

SUPPORTING STATEMENT  
FOR  
PAPERWORK REDUCTION ACT SUBMISSION

- 1. Explain the circumstances that make the collection of information necessary. What is the purpose for this information collection? Identify any legal or administrative requirements that necessitate the collection. Include a citation that authorizes the collection of information. Specify the review type of the collection (new, revision, extension, reinstatement with change, reinstatement without change). If revised, briefly specify the changes. If a rulemaking is involved, list the sections with a brief description of the information collection requirement, and/or changes to sections, if applicable.**

The Randolph-Sheppard Act (Act), at 20 U.S.C. § 107a(6)(a), directs the Secretary of Education, through the Commissioner of the Rehabilitation Services Administration (RSA), to conduct periodic evaluations of the programs authorized under the Act.<sup>1</sup> In addition, Section 107b(4) requires State government entities designated as the State licensing agency (SLA) to “make such reports in such form and containing such information as the Secretary may from time to time require...” Section 107a(a)(2),(4) of the Act also requires the Secretary of Education to “...make annual surveys of concession vending opportunities for blind vendors on Federal and other property...” and to “...make available to the public...information obtained as a result of such surveys.” The information to be collected is a necessary component of the data gathering and evaluation process and forms the basis for the Randolph-Sheppard Act section of the RSA annual report to Congress, which is required by Section 13 of the Rehabilitation Act of 1973 (Rehabilitation Act) (29 U.S.C. 710). The RSA-15 form includes information on the activities under this program and is used in monitoring the States’ implementation of the program. In addition, the fiscal data collected by the RSA-15 highlight the fiscal nexus between the Randolph-Sheppard and Vocational Rehabilitation (VR) programs in each State, particularly with respect to the use of Federal VR grant funds and non-Federal funds used for match and maintenance of effort (MOE) purposes under the VR program to pay for allowable costs to support small business enterprises. Section 101(a)(10)(D)(i) of the Rehabilitation Act (29 U.S.C. § 721(a)(10)(D)(i)) requires the designated State agencies for the VR program, which also administer the Randolph-Sheppard program, to report the amount of costs incurred to support small business enterprises.

The Code of Federal Regulations,<sup>2</sup> at 34 C.F.R. § 395.8, specifies that vending machine income received by the State from Federal property managers can be distributed to blind vendors in an amount not to exceed the national average income for blind vendors. This amount is determined through data collected using the RSA-15. In addition, information collection ensures the provision and transparency of activities referenced in 34 C.F.R. § 395.12 related to disclosure of program and financial information and assists with the requirement in 34 C.F.R. § 395.11 regarding the provision of training.

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<sup>1</sup> 20 U.S.C Chapter 6A § 107 et. seq.: Vending Facilities for Blind in Federal Buildings  
<https://uscode.house.gov/view.xhtml?path=/prelim@title20/chapter6A&edition=prelim>

<sup>2</sup> Code of Federal Regulations. Title 34, Part 395: Vending Facility Program for the Blind on Federal and Other Property  
<https://ecfr.federalregister.gov/current/title-34/subtitle-B/chapter-III/part-395?toc=1>

The U.S. Department of Education (Department) is seeking an extension of this data collection with revisions necessitated by comments received. Current approval for this data collection expires November 30, 2020. The Department is disaggregating two data collection elements in the new form to strengthen its ability to ensure Federal VR funds and non-Federal funds used for match and maintenance of effort (MOE) purposes under the VR program are spent for allowable purposes and that these expenditures are reported accurately. Specifically, Federal VR funds and non-Federal funds used for match and MOE purposes under the VR program may be spent to cover the costs of acquiring a vending facility, but may not be used to pay to refurbish a vending facility. Previously, States reported expenditures incurred for both acquiring and refurbishing a vending facility on the same line. Under the revised form, the data element will be disaggregated so that States will report expenditures incurred for refurbishing a vending facility separately from those incurred for acquiring a vending facility. Likewise, the Department is disaggregating the costs associated with initial operating costs from the management services category found in Section IV at former line 5 of the report. Initial Operating costs are only permitted for the first six months of operation as opposed to management services which are ongoing. It is also possible that State agencies were reporting these costs on other lines as part of the aggregate total of expenditures reported for other categories. Some of those categories may not be permissible with certain types of funds. For this reason, we believe it necessary to disaggregate this data element into its own data element to ensure clarity, accurate reporting, and compliant use of funds for allowable purposes. Because in each case the disaggregated data are components of the existing data collection, this change will require State agencies to make minor modifications to their fiscal and data management systems to ensure expenditures for refurbishment and acquisition of a vending facility, as well as those for management services and initial operating costs, are tracked and reported separately.

