

U.S. Office of Personnel Management.

James B. King,

Director.

Accordingly, OPM is amending 5 CFR part 591 as follows:

PART 591—ALLOWANCES AND DIFFERENTIALS

Subpart B—Cost-of-Living Allowance and Post Differential—Nonforeign Areas

1. The authority citation for subpart B of part 591 continues to read as follows:

Authority: 5 U.S.C. 5941; E.O. 10000, 3 CFR, 1943–1948 Comp., p. 792; E.O. 12510, 3 CFR, 1985 Comp., p. 338.

2. Appendix A of subpart B is revised to read as follows:

Appendix A of Subpart B—Places and Rates at Which Allowances Shall Be Paid

This appendix lists the places where a cost-of-living allowance has been approved and shows the allowance rate to be paid to employees along with any special eligibility requirements for the allowance payment. The allowance percentage rate shown is paid as a percentage of an employee's rate of basic pay.

Geographic coverage/allowance category	Authorized allowance rate (percent)
State of Alaska	
City of Anchorage and 50 mile radius by road:	
Local retail	25.0

Geographic coverage/allowance category	Authorized allowance rate (percent)
Commissary/exchange	17.5
City of Fairbanks and 50 mile radius by road:	
Local retail	25.0
Commissary/exchange	20.0
City of Juneau and 50 mile radius by road:	
All employees	25.0
Rest of the State:	
All employees	25.0
State of Hawaii	
City and County of Honolulu:	
Local retail	22.5
Commissary/exchange	17.5
County of Hawaii:	
All employees	15.0
County of Kauai:	
All employees	17.5
County of Maui and County of Kalawao:	
All employees	22.5
Territory of Guam and Commonwealth of the Northern Mariana Islands	
All locations:	
Local retail	22.5
Commissary/exchange	17.5
Commonwealth of Puerto Rico	
All locations:	
Local retail	10.0
Commissary/exchange	0.0
The Virgin Islands	
St. Croix:	
All employees	12.5
St. Thomas and St. John:	
All employees	17.5

Definitions of Allowance Categories

The following definitions of the allowance categories identified in the tables in this appendix shall be used to determine employee eligibility for the appropriate allowance rate:

Allowance category	Definition
Local retail	This category includes those employees who purchase goods and services from private retail establishments.
Commissary/exchange.	This category includes those employees who shop at private retail establishments, but who, as a result of their Federal civilian employment, also have unlimited access to commissary and exchange facilities. This category is established only in those allowance areas that have these facilities.

Note: Eligibility for access to military commissary and exchange facilities is determined by the appropriate military department. If an employee is furnished with these privileges for reasons associated with his or her Federal civilian employment, he or she will have an identification card that authorizes access to such facilities. Possession of such an identification card—i.e., one issued by reason of his or her Federal civilian employment—is sufficient evidence that the employee uses the facilities.

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Part VIII

Department of Education

Federal Pell Grant Program; Notice

DEPARTMENT OF EDUCATION

Federal Pell Grant Program

AGENCY: Department of Education.

ACTION: Notice; deadline dates for receipt of applications, reports, and other documents for the 1993-94 award year.

SUMMARY: The Secretary announces the deadline dates for receiving documents from persons applying for financial assistance under, and from institutions participating in, the Federal Pell Grant Program during the 1993-94 award year.

SUPPLEMENTARY INFORMATION: The Federal Pell Grant Program provides grants to students attending eligible institutions of higher education to help them pay for their educational costs. The program supports Goals 2000, the President's strategy for moving the Nation toward the National Education Goals, by enhancing opportunities for postsecondary education. The National Education Goals call for increasing the rate at which students graduate from high school and pursue high quality postsecondary education and for supporting life-long learning. Authority for the Federal Pell Grant Program is contained in section 401 of the Higher Education Act of 1965, as amended (HEA), 20 U.S.C. 1070a. Regulations that govern the Federal Pell Grant Program are codified in 34 CFR part 690 and 34 CFR part 668.

The Pell Grant Program includes a three-step application process. Under the first step, the student must submit an application to have his or her expected family contribution (EFC) determined. The student may submit a paper application, or, if the institution he or she attends or will attend participates in the Department of Education's Electronic Data Exchange (EDE), the student may submit an electronic application. Under EDE, using software provided by the Department of Education (Department) or a needs analysis servicer, an institution electronically transmits the student's application data to the Department's Federal Student Aid Central Processing System (central processor). The institution may enter the application data, or the institution may have the student enter that data.

In the second step, the central processor determines a student's EFC based upon the information provided in a paper or electronic application and forwards the results to the student. The central processor may also forward the results to the student's institution.

As a result of submitting a paper application, the student receives a

Student Aid Report (SAR), and any institution designated by the student may draw down a student's data in the form of an electronic SAR (ESAR) if the institution participates in EDE. An ESAR or SAR contains the student's EFC and the information on which that EFC was based. If application data was submitted electronically under EDE, the student will not receive an SAR, but the institution may draw down an ESAR.

The central processor may also transmit, to the institution that a student indicates he or she is attending or will attend, an institutional student information report (ISIR) that includes the student's EFC and the information on which that EFC was based. An ISIR is a paper document or an institutional paper printout from a computer-generated magnetic or electronic record.

Under the third step, a student must submit a valid SAR to the institution or sign a valid ESAR or ISIR. A valid SAR, ESAR, or ISIR is one on which all the information used to calculate the student's EFC is accurate and complete. In addition, a valid ESAR or ISIR must be signed by the student, and if corrections were made, signed by one of the student's parents if the student is a dependent student. If corrections are made to an ESAR or ISIR, the ESAR or ISIR must also be signed by the student's spouse if the student is married. However, a student may receive a Federal Pell Grant by signing a valid ISIR only if the institution he or she attends reports its Federal Pell Grant payment data to the Department by floppy disk, magnetic tape, or electronically under EDE. (Part IV of this notice describes the disbursement reporting requirements.)

I. Applications for Determination of Expected Family Contribution—Table I

Under the first application step described above, if a student uses a paper application, he or she must submit an approved application to an agency listed in table I of this notice, at the address indicated in table I. That application must be received at that address no later than May 2, 1994. A paper application may not be hand-delivered.

An approved application is an application listed in the first column of table I. Moreover, the student must send the application to the address of the organization whose application is being used. Thus, the Free Application for Federal Student Aid (FAFSA) printed and distributed by the Department must be sent to the FAFSA processor in Iowa City, forms printed and distributed by the College Scholarship Service (CSS) must be sent to CSS, forms printed and

distributed by the American College Testing Program (ACT) must be sent to ACT, and forms distributed by the Pennsylvania Higher Education Assistance Agency (PHEAA) must be sent to PHEAA.

