

SUPPORTING STATEMENT FOR ADVERTISING, SALES, AND  
ENROLLMENT MATERIALS, AND CANDIDATE HANDBOOKS;  
38 CFR 21.4252(h)

**A. Justification**

1. 38 U.S.C. 3696 requires that any VA approved educational institution maintain a complete record of all advertising, sales, or enrollment materials used by or on behalf of the educational institution during the preceding 12 months. Under 38 U.S.C. 3689, the requirements of section 3696 are applicable to organizations and entities offering licensing or certification tests. For organizations and entities offering licensing or certification tests, candidate handbooks are the equivalent of enrollment materials.
2. The statute prohibits approval of the enrollment of a Veteran in a course if the educational institution uses advertising, sales, or enrollment practices that are erroneous, deceptive, or misleading either by actual statement, omission, or intimation. The advertising, sales and enrollment materials are reviewed to determine if the institution is in compliance with guidelines for approval.
3. The materials will be examined when State approving agency (SAA) employees or Department of Veterans Affairs (VA) employees perform a compliance survey.
4. VA is not aware of any duplication of this information collection.
5. Some of the educational institutions to which this information collection will apply are small entities. Because these institutions keep copies of the materials and handbooks in the normal course of business, there is no means to minimize the burden.
6. VA is forbidden by statute from approving an enrollment at an educational institution that uses erroneous, deceptive or misleading advertising, sales, or enrollment materials. Failure to require educational institutions to keep these materials for a year, or failure to visit educational institutions to view these materials may result in erroneous approvals of enrollments and erroneous payments to those enrolled.
7. The collection of this information does not require any special circumstances.
8. The Department notice was published in the Federal Register on April 6, 2012, at pages 20886-20887. No comments were received in response to this notice.
9. VA does not provide gifts or payments to respondents.

10. Advertising, sales, and enrollment materials, including candidate handbooks, are by their nature not confidential.

11. None of the information reviewed in the advertising, sales and enrollment materials retained by the educational institution are of a sensitive nature.

12. The estimated annual burden is 3,373 hours. The estimate is determined as follows:

From FY 2010 to FY 2012, there were approximately 13,492 educational institutions with active VA enrollments annually. We estimate that it takes 15 minutes for an educational institution employee to assemble the materials for the VA or SAA to review.  $(13,492 \times .25 = 3,373 \text{ hours})$

The annual cost to the respondents is \$67,460. An employee of the educational institution with a salary of \$20 per hour would have to assemble the materials for inspection.  $(3,373 \text{ hrs.} \times \$20 = \$67,460)$

13. The records required by this information collection would be kept for the educational institutions' own purposes in the normal course of business. As such, there are no additional recordkeeping costs.

14. VA estimates that the total annual cost to the government to review the records required by § 21.4252(h) would be \$95,725. This amount is based on the examination of enrollment materials, advertising records, and candidate handbooks at 13,492 educational institutions annually.

a. The cost of \$95,725 is based on a compliance survey specialist, a GS 10, step 5 reviewing the records and materials. We estimate that this can be done in 15 minutes as a small part of the compliance survey. The salary for such an employee is \$28.38 per hour.  $(13,492 \times .25 = 3,373 \times \$28.38 = \$95,725)$ .

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

15. The change in the annual reporting burden is due to the increase in the number of institutions and organizations approved for VA education training.

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

17. The regulation governing this collection of information does not display an expiration date. As this information collection is submitted to OMB for approval every three years, displaying the expiration date in the regulation would require that VA execute the rulemaking process every three years to amend the

expiration date. For this reason, VA continues to seek an exemption that waives the displaying of the expiration date.

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

**B. Collection of Information Employing Statistical Methods.**

This collection of information by the Veterans Benefits Administration does not employ statistical methods.