Based on public comments, the Department has removed two data elements from Section I of the RSA-15. These changes will reduce the burden of respondents. The Department proposes consolidating information related to the number of individuals with visual disabilities and the number of individuals with disabilities employed by blind vendors into one data element: the number of individuals with disabilities. The Department proposes eliminating the data element related to the number of individuals without disabilities that are employed by blind vendors. These changes will result in a net reduction of two data elements in Section I.

Lastly, based on public comment, the Department proposes to consolidate two data elements in Section IV to reduce confusion by respondents. The current form provides a line item for expenditures related to the purchase of new equipment and a line item for the purchase of replacement equipment. The Department proposes to consolidate these elements in to one purchase of equipment line item in the report. This consolidation will result in a net reduction of one data element.

Given the foregoing changes proposed in the RSA-15, we have increased the estimated time to complete the form from 13.5 hours to 23.5 hours per respondent to account for the additional effort that will be required, particularly in the first year of the revised information collection instrument, to implement the proposed data collection and reporting changes in the State agencies' data and fiscal management systems. Although we are increasing the estimated time to complete the form, after reviewing the public comments submitted, we do not believe the

disaggregation of the existing data element constitutes a significant change or a new data collection requirement because we are seeking the same data that the States have already been reporting, albeit in an aggregate format with other expenditures.

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.**

The information collected on the RSA-15 has been used in reporting to the legislative and executive branches the status of the Randolph-Sheppard Vending Facility Program (RSVFP). The consistent collection of data has allowed RSA to observe trends in the program and to make year-to-year comparisons. The RSA-15 is presently the only means of assessing the growth or decline of the program in individual States and nationally.

These data are also used in determining what agencies serving the blind and Federal property managers need in terms of technical assistance. In addition, analysis of the reported information provides the basis for identifying training needs and assists in identifying at-risk State programs in need of on-site technical assistance or monitoring.

Finally, the fiscal data reported in Section IV of the RSA-15, with respect to the expenditures incurred for each specific type of cost that supports a vending facility, provide corroboration of the fiscal data RSA receives from State VR agencies regarding the total aggregate amount of expenditures incurred for the support of small business enterprises in general (i.e., not broken down into specific types of cost categories). Section IV of the RSA-15 makes clear which sources of funds a grantee may use for which type of expenditure, thereby ensuring Federal VR funds and non-Federal funds used for match and MOE purposes under the VR program are used for allowable purposes. Therefore, RSA is able to use the fiscal data reported on the RSA-15, along with other financial reports received under the VR program, to determine whether a State has satisfied its match and MOE requirements under the VR program.

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. Please identify systems or websites used to electronically collect this information. Also describe any consideration given to using technology to reduce burden. If there is an increase or decrease in burden related to using technology (e.g. using an electronic form, system or website from paper), please explain in number 12.**

In fiscal year (FY) 2008, the RSA-15 form was converted from hard copy submission to electronic submission via the RSA Management Information System (RSAMIS) at <https://rsa.ed.gov>. Most States prepare their submissions using a combination of their own systems and hard copy data because they gather their own data from multiple sources, including blind vendors and property management agencies. Information is then entered into the RSAMIS, which provides multiple automatic calculations previously done manually. In addition, the electronic submission includes checks and balances to ensure the correct submission of data before the report can be rendered complete. This assists the States in identifying errors or flags before completing their submissions. RSA expanded these edit checks in FY 2020 to reduce errors involving duplicate data fields, thereby further increasing the accuracy and functionality of

the electronic form. While 100 percent of submissions should be submitted electronically, reports may still be submitted by electronic mail if there are complicating factors.

