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DEPARTMENT OF AGRICULTURE

National Institute of Food and Agriculture

7 CFR Part 3434

RIN 0524-AA39

Hispanic-Serving Agricultural Colleges and Universities (HSACU) Certification Process

AGENCY: National Institute of Food and Agriculture (NIFA), Department of Agriculture (USDA).

ACTION: Final rule.

SUMMARY: This amendment to NIFA regulations updates the list of institutions that are granted Hispanic-Serving Agricultural Colleges and Universities (HSACU) certification by the Secretary and are eligible for HSACU programs for the period starting October 1, 2021, and ending September 30, 2022.

DATES: This rule is effective March 31, 2022 and applicable October 1, 2021.

FOR FURTHER INFORMATION CONTACT: Amanda Sahinovic; Financial Policy Specialist; National Institute of Food and Agriculture; U.S. Department of Agriculture; 805 Pennsylvania Ave.; Kansas City, MO 64105; Voice: 816-266-9905; Email: HSACU@usda.gov.

SUPPLEMENTARY INFORMATION:

HSACU Institutions for Fiscal Year 2019: This rule makes changes to the existing list of institutions in appendix B of 7 CFR part 3434. The list of institutions is amended to reflect the institutions that are granted HSACU certification by the Secretary and are eligible for HSACU programs for the period starting October 1, 2021, and ending September 30, 2022.

Certification Process: As stated in 7 CFR 3434.4, an institution must meet the following criteria to receive HSACU certification: (1) Be a Hispanic-Serving Institution (HSI), (2) offer agriculture-related degrees, (3) not be designated an

1862 land-grant institution, (4) not appear on the Excluded Parties List System (EPLS), (5) be accredited, and (6) award at least 15% of agriculture-related degrees to Hispanic students over the two most recent academic years.

NIFA obtained the latest report from the U.S. Department of Education's National Center for Education Statistics that lists all HSIs and the degrees conferred by these institutions (completion data) during the 2019–20 academic year. NIFA used this report to identify HSIs that conferred a degree in an instructional program that appears in appendix A of 7 CFR part 3434 and to confirm that over the 2018–19 and 2019–20 academic years at least 15% of the degrees in agriculture-related fields were awarded to Hispanic students. NIFA further confirmed that these institutions were nationally accredited.

The updated list of HSACUs is based on (1) completions data from 2018–19 and 2019–20, and (2) enrollment data from Fall 2020. NIFA identified 158 institutions that met the eligibility criteria to receive HSACU certification for FY 2022 (October 1, 2021 to September 30, 2022).

Section 7102 of the Agriculture Act of 2018 (Pub. L. 115–334) amended Section 1404(14) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(14)) to remove the opt-in, opt-out language for Hispanic Serving Agricultural Colleges and Universities (HSACU) in order to apply for Non Land-Grant College of Agriculture (NLGCA) designation.

Appeal Process: As set forth in 7 CFR 3434.8, NIFA will permit HSIs that are not granted HSACU certification to submit an appeal within 30 days of the publication of this notice.

Classification: This rule relates to public property, loans, grants, benefits, or contracts. Accordingly, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity for comment are not required, and this rule may be made effective less than 30 days after publication in the **Federal Register**. This rule also is exempt from the provisions of Executive Order 12866. This action is not a rule as defined by the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 601 *et seq.*, or the Congressional Review Act, 5 U.S.C. 801

et seq., and thus is exempt from the provisions of those Acts. This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 3434

Administrative practice and procedure, Agricultural research, education, extension, Federal assistance, Hispanic-serving institutions.

Accordingly, 7 CFR part 3434 is amended as set forth below:

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

■ 1. The authority citation for part 3434 continues to read as follows:

Authority: 7 U.S.C. 3103.

■ 2. Revise appendix B to read as follows:

Appendix B to Part 3434—List of HSACU Institutions, 2021–2022

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, 2021 and ending September 30, 2022. Institutions are listed alphabetically under the state of the school's location, with the campus indicated where applicable.

