

# SUPPORTING STATEMENT

## AVAILABILITY OF EDUCATIONAL LICENSING AND CERTIFICATION RECORDS: 38 CFR 21.4209 (OMB 2900-0696)

### Summary:

There is a decrease in burden hours for this renewal period, due to a decrease in the number of licensing and certification records reviewed at educational institutions and licensing and certification organizations offering approved courses and tests during periods 2020, 2021 and 2022.

### 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 organizations offering licensing and certification approved tests, must make available to authorized government officials, the records and accounts of eligible Veterans and their beneficiaries. These records apply to eligible individuals taking such tests that are necessary to ascertain institutional compliance with the benefit chapters codified in 10 U.S.C.16136, 38 U.S.C. 3034, 3241, 3323, 3673(d), 3689, 3690 and 38 CFR 21.4209.

**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 VA uses this information to decide whether Veterans and 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 10 U.S.C.16136, 38 U.S.C. 3034, 3241, 3323, 3673(d), 3689, 3690 and 38 CFR 21.4209.

**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. In person VA officials visit these organizations and would provide assistance pertaining to any reporting or recordkeeping issues that may exist. 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.**

The information obtained through this collection is unique and is not already available for use or adaptation from another cleared source.

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

This information collection does not impose a significant economic impact on a substantial number of small businesses or 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 the licensing and certification test records of information pertaining to the eligible individual, 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.**

This collection of information does not require collection to be conducted in a manner inconsistent with the guidelines delineated in 5 CFR 1320.5(d)(2).

**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.**

A 60-Day Federal Register Notice (FRN) for the collection published on Tuesday, July 18, 2023. The 60-Day FRN citation is Volume Number 88, FRN 136, Page 45978. No comments were received during the 60-Day Comment Period.

A 30-Day Federal Register Notice (FRN) for the collection published on Thursday, September 21, 2023. The 30-Day FRN citation is volume number 88, FRN Page(s) 65226.

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

No payments or gifts are being offered to respondents as an incentive to participate in the collection.

**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 our Systems of Records, Compensation, Pension, Education and Veteran Readiness and Employment Records – VA (58VA21/22/28), contained in the Privacy Act Issuances, 2012. Compilation.

Unless the documents reviewed show that Veterans and other eligible individuals were paid incorrect amounts of educational assistance, VA would not retain any documents reviewed that may have privacy information. However, if the evidence shows that incorrect payments were made, VA will use that information to process awards correcting the payments. After this processing is complete, VA will retain any written documents in an education folder in a secure manner.

**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.**

No questions considered sensitive are being asked in this collection.

**12. Estimate of the hour burden of the collection of information:** There is no VA Form associated with this Information Collection.

We estimate that it would take financial aid personnel at a typical educational institution 2 hours to prepare records that a VA employee or official would review. This renewal consists of approximately 7,863 visits completed over the past 3 years for 2020, 2021 and 2022, resulting in an average annual respondent burden of 2,621.

### **Estimate of Information Collection Burden.**

- a. Number of Respondents: 2,621
- b. Frequency of Response: On Occasion
- c. Annual Burden Hours: 5,242 [2,621 X 120 minutes / 60 minutes].
- 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 (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 \$1,190.40. Assuming a forty (40) hour work week, the **mean hourly wage is \$29.76 based on the BLS wage code – “00-0000 All Occupations.” (\$29.76 X 40 hours)**. The respondent hourly wage was determined by using the [Department of Labor Wage Website] for all occupations. [https://www.bls.gov/oes/current/oes\\_nat.htm](https://www.bls.gov/oes/current/oes_nat.htm), May 2023.

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 \$156,001.92 (5,242 burden hours x \$29.76 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).**

There are no annualized costs to respondents other than the Labor burden costs addressed in Section 12 of this document to complete this collection.

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/salary-tables/pdf/2023/RUS\\_h.pdf](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2023/RUS_h.pdf).

**Note:** The hourly wage information above is based on the hourly 2023 General Schedule (Base) Pay.

**Note:** There is no Collection Instrument (VA Form) associated with this information collection.

Grade	Step	Burden Time Employee	Hourly Wage Rate	Cost per Response	Total Annual Responses	Gov. Cost
10	05	5 Hours (300 min)	\$34.16	\$170.80	2,621	\$447,666.80
						(2,621 X \$34.16 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.				-0-
		Processing / Analyzing Cost				-0-
		Printing and Production Cost				-0-
<b>Total Cost to Government</b>						<b>\$447,666.80</b>

The above processing time and government cost is based on the estimated time it takes for a GS 10/5 employee 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.**

There is a decrease in burden hours for this renewal period, due to a decrease in the number of licensing and certification records reviewed at educational institutions and licensing and certification organizations offering approved courses and tests during periods 2020, 2021 and 2022.

**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 results of this information collection will not be published.

**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 display of the expiration date of the OMB approval on the collection instrument, as there is no collection instrument associated with this information collection.

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

We are not requesting any exemptions to the provisions stated in 5 CFR 1320.9.

**Collection of Information Employing Statistical Methods.**

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