



**DEPARTMENT OF VETERANS AFFAIRS**  
**Veterans Benefits Administration**  
**Education Service**  
**Washington, D.C. 20420**

July 30, 2019

Mr. Breen  
New York Legal Assistance Group  
7 Hanover Square, 7<sup>th</sup> Floor  
New York, New York, 10004

Re: Freedom of Information Act Request No. 19-01694-F

Dear Mr. Breen,

This is in response to your Freedom of Information Act (FOIA) request that was received on November 15, 2018. In your letter you requested the following:

Request 1: Records of all Department guidelines, training manuals, and/or formal instructions provided to Department employees regarding procedures for the investigation of institutions' enrollment practices and/or procedures for referring institutions to the FTC for investigation.

Request 2: Records of all advertising, sales materials, enrollment materials and/or candidate handbooks inspected by the Department.

Request 3: Records of all referrals of institutions for investigation made by the Department to the FTC, in accordance with the procedures in the MOA.

Request 4: Records of all decisions by the FTC to accept or reject a referral from the Department, in accordance with the procedures in the MOA.

Request 5: Records of all requests by the Department for FTC staff analysis prepared because of investigations of referred institutions, in accordance with the procedures in the MOA.

Request 6: Records of all analyses provided by the FTC in response to a referral from the Department, in accordance with the procedures in the MOA.

Request 7: Records of all Department actions taken in response to analyses provided by the FTC, in accordance with the procedures in the MOA.

Request 8: Records of all communications between the Department and the FTC regarding referrals of institutions for investigation.

The FOIA request was initially received on November 15, 2019 and was provided to the VBA Education Service section on February 25, 2019. The Education Service section reviewed your requests and has provided the following responses:

Request 1: The VA records of all Department guidelines, training manuals, and/or formal instructions provided to Department employees regarding procedures for the compliance survey review of enrollment practices are located within the VA's M22-4 manual. The purpose of M22-4 is to provide detailed claims processing procedures and course approval procedures for the three Regional Processing Offices (RPOs). M22-4 also provides background material for personnel who answer inquiries or perform other functions in support of education programs. The M22-4 Part 10 (Attachment 1) covers guidelines regarding compliance survey requirements in respect to institution enrollment practices. The VA and State Approving Agencies (SAA) complete on site compliance survey visits with institutions that are approved to receive GI Bill funding. Compliance surveys are conducted in order to ensure that educational institutions and training establishments, and their approved courses, are in compliance with all applicable provisions of the laws administered by the Veterans Administration (VA). The purpose of compliance survey activities is to prevent deficiencies and violations, as well as to identify and correct them when they are identified. Although the VA does not complete investigations, a compliance survey report in regard to educational institution and training establishment enrollment practices may be used to support referrals to the FTC for investigation. The VA procedures for referring institutions to the FTC for investigation is identified in the signed Memorandum of Agreement (MOA). A copy of the MOA is located here: <https://www.ftc.gov/policy/cooperation-agreements/memorandum-agreement-between-ftc-department-veterans-affairs-updated>

Request 2: The VA interprets this request as the type of material reviewed during approval and re-approval processing (SAA submitted documents) and compliance survey visits. All approved schools and training establishments must maintain complete records and copies of all advertising, sales and enrollment materials used by them or on their behalf for a period of twelve months. These materials must be available for inspection by the State Approving Agency and by VA. These materials include, but are not limited to the following: (Reference: M22-4, Part 09, Chapter 2)

- Any direct mail pieces
- Brochures
- Printed literature used by sales people
- Any form of electronic media
- Material disseminated through print media
- Tear sheets of print advertisements
- Leaflets
- Handbills
- Fliers
- Any sales or recruitment manuals used to instruct sales personnel, agents, or representatives the school or training establishment.

Specific documents identified for the two referral cases are located in attachments 2, 3.

Request 3: To date, the VA has generated two referral letters to FTC. Referral letters are enclosed in attachment 4.

Request 4: The VA has searched all paper and electronic folders at our central office location, 1800 G. St. NW, Washington DC, for records of FTC staff analysis in regard to the two cases submitted in 2016. Additionally, the VA contacted the FTC in 2018 and 2019 via phone to locate any decision documents. The VA has never received and has no record of any FTC decision papers in regard to your request.

Request 5: The VA has searched all paper and electronic folders at our central office location, 1800 G. St. NW, Washington DC, for records of FTC staff analysis in regard to the two cases submitted in 2016. Additionally, the VA contacted the FTC in 2018 and 2019 via phone to locate any staff analysis documents. The VA has never received and has no record of any FTC staff analysis prepared because of investigations of referred institutions in regard to your request.

Request 6: The VA has searched all internal paper and electronic folders at our central office location, 1800 G. St. NW, Washington DC, for records of all analyses provided in regard to the two cases submitted in 2016 for referral. Additionally, the VA contacted the FTC in 2018 and 2019 to locate any records of all analyses via phone. The VA has never received and has no record of any FTC staff analysis records in regard to your request.

Request 7: The VA has not received FTC analysis for the two cases referred, thus has never required to take any action based on a FTC analysis per the MOA.

Request 8: Attachments 5 and 6 provided in response to your request.

Your request was processed by the undersigned. You may appeal the determination made in this response to:

General Counsel (24)  
Department of Veterans Affairs  
810 Verminy Avenue, N.W.  
Washington, D.C. 20420

If you should choose to make an appeal, your appeal must be postmarked no later than sixty (60) calendar days after the date of the adverse determination. It must clearly identify the determination being appealed and must include any assigned request number.

The appeal should also include:

1. The name of the FOIA Officer
2. The address of the component
3. The date of the component's determination, if any
4. The precise subject matter of the appeal

If you choose to appeal only a portion of the determination, you must specify which part of the determination you are appealing.

The appeal should include a copy of the request and VA's response, if any. The appeal should be marked "Freedom of Information Act Appeal".

Sincerely,

FOIA Representative  
Veterans Benefits Administration