

Department of Veterans Affairs

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§ 79.95 Grantee reporting requirements.

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

(b) At least once per year, or at the frequency set by VA, each grantee must submit to VA a report containing information relating to operational effectiveness; fiscal responsibility; legal services grant agreement compliance; and legal and regulatory compliance. This report must include a breakdown of how the grantee used the legal services grant funds; the number of participants assisted; information on each participant's gender, age, race, and service era; a description of the legal services provided to each participant; and any other information that VA requests.

(c) VA may request additional reports to allow VA to fully assess the provision legal services under this part.

(d) Grantees must relate financial data to performance data and develop unit cost information whenever practical.

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

(f) 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 must clearly redact information that is confidential based on attorney-client privilege, unless that privilege has been waived by the client.

(The Office of Management and Budget has approved the information collection provisions in this section under control number 2900-0905)

[87 FR 33041, June 1, 2022, as amended at 89 FR 89501, Nov. 13, 2024]

§ 79.100 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.

§ 79.105 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.

§ 79.110 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.

§ 79.115 Legal services grant closeout procedures.

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

PART 80—VETERAN AND SPOUSE TRANSITIONAL ASSISTANCE GRANT PROGRAM

Sec.

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AUTHORITY: 38 U.S.C. 501, 512; Pub. L. 116-315, sec. 4304.

SOURCE: 89 FR 41316, May 13, 2024, unless otherwise noted.

§ 80.1 Purpose and use of grant funds.

Sections 80.1 through 80.17 establish the Veteran and Spouse Transitional

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Assistance Grant Program (VSTAGP). Under this program, VA may provide grants to eligible organizations defined in § 80.2 to provide transition services and intensive client centered case management services tailored to the unique employment needs of program participants to include, but not limited to such services, such as resume assistance, interview training, job recruitment training and related services, that will help in a successful transition from military to civilian life.

(Authority: Pub. L. 116–315, sec. 4304)

§ 80.2 Definitions.

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

(a) *Applicant* means an organization that submits an application for a VSTAGP grant as announced in a NOFO.

(b) *Eligible recipient (organization)* means one of the following:

- (1) State government;
- (2) County government;
- (3) Local government;
- (4) Institution of Higher Education;
- (5) Indian/Native American Tribal government (federally recognized);
- (6) Nonprofit organization; or
- (7) Faith-based organization;

(c) *State government* means any of the fifty 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 government.

(d) *County government* means a county government entity or any corresponding unit of government under any other name in States that do not have county organizations and, in those States in which the county government does not have jurisdiction over highways, any local government unit vested with jurisdiction over local highways.

(e) *Local government* means a government entity for a county; borough; municipality; city; town; township; parish; local public authority (including any public housing agency under the United States Housing Act of 1937); special district; school district; intrastate district; council of governments, whether or not incorporated as a non-

profit corporation under state law; and any other agency or instrumentality of a multi-regional, intra-State or local government.

(f) *Institution of Higher Education (IHE)* means—

(1) An educational institution in any State that—

(i) Admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, or persons who meet the requirements of 20 U.S.C. 1091(d);

(ii) Is legally authorized within such State to provide a program of education beyond secondary education;

(iii) Provides an educational program for which the institution awards a bachelor's degree or provides not less than a 2-year program that is acceptable for full credit toward such a degree, or awards a degree that is acceptable for admission to a graduate or professional degree program, subject to review and approval by the Secretary of Education;

(iv) Is a public or other nonprofit institution; and

(v) Is accredited by a nationally recognized accrediting agency or association, or if not so accredited, is an institution that has been granted pre-accreditation status by such an agency or association that has been recognized by the Secretary of Education for the granting of pre-accreditation status, and such Secretary has determined that there is satisfactory assurance that the institution will meet the accreditation standards of such an agency or association within a reasonable time;

(2) Any school that provides not less than a 1-year program of training to prepare students for gainful employment in a recognized occupation and that meets the provision of paragraphs (f)(1)(i), (ii), (iv) and (v) of this section; and

(3) A public or nonprofit private educational institution in any State that, in lieu of the requirement in paragraph (f)(1)(i) of this section, admits as regular students individuals—

(i) Who are beyond the age of compulsory school attendance in the State in which the institution is located; or

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(ii) Who will be dually or concurrently enrolled in the institution and a secondary school.