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.**

Information on the RSVFP administered through SLAs is only collected on the RSA-15. There is no other source for this information. To be clear, there are no fiscal data reported by State VR agencies, which also administer the Randolph-Sheppard Act programs, that duplicate expenditures reported on the RSA-15.

5. **If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden. A small entity may be (1) a small business which is deemed to be one that is independently owned and operated and that is not dominant in its field of operation; (2) a small organization that is any not-for-profit enterprise that is independently owned and operated and is not dominant in its field; or (3) a small government jurisdiction, which is a government of a city, county, town, township, school district, or special district with a population of less than 50,000.**

The information is not collected from small businesses. It is collected from States.

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.**

If the data were not collected annually, the RSA Commissioner could not meet the statutory reporting requirements. Also, without information collected using the RSA-15 form, it would not be possible to provide the national averages necessary for States to distribute money to blind vendors in accordance with Federal statutes and regulations. In addition, data would not be available to provide information to Congress in RSA's annual report and to respond to inquiries from Federal government entities and program stakeholders. There also would not be information available to determine problem areas and inform Department staff who are required to monitor the implementation of the Act.

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 that 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 any manner listed above.

8. **As applicable, state that the Department has published the 60 and 30 Federal Register notices as required by 5 C.F.R. 1320.8(d), soliciting comments on the information collection prior to submission to OMB.**

**Include a citation for the 60 day comment period (e.g. Vol. 84 FR ##### and the date of publication). Summarize public comments received in response to the 60 day notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden. If only non-substantive comments are provided, please provide a statement to that effect and that it did not relate or warrant any changes to this information collection request. In your comments, please also indicate the number of public comments received.**

**For the 30 day notice, indicate that a notice will be published.**

**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.**

Before proposing a revision to the RSA-15, RSA consulted with the Randolph-Sheppard representatives from the National Association of Blind Merchants (NABM), the Randolph Sheppard Vendors of America (RSVA), the National Council of State Agencies for the Blind (NCSAB), and the National Federation of the Blind Entrepreneur's Initiative (NFBEI) to discuss the current RSA-15 data collection packet. The NCSAB represents the SLAs who are responsible for completing the RSA-15 form, while the NABM and RSVA are composed of blind vendors

who manage facilities under the Act. The NFBEI provides Randolph-Sheppard assistance including conducting the required annual training for blind vendors in a State, assistance with completing the RSA-15 report, and assistance in developing the rules to be implemented by the State. States pay a subscription fee to the NFBEI to receive these services.

The representatives were asked whether the current instructions were easily understandable and to provide suggestions for any new information to be collected that would be useful to stakeholders. They agreed that the form be approved for continued use. However, they suggested that RSA provide data from the report that would allow stakeholders to easily compare the data submitted by the States. For example, provide a table which includes the number of new vendors placed in vending facilities by each State or the amount of set-aside charges paid by vendors in each State.

RSA published the 60-day *Federal Register* notice on August 13, 2020, at 85 FR 49632, which disaggregated one of the data elements currently reported by the State agencies. The Department received two comments, one of which (i.e., NCSAB) represents a consortium of State VR agencies that are responsible for administering the Randolph-Sheppard programs, along with other Federal programs including the VR program. These State agencies are responsible for completing and submitting the RSA-15 to RSA. The commenter submitted several comments, as summarized below, on behalf of its member State agencies. The other commenter provided non-substantive comments.

RSA will publish a 30-day *Federal Register* notice, as required, to allow for additional public comment.

Attached is a summary of the substantive comments RSA received subsequent to the 60-day *Federal Register* notice.

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

There are no arrangements for payments or gifts to respondents.

