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[FR Doc. 2026-11310 Filed 6-4-26; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF EDUCATION

34 CFR Chapter II

[ED-2026-OESE-2113]

Proposed Waiver and Extension of the Project Period With Funding—Elementary and Secondary Education Act of 1965, as Amended, Title VI, Part B, Native Hawaiian Education

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education.

ACTION: Proposed waiver and extension of project period with funding.

SUMMARY: The Secretary proposes to waive the requirements in the Education Department General Administrative Regulations (EDGAR) that generally prohibit project period extensions involving the obligation of additional Federal funds. The proposed waiver and extension would enable 21 projects under Assistance Listing Number (ALN) 84.362A to receive funding for up to one additional 12-month period, not to exceed September 30, 2027.

DATES: We must receive your comments on or before July 6, 2026.

ADDRESSES: Comments must be submitted via the Federal eRulemaking Portal at www.regulations.gov. However, if you require an accommodation or cannot otherwise submit your comments via www.regulations.gov, please contact the program contact person listed under FOR FURTHER INFORMATION CONTACT. The Department will not accept comments submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only

once. In addition, please include the Docket ID at the top of your comments.

Federal eRulemaking Portal: Go to www.regulations.gov to submit your comments electronically. Information on using www.regulations.gov, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under "FAQ."

Privacy Note: The Department's policy is generally to make comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at www.regulations.gov. Therefore, commenters should include in their comments only information about themselves that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT:

Joanne Osborne, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202-5076. Telephone: (202) 401-1265. Email: Joanne.Osborne@ed.gov.

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7-1-1.

SUPPLEMENTARY INFORMATION:

Invitation to Comment: We invite you to submit comments regarding this proposed waiver and extension. To ensure that your comments have maximum effect in developing the notice of final waiver and extension, we urge you to identify clearly the specific grantee or grantees (listed in the table under the Background section) that each comment addresses.

We invite you to assist us in complying with the specific requirements of Executive Orders 12866, 13563, and 14192 and their overall requirement of reducing regulatory burden that might result from the proposed waiver and extension. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect all public comments about this notice of proposed waiver and extension by accessing regulations.gov.

Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record: On request, we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for the proposed waiver and extension. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under FOR FURTHER INFORMATION CONTACT.

Background

Native Hawaiian Education (NHE), authorized under sections 6201-6207 of the Elementary and Secondary Education Act of 1965, as amended (ESEA), authorizes the Secretary to make grants to or enter into contracts with Native Hawaiian organizations and other organizations to support the development of innovative educational programs to assist Native Hawaiians. Under section 6205(a)(2), the Secretary must prioritize awarding grants to entities that propose projects designed to address beginning reading and literacy among students in kindergarten through third grade, the needs of at-risk children and youth, needs in fields or disciplines in which Native Hawaiians are underemployed, and the use of Hawaiian language in instruction. These projects may include one or more of the activities authorized under section 6205(a)(3).

On March 14, 2023, the Department of Education (Department) published in the Federal Register a notice inviting applications (NIA) for new awards for fiscal year (FY) 2023 for the Native Hawaiian Education Program (88 FR 15689). A table listing the current 21 grantees from the FY 2023 cohort follows.

FY 2023 AWARDS UNDER ALN 84.362A

Table with 2 columns: PR award number and Grantee name. Lists 15 award numbers and their corresponding grantees, including SUPPORTING THE LANGUAGE OF KAUAI INC., PARTNERS IN DEVELOPMENT FOUNDATION, UNIVERSITY OF HAWAII, and KULA NO NA PO'E HAWAII.

FY 2023 AWARDS UNDER ALN 84.362A—Continued

PR award number	Grantee name
S362A230038	KANU O KA AINA LEARNING OHANA.
S362A230042	MALAMA HONUA PUBLIC CHARTER SCHOOL FOUNDATION.
S362A230047	UNIVERSITY OF HAWAII.
S362A230051	CONSORTIUM FOR HAWAII' I ECOLOGICAL ENGINEERING EDUCATION.
S362A230055	UNIVERSITY OF HAWAII.
S362A230064	INSTITUTE FOR NATIVE PACIFIC EDUCATION AND CULTURE.
S362A230068	KANEHUNAMOKU VOYAGING ACADEMY.
S362A230070	EDUCATIONAL SERVICES HAWAII FOUNDATION.
S362A230075	PARTNERS IN DEVELOPMENT FOUNDATION.
S362A230081	PARTNERS IN DEVELOPMENT FOUNDATION.

The current project period for these FY 2023 cohort grantees ends on August 31, 2026.

Waivers and Extensions

The Department proposes to extend the project period for the 21 current NHE program grantees for up to one additional 12-month period. This proposed waiver would maximize continuity of services to those that the Native Hawaiian Education Program serves and support grantees through an efficient process that enables them to continue operating their current, approved projects for up to an additional one budget period with additional funding.

We have concluded that it would be contrary to the public interest to have a lapse in the work of current NHE program grantees while the Department considers changes to the NHE program. As such, the Secretary proposes to waive the requirement in 34 CFR 75.261(b)(2), which limits the extension of a project period if the extension involves the obligation of additional Federal funds. The waiver would allow the Department to issue continuation awards to current NHE grantees in FY 2026.

This action would allow the current NHE grantees to submit a request for continuation funding in FY 2026, provided grantees have certified that they have the capacity to continue activities. Any activities carried out under these continuation awards must be consistent with, or a logical extension of, the scope, goals, and objectives of the grantee's application as approved in the FY 2023 competition. The requirements for continuation determinations are set forth in 34 CFR 75.253, the 2023 Notice, and this Notice. Specifically, in making a continuation award determination under 34 CFR 75.253, the Secretary considers, among other things: whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds

in a manner that is consistent with its approved application and budget; if the Secretary has established performance measurement requirements, whether the grantee has made substantial progress in achieving the performance targets in the grantee's approved application; or whether the continuation of the project is in the best interest of the Federal Government.

In making a continuation award determination, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23). In making any continuation award determination, the Secretary may consider all relevant information.

Intergovernmental Review

This program is 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.

Regulatory Flexibility Act Certification

The Secretary certifies that this proposed waiver and extension of the project period would not have a significant economic impact on a substantial number of small entities.

The entities that would be affected by this proposed waiver and extension are:

(a) The 21 awarded FY 2023 grantees currently receiving Federal funds, which consist of Native Hawaiian educational organizations, Native Hawaiian community-based organizations, public and private

nonprofit organizations, agencies, and institutions with experience in developing or operating Native Hawaiian programs or programs of instruction in the Native Hawaiian language, charter schools, and consortia of the organizations, agencies, and institutions to carry out programs that meet the purposes of the NHE program; and

(b) Native Hawaiian educational organizations, Native Hawaiian community-based organizations, public and private nonprofit organizations, agencies, and institutions with experience in developing or operating Native Hawaiian programs or programs of instruction in the Native Hawaiian language, charter schools, and consortia of the organizations, agencies, and institutions to carry out programs that meet the purposes of the NHE program that otherwise would have been eligible to apply for an award in FY 2026 under the NHE program if the Department had held a competition.

The Secretary certifies that the proposed waiver and extension would 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 notice of proposed waiver and extension of the project period does not contain any information collection requirements.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3

file, braille, large print, audiotope, or compact disc, or other accessible format.

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 via the Federal Digital System at: www.govinfo.gov. You may also access documents of the Department published in the **Federal Register** by using the article search feature at: www.federalregister.gov.

Kirsten Baesler,

Assistant Secretary, Office of Elementary and Secondary Education.

[FR Doc. 2026–11366 Filed 6–4–26; 8:45 am]

BILLING CODE 4000–01–P

ADVISORY COUNCIL ON HISTORIC PRESERVATION

36 CFR Part 801

RIN 3010–AA09

Rescission of Historic Preservation Requirements of the Urban Development Action Grant Program

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Advisory Council on Historic Preservation (ACHP) is proposing to rescind its regulations, Historic Preservation Requirements of the Urban Development Action Grant Program, from the Code of Federal Regulations (CFR).

DATES: Send comments on or before July 6, 2026.

ADDRESSES: You may submit comments, identified by docket number and/or Regulation Identifier Number (RIN) number and title, by any of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments.
- *Email:* kfanizzo@achp.gov.
- *Mail:* Advisory Council on Historic Preservation, 401 F Street NW, Suite 308, Washington, DC 20001.

Instructions: All submissions received must include the agency name and docket number or RIN for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT:

Kelly Fanizzo, General Counsel, Advisory Council on Historic Preservation, (202) 517–0193, kfanizzo@achp.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The ACHP is an independent federal agency that promotes the preservation of America’s historic places and advises the President and Congress on national historic preservation policy (see 54 U.S.C. Chapter 3041). Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. 306108, requires federal agencies to take into account the effects of undertakings that they propose to carry out, license, approve, or assist on historic properties and provide the ACHP a reasonable opportunity to comment. Pursuant to 54 U.S.C. 304108(a), the ACHP “may promulgate regulations as it considers necessary to govern the implementation of section 306108 of this title in its entirety.” The ACHP has promulgated regulations for implementing Section 106 of the NHPA at 36 CFR part 800.

The Housing and Community Development Act (HCDA) of 1980, 42 U.S.C. 5320(c), requires the ACHP to “prescribe regulations providing for expeditious action by the Council in making its comments under section 306108 of Title 54, in the case of properties which are included on, or eligible for inclusion on, the National Register of Historic Places and which are affected by a project for which an application is made under [42 U.S.C. 5318] . . .”. The ACHP’s regulations at 36 CFR part 801 provide the Section 106 review process for undertakings proposed to be funded by the Department of Housing and Urban Development’s (HUD’s) Urban Development Action Grant (UDAG) Program. The purpose of the UDAG Program is to make urban development action grants to cities and urban counties that are experiencing severe economic distress to help stimulate economic development activity needed to aid in economic recovery. Under the UDAG Program, applicants assume the status of the federal agency for purposes of complying with Section 106 of the NHPA.

The expedited process in Part 801 includes some of the same steps as the standard Section 106 review process (as that process was set forth in Part 800 in 1981; see 44 FR 6072, Jan. 30, 1979), albeit with an applicant-led process, different timelines, and certain activities presumed to have no adverse effect to historic properties. The Part 801 process essentially functions similarly to a

program alternative developed pursuant to 36 CFR 800.14.

II. Current Status of the UDAG Program

The UDAG Program is no longer current. The last appropriation HUD received for the UDAG Program was for fiscal year 1988. HUD administratively closed out any remaining UDAG Program grants in 2021. Further, according to HUD, due to the passage of time and because the UDAG Program grants were administratively closed out, any remaining UDAG Program funds would be converted from program income to miscellaneous revenues upon either completion of the UDAG-funded activities or upon closeout. While these revenues would need to be spent on either UDAG Program activities or on Community Development Block Grant Program eligible activities, they would not be subject to any other requirements in 24 CFR part 570, including cross-cutting requirements such as environmental review. Therefore, HUD does not anticipate any projects funded by the UDAG Program to be proposed as subject to the ACHP’s Part 801 regulations.

III. Reviewing the Regulations

In accordance with the President’s direction and the general policy set forth in Executive Order (E.O.) 14192, “Unleashing Prosperity through Deregulation” (90 FR 9065, January 31, 2025), the ACHP reviewed Part 801 with the goal of reducing potential regulatory burdens and eliminating regulations that are no longer necessary or lack current or future applicability. ACHP staff coordinated with staff from HUD to review the status of the UDAG Program, as described above. ACHP subsequently determined it was appropriate to rescind Part 801 as it is obsolete and no longer needed.

The Section 106 Part 800 regulations that formed the basis for Part 801 are the version that went into effect in 1979 (see 44 FR 6072). Since then, the ACHP has revised the Part 800 regulations multiple times; the most recent rulemaking for Part 800 was final in 2004 (see 69 FR 40544, July 6, 2004). Corresponding revisions to the process and citations in Part 801 have not occurred. Accordingly, the Part 801 regulations refer to outdated and non-existing portions of Part 800 (e.g., role of the ACHP Executive Director in objecting to a finding of no adverse effect and drafting a Memorandum of Agreement). The Part 801 regulations also include no role for or consultation with Indian Tribes.

The ACHP met the statutory requirement in 42 U.S.C. 5320(c) in