If a student submits an electronic application under EDE, that application must be received by the Department's central processor prior to midnight (Central Daylight Savings Time) on May 2, 1994. (For purposes of this notice, this deadline means that a student has all of May 2, 1994, to apply.)

For the balance of this notice, the first application submitted by or on behalf of a student shall be called an "original application."

Applications of Students Receiving "Dependency Overrides"

Under section 480(d)(7) of the HEA, a financial aid administrator (FAA) may determine that a student qualifies as an "independent student" as a result of unusual circumstances even though the student does not qualify as an independent student under the other criteria in section 480(d). This determination, using what is known as "professional judgment," results in a "dependency override."

If an FAA makes a dependency override with regard to a student, the student must submit an original Correction Application to the Federal Student Aid Programs after that application has been specially coded for the dependency override and signed by the FAA. If the student attends an institution that participates in EDE, the institution may electronically transmit an original application or a Correction Application, coded for the dependency override, to the central processor.

If a student has not submitted an original application, the deadline date for the submission of a Correction Application for a dependency override is May 2, 1994. If the student has submitted an original application, the deadline date for the submission of a Correction Application is August 1, 1994. (For purposes of this notice, this deadline means that a student has all of August 1, 1994, to apply.) Applications submitted electronically must be received by the central processor prior to midnight Central Daylight Savings Time on the applicable deadline date.

(Approved by the Office of Management and Budget under OMB Control Number Application: 1840-0110)

II. Other Documents—Table I

Once a student has filed his or her original application, additional transactions may occur as a result of that application. In some cases, the

agency receiving the original application may request additional information. In other cases, the student is responsible for initiating a request to the agency to consider additional or alternative information.

Table I of this notice lists the addresses to which additional forms and information, known as transactions, must be sent and the deadline dates for the receipt of those transactions.

The following explains each type of transaction:

A. Correction Application

In addition to being used when a student receives a "dependency override," the Secretary provides a Correction Application to a student if the student's original application lacks sufficient information to be processed or contains inaccurate information. The student must include on the Correction Application all the information necessary to process that application.

If a student has misreported his or her dependency status, or if that status has changed after the student submitted an original application for reasons other than a change in marital status, the student must submit a Correction Application with the correct dependency status.

A Correction Application may be obtained (1) from an FAA or an Educational Opportunity Center counselor, (2) by writing to the addresses listed in table I, (3) by writing to Federal Student Aid Information Center, P.O. Box 84, Washington, DC, 20044, or (4) by calling (800) 4 FED AID. The Correction Application must be returned to one of the addressees listed in table I and received at that address no later than August 1, 1994, unless the Correction Application is submitted as an original application, in which case it must be received by May 2, 1994. A Correction Application submitted electronically under EDE through the electronic application process must be received by the central processor prior to midnight (Central Daylight Savings Time) on August 1, 1994, unless the Correction Application is submitted as an original application, in which case the correction application must be received prior to midnight (Central Daylight Savings Time) on May 2, 1994.

B. SAR and ISIR

- **Correction or Verification of Information Requested by the Secretary**—If the Secretary returns an SAR to a student for correction or notifies an institution through an ISIR that a student needs to correct application information, the student must correct that information on the

SAR. The student must return the SAR to the appropriate address listed in table I, and that corrected SAR must be received at the appropriate address no later than August 1, 1994. If the student attends an institution that participates in EDE, the corrected SAR may be transmitted electronically to the central processor. That SAR must be received by the central processor prior to midnight (Central Daylight Savings Time) on August 1, 1994.

- **If the Secretary returns an SAR to a student for verification of certain data items included on the application or notifies an institution through an ISIR that a student needs to verify application information, the student must verify the information. The student verifies the information on the SAR, and returns the SAR in the same manner as described for required corrections. This request for verification is separate and apart from the verification requirements contained in 34 CFR part 668, subpart E.**

- **Correction of Inaccurate Information**—If an SAR or an ISIR reflects information that was inaccurate when the application was signed, the student must correct that information on the SAR and send the SAR to the appropriate address listed in table I or submit the change electronically. The SAR must be received at that address no later than August 1, 1994.

- **If the student attends an institution that participates in EDE, the corrected information may be transmitted electronically to the central processor. That SAR must be received by the central processor prior to midnight (Central Daylight Savings Time) on August 1, 1994.**

- **Recomputation of EFC**—A student may request on his or her SAR that the Secretary recompute his or her EFC if the student believes the EFC is inaccurate because of an arithmetic or clerical error. The student must return the SAR to the appropriate address listed in table I, and that SAR must be received at the appropriate address no later than August 1, 1994. If the student attends an institution that participates in EDE, the request for a recomputation may be transmitted electronically to the central processor. That SAR must be received by the central processor prior to midnight (Central Daylight Savings Time) on August 1, 1994.

- **Request for Duplicate SAR**—If a student wishes to receive a duplicate SAR, the student may write to the appropriate agency's address listed in table I or call the appropriate agency's telephone number listed in table I. All written and telephone requests must be received no later than August 1, 1994.

A written request sent to the appropriate agency (listed in table I) must be received through a U.S. Postal facility by August 1, 1994. Individuals at the agencies listed in table I are not authorized to personally accept hand-delivered documents.

Note: Although corrections and requests for a duplicate SAR will be processed through August 1, 1994, this deadline date does not extend the deadline date by which a student must submit to the institution's financial aid office his or her valid SAR, valid ESAR, or valid ISIR with an EFC that permits the student to receive a Federal Pell Grant. If the student does not submit such a valid SAR, valid ESAR, or valid ISIR to the financial aid office by his or her last date of enrollment or June 30, 1994, whichever is earlier, he or she will be ineligible for a Federal Pell Grant award for the 1993-94 award year.

III. Verification Procedures and Deadline Dates Under 34 CFR 668, Subpart E

The information provided on an application and included on an SAR, ESAR, or ISIR may be subject to verification under verification procedures contained in 34 CFR part 668, subpart E. In that case, in order to receive a Federal Pell Grant award for the 1993-94 award year, the student—and his or her parents, if applicable—must submit the necessary verification documents in accordance with the following procedures and by the deadline dates specified below. These dates do not conflict with or supersede the deadline dates specified in table I of this notice.

A. Verification of Information on Application

If a student is selected to have the information on his or her application verified under the verification procedures set forth in subpart E of the Student Assistance General Provisions regulations (34 CFR part 668, subpart E), he or she must submit the requested documents as specified below in steps 1-4. The deadline date for the completion of these steps is the earlier of 60 days after the student's last date of enrollment for a student who leaves school because of graduation, completion of an academic term, or withdrawal; or August 30, 1994. A student who will still be enrolled in a course of study in the 1993-94 award year after August 30, 1994, must submit the requested documents by August 30, 1994. (Documents that are hand-delivered must be received by the institution by the close of business on August 30, 1994. Documents sent by mail must be postmarked or

demonstrate other comparable proof of mailing by August 30, 1994.)

