard Sanders
United States Senator

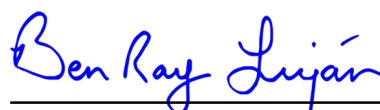


Mazie K. Hirono
United States Senator

^{[14][14]} <https://www.insidehighered.com/news/institutions/minority-serving-institutions/2025/08/22/doj-deems-definition-hsis>



Raphael Warnock
United States Senator



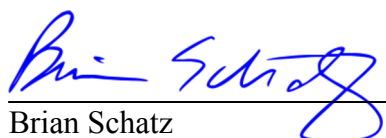
Ben Ray Lujan
United States Senator



Richard J. Durbin
United States Senator



Alex Padilla
United States Senator



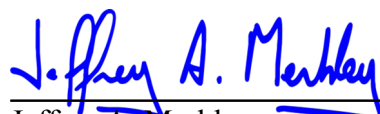
Brian Schatz
United States Senator



Charles E. Schumer
United States Senator



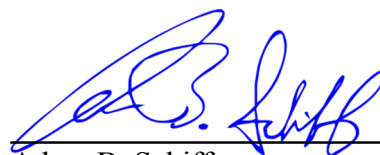
Tim Kaine
United States Senator



Jeffrey A. Merkley
United States Senator



Kirsten Gillibrand
United States Senator



Adam B. Schiff
United States Senator



Richard Blumenthal
United States Senator



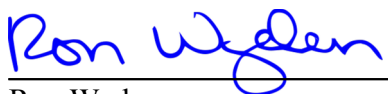
Andy Kim
United States Senator



Jacky Rosen
United States Senator



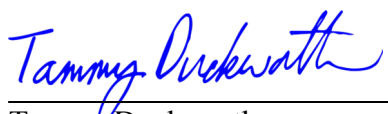
Tammy Baldwin
United States Senator



Ron Wyden
United States Senator



Angela D. Alsobrooks
United States Senator



Tammy Duckworth
United States Senator



Cory A. Booker
United States Senator



Jack Reed
United States Senator



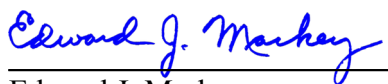
Patty Murray
United States Senator



Chris Van Hollen
United States Senator



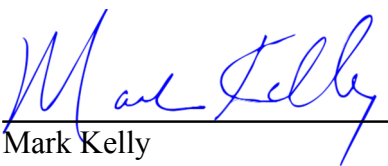
Amy Klobuchar
United States Senator



Edward J. Markey
United States Senator



Elizabeth Warren
United States Senator

A handwritten signature in blue ink, reading "Mark Kelly". The signature is written in a cursive style with a large, stylized "M" and "K".

Mark Kelly

United States Senator