

## Department of Veterans Affairs

## § 78.5

### § 77.21 Application of other regulations.

For purposes of this part, the requirements in 38 CFR parts 43 and 49 are superseded by those in 2 CFR part 200.

## PART 78—STAFF SERGEANT PARKER GORDON FOX SUICIDE PREVENTION GRANT PROGRAM

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AUTHORITY: 38 U.S.C. 501, 38 U.S.C. 1720F (note), sec. 201, Pub. L. 116-171, and as noted in specific sections.

SOURCE: 87 FR 13835, Mar. 10, 2022, unless otherwise noted.

### § 78.0 Purpose and scope.

(a) *Purpose.* This part implements the Staff Sergeant Parker Gordon Fox Suicide Prevention Grant Program (SSG Fox SPGP) with the purpose of reducing veteran suicide by expanding suicide prevention programs for veterans through the award of suicide prevention services grants to eligible entities to provide or coordinate the provision of suicide prevention services to eligible individuals and their families.

(b) *Scope.* Suicide prevention services covered by this part are those services that address the needs of eligible individuals and their families and are necessary for improving the mental health status and wellbeing and reducing the suicide risk of eligible individuals and their families.

### § 78.5 Definitions.

For purposes of this part and any Notice of Funding Opportunity (NOFO) issued under this part:

*Applicant* means an eligible entity that submits an application for a suicide prevention services grant announced in a NOFO.

*Direct Federal financial assistance* means Federal financial assistance received by an entity selected by the Government or a pass-through entity as defined in 38 CFR 50.1(d) to provide or carry out a service (e.g., by contract, grant, or cooperative agreement).

*Eligible child care provider* means a provider of child care services for compensation, including a provider of care for a school-age child during non-school hours, that—

(1) Is licensed, regulated, registered, or otherwise legally operating, under State and local law; and

(2) Satisfies the State and local requirements, applicable to the child care services the provider providers.

*Eligible entity* means an entity that meets the definition of an eligible entity in section 201(q) of Public Law 116–171.

*Eligible individual* means an individual that meets the requirements of § 78.10(a).

*Family* means any of the following: A parent, spouse, child, sibling, step-family member, extended family member, and any other individual who lives with the eligible individual.

*Grantee* means an eligible entity that is awarded a suicide prevention services grant under this part.

*Indian tribe* means an Indian tribe as defined in 25 U.S.C. 4103.

*Indirect Federal financial assistance* means Federal financial assistance in which a service provider receives program funds through a voucher, certificate, agreement or other form of disbursement, as a result of the genuine, independent choice of a participant.

*Medically underserved area* means an area that is designated as a medically underserved population under 42 U.S.C. 254b(b)(3).

*Notice of Funding Opportunity (NOFO)* means a Notice of Funding Opportunity published on *grants.gov* in accordance with § 78.110.

*Participant* means an eligible individual or their family who is receiving suicide prevention services for which they are eligible from a grantee.

*Rural communities* means those communities considered rural according to the Rural-Urban Commuting Area (RUCA) system as determined by the United States Department of Agriculture.

*State* means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State exclusive of local governments.

*Suicide prevention services* includes the following services provided to address the needs of a participant:

(1) Outreach as specified under § 78.45.

(2) Baseline mental health screening as specified under § 78.50.

(3) Education as specified under § 78.55.

(4) Clinical services for emergency treatment as specified under § 78.60.

(5) Case management services as specified under § 78.65.

(6) Peer support services as specified under § 78.70.

(7) Assistance in obtaining VA benefits as specified under § 78.75.

(8) Assistance in obtaining and coordinating other public benefits and assistance with emergent needs as specified under § 78.80.

(9) Nontraditional and innovative approaches and treatment practices as specified under § 78.85.

(10) Other services as specified under § 78.90.

*Suicide prevention services grant* means a grant awarded under this part.

*Suicide prevention services grant agreement* means the agreement executed between VA and a grantee as specified under § 78.115.

*Suspension* means an action by VA that temporarily withdraws VA funding under a suicide prevention services grant, pending corrective action by the grantee or pending a decision to terminate the suicide prevention services grant by VA. Suspension of a suicide prevention services grant is a separate action from suspension under VA regulations or guidance implementing Executive Orders 12549 and 12689, “Debarment and Suspension.”

*Territories* means the territories of the United States, including Puerto Rico, Guam, the U.S. Virgin Islands, American Samoa, and the Northern Mariana Islands.

*Veteran* means a veteran as defined under 38 U.S.C. 101(2).

*Veterans Crisis Line* means the toll-free hotline for veterans in crisis and their families and friends established under 38 U.S.C. 1720F(h).

*Withholding* means that payment of a suicide prevention services grant will not be paid until such time as VA determines that the grantee provides sufficiently adequate documentation and/or actions to correct a deficiency for the suicide prevention services grant.

[87 FR 13835, Mar. 10, 2022; 87 FR 16101, Mar. 22, 2022]

**§ 78.10 Eligible individuals.**

(a) To be an eligible individual under this part, a person must be at risk of suicide and further meet the definition of eligible individual in section 201(q) of Public Law 116–171.

(b) For purposes of paragraph (a) of this section, risk of suicide means exposure to, or the existence of, any of the following factors, to any degree, that increase the risk for suicidal ideation and/or behaviors:

(1) Health risk factors, including mental health challenges, substance use disorder, serious or chronic health conditions or pain, and traumatic brain injury.

(2) Environmental risk factors, including prolonged stress, stressful life events, unemployment, homelessness, recent loss, and legal or financial challenges.

(3) Historical risk factors, including previous suicide attempts, family history of suicide, and history of abuse, neglect, or trauma, including military sexual trauma.

NOTE 1 TO PARAGRAPH (b): Grantees must use these risk factors and the impact thereof to determine the degree of risk of suicide for eligible individuals using a screening tool approved by the Department. The degree of risk depends on the presence of one or more suicide risk factors and the impact of those factors on an individual's mental health and wellbeing.