This process is complete when the student has: (1) Submitted all requested verification documents to his or her institution;

(2) Made all necessary corrections on (a) part 2 of the SAR, (b) an ESAR, (c) a correction application, or (d) an EDE Correction Application;

(3) Either (a) signed the corrected part 2 of the SAR or completed and signed a paper Correction Application and submitted it to the appropriate address

indicated in table I so that the addressee receives the form prior to midnight (Central Daylight Savings Time) on August 1, 1994; or (b) signed and submitted the corrected ESAR or electronic Correction Application to the institution so that the institution can transmit the data to the central processor (for those institutions participating in EDE) prior to midnight (Central Daylight Savings Time) on August 1, 1994; and

(4) By August 30, 1994, submitted to the institution the corrected and

reprocessed SAR, ESAR, or ISIR that, if required, is appropriately signed (34 CFR 668.60).

B. Application Forms and Information

Student aid application forms, Correction Applications, and information brochures may be obtained at an institution's financial aid office, at an Educational Opportunity Center, or by writing or calling: Federal Student Aid Information Center, P.O. Box 84, Washington, DC 20044. Telephone: (800) 4 FED AID.

TABLE I.—DEADLINE DATE FOR RECEIPT OF ORIGINAL APPLICATION FORMS FOR DETERMINING EXPECTED FAMILY CONTRIBUTIONS: MAY 2, 1994. DEADLINE DATE FOR RECEIPT OF CORRECTION APPLICATION FORMS OTHER THAN AN ORIGINAL CORRECTION APPLICATION FORM, APPLICATIONS OTHER THAN ORIGINALS, AND OTHER DOCUMENTS: AUGUST 1, 1994

Type of form	For information about	Contact Federal student aid programs
Free Application for Federal Student Aid (FAFSA) printed and distributed by ED.	English/Spanish/correction application request.	Box 84, Washington, DC 20044. (800) 4 FED AID.TTY (800) 730-8913
	English application submission	c/o Federal Student Aid Programs: P.O. Box 4032, Iowa City, IA 52243.
	Spanish application submission	P.O. Box 4039, Iowa City, IA 52243.
	Correction application submission	P.O. Box 4033, Iowa City, IA 52243.
	SAR corrections	P.O. Box 4037, Iowa City, IA 52243.
Free Application for Federal Student Aid (printed, distributed, and processed by CSS).	Duplicate requests/address changes	P.O. Box 4038, Iowa City, IA 52243.
	All other correspondence/inquiries	P.O. Box 84, Washington, DC 20044, (800) 4 FED AID
	Application or correction request application	c/o College Scholarship Service: P.O. Box 6327, Princeton, NJ 08541-6327, Eastern and Central Time Zones: (609) 951-1025, TTY (609) 951-6763.
	Application submission	Federal Student Aid Programs, P.O. Box 6376, Princeton, NJ 08541.
	Correction application submission	Federal Student Aid Programs, P.O. Box 6369, Princeton, NJ 08541.
Free application for Federal Student Aid (printed, distributed, and processed by PHEAA).	SAR corrections	c/o Federal Student Aid Programs: P.O. Box 7424, London, KY 40742-7424.
	Duplicate request and address changes	c/o Federal Student Aid Programs, P.O. Box 7425, London, KY 40742-7425.
	Application request and other inquiries	c/o Pennsylvania Higher Education Assistance Agency, (PHEAA): Grant Division, 1200 North Street, Harrisburg, PA 17102, 800-692-7435 (PA only), Out of state—(717) 257-2800
	Application and correction submission application	P.O. Box 8172, Harrisburg, PA 17105-8172.
	SAR corrections/duplicate requests/address changes	P.O. Box 8135, Harrisburg, PA 17105-8135.
Federal Electronic application, correction application, or renewal application of the Electronic Data Exchange.	Application, correction application, or renewal application request, electronic corrections, electronic duplicate requests, and other inquiries.	Contact institution's financial aid office to find out if it participates in the electronic application of EDE. Electronically submitted by the institution to the central processor via General Electronic Support computer network
	Diskette and tape submission	c/o National Computer Systems—Electronic Application, Box 30, Iowa City, IA 52244, (319) 339-6642.
Free application for Federal Student Aid (printed, distributed, and processed by ACT).	Application request	American College Testing, P.O. Box 1002, Iowa City, IA 52243.
	Application submission	Federal Student Aid Programs, P.O. Box 4005, Iowa City, IA 52243.
	Correction application submission	P.O. Box 4006, Iowa City, IA 52243.
	SAR corrections	P.O. Box 4025, Iowa City, IA 52243.
	Duplicate request and address changes	P.O. Box 4021, Iowa City, IA 52243.

IV. Submissions to the Secretary of Institutional Payment Summary and Student Aid Reports (Part 3 Payment Vouchers)

Each institution that participates in the Federal Pell Grant Program is required by 34 CFR 690.83(b) to submit to the Secretary reports and information in connection with the Federal Pell Grant funds the Department makes available to the institution for payment to students during an award year. One of the required reports is the Institutional Payment Summary (IPS). The IPS accompanies an institution's submission of Federal Pell Grant Payment Vouchers and summarizes the information contained on the individual Payment Vouchers.

The Secretary provides a paper IPS form to the institution for completion and return to the Department.

The institution may also meet this reporting requirement by submitting the IPS and Payment Voucher information to the Department on a floppy disk, on a magnetic tape, or by an electronic transmission through a modem from a personal computer, minicomputer, or mainframe computer. These submissions are referred to, respectively, as the Federal Pell Grant Program Floppy Disk Data Exchange, the Federal Pell Grant Program Recipient Data Exchange (RDE), and Electronic Payments service under EDE. An institution that wishes to use one of these automated reporting methods must enter into a written agreement with the Department and must agree to (1) comply with the Department's prescribed manner of formatting and presenting the submitted information, (2) restrict access to the records from which the IPS and Payment Voucher information is derived, and (3) ensure that only authorized officials or agents of the institution may enter the data sent in the IPS submission to the Department.

The Department credits an institution's Federal Pell Grant account on the basis of acceptable Federal Pell Grant payment data submitted through the system described in this notice. Such information must be submitted to the Department in a timely, certified, and acceptable form. A submission is timely if received by the Department by the deadlines prescribed in Tables II and III in part IV.C. of this notice; certified if its accuracy is attested to by the institution in the manner described in part IV.D. of this notice; and acceptable if submitted in accordance with the directions provided by the Department for the particular medium of submission used by the institution.

