

**SUPPORTING STATEMENT FOR RENEWAL SUBMISSION OF
AVAILABILITY OF EDUCATIONAL, LICENSING, AND CERTIFICATION
RECORDS; 38 CFR 21.4209
(OMB 2900-0696)**

A. Justification

1. This collection of information is necessary for the Department of Veterans Affairs (VA) to apply the statute, 38 U.S.C. 3690(c) and to verify that the payments of educational assistance under the programs administered by VA are correct. The law requires that educational institutions offering approved courses and licensing and certification organizations offering approved tests, must make available to authorized government representatives records and accounts pertaining to eligible veterans and other eligible persons and the records of other students and individuals taking tests that are necessary to ascertain institutional compliance with the chapters in the U.S. Code containing the education programs VA administers. (10 U.S.C. 16136, 38 U.S.C. 3034, 3241, 3689, 3690.)
2. VA uses this information to decide whether beneficiaries of educational assistance have been properly paid, and whether educational institutions and organizations or entities offering approved licensing and certification tests are in compliance with the applicable sections of the U.S. Code.
3. Many educational institutions and licensing and certification organizations store this information electronically. However, VA has no authority to require these organizations to store this information electronically. Personal visits by a VA employee are useful so that these organizations may assist overcome any reporting or recordkeeping problems. We seek to continue having personal visits with these organizations.
4. VA is not aware of any duplication of this information collection.
5. The information collection will not have significant impact on a substantial number of small entities. Some education institutions and organizations or entities offering licensing and certification tests qualify as small entities as that term is defined in the Regulatory Flexibility Act. However, these institutions and entities would maintain student and candidate records in the normal course of business. The impact on them of this regulation is not significant.
6. If VA does not collect this information, it would be impossible to know if payments of educational assistance have been made correctly.

7. The collection of this information does not require any special circumstances.
8. The VA notified the public of the right to submit comments on this information collection on page 39621 of the Federal Register dated July 9, 2010. No comments were received in response to this notice.
9. VA does not provide any payments or gifts to respondents.
10. Unless the documents reviewed show that veterans and other eligible persons were paid incorrect amounts of educational assistance, VA would not retain any documents reviewed. However, if the evidence shows that incorrect payments were made, VA would use that information to process awards correcting the payments. After this processing is complete, VA will retain any written documents in an education folder. Education folders are destroyed periodically. If the education folder is destroyed, the documents on which the information is collected will be destroyed also. Our assurance of confidentiality is covered by our Systems of Records, Compensation, Pension, Education and Vocational Rehabilitation and Employment Records – VA (58VA21/22/28) contained in the Privacy Act Issuances, 2007 Compilation.
11. None of the information collected is of a sensitive nature.
12. The estimated total annual burden to the public is 6,000 hours. This estimate is determined as follows:
 - a. VA estimates approximately 7,300 education institutions (includes licensing and certification organizations) will maintain records in accordance with proposed 38 CFR 21.4209. However, these records are records the institutions use and maintain in the normal course of their operations. They would do so even if VA did not have this regulation. Thus, VA is not estimating any additional recordkeeping burden for maintaining the records. However, in item (b) we do estimate a burden for those institutions that a Government official will visit during a compliance visit.
 - b. VA (includes the State Approving Agency representatives acting on behalf of VA) averages 3,000 compliance visits per year to educational institutions. We estimate that it would take financial aid personnel at the typical educational institution 2 hours to prepare records the VA employee would review. $(3,000 \times 2 \text{ hours}/60 = 6,000)$
 - c. The annual cost to the public is \$120,000. VA estimates that it will take an individual at the typical educational institution or organization or entity offering licensing and certification tests an average of 2 hours to prepare the records needed for review. Assuming that the individual's time is valued at

\$20.00 per hour, total cost to prepare the record review is $6,000 \times \$20 = \$120,000$.

13. The records required by this information collection would be kept for that educational institutions' and licensing and certification organizations' own purposes in the normal course of business as explained in 12(a). However, in 12(b) we did estimate some costs for information gathering (burden) for compliance visits.

14. VA estimates that the total annualized cost to the government to collect the information required by § 21.4209 is \$463,200 based on 3,000 reviews of educational institutions' records. This cost is computed as follows:

a. The processing cost of \$425,700 is based on an estimate that a GS 10/5 employee will have to review the educational institutions' records. The salary for such an employee is \$30.88 per hour. We estimate that it will take 5 hours to complete this review at the typical educational institution. $3,000 \times 5 = 15,000$ hours. $15,000 \times \$30.88 = \$463,200$.

b. There are no administrative costs associated with forms for this information collection because the proposed rule does not require the use of a VA form.

15. There is no change in burden hours.

16. VA does not publish this information or make it available for publication.

17. The information collection does not display an expiration date.

18. This information collection complies with the requirements of 5 C.F.R. 1320.8(b)(3).

B. Collection of Information Employing Statistical Methods.

This collection of information does not employ statistical methods.