(The Office of Management and Budget has approved the information collection provisions in this section under control number 2900–0904)

[87 FR 13835, Mar. 10, 2022, as amended at 89 FR 62663, Aug. 1, 2024]

**§ 78.15 Applications for suicide prevention services grants.**

(a) To apply for a suicide prevention services grant, an applicant must submit to VA a complete suicide prevention services grant application package, as described in the NOFO. A complete suicide prevention services grant application package includes the following:

(1) Documentation evidencing the experience of the applicant and any identified community partners in providing or coordinating the provision of suicide prevention services to eligible individuals and their families.

(2) A description of the suicide prevention services proposed to be provided or coordinated by the applicant and the identified need for those services.

(3) A detailed plan describing how the applicant proposes to coordinate or deliver suicide prevention services to eligible individuals, including:

(i) If the applicant is a State or local government or an Indian tribe, an identification of the community partners, if any, with which the applicant proposes to work in delivering such services;

(ii) A description of the arrangements currently in place between the applicant and such partners with regard to the provision or coordination of the provision of suicide prevention services;

(iii) An identification of how long such arrangements have been in place;

(iv) A description of the suicide prevention services provided by such partners that the applicant must coordinate, if any; and

(v) An identification of local VA suicide prevention coordinators and a description of how the applicant will communicate with local VA suicide prevention coordinators.

(4) A description of the location and population of eligible individuals and their families proposed to be provided suicide prevention services.

(5) An estimate of the number of eligible individuals at risk of suicide and their families proposed to be provided suicide prevention services, including the percentage of those eligible individuals who are not currently receiving care furnished by VA.

(6) Evidence of measurable outcomes related to reductions in suicide risk and mood-related symptoms utilizing validated instruments by the applicant (and the proposed partners of the applicant, if any) in providing suicide prevention services to individuals at risk of suicide, particularly to eligible individuals and their families.

(7) A description of the managerial and technological capacity of the applicant to:

(i) Coordinate the provision of suicide prevention services with the provision of other services;

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(ii) Assess on an ongoing basis the needs of eligible individuals and their families for suicide prevention services;

(iii) Coordinate the provision of suicide prevention services with VA services for which eligible individuals are also eligible;

(iv) Tailor (*i.e.*, provide individualized) suicide prevention services to the needs of eligible individuals and their families;

(v) Seek continuously new sources of assistance to ensure the continuity of suicide prevention services for eligible individuals and their families as long as the eligible individuals are determined to be at risk of suicide; and

(vi) Measure the effects of suicide prevention services provided by applicant or partner organization on the lives of eligible individuals and their families who receive such services provided by the organization using pre- and post-evaluations on validated measures of suicide risk and mood-related symptoms.

(8) Clearly defined objectives for the provision of suicide prevention services.

(9) A description and physical address of the primary location of the applicant.

(10) A description of the geographic area the applicant plans to serve during the grant award period for which the application applies.

(11) If the applicant is a State or local government or an Indian tribe, the amount of grant funds proposed to be made available to community partners, if any, through agreements.

(12) A description of how the applicant will assess the effectiveness of the provision of grants under this part.

(13) An agreement to use the measures and metrics provided by VA for the purposes of measuring the effectiveness of the programming to be provided in improving mental health status, wellbeing, and reducing suicide risk and suicide deaths of eligible individuals and their families.

(14) An agreement to comply with and implement the requirements of this part throughout the term of the suicide prevention services grant.

(15) Any additional information as deemed appropriate by VA.

(b) Subject to funding availability, grantees may submit an application for renewal of a suicide prevention services grant if the grantee's program will remain substantially the same. To apply for renewal of a suicide prevention services grant, a grantee must submit to VA a complete suicide prevention services grant renewal application package, as described in the NOFO.

(c) VA may request in writing that an applicant or grantee, as applicable, submit other information or documentation relevant to the suicide prevention services grant application.

(The Office of Management and Budget has approved the information collection provisions in this section under control number 2900-0904)

[87 FR 13835, Mar. 10, 2022; 87 FR 16101, Mar. 22, 2022, as amended at 89 FR 62663, Aug. 1, 2024]

### **§ 78.20 Threshold requirements prior to scoring suicide prevention services grant applicants.**

VA will only score applicants who meet the following threshold requirements:

(a) The application is filed within the time period established in the NOFO, and any additional information or documentation requested by VA under § 78.15(c) is provided within the time frame established by VA;

(b) The application is completed in all parts;

(c) The activities for which the suicide prevention services grant is requested are eligible for funding under this part;

(d) The applicant's proposed participants are eligible to receive suicide prevention services under this part;

(e) The applicant agrees to comply with the requirements of this part;

(f) The applicant does not have an outstanding obligation to the Federal government that is in arrears and does not have an overdue or unsatisfactory response to an audit; and

(g) The applicant is not in default by failing to meet the requirements for any previous Federal assistance.

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### § 78.25 Scoring criteria for awarding grants.

VA will score applicants who are applying for a suicide prevention services grant. VA will set forth specific point values to be awarded for each criterion in the NOFO. VA will use the following criteria to score these applicants:

(a) VA will award points based on the background, qualifications, experience, and past performance of the applicant, and any community partners identified by the applicant in the suicide prevention services grant application, as demonstrated by the following:

(1) *Background and organizational history.* (i) Applicant's, and any identified community partners', background and organizational history are relevant to the program.

(ii) Applicant, and any identified community partners, maintain organizational structures with clear lines of reporting and defined responsibilities.

(iii) Applicant, and any identified community partners, have a history of complying with agreements and not defaulting on financial obligations.

(2) *Staff qualifications.* (i) Applicant's staff, and any identified community partners' staff, have experience providing services to, or coordinating services for, eligible individuals and their families.

(ii) Applicant's staff, and any identified community partners' staff, have experience administering programs similar to SSG Fox SPGP.

(3) *Organizational qualifications and past performance, including experience with veterans services.* (i) Applicant, and any identified community partners, have organizational experience providing suicide prevention services to, or coordinating suicide prevention services for, eligible individuals and their families.

(ii) Applicant, and any identified community partners, have organizational experience coordinating services for eligible individuals and their families among multiple organizations, and Federal, State, local and tribal governmental entities.

(iii) Applicant, and any identified community partners, have organizational experience administering a program similar in type and scale to SSG

Fox SPGP to eligible individuals and their families.

(iv) Applicant, and any identified community partners, have organizational experience working with veterans and their families.