Failure to meet these reporting requirements may result in administrative action by the Department under Subpart G of 34 CFR Part 668 under which the Department may fine the institution or limit or terminate its participation in the Federal Pell Grant Program. In addition, failure to report accurately a student's award amount by the reporting deadline may render the student ineligible for all or part of his or her Federal Pell Grant payment.

A. Data and Records To Be Submitted

In each IPS submission, the institution must submit: (1) On the IPS form, or in the IPS record format, information described in section II of the IPS, including the number and amount of each Federal Pell Grant award adjustment that the institution made, and the institution's total payments to all Federal Pell Grant recipients for the award year up to the date of the submission; and

(2) An SAR Payment Voucher (part 3 of the SAR), or its equivalent as defined by the Secretary, that discloses—

(i) Any new Federal Pell Grant recipients identified by the institution during the reporting period for which the IPS is submitted; or

(ii) Any change in enrollment status, cost of attendance, or other event that occurred during either the reporting period for which the IPS is submitted or the reporting period immediately preceding that reporting period, if that event causes a change in the amount of the Federal Pell Grant that a student has received or qualifies to receive for the award year.

The institution may submit the IPS without SAR Payment Vouchers (or the equivalent) if (1) The institution had no Federal Pell Grant recipients in attendance or identified no new Federal Pell Grant recipients during the reporting period for which the IPS is submitted and (2) did not identify any changes to the awards of previously reported recipients during the reporting period immediately preceding the period for which the IPS is submitted. If an institution that submits IPS information under RDE exercises this option, it must use the paper IPS document. If an institution that submits IPS information via a floppy disk or electronic transmission exercises this option, it may use its usual submission medium or the paper IPS document.

(Approved by the Office of Management and Budget under OMB Control Numbers 1840-0132 (SAR) and 1840-0540 (IPS))

B. Addresses for Delivery

The institution must submit the IPS and any accompanying SAR Payment

Vouchers, or the floppy disk or the RDE magnetic tape containing this information, as follows: If by regular mail: U.S. Department of Education, Pell Grant Systems Division, PSS, P.O. Box 10800, Herndon, Virginia 22070-7009. If delivered by a courier other than the U.S. Postal Service: U.S. Department of Education, Pell Grant Systems Division, PSS, ATTN: G-4.06 PGRFMS/DMS, c/o PRC, Inc., 12001 Sunrise Valley Drive, Reston, Virginia 22091-3423.

C. Frequency and Schedules for IPS Submissions

An institution must make an IPS submission or its equivalent at least once during each of the reporting periods established in Tables II and III. The table that is applicable to a particular institution depends on the amount of the institution's 1992-93 award year Federal Pell Grant authorization. An institution may make IPS submissions more frequently, up to but not exceeding 60 times during the entire reporting cycle (July 1, 1993 through September 30, 1994). For purposes of complying with the reporting requirements of part IV.A. of this notice, an institution must ensure that the IPS and SAR Payment Vouchers (or their equivalent) are received by the Department no later than the applicable closing date for each reporting period as specified in the appropriate table below. Proof of mailing, such as a date on a U.S. Postal Service postmark, is not considered confirmation of receipt by the Department. If an institution submits the IPS and SAR Payment Voucher information electronically, the transmission must be received at the Department's central processor prior to midnight (Central Time or, if applicable, Central Daylight Savings Time) of the applicable closing date for the reporting periods indicated in Tables II and III.

TABLE II.—INSTITUTIONS WITH A 1992-93 AWARD YEAR PELL GRANT AUTHORIZATION OF AT LEAST \$750,000

Reporting periods	Closing date for receipt
July 1, 1993 through Oct. 15, 1993.	Oct. 15, 1993.
Oct. 16, 1993 through Dec. 15, 1993.	Dec. 15, 1993.
Dec. 16, 1993 through Feb. 15, 1994.	Feb. 15, 1994.
Feb. 16, 1994 through Apr. 15, 1994.	Apr. 15, 1994.
Apr. 16, 1994 through June 15, 1994.	June 15, 1994.
June 16, 1994 through Aug. 15, 1994.	Aug. 15, 1994.

TABLE III.—INSTITUTIONS WITH A 1992–93 PELL GRANT AUTHORIZATION OF LESS THAN \$750,000

Reporting periods	Closing date for receipt
July 1, 1993 through Dec. 15, 1993.	Dec. 15, 1993.
Dec. 16, 1993 through Apr. 15, 1994.	Apr. 15, 1994.
Apr. 16, 1994 through Aug. 15, 1994.	Aug. 15, 1994.

If any closing date for receipt falls on a Saturday, Sunday, or Federal holiday, submissions received on the next Federal business day will be considered as being submitted on time.

D. Certification of Accuracy

Institutions participating in the Federal Pell Grant Program must certify the accuracy of the data with each IPS submission. An institution submitting an IPS form certifies the accuracy of the data by including on the form an original signature by the official of the institution accountable for the accuracy of the data submitted. An institution submitting IPS information by floppy disk or electronic transmission certifies the accuracy of the data by including in that transmission a code or signature flag prescribed by the Department for that certification. By including the prescribed code or signature flag, an institution certifies that the submitted data has been provided from a file or record to which only officials with appropriate security clearance have access and that the data contained in the submission are accurate. In the case of an institution submitting IPS information by magnetic tape, the institution signs the tape transmittal form assuring the accuracy of the data.

V. Annual Deadline for Submission of SAR Payment Vouchers and Requests for Adjustments of Federal Pell Grant Accounts

An institution obtains an adjustment to its Federal Pell Grant account, and the amount of Federal Pell Grant funds for which it is accountable, by submitting supporting SAR Payment Vouchers, or their equivalent, under the procedures described in this notice and the reporting system described in the regulations. An institution is required by 34 CFR 690.83(a) to submit all SAR Payment Vouchers for an award year by a specified date following that award year; for 1993–94 that date is September 30, 1994. An institution, therefore, must submit any Payment Vouchers not previously submitted during the required reporting periods established in this notice by September 30, 1994 to

receive an adjustment to its Federal Pell Grant account on the basis of these Payment Vouchers.

Except as provided in part V.B. of this notice, after September 30, 1994, the Secretary closes the institution's Federal Pell Grant account for the 1993–94 award year. The institution's account is closed on the basis of the information reported by the institution in its submissions of IPS and supporting SAR Payment Voucher information (or the equivalent) through September 30, 1994, and the data reported on the Federal Cash Transaction Report (PMS 272A). The final IPS information submitted by the institution must accurately report the institution's total payments to all Federal Pell Grant recipients for the 1993–94 award year (IPS Item 15 or its equivalent).

A. Timely Delivery For Final Submissions of SAR Payment Vouchers and Requests for Adjustments of Federal Pell Grant Accounts: Proof of Delivery

The Department may require an institution to prove that it mailed or otherwise submitted its IPS and SAR Payment Vouchers (or the equivalent) by the September 30, 1994 deadline date. The Department accepts as proof, if the documents were submitted by mail or by non-U.S. Postal Service courier, one of the following:

- (1) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.
- (2) A legibly-dated U.S. Postal Service postmark.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method of proof of mailing, an institution should check with the post office at which it mails its submission. An institution is strongly encouraged to use First Class Mail.

- (3) A dated shipping label, invoice, or receipt from a commercial courier.

- (4) Other proof of mailing or delivery acceptable to the Secretary.

The Department accepts hand deliveries at the address stated in part IV.B. between 8 a.m. and 4:30 p.m. Eastern Time on days other than Saturday, Sunday, or Federal holidays.

An institution that transmits IPS and SAR Payment Voucher information via the EDE Electronic Payments service must ensure that its transmission is completed before midnight (local time) on September 30, 1994.

B. Postdeadline Adjustments to Federal Pell Grant Accounts

In accordance with § 690.83(a) and § 690.83(c), the Secretary permits a post-September 30, 1994 adjustment to the Federal Pell Grant account of an

institution for the 1993–94 award year or any prior award year in the following circumstances: (1) *Underpayment of previously reported awards.* An institution may receive a payment or credit for the full amount of an award made to a student if—(i) The institution submitted in a timely manner an SAR Payment Voucher or its equivalent for a student in accordance with the requirements of this notice and § 690.83(a);

(ii) The institution did not submit in a timely manner or in an acceptable form an SAR Payment Voucher necessary to document the full amount of the award for which that student was eligible;

(iii) The underpayment for that award is or would be at least \$100; and

(iv) A program review or an audit report produced in accordance with the standards prescribed in 34 CFR 668.23(c) demonstrates to the satisfaction of the Secretary that the student was eligible to receive an amount greater than that reported on the SAR Payment Voucher submitted in a timely fashion to, and accepted by, the Department.

(2) *Decreasing previously reported awards.* An institution must report a reduction in a student's Federal Pell Grant award (1) if the institution determines that the student's Federal Pell Grant award amount, as reported on either the Student Payment Summary that the Department provides to the institution or any subsequent adjustment to the student's award amount on file with the Department, is greater than the amount the student actually received; or (2) if the institution determines that a student was not qualified for the amount reported on either the Student Payment Summary or any subsequent adjustment to the student's award amount on file with the Department. The institution should not make such a report, however, for an overaward for which it is not liable under § 690.79(a) unless the student never received the funds or has repaid all or a portion of the overaward. If a student is repaying an overaward for which the institution is not liable on an installment plan, the institution may report periodically the amount repaid. The institution does NOT submit such postdeadline award reduction data through SAR Payment Voucher (or its equivalents). The institution reports postdeadline reductions through a letter or report sent to the address stated in part IV.B.

(3) The Secretary, in addition, makes adjustments where the institution satisfactorily demonstrates that its failure to submit Payment Vouchers on

a timely basis and have them accepted by the Department was caused by a processing or administrative error made by the Department or one of its contractors, or was due to unusual circumstances beyond the control of the institution.

Except as provided under section 487(c)(7) of the HEA, and any implementing regulations, the Secretary adjusts an institution's Federal Pell Grant account on the basis of student award data submissions made after September 30 following the award year only in these specified circumstances. Thus, if an institution submits SAR Payment Vouchers (or its equivalents) for the 1993-94 award year to the Department after the September 30, 1994 deadline, the institution will not receive additional Federal Pell Grant funds from the Department unless the institution can demonstrate to the satisfaction of the Secretary that one of the prescribed conditions exists. The institution also will be liable for Federal Pell Grant funds that were used to pay grants that were not reported in a timely manner.

If an institution made Federal Pell Grant overpayments for which it is liable under § 690.79(a) of the Federal Pell Grant program regulations, the Secretary will subtract from any funds the institution may be entitled to receive under the first exception described in

Part V-B of this notice the amount of the institution's unpaid liability.

If an institution believes that an adjustment is warranted on the basis of the above-described conditions, it should contact the Pell Grant Financial Management Division at (202) 708-9807. If the institution seeks administrative relief on the basis of an administrative error by the Department or its contractors, the institution's request must provide a complete description of all relevant facts, including each student's identifying data and full Federal Pell Grant payment history. The request must be received by the Department no later than January 31, 1995. The request must be delivered to: U.S. Department of Education, Pell Grant Systems Division, PSS, P.O. Box 23791, Washington, DC 20026-0791.

C. Request for Duplicate Payment Vouchers or Related Information

To receive a duplicate Payment Voucher, Processed Payment Voucher, or processed payment data, an institution must contact the Federal Pell Grant Program by fax at (202) 708-9700 or by mail to: U.S. Department of Education, Pell Grant Systems Division, PSS, P.O. Box 23791, Washington, DC 20026-0791.

To receive a duplicate Payment Voucher, an institution must include with its request a photocopy of either Part 1 or Part 2 of that student's SAR or

a photocopy of that student's ESAR or ISIR. All requests must be received no later than August 1, 1994.

Applicable Regulations

The regulations applicable to this program are the Federal Pell Grant Program regulations in 34 CFR part 690 and the Student Assistance General Provisions regulations in 34 CFR part 668.

FOR FURTHER INFORMATION CONTACT: Michael Oliver, Program Specialist, Pell and State Grants Section, Grants Branch, Division of Policy Development, Policy, Training, and Analysis Service, Office of Postsecondary Education, U.S. Department of Education, 400 Maryland Avenue SW. (ROB-3, Room 4018), Washington, DC 20202-5447. Telephone: (202) 708-4607. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Authority: (20 U.S.C. 1070a).

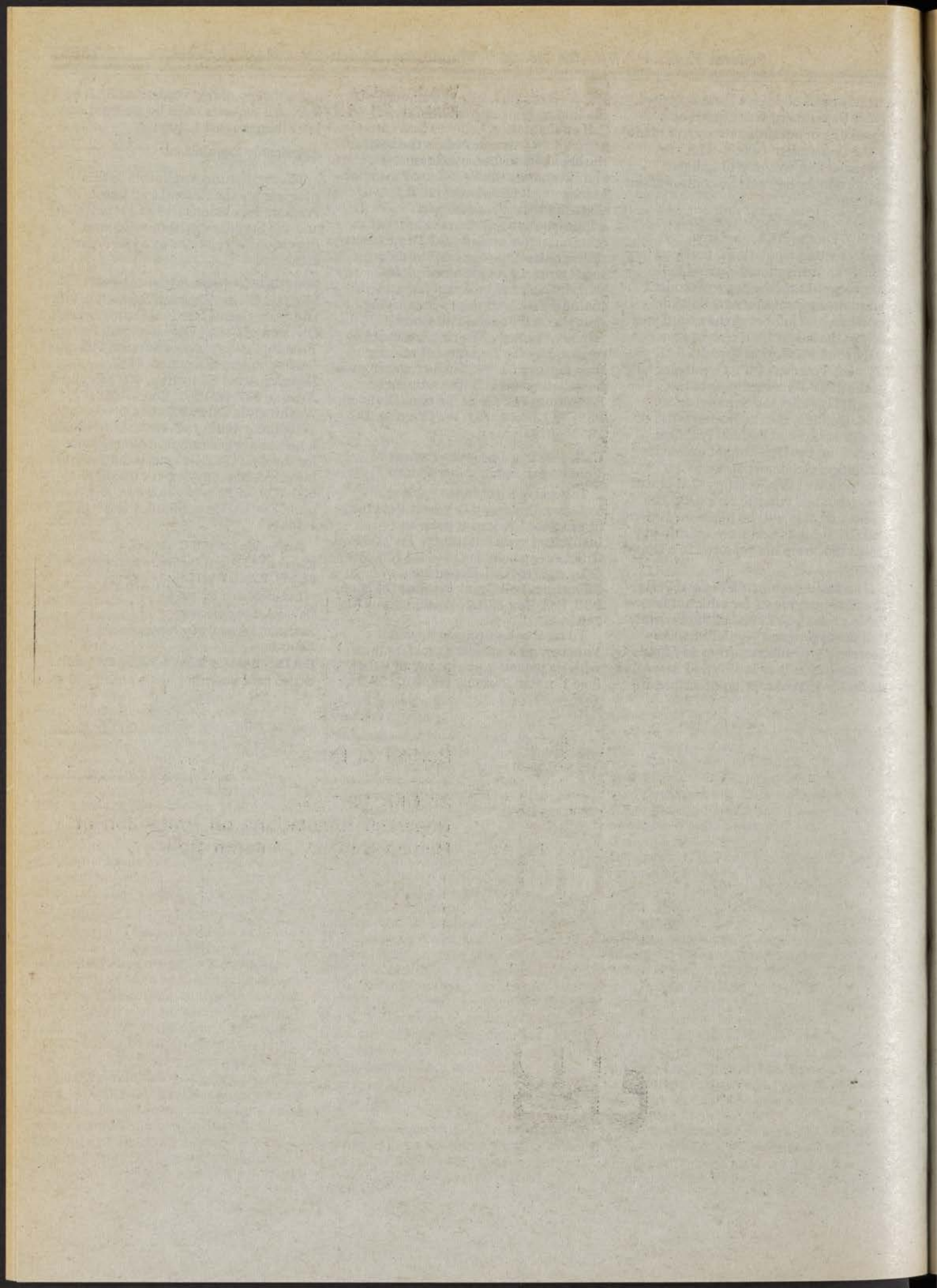
(Catalog of Federal Domestic Assistance No. 84.063, Federal Pell Grant Program)

Dated: March 16, 1994.

David A. Longanecker,
Assistant Secretary for Postsecondary Education.

[FR Doc. 94-6751 Filed 3-22-94; 8:45 am]

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Federal Register

**Wednesday
March 23, 1994**

Part IX

**Department of
Justice**

Bureau of Prisons

28 CFR Part 512

**Research Regulations on Protection of
Human Subjects; Interim Rule**

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 512

[BOP-1008-I]

RIN 1120-AA14

Research

AGENCY: Bureau of Prisons, Justice.

ACTION: Interim rule.

SUMMARY: In this document, the Bureau of Prisons is revising its rule on Research in order to conform to Departmental regulations on the Protection of Human Subjects requiring, among other provisions, the establishment of an institutional review board. Additional procedural changes have also been made in order to simplify the application process or to clarify policy.

DATES: Effective March 23, 1994; comments must be received by May 23, 1994.

ADDRESSES: Office of General Counsel, Bureau of Prisons, HOLC Room 754, 320 First Street, NW., Washington, DC 20534.

FOR FURTHER INFORMATION CONTACT: Roy Nanovic, Office of General Counsel, Bureau of Prisons, phone (202) 514-6655.

SUPPLEMENTARY INFORMATION: The Bureau of Prisons is amending its regulations on Research. A final rule on this subject was published in the Federal Register October 1, 1981 (46 FR 48577).

Department of Justice regulations pertaining to the Protection of Human Subjects are contained in 28 CFR part 46. The Bureau's regulations on the conduct of research are consequently being revised in order to conform to Departmental requirements. In compliance with Departmental regulations, the Bureau Research Review Board (BRRB) is identified as the Bureau's institutional review board. Processing procedures are revised in order to stipulate the duties of the BRRB and supporting staff at institutions in its oversight of research projects. As a clarification, the Bureau notes that implementation of programmatic or operational initiatives made through pilot projects are not considered to be research.

In addition to these conforming amendments, the Bureau is also making other procedural changes intended to simplify the research application process. For example, procedures on the submission of research proposals are revised to remove reference to

distinctions between routine and non-routine requests. Revised procedures in § 512.14 instead direct that requests be submitted either to the institution, if only one institution is involved, or to the Office of Research if more than one institution is involved.

Section 512.15 restates provisions contained in former § 512.17 on access to Bureau of Prisons records. As revised, this section now includes reference to disclosure provisions of the Privacy Act.

In addition, provisions on incentives in newly revised § 512.11(e) have been clarified to allow for reasonable recompense for time and effort to be offered to research subjects no longer in Bureau custody. The intent of restrictions on incentives within the institution is to ensure that participation of current inmates is voluntary. The Bureau believes that there is no compelling need to extend such precautionary restriction to subjects who are not in the Bureau's custody.

As revised, the regulations no longer contain a separate section on definitions. The terms contained in former § 512.11 are now either defined in 28 CFR 46.102 or are explained in the regulations where necessary.

Because these amendments are either administrative or conforming in nature and pose no additional restraints on inmates, the Bureau finds good cause for exempting the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking and delay in effective date. While the Bureau believes it is necessary to implement these changes immediately, the Bureau is publishing the procedures as an interim rule in order to invite public comment. Members of the public may submit comments concerning this rule by writing to the previously cited address. These comments will be considered before the rule is finalized.

The Bureau of Prisons has determined that this rule is not a significant regulatory action for the purpose of E.O. 12866, and accordingly this rule was not reviewed by the Office of Management and Budget pursuant to E.O. 12866. After review of the law and regulations, the Director, Bureau of Prisons has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96-354), does not have a significant impact on a substantial number of small entities.

List of Subjects in 28 CFR Part 512

Prisoners.

