

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

A. Justification

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

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, 3323, 3689, 3690.)

- 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.**

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 following the applicable sections of the U.S. Code.

- 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.**

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 receive assistance in any reporting or recordkeeping problems. VA will continue personal visits with these organizations.

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.

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 VA.

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

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 of this requirement is not significant.

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 VA does not collect this information, it would be impossible to know if payments of educational assistance have been made correctly.

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.

There is no special circumstance requiring collection in a manner inconsistent with 5 CFR 1320.6 guidelines.

- 8. If applicable, provide a copy and identify the date and page number of the 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 March 11, 2020, Volume 85, Number 48, page 14291-14292. Two comments were received.

Comment 1: Per today's Federal Register notice, I write to request a copy of the draft Information Collection Request, including Supporting Statement, regarding [OMB Control No. 2990-0696](#), "Availability of Educational, Licensing, and Certification Records." I am particularly interested in understanding planned revisions. Thank you,

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VA Response: The Information Collection Request Review-Type, shows as a Revision because there was a decrease in the burden hours since the last renewal. A renewal of the form is processed every three years from the date it expires. No revisions were made to the form.

Comment 2:

VETERANS EDUCATION SUCCESS
1250 H STREET NW WASHINGTON, D.C. 20005
VETSEDSUCCESS.COM HELP@VETSEDSUCCESS.ORG

May 11, 2020
Department of Veterans Affairs
Veterans Benefits Administration
810 Vermont Avenue NW
Washington, DC 20420

Via electronic submission

Re: Availability of Education, Licensing, and Certification Records, OMB
Control No. 2900-0696

Dear Sir/Madam:

Thank you for the opportunity to comment on the Veterans Benefits Administration's (VBA) collection of records in regards to educational benefits.

We believe that the thorough collection of this critical information about programs and beneficiaries is vital for the proper functioning of the VBA. An effective record collection system is essential so the VBA can administer the educational benefits that serve as the foundation of success for military-connected students. We are happy to offer our thoughts on the following topics:

Whether the proposed collection is necessary for the proper performance of VBA's functions

We believe that the proposed collection of information is needed for the VBA to be able to effectively administer educational benefits. The VBA needs this information from institutions in order to evaluate whether these schools are following the statutory requirements, whether beneficiaries are being properly paid, whether certification and licensure programs are actually providing the needed training for students, and more. A multitude of problems can result from insufficient record collection resulting in real world harms to military-connected students. It is essential to ensure VBA has the necessary information for proper administration and oversight.

We support the collection of information from institutions of higher education authorized under 10 USC 16136, 38 USC 3034, 3241, 3323, 3689, and 3690.

These statutes enable multiple GI Bill programs and other educational benefits to function. Specifically, we want to address the following collection of information in greater detail:

38 USC 3690 - Overcharges by educational institutions; discontinuance of allowance; examination of records; false or misleading statements

Under 38 USC 3690 (c), the records and accounts of eligible persons attending educational institutions shall be made available to the Secretary to determine institutional compliance. VETERANS EDUCATION SUCCESS

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Additionally, under section (b), the Secretary may discontinue the educational assistance if the program fails to meet the statutory requirements. Clear reporting on whether beneficiaries are being properly paid is vital to ensuring the programs are meeting statutory requirements.

In January of this year, Caldwell University settled with the Department of Justice for almost \$5 million regarding allegations that it was substantially overcharging veterans using VA educational benefits for what amounted to correspondence courses. This illustrates the need for clear and accurate records so the VBA can guarantee that unscrupulous programs are not able to defraud beneficiaries and taxpayers.

38 USC 3689 - Approval requirements for licensing and certification testing

Educational benefits may be used to pay for a licensing or certification test under 38 USC 3689 (a). Each organization offering a licensing or certification test must meet the general requirements of this statute and maintain appropriate records of all candidates taking the test for no less than three years under section (e). Additionally, under section (c)(1)(H), the organization will furnish to the Secretary information related to the requirements and description of the license and test, the fees for the test and any prerequisite education needed, and the period for which the license or certificate is valid.

We agree that the continued collection of this information is necessary for VBA to be able to support beneficiaries working for important certifications and licenses. Many professions require these certifications, and there is great utility in the VBA understanding exactly what these educational programs are paying for and if they are working.

We think the continued collection of these important records is essential to ensure that beneficiaries are able to succeed at these institutions. The VBA provides transformational benefit programs that allow military-connected students to better their lives through education; proper record collection is an important aspect of administering these programs.

Sincerely,
James Haynes
Federal Policy Manager
Veterans Education Success

VA Response: Thank you for your support.

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

VA does not provide any payments or gifts 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.

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. 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, 2012 Compilation.

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

There are no questions of a sensitive nature.

12. Estimate of the hour burden of the collection of information: We estimate that it would take financial aid personnel at the typical educational institution 2 hours to prepare records the VA employee would review.

Estimate of Information Collection Burden.

- a. Number of Respondents: 4,929
- b. Frequency of Response: On Occasion
- c. Annual Burden Hours: 9,858 [4,929 X 120 minutes / 60].
- d. Estimated Completion Time: 120 minutes

12e. The respondent population for this OMB #2900-0696 collection is composed of educational institutions, which includes licensing and certification organizations. The VBA cannot make further assumptions about the population of respondents because of the variability of factors

such as the educational background and wage potential of respondents. Therefore, VBA used general wage data to estimate the respondents' costs associated with completing the information collection.

The Bureau of Labor Statistics gathers information on full-time wage and salary workers. Accordingly, the median weekly earnings of full-time wage and salary worker is \$24.98. Assuming a forty (40) hour work week, the median hourly wage is \$ 992.00.

The general wage code 00-0000 for "All Occupations" may be found by clicking this link: https://www.bls.gov/oes/current/oes_nat.htm, May 2018.

Legally, respondents may not pay a person or business for assistance in completing the information collection and a person or business may not accept payment for assisting a respondent in completing the information collection. Therefore, there are no expected overhead costs for completing the information collection. VBA estimates the total cost to all respondents to be \$246,253 (9,858 burden hours x \$24.98 per hour).

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).

This submission does not involve any record keeping costs. 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.

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.

Estimated Costs to the Federal Government are accessible through this link: <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2019/general-schedule/>

<u>Grade</u>	<u>Step</u>	<u>Burden Time Employee</u>	<u>Hourly Wage Rate</u>	<u>Cost per Response</u>	<u>Total Responses</u>	<u>Gov. Cost</u>
10	05	5 Hours	\$31.64		4,929	\$779,767

		(300 min)				(4,929 X \$31.64 X 300 / 60)
	Overhead at 100%. Overhead costs are 100% of salary and are also the same as the wage listed above; and the amount is included in the total.					
	Processing / Analyzing Cost					-0-
	Printing and Production Cost					-0-
Total Cost to Government						\$779,767

The processing time and Government cost above is based on an estimate that a GS 10/5 employee will have to review the educational institution's records. We estimate that it will take 5 hours or (300 minutes) to complete this review at the typical educational institution.

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

The slight decrease in burden hours results from a slight decrease in the number of compliance visits made, and surveys performed between 2016 and 2018 at educational institutions and licensing and certification organizations offering approved courses and tests.

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 not display 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 information collection fully complies with all 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.