(b) VA will award points based on the applicant's program concept and suicide prevention services plan, as demonstrated by the following:

(1) *Need for program.* (i) Applicant has shown a need amongst eligible individuals and their families in the area where the program will be based.

(ii) Applicant demonstrates an understanding of the unique needs for suicide prevention services of eligible individuals and their families.

(2) *Outreach and screening plan.* (i) Applicant has a feasible plan for outreach, consistent with § 78.45, and referral to identify and assist individuals and their families that may be eligible for suicide prevention services and are most in need of suicide prevention services.

(ii) Applicant has a feasible plan to process and receive participant referrals.

(iii) Applicant has a feasible plan to assess and accommodate the needs of incoming participants.

(3) *Program concept.* (i) Applicant's program concept, size, scope, and staffing plan are feasible.

(ii) Applicant's program is designed to meet the needs of eligible individuals and their families.

(4) *Program implementation timeline.* (i) Applicant's program will be implemented in a timely manner and suicide prevention services will be delivered to participants as quickly as possible and within a specified timeline.

(ii) Applicant has a feasible staffing plan in place to meet the applicant's program timeline or has existing staff to meet such timeline.

(5) *Coordination with VA.* Applicant has a feasible plan to coordinate outreach and services with local VA facilities.

(6) *Ability to meet VA's requirements, goals, and objectives for SSG Fox SPGP.* Applicant demonstrates commitment to ensuring that its program meets VA's requirements, goals, and objectives for SSG Fox SPGP as identified in this part and the NOFO.

(7) *Capacity to undertake program.* Applicant has sufficient capacity, including staff resources, to undertake the program.

(c) VA will award points based on the applicant's quality assurance and evaluation plan, as demonstrated by the following:

(1) *Program evaluation.* (i) Applicant has created clear, realistic, and measurable goals that reflect SSG Fox SPGP's aim of reducing and preventing suicide among veterans against which the applicant's program performance can be evaluated.

(ii) Applicant has a clear plan to continually assess the program.

(2) *Monitoring.* (i) Applicant has adequate controls in place to regularly monitor the program, including any community partners, for compliance with all applicable laws, regulations, and guidelines.

(ii) Applicant has adequate financial and operational controls in place to ensure the proper use of suicide prevention services grant funds.

(iii) Applicant has a feasible plan for ensuring that the applicant's staff and any community partners are appropriately trained and stay informed of SSG Fox SPGP policy, evidence-informed suicide prevention practices, and the requirements of this part.

(3) *Remediation.* Applicant has an appropriate plan to establish a system to remediate non-compliant aspects of the program if and when they are identified.

(4) *Management and reporting.* Applicant's program management team has the capability and a system in place to provide to VA timely and accurate reports at the frequency set by VA.

(d) VA will award points based on the applicant's financial capability and plan, as demonstrated by the following:

(1) *Organizational finances.* Applicant, and any identified community partners, are financially stable.

(2) *Financial feasibility of program.* (i) Applicant has a realistic plan for obtaining all funding required to operate the program for the time period of the suicide prevention services grant.

(ii) Applicant's program is cost-effective and can be effectively implemented on-budget.

(e) VA will award points based on the applicant's area linkages and relations, as demonstrated by the following:

(1) *Area linkages.* Applicant has a feasible plan for developing or relying on existing linkages with Federal (including VA), State, local, and tribal government agencies, and private entities for the purposes of providing additional services to participants within a given geographic area.

(2) *Past working relationships.* Applicant (or applicant's staff), and any identified community partners (or community partners' staff), have fostered similar and successful working relationships and linkages with public and private organizations providing services to veterans or their families in need of services.

(3) *Local presence and knowledge.* (i) Applicant has a presence in the area to be served by the applicant.

(ii) Applicant understands the dynamics of the area to be served by the applicant.

(4) *Integration of linkages and program concept.* Applicant's linkages to the area to be served by the applicant enhance the effectiveness of the applicant's program.

[87 FR 13835, Mar. 10, 2022; 87 FR 16101, Mar. 22, 2022]

### § 78.30 Selection of grantees.

VA will use the following process to select applicants to receive suicide prevention services grants:

(a) VA will score all applicants that meet the threshold requirements set forth in § 78.20 using the scoring criteria set forth in § 78.25.

(b) VA will group applicants within the applicable funding priorities if funding priorities are set forth in the NOFO.

(c) VA will rank those applicants that receive at least the minimum amount of total points and points per category set forth in the NOFO, within their respective funding priority group, if any. The applicants will be ranked in order from highest to lowest scores, within their respective funding priority group, if any.

(d) VA will use the applicant's ranking as the primary basis for selection for funding. However, VA will also use

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the following considerations to select applicants for funding:

(1) VA will give preference to applicants that have demonstrated the ability to provide or coordinate suicide prevention services;

(2) VA may prioritize the distribution of suicide prevention services grants to:

- (i) Rural communities;
- (ii) Tribal lands;
- (iii) Territories of the United States;
- (iv) Medically underserved areas;
- (v) Areas with a high number or percentage of minority veterans or women veterans; and

(vi) Areas with a high number or percentage of calls to the Veterans Crisis Line.

(3) To the extent practicable, VA will ensure that suicide prevention services grants are distributed to:

(i) Provide services in areas of the United States that have experienced high rates of suicide by eligible individuals, including suicide attempts; and

(ii) Applicants that can assist eligible individuals at risk of suicide who are not currently receiving health care furnished by VA.

(iii) Ensure services are provided in as many areas as possible.

(e) Subject to paragraph (d) of this section, VA will fund the highest-ranked applicants for which funding is available, within the highest funding priority group, if any. If funding priorities have been established, to the extent funding is available and subject to paragraph (d) of this section, VA will select applicants in the next highest funding priority group based on their rank within that group.

(f) If an applicant would have been selected but for a procedural error committed by VA, VA may select that applicant for funding when sufficient funds become available if there is no material change in the information that would have resulted in the applicant's selection. A new application will not be required for this purpose.

