SUPPORTING STATEMENT
Protection and Advocacy for Assistive Technology

INFORMATION COLLECTION SUBMISSION

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.

Public Law 108-364, Section 5, of the *Assistive Technology Act of 1998*, as amended in 2004 (*AT Act*), requires that the secretary make a grant to an entity in each state to support protection and advocacy services through the systems established to provide protection and advocacy (P&A) services under the *Developmental Disabilities Assistance and Bill of Rights Act of 2000* (*DD Act*), (42 USC 6041 et seq.), for the purposes of assisting in the acquisition, utilization or maintenance of assistive technology or assistive technology services for individuals with disabilities. The P&A system was created by the *DD Act* to protect the legal and human rights of individuals with disabilities.

Effective as of February 2, 2004, the administration of the Protection and Advocacy for Assistive Technology (PAAT) program was transferred from the National Institute on Disability and Rehabilitation Research to the Rehabilitation Services Administration (RSA).

To apply for PAAT program funds, grantees must sign and submit to RSA a set of assurances that they can and will carry out their statutorily prescribed purposes and functions under the PAAT program. This preprint, which is being submitted for approval, contains the assurances to which the PAAT program grantees must agree. These assurances are based on the following statutory and regulatory requirements:

(1) Section 5 of the *AT Act*; and
(2) General requirements for all written requests for funding, pursuant to the *Education Department General Administrative Regulations* (*EDGAR*) (34 CFR Part 76).

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.

Although Section 5 of the *AT Act* does not contain any provisions specifying the manner by which an application for PAAT funding must be made, an approved written request is a condition for receipt of federal funds under *EDGAR*, 34 CFR Part 76. RSA has

developed the materials listed below to serve as the request for funds under the PAAT program. The materials are similar to those used by the P&A systems in each state to request funding under other P&A programs administered by RSA, including those for the Protection and Advocacy of Individual Rights (PAIR) program and the Client Assistance Program (CAP), but are not duplicative.

RSA required each P&A to submit the assurances and other materials only once, prior to fiscal year (FY) 2007, beginning October 1, 2006. These materials served as a request for FY 2007 funds, and for funding in all subsequent fiscal years, until such time as the Governor, in accordance with the provisions of the *DD Act*, may redesignate the P&A. This procedure reduces the reporting burden on the P&As and simplifies the process by which grant awards are made by RSA.

This preprint, which is being submitted for approval, is without revisions from the previous preprint approved by OMB under number 1820-0658. This version of the PAAT assurances will expire on August 31, 2010.

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

This is a preprinted legal document, which requires an authoritative signature and minimal reporting burden. P&As do not submit responses electronically because an authoritative signature is required. The possibility of submitting responses electronically, with just a hard copy signature page, was considered. However, because the reporting burden is so minimal and the form is so short, it did not justify allowing the submission to be done in two stages.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use of 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 regulation and is not obtained through any other data source.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

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

6. Describe the consequences 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.

The provisions of *EDGAR* require grantees to submit a written application or request for formula grant funds, such as those available under the PAAT program, though there is no requirement regarding the frequency of the submission. As described above in response to item number 2, the assurances and other materials were submitted only once prior to the budget period beginning October 1, 2006. These materials served as the request for FY 2007 funds and all subsequent fiscal years, until such time as the P&A in the state may be redesignated. If the P&A fails to complete the application as required, the P&A will not be eligible for federal funds for the PAAT program. This method has been established as the required procedure.

7. Explain any special circumstances 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 than 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 secrets, 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.

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 held two-public comment periods through Federal Register notices which published 5/25/2010 in Vol. 75, 29326 and 7/27/2010 in Vol. 75, 43944.

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 written request 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. The 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 written request 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 10) 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.

- Provide estimates of annualized cost to respondents of 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.

	Annual Burden
Number of respondents	57
Frequency of response	1
Total annual responses	57
Hours per response	0.16*
Total hours	9
Cost per hour	$20
Total cost	$180.00

* The burden hours associated with the written request for a PAAT program grant is estimated at 10 minutes, or .16 hours, per P&A in each state or territory. The estimated hour burden per P&A is not expected to vary significantly. Estimated burden hours are founded on judgments based on submittals of similar written requests for P&A grants administered by RSA, including the PAIR program as cleared under OMB 1820-0627 and the CAP as cleared under OMB 1820-0528.

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) a 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 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 the P&As in each state and territory when submitting the written assurances for a PAAT grant.

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.

a.	Review of each written request	.16 hours
b.	Number of written requests to review	57
c.	Total time to review written requests	9 hours*
d.	Federal hourly rate of salary	$43
e.	Total cost (c x d)	$387

* 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.

This submission requires no changes to the burden for hours and costs included in current OMB inventory.

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 reasons that display would be inappropriate.

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

18. Explain each exception to the certification statement identified in "Certification for Paperwork Reduction Act Submissions," of new OMB Form 83-I.

There are no exceptions to the certification statement.

B. Collection of information employing statistical methods:

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