DEPARTMENT OF EDUCATION

Notice of Investigation and Record Requests

AGENCY: Office of the General Counsel, Department of Education.

ACTION: Notice.

SUMMARY: The Department publishes letters, dated July 3, 2019, notifying Cornell University and Rutgers University of investigations related to the universities’ reports of defined gifts and contracts, including restricted and conditional gifts or contracts, from or with a statutorily defined foreign source.


If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service, toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The Department publishes letters, dated July 3, 2019, notifying Cornell University and Rutgers University of investigations related to the universities’ reports of defined gifts and contracts, including restricted and conditional gifts or contracts, from or with a statutorily defined foreign source. The letter to Cornell University is in Appendix A of this notice. The letter to Rutgers University is in Appendix B of this notice.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the person listed under FOR FURTHER INFORMATION CONTACT.

Electronic Access to This Document: The official version of this document is the document published in the Federal Register. You may access the official edition of the Federal Register and the Code of Federal Regulations at www.govinfo.gov. At this site you can view this document, as well as all other documents of this Department published in the Federal Register, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the Federal Register by using the article search feature at www.federalregister.gov. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.


Reed D. Rubinstein,
Acting General Counsel.

Appendix A—Letter to Cornell University

Martha E. Pollack, President
300 Day Hall
Cornell University
Ithaca, NY 14853

Re: Notice of 20 U.S.C. § 1011f Investigation and Record Request/ Cornell University

Dear President:

Section 117 of the Higher Education Act of 1965, 20 U.S.C. § 1011f, requires certain institutions, including Cornell University, to report statutorily defined gifts and contracts, including restricted and conditional gifts or contracts, from or with a statutorily defined foreign source, to the U.S. Department of Education. These reports are posted at https://studentaid.ed.gov/sa/about/data-center/school/foreign-gifts.

The Department believes Cornell University’s reporting may not fully capture all gifts, contracts, and/or restricted and conditional gifts or contracts from or with all foreign sources to all of Cornell University’s campuses and/or affiliated foundations and non-profit organizations—which or not organized under the laws of the United States—that operate substantially for the benefit for or under the auspices of Cornell University (e.g., the Cornell University Foundation and the Cornell University Foundation (UK), Ltd.).

Section 117(f), 20 U.S.C. § 1011f(f), provides that whenever it appears an institution has failed to comply with the law, the Secretary of Education may request the Attorney General commence an enforcement action to compel compliance and to recover the full costs to the United States of obtaining compliance, including all associated costs of investigation and enforcement. To meet our statutory duty, the Department has opened an administrative investigation of your
institutions and requests production of these records within thirty days:

1. All records of gifts, contracts, and/or restricted or conditional gifts or contracts from or with a foreign source. The time frame for this request is January 1, 2014, to the present.

2. All records of, regarding, or referencing gifts, contracts, and/or restricted or conditional gifts or contracts from or with (a) the government of the People’s Republic of China, its agencies, and agents, including but not limited to those persons known as Huawei Technologies Co., Ltd., Huawei Technologies USA, Inc., and ZTE Corp., their employees, subsidiaries, agents, and affiliates; and (b) the government of Qatar, its agencies, and agents, including but not limited to the Qatar Foundation for Education, Science and Community Development aka Qatar Foundation aka Qatar National Research Fund. The time frame for this request is January 1, 2012, to the present.

3. All records of, regarding, or referencing gifts, contracts, or restricted or conditional gifts or contracts from or with a foreign source to, with, or for the benefit of the Cornell Laboratory for Accelerator-Based Sciences and Education. The time frame for this request is January 1, 2010 to the present.

4. All records of, regarding, or referencing activities taken by Cornell University to comply with 20 U.S.C. §§ 1011f(a), (b), (c), and (e). The time frame for this request is January 1, 2014, to the present.

5. All records of, regarding, or referencing activities taken by or required of Cornell University to confirm each foreign source of a gift, contract, and/or restricted or conditional gift or contract (a) does not engage in, or provide material support to any person who engages in activities prohibited by 18 U.S.C. §§ 2339A, 2339B, 2339C, and 2339D; and (b)(i) is not owned or controlled by, (ii) does not act for or on behalf of, assist, sponsor, or provide financial, material, or technological support or other services to, or in support of, and (iii) is not otherwise associated with, any person who is a “Specially Designated Global Terrorist” under Executive Order 13224. The time frame for this request is January 1, 2010, to the present.

6. All IRS Form 990s and schedules, including Schedules F and R, for tax years 2014, 2015, 2016, 2017, and 2018, for Cornell University, the Cornell University Foundation, and the Cornell University Foundation (UK), Ltd.

As used in this Notice of Investigation and Information Request:

“Agent” means any person, including a subsidiary or affiliate of a foreign or domestic legal entity, who acts for or in place of another.

“Contract” has the meaning given at 20 U.S.C. § 1011f(b)(1).

“Foreign source” has the meaning given at 20 U.S.C. § 1011f(b)(2).

“Gift” has the meaning given at 20 U.S.C. § 1011f(b)(3).

“Institution” has the meaning given at 20 U.S.C. § 1011f(b)(4) and includes all affiliated foundations and non-profit organizations that operate substantially for the benefit or under the auspices of Cornell University, such as the Cornell University Foundation and the Cornell University Foundation (UK) Ltd.

“Record” means all recorded information, regardless of form or characteristics, made or received by you, and including metadata, such as email and other electronic communication, word processing documents, PDF documents, animations (including PowerPoint™ and other similar programs) spreadsheets, databases, calendars, telephone logs, contact manager information, Internet usage files, network access information, writings, drawings, graphs, charts, photographs, sound recordings, images, financial statements, checks, wire transfers, accounts, ledgers, facsimiles, texts, animations, voicemail files, data generated by calendaring, task management and personal information management (PIM) software (such as Microsoft Outlook), data created with the use of personal data assistants (PDAs), data created with the use of document management software, data created with the use of paper and electronic mail logging and routing software, and other data or data compilations, stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form. The term “recorded information” also includes all traditional forms of records, regardless of physical form or characteristics.

“Restricted or conditional gift or contract” has the meaning given at 20 U.S.C. § 1011f(b)(5).

If you claim attorney-client or attorney-work product privilege for a given record, then you must prepare and submit a privilege log expressly identifying each such record and describing it so the Department may assess your claim’s validity. Please note no other privileges apply here. Your record and data preservation obligations are outlined at Exhibit A. This investigation will be directed by the Department’s Office of General Counsel with support from Federal Student Aid. Your legal counsel should contact:

Reed D. Rubinstein, Acting General Counsel
U.S. Department of Education
400 Maryland Ave., S.W., Room 6E300
Washington, D.C. 20202
Reed.Rubinstein@ed.gov

Sincerely,

Mitchell M. Zais, Ph.D.

Appendix B—Letter to Rutgers University

Robert L. Barchi, President,
Rutgers, The State University of New Jersey,
Winants Hall,
7 College Avenue, 2nd Floor,
New Brunswick, NJ 08901
Re: Notice of 20 U.S.C. § 1011f
Investigation and Record Request/
Rutgers University

Dear President:

Section 117 of the Higher Education Act of 1965, 20 U.S.C. § 1011f, requires certain institutions, including Rutgers, The State University of New Jersey (“Rutgers University”), to report statutorily defined gifts and contracts, including restricted and conditional gifts or contracts, from or with a statutorily defined foreign source, to the U.S. Department of Education. These reports are posted at https://studentaid.ed.gov/sa/about/data-center/school/foreign-gifts.

The Department believes Rutgers University’s reporting may not fully capture all gifts, contracts, and/or restricted and conditional gifts or contracts from or with all foreign sources to all of Rutgers University’s campuses and affiliated foundations and non-profit organizations—whether or not organized under the laws of the United States—that operate substantially for the benefit for or under the auspices of Rutgers University (e.g., the Rutgers University Foundation).

Section 117(f), 20 U.S.C. § 1011f(f), provides that whenever it appears an institution has failed to comply with the law, the Secretary of Education may request the Attorney General commence
an enforcement action to compel compliance and to recover the full costs to the United States of obtaining compliance, including all associated costs of investigation and enforcement. To meet our statutory duty, the Department has opened an administrative investigation of your institution and requests production of these records within thirty days:

1. All records of gifts, contracts, and/or restricted or conditional gifts or contracts from or with a foreign source. The time frame for this request is January 1, 2014, to the present.

2. All records of, regarding, or referencing gifts, contracts, and/or restricted or conditional gifts or contracts from or with (a) the government of the People’s Republic of China, its agencies, and agents, including but not limited to those persons known as Huawei Technologies Co. Ltd., Huawei Technologies USA, Inc., and ZTE Corp, their employees, subsidiaries, agents, and affiliates; (b) the government of Qatar, its agencies, and agents, including but not limited to those persons known as the Qatar Foundation for Education, Science and Community Development aka the Qatar National Research Fund; and (c) the government of Russia, its agencies, and agents, including but not limited to Kaspersky Lab and Kaspersky Lab US, its agents, and affiliates. The time frame for this request is January 1, 2012, to the present.

3. All records of, regarding, or referencing communications between Prof. John V. Pavlik and the government of Qatar, its agents, subsidiaries, and affiliates, including but not limited to the Qatar Foundation National Research Fund. The time frame for this request is January 1, 2010, to the present.

4. All records of, regarding, or referencing “Hanban” or the Office of Chinese Language Council International. The time frame for this request is January 1, 2014, to the present.

5. All records of, regarding, or referencing gifts, contracts, and/or restricted or conditional gifts or contracts from or with the Confucius Institute (including the Confucius Institute of Rutgers University), its agents, employees, and affiliates, or subsidiaries. The time frame for this request is January 1, 2010, to the present.

6. All gifts, contracts, or restricted or conditional gifts or contracts (e.g., “General Cooperation Agreements”, “Abbreviated General Cooperation Agreements”, “To establish the Joint Research Laboratory for Advanced Electronic Materials and Sensors”, “Double Degree Programs”, “Research Collaboration”, and “Other”) from or with entities identified as “Partner Institutions” at https://internationalpartnerships.gaiacenters.rutgers.edu/ and located in China, Pakistan, Qatar, Russia, or Saudi Arabia. The time frame for this request is January 1, 2014, to the present.

7. All records of, regarding, or referencing activities taken by Rutgers University to comply with 20 U.S.C. §§ 1011f(a), (b), (c), and (e). The time frame for this request is January 1, 2014, to the present.

8. All records of, regarding, or referencing activities taken by Rutgers University to confirm each foreign source of a gift, contract, and/or restricted or conditional gift or contract (a) does not engage in, or provide material support to any person who engages in, activities prohibited by 18 U.S.C. §§ 2339A, 2339B, 2339C, and 2339D; and (b)(i) is not owned or controlled by, (ii) does not act for or on behalf of, assist, sponsor, or provide financial, material, or technological support or other services to, or in support of, and (iii) is not otherwise associated with, any person who is a “Specially Designated Global Terrorist” under Executive Order 13224. The time frame for this request is January 1, 2010, to the present.

9. All IRS Form 990s and schedules, including Schedules F and R, for tax years 2014, 2015, 2016, 2017, and 2018, for Rutgers University and the Rutgers University Foundation.

As used in this Notice of Investigation and Information Request:

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“Contract” has the meaning given at 20 U.S.C. § 1011f(b)(1).

“Foreign source” has the meaning given at 20 U.S.C. § 1011f(b)(2).

“Gift” has the meaning given at 20 U.S.C. § 1011f(b)(3).

“Institution” has the meaning given at 20 U.S.C. § 1011f(b)(4) and includes all affiliated foundations and non-profit organizations that operate substantially for the benefit or under the auspices of Rutgers University, such as the Rutgers University Foundation.

“Record” means all recorded information, regardless of form or characteristics, made or received by you, and including metadata, such as email and other electronic communication, word processing documents, PDF documents, animations (including PowerPoint™ and other similar programs), spreadsheets, databases, calendars, telephone logs, contact manager information, Internet usage files, network access information, writings, drawings, graphs, charts, photographs, sound recordings, images, financial statements, checks, wire transfers, accounts, ledgers, facsimiles, texts, animations, voicemail files, data generated by calendaring, task management and personal information management (PIM) software (such as Microsoft Outlook), data created with the use of personal data assistants (PDAs), data created with the use of document management software, data created with the use of paper and electronic mail logging and routing software, and other data or data compilations, stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form. The term “recorded information” also includes all traditional forms of records, regardless of physical form or characteristics.

“Restricted or conditional gift or contract” has the meaning given at 20 U.S.C. § 1011f(h)(5).

If you claim attorney-client or attorney-work product privilege for a given record, then you must prepare and submit a privilege log expressly identifying each such record and describing it so the Department may assess your claim’s validity. Please note no other privileges apply here.

Your record and data preservation obligations are outlined at Exhibit A. This investigation will be directed by the Department’s Office of General Counsel with support from Federal Student Aid. Your legal counsel should contact:

Reed D. Rubinstein, Acting General Counsel
U.S. Department of Education
400 Maryland Ave., S.W., Room 6E300
Washington, DC 20202
Reed.Rubinstein@ed.gov.

Sincerely,
DEPARTMENT OF EDUCATION

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Educational Opportunity Centers Program (EOC) Annual Performance Report

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

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before August 19, 2019.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use http://www.regulations.gov by searching the Docket ID number ED–2019–ICCD–0063. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at http://www.regulations.gov by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at ICDocketMgr@ed.gov. Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 550 12th Street SW, PCP, Room 9086, Washington, DC 20202–0023.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Rachael Wiley, 202–453–6078.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public’s reporting burden. It also helps the public understand the Department’s information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Educational Opportunity Centers Program (EOC) Annual Performance Report.

OMB Control Number: 1840–0830.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments; Private Sector.

Total Estimated Number of Annual Responses: 140.

Total Estimated Number of Annual Burden Hours: 1,120.

Abstract: Educational Opportunity Centers Program (EOC) grantees must submit the report annually. The report provides the Department of Education with information needed to evaluate a grantee’s performance and compliance with program requirements and to award prior experience points in accordance with the program regulations. The data collection is also aggregated to provide information on project participants and program outcomes.

Dated: July 15, 2019.

Kate Mullan,

PIA Coordinator, Information Collection Clearance Program, Information Management Branch, Office of the Chief Information Officer.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[FR Doc. No. ER19–2382–000]

Story County Wind, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced Story County Wind, LLC’s application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability. Any person desiring to intervene or to protest such tariff shall file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission’s Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant’s request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is August 1, 2019.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at http://www.ferc.gov. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission’s eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission’s Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to the docket(s). For assistance with any FERC Online service, please email