### **§ 78.35 Scoring criteria for grantees applying for renewal of suicide prevention service grants.**

VA will score grantees who are applying for a renewal of suicide preven-

tion services grant. VA will set forth specific point values to be awarded for each criterion in the NOFO. VA will use the following criteria to score grantees applying for renewal of a suicide prevention services grant:

(a) VA will award points based on the success of the grantee's program, as demonstrated by the following:

(1) The grantee made progress in reducing veteran suicide deaths and attempts, reducing all-cause mortality, reducing suicidal ideation, increasing financial stability; improving mental health status, well-being, and social supports; and engaging in best practices for suicide prevention services.

(2) Participants were satisfied with the suicide prevention services provided or coordinated by the grantee, as reflected by the satisfaction survey conducted under § 78.95(d).

(3) The grantee implemented the program by delivering or coordinating suicide prevention services to participants in a timely manner consistent with SSG Fox SPGP policy, the NOFO, and the grant agreement.

(4) The grantee was effective in conducting outreach to eligible individuals and their families and increasing engagement of eligible individuals and their families in suicide prevention services, as assessed through SSG Fox SPGP grant evaluation.

(b) VA will award points based on the cost-effectiveness of the grantee's program, as demonstrated by the following:

(1) The cost per participant was reasonable.

(2) The grantee's program was effectively implemented on-budget.

(c) VA will award points based on the extent to which the grantee's program complies with SSG Fox SPGP goals and requirements, as demonstrated by the following:

(1) The grantee's program was administered in accordance with VA's goals for SSG Fox SPGP as noted in the NOFO.

(2) The grantee's program was administered in accordance with all applicable laws, regulations, and guidelines.

(3) The grantee's program was administered in accordance with the grantee's suicide prevention services grant agreement.

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### **§ 78.40 Selection of grantees for renewal of suicide prevention services grants.**

VA will use the following process to select grantees applying for renewal of suicide prevention services grants:

(a) So long as the grantee continues to meet the threshold requirements set forth in § 78.20, VA will score the grantee using the scoring criteria set forth in § 78.35.

(b) VA will rank those grantees who receive at least the minimum amount of total points and points per category set forth in the NOFO. The grantees will be ranked in order from highest to lowest scores.

(c) VA will use the grantee's ranking as the basis for selection for funding. VA will fund the highest-ranked grantees for which funding is available.

(d) At its discretion, VA may award any non-renewed funds to an applicant or existing grantee. If VA chooses to award non-renewed funds to an applicant or existing grantee, funds will be awarded as follows:

(1) VA will first offer to award the non-renewed funds to the applicant or grantee with the highest grant score under the relevant NOFO that applies for, or is awarded a renewal grant in, the same area as, or a proximate area to, the affected area if available. Such applicant or grantee must have the capacity and agree to provide prompt services to the affected area. Under this section, the relevant NOFO is the most recently published NOFO which covers the affected area, or for multi-year grant awards, the NOFO for which the grantee, who is offered the additional funds, received the multi-year award.

(2) If the first such applicant or grantee offered the non-renewed funds refuses the funds, VA will offer to award the funds to the next highest-ranked such applicant or grantee, per the criteria in paragraph (d)(1) of this section, and continue on in rank order until the non-renewed funds are awarded.

(e) If an applicant would have been selected but for a procedural error committed by VA, VA may select that applicant for funding when sufficient funds become available if there is no material change in the information

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that would have resulted in the applicant's selection. A new application will not be required for this purpose.

### **§ 78.45 Suicide prevention services: Outreach.**

(a) Grantees providing or coordinating the provision of outreach must use their best efforts to ensure that eligible individuals, including those who are at highest risk of suicide or who are not receiving health care or other services furnished by VA, and their families are identified, engaged, and provided suicide prevention services.

(b) Outreach must include active liaison with local VA facilities; State, local, or tribal government (if any); and private agencies and organizations providing suicide prevention services to eligible individuals and their families in the area to be served by the grantee.

### **§ 78.50 Suicide prevention services: Baseline mental health screening.**

(a) Grantees must provide or coordinate the provision of a baseline mental health screening to all eligible individuals they serve at the time those services begin. This mental health screening must be provided using a validated screening tool that assesses suicide risk and mental and behavioral health conditions. Information on the specific tool or tools to be used will be included in the NOFO.

(b) If an eligible individual is at risk of suicide or other mental or behavioral health condition pursuant to the baseline mental health screening conducted under paragraph (a) of this section, the grantee must refer such individual to VA for care. If the eligible individual refuses the grantee's referral to VA, any ongoing clinical services provided to the eligible individual by the grantee are at the expense of the grantee.

(c) Except as provided for under § 78.60(a), funds provided under this grant program may not be used to provide clinical services to eligible individuals, and any ongoing clinical services provided to such individuals by the grantee are at the expense of the grantee. The grantee may not charge, bill, or



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otherwise hold liable eligible individuals for the receipt of such care or services.

[87 FR 13835, Mar. 10, 2022; 87 FR 16101, Mar. 22, 2022, as amended at 89 FR 62663, Aug. 1, 2024]

### **§ 78.55 Suicide prevention services: Education.**

Grantees providing or coordinating the provision of education must provide or coordinate the provision of suicide prevention education programs to educate communities, veterans, and families on how to identify those at risk of suicide, how and when to make referrals for care, and the types of suicide prevention resources available within the area. Education can include gatekeeper training, lethal means safety training, or specific education programs that assist with identification, assessment, or prevention of suicide.

### **§ 78.60 Suicide prevention services: Clinical services for emergency treatment.**

(a) Grantees providing or coordinating the provision of clinical services for emergency treatment must provide or coordinate the provision of clinical services for emergency treatment of a participant.

(b) If an eligible individual is furnished clinical services for emergency treatment under paragraph (a) of this section and the grantee determines that the eligible individual requires ongoing services, the grantee must refer the eligible individual to VA for additional care. If the eligible individual refuses the grantee's referral to VA, any ongoing clinical services provided to the eligible individual by the grantee are at the expense of the grantee. The grantee may not charge, bill, or otherwise hold liable eligible individuals for the receipt of such care or services.

(c) If a participant other than an eligible individual is furnished clinical services for emergency treatment under paragraph (a) of this section and the grantee determines that the participant requires ongoing services, the grantee must refer the participant to appropriate health care services in the area for additional care. Except as provided for under paragraph (a) of this

section, funds provided under this grant program may not be used to provide ongoing clinical services to such participants, and any ongoing clinical services provided to the participant by the grantee are at the expense of the grantee. The grantee may not charge, bill, or otherwise hold liable such participants for the receipt of such care or services.

(d) For purposes of this section, emergency treatment means medical services, professional services, ambulance services, ancillary care and medication (including a short course of medication related to and necessary for the treatment of the emergency condition that is provided directly to or prescribed for the patient for use after the emergency condition is stabilized and the patient is discharged) was rendered in a medical emergency of such nature that a prudent layperson would have reasonably expected that delay in seeking immediate medical attention would have been hazardous to life or health. This standard is met by an emergency medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) that a prudent layperson who possesses an average knowledge of health and medicine could reasonably expect the absence of immediate medical attention to result in placing the health of the individual in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part.

(e) The direct provision of clinical services for emergency treatment by grantees under this section is not prohibited by § 78.80(a).

[87 FR 13835, Mar. 10, 2022; 87 FR 16101, Mar. 22, 2022]

### **§ 78.65 Suicide prevention services: Case management services.**

Grantees providing or coordinating the provision of case management services must provide or coordinate the provision of case management services that include, at a minimum:

(a) Performing a careful assessment of participants, and developing and monitoring case plans in coordination with a formal assessment of suicide prevention services needed, including

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necessary follow-up activities, to ensure that the participant's needs are adequately addressed;

(b) Establishing linkages with appropriate agencies and service providers in the area to help participants obtain needed suicide prevention services;

(c) Providing referrals to participants and related activities (such as scheduling appointments for participants) to help participants obtain needed suicide prevention services, such as medical, social, and educational assistance or other suicide prevention services to address participants' identified needs and goals;

(d) Deciding how resources and services are allocated to participants on the basis of need;

(e) Educating participants on issues, including, but not limited to, suicide prevention services availability and participant rights; and

(f) Other activities, as approved by VA, to serve the comprehensive needs of participants for the purpose of reducing suicide risk.

### **§ 78.70 Suicide prevention services: Peer support services.**

(a) Grantees providing or coordinating the provision of peer support services must provide or coordinate the provision of peer support services to help participants understand what resources and supports are available in their area for suicide prevention. Peer support services must be provided by veterans trained in peer support with similar lived experiences related to suicide or mental health. Peer support specialists serve as role models and a resource to assist participants with their mental health recovery.

(b) Each grantee providing or coordinating the provision of peer support services must ensure that veterans providing such services to participants meet the requirements of 38 U.S.C. 7402(b)(13) and meet qualification standards for appointment; or have completed peer support training, are pursuing credentials to meet the minimum qualification standards for appointment, and are under the supervision of an individual who meets the requirements of 38 U.S.C. 7402(b)(13). Grant funds may be used to provide education and training for employees

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of the grantee or the community partner who provide peer support services consistent with the terms set forth in the grant agreement.

### **§ 78.75 Suicide prevention services: Assistance in obtaining VA benefits.**

(a) Grantees assisting participants in obtaining VA benefits must assist participants in obtaining any benefits from VA for which the participants are eligible. Such benefits include but are not limited to:

(1) Vocational and rehabilitation counseling;

(2) Supportive services for homeless veterans;

(3) Employment and training services;

(4) Educational assistance; and

(5) Health care services.

(b) Grantees are not permitted to represent participants before VA with respect to a claim for VA benefits unless they are recognized for that purpose pursuant to 38 U.S.C. 5902. Employees and members of grantees are not permitted to provide such representation unless the individual providing representation is accredited pursuant to 38 U.S.C. chapter 59.

### **§ 78.80 Suicide prevention services: Assistance in obtaining and coordinating other public benefits and assistance with emergent needs.**

Grantees assisting in obtaining and coordinating other public benefits or assisting with emergent needs must assist participants with obtaining and coordinating the provision of other public benefits, including at a minimum those listed in paragraphs (a) through (h) of this section, that are being provided by Federal, State, local, or tribal agencies, or any other grantee in the area served by the grantee by referring the participant to and coordinating with such entity. If a public benefit is not being provided by Federal, State, local, or tribal agencies, or any other grantee in the area, the grantee is not required to obtain, coordinate, or provide such public benefit. Grantees may elect to provide directly to participants the public benefits identified in paragraphs (c) through (h) of this section.

(a) Health care services, which include:

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- (1) Health insurance; and
- (2) Referral to a governmental entity or grantee that provides any of the following services:
  - (i) Hospital care, nursing home care, outpatient care, mental health care, preventive care, habilitative and rehabilitative care, case management, respite care, and home care;
  - (ii) The training of any eligible individual's family in the care of any eligible individual; and
  - (iii) The provision of pharmaceuticals, supplies, equipment, devices, appliances, and assistive technology.
- (b) Referral of a participant, as appropriate, to an entity that provides daily living services relating to the functions or tasks for self-care usually performed in the normal course of a day, including, but not limited to, eating, bathing, grooming, dressing, and home management activities.
- (c) Personal financial planning services, which include, at a minimum, providing recommendations regarding day-to-day finances and achieving long-term budgeting and financial goals. Grant funds may pay for credit counseling and other services necessary to assist participants with critical skills related to household budgeting, managing money, accessing a free personal credit report, and resolving credit problems.
- (d) Transportation services:
  - (1) The grantee may provide temporary transportation services directly to participants if the grantee determines such assistance is necessary; however, the preferred method of direct provision of transportation services is the provision of tokens, vouchers, or other appropriate instruments so that participants may use available public transportation options.
  - (2) If public transportation options are not sufficient within an area, costs related to the lease of vehicle(s) may be included in a suicide prevention services grant application if the applicant or grantee, as applicable, agrees that:
    - (i) The vehicle(s) will be safe, accessible, and equipped to meet the needs of the participants;
    - (ii) The vehicle(s) will be maintained in accordance with the manufacturer's recommendations; and
    - (iii) All transportation personnel (employees and community partners) will be licensed, insured, and trained in managing any special needs of participants and handling emergency situations.
  - (3) Transportation services furnished under this paragraph may include reimbursement for transportation furnished through ride sharing services, taxi services, or similar sources, but only if:
    - (i) The participant lacks any other means of transportation, including transportation or reimbursement for transportation from the Department under part 70 of this title; and
    - (ii) The grantee documents the participant's lack of other means.
  - (e) Temporary income support services, which may consist of providing assistance in obtaining other Federal, State, tribal and local assistance, in the form of, but not limited to, mental health benefits, food assistance, housing assistance, employment counseling, medical assistance, veterans' benefits, and income support assistance.
  - (f) Fiduciary and representative payee services, which may consist of acting on behalf of a participant by receiving the participant's paychecks, benefits or other income, and using those funds for the current and foreseeable needs of the participant and saving any remaining funds for the participant's future use in an interest bearing account or saving bonds.
  - (g) Legal services to assist eligible individuals with issues that may contribute to the risk of suicide. This may include issues that interfere with the eligible individual's ability to obtain or retain permanent housing, cover basic needs such as food, transportation, medical care, and issues that affect the eligible individual's employability and financial security (such as debt, credit problems, and lacking a driver's license).
    - (1) Except for legal assistance with resolving outstanding warrants, fines, expungements, and drivers' license revocations symptomatic of reentry obstacles in employment or housing, legal services do not include legal assistance with criminal matters nor matters in which the eligible individual is taking

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or has taken any adversarial legal action against the United States.

(2) Legal services do not include matters in which the United States is prosecuting an eligible individual.

(h) Child care for children under the age of 13, unless the child is disabled. Disabled children must be under the age of 18 to receive assistance under this paragraph. Child care includes the:

(1) Referral of a participant, as appropriate, to an eligible child care provider that provides child care with sufficient hours of operation and serves appropriate ages, as needed by the participant; and

(2) Payment by a grantee on behalf of a participant for child care by an eligible child care provider. Payment may not exceed \$5,000 per family of an eligible individual per Federal fiscal year.

(i) Payments for child care services must be paid by the grantee directly to an eligible child care provider.

(ii) Payments for child care services cannot be provided on behalf of participants for the same period of time and for the same cost types that are being provided through another Federal (including VA), State or local subsidy program.

(iii) As a condition of providing payments for child care services, the grantee must help the participant develop a reasonable plan to address the participant's future ability to pay for child care services. Grantees must assist the participant to implement such plan by providing any necessary assistance or helping the participant to obtain any necessary public or private benefits or services.

### **§ 78.85 Suicide prevention services: Nontraditional and innovative approaches and treatment practices.**

Grantees providing or coordinating the provision of nontraditional and innovative approaches and treatment practices may provide or coordinate the provision of nontraditional and innovative approaches and treatment, including but not limited to complementary or alternative interventions with some evidence for effectiveness of improving mental health or mitigating a risk factor for suicidal thoughts and behaviors, as set forth in the NOFO or as approved by VA that are consistent

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with SSG Fox SPGP. Applicants may propose nontraditional and innovative approaches and treatment practices in their suicide prevention services grant application, and grantees may propose these additional approaches and treatment practices by submitting a written request to modify the suicide prevention services grant in accordance with § 78.125. VA reserves the right to approve or disapprove nontraditional and innovative approaches and treatment practices to be provided or coordinate to be provided using funds authorized under SSG Fox SPGP. VA will only approve approaches and treatment practices consistent with applicable Federal law.

### **§ 78.90 Suicide prevention services: Other services.**

(a) *General suicide prevention assistance.* A grantee may pay directly to a third party (and not to a participant), in an amount not to exceed \$750 per participant during any 1-year period, beginning on the date that the grantee first submits a payment to a third party, the following types of expenses:

(i) Expenses associated with gaining or keeping employment, such as uniforms, tools, certificates, and licenses.

(ii) Expenses associated with lethal means safety and secure storage, such as gun locks and locked medication storage.

(b) *Other.* Grantees providing or coordinating the provision of other suicide prevention services may provide or coordinate the provision of the other services as set forth in the NOFO or as approved by VA that are consistent with SSG Fox SPGP. Applicants may propose additional services in their suicide prevention services grant application, and grantees may propose additional services by submitting a written request to modify the suicide prevention services grant program in accordance with § 78.125. VA reserves the right to approve or disapprove other suicide prevention services to be provided or coordinate to be provided using funds authorized under SSG Fox SPGP.

### **§ 78.95 General operation requirements.**

(a) *Eligibility documentation.* Prior to providing suicide prevention services,

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grantees must verify, document, and classify each participant's eligibility for suicide prevention services, and determine and document each participant's degree of risk of suicide using tools identified in the suicide prevention services grant agreement. Documentation must be maintained consistent with § 78.150.

(b) *Required screening prior to services ending.* Prior to services ending, grantees must provide or coordinate the provision of a mental health screening using the screening tool described in § 78.50(a) to all eligible individuals they serve, when possible.

(c) *Suicide prevention services documentation.* For each participant who receives suicide prevention services from the grantee, the grantee must document the suicide prevention services provided or coordinated, how such services are provided or coordinated, the duration of the services provided or coordinated, and any goals for the provision or coordination of such services. Such documentation must be maintained consistent with § 78.150.

(d) *Notifications to participants.* (1) Prior to initially providing or coordinating suicide prevention services to an eligible individual and their family, the grantee must notify each eligible individual and their family of the following:

(i) The suicide prevention services are being paid for, in whole or in part, by VA;

(ii) The suicide prevention services available to the eligible individual and their family through the grantee's program;

(iii) Any conditions or restrictions on the receipt of suicide prevention services by the eligible individual and their family; and

(iv) In the instance of an eligible individual who receives assistance from the grantee under this program, that the eligible individual is able to apply for enrollment in VA health care pursuant to 38 CFR 17.36. If the eligible individual wishes to enroll in VA health care, the grantee must inform the eligible individual of a VA point of contact for assistance with enrollment. The requirements in this clause do not apply to eligible individuals who are members of the Armed Forces de-

scribed in 38 U.S.C. 1712A(a)(1)(C)(i)-(iv).

(2) The grantee must provide each participant with a satisfaction survey, which the participant can submit directly to VA, within 30 days of such participant's pending exit from the grantee's program.

(e) *Assessment of funds.* Grantees must regularly assess how suicide prevention services grant funds can be used in conjunction with other available funds and services to assist participants.

(f) *Development of a suicide prevention services plan.* For each participant, grantees must develop and document an individualized plan with respect to the provision of suicide prevention services provided under this part. This plan must be developed in consultation with the participant and must be maintained consistent with § 78.150.

