



DEPARTMENT OF VETERANS AFFAIRS  
WASHINGTON

March 16, 2023

Carrie Wofford, President  
Veterans Education Success  
1501 K St., Suite 200  
Washington, DC 20005

Dear Ms. Wofford:

Thank you for your letter, dated March 7, 2023, to the Department of Veterans Affairs (VA) regarding the implementation of risk-based surveys, as codified in 38 U.S.C. § 3673(e) ("Notice of Government Action") following the enactment of section 1014 of P.L. 116-315, the *Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020*.

First and foremost, I want to inform you that P.L. 116-315 § 1014 was fully implemented as required by law. The statutory language is clear, precise and unambiguous regarding the scope and timing for the performance of risk-based surveys triggered by notices of government action, and these are understood by both VA Education Service and State Approving Agency (SAA) staff. VA Education Service only develops Standard Operating Procedures (SOP) for processes that are either not elsewhere defined, are unclear, or where VA is given statutory discretion for defining the scope and timing of such activities. Consequently, since no further elucidation was required for implementation, VA Education Service did not develop an SOP for this provision.

Targeted Risk Based Reviews (TRBRs) are ad hoc reviews created by VA that supplement bi-annual compliance surveys (required by 38 U.S.C. § 3693) and the risk-based surveys (described in 38 U.S.C. § 3673A), as part of a comprehensive oversight strategy. The selection, scope and timing of risk-based surveys based on notices of government action are driven by statutory triggers and, therefore, are not included in the strategic planning of oversight activities. They must be performed regardless of any other planned oversight activities. Consequently, the risk-based surveys described in 38 U.S.C. § 3673(e) are not mentioned in the SOP because they are not applicable to the issue at hand.

The SOP for risk-based surveys described in 38 U.S.C. § 3673A was developed because VA, in partnership with the SAAs, is granted latitude in defining the scope and schedule of such surveys. VA Education Service felt it prudent to include past notices of government action as additional risk factors, in the form of a lagging indicator for planning in the subsequent fiscal year, because of its gravity. The risk-based surveys described in 38 U.S.C. § 3673(e) are not explicitly covered in the SOP because they are outside the scope of that document.

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Finally, you asked about the creation of a database for SAAs to utilize in conducting risk-based surveys, as required by 38 U.S.C. § 3637A(c). VA's Salesforce-based system is currently the database used for the performance and planning of oversight activities, and the SAAs have access to that that system. Additional tools, features and functionality for research, planning and performance of risk-based surveys are being planned as the new Approval Manager system is being developed as part of the ongoing Digital GI Bill project focusing on information technology modernization, integration and automation.

If you have additional questions regarding SOPs or the implementation of statutory requirements, you may reach out directly to James Ruhlman, Deputy Director, Program Management, VA Education Service, via email at [james.ruhlman@va.gov](mailto:james.ruhlman@va.gov). Thank you for your concern regarding the effective oversight of educational institutions and the protection of our GI Bill beneficiaries.

Sincerely,

Joseph L. Garcia  
Executive Director, Education Service  
Veterans Benefits Administration