

Supporting Statement for VA Form 21-0304
Application for Benefits for Certain Children with Disabilities
Born of Vietnam and Certain Korea Service Veterans
(2900-0572)

A. Justification

1. The Department of Veterans Affairs (VA), through its Veterans Benefits Administration (VBA), administers an integrated program of benefits and services established by law for veterans, service personnel, and their dependents and/or beneficiaries. 38 U.S.C. 1805 provides for payment of benefits for a child with spina bifida who is the natural child of a veteran who served in the Republic of Vietnam during the Vietnam era. 38 U.S.C. 1815 provides for payment of benefits for a child with certain birth defects who is the natural child of a female veteran who served in the Republic of Vietnam during the Vietnam era.
2. VA Form 21-0304 is used to gather the necessary information to determine eligibility for the monetary allowance and the appropriate level of payment. It would be impossible to administer this benefit program without this collection of information.
3. VA Form 21-0304 is available on the VBA website for downloading by claimants. Claimants may print and submit applications non-electronically.
4. Program reviews were conducted to identify potential areas of duplication; however, none were found to exist. There is no known Department or Agency which maintains the necessary information, nor is it available from other sources within our Department.
5. The collection of information does not involve small businesses or entities.
6. VA Form 21-0304 is used to determine the monetary allowance for a child born with spina bifida or certain birth defects who is the natural child of a Vietnam veteran. Without this information, VA would be unable to effectively administer this law.
7. There is no special circumstance requiring collection in a manner inconsistent with 5 CFR 1320.6 guidelines.
8. The Department notice was published in the Federal Register on October 23, 2006, Volume 71, Number 162 Page 48975-48976. No outside consultations were solicited as no major changes are being made to the form. Field stations have not reported any difficulty on the part of respondents in using the VA Form 21-0304. No comments were received.
9. No payments or gifts to respondents have been made under this collection of information.
10. The records are maintained in the appropriate Privacy Act System of Records identified as 58VA21/22, "Compensation, Pension, Education and Rehabilitation Records - VA" as set forth in Privacy Act Issuances, 1993 compilation.
11. There are no questions of a sensitive nature.

12. Estimate of Information Collection Burden.

- a. Number of Respondents is estimated at 430 per year.
- b. Frequency of Response is one time for most beneficiaries.
- c. Annual burden is 72 hours.
- d. The estimated completion time of 10 minutes is based on review by staff personnel and previous usage of this form.
- e. The total estimated cost to respondents is \$1,080 (72 hours x \$15 per hour).

13. This submission does not involve any recordkeeping costs.

14. Estimated Costs to the Federal Government:

a. Processing/Analyzing costs	\$19,463
$(GS-9/5 @ \$24.36 \times 430 \times 70 \text{ minutes} = \$12,220)$	
$(GS-5/5 @ \$16.08 \times 430 \times 35 \text{ minutes} = \$4,033)$	
$(GS-3/5 @ \$12.80 \times 430 \times 35 \text{ minutes} = \$3,210)$	
b. Printing and production cost (\$45/thousand)	\$45
c. Total cost to government	\$19,508

15. A review of data regarding claims for these benefits shows that approximately 420 claims are made a year, not 2,000 as originally estimated. The estimate has been revised to 430 rather than 2,000.

16. The information collection is not for publication or tabulation use.

17. The collection instrument, VA Form 21-0304, may be reproduced and/or stocked by the respondents and veterans service organizations. This VA form does not display an expiration date, and if required to do so would result in unnecessary waste of existing stocks of this form. This form is submitted to OMB every 3 years. As such, this date requirement would also result in an unnecessary burden on the respondents and would delay Department action on the benefit being sought. VA also seeks to minimize its cost to itself of collecting, processing and using the information by not displaying the expiration date. For the reasons stated, VA continues to seek an exemption that waives the displaying of the expiration date on VA Form 21-0304.

18. This submission does not contain any exceptions to the certification statement.

B. Collection of Information Employing Statistical Methods

1. The Veterans Benefits Administration does not collect information employing statistical methods.

Sec. 1805. - Monetary allowance

(a) The Secretary shall pay a monthly allowance under this section to any child of a Vietnam veteran for any disability resulting from spina bifida suffered by such child.

(b)

(1) The amount of the allowance paid to a child under this section shall be based on the degree of disability suffered by the child, as determined in accordance with such schedule for rating disabilities resulting from spina bifida as the Secretary may prescribe.

(2) The Secretary shall, in prescribing the rating schedule for the purposes of this section, establish three levels of disability upon which the amount of the allowance provided by this section shall be based.

(3) The amounts of the allowance shall be \$200 per month for the lowest level of disability prescribed, \$700 per month for the intermediate level of disability prescribed, and \$1,200 per month for the highest level of disability prescribed. Such amounts are subject to adjustment under section 5312 of this title.

Sec. 1815. - Monetary allowance

a) Monetary Allowance. -

The Secretary shall pay a monthly allowance to any eligible child for any disability resulting from the covered birth defects of that child.

(b) Schedule for Rating Disabilities. -

(1)

The amount of the monthly allowance paid under this section shall be based on the degree of disability suffered by the child concerned, as determined in accordance with a schedule for rating disabilities resulting from covered birth defects that is prescribed by the Secretary.

(2)

In prescribing a schedule for rating disabilities for the purposes of this section, the Secretary shall establish four levels of disability upon which the amount of the allowance provided by this section shall be based. The levels of disability established may take into account functional limitations, including limitations on cognition, communication, motor abilities, activities of daily living, and employability.

(c) Amount of Monthly Allowance. -

The amount of the monthly allowance paid under this section shall be as follows:

(1)

In the case of a child suffering from the lowest level of disability prescribed in the schedule for rating disabilities under subsection (b), \$100.

(2)

In the case of a child suffering from the lower intermediate level of disability prescribed in the schedule for rating disabilities under subsection (b), the greater of

-

(A)

\$214; or

(B)

the monthly amount payable under section [1805\(b\)\(3\)](#) of this title for the lowest level of disability prescribed for purposes of that section.

(3)

In the case of a child suffering from the higher intermediate level of disability prescribed in the schedule for rating disabilities under subsection (b), the greater of

-

(A)

\$743; or

(B)

the monthly amount payable under section [1805\(b\)\(3\)](#) of this title for the intermediate level of disability prescribed for purposes of that section.

(4)

In the case of a child suffering from the highest level of disability prescribed in the schedule for rating disabilities under subsection (b), the greater of -

(A)

\$1,272; or

(B)

the monthly amount payable under section [1805\(b\)\(3\)](#) of this title for the highest level of disability prescribed for purposes of that section.

(d) Indexing to Social Security Benefit Increases. -

Amounts under paragraphs (1), (2)(A), (3)(A), and (4)(A) of subsection (c) shall be subject to adjustment from time to time under section [5312](#) of this title.