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DEPARTMENT OF EDUCATION

34 CFR Chapter III

[Docket ID ED-2020-OPE-0044]

Final Waiver and Extension of the Project Period for the Predominantly Black Institutions (PBI) Competitive Grant Program

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

ACTION: Final waiver and extension of project periods.

SUMMARY: The Secretary waives the requirements in the Education Department General Administrative Regulations that generally prohibit project periods exceeding five years and project period extensions involving the obligation of additional Federal funds. The waiver and extension would enable 23 projects under Catalog of Federal Domestic Assistance (CFDA) number 84.382A to receive funding for an additional period, not to exceed September 30, 2021.

DATES: The waiver and extension of the project periods are effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

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SUPPLEMENTARY INFORMATION:

On March 23, 2020, we published a notice in the *Federal Register* (85 FR 16307) proposing an extension of the project period and a waiver of the requirements in 34 CFR 75.250, which prohibit project periods exceeding five years, as well as a waiver of the requirements in 34 CFR 75.261(a) and (c)(2), which allow the extension of a project period only if the extension does not involve the obligation of additional Federal funds, in order to enable the Secretary to provide additional funds to 23 projects under CFDA number 84.382A for an additional period, not to exceed September 30, 2021.

Background

We are extending the 23 PBI projects in order to align and coordinate the funding cycles of all discretionary grant programs authorized under Title III, Part F, Section 371 of the Higher Education Act of 1965, as amended (HEA). With the extension, the PBI program will align with (1) the Alaska Native and Native Hawaiian-serving Institutions

programs (CFDA numbers 84.031R & 84.031V); (2) the Asian American and Native American Pacific Islander-serving Institutions program (CFDA number 84.382B); (3) the Native American-serving Non-Tribal Institutions program (CFDA number 84.382C); and (4) the Hispanic-Serving Institutions Science, Technology, Engineering, and Mathematics and Articulation program (CFDA number 84.031C).

In September 2015, the Department made 23 60-month awards to eligible institutions funded by the PBI program as follows:

<b>Institution</b>	<b>State</b>
University of West Alabama	AL
Mid-South/Arkansas State University	AR
Pulaski Technical College	AR
South Georgia Technical College	GA
Albany Technical College	GA
Oconee Fall Line Technical College	GA
Augusta Technical College	GA
Central Georgia Technical College	GA
Georgia State University	GA
Malcolm X College	IL
Olive Harvey College	IL
Chicago State University	IL
Mississippi Delta Community College	MS
Halifax Community College	NC
Bloomfield College	NJ
Medgar Evers College	NY
York College	NY
Community College of Philadelphia	PA
Northeastern Technical College	SC
Florence-Darlington Technical College	SC
Central Carolina Technical College	SC

Southwest Tennessee Community College	TN
Cedar Valley College	TX

All current project periods for these grantees end on September 30, 2020. One additional PBI, South Suburban College, was funded in 2016. Its project currently has an end date of September 30, 2021, and thus, does not need this waiver or extension.

The purpose of the PBI program is to increase the institutions' capacity to prepare students for careers in STEM; health education; internationalization or globalization; teacher preparation; or improve educational outcomes of African American males.

Public Comment:

In response to our invitation in the notice of proposed waiver and extension of the project periods, 15 parties submitted responsive comments. Generally, we do not address technical and other minor changes. In addition, we do not address general comments that raise concerns not directly related to the proposed waiver and extension.

There are no substantive differences between the proposed waiver and extension and this final waiver and extension.

Analysis of Comments and Changes

Comment: Thirteen of the 15 commenters provided favorable and supportive comments regarding the proposed waiver and extension of the project periods. These commenters expressed appreciation for the work carried out by these projects. Many of these commenters also noted that the extension would continue to allow students the opportunity to be connected to resources that will lead to graduations and jobs. One of the 13 commenters, who was currently funded under this program, stated that due to the success of their institution's project, extending the grant would have a considerable and measurable positive impact on furthering the goals and objectives of the projects funded under this program.

Discussion: We thank these commenters for their support for extending the project periods, and we agree that extending the project periods will allow for a continued positive impact on the students and successful project outcomes by the end of fiscal year (FY) 2021.

Changes: None.

Comment: Two commenters were in opposition, but did not substantively address the proposed waiver extension.

Discussion: We thank these commenters for their comments concerning the PBI program. However, since these comments

did not relate to the purpose of the PBI program, we are not making changes to the proposed waiver and extension.

Changes: None.

Final Waivers and Extensions:

We are extending the 23 PBI projects in order to align and coordinate the funding cycles of all discretionary grant programs authorized under Title III, Part F, Section 371 of the HEA. With the final extension, the PBI program funding cycles will align with (1) the Alaska Native and Native Hawaiian-serving Institutions programs (CFDA numbers 84.031R & 84.031V); (2) the Asian American and Native American Pacific Islander-serving Institutions program (CFDA number 84.382B); (3) the Native American-serving Non-Tribal Institutions program (CFDA number 84.382C); and (4) the Hispanic-Serving Institutions Science, Technology, Engineering, and Mathematics and Articulation program (CFDA number 84.031C).

The waivers and extensions will allow the Department to align and coordinate the award cycles of all of the Title III, Part F competitive grant programs, and improve the efficiency and cost-effectiveness of direct training and technical assistance services focused on the competitive strengthening institutions programs. In addition, the Department will consider approaches for

improving coordination among projects that provide these services to meet the needs of these institutions more efficiently and effectively and to allow for efficient use of the funding available to support these activities.

We do not believe that it would be in the public interest to run a competition for this program in FY 2020. The program has remaining FY 2019 appropriated funds to be carried over to the current FY 2020 grant cycle. Further, running an FY 2020 competition would continue an award cycle that would not coordinate with the Department's existing Title III Part F competitive grant programs.

The Department has also concluded that it would not be in the public interest to run two consecutive program competitions with the first using the appropriated 2019 carry over funds and the second using the funds appropriated by H.R. 2486, the Fostering Undergraduate Talent by Unlocking Resources for Education (FUTURE) Act, because doing so would increase the burden on potential applicants.

For these reasons, the Secretary waives the requirements in 34 CFR 75.250, which prohibit project periods exceeding five years, and the requirements in 34 CFR 75.261(a) and (c)(2), which allow the extension of a project period only if the extension does not involve the

obligation of additional Federal funds. The waiver will allow the Department to issue one-time FY 2020 continuation awards to the current 23 PBI program grantees estimated as follows:

Institution	State	Award
University of West Alabama	AL	\$414,672
Mid-South/Arkansas State University	AR	\$599,996
Pulaski Technical College	AR	\$599,856
South Georgia Technical College	GA	\$600,000
Albany Technical College	GA	\$600,000
Oconee Fall Line Technical College	GA	\$545,459
Augusta Technical College	GA	\$591,493
Central Georgia Technical College	GA	\$596,148
Georgia State University	GA	\$600,000
Malcolm X College	IL	\$590,500
Olive Harvey College	IL	\$543,246
Chicago State University	IL	\$600,000
Mississippi Delta Community College	MS	\$600,000
Halifax Community College	NC	\$600,000
Bloomfield College	NJ	\$600,000
Medgar Evers College	NY	\$600,000
York College	NY	\$600,000
Community College of Philadelphia	PA	\$600,000
Northeastern Technical College	SC	\$599,252
Florence-Darlington Technical College	SC	\$599,993
Central Carolina Technical College	SC	\$599,921
Southwest Tennessee Community College	TN	\$600,000
Cedar Valley College	TX	\$467,126

Any activities carried out during the year of this continuation award must be consistent with the scope, goals, and objectives of the grantees' applications as approved in the 2015 competition. The requirements for continuation awards are set forth in 34 CFR 75.253.

#### Waiver of Delayed Effective Date

The Administrative Procedure Act requires that a substantive rule must be published at least 30 days before its effective date, except as otherwise provided for good cause (5 U.S.C. 553(d)(3)). All but two of the comments we received supported the proposed waiver and extension, and we have not made any substantive changes to the proposed waiver and extension. A delayed effective date would be contrary to public interest because we would not be able to ensure there is not a lapse in technical assistance services currently provided by the projects. Therefore, the Secretary waives the delayed effective date provision for good cause.

#### Regulatory Flexibility Act Certification

The Secretary certifies that the final waiver and extension of the project period will not have a significant economic impact on a substantial number of small entities. The only entities that will be affected by the final waiver

and extension of the project period are the current grantees and any other potential applicants.

The Secretary certifies that the final waiver and extension will not have a significant economic impact on these entities because the extension of an existing project period imposes minimal compliance costs, and the activities required to support the additional year of funding would not impose additional regulatory burdens or require unnecessary Federal supervision.

Paperwork Reduction Act of 1995

This final waiver and extension of the project period does not contain any information collection requirements.

Intergovernmental Review

These programs are subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance. This document provides early notification of our specific plans and actions for this program.

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Robert L. King,  
Assistant Secretary for  
Postsecondary Education.

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