

Supporting Statement

Reinstatement of a Previously Approved Information Collection

Record Keeping at Flight Schools OMB 2900-0613

A. Justification

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

Educational institutions are required by statute (38 U.S.C. 3690(c)) to maintain records and accounts of eligible Veterans and other eligible persons who receive educational assistance, and the records of other students that are necessary to determine if the educational institution is complying with the provisions of law governing approval of courses for VA training. This requirement is implemented by 38 CFR 21.4263(h)(3) which sets forth records VA expects a flight school to maintain in order to retain approval for its courses.

While 38 CFR 21.4263(h)(3) establishes the records that VA expects a flight school to maintain, there is not a uniform method or instrument of collection because VA does not have control over the form or format of the records. The flight school may retain the records in any form or format it sees fit, such as, but not limited to, a ledger, or a cabinet full of papers. However, when the VA completes a compliance survey at the flight school, the flight school is required to produce all of its records.

- 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 State Approving Agencies that approve courses for VA training use these records to determine if courses offered by flight schools should be approved. VA representatives use the records to determine the accuracy of payments made to VA students at flight schools.

- 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 regulation does not require any reports. It only requires record keeping. Flight schools have the option to store these records electronically.

- 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 our Department.

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

The average number of students enrolled in each flight school to which the information collection may apply will be less than ten. Consequently, the cost of record storage to each flight school for complying with the information collection will be low. Hence, the information collection does not have any impact on a substantive number of small entities.

- 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 flight schools do not keep these records, State approving agencies may not know whether to approve a course. And, VA will not be able to verify the accuracy of VA educational payments made to students training at flight schools.

- 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 publications 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 November 8, 2021, Volume 86, No. 213, page 61855. There were two comments received.

Comment #1



January 7, 2022
U.S. Department of Veterans Affairs
Education Service
810 Vermont Avenue NW
Washington, DC 20420
Via electronic submission

Re: Agency Information Collection Activity: Record Keeping at Flight Schools, 86 FR 61855

Dear Sir or Madam,

On behalf of Veterans Education Success, we are pleased to submit comments on the

Department of Veterans Affairs' (VA) [reinstatement](#) of the collection of records at flight schools.

Veterans Education Success is a nonprofit organization that works on a bipartisan basis to

advance higher education success for veterans, service members, and military families, and to

protect the integrity and promise of the GI Bill® and other federal postsecondary education

programs. We also provide free counseling and legal assistance to students using their GI Bill

and military benefits.

We strongly believe that maintenance of proper records and the continued collection of relevant information from flight schools are necessary to ensure that State Approving Agencies have

access to the critical information that they need in order to determine whether these programs are eligible to participate in VA educational programs. In addition, VA needs access to such relevant information to determine the accuracy of payments made to or on behalf of VA-supported students at flight schools. As has been well documented, concerns about inflated cost of some flight school programs have been raised dating as far back as 2015.¹ Disturbingly, a number of private flight schools have attempted to circumvent the GI Bill benefit cap on private institutions by contracting with public institutions because those public institutions are not subject to the monetary cap, thereby enabling flight schools to charge exorbitant fees to veterans – with documented cases of over \$500,000 per student veteran.²

The collection of records from flight schools is also necessary for VA's proper implementation of the 85/15 Rule, which prohibits VA benefits at a program at which more than 85 percent of

¹ Alan Zarembo, *U.S. taxpayers stuck with the tab as helicopter flight schools exploit GI Bill Loophole*, Los Angeles Times (Mar. 15, 2015), <https://www.latimes.com/nation/la-me-adv-gibill-20150315-story.html>.

² *Id.*; Letter from Senators Thomas Carper and Joni Ernst to VA Secretary Robert McDonald regarding Flight Schools (Sept. 30, 2015), <https://vetsedsuccess.org/wp-content/uploads/2019/02/carper-ernst-letter-to-secretary-mcdonald-9-3-2015.pdf>.

students have their tuition paid in whole or in part by the school or VA.³ In the past, VA has allowed flight schools to skirt the 85% cap on veteran enrollment by allowing them to count non-veterans enrolled in “aviation” programs that did not require flight training, such as airport management.⁴ Given VA's recent changes to 85/15 reporting requirements, we want to highlight the history of this practice for VA and underscore its negative impact on student veterans and taxpayers.

In light of these observations, we strongly support the reinstatement of this previously approved information collection and the continued maintenance of this requirement as

critically necessary for proper administration of the programs overseen by VA.

Ensuring VA has a robust program approval process so that student veterans receive a worthwhile education without being charged excessive fees devised to bilk taxpayers is vital to the integrity and continued availability of these benefits. We urge VA to consider the history of abuse as it exercises its regulatory and enforcement authority to approve schools to participate in VA educational benefits. We stand ready to assist VA in its continued efforts to serve the nation's veterans and provide them with multiple pathways to educational success. Sincerely,

William Hubbard

Vice President for Veterans & Military Policy

⁴ *Supra* note 1.

James Haynes

Federal Policy Manager

³ Walter Ochinko, *The 85-15 Rule and Related GI Bill Safeguards*, Veterans Education Success (Oct. 2019), <https://vetsedsuccess.org/the-85-15-rule-and-related-gi-bill-safeguards>.

VA Response: Thanks for your support as we continue to make clarification improvements as to the meaning, provisional requirements, and the administration of the 85/15 Rule, pertaining to the approval of participants and educational institutions involved in VA Flight Training Programs.

Education Service.