(g) *Indian/Native American Tribal government (federally recognized)* means a governing body of a tribe, band, pueblo, community, village, or group of native American Indians, or Alaska Natives, that qualifies as an Indian tribal government upon a determination by the Internal Revenue Service that the governing body exercises governmental functions.

(h) *Nonprofit organization* means any corporation, trust, association, cooperative, or other organization, not including IHEs, that:

(1) Is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest;

(2) Is not organized primarily for profit; and

(3) Uses net proceeds to maintain, improve, or expand the operations of the organization. In accordance with section 18 of the Lobbying Disclosure Act of 1995 (Pub. L. 104-65) (codified at 2 U.S.C. 1611), non-profit entities incorporated under section 501(c)(4) of the Internal Revenue Code that engage in lobbying activities are not eligible to receive Federal funds or grants. (Note: After receiving a grant, such organization must not engage in any activities, including awareness-raising or advocacy activities, that include fund-raising for, or lobbying of, U.S. Federal, State, or local governments (see 2 CFR 200.450 for more information).)

(i) *Faith-based organization* means a nonprofit organization that is affiliated with, supported by, or based on a religion or religious group.

(j) *Grantee* means an applicant that is awarded a grant under this part.

(k) *In-demand industry sector or occupation* means:

(1) An industry sector that has a substantial current or potential impact (including through jobs that lead to economic self-sufficiency and opportunities for advancement) on the State, regional, or local economy, as appropriate, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors; or

(2) An occupation that currently has or is projected to have a number of positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector so as to have a significant impact on the State, regional, or local economy, as appropriate.

(l) *Notice of Funding Opportunity (NOFO)* means a Notice of Funding Opportunity published by VA at *Grants.gov* (<https://www.grants.gov>) alerting eligible entities of the availability of VSTAGP grants and containing information about the VSTAGP grant application process in accordance with § 80.4.

(m) *Grant agreement* means a legal instrument of financial assistance between a Federal awarding agency or pass-through entity and a non-Federal entity that is consistent with 31 U.S.C. 6302 and 6304.

(n) *Participant* means a former member of the U.S. Armed Forces who was separated, retired, or discharged from the U.S. Armed Forces, or spouse of such former member, who receives services for which a VSTAGP grant is awarded.

(o) *Spouse* means an individual lawfully married to a former member of the U.S. Armed Forces who was separated, retired, or discharged from the U.S. Armed Forces.

(p) *Covered public health emergency* means an emergency with respect to COVID-19 declared by a Federal, State, or local authority in accordance with Public Law 117-4, sec. 2(e)(3).

(Authority: Pub. L. 116-315, sec. 4304)

§ 80.3 Grants—general.

(a) *Grants.* VA will award VSTAGP grants to eligible applicants selected under § 80.8(a)(1).

(b) *Maximum amounts.* The maximum amount to be awarded to each grantee and the total maximum amount for all grants will be specified in the annually published NOFO.

(c) *Number of grants awarded.* The number of grants VA will award will depend on the total amount of grant funding available at VA's discretion and the funding amount awarded to each grantee, which is based on each grantee's proposal.

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(d) *Grant award limitation.* An eligible entity may receive only one VSTAGP grant, and only one VSTAGP grant will be awarded in any one location as specified in the NOFO.

(e) *Period of performance.* VSTAGP grants will be awarded for a maximum period of 5 years, beginning on the date on which the VSTAGP grants are awarded. They will not be extended or renewed.

(f) *Amount of grant.* A grant under this section shall be in an amount that does not exceed 50% of the amount required by the organization to provide the services described in §80.1.

