

that are either sent via mail, or are hand delivered. The regulations do not currently reflect the Department's ability to accept electronic grant applications.

**Proposed Regulations:** Proposed § 75.102(a) and (b) would give the Secretary discretion to establish, in the Application Notice for a competition, the method for submitting an application to the Department. Paragraph (d) would be amended to limit its coverage to competitions that require applicants to send their paper applications to the Department by the deadline date specified in the application notice.

**Reasons:** The current regulations do not reflect the existing electronic application process. These proposed regulations would permit the Department to establish the method of applying for a grant in the application notice. These methods would include submissions of grant applications via an electronic application system designated by the Department. These provisions are aligned with the President's "e-Gov" initiatives for providing electronic services to the public and with current government-wide initiatives to enhance the public's access to information and to provide "one-stop shopping" for grants.

#### **Section 75.109 Changes to Application; Number of Copies**

**Current Regulations:** Section 75.109(a) currently requires that an applicant submit an original and two copies of its application to the Department.

**Proposed Regulations:** Proposed § 75.109(a) would clarify that applicants submitting electronic applications would not be required to submit more than one application to the Department.

**Reasons:** The proposed changes to this section are needed to make clear that only applicants submitting paper applications are required to send one original and two copies of their application to the Department.

#### **Executive Order 12866**

##### **1. Potential Costs and Benefits**

Under Executive Order 12866, we have assessed the potential costs and benefits of this regulatory action.

The potential costs associated with the proposed regulations are those resulting from statutory requirements and those we have determined to be necessary for administering these programs effectively and efficiently.

In assessing the potential costs and benefits—both quantitative and qualitative—of this regulatory action,

we have determined that the benefits would justify the costs.

**Summary of potential costs and benefits.** These regulations establish an option for submitting applications and should not result in any additional costs for applicants. Elsewhere in this preamble, under the heading Significant Proposed Regulations, we discuss the potential costs and benefits of these proposed regulations.

##### **2. Clarity of the Regulations**

Executive Order 12866 and the Presidential memorandum on "Plain Language in Government Writing" require each agency to write regulations that are easy to understand.

The Secretary invites comments on how to make these proposed regulations easier to understand, including answers to questions such as the following:

- Are the requirements in the proposed regulations clearly stated?
- Do the proposed regulations contain technical terms or other wording that interferes with their clarity?
- Does the format of the proposed regulations (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce their clarity?
- Would the proposed regulations be easier to understand if we divided them into more (but shorter) sections? (A "section" is preceded by the symbol "\$" and a numbered heading; for example, § 75.102 *Deadline date for applications*.)
- Could the description of the proposed regulations in the **SUPPLEMENTARY INFORMATION** section of this preamble be more helpful in making the proposed regulations easier to understand? If so, how?
- What else could we do to make the proposed regulations easier to understand?

Send any comments that concern how the Department could make these proposed regulations easier to understand to the person listed in the **ADDRESSES** section of the preamble.

##### **Regulatory Flexibility Act Certification**

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities.

The small entities that would be affected by these proposed regulations are those that are applicants for Department grant programs, such as small local educational agencies (LEAs), non-profit organizations—including faith-based organizations, Indian tribal governments, and certain two- and four-year colleges. However, the regulations would not have a significant economic impact on these small entities because

the regulations only permit additional ways for these entities to submit an application.

The proposed regulations would benefit both small and large entities by giving them additional possible options for submission of grant applications, including the ability to apply for a grant electronically via the Internet. Thus, both would experience a positive impact as a result of these proposed regulations.

##### **Paperwork Reduction Act of 1995**

These proposed regulations do not contain any information collection requirements.

##### **Intergovernmental Review**

These proposed regulations affect direct grant programs that 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 to strengthen 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 these programs.

##### **Assessment of Educational Impact**

The Secretary particularly requests comments on whether these proposed regulations would require transmission of information that any other agency or authority of the United States gathers or makes available.

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(Catalog of Federal Domestic Assistance Number does not apply.)