Comment #2

1/10/22, 8:59 AM blob:https://www.fdms.gov/19d9c143-2866-4888-97ee-ae7218090d92
blob:https://www.fdms.gov/19d9c143-2866-4888-97ee-ae7218090d92 1/2

As of: 1/10/22 8:58 AM **Received:** January 07, 2022 **Status:** Posted **Posted:** January

PUBLIC SUBMISSION

10, 2022 **Tracking No.** ky4-kap3-2ebp
Comments Due: January 07, 2022
Submission Type: Web

Docket: VA-2021-VACO-0001 2021 Notice with Comments

Comment On: VA-2021-VACO-0001-0381 Agency Information Collection Activities; Proposals, Submissions, and Approvals: Record Keeping at Flight Schools; OMB No. 0613; FR Doc. 2021–24349

Document: VA-2021-VACO-0001-0591 Comment on Record Keeping at Flight Schools; OMB No. 0613; FR Doc. 2021–24349; Grimm, Bruce

Submitter Information Name: Bruce Grimm

Address: Silvana, WA, 98287 **Email:** bdgrimm@gmail.com

Phone: 3604428463

General Comment

RE: OMB Control No. 2900-0613

The Veterans Benefits Administration of the Department of Veterans Affairs has had a plan in place for many years to ensure modernization efforts including updating and reinstating agency-client records keeping requirements so that these efforts are effective, and resources are focused efficiently. The Record Keeping at Flight Schools information collection is an example of these efforts.

When allocating resources to the review of content, filing and compliance of this and other related forms, it is equally important that the Administration consistently analyzes ways to improve customer service efforts, assess how any change in the form and manner of the form be appropriately aligned to goals and keep in mind the data-driven decision making that is either fostered or maligned in the course of the client interactions.

Courses offered by flight school can be difficult to understand in an enterprise-wide modeling way so the current format could be modified so that unnecessary questions are deleted. Achieving agility and implementing value management on both sides should always be considered when producing documents that eventually are found useful to improve public service.

It is often difficult for managers at the Agency to project future needs, however, it does appear that the proposed collection of information is both informative and zergling to both the public who makes filings and keeps records and for the benefit of Agency function. This information collection should be considered for approval.

1/10/22, 8:59 AM blob:<https://www.fdms.gov/19d9c143-2866-4888-97ee-ae7218090d92>

VA Response: Thanks for your support of our Record Keeping practices for VA Flight Training programs.

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

No payments or gifts to respondents have been made under this collection of information.

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.

Our assurance of confidentiality is covered by 38 U.S.C. 5701 and our System of Records, Compensation, Pension, Education and Veteran Readiness and Employment Records – VA (58VA21/22/28), which are 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. If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB 83-I. Provide estimates of annual cost to respondents for the hour burdens for collections of information. The cost of contracting out or paying outside parties for information collection activities should not be

included here. Instead, this cost should be included in Item 14 of the OMB 83-I.

This does not impose any reporting burden (where a school must submit records at a given time interval); it does impose a record keeping burden on flight schools.

Estimate of Information Collection Burden.

- a. Number of Respondents: 1,672
- a. Frequency of Response: Annual
- b. Annual Burden Hours: 557
- c. Estimated Completion Time: 20 Minutes (VA continues to consider that a school will need approximately 20 minutes (one third of an hour) to generate and store the records pertaining to each student that would not be kept in the ordinary course of business, or in compliance with FAA regulations.).
- d. The respondent population for this information collection, OMB #2900-0613, is composed of employees at flight schools. VA cannot make further assumptions about the population of respondents because of the variability of factors such as the educational background and wage potential or respondents. Therefore, VBA used general wage data to estimate the respondents' costs associated with completing the information collection.

The Bureau of Labor Statistics (BLS) gathers information on full-time wage and salary workers. According to the latest available BLS data, the mean weekly earnings of full-time wage and salary workers are \$1,082.80. Assuming a forty (40) hour work week, the **mean hourly wage is \$27.07 based on the BLS wage code – “00-0000 All Occupations.” (\$27.07 X 40 hours). This** information was taken from the following website: (<https://vaww.infoshare.va.gov/sites/educationservice/pro/Lists/Procedures%20Task%20Creation/Attachments/43/May%202020%20National%20Occupational%20Employment%20and%20Wage%20Estimates%20BLS.html> May 2021).

Legally, respondents may not pay a person or business for assistance 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 \$15,077.99 (557 hours x \$27.07 per hour).

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

Most of the records required by this information collection would be kept in the normal course of business. Other records would be kept if the flight school wishes to comply with FAA rules (14 CFR part 141, 14 CFR part 142 or both). The additional record keeping imposed by this information collection would take less than a square foot of space. Therefore, the record keeping burden is near zero.

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.

Overhead costs are 100% of salary and are same as the wage listed above and the amounts are included						
Grade	Step	Burden Time in the total	Hourly Rate	Cost Per Response	Responses	Total
Processing / Analyzing	10	.25	\$ 11.95	\$ 13.31	1,672	\$ 22,258.50
Printing and Production Cost						\$0
Overhead at 100% Salary						\$ 22,258.50
Total Cost to Government						\$ 22,258.50

Note:
The hourly wage

information above is based on the hourly 2021 General Schedule (Base) Pay <https://vaww.infoshare.va.gov/sites/educationservice/pro/Lists/Procedures%20Task%20Creation/Attachments/43/2021%20GS%20Rates.pdf>. This rate does not include any locality adjustment as applicable.

The processing time estimate above is based on the actual amount of time an employee of that grade level spends to process to completion a claim received on this collection.

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

There has been a decrease in burden hours due to a decrease in the number of students in flight programs.

- 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.**

The information collection is not for publication or tabulation use.

- 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 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.