(g) *No participant charges.* A grantee may not charge any participants a fee for services provided by the grantee or require any participants to participate in other activities sponsored by the grantee as a condition of receiving services for which the VSTAGP grant is made.

(Authority: Pub. L. 116-315, sec. 4304)

§ 80.4 Notice of Funding Opportunity (NOFO).

When funds are available for VSTAGP grants, VA will publish a NOFO at *Grants.gov* (<https://www.grants.gov>). The NOFO will identify:

(a) The location for obtaining VSTAGP grant applications, including the specific forms that will be required;

(b) The date, time, and place for submitting completed VSTAGP grant applications;

(c) Priority population categories;

(d) The estimated total amount of funds available and the maximum funds available to a single grantee;

(e) Matching funds requirements;

(f) The minimum number of total points and points per category that an applicant must receive to be considered for a grant and information regarding the scoring process;

(g) Any timeframes and manner for payments under the VSTAGP grant;

(h) A description of eligible entities or other eligibility requirements necessary to receive the grant; and

(i) Other information necessary for the VSTAGP grant application process, as determined by VA, including con-

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tact information for the office that will oversee the VSTAGP within VA.

(Authority: Pub. L. 116-315, sec. 4304; 2 CFR 200.203)

§ 80.5 Applications.

To apply for a grant, an eligible entity must submit a complete application package to VA, as described in the NOFO. There will be a limit of one application per submitting organization serving the same participant population and in the same geographic service area. Applications will be accepted only through *www.grants.gov*.

(Approved by the Office of Management and Budget under control numbers 2900-8080, 4040-0006, 4040-0010, and 4040-0013)

(Authority: Pub. L. 116-315, sec. 4304; 2 CFR 200.203)

§ 80.6 Additional factors for selecting applications.

(a) *Applicant's performance on prior award.* VA may consider the applicant's noncompliance with requirements applicable to prior VA or other agency awards as reflected in past written evaluation reports and memoranda on performance and the completeness of required prior submissions.

(b) *Applicant's fiscal integrity.* Applicants must meet and maintain standards of fiscal integrity for participation in Federal grant programs as reflected in 2 CFR 200.205.

(c) *Priority preference.* Priority preference will be given to organizations that either provide multiple forms of services or are located in a State with:

(1) A high rate of unemployment among Veterans;

(2) A high rate of usage of unemployment benefits for recently separated members of the Armed Forces; or

(3) A labor force or economy that has been significantly impacted by a covered public health emergency.

(d) *Risk assessment evaluation.* VA will conduct a formal assessment, prior to award, of the applicant's financial capability, adequacy of accounting system, and internal controls to assess the risk posed by each applicant.

(Authority: Pub. L. 116-315, sec. 4304; 2 CFR 200.203)

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§ 80.7 Scoring and selection.

(a) *Scoring.* VA will only score complete applications received from eligible applicants by the deadline established in the NOFO. The applications must meet the minimum criteria set forth in the NOFO and will be scored as specified in the NOFO, as set forth in § 80.4.

(b) *Selection of recipients.* All complete applications will be scored using the criteria in paragraph (a) of this section and ranked in order of highest to lowest total score. NOFO announcements may also clarify the selection criteria in paragraph (a) of this section. The relative weight (point value) for each criterion will be specified in the NOFO. VA will award VSTAGP grants on the primary basis of the scores but will also consider additional factors listed in § 80.6.

(Authority: Pub. L. 116-315, sec. 4304; 2 CFR 200.203)

§ 80.8 Disposition of applications.

(a) *Disposition of applications.* Upon review of an application and dependent on the availability of funds, VA will:

(1) Approve the application for funding, in whole or in part, for such amount of funds, and subject to such conditions that VA deems necessary or desirable;

(2) Determine that the application is of acceptable quality for funding, in that it meets minimum criteria, but disapprove the application for funding because it does not rank sufficiently high in relation to other applications to qualify for an award based on the level of funding available, or for another reason as provided in the decision document; or

(3) Defer action on the application for such reasons as lack of funds or a need for further review.