**10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If personally identifiable information (PII) is being collected, a Privacy Act statement should be included on the instrument. Please provide a citation for the Systems of Record Notice and the date a Privacy Impact Assessment was completed as indicated on the IC Data Form. A confidentiality statement with a legal citation that authorizes the pledge of confidentiality should be provided.<sup>3</sup> If the collection is subject to the Privacy Act, the Privacy Act statement is deemed sufficient with**

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<sup>3</sup> Requests for this information are in accordance with the following ED and OMB policies: Privacy Act of 1974, OMB Circular A-108 – Privacy Act Implementation – Guidelines and Responsibilities, OMB Circular A-130 Appendix I – Federal Agency Responsibilities for Maintaining Records About Individuals, OMB M-03-22 – OMB Guidance for Implementing the Privacy Provisions of the E-Government Act of 2002, OMB M-06-15 – Safeguarding Personally Identifiable Information, OM:6-104 – Privacy Act of 1974 (Collection, Use and Protection of Personally Identifiable Information).

respect to confidentiality. If there is no expectation of confidentiality, simply state that the Department makes no pledge about the confidentiality of the data. If no PII will be collected, state that no assurance of confidentiality is provided to respondents. If the Paperwork Burden Statement is not included physically on a form, you may include it here. Please ensure that your response per respondent matches the estimate provided in number.

No such assurances are necessary. Data are aggregated at the State level and no individual vendor information is provided to the Department. Efforts are made to avoid the collection of personal, proprietary, or confidential data.

**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 RSA-15 does not collect any information such as that described above.

**12. Provide estimates of the hour burden for this current information collection request. The statement should:**

- Provide an explanation of how the burden was estimated, including identification of burden type: recordkeeping, reporting or third party disclosure. Address changes in burden due to the use of technology (if applicable). Generally, estimates should not include burden hours for customary and usual business practices.
- Please do not include increases in burden and respondents numerically in this table. Explain these changes in number 15.
- Indicate the number of respondents by affected public type (federal government, individuals or households, private sector – businesses or other for-profit, private sector – not-for-profit institutions, farms, state, local or tribal governments), frequency of response, annual hour burden. 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 this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burden in the table below.
- Provide estimates of annualized cost to respondents of the hour burdens for collections of information, identifying and using appropriate wage rate categories. [Use this site](#) to research the appropriate wage rate. 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. If there is no cost to respondents, indicate by entering 0 in the chart below and/or provide a statement.

**Provide a descriptive narrative here in addition to completing the table below with burden hour estimates.**

The average number of respondents and responses received annually is 51. The annual hour burden estimate has been increased from 13.5 to 23.5 hours per respondent after taking into consideration the comment received from the consortium of State agencies responsible for completing and submitting the RSA-15. This increase takes into account the time that the State agencies will need, particularly during the first year of collecting and reporting data on the revised RSA-15, to make necessary minor modifications to fiscal and data management systems to account for and report separately expenditures incurred for the refurbishment and acquisition of vending facilities, as well as disaggregating initial operating costs from management services expenditures reported in the data element. The State agencies will also need to modify their data management systems to reflect the reduced number of data elements required in Section I of the RSA-15, which the commenters asked RSA to reevaluate. The total annual burden hours is projected to be 1,198.5 hours. The estimated respondent average hourly wage is \$22, and the total annual costs is estimated to be \$26,367.

**Estimated Annual Burden and Respondent Costs Table**

Information Activity or IC (with type of respondent)	Sample Size (if applicable)	Respondent Response Rate (if applicable)	Number of Respondents	Number of Responses	Average Burden Hours per Response	Total Annual Burden Hours	Estimated Respondent Average Hourly Wage	Total Annual Costs (hourly wage x total burden hours)
Annual Totals	N/A	100%	51	51	23.5	1,198.5	\$22	\$26,367 (1198.5 x \$22)

*Please ensure the annual total burden, respondents and response match those entered in IC Data Parts 1 and 2, and the response per respondent matches the Paperwork Burden Statement that must be included on all forms.*

**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 acquiring and maintaining 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. Also, these estimates should not include the hourly costs (i.e., the monetization of the hours) captured above in Item 12.

