

SUPPORTING STATEMENT

A. Justification

1. **Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

The Rehabilitation Act of 1973, as amended (the Act), requires each state and territory to have in effect a Client Assistance Program (CAP) in order to receive payments from its Section 110 and other allotments under the Act. The approved application prescribed by the Commissioner of the Rehabilitation Services Administration (RSA) is the state's written request for grant funds and assurances that the CAP can carry out its statutorily prescribed purposes and functions.

This preprint is based on the following:

- (1) Title I, Section 112 of the Act, as amended;
- (2) the regulations (34 CFR Part 370) published November 2, 1995, in the *Federal Register* implementing Section 112 of the Act; and
- (3) general requirements for all state plans, including written requests for assistance under Section 112 of the Act, pursuant to the Education Department General Administrative Regulations (34 CFR Part 76).

The requirement for a written request for CAP funds flows directly from statutory and regulatory provisions governing the program.

2. **Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

An approved written request is a condition for receipt of federal funds for a state to establish and carry out a CAP. The state must complete the application by providing assurances that the CAP can carry out its statutorily prescribed purposes and functions.

Currently, states are required to submit a written request for CAP funds in the form of the attached assurances every three years. States most recently submitted these assurances to receive CAP funds for the grant cycle beginning in fiscal year (FY) 2010 and ending in FY 2012. RSA will no longer require states to submit the assurances every three years. Instead the submissions for FY 2010 through 2012 will serve as the requests for funding in all subsequent fiscal years, until such time as the CAP may be redesignated by the Governor in accordance with the provisions of Section 112 of the Act. This procedure will

reduce the reporting burden on the CAPs and simplify the process by which grant awards are made by RSA.

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.**

The State Assurances form is a legal document, which requires an authoritative signature and minimal reporting burden. States do not submit responses electronically because an authoritative signature is required. RSA considered the possibility of submitting responses electronically, with just a hard-copy signature page. However, because the reporting requirements are so minimal, RSA determined that electronic submissions would have no benefit for the CAPs in terms of the reporting burden.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in item 2 above.**

This document collects unique information that is not collected under any other instrument. The written request is required by federal statute and is not obtained through any other data source.

- 5. If the collection of information impacts small businesses or other small entities (Part II item 8 of new OMB Form 83-I), describe any methods used to minimize burden.**

The collection of this information does not involve small businesses or other small entities.

- 6. Describe the consequence to federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

Section 112(f) of the Act requires the state to submit an application in such manner and containing or accompanied by such information as the secretary deems necessary. If the state fails to complete the application as required, the state will not be eligible for federal funds for the CAP program and consequently for funds for the vocational rehabilitation program and other allotments under the Act. This method has been established as the required procedure.

7. **Explain any special circumstance that would cause an information collection to be conducted in a manner:**
- **requiring respondents to report information to the agency more often than quarterly;**
 - **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
 - **requiring respondents to submit more than an original and two copies of any document;**
 - **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
 - **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
 - **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
 - **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and**
 - **data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
 - **requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no special circumstances that would require this information to be collected in a different manner than set forth in the Act.

8. **If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instruction and record keeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

RSA received recommendations on this collection of information from the National Disability Rights Network (NDRN), CAPs, and other advocacy groups. Suggestions received from all sources were considered during the development of this form and are reflected therein.

9. **Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

No payment or gift has been provided to respondents.

10. **Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

The application form does not contain specific or personal information.

11. **Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary; the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

The application form does not contain any questions of a sensitive nature.

12. **Provide estimates of the hour burden of the collection of information. The statement should:**

- **indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than ten) of potential respondents is desirable. If the hour burden on respondents is**

expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.

- If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in item 16 of new OMB Form 83-I.
- Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in item 14.
 - a. Number of respondents -- 56
 - b. Frequency of response -- 1
 - c. Total annual responses (a x b) -- 56
 - d. Hours per response -- .16*
 - e. Total burden hours (c x d) -- 9
 - f. State hourly rate of salary -- \$25
 - g. Total cost (e x f) -- \$225

* The burden hours associated with the written Request for a CAP grant is estimated at 10 minutes, or .16 hours, per state or territory. The estimated hour burden per state or territory is not expected to vary significantly. Estimated burden hours are founded on judgments from previous state written request submittals for CAP grants.

13. **Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in items 12 and 14.)**
- The cost estimate should be split into two components: (a) the total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling, and testing equipment; and record storage facilities.
 - If cost estimates are expected to vary widely, agencies should present

ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.

- Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

There is no additional cost burden to states and Territories when submitting a written Request for CAP funds.

14. **Provide estimates of annualized cost to the federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from items 12, 13, and 14 in a single table.**

a.	Review of each written request	-- .16 hour
b.	Number of written requests to review	-- 56
c.	Total time to review written requests	-- 9 hours*
d.	Federal hourly rate of salary	-- \$43.00
e.	Total cost (c x d)	-- \$387.00

* The estimated burden hours to the federal government does not include time needed for negotiations when a written request is not approvable. Given the perfunctory nature of this written request, it would be unusual for a request to not be approvable.

15. **Explain the reasons for any program changes or adjustments reported in item 16 of the new OMB Form 83-I.**

There are no program changes or adjustments reported.

16. **For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

The information collected will not be published for statistical use.

17. **If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reason that display would be inappropriate.**

RSA is not seeking OMB approval not to display the expiration date on the document.

18. **Explain each exception to the certification statement identified in, "Certification for Paperwork Reduction Act Submissions."**

This document meets each of the criteria outlined in the "Certification for Paperwork Reduction Act Submissions".

B. Collection of Information Employing Statistical Methods

The written request for CAP funds is a legal document and does not require the use of any statistical methods in obtaining information.