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of information and documentation as may be required:

(i) That the program participant suffers from a physical or mental disability resulting in the permanent inability of the program participant to perform the service or other activities which would be necessary to comply with the obligation; or

(ii) That the employment of the program participant has been terminated involuntarily for reasons unrelated to job performance.

(2) In determining whether compliance by a program participant with the terms of a service or repayment obligation imposes an extreme hardship, the Secretary may, on the basis of information and documentation as may be required, take into consideration the nature of the participant's personal problems and the extent to which these affect the participant's ability to perform the obligation.

(c) All requests for waivers must be submitted to the Secretary in writing.

(d) A program participant who is granted a waiver in accordance with this section will be notified by the Secretary in writing.

(e) Any obligation of a program participant for service or payment will be canceled upon the death of the program participant.

**§ 3431.23 Service to Federal government in emergency situations.**

(a) The Secretary may enter into agreements of 1 year duration with veterinarians who have service agreements for such veterinarians to provide services to the Federal Government in emergency situations, as determined by the Secretary, under terms and conditions specified in the agreement.

(b) Pursuant to a service agreement under this section, the Secretary shall pay an amount, in addition to the amount paid, as determined by the Secretary and specified in the agreement, of the principal and interest of qualifying educational loans of the veterinarians. This amount will be provided in the RFA.

(c) Agreements entered into under this paragraph shall include the following:

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(1) A veterinarian shall not be required to serve more than 60 working days per year of the agreement.

(2) A veterinarian who provides service pursuant to the agreement shall receive a salary commensurate with the duties and shall be reimbursed for travel and per diem expenses as appropriate for the duration of the service.

**§ 3431.24 Reporting requirements, monitoring, and close-out.**

VMLRP participants will be required to submit periodic reports per the terms and conditions of their service agreements. In addition, the Secretary is responsible for ensuring that a VMLRP participant is complying with the terms and conditions of their service agreement, including any additional reporting or close-out requirements.

**PART 3434—HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES CERTIFICATION PROCESS**

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APPENDIX A TO PART 3434—LIST OF AGRICULTURE-RELATED FIELDS

APPENDIX B TO PART 3434—LIST OF HSACU INSTITUTIONS, 2012-2013

AUTHORITY: 7 U.S.C. 3103.

SOURCE: 77 FR 25040, Apr. 27, 2012, unless otherwise noted.

**§ 3434.1 Applicability of regulations.**

This part establishes the process to certify and designate a group of eligible educational institutions as Hispanic-Serving Agricultural Colleges and Universities, as authorized by Section 7101 of the Food, Conservation, and Energy Act of 2008 (FCEA), 7 U.S.C. 3103; Public Law 110-246.

**§ 3434.2 Purpose.**

The Secretary will follow the processes and criteria established in this regulation to certify and designate qualifying colleges and universities as HSACUs. Institutions designated as HSACUs will be eligible for five new programs authorized by Congress in section 7129 of the FCEA as well as for other ongoing NIFA programs for which HSACUs are now eligible (*e.g.*, integrated programs authorized by section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998). The five new programs include the HSACU Endowment Fund (formula-based), HSACU Institutional Capacity Building Grants Program (competitive), HSACU Extension Grants Program (competitive), HSACU Applied and Fundamental Research Grants Program (competitive), and HSACU Equity Grants Program (formula-based). The administrative provisions, including reporting requirements, for the HSACU Endowment Fund will be established in a separate part (7 CFR part 3437). The administrative provisions and reporting requirements for the other four new HSACU programs will be established as subparts in 7 CFR part 3430.

**§ 3434.3 Definitions.**

As used in this part:

*Agency* or NIFA means the National Institute of Food and Agriculture.

*Agriculture-related fields* means a group of instructional programs that are determined to be agriculture-related fields of study for HSACU eligibility purposes by a panel of National Program Leaders at the National Institute of Food and Agriculture.

*Department* means the United States Department of Agriculture.

*Hispanic-serving Institution* means an institution of higher education that:

- (1) Is an eligible institution, as that term is defined at 20 U.S.C. 1101a; and
- (2) Has an enrollment of undergraduate full-time equivalent students that is at least 25 percent Hispanic students, as reported to the U.S. Department of Education's Integrated Post-secondary Education Data System during the fall semester of the previous academic year.

*Secretary* means the Secretary of Agriculture and any other officer or employee of the Department to whom the authority involved has been delegated.

**§ 3434.4 Eligibility.**

(a) *General.* To be eligible to receive designation as a HSACU, colleges and universities must:

(1) Qualify as Hispanic-serving Institutions; and

(2) Offer associate, bachelors, or other accredited degree programs in agriculture-related fields pursuant to § 3434.5.

(b) *Non-eligibility.* The following colleges and universities are ineligible for HSACU certification:

(1) 1862 land-grant institutions, as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601);

(2) Institutions that appear in the Lists of Parties Excluded from Federal financial and nonfinancial assistance and benefits programs (Excluded Parties List System);

(3) Institutions that are not accredited by a nationally recognized accredited agency or association; and

(4) Institutions with Hispanic students receiving less than 15% of the degrees awarded in agriculture-related programs over the two most recent completed academic years.

**§ 3434.5 Agriculture-related fields.**

(a) The Secretary shall use the Classification of Instructional Programs (CIP) coding system developed by the U.S. Department of Education's National Center for Education Statistics as the source of information for all existing instructional programs. This source is located at <http://nces.ed.gov/ipeds/cipcode>.

(b) A complete list of instructional programs deemed to be agriculture-related fields by the Secretary is provided in appendix A to this part. This list will include the full six-digit CIP code and program title (or major) for each agriculture-related instructional program.

(c) The list of agriculture-related fields will be updated every five years starting in 2015. However, the Secretary reserves the right to make

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changes at any time, if deemed appropriate and necessary.

(d) Any changes made in the CIP coding system by the U.S. Department of Education may result in a review or re-evaluation of the list of agriculture-related fields by the Secretary.

### § 3434.6 Certification.

(a) Except as provided in paragraph (c) of this section, institutions that meet the eligibility criteria set forth in § 3434.4 and offer agriculture-related programs in accordance to the criteria set forth in § 3434.5 (see list in appendix A to this part) shall be granted HSACU certification by the Secretary.

(b) A complete list of institutions with HSACU certification shall be provided in appendix B to this part and posted on the NIFA Web site at <http://www.nifa.usda.gov>.

(c) Institutions with Hispanic students receiving less than 15% of degrees awarded in agriculture-related programs during the two most recent completed academic years shall not be granted HSACU certification by the Secretary.

(d) The list of HSACU institutions will be updated annually. However, the Secretary reserves the right to make changes at any time, when deemed appropriate and necessary.

### § 3434.7 Duration of certification.

(a) Except as provided in paragraphs (b) and (c) of this section, HSACU certification granted to an institution by the Secretary under this part shall remain valid for a period of one year.

(b) Failure to maintain eligibility status at any time during the HSACU certification period shall result in an immediate revocation of HSACU certification.

(c) Failure to remain in compliance with reporting requirements or adherence to any administrative or national policy requirements listed in award terms and conditions for any of the HSACU programs may result in a suspension or an immediate revocation of HSACU certification.

### § 3434.8 Appeals.

(a) An institution not listed as a HSACU in appendix B to this part may submit an appeal to address denial of a

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certification made pursuant to this part. Such appeals must be in writing and received by the HSACU Appeals Officer, Policy and Oversight Division, National Institute of Food and Agriculture, U.S. Department of Agriculture, 800 9th Street SW., Washington, DC 20024 within 30 days following an announcement of institutions designated for certification. The Appeals Officer will consider the record of the decision in question, any further written submissions by the institution, and other available information and shall provide the appellant a written decision as promptly as circumstances permit. Such appeals constitute an administrative review of the decision appealed from and are not conducted as an adjudicative proceeding.

(b) Appeals involving an agriculture-related field of study must include the CIP code and program title of the field of study (or major).

(c) Appeals from non-HSI schools will not be considered.

(d) The NIFA Assistant Director of the Institute of Youth, Family, and Community shall serve as the Appeals Officer.

(e) In considering such appeals or administrative reviews, the Appeals Officer shall take into account alleged errors in professional judgment or alleged prejudicial procedural errors by NIFA officials. The Appeals Officer's decision may:

(1) Reverse the appealed decision;

(2) Affirm the appealed decision;

(3) Where appropriate, withhold a decision until additional materials are provided. The Appeals Officer may base his/her decision in whole or part on matters or factors not discussed in the decision appealed from.

(f) If the NIFA decision on the appeal is adverse to the appellant or if an appellant's request for review is rejected, the appellant then has the option of submitting a request to the NIFA Deputy Director for Food and Community Resources for further review.

(g) The request for further review must be submitted to Policy and Oversight Division, National Institute of Food and Agriculture, U.S. Department of Agriculture, 800 9th Street SW., Washington, DC 20024 within 30 days

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following the Appeals Officer's decision.

(h) No institution shall be considered to have exhausted its administrative remedies with respect to the certification or decision described in this part until the NIFA Deputy Director for Food and Community Resources has issued a final administrative decision pursuant to this section. The decision of the NIFA Deputy Director for Food and Community Resources is considered final.

(i) Appellants shall be notified in writing of any decision made by NIFA in regards to the appeal.

**§ 3434.9 Recertification.**

(a) The recertification process for a HSACU remains the same as the process outlined in § 3434.6.

(b) There is no limit to the number of times an institution may be recertified as a HSACU.

(c) In the event an institution is not granted recertification due to non-compliance with reporting requirements for a HSACU program, the institution shall be notified in writing and given a period of 90 days from the date of notification to be in compliance.

**§ 3434.10 Reporting requirements.**

(a) The certification process does not involve any reporting requirements.

(b) Reporting requirements for HSACU programs (*e.g.*, HSACU Endowment Fund) shall be established in separate parts.

**APPENDIX A TO PART 3434—LIST OF AGRICULTURE-RELATED FIELDS**

The instructional programs listed in this appendix are observed to be agriculture-related fields for HSACU eligibility purposes. Programs are listed in numerical order by their six-digit CIP code followed by the full title of the instructional program, as listed by the U.S. Department of Education.

01.0000, Agriculture, General  
01.0101, Agricultural Business and Management, General  
01.0102, Agribusiness/Agricultural Business Operations  
01.0103, Agricultural Economics  
01.0104, Farm/Farm and Ranch Management  
01.0105, Agricultural/Farm Supplies Retailing and Wholesaling  
01.0106, Agricultural Business Technology  
01.0199, Agricultural Business and Management, Other

01.0201, Agricultural Mechanization, General  
01.0204, Agricultural Power Machinery Operation  
01.0205, Agricultural Mechanics and Equipment/Machine Technology  
01.0299, Agricultural Mechanization, Other  
01.0301, Agricultural Production Operations, General  
01.0302, Animal/Livestock Husbandry and Production  
01.0303, Aquaculture  
01.0304, Crop Production  
01.0306, Dairy Husbandry and Production  
01.0307, Horse Husbandry/Equine Science and Management  
01.0308, Agroecology and Sustainable Agriculture  
01.0309, Viticulture and Enology  
01.0399, Agricultural Production Operations, Other  
01.0401, Agricultural and Food Products Processing  
01.0504, Dog/Pet/Animal Grooming  
01.0505, Animal Training  
01.0507, Equestrian/Equine Studies  
01.0508, Taxidermy/Taxidermist  
01.0599, Agricultural and Domestic Animal Services, Other  
01.0601, Applied Horticulture/Horticultural Operations, General  
01.0603, Ornamental Horticulture  
01.0604, Greenhouse Operations and Management  
01.0605, Landscaping and Groundskeeping  
01.0606, Plant Nursery Operations and Management  
01.0607, Turf and Turfgrass Management  
01.0608, Floriculture/Floristry Operations and Management  
01.0699, Applied Horticulture/Horticultural Business Services, Other  
01.0701, International Agriculture  
01.0801, Agricultural and Extension Education Services  
01.0802, Agricultural Communication/Journalism  
01.0899, Agricultural Public Services, Other  
01.0901, Animal Sciences, General  
01.0902, Agricultural Animal Breeding  
01.0903, Animal Health  
01.0904, Animal Nutrition  
01.0905, Dairy Science  
01.0906, Livestock Management  
01.0907, Poultry Science  
01.0999, Animal Sciences, Other  
01.1001, Food Science  
01.1002, Food Technology and Processing  
01.1099, Food Science and Technology, Other  
01.1101, Plant Sciences, General  
01.1102, Agronomy and Crop Science  
01.1103, Horticultural Science  
01.1104, Agricultural and Horticultural Plant Breeding  
01.1105, Plant Protection and Integrated Pest Management  
01.1106, Range Science and Management  
01.1199, Plant Sciences, Other

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01.1201, Soil Science and Agronomy, General  
01.1202, Soil Chemistry and Physics  
01.1203, Soil Microbiology  
01.1299, Soil Sciences, Other  
01.9999, Agriculture, Agriculture Operations,  
and Related Sciences, Other  
03.0101, Natural Resources/Conservation,  
General  
03.0103, Environmental Studies  
03.0104, Environmental Science  
03.0199, Natural Resources Conservation and  
Research, Other  
03.0201, Natural Resources Management and  
Policy  
03.0204, Natural Resources Economics  
03.0205, Water, Wetlands, and Marine Re-  
sources Management  
03.0206, Land Use Planning and Management/  
Development  
03.0207, Natural Resources Recreation and  
Tourism  
03.0208, Natural Resources Law Enforcement  
and Protective Services  
03.0299, Natural Resources Management and  
Policy, Other  
03.0301, Fishing and Fisheries Sciences and  
Management  
03.0501, Forestry, General  
03.0502, Forest Sciences and Biology  
03.0506, Forest Management/Forest Resources  
Management  
03.0508, Urban Forestry  
03.0509, Wood Science and Wood Products/  
Pulp and Paper Technology  
03.0510, Forest Resources Production and  
Management  
03.0511, Forest Technology/Technician  
03.0599, Forestry, Other  
03.0601, Wildlife and Wildlands Science and  
Management  
03.9999, Natural Resources and Conservation,  
Other  
13.1301, Agricultural Teacher Education  
14.0301, Agricultural/Biological Engineering  
and Bioengineering  
19.0501, Foods, Nutrition, and Wellness Stud-  
ies, General  
19.0504, Human Nutrition  
19.0505, Foodservice Systems Administration/  
Management  
19.0599, Foods, Nutrition, and Related Serv-  
ices, Other  
30.1901, Nutrition Sciences  
30.3301, Sustainability Studies  
51.0808, Veterinary/Animal Health Tech-  
nology/Technician and Veterinary As-  
sistant

**APPENDIX B TO PART 3434—LIST OF  
HSACU INSTITUTIONS, 2012–2013**

The institutions listed in this appendix are granted HSACU certification by the Secretary and are eligible for HSACU programs for the period starting October 1, 2012, and ending September 30, 2013. Institutions are listed alphabetically under the state of the

school's location, with the campus indicated where applicable.

**ARIZONA (3)**

Central Arizona College  
Phoenix College  
Pima Community College

**CALIFORNIA (26)**

Allan Hancock College  
Bakersfield College  
California State Polytechnic University-Po-  
mona  
California State University-Bakersfield  
California State University-Fresno  
California State University-Fullerton  
California State University-Long Beach  
California State University-Monterey Bay  
California State University-San Bernardino  
College of the Sequoias  
Fullerton College  
Golden West College  
Hartnell College  
Imperial Valley College  
MiraCosta College  
Modesto Junior College  
Monterey Peninsula College  
Mt. San Antonio College  
Porterville College  
Reedley College  
San Diego Mesa College  
San Joaquin Delta College  
Santa Ana College  
Southwestern College  
West Hills College Coalinga  
Whittier College

**COLORADO (1)**

Trinidad State Junior College

**FLORIDA (4)**

Florida International University  
Miami Dade College  
Nova Southeastern University  
Saint Thomas University

**ILLINOIS (2)**

City Colleges of Chicago-Harold Washington  
College  
Triton College

**NEW MEXICO (8)**

Central New Mexico Community College  
Eastern New Mexico University-Main Cam-  
pus  
New Mexico Highlands University  
New Mexico Institute of Mining and Tech-  
nology  
Northern New Mexico College  
Santa Fe Community College  
University of New Mexico-Main Campus  
Western New Mexico University

**NEW YORK (4)**

CUNY Bronx Community College

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CUNY City College  
CUNY LaGuardia Community College  
Mercy College

PUERTO RICO (15)

Bayamon Central University  
Institute Tecnologico de Puerto Rico-Manati  
Inter American University of Puerto Rico-  
Aguadilla  
Inter American University of Puerto Rico-  
Bayamon  
Inter American University of Puerto Rico-  
Metro  
Inter American University of Puerto Rico-  
Ponce  
Inter American University of Puerto Rico-  
San German  
Pontifical Catholic University of Puerto  
Rico-Ponce  
Universidad Del Turabo  
Universidad Metropolitana  
University of Puerto Rico-Arecibo  
University of Puerto Rico-Humacao  
University of Puerto Rico-Medical Sciences  
Campus

University of Puerto Rico-Rio Piedras Cam-  
pus  
University of Puerto Rico-Utuado

TEXAS (16)

Houston Community College  
Lee College  
Midland College  
Palo Alto College  
South Plains College  
Southwest Texas Junior College  
Texas A&M International University  
Texas A&M University-Corpus Christi  
Texas A&M University-Kingsville  
Texas State Technical College-Harlingen  
University of Texas at Brownsville  
University of Texas at El Paso  
University of Texas at San Antonio  
University of Texas—Pan American  
University of Houston  
University of the Incarnate Word

WASHINGTON (1)

Wenatchee Valley College

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