(g) *Coordination with VA.* The grantee will coordinate with VA with respect to the provision of health care and other services to eligible individuals pursuant to 38 U.S.C. chapters 17 and 20.

(h) *Measurement and monitoring.* The grantee will submit to VA a description of the tools and assessments the grantee uses or will use to determine the effectiveness of the suicide prevention services furnished by the grantee. These will include any measures and metrics developed and provided by VA for the purposes of measuring the effectiveness of the programming to be provided in improving mental health status, wellbeing, and reducing suicide risk and suicide deaths of eligible individuals.

(i) *Agreements with community partners.* Only grantees that are a State or local government or an Indian tribe may use grant funds to enter into an agreement with a community partner under which the grantee may provide funds to the community partner for the provision of suicide prevention services to eligible individuals and their families.

(j) *Contracts for goods and services under this part.* Grantees may enter into contracts for good or services under this part.

(k) *Administration of suicide prevention services grants.* Grantees must ensure that suicide prevention services grants

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are administered in accordance with the requirements of this part, the suicide prevention services grant agreement, and other applicable Federal, State, and local laws and regulations, including Federal civil rights laws. Grantees are responsible for ensuring that any community partners carry out activities in compliance with this part.

(The Office of Management and Budget has approved the information collection provisions in this section under control number 2900–0904)

[87 FR 13835, Mar. 10, 2022, as amended at 89 FR 62663, Aug. 1, 2024]

### § 78.100 Fee prohibition.

Grantees must not charge a fee to participants for providing suicide prevention services that are funded with amounts from a suicide prevention services grant.

### § 78.105 Ineligible activities.

Notwithstanding any other section in this part, grantees are not authorized to use suicide prevention services grant funds to pay for the following:

- (a) Direct cash assistance to participants.
- (b) Those legal services prohibited pursuant to § 78.80(g).
- (c) Medical or dental care and medicines except for clinical services authorized pursuant to § 78.60.
- (d) Any activities considered illegal under Federal law.

### § 78.110 Notice of Funding Opportunity.

When funds are available for suicide prevention services grants, VA will publish a NOFO on *grants.gov*. The NOFO will identify:

- (a) The location for obtaining suicide prevention services grant applications;
- (b) The date, time, and place for submitting completed suicide prevention services grant applications;
- (c) The estimated amount and type of suicide prevention services grant funding available;
- (d) Any priorities for or exclusions from funding to meet the statutory mandates of section 201 of Public Law 116–171 and VA’s goals for SSG Fox SPGP;

(e) The length of term for the suicide prevention services grant award;

(f) The minimum number of total points and points per category that an applicant or grantee, as applicable, must receive for a suicide prevention services grant to be funded;

(g) Any maximum uses of suicide prevention services grant funds for specific suicide prevention services;

(h) The timeframes and manner for payments under the suicide prevention services grant; and

(i) Other information necessary for the suicide prevention services grant application process as determined by VA.

### § 78.115 Suicide prevention services grant agreements.

(a) After an applicant is selected for a suicide prevention services grant in accordance with § 78.30, VA will draft a suicide prevention services grant agreement to be executed by VA and the applicant. Upon execution of the suicide prevention services grant agreement, VA will obligate suicide prevention services grant funds to cover the amount of the approved suicide prevention services grant, subject to the availability of funding. The suicide prevention services grant agreement will provide that the grantee agrees, and will ensure that each community partner agrees, to:

(1) Operate the program in accordance with the provisions of this part and the applicant’s suicide prevention services grant application;

(2) Comply with such other terms and conditions, including recordkeeping and reports for program monitoring and evaluation purposes, as VA may establish for purposes of carrying out SSG Fox SPGP, in an effective and efficient manner; and

(3) Provide such additional information as deemed appropriate by VA.

(b) After a grantee is selected for renewal of a suicide prevention services grant in accordance with § 78.40, VA will draft a suicide prevention services grant agreement to be executed by VA and the grantee. Upon execution of the suicide prevention services grant agreement, VA will obligate suicide prevention services grant funds to

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cover the amount of the approved suicide prevention services grant, subject to the availability of funding. The suicide prevention services grant agreement will contain the same provisions described in paragraph (a) of this section.

(c) No funds provided under this part may be used to replace Federal, State, tribal, or local funds previously used, or designated for use, to assist eligible individuals and their families.

### **§ 78.120 Amount and payment of grants.**

(a) *Amount of grants.* The maximum funding that a grantee may be awarded under this part is \$750,000 per fiscal year.

(b) *Payment of grants.* Grantees are to be paid in accordance with the timeframes and manner set forth in the NOFO.

### **§ 78.125 Program or budget changes and corrective action plans.**

(a) A grantee must submit to VA a written request to modify a suicide prevention services grant for any proposed significant change that will alter the suicide prevention services grant program. If VA approves such change, VA will issue a written amendment to the suicide prevention services grant agreement. A grantee must receive VA's approval prior to implementing a significant change. Significant changes include, but are not limited to, a change in the grantee or any community partners identified in the suicide prevention services grant agreement; a change in the area served by the grantee; additions or deletions of suicide prevention services provided by the grantee; a change in category of participants to be served; and a change in budget line items that are more than 10 percent of the total suicide prevention services grant award.

(1) VA's approval of changes is contingent upon the grantee's amended application retaining a sufficient rank to have been competitively selected for funding in the year that the application was granted.

(2) Each suicide prevention services grant modification request must contain a description of, and justification

for, the revised proposed use of suicide prevention services grant funds.

(b) VA may require that the grantee initiate, develop, and submit to VA for approval a Corrective Action Plan (CAP) if, on a quarterly basis, actual suicide prevention services grant expenditures vary from the amount disbursed to a grantee for that same quarter or actual suicide prevention services grant activities vary from the grantee's program description provided in the suicide prevention services grant agreement.

(1) The CAP must identify the expenditure or activity source that has caused the deviation, describe the reason(s) for the variance, provide specific proposed corrective action(s), and provide a timetable for accomplishment of the corrective action.

(2) After receipt of the CAP, VA will send a letter to the grantee indicating that the CAP is approved or disapproved. If disapproved, VA will make beneficial suggestions to improve the proposed CAP and request resubmission or take other actions in accordance with this part.