Arkansas (1)

Cossatot Community College of the University of Arkansas

Arizona (14)

Arizona State University—Downtown Phoenix
Arizona Western College
Central Arizona College
Chandler-Gilbert Community College
Cochise County Community College District
Estrella Mountain Community College
GateWay Community College
Mesa Community College
Northern Arizona University
Paradise Valley Community College
Phoenix College
Pima Community College
Rio Salado College
South Mountain Community College

California (87)

Allan Hancock College
American River College
Antelope Valley College
Bakersfield College
Berkeley City College
Butte College

Cabrillo College
 California Baptist University
 California Lutheran University
 California State Polytechnic University—
 Pomona
 California State University—Bakersfield
 California State University—Channel Islands
 California State University—Chico
 California State University—Dominguez Hills
 California State University—Fresno
 California State University—Fullerton
 California State University—Long Beach
 California State University—Los Angeles
 California State University—Monterey Bay
 California State University—Northridge
 California State University—Sacramento
 California State University—San Bernardino
 California State University—San Marcos
 California State University—Stanislaus
 Chabot College
 Chaffey College
 Charles R Drew University of Medicine and
 Science
 Citrus College
 City College of San Francisco
 College of Marin
 College of San Mateo
 College of the Canyons
 College of the Desert
 College of the Sequoias
 Cosumnes River College
 Crafton Hills College
 Cuesta College
 Cuyamaca College
 Feather River Community College District
 Fresno City College
 Fresno Pacific University
 Fullerton College
 Hartnell College
 Humboldt State University
 Las Positas College
 Long Beach City College
 Los Angeles Pierce College
 Merced College
 Merritt College
 Mills College
 MiraCosta College
 Mission College
 Modesto Junior College
 Monterey Peninsula College
 Napa Valley College
 National University
 Orange Coast College
 Oxnard College
 Pacific Union College
 Palo Verde College
 Palomar College
 Pasadena City College
 Reedley College
 Rio Hondo College
 Saddleback College
 Saint Mary's College of California
 San Bernardino Valley College
 San Diego City College
 San Diego Mesa College
 San Diego State University
 San Joaquin Delta College
 San Jose City College
 San Jose State University
 Santa Monica College
 Santa Rosa Junior College
 Solano Community College
 Southwestern College
 University of La Verne
 University of Redlands
 Ventura College

Victor Valley College
 West Hills College-Coalinga
 West Los Angeles College
 West Valley College
 Whittier College
 Woodland Community College
 Yuba College

Connecticut (1)

Naugatuck Valley Community College

Colorado (9)

Aims Community College
 Colorado Mountain College
 Colorado State University Pueblo
 Community College of Denver
 Lamar Community College
 Metropolitan State University of Denver
 Morgan Community College
 Otero Junior College
 Trinidad State Junior College

Florida (10)

Broward College
 Florida International University
 Hillsborough Community College
 Indian River State College
 Nova Southeastern University
 Palm Beach State College
 South Florida State College
 The College of the Florida Keys
 University of Central Florida
 Valencia College

Illinois (11)

City Colleges of Chicago—Richard J Daley
 College
 College of DuPage
 College of Lake County
 Concordia University—Chicago
 Dominican University
 Joliet Junior College
 North Park University
 Northeastern Illinois University
 Roosevelt University
 Rush University
 Triton College

Kansas (3)

Dodge City Community College
 Garden City Community College
 Seward County Community College

Massachusetts (3)

Bunker Hill Community College
 Holyoke Community College
 North Shore Community College

Maryland (1)

Montgomery College

Nevada (4)

College of Southern Nevada
 Nevada State College
 Truckee Meadows Community College
 University of Nevada—Las Vegas

New Jersey (10)

Bergen Community College
 College of Saint Elizabeth
 Cumberland County College
 Essex County College
 Fairleigh Dickinson University—
 Metropolitan Campus
 Hudson County Community College
 Kean University
 Montclair State University

Rutgers University—Newark
 Saint Peter's University

New Mexico (12)

Central New Mexico Community College
 Eastern New Mexico University Ruidoso
 Branch Community College
 Eastern New Mexico University—Main
 Campus
 Eastern New Mexico University—Roswell
 Campus
 Mesalands Community College
 New Mexico Junior College
 Northern New Mexico College
 Santa Fe Community College
 University of New Mexico—Los Alamos
 Campus
 University of New Mexico—Main Campus
 University of the Southwest
 Western New Mexico University

New York (14)

College of Staten Island CUNY
 CUNY Bronx Community College
 CUNY City College
 CUNY Hostos Community College
 CUNY Hunter College
 CUNY LaGuardia Community College
 CUNY New York City College of Technology
 CUNY Queens College
 CUNY Queensborough Community College
 CUNY Stella and Charles Guttman
 Community College
 Nassau Community College
 Suffolk County Community College
 Sullivan County Community College
 SUNY Westchester Community College

North Carolina (1)

Sampson Community College

Ohio (1)

Union Institute & University

Oklahoma (1)

Oklahoma Panhandle State University

Oregon (1)

Chemeketa Community College

Pennsylvania (1)

Lehigh Carbon Community College

Puerto Rico (11)

Inter American University of Puerto Rico—
 Ponce
 Inter American University of Puerto Rico—
 San German
 Pontifical Catholic University of Puerto
 Rico—Arecibo
 Pontifical Catholic University of Puerto
 Rico—Ponce
 Universidad Ana G. Mendez—Carolina
 Campus
 Universidad Ana G. Mendez—Cupey Campus
 Universidad Ana G. Mendez—Gurabo
 Campus
 Universidad Ana G. Mendez—Online
 Campus
 University of Puerto Rico—Humacao
 University of Puerto Rico—Rio Piedras
 University of Puerto Rico—Utua

Texas (37)

Central Texas College
 Frank Phillips College
 Houston Community College

Lone Star College System
 McLennan Community College
 Northeast Texas Community College
 Odessa College
 Palo Alto College
 Richland College
 Saint Edward's University
 San Antonio College
 South Plains College
 Southwest Texas Junior College
 St. Mary's University
 Sul Ross State University
 Tarrant County College District
 Texas A & M University—Corpus Christi
 Texas A & M University—Kingsville
 Texas State Technical College
 Texas State University
 Texas Tech University
 Texas Woman's University
 The University of Texas at Arlington
 The University of Texas at Austin
 The University of Texas at El Paso
 The University of Texas at San Antonio
 The University of Texas Health Science Center at Houston
 The University of Texas Rio Grande Valley
 University of Houston
 University of Houston—Clear Lake
 University of North Texas
 University of St Thomas
 University of the Incarnate Word
 Vernon College
 Wayland Baptist University
 West Texas A & M University
 Western Texas College

Washington (4)

Big Bend Community College
 Heritage University
 Wenatchee Valley College
 Yakima Valley College

Wisconsin (1)

Mount Mary University

Done at Washington, DC, this day of March 24, 2022.

Carrie L. Castille,

Director, National Institute of Food and Agriculture, U.S. Department of Agriculture.

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SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

RIN 3245-AG89

Small Business Size Standards: Agriculture, Forestry, Fishing and Hunting; Mining, Quarrying, and Oil and Gas Extraction; Utilities; Construction

AGENCY: U.S. Small Business Administration.

ACTION: Final rule.

SUMMARY: The U.S. Small Business Administration (SBA) is increasing its receipts-based small business size definitions (commonly referred to as “size standards”) for North American

Industry Classification System (NAICS) Sectors related to Agriculture, Forestry, Fishing and Hunting; Mining, Quarrying, and Oil and Gas Extraction; Utilities; and Construction. Specifically, SBA is increasing size standards for 68 industries in those sectors, including 58 industries and two subindustries (“exceptions”) in NAICS Sector 11 (Agriculture, Forestry, Fishing and Hunting), three industries in Sector 21 (Quarrying, and Oil and Gas Extraction), three industries in Sector 22 (Utilities), and one industry and one subindustry (“exception”) in Sector 23 (Construction).