Kathleen M. Hawk,

Director, Bureau of Prisons.

Accordingly, pursuant to the rulemaking authority vested in the

Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(p), part 512 in subchapter A of 28 CFR, chapter V is amended as set forth below.

SUBCHAPTER A—GENERAL MANAGEMENT AND ADMINISTRATION

PART 512—RESEARCH

1. The authority citation for 28 CFR part 512 is revised to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 5006-5024 (Repealed October 12, 1984 as to offenses committed after that date), 5039; 28 U.S.C. 509, 510; 28 CFR 0.95-0.99.

2. Subpart B, consisting of §§ 512.10 through 512.22, is revised to consist of §§ 512.10 through 512.21 as follows:

Subpart B—Research

Sec.

- 512.10 Purpose and scope.
- 512.11 Requirements for research projects and researchers.
- 512.12 Content of research proposal.
- 512.13 Institutional Review Board.
- 512.14 Submission and processing of proposal.
- 512.15 Access to Bureau of Prisons records.
- 512.16 Informed consent.
- 512.17 Monitoring approved research projects.
- 512.18 Termination or suspension.
- 512.19 Reports.
- 512.20 Publication of results of research project.
- 512.21 Copyright provisions.

Subpart B—Research

§ 512.10 Purpose and scope.

General provisions for the protection of human subjects during the conduct of research are contained in 28 CFR part 46. The provisions of this subpart B specify additional requirements for prospective researchers (both employees and non-employees) to obtain approval to conduct research within the Bureau of Prisons (Bureau) and responsibilities of Bureau staff in processing proposals and monitoring research projects. Although some research may be exempt from 28 CFR part 46 under § 46.101(b)(5), as determined by the Office of Research and Evaluation (ORE) of the Bureau, no research is exempt from 28 CFR part 512. For the purpose of this rule, implementation of Bureau programmatic or operational initiatives made through pilot projects is not considered to be research.

§ 512.11 Requirements for research projects and researchers.

The Bureau requires the following:

(a) In all research projects the rights, health, and human dignity of individuals involved must be respected.

(b) The project must have an adequate research design and contribute to the advancement of knowledge about corrections.

(c) The project must not involve medical experimentation, cosmetic research, or pharmaceutical testing.

(d) The project must minimize risk to subjects; risks to subjects must be reasonable in relation to anticipated benefits. The selection of subjects within any one institution must be equitable. When applicable, informed consent must be sought and documented (see §§ 512.15 and 512.16).

(e) Incentives may not be offered to help persuade inmate subjects to participate. However, soft drinks and snacks to be consumed at the test setting may be offered. Reasonable accommodations such as nominal monetary recompense for time and effort may be offered to non-confined research subjects who are both:

(1) No longer in Bureau of Prisons custody, and

(2) Participating in authorized research being conducted by Bureau employees or contractors.

(f) The researcher must have academic preparation or experience in the area of study of the proposed research.

(g) The researcher must assume responsibility for actions of any person engaged to participate in the research project as an associate, assistant, or subcontractor to the researcher.

(h) Except as noted in the informed consent statement to the subject, the researcher must not provide research information which identifies a subject to any person without that subject's prior written consent to release the information. For example, research information identifiable to a particular individual cannot be admitted as evidence or used for any purpose in any action, suit or other judicial, administrative, or legislative proceeding without the written consent of the individual to whom the data pertains.

(i) The researcher must adhere to applicable provisions of the Privacy Act of 1974 and regulations pursuant to this Act.

(j) The research design must be compatible with both the operation of prison facilities and protection of human subjects. The researcher must observe the rules of the institution or office in which the research is conducted.

(k) Any researcher who is a non-employee of the Bureau must sign a statement in which the researcher agrees to adhere to the provisions of this rule.

(l) Except for computerized data records maintained at an official Department of Justice site, records which contain nondisclosable information directly traceable to a specific person may not be stored in, or introduced into, an electronic retrieval system.

(m) If the researcher is conducting a study of special interest to the Office of Research and Evaluation (ORE), but the study is not a joint project involving ORE, the researcher may be asked to provide ORE with the computerized research data, not identifiable to individual subjects, accompanied by detailed documentation. These arrangements must be negotiated prior to the beginning of the data collection phase of the project.

(n) The researcher must submit planned methodological changes in a research project to the IRB for approval, and may be required to revise study procedures in accordance with the new methodology.

§ 512.12 Content of research proposal.

When submitting a research proposal, the applicant shall provide the following information:

(a) A summary statement which includes:

(1) Name(s) and current affiliation(s) of the researcher(s);

(2) Title of the study;

(3) Purpose of the project;

(4) Location of the project;

(5) Methods to be employed;

(6) Anticipated results;

(7) Duration of the study;

(8) Number of subjects (staff/inmates) required and amount of time required from each; and

(9) Indication of risk or discomfort involved as a result of participation.

(b) A comprehensive statement which includes:

(1) Review of related literature;

(2) Detailed description of the research method;

(3) Significance of anticipated results and their contribution to the advancement of knowledge;

(4) Specific resources required from the Bureau;

(5) Description of all possible risks, discomforts, and benefits to individual subjects or a class of subjects, and a discussion of the likelihood that the risks and discomforts will actually occur;

(6) Description of steps taken to minimize any risks described in (b)(5) of this section.

(7) Description of physical and/or administrative procedures to be followed to:

(i) Ensure the security of any individually identifiable data that are being collected for the project, and

(ii) Destroy research records or remove individual identifiers from those records when the research has been completed.

(8) Description of any anticipated effects of the research project on institutional programs and operations; and

(9) Relevant research materials such as vitae, endorsements, sample informed consent statements, questionnaires, and interview schedules.

(c) A statement regarding assurances and certification required by 28 CFR part 46, if applicable.

§ 512.13 Institutional Review Board.

(a) The Bureau of Prisons' central institutional review board shall be called the Bureau Research Review Board (BRRB). It shall consist of the Chief, ORE, at least four other members, and one alternate, appointed by the Director, and shall meet a sufficient number of times to insure that each project covered by 28 CFR part 46 receives an annual review. A majority of members shall not be Bureau employees. The BRRB shall include an individual with legal expertise and a representative for inmates whom the Director determines is able to identify with inmate concerns and evaluate objectively a research proposal's impact on, and relevance to, inmates and to the correctional process.

(b) The Chief, ORE, shall serve as chairperson of the BRRB. If a potential conflict of interest exists for the BRRB chairperson on a particular research proposal, the Assistant Director, Information, Policy, and Public Affairs Division, shall appoint another individual to serve as chairperson on matters pertaining to that project.

§ 512.14 Submission and processing of proposal.

