

SUPPORTING STATEMENT FOR ADVERTISING, SALES, AND
ENROLLMENT MATERIALS, AND CANDIDATE HANDBOOKS;
38 CFR 21.4252(h)
(2900-0682)

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify legal or administrative requirements that necessitate the collection of information.

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. Indicate how, by whom, and for what purposes the information is to be used; indicate actual use the agency has made of the information received from current collection.

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

The materials will be examined when State approving agency (SAA) employees or Department of Veterans Affairs (VA) employees perform a compliance survey.

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.

VA is not aware of any duplication of this information collection.

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

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. 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.

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. Explain any special circumstances that would cause an information collection to be conducted more often than quarterly or require respondents to prepare written responses to a collection of information in fewer than 30 days after receipt of it; submit more than an original and two copies of any document; 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 that can be generalized to the universe of study and require the use of a statistical data classification that has not been reviewed and approved by OMB.

The collection of this information does not require any special circumstances.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the sponsor'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 sponsor in responses to these comments. Specifically address comments received on cost and hour burden.

The Department notice was published in the Federal Register on January 20, 2015, Volume 80, Number 12, pages 2782-2783. No comments were received in response to this notice.

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

VA does not provide gifts or payments to respondents.

10. Describe any assurance of privacy to the extent permitted by law provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

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

11. Provide additional justification for any questions of a sensitive nature (Information that, with a reasonable degree of medical certainty, is likely to have a serious adverse effect on an individual's mental or physical health if revealed to him or her), such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private; include 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.

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

12. Estimate of the hour burden of the collection of information:

The estimated annual burden is 3,484 hours. The estimate is determined as follows:

- a. Number of Respondents: 13,936
- b. Frequency of Response: Annually
- c. Annual Burden Hours: 3,484
- d. Estimated Completion Time: 15 minutes

Currently, there are approximately 13,936 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. (13,936 x .25 = 3,484 hours)

The annual cost to the respondents is \$83,616. An employee of the educational institution with a salary of \$24 per hour would have to assemble the materials for inspection. (3,484 hrs. x \$24 = \$83,616)

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

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. Provide estimates of annual cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operation 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.

VA estimates that the total annual cost to the government to review the records required by § 21.4252(h) would be \$99,851. This amount is based on the examination of enrollment materials, advertising records, and candidate handbooks at 13,936 educational institutions annually.

a. The cost of \$99,851 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 \$28.66 per hour. $(13,936 \times .25 = 3,484 \times \$28.66 = \$99,851)$.

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. Explain the reason for any burden hour changes since the last submission.

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. 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.

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

17. If seeking approval to omit the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

We are not seeking approval to omit the expiration date for OMB approval.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB 83-I.

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

B. Collection of Information Employing Statistical Methods.

This collection of information does not employ statistical methods.