

**SUPPORTING STATEMENT - 2022**  
**APPLICATION FOR APPROVAL OF A PROGRAM IN A FOREIGN COUNTRY**  
**OMB 2900-0853**  
**VA FORM 22-0976**

**A. Justification**

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

Pursuant to CFR 21.4260, the Department of Veterans Affairs (VA) is the approving authority for all postsecondary courses in foreign countries under the benefit programs administered by the VA.

- 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 will use the information collected to determine if a program in a foreign country is approvable under CFR 21.4260. In order for a review and decision to be made, the VA needs supporting information from a foreign educational institution.

The Application for Approval of a Program in a Foreign Country, VA Form 22-0976 OMB ICR #2900-0853 is being submitted as a "Revision". We are changing the formatting of the form, as well as changing most of the existing questions to be written in the form of a statement. There is no change to the current burden as a result of making these revisions.

Currently, the VA Form 22-0976 questions are written to solicit YES/NO responses regarding compliance to the current and new provisions established for foreign institutions. We believe the questions should be instead written and displayed in the form of a statement to indicate the VA requirements necessary for the achievement of compliance for foreign institutions.

Public Law 116-135, Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 amended a number of VA benefits that requires the revision of VA Form 22-0976 to comply with these changes. The VA Form 22-0976 is the official application that all foreign institutions outside of the United States must use to formally request foreign program approval for GI Bill benefits from VA.

The current form is inadequate to comply with both the current and new changes in the law. Therefore, the purpose of revising VA Form 22-0976 is to support the provisions of Public Law 116-135, and the Veterans Benefits and Transition Act of 2018, Public Law 115-407“ necessary in order for foreign institutions to acknowledge and adhered to the requirement of Section 104 of this law. The provisions of this law require foreign institutions to allow eligible individuals to stay enrolled in courses of education pending the receipt of educational assistance from Department of Veterans Affairs. The institution’s policy must ensure that they will not impose any penalty, including the assessment of late fees, the denial of access to classes, libraries, or other institutional facilities, or make it a requirement that a covered individual borrow additional funds because of the individual’s inability to meet his or her financial obligations to the institution due to the delayed disbursement funding from VA under chapter 31 or 33.

The purpose of revising this form also supports the provisions of Isakson and ROE, Public Law 116-315, Sections 1019 and 1020. Section 1019 requires schools and training programs to be financially responsible (School Liability), instead of the student, for payments which are directly paid to an educational institution pursuant to the Post-9/11 GI Bill, (i.e. payments paid to an educational institution pursuant to the Yellow Ribbon GI Education Enhancement program and the Advance payments of the initial educational assistance to an institution.). Section 1020 limits the type of Advertising, Sales, and Marketing that schools can conduct and remain eligible for GI Bill funds. This section would also create a tiered penalty system against institutions that do not comply with the law and set up a mechanism for institutions to work with the SAAs and VA on coming back into compliance, and for institutions to not engage in advertising and/or enrollment practices of any type, which are erroneous, deceptive, or misleading either by actual statement, omission, or intimidation.

- 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.**

After completing the form, foreign institutions will continue to download the VA Form 22-0976 from the GI Bill website and submit it via email to [federal.approvals@va.gov](mailto:federal.approvals@va.gov)

- 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.**

A review was conducted to identify any potential areas of duplication and none were discovered. There is no known Department or Agency that maintains this information, nor is it available from other sources within the VA.

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

The collection of information does not involve small businesses or 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 this information is not collected, a decision regarding the approval of postsecondary courses in foreign countries will not be completed and VA students will not be eligible to receive benefits for educational pursuit. Collection of the information is the only way the VA may make a decision in regard to CFR 21.4260.

- 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 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 May 3, 2022, Volume 87, No. 85, pages 26264-26265. There were no comments received.

**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.**

VA Form 22-0976 is retained permanently in a folder created specifically for the school and located at the VA Regional Office. Assurance of confidentiality is covered by 38 U.S.C. 5701 and the VA 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:**

Estimate of Information Collection Burden.

a. Number of Respondents: 1014

a. Frequency of Response: Once  $[1014 \times 20 / 60] = 338$

b. Annual Burden Hours: 338

c. Estimated Completion Time: 20 minutes

- d. The respondent population for the Submission of School Catalog to the State Approving Agency is composed of accredited educational institutions, with the exceptions of elementary and secondary schools.

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 (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 \$1,120.40. Assuming a forty (40) hour work week, the **mean hourly wage is \$28.01 based on the BLS wage code – “00-0000 All Occupations.” (\$28.01 X 40 hours). This** information was taken from the following website: [https://www.bls.gov/oes/current/oes\\_nat.htm](https://www.bls.gov/oes/current/oes_nat.htm). (May 2021).

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 \$9,467.38 (338 burden hours x \$28.01 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).**

This submission does not involve any 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.**

**Estimated Costs to the Federal Government is \$10,454.34.**

<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>
11	10	15min	\$41.24	\$10.31	1,014	\$ 10,454.34 (1014 X \$41.24 X 15 / 60)
	Overhead at 100%. Overhead costs are 100% of salary, which are also the same as the wage listed above; and the amount is included in the total.					
	Education Liaison Representative Processing / Analyzing Cost					\$10,454.34
	Printing and Production Cost					-0-
Total Cost to Government						\$10,454.34

**Note:** The hourly wage information above is based on the hourly 2022 General Schedule (Base) Pay

[https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2022/RUS\\_h.pdf](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2022/RUS_h.pdf). This rate does not include any locality adjustment as applicable.

The processing time estimates above are based on the actual amount of time employees of the grade level spend to process to completion a claim received on this form.

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

There has been no burden increase in foreign educational institutions seeking approval for their post-secondary programs based on this submission.

**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 1 320.8(b)(3).

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

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