(a) An applicant may submit a preliminary research proposal for review by the Office of Research and Evaluation, Federal Bureau of Prisons, 320 First Street, NW., 202 NALC Building, Washington, DC 20534. Staff response to the preliminary proposal does not constitute a final decision.

(b) If the study is to be conducted at only one institution, the applicant shall submit a formal proposal to the warden of that institution. Proposal processing will be as follows:

(1) The warden shall appoint a local research review board to consult with operational staff, to evaluate the proposal for compliance with research

policy, and to make recommendations to the warden. The local research review board is encouraged, but not required, to meet the membership requirements of an IRB, as specified in 28 CFR part 46.

(2) The warden shall review the comments of the board, make a recommendation regarding the proposal, and forward the proposal package to the Regional Director, with a copy to the Chief, ORE.

(3) The Regional Director shall review the proposal and forward recommendations to the Chief, ORE.

(c) If the study is to be conducted at more than one institution or at any other Bureau location, the applicant shall submit the research proposal to the Chief, Office of Research and Evaluation, Federal Bureau of Prisons, 320 First Street, NW., 202 NALC Building, Washington, DC 20534. The Chief, ORE, shall determine an appropriate review process.

(d) All formal proposals will be reviewed by the BRRB.

(e) The BRRB chairperson may exercise the authority of the full BRRB under an expedited review process when, in his/her judgment, the research proposal meets the minimal risk standard and involves only the following:

(1) The study of existing data, documents, or records; and/or

(2) The study of individual or group behavior or characteristics of individuals, where the investigator does not manipulate subjects' behavior and the research will not involve stress to subjects. Such research would include test development and studies of perception, cognition, or game theory. If a proposal is processed under expedited review, the BRRB chairperson must document in writing the reason for that determination.

(f) The Chief, ORE, shall review all recommendations made and shall submit them in writing to the Director, Bureau of Prisons.

(g) The Director, Bureau of Prisons, has final authority to approve or disapprove all research proposals. The Director may delegate this authority to the Assistant Director, Information, Policy, and Public Affairs Division.

(h) The approving authority shall notify in writing the involved region(s), institution(s), and the prospective researcher of the final decision on a research proposal.

§ 512.15 Access to Bureau of Prisons records.

(a) Employees, including consultants, of the Bureau who are conducting authorized research projects shall have access to those records relating to the

subject which are necessary to the purpose of the research project without having to obtain the subject's consent.

(b) A non-employee of the Bureau is limited in access to information available under the Freedom of Information Act (5 U.S.C. 552).

(c) A non-employee of the Bureau may receive records in a form not individually identifiable when advance adequate written assurance that the record will be used solely as a statistical research or reporting record is provided to the agency (5 U.S.C. 552a(b)(5)).

§ 512.16 Informed consent.

(a) Before commencing a research project requiring participation by staff or inmates, the researcher shall give each participant a written informed consent statement containing the following information:

(1) Identification of the principal investigator(s);

(2) Objectives of the research project;

(3) Procedures to be followed in the conduct of research;

(4) Purpose of each procedure;

(5) Anticipated uses of the results of the research;

(6) A statement of benefits reasonably to be expected;

(7) A declaration concerning discomfort and risk, including a description of anticipated discomfort and risk;

(8) A statement that participation is completely voluntary and that the participant may withdraw consent and end participation in the project at any time without penalty or prejudice (the inmate will be returned to regular assignment or activity by staff as soon as practicable);

(9) A statement regarding the confidentiality of the research information and exceptions to any guarantees of confidentiality required by federal or state law. For example, a researcher may not guarantee confidentiality when the subject indicates an intent to commit future criminal conduct or harm himself/herself or someone else, or, if the subject is an inmate, indicates an intent to leave the facility without authorization.

(10) A statement that participation in the research project will have no effect on the inmate participant's release date or parole eligibility;

(11) An offer to answer questions about the research project; and

(12) Appropriate additional information as needed to describe adequately the nature and risks of the research.

(b) A researcher who is an employee of the Bureau shall include in the informed consent statement a

declaration of the authority under which the research is conducted.

(c) A researcher who is an employee of the Bureau, in addition to presenting the statement of informed consent to the subject, shall also obtain the subject's signature on the statement of informed consent, when:

(1) The subject's activity requires something other than response to a questionnaire or interview; or

(2) The Chief, ORE, determines the research project or data-collection instrument is of a sensitive nature.

(d) A researcher who is a non-employee of the Bureau, in addition to presenting the statement of informed consent to the subject, shall also obtain the subject's signature on the statement of informed consent prior to initiating the research activity. The researcher may not be required to obtain the signature if the researcher can demonstrate that the only link to the subject's identity is the signed statement of informed consent or that there is significantly more risk to the subject if the statement is signed. The signed statement shall be submitted to the chairperson of the appropriate local research review board.

§ 512.17 Monitoring approved research projects.

The BRRB shall monitor all research projects for compliance with Bureau policies. At a minimum, yearly reviews will be conducted.

§ 512.18 Termination or suspension.

The Director, Bureau of Prisons, may suspend or terminate a research project if it is believed that the project violates research policy or that its continuation may prove detrimental to the inmate population, the staff, or the orderly operation of the institution.

§ 512.19 Reports.

The researcher shall prepare reports of progress on the research and at least one report of findings.

(a) At least once a year, the researcher shall provide the Chief, ORE, with a report on the progress of the research.

(b) At least 12 working days before any report of findings is to be released, the researcher shall distribute one copy of the report to each of the following: the chairperson of the BRRB, the regional director, and the warden of each institution which provided data or assistance. The researcher shall include an abstract in the report of findings.

§ 512.20 Publication of results of research project.

(a) A researcher may publish in book form and professional journals the

results of any research project conducted under this rule.

(1) In any publication of results, the researcher shall acknowledge the Bureau's participation in the research project.

(2) The researcher shall expressly disclaim approval or endorsement of the published material as an expression of the policies or views of the Bureau.

(b) Prior to submitting for publication the results of a research project conducted under this rule, the researcher shall provide two copies of

the material, for informational purposes only, to the Chief, Office of Research and Evaluation, Central Office, Bureau of Prisons.

§ 512.21 Copyright provisions.

(a) An employee of the Bureau may not copyright any work prepared as part of his/her official duties.

(b) As a precondition to the conduct of research under this rule, a non-employee shall grant in writing to the Bureau a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, translate, and otherwise use

and authorize others to publish and use original materials developed as a result of research conducted under this rule.

(c) Subject to a royalty-free, non-exclusive and irrevocable license, which the Bureau of Prisons reserves, to reproduce, publish, translate, and otherwise use and authorize others to publish and use such materials, a non-employee may copyright original materials developed as a result of research conducted under this rule.

[FR Doc. 94-6849 Filed 3-22-94; 8:45 am]

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