**Total Annualized Capital/Startup Cost:** N/A

**Total Annual Costs (O&M):** N/A

**Total Annualized Costs Requested:** N/A

These items are not applicable. No additional or special equipment is needed to respond to the data collection. In addition, SLAs do not contract out this data collection.

**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.**

Annual cost to Federal government	30 hours x \$57.39/hour	\$1,721.70
Annual Federal computer costs	20 hours x \$67.82	<u>\$1,356.40</u>
Total cost to Federal government		\$3,078.10

RSA estimates 20 hours for the IT team to maintain the website at the GS-14 hourly rate and 30 hours for the program specialist to analyze the data at the GS-13, step 5 hourly rate. These estimates also include a 5.4 percent cost of living adjustment increase over the three--year term of the approval request.

**15. Explain the reasons for any program changes or adjustments. Generally, adjustments in burden result from re-estimating burden and/or from economic phenomenon outside of an agency's control (e.g., correcting a burden estimate or an organic increase in the size of the reporting universe). Program changes result from a deliberate action that materially**

**changes a collection of information and generally are result of new statute or an agency action (e.g., changing a form, revising regulations, redefining the respondent universe, etc.). Burden changes should be disaggregated by type of change (i.e., adjustment, program change due to new statute, and/or program change due to agency discretion), type of collection (new, revision, extension, reinstatement with change, reinstatement without change) and include totals for changes in burden hours, responses and costs (if applicable).**

**Provide a descriptive narrative for the reasons of any change in addition to completing the table with the burden hour change(s) here.**

The Department has increased the burden of time to complete the form after considering the comment received on behalf of the State agencies responsible for completing and submitting the RSA-15. The Department believes most of this burden will be absorbed during the first year of using the RSA-15 with the two data elements disaggregated. The increased burden takes into account the time the agencies will need to make minor modifications to their data and financial management systems to account and report separately expenditures incurred for refurbishing and acquiring vending facilities. Previously, State agencies reported these expenditures as a single data element. However, in monitoring, RSA found that some State agencies were using Federal VR funds or non-Federal funds used for match purposes under the VR program for refurbishing vending facilities when such expenditures are not allowable. For that reason, we determined the RSA-15, as previously organized, was confusing to State agencies and a change was necessary to ensure fiscal compliance. In so doing, RSA can make clear that Federal VR funds or non-Federal funds used for match and MOE purposes under the VR program could be used for acquiring a vending facility but could not be used for refurbishing a vending facility. Similarly, by disaggregating initial operating costs from management services and other cost categories, RSA makes clear that expenditures incurred for this purpose are allowable, regardless of the source, for only the initial six-month establishment period for any vending facility. Therefore, the change in burden hours, from 13.5 to 23.5 hours per respondent for completing the RSA-15 was done at the request of commenters to implement a change that is necessary to ensure programmatic and fiscal compliance. The total annual burden is 1,198.5 hours constituting an increase of 510 hours. The total cost is \$26,367 constituting an increase of \$11,220. The Department has proposed to eliminate three data elements in response to comments received. This reduction will help to offset a burden increase caused by the disaggregating of elements proposed by the Department.

	<b>Program Change Due to New Statute</b>	<b>Program Change Due to Agency Discretion</b>	<b>Change Due to Adjustment in Agency Estimate</b>
<b>Total Burden</b>	0	1,198.5	510
<b>Total Responses</b>	0	51	
<b>Total Costs (if applicable)</b>	0	\$26,367	\$11,220

**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.**

Data will be published on the <https://rsa.ed.gov> website and may be accessed for ad hoc queries. All data must be submitted by the end of the first quarter of the Federal fiscal year after which it will be reviewed and approved by the RSA staff responsible for the RSVFP. Once this process is completed, the data will be published (usually within 120 days). Data reported are evaluated and transmitted to the President and Congress in the annual report prepared by RSA.

**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 item is not applicable. The expiration date for the OMB approval of the information collection will be displayed.

**18. Explain each exception to the certification statement identified in the Certification of Paperwork Reduction Act.**

Item (c) is not checked because this information collection does not apply to small entities. It is submitted by SLAs which are the State Vocational Rehabilitation agency that serves individuals who are blind.