(b) *Notification of disposition.* VA will notify the applicant in writing of the disposition of the application. A signed grant agreement form, as defined in § 80.10, will be issued to the applicant of an approved application.

(Authority: Pub. L. 116-315, sec. 4304; 2 CFR 200.203)

§ 80.9 Withdrawal of grant application.

Applicants may withdraw a VSTAGP application submitted through *Grants.gov* by writing to the specified VA point of contact. An applicant must provide a rationale for the withdrawal request as specified in the NOFO.

(Authority: Pub. L. 116-315, sec. 4304; 2 CFR 200.203)

§ 80.10 Grant agreement.

(a) VA will draft a VSTAGP grant agreement to be executed by VA and the grantee.

(b) The VSTAGP grant agreement will provide that the grantee agrees to, and will ensure that each subgrantee (if applicable) agrees to:

(1) Operate the project in accordance with this part and the terms of the agreement.

(2) Abide by the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards under 2 CFR parts 25, 170, and 200 if applicable.

(3) Comply with such other terms and conditions, including recordkeeping and reports for project monitoring and evaluation purposes, as VA may establish for purposes of carrying out the VSTAGP effectively and efficiently and as described in the NOFO; and

(4) Provide any necessary additional information requested by VA in the manner and timeframe specified by VA.

(Authority: Pub. L. 116-315, sec. 4304; 2 CFR 200.203)

§ 80.11 Payments under the grant.

(a) *Payments.* Grantees are to be paid in accordance with the timeframes and manner set forth in the NOFO.

(b) *Availability of grant funds.* Federal financial assistance will become available subsequent to the effective date of the grant as set forth in the grant agreement. Recipients will not be reimbursed for costs resulting from obligations incurred before the effective date of the grant.

(Authority: Pub. L. 116-315, sec. 4304; 2 CFR 200.203)

§ 80.12 Grantee reporting requirements.

(a) *Quarterly reports.* All grantees must submit to VA quarterly reports,

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as required in the NOFO, within 30 days after the last day of each quarter based on the Federal fiscal year—with the first report due not later than 30 days after the last day of the quarter for which a grant is paid under this part—which includes the following information:

(1) Record of time and resources expended in outreach activities and the methods used;

(2) The number of participants served, including demographics of this population;

(3) Types of assistance provided;

(4) A full accounting of VSTAGP grant funds received from VA and used or unused funds during the quarter; and

(5) Results of routine monitoring and any project variations.

(b) *Final report.* Per 2 CFR 200.344, all grantees must submit to VA, not later than 120 days after the last day of the grant period (as defined in the NOFO) for which a grant is awarded under this part, a final report that meets the requirement set forth in the NOFO. The last quarterly performance and financial report received will be recorded as the final report. The financial report shall be noted as “Final” on the SF-425 Federal Financial Report.

(c) *Additional reports.* VA may request additional reports to allow VA to assess project accountability and effectiveness. In addition, recipients are required to participate in a VA-led evaluation if selected, which may be carried out by a third-party on behalf of VA.

(Approved by the Office of Management and Budget under control number 2900-0928 (Quarterly Performance Reports), 4040-0014, and 2900-0929 (Additional Reports))

(Authority: Pub. L. 116-315, sec. 4304; 2 CFR 200.203)

§ 80.13 Termination of grant; recovery of funds.

(a) *Termination of grant.* VA may terminate a grant agreement with any VSTAGP grantee that does not comply with the terms of the VSTAGP agreement.

(b) *Recovery of funds.* VA may recover from the grantee any funds paid if the grantee violates the grant agreement or may recover any funds that have not been used in accordance with a

VSTAGP grant agreement. If VA decides to recover funds, VA will issue the grantee a notice of intent to recover VSTAGP grant funds. The grantee will then have 30 days from the date of the notice to submit documentation demonstrating why the VSTAGP grant funds should not be recovered. