

million reservation of funds, the annual award to SEAs participating in consortium arrangements would vary from \$35,738 (if all 52 SEAs received grants under this competition) to \$250,000 (the statutory maximum). Based on the number of States that received consortium incentive grants (39) in FY 2002, the size of an annual award would be \$45,997 for SEAs whose MEP allocations are greater than \$1 million and \$91,995 for SEAs whose MEP allocations are \$1 million or less. The actual size of an SEA's award will depend on the number of SEAs that will participate in high-quality consortium arrangements as determined on the basis of this program's selection criteria, and the size of an SEA's MEP formula grant allocation.

Consortium incentive grants would be awarded for up to two years. (For example, the Department would not conduct a new incentive grant competition with FY 2004 funds; rather it would use FY 2004 funds for second-year continuation awards to those SEAs receiving FY 2003 incentive awards.) Pursuant to section 75.118 and 75.590 of EDGAR, each SEA that receives a consortium incentive grant award would submit a performance report (through the consortium's lead State) toward the end of the first project year, and a final evaluation report at the end of the second year. Eligibility of each SEA for second-year continuation funding would depend on that State's substantial performance of first-year consortium activities and attaining the outcomes identified in the approved consortium application.

Proposed Selection Criteria

The Department proposes to use the selection criteria from the general criteria for competitive grants contained in section 75.210 of EDGAR to evaluate applications for the incentive grants competition. The proposed selection criteria can be found in the application package, which is available on the following Web site: <http://www.ed.gov/offices/OESE/OME/index.html>. Applications would be reviewed and ranked on the basis of how well the information provided responds to these final selection criteria. Regardless of the number of consortium incentive grant applications ranked as being of sufficiently high quality in which an SEA participates, each SEA would receive only one incentive grant award.

Proposed Use of Consortium Incentive Grant Funds

An SEA that receives an incentive grant award would use this financial incentive to supplement its MEP

formula grant funds provided under ESEA section 1303(a). Therefore, the SEA could use incentive grant funds to implement the consortium arrangement's activities or to carry out any other activities authorized under section 1306(b) of the ESEA. Moreover, general requirements governing the use and reporting of awarded funds would be governed by provisions of part 76 of EDGAR, which govern State-administered formula grant programs rather than provisions of part 75 of EDGAR, which govern discretionary grant programs.

Regulatory Flexibility Act Certification

The Department certifies that these proposed requirements would not have a significant economic impact on a substantial number of small entities. Entities that would be affected by these regulations are SEA. The information burden on each of these groups consists only of the time and resources needed to submit grant applications. Hence, the regulations would not have a significant impact on any entity because they would not impose excessive regulatory burden or require unnecessary Federal supervision.

Paperwork Reduction Act of 1995

The proposed criteria in this notice identified in the section entitled "Application Requirements," contain information collection requirements. Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the Department of Education has submitted a copy of this notice and the information collection to the Office of Management and Budget (OMB) for its review.

Collection of Information: Migrant Education Program Consortium Incentive Grant program.

Applicants for MEP Consortium Incentive Grant funds would need to submit a program application that responds to the selection criteria announced in this notice. Applicants also would need to provide certain minimum information identified in the "Application Requirements" section of this notice.

We collect information once from applicants for this program. We estimate annual reporting and recordkeeping burden for this collection of information to average 50.67 hours for each application for 15 SEA respondents, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Thus, we estimate the total annual reporting and recordkeeping burden for

this collection on all those preparing application under the State Program to be a total of 380 hours.

If you want to comment on the information collection requirements, please send your comments to the Office of Information and Regulatory Affairs, OMB, room 10235, New Executive Office Building, Washington, DC 20503; Attention: Desk Officer for U.S. Department of Education. You may also send a copy of these comments to the Department representative named in the **ADDRESSES** section of this preamble.

We consider your comments on this proposed collection of information—

- Deciding whether the proposed collection is necessary for the proper performance of our functions, including whether the information will have practical use;
- Evaluating the accuracy of our estimate of the burden of the proposed collection, including the validity of our methodology and assumptions;
- Enhancing the quality, usefulness, and clarity of the information we collect; and
- Minimizing the burden on those who must respond. This includes exploring the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology; e.g., permitting electronic submission of responses.

OMB is required to make a decision concerning the collections of information contained in these proposed regulations between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, to ensure that OMB gives your comments full consideration, it is important that OMB receives the comments within 30 days of publication. This does not affect the deadline for your comments to us on the proposed regulations.

Requests for copies of the proposed application packages for the Migrant Education Program Consortium Incentive Grant program may be accessed at <http://edicsweb.ed.gov>, or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 5624, Regional Office Building 3, Washington, D.C. 20202-4651. Requests may also be electronically mailed to the Internet address OCIO_IMG_Issues@ed.gov or faxed to 202-708-9346.

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