DATES: This rule is effective May 2, 2022.

FOR FURTHER INFORMATION CONTACT: Samuel Castilla, Economist, Office of Size Standards, (202) 205-6618, or sizestandards@sba.gov.

SUPPLEMENTARY INFORMATION:

Discussion of Size Standards

To determine eligibility for Federal small business assistance, SBA establishes small business size definitions (usually referred to as “size standards”) for private sector industries in the United States. SBA uses two primary measures of business size for size standards purposes: Average annual receipts and average number of employees. SBA uses financial assets for certain financial industries and refining capacity, in addition to employees, for the petroleum refining industry to measure business size. In addition, SBA’s Small Business Investment Company (SBIC), Certified Development Company (CDC/504), and 7(a) Loan Programs use either the industry-based size standards or tangible net worth and net income-based alternative size standards to determine eligibility for those programs.

In September 2010, Congress passed the Small Business Jobs Act of 2010 (Pub. L. 111-240, 124 Stat. 2504, September 27, 2010) (“Jobs Act”), requiring SBA to review all size standards every five years and make necessary adjustments to reflect current industry and market conditions. In accordance with the Jobs Act, in early 2016, SBA completed the first five-year review of all size standards—except those for agricultural enterprises for which size standards were previously set by Congress—and made appropriate adjustments to size standards for a number of industries to reflect current industry and Federal market conditions.

Section 1831 of the National Defense Authorization Act for Fiscal Year 2017 (“NDAA 2017”), Public Law 114-328 (December 23, 2016) directed SBA to

establish size standards for all agricultural enterprises in the same manner as for other industries and to include them in the five-year rolling review procedures established under section 1344(a) of the Jobs Act. Accordingly, in this final rule, SBA has evaluated the size standards for all agricultural industries, including 46 industries that are being reviewed for the first time. As stated above, historically, the size standards for most agricultural industries were established by statute.

In addition to the comprehensive review of size standards, SBA also adjusts its monetary-based size standards for inflation at least once every five years. An interim final rule on SBA’s latest inflation adjustment to size standards, effective August 19, 2019, was published in the **Federal Register** on July 18, 2019 (84 FR 34261). SBA also updates its size standards every five years to adopt the Office of Management and Budget’s (OMB) quinquennial North American Industry Classification System (NAICS) revisions to its table of small business size standards. Effective October 1, 2017, SBA adopted the OMB’s 2017 NAICS revisions to its size standards (82 FR 44886 (September 27, 2017)).¹

This final rule is one of a series of final rules that will revise size standards of industries grouped by various NAICS sectors. Rather than revise all size standards at one time, SBA is revising size standards by grouping industries within various NAICS sectors that use the same size measure (*i.e.*, employees or receipts). In the prior review, SBA revised size standards mostly on a sector-by-sector basis. As part of second five-year review of size standards under the Jobs Act, SBA reviewed all receipt-based size standards in NAICS Sectors 11, 21, 22, and 23 to determine whether the existing size standards should be retained or revised based on the current industry and Federal market data. After its review, SBA published a proposed rule in the October 2, 2020 issue of the **Federal Register** (85 FR 62239) which proposed to increase the size standards for 68 industries in the above sectors, including 58 industries and two

¹ On December 21, 2021, the U.S. Office of Management and Budget (OMB) published its “Notice of NAICS 2022 Final Decisions . . .” (86 FR 72277), accepting the Economic Classification Policy Committee (ECPC) recommendations, as outlined in the July 2, 2021, **Federal Register** notice (86 FR 35350), for the 2022 revisions to the North American Industry Classification System (NAICS), . . .” In the near future, SBA will issue a proposed rule to adopt the OMB NAICS 2022 revisions for its table of size standards. SBA anticipates updating its size standards with the NAICS 2022 revisions, effective October 1, 2022.