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§ 175.230 Why are changes to purchased power costs not included in the procedure for adjusting electric power rates?

Changes to purchased power costs are not included in the procedure for adjusting electric power rates because unforeseen increases in the cost of purchased power are:

- (a) Not under our control;
- (b) Determined by current market rates; and
- (c) Subject to market fluctuations that can occur at an undetermined time and frequency.

§ 175.235 How does BIA include changes in purchased power costs in electric power rates?

When our cost of purchased power changes:

- (a) We determine the effect of the change;
- (b) We adjust the purchased power component of your bill accordingly;
- (c) We add the purchased power adjustment to the existing electric power rate and put it into effect immediately;
- (d) The purchased power adjustment remains in effect until we determine future adjustments are necessary;
- (e) We must publish in the local newspaper and post at our office a notice of the purchase power adjustment and the basis for the adjustment; and
- (f) Our decision to make a purchased power adjustment must be final.

Subpart C—Billing, Payments, and Collections

§ 175.300 How does BIA calculate my electric power bill?

- (a) We calculate your electric power bill based on the:
 - (1) Current rate schedule for your type service; and
 - (2) Applicable service fees for your type service.
- (b) If you have a metered service we must:
 - (1) Read your meter monthly;
 - (2) Calculate your bill based on your metered energy consumption; and
 - (3) Issue your bill monthly, unless otherwise provided in a Special Agreement.

(c) If we are unable to calculate your metered energy consumption, we must make a reasonable estimate based on one of the following reasons:

- (1) Your meter has failed;
 - (2) Your meter has been tampered with; or
 - (3) Our utility personnel are unable to read your meter.
- (d) If you have an unmetered service, we calculate your bill in accordance with your Special Agreement.

§ 175.305 When is my bill due?

The due date is provided on your bill.

§ 175.310 How do I pay my bill?

You may pay your bill by any of the following methods:

- (a) In person at our utility office;
- (b) Mail your payment to the address stated on your bill; or
- (c) As further provided by the electric utility that serves you.

§ 175.315 What will happen if I do not pay my bill?

- (a) If you do not pay your bill prior to the close of business on the due date, your bill will be past due.
- (b) If your bill is past due we may:
 - (1) Disconnect your service; and
 - (2) Not reconnect your service until your bill, including any applicable fees, is paid in full.
- (c) Specific regulations regarding non-payment can be found in 25 CFR 143.5(c).

§ 175.320 What will happen if my service is disconnected and my account remains delinquent?

- (a) If your service has been disconnected and you still have an outstanding balance, we will assess you interest, penalties, and administrative costs in accordance with 31 CFR 901.9.
- (b) We must forward your delinquent balance to the United States Treasury if it is not paid within 180 days after the original due date in accordance with 31 CFR 901.1.

Subpart D—System Extensions and Upgrades, Rights-of-Way, and Paperwork Reduction Act

§ 175.400 Will the utility extend or upgrade its electric system to serve new or increased loads?

The utility may extend or upgrade its electric system to serve new or increased loads. Contact your electric power utility providing service in your area for further information on new or increased loads.

§ 175.500 How does BIA manage rights-of-way?

Contact your electric power utility providing service in your area for further information on rights-of-way.

§ 175.600 How does the Paperwork Reduction Act affect this part?

The collection of information contained in this part have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned OMB Control Number 1076-0021. Response is required to obtain a benefit. A Federal agency may not conduct or sponsor, and you are not required to respond to, a collection of information unless the form or regulation requesting the information displays a currently valid OMB Control Number. Send comments regarding this collection of information, including suggestions for reducing the burden, to the Information Collection Clearance Officer—Indian Affairs, 1849 C Street NW, Washington, DC 20240.

Dated: October 31, 2018.

Tara Sweeney,

Assistant Secretary—Indian Affairs.

[FR Doc. 2018-25943 Filed 11-27-18; 8:45 am]

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DEPARTMENT OF EDUCATION

34 CFR Parts 86 and 668

Waiver of Certain Consumer Information Requirements for Foreign Institutions of Higher Education

AGENCY: Office of Postsecondary Education, Department of Education.
ACTION: Waiver.

SUMMARY: The Secretary identifies specific provisions governing the student loan programs authorized by title IV of the Higher Education Act of 1965, as amended (HEA), that do not apply to foreign institutions.