(c) Grantees must inform VA in writing of any key personnel changes (e.g., new executive director, the suicide prevention services grant program director, or chief financial officer) and grantee address changes within 30 days of the change.

(The Office of Management and Budget has approved the information collection provisions in this section under control number 2900-0904)

[87 FR 13835, Mar. 10, 2022, as amended at 89 FR 62663, Aug. 1, 2024]

### **§ 78.130 Faith-based organizations.**

Organizations that are faith-based are eligible, on the same basis as any other organization, to participate in SSG Fox SPGP under this part in accordance with 38 CFR part 50.

[89 FR 62663, Aug. 1, 2024]

### **§ 78.135 Visits to monitor operation and compliance.**

(a) VA has the right, at all reasonable times, to make visits to all grantee locations where a grantee is using suicide prevention services grant funds to review grantee accomplishments

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and management control systems and to provide such technical assistance as may be required. VA may conduct inspections of all program locations and records of a grantee at such times as are deemed necessary to determine compliance with the provisions of this part. In the event that a grantee delivers services in a participant's home, or at a location away from the grantee's place of business, VA may accompany the grantee. If the grantee's visit is to the participant's home, VA will only accompany the grantee with the consent of the participant. If any visit is made by VA on the premises of the grantee or a community partner under the suicide prevention services grant, the grantee must provide, and must require its community partners to provide, all reasonable facilities and assistance for the safety and convenience of the VA representatives in the performance of their duties. All visits and evaluations will be performed in such a manner as will not unduly delay services.

(b) The authority to inspect carries with it no authority over the management or control of any applicant or grantee under this part.

### **§ 78.140 Financial management and administrative costs.**

(a) Grantees must comply with applicable requirements of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards under 2 CFR part 200.

(b) Grantees must use a financial management system that provides adequate fiscal control and accounting records and meets the requirements set forth in 2 CFR part 200.

(c) Payment up to the amount specified in the suicide prevention services grant must be made only for allowable, allocable, and reasonable costs in conducting the work under the suicide prevention services grant. The determination of allowable costs must be made in accordance with the applicable Federal Cost Principles set forth in 2 CFR part 200.

(d) Costs for administration by a grantee will be consistent with 2 CFR part 200. Administrative costs will consist of all costs associated with the management of the program. These

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costs will include the administrative costs of community partners.

[87 FR 13835, Mar. 10, 2022, as amended at 89 FR 62663, Aug. 1, 2024]

### **§ 78.145 Grantee reporting requirements.**

(a) VA may require grantees to provide, in any form as may be prescribed, such reports or answers in writing to specific questions, surveys, or questionnaires as VA determines necessary to carry out SSG Fox SPGP.

(b) At least once per year, each grantee must submit to VA a report that describes the projects carried out with such grant during the year covered by the report; and information relating to operational effectiveness, fiscal responsibility, suicide prevention services grant agreement compliance, and legal and regulatory compliance, including a description of the use of suicide prevention grant funds, the number of participants assisted, the types of suicide prevention services provided, and any other information that VA may request.

(c) VA may request additional reports or information to allow VA to fully assess the provision or coordination of the provision of suicide prevention services under this part.

(d) All pages of the reports must cite the assigned suicide prevention services grant number and be submitted in a timely manner as set forth in the grant agreement.

(e) Grantees must provide VA with consent to post information from reports on the internet and use such information in other ways deemed appropriate by VA. Grantees shall clearly mark information that is confidential to individual participants.

(The Office of Management and Budget has approved the information collection provisions in this section under control number 2900–0904)

[87 FR 13835, Mar. 10, 2022, as amended at 89 FR 62663, Aug. 1, 2024]

### **§ 78.150 Recordkeeping.**

Grantees must ensure that records are maintained for at least a 3-year period to document compliance with this part. Grantees must produce such records at VA's request.



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### § 78.155 Technical assistance.

VA will provide technical assistance, as necessary, to applicants and grantees to meet the requirements of this part. Such technical assistance will be provided either directly by VA or through contracts with appropriate public or non-profit private entities.

### § 78.160 Withholding, suspension, deobligation, termination, and recovery of funds by VA.

VA will enforce this part through such actions as may be appropriate. Appropriate actions include withholding, suspension, deobligation, termination, recovery of funds by VA, and actions in accordance with 2 CFR part 200.

### § 78.165 Suicide prevention services grant closeout procedures.

Suicide prevention services grants will be closed out in accordance with 2 CFR part 200.

## PART 79—LEGAL SERVICES FOR HOMELESS VETERANS AND VETERANS AT-RISK FOR HOMELESSNESS GRANT PROGRAM

Sec.

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79.115 Legal services grant closeout procedures.

AUTHORITY: 38 U.S.C. 501, 38 U.S.C. 2022A, and as noted in specific sections.

SOURCE: 87 FR 33041, June 1, 2022, unless otherwise noted.

### § 79.0 Purpose and scope.

(a) *Purpose.* This part implements the Legal Services for Homeless Veterans and Veterans At-Risk for Homelessness Grant Program to award legal services grants to eligible entities to provide legal services to eligible veterans.

(b) *Scope.* Legal services covered by this part are those services that address the needs of eligible veterans who are homeless or at risk for homelessness.

### § 79.5 Definitions.

For purposes of this part and any Notice of Funding Opportunity (NOFO) issued under this part:

*Applicant* means an eligible entity that submits an application for a legal services grant announced in a NOFO.

*At risk for homelessness* means an individual who meets the criteria identified in § 79.15(b).

*Disallowed costs* means costs charged by a grantee that VA determines to be unallowable based on applicable Federal cost principles or based on this part or the legal services grant agreement.

*Eligible entity* means an entity that meets the requirements of § 79.10.

*Eligible veteran* means a veteran that meets the requirements of § 79.15(a) or (b).

*Grantee* means an eligible entity that is awarded a legal services grant under this part.

*Homeless veteran* means a veteran who is homeless as that term is defined in subsection (a) or (b) of section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302).

*Indian tribe* has the meaning as given that term in 25 U.S.C. 4103.

*Legal services* means the services listed in § 79.20.

*Legal services grant* means a grant awarded under this part.