DEPARTMENT OF EDUCATION

Eligibility Designations and Applications for Waiving Eligibility Requirements: Programs Under Parts A and F of Title III and Programs Under Title V of the Higher Education Act of 1965, as Amended (HEA)

AGENCY: Office of Postsecondary Education, Department of Education (Department).

ACTION: Notice.

SUMMARY: The Department announces the process for designation of eligible institutions and invites applications for waivers of eligibility requirements for fiscal year (FY) 2023, for the programs listed in SUPPLEMENTARY INFORMATION.


Deadline for Transmittal of Applications: February 27, 2023.


If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7–1–1.

SUPPLEMENTARY INFORMATION: The Department announces the process for designation of eligible institutions and invites applications for waivers of eligibility requirements for FY 2023 for the following programs:

1. Programs authorized under title III, part A of the HEA: Strengthening Institutions Program (Part A SIP), Alaska Native and Native Hawaiian-Serving Institutions (Part A ANNH), Predominantly Black Institutions (Part A PBI), Native American-Serving Nontribal Institutions (Part A NASNTI), and American Indian and Native American Pacific Islander-Serving Institutions (Part A AANAPISI).

2. Programs authorized under title III, part F of the HEA: Hispanic-Serving Institutions STEM and Articulation (Part F HSI STEM and Articulation), Predominantly Black Institutions (Part F PBI), Alaska Native and Native Hawaiian-Serving Institutions (Part F ANNH), Native American-Serving Nontribal Institutions (Part F NASNTI), and American Indian and Native American Pacific Islander-Serving Institutions (Part F AANAPISI).

3. Programs authorized under title V of the HEA: Developing Hispanic-Serving Institutions (HSI) and Promoting Postbaccalaureate Opportunities for Hispanic Americans (PPOHA).

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Programs: The Part A SIP, Part A ANNH, Part A PBI, Part A NASNTI, and Part A AANAPISI programs are authorized under title III, part A of the HEA. The Part F HSI STEM and Articulation, Part F PBI, Part F ANNH, Part F NASNTI, and Part F AANAPISI programs are authorized under title III, part F of the HEA. The HSI and PPOHA programs are authorized under title V of the HEA.

Please note that certain programs listed in this notice have the same or similar names as other programs that are authorized under a different statutory authority. For this reason, we specify the statutory authority as part of the acronyms for certain programs.

Under the programs discussed above, institutions are eligible to apply for grants if they meet specific statutory and regulatory eligibility requirements. An institution of higher education that is designated as an eligible institution may also receive a waiver of certain non-Federal cost-sharing requirements for 1 year under the Federal Supplemental Educational Opportunity Grant (FSEOG) program authorized by title IV, part A of the HEA and the Federal Work-Study (FWS) program authorized by section 443 of the HEA. Qualified (eligible) institutions may receive the FSEOG and FWS waivers for 1 year even if they do not receive a grant under a title III or V grant program. An applicant that receives a grant from the Student Support Services (SSS) program that is authorized under section 402D of the HEA, 20 U.S.C. 1070a–14, may receive a waiver of the required non-Federal cost share for institutions for the duration of the grant. An applicant that receives a grant from the Undergraduate International Studies and Foreign Language (UISFL) program that is authorized under section 604 of the HEA, 20 U.S.C. 1124, may receive a waiver or reduction of the required non-Federal cost share for institutions for the duration of the grant.

Sections 312, 502, and 512 of the HEA, 34 CFR 607.2–607.5, and 34 CFR 606.2–606.5 include most of the basic eligibility requirements for grant programs authorized under titles III and V of the HEA. Sections 312(b)(1)(B) and 502(a)(2)(A) of the HEA provide that, to be eligible for these programs, an institution of higher education’s average “educational and general expenditures” (E&G) per full-time equivalent (FTE) undergraduate student must be less than the average E&G expenditures per FTE undergraduate student of institutions that offer similar instruction in that year.

The National Center for Education Statistics (NCES) calculates Core Expenses per FTE of institutions, a statistic like E&G per FTE. Both E&G per FTE and Core Expenses per FTE are based on regular operational expenditures of institutions (excluding auxiliary enterprises, independent operations, and hospital expenses). They differ only in that E&G per FTE is based on fall undergraduate enrollment, while Core Expenses per FTE is based on 12-month undergraduate enrollment for the academic year.

To avoid inconsistency in the data submitted to, and produced by, the Department, for the purpose of sections 312(b)(1)(B) and 502(a)(2)(A) of the HEA, E&G per FTE is calculated using the same methodology as Core Expenses per FTE. Accordingly, the Department will apply the NCES methodology for calculating Core Expenses per FTE. Institutions requesting an eligibility exemption determination must use the Core Expenses per FTE data reported to NCES’ Integrated Postsecondary Education Data System (IPEDS) for the most currently available academic year, in this case academic year 2020–2021.

Special Note: To qualify as an eligible institution under the grant programs listed in this notice, your institution must satisfy several criteria. For most of these programs, these criteria include those that relate to the enrollment of needy students and to the Core Expenses per FTE student count for a specified base year. The most recent data available in IPEDS for Core Expenses per FTE are for base year 2020–2021. To award FY 2023 grants in a timely manner, we will use these data to evaluate eligibility.

Accordingly, each institution interested in either applying for a new grant under the title III or V programs addressed in this notice, or requesting a waiver of the non-Federal cost share, must be designated as an eligible institution under the HEA, any institution interested in applying for a grant under any of these programs must first be designated as an eligible institution. See 34 CFR 606.5 and 607.5.

Note: Please be advised that final eligibility is program specific. Applicants should refer to the program in question for programmatic requirements. Further information regarding eligibility is set forth below.

Eligible Applicants: The eligibility requirements for the Part A PPOHA programs authorized under part A of title III of the HEA are in sections 312 and 317–320 of
the HEA (20 U.S.C. 1058, 1059d–1059g) and in 34 CFR 606.2–607.5. The regulations may be accessed at www.ecfr.gov/cgi-bin/text-idx?SID=bc12bf5d685021e069 cd1a15352b381a&mc=true&node=pt34.3.607&rgn=div5. The eligibility requirements for the programs authorized by part F of title III of the HEA are in section 371 of the HEA (20 U.S.C. 1067q). There are currently no specific regulations for these programs.

The eligibility requirements for the title V HSI program are in part A of title V of the HEA and in 34 CFR 606.2–606.5. The regulations may be accessed at www.ecfr.gov/cgi-bin/text-idx?SID=bc12bf5d685021e069 cd1a15352b381a&mc=true&node=pt34.3.606&rgn=div5.

The requirements for the PPOHA program are in part B of title V of the HEA and in the notice of final requirements published in the Federal Register on July 27, 2010 (75 FR 44055), and in 34 CFR 606.2(a) and (b) and 606.3(g) using your email address and password. If you are not sure whether you have an account in the system, click the “New User” button. If you do not have an account, the system will walk you through setup. Note that it may take up to 5 business days to verify user identity and to complete new account setup, so please allow enough time to complete the application. If the Grant Eligibility Application (GEA) system is open for new applications, you may check your institution’s eligibility status by clicking the “View Pre-Eligibility Information” button.

Your institution’s eligibility information will display. If the EM does not show that your institution is eligible for a program, or if your institution does not appear in the eligibility system, or if you disagree with the eligibility determination reflected in the eligibility system, you can apply for a waiver or reconsideration using the process described in this notice. The application process mirrors that used in previous years: choose the waiver option on the website at https://HEPIS.ed.gov/ and submit your institution’s application.

Please note that through this process, the Department does not certify, nor designate, an institution as a Historically Black College or University, Tribally Controlled College or University, Minority-Serving Institution, or Hispanic-Serving Institution. The Department’s EM determination relates only to the institution’s ability to apply for and receive grants under certain programs as discussed in this notice.

Note: Institutions that submit a waiver request for either the Core Expenses per FTE or the Needy Student requirement must submit the required documents and supporting data and evidence by the deadline. All reviews and decisions will be made approximately 2 weeks after the deadline.

Enrollment of Needy Students: As noted above, to qualify as an eligible institution under the grant programs listed in this notice, your institution must satisfy several criteria, including those that relate to the enrollment of needy students and to the Core Expenses per FTE student count for a specified base year.

As to the enrollment of needy students, for programs under titles III and V (excluding the PBI programs), an institution is considered to have an enrollment of needy students if your application contains the data necessary to satisfy the first criterion (showing at least 50 percent of your degree-seeking students received financial assistance under one of several Federal student aid programs (the Federal Pell Grant, FSEOG, or FWS programs)), since these data are not available in IPEDS.

“Enrollment of Needy Students” for purposes of the Part A PBI program is separately defined in section 318(b)(2) of the HEA, and for purposes of the Part F PBI program is defined in section 371(c)(3) of the HEA.

Core Expenses per FTE Student: For each of the following programs, an institution should compare its base year 2020–2021 Core Expenses per FTE student to the average Core Expenses per FTE student for its category of comparable institutions using the 2020–2021 Median Pell Grant and Average Core Expenses per FTE Student Table in this notice: Title III, Part A SIP; Part A ANNH; Part A PBI; Part A NASNTI; Part A AANAPISI; Title III, Part F HSI STEM and Articulation; Part F PBI; Part F ANNH; Part F NASNTI; Part F AANAPISI; Title V, Part A HSI; and Title V, Part B PPOHA. An institution satisfies this program eligibility requirement if its Core Expenses for the 2020–2021 base year are less than the average Core Expenses of its comparable institutional category.

Core Expenses are defined as the total expenses for the essential education activities of the institution. Core Expenses includes expenditures for public institutions reporting under the Governmental Accounting Standards Board (GASB) requirements include expenses for instruction, research, public service, academic support, student services, institutional support, operation and maintenance of plant, depreciation, scholarships and fellowships, interest, and other operating and non-operating expenses. Core Expenses for institutions reporting under the Financial Accounting Standards Board (FASB) standards (primarily private, not-for-profit, and for-profit institutions)
include expenses for instruction, research, public service, academic support, student services, institutional support, net grant aid to students, and other expenses. Core Expenses do not include Federal student aid for the purposes of eligibility. For both FASB and GASB institutions, Core Expenses do not include expenses for auxiliary enterprises (e.g., bookstores, dormitories), hospitals, and independent operations.

The following table identifies base year 2020–2021 median Federal Pell Grant percentages and average Core Expenses per FTE student for the four categories of comparable institutions:

<table>
<thead>
<tr>
<th>Type of institution</th>
<th>Base year 2020–2021 median Pell Grant percentage</th>
<th>Base year 2020–2021 average core expenses per FTE student</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-year Public Institutions</td>
<td>31</td>
<td>$17,326</td>
</tr>
<tr>
<td>2-year Nonprofit Private Institutions</td>
<td>52</td>
<td>15,981</td>
</tr>
<tr>
<td>4-year Public Institutions</td>
<td>33</td>
<td>34,841</td>
</tr>
<tr>
<td>4-year Nonprofit Private Institutions</td>
<td>34</td>
<td>43,267</td>
</tr>
</tbody>
</table>

Waiver Information: Institutions that do not meet the needy student enrollment requirement or the Core Expenses per FTE requirement may apply to the Secretary for a waiver of these requirements, as described in sections 392 and 522 of the HEA, and in the implementing regulations at 34 CFR 606.3(b), 606.4(c) and (d), 607.3(b), and 607.4(c) and (d).

Institutions requesting a waiver of the needy student enrollment requirement or the Core Expenses per FTE requirement must include in their application detailed evidence supporting the waiver request, as described in the instructions for completing the application. The regulations governing the Secretary’s authority to grant a waiver of the needy student requirement refer to “low-income” students or families, at 34 CFR 606.3(b)(2) and (3) and 607.3(b)(2) and (3). The regulations at 34 CFR 606.3(c) and 607.3(c) define “low-income” as an amount that does not exceed 150 percent of the amount equal to the poverty level, as established by the U.S. Census Bureau.

For purposes of this waiver provision, the following table sets forth the low-income levels (at 150 percent) for various family sizes:

### 2021 ANNUAL LOW-INCOME LEVELS

<table>
<thead>
<tr>
<th>Size of family unit</th>
<th>Family income for the 48 contiguous states, DC, and outlying jurisdictions</th>
<th>Family income for Alaska</th>
<th>Family income for Hawaii</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$19,320</td>
<td>$24,135</td>
<td>$22,230</td>
</tr>
<tr>
<td>2</td>
<td>26,130</td>
<td>32,655</td>
<td>30,060</td>
</tr>
<tr>
<td>3</td>
<td>32,940</td>
<td>41,175</td>
<td>37,890</td>
</tr>
<tr>
<td>4</td>
<td>39,750</td>
<td>49,695</td>
<td>45,720</td>
</tr>
<tr>
<td>5</td>
<td>46,560</td>
<td>58,215</td>
<td>53,550</td>
</tr>
<tr>
<td>6</td>
<td>53,370</td>
<td>66,735</td>
<td>61,380</td>
</tr>
<tr>
<td>7</td>
<td>60,180</td>
<td>75,255</td>
<td>69,210</td>
</tr>
<tr>
<td>8</td>
<td>66,990</td>
<td>83,775</td>
<td>77,040</td>
</tr>
</tbody>
</table>

Note: We use the 2021 annual low-income levels because those are the amounts that apply to the family income reported by students enrolled for the fall 2020 semester. For family units with more than eight members, add the following amount for each additional family member: $6,810 for the contiguous 48 States, the District of Columbia, and outlying jurisdictions; $8,520 for Alaska; and $7,830 for Hawaii.

The figures shown under family income represent amounts equal to 150 percent of the family income levels established by the U.S. Census Bureau for determining poverty status. The poverty guidelines were published on February 1, 2021, in the Federal Register by the U.S. Department of Health and Human Services (86 FR 7732), with an effective date of January 13, 2021.

Information about “metropolitan statistical areas” referenced in 34 CFR 606.3(b)(4) and 607.3(b)(4) may be obtained at: https://www.census.gov/programs-surveys/metro-micro/geographies/reference-maps.html.

Electronic Submission of Waiver Applications: If your institution does not appear in the eligibility system as eligible for a program to which you seek to apply, you must apply for a waiver of the eligibility requirements. To request a waiver, you must upload a narrative at https://HEPIS.ed.gov/.

Exception to the Electronic Submission Requirement: We discourage paper applications, but if electronic submission is not possible (e.g., you do not have access to the internet), you must provide a written statement that you intend to submit a paper application. This written statement must be postmarked no later than 2 weeks before the application deadline date (14 calendar days or, if the 14th calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday).

Please send this statement to the person listed in the FOR FURTHER INFORMATION CONTACT section of this notice.

If you submit a paper application, you must mail your application, on or before the application deadline date, to the Department at the following address:
SUMMARY: The U.S. Environmental Protection Agency (EPA) invites nominations from a diverse range of qualified candidates to be considered for appointment to its Clean Air Act Advisory Committee (CA AAC). Vacancies are anticipated to be filled by August 2023. Sources in addition to this Federal Register Notice may also be utilized in the solicitation of nominees.

ADDRESSES: Submit nominations in writing to: Lorraine Reddick, Designated Federal Officer, Office of Air and Radiation, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460.

For further information or to email nominations, include in the subject line CAAAC Membership 2023 and send to caaac@epa.gov.

SUPPLEMENTARY INFORMATION:

Background: Clean Air Act Advisory Committee provides advice, information and recommendations on policy and technical issues associated with implementation of the Clean Air Act (CAA) as requested by EPA. These issues include the development, implementation, and enforcement of programs required by the Act. The CAAAC will provide advice and recommendations on approaches for new and expanded programs including those using innovative technologies and policy mechanisms to achieve environmental improvements; the potential health, environmental and economic effects of CAA programs on the public, the regulated community, State and local governments, and other Federal agencies; the policy and technical contents of proposed major EPA rulemaking and guidance required by the Act in order to help effectively incorporate appropriate outside advice and information; and the integration of existing policies, regulations, standards, guidelines, and procedures into programs for implementing requirements of the Act.

The programs falling under the purview of the committee include, but are not limited to, those for meeting National Ambient Air Quality Standards, reducing emissions from vehicles and vehicle fuels, reducing air toxic emissions, permitting, carrying out compliance authorities, and CAA-related voluntary activities. Members are appointed by the EPA Administrator for two-year terms with the possibility of reappointment to additional term(s). The CAAAC usually meets approximately 2 times annually and the average workload for the members is approximately 5 to 10 hours per month.

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Although EPA is unable to offer compensation or an honorarium for CAAAC members, they may receive travel and per diem allowances, according to applicable federal travel regulations.

EPA is seeking nominations from academia, industry, non-governmental/