DATES: November 28, 2018.

FOR FURTHER INFORMATION CONTACT: Ashley Higgins, U.S. Department of Education, 400 Maryland Avenue SW, Room 294-20, Washington, DC 20202. Telephone: (202) 453-6097. Email: Ashley.Higgins@ed.gov.

SUPPLEMENTARY INFORMATION: The Department of Education's (Department) regulations governing the eligibility of foreign institutions to participate in the title IV, HEA student loan programs provide that, "[a] foreign institution must comply with all requirements for eligible and participating institutions except when made inapplicable by the HEA or when the Secretary, through publication in the **Federal Register**, identifies specific provisions as inapplicable to foreign institutions." 34 CFR 600.51(c)(1). In this document, we identify specific provisions that do not

apply to foreign institutions of higher education.

I. Regulatory Consumer Information Requirements Inapplicable to Foreign Institutions of Higher Education

Transfer of Credit Policies and Articulation Agreements (34 CFR 668.43(a)(11))

Requirement: Each institution must disclose and make available to prospective and enrolled students a statement of the school's transfer of credit policies that includes, at a minimum—

- Any established criteria the school uses regarding the transfer of credit earned at another school; and
- A list of schools with which the school has established an articulation agreement.

Reason: The Secretary believes this requirement is inapplicable to foreign institutions because American students attending a foreign institution are unlikely to need this information. Transfer of credit rules at foreign institutions generally apply to credits earned at institutions in the institution's home country and are of limited use to American students seeking to transfer credits earned at U.S. institutions.

Copyright Infringement Policies and Sanctions, Including Computer Use and File Sharing (34 CFR 668.43(a)(10))

Requirement: Institutions must readily make available to current and prospective students the institution's policies and sanctions related to copyright infringement, including—

- A statement that explicitly informs students that unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject them to civil and criminal liabilities;
- A summary of the penalties for violation of Federal copyright laws; and
- The institution's policies with respect to unauthorized peer-to-peer file sharing, including disciplinary actions taken against students who engage in illegal downloading or unauthorized distribution of copyrighted materials using the institution's information technology system.

Reason: U.S. copyright laws do not apply in foreign countries and the rules and penalties mentioned in this provision would not apply to U.S. students while attending a foreign institution. Therefore, the Secretary believes that it is unnecessary for foreign institutions to disclose rules and policies that are not applicable to the institution and its students and that may be incompatible with the laws of the

country in which the institution is located.

School and Program Accreditation, Approval, or Licensure (34 CFR 668.43(a)(6))

Requirement: Each institution must make available to prospective and enrolled students—

- Names of associations, agencies, or governmental bodies that accredit, approve, or license the institution and its programs; and
- Procedures for obtaining or reviewing documents describing accreditation, approval, or licensing.

Reason: Unlike domestic institutions, foreign institutions do not need to be accredited by a body recognized by the Secretary to participate in the title IV, HEA programs. In addition, the requirements for licensing institutions vary by country. Although the foreign institution must have approval of the government of the country in which the institution is located to operate in order to participate in the title IV, HEA programs, the Secretary does not believe accreditation and licensure information, as described for U.S. Institutions will be available at all foreign institutions.

Drug and Alcohol Abuse Prevention Program (34 CFR 86.100 and 86.103; 20 U.S.C. 1011i)

Requirement: Each institution must annually distribute in writing to each student and employee—

- Standards of conduct that clearly prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on the institution's property or as part of any of the institution's activities;
- A description of the applicable legal sanctions under local, State, or Federal law for the unlawful possession or distribution of illicit drugs and alcohol;
- A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
- A description of available counseling, treatment, rehabilitation, or re-entry programs; and
- A clear statement that the institution will impose disciplinary sanctions for violation of the standards of conduct and a description of those sanctions.

In addition, each institution must make available, upon request, to the Department and to the public, the information distributed to students and employees and the results of a biennial review of the institution's program to—

- Determine the effectiveness of the program and implement needed changes;
- Determine the number of drug and alcohol-related violations and fatalities

that occur on the institution's campus or as part of the institution's activities, and are reported to campus officials;

- Determine the number and type of sanctions that are imposed by the institution; and
- Ensure that sanctions are consistently enforced.

Reason: U.S. drug laws do not apply in foreign countries and the rules and penalties mentioned in this provision would not apply to U.S. students while they are attending a foreign institution. Therefore, the Secretary believes that it is unnecessary for foreign institutions to disclose rules and policies that are not applicable to the institution and its students and that may be incompatible with the laws of the country in which the institution is located.

Completion/Graduation and Transfer-Out Rates for Students Receiving Athletically Related Student Aid (34 CFR 668.41(f) and 668.48)

Requirement: Each institution must produce by July 1 each year a report that will be provided to a prospective student athlete and the student's parents, high school guidance counselor, and coach at the time the institution offers athletically related student aid.

Reason: The college athletics structure in the United States is unique. As a rule, foreign institutions do not have competitive intercollegiate sports programs for which they offer full or partial athletic scholarships. In those countries where athletic scholarships are available, they exist on a far more limited scale than is the case in the United States. Because of this, the Secretary believes that it is unreasonable to hold foreign institutions to the same standards as American institutions given the differences between our systems.

Intercollegiate Athletic Program Participation Rates and Financial Support (Equity in Athletics Disclosure Act) (34 CFR 668.41(g) and 668.47(c))

Requirement: The Equity in Athletics Disclosure Act (EADA) is intended to provide prospective students information about an institution's efforts to provide equitable athletic opportunities for its men and women students. Any coeducational institution of higher education that participates in a title IV, HEA program and has an intercollegiate athletic program must prepare an annual EADA report. The report includes participation rates, financial support, and other information on men's and women's intercollegiate athletic programs. Institutions must also

submit their EADA report to the Department.

Reason: The college athletics structure in the United States is unique. Foreign institutions do not generally have significant numbers of U.S. students participating in competitive intercollegiate sports programs for whom this information would be relevant. Moreover, we are not aware of other countries that require compilation of this or similar information for disclosure to students. Because of this, the Secretary believes that it is unreasonable to hold foreign institutions to the same standards as American institutions given the differences between our systems.

Completion/Graduation and Transfer-Out Rates (Including Disaggregated Completion/Graduation Rates) (34 CFR 668.41(d) and 668.45)

Requirement: Each institution must annually make available to prospective and enrolled students the completion or graduation rate of certificate- or degree-seeking, first-time, full-time, undergraduate students. The data are to be available by July 1 each year for the most recent cohort that has had 150 percent of normal time for completion by August 31 of the prior year.

If the information is requested by a prospective student, it must be made available prior to the student's enrolling or entering into any financial obligation with the institution. The disaggregated rates have to be disclosed only if the number of students in each group is sufficient to yield statistically reliable information and not reveal personally identifiable information about an individual student.

Reason: The Secretary is aware that the laws of other countries may not allow for data to be disaggregated in the way required by these regulations. This situation could make the disclosure both inconsistent with the laws of those countries and unhelpful for American students.

Placement in Employment (34 CFR 668.41(d))

Requirement: Institutions must make available to current and prospective students information regarding the placement in employment of, and types of employment obtained by, graduates of the institution's degree or certificate programs. Under this provision, institutions are not required to calculate placement rates, but an institution must disclose any placement rates it calculates for the school or any program.

Reason: This information is not likely to be helpful to American students studying in foreign institutions, most of

whom eventually return to the United States, because it would be based on the placement of students from the institution who work in the institution's host country where conditions for employment may be different.

Job Placement Rates (34 CFR 668.14(b)(10))

Requirement: An institution that advertises job placement rates as a means of recruiting students to enroll must make available to prospective students, at or before the time the prospective student applies for enrollment—

- The most recent available data concerning employment statistics and graduation statistics;
- Any other information necessary to substantiate the truthfulness of the advertisements; and
- Relevant State licensing requirements of the State in which the institution is located for any job for which the course of instruction is designed to prepare students.

Reason: Because American students studying in foreign schools may eventually return to the United States and may not be permitted to work in a foreign country, this information is not likely to be helpful to those students since most of the students in the school are likely to work in the host country where conditions for employment may be different. In addition, the Secretary believes that it is unreasonable to require foreign institutions to track international placements. Moreover, foreign institutions of higher education are not located in a State for which they could provide information on licensing requirements.

Types of Graduate and Professional Education in Which the Institution's Graduates Enroll (34 CFR 668.41(d)(6))

Requirement: Institutions must make available to current and prospective students information regarding the types of graduate and professional education in which graduates of the institution's four-year degree programs enroll. Institutions must identify the source of the information, and any timeframes and methodology associated with it.

Reason: This information is not likely to be helpful to American students studying in foreign institutions, most of whom eventually return to the United States, because most of the students included in the institution's report would be likely to pursue graduate school in the institution's host country where conditions may be different.

Retention Rate (34 CFR 668.41(d)(3))

Requirement: Institutions must make available to current and prospective students the retention rate of certificate or degree seeking, first-time, undergraduate students as reported to the Integrated Postsecondary Education Data System (IPEDS).

Reason: This requirement specifically refers to the retention rate reported to IPEDS. Foreign institutions do not submit information to IPEDS and are not otherwise required to calculate or disclose a retention rate.

Security Report—Missing Person Notification Policy (34 CFR 668.46(b)(14) and 668.46(h))

Requirement: An institution that provides any on-campus student housing facility must include in its annual security report a statement of policy regarding missing student notification procedures for students who reside in on-campus housing.

Reason: This requirement is implemented and administered in connection with the Clery Act, from which Congress specifically exempted foreign institutions. As a result, the Secretary believes requiring foreign institutions to comply with this requirement is inappropriate.

Fire Safety Report (34 CFR 668.41(e) and 668.49)

Requirement: By October 1 of each year, an institution that maintains any on-campus student housing facility must distribute an annual fire safety report, or provide a notice of the report, to all enrolled students and current employees.

Reason: This provision is implemented and administered in connection with the Clery Act, from which Congress specifically exempted foreign institutions. As a result, the Secretary believes requiring foreign institutions to comply with this requirement is inappropriate.

Fire Log (34 CFR 668.49(d))

Requirement: An institution that maintains on-campus student housing facilities must maintain a written, easily understood fire log that records, by the date that the fire was reported, any fire that occurred in an on-campus student housing facility. This log must include the nature, date, time, and general location of each fire.

Reason: This requirement is implemented and administered in connection with the Clery Act, from which Congress specifically exempted foreign institutions. As a result, the Secretary believes requiring foreign

institutions to comply with this requirement is inappropriate.

State Grant Assistance (34 CFR 668.14(b)(11))

Requirement: Institutions must inform all eligible borrowers enrolled in the institution about the availability of and their eligibility for grant assistance from the State in which the institution is located, and provide sources of information about grant assistance from other States to borrowers from other States.

Reason: This requirement is inapplicable to foreign institutions because this requirement applied exclusively to student borrowers with Federal Family Education Loan (FFEL) program loans. No new FFEL loans have been made since July 1, 2010, and it is highly unlikely that current students at foreign institutions have FFEL loans.

II. Non-Regulatory Consumer Information Requirements Inapplicable to Foreign Institutions of Higher Education

Notice of Federal Student Financial Aid Penalties for Drug Law Violations (20 U.S.C. 1092(k))

Requirement: Each institution must provide to every student upon enrollment a separate, clear, and conspicuous written notice with information on the penalties associated with drug-related offenses under section 484(r) of the HEA. Institutions must also timely notify each student who has lost eligibility for any grant, loan, or work-study assistance as a result of penalties under section 484(r)(1) of the HEA of the loss of eligibility and the ways in which to regain eligibility under section 484(r)(2) of the HEA.

Reason: U.S. drug laws do not apply in foreign countries and the rules and penalties mentioned in this provision would not apply to U.S. students while they are attending a foreign institution. Therefore, the Secretary believes that it is unnecessary for foreign institutions to disclose rules and policies that are not applicable to the institution and its students and that may be incompatible with the laws of the country in which the institution is located.

Vaccinations Policy (20 U.S.C. 1092(a)(1))

Requirement: Institutions must make available to current and prospective students information about institutional policies regarding vaccinations.

Reason: These requirements were created to address specific public health issues in the United States. Any U.S. students seeking to study at a foreign

institution must comply with requirements for entry into the institution's home country, including those related to vaccinations. As a result, the Secretary believes that it is inappropriate to apply vaccination requirements in the HEA to foreign institutions.

Student Body Diversity (20 U.S.C. 1092(a)(1)(Q))

Requirement: Institutions must make available to current and prospective students information about student body diversity, including the percentage of enrolled, full-time students in the following categories:

- Male.
- Female.
- Self-identified members of a major racial or ethnic group.
- Federal Pell Grant recipients.

Reason: Foreign institutions are not eligible to participate in the Pell Grant Program. Further, the racial and ethnic groups used for this disclosure are defined in IPEDS, a system that foreign institutions do not use, and other countries may have different definitions and reporting laws regarding gender, racial, and ethnic groups. For these reasons, the Secretary believes it is impractical for foreign institutions to comply with this requirement.

Textbook Information (20 U.S.C. 1015b)

Requirement: To the maximum extent practicable, and in a manner of the institution's choosing, each institution must disclose on its internet course schedule used for preregistration and registration purposes, the International Standard Book Number (ISBN) and retail price information of required and recommended textbooks and supplemental materials for each course listed. If the ISBN is not available, the institution must include in the internet course schedule the author, title, publisher, and copyright date for the textbook or supplemental material.

If a college bookstore is operated by or affiliated with the institution, the institution must make available as soon as practicable the most accurate information available regarding—

- The institution's course schedule for the subsequent academic period;
- The information provided for students regarding the required and recommended textbooks and supplemental materials for each course or class; and
- The number of students enrolled in each course or class and the maximum student enrollment for each course or class.

Reason: The textbook requirements were created to address concerns

specific to the United States involving the price of textbooks. These concerns are less apparent at foreign institutions. English language programs offered by foreign institutions generally use the international editions of texts, which are usually available for purchase at prices far below those of American editions.¹ Accordingly, the Secretary is exempting foreign institutions from these requirements.

Accountability for Programs That Prepare Teachers (20 U.S.C. 1022d–1022g)

Requirement: Each institution that provides a teacher preparation program and admits students receiving Federal student financial aid must provide a report annually to the State and to the general public. The States must submit to the Department, and make available to the public, an annual report containing institutional and State-level information. The Department makes the State reports available to the public.

Reason: Foreign institutions are not located in a State and are not required to prepare or submit this report.

Voter Registration Forms (20 U.S.C. 1094(a)(23))

Requirement: Each institution must—

- Make a good faith effort to distribute a mail voter registration form to each student enrolled in a degree or certificate program and physically in attendance at the institution;
- Make the voter registration form widely available to students; and
- Request the forms from the State 120 days prior to the deadline for registering to vote within the State.

Reason: Because foreign institutions are not in a State, this requirement does not apply.

Constitution Day (36 U.S.C. 106)

Requirement: Constitution Day is September 17 of each year, commemorating the September 17, 1787 signing of the U.S. Constitution. Institutions that receive Federal funds are required to hold an appropriate educational program about the Constitution for their students.

Reason: The Secretary believes that it is inappropriate to require institutions located outside the U.S. to conduct an educational program on another nation's Constitution.

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¹ Lewin, Tamar. (2003, October 21). Students Find \$100 Textbooks Cost \$50, Purchased Overseas. *The New York Times*. Retrieved from <https://www.nytimes.com/2003/10/21/us/students-find-100-textbooks-cost-50-purchased-overseas.html>.

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Dated: November 23, 2018.

Betsy DeVos,
Secretary of Education.

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LIBRARY OF CONGRESS

Copyright Royalty Board

37 CFR Part 380

[Docket No. 14-CRB-0001-WR (2016-2020)
COLA 2019]

Cost of Living Adjustment to Royalty Rates for Webcaster Statutory License

AGENCY: Copyright Royalty Board (CRB), Library of Congress.

ACTION: Final rule; cost of living adjustment.

SUMMARY: The Copyright Royalty Judges announce a cost of living adjustment (COLA) in the royalty rates that commercial and noncommercial noninteractive webcasters pay for eligible transmissions pursuant to the statutory licenses for the public performance of and for the making of ephemeral reproductions of sound recordings.

DATES:

Effective date: January 1, 2019.

Applicability dates: These rates are applicable to the period January 1, 2019, through December 31, 2019.

FOR FURTHER INFORMATION CONTACT: Anita Blaine, CRB Program Assistant, by telephone at (202) 707-7658 or by email at crb@loc.gov.

SUPPLEMENTARY INFORMATION: Sections 112(e) and 114(f) of the Copyright Act, title 17 of the United States Code, create statutory licenses for certain digital performances of sound recordings and the making of ephemeral reproductions to facilitate transmission of those sound recordings. On May 2, 2016, the Copyright Royalty Judges (Judges) adopted final regulations governing the rates and terms of copyright royalty payments under those licenses for the license period 2016-2020 for performances of sound recordings via eligible transmissions by commercial and noncommercial noninteractive webcasters. See 81 FR 26316.

Pursuant to those regulations, at least 25 days before January 1 of each year from 2017 to 2020, the Judges shall publish in the **Federal Register** notice of a COLA applicable to the royalty fees for performances of sound recordings via eligible transmissions by commercial and noncommercial noninteractive webcasters. 37 CFR 380.10.

The adjustment in the royalty fee shall be based on a calculation of the percentage increase in the CPI-U from the CPI-U published in November 2015 (237.838), according to the formula $(1 + (C_y - 237.838) / 237.838) \times R_{2016}$, where C_y is the CPI-U published by the Secretary of Labor before December 1 of the preceding year and R_{2016} is the royalty rate for 2016; *i.e.*, for commercial webcasters \$0.0022 per subscription performance or \$0.0017 per nonsubscription performance, or for noncommercial webcasters \$0.0018 per performance for all digital audio transmissions in excess of 159,140 Aggregate Tuning Hours (ATH) in a month on a channel or station. The adjustment shall be rounded to the nearest fourth decimal place. 37 CFR 380.10(c). The CPI-U published by the Secretary of Labor from the most recent index published before December 1, 2018, is 252.885.¹ Applying the formula in 37 CFR 380.10(c) and rounding to the nearest fourth decimal place results in an increase in the rates for 2019.

The 2019 rate for eligible transmission of sound recordings by commercial webcasters is a rate of \$0.0023 per subscription performance and a rate of

\$0.0018 per nonsubscription performance.

Application of the increase to rates for noncommercial webcasters results in a 2019 rate of \$0.0019 per performance for all digital audio transmissions in excess of 159,140 ATH in a month on a channel or station.

As provided in 37 CFR 380.10(d), the royalty fee for making ephemeral recordings under section 112 of the Copyright Act to facilitate digital transmission of sound recordings under section 114 of the Copyright Act is included in the section 114 royalty fee and comprises 5% of the total fee.

List of Subjects in 37 CFR Part 380

Copyright, Sound recordings.

Final Regulations

In consideration of the foregoing, the Judges amend part 380 of title 37 of the Code of Federal Regulations as follows:

PART 380—RATES AND TERMS FOR TRANSMISSIONS BY ELIGIBLE NONSUBSCRIPTION SERVICES AND NEW SUBSCRIPTION SERVICES AND FOR THE MAKING OF EPHEMERAL REPRODUCTIONS TO FACILITATE THOSE TRANSMISSIONS

■ 1. The authority citation for part 380 continues to read as follows:

Authority: 17 U.S.C. 112(e), 114(f), 804(b)(3).

■ 2. Section 380.10 is amended by revising paragraph (a) to read as follows:

§ 380.10 Royalty fees for the public performance of sound recordings and the making of ephemeral recordings.

(a) *Royalty fees.* For the year 2019, Licensees must pay royalty fees for all Eligible Transmissions of sound recordings at the following rates:

(1) *Commercial webcasters:* \$0.0023 per performance for subscription services and \$0.0018 per performance for nonsubscription services.

(2) *Noncommercial webcasters.* \$500 per year for each channel or station and \$0.0019 per performance for all digital audio transmissions in excess of 159,140 ATH in a month on a channel or station.

* * * * *

Suzanne M. Barnett,

Chief Copyright Royalty Judge.

[FR Doc. 2018-25908 Filed 11-27-18; 8:45 am]

BILLING CODE 1410-72-P

¹ As announced on November 14, 2018, by the Bureau of Labor Statistics in its *News Release—Consumer Price Index October 2018, available at <http://www.bls.gov/news.release/pdf/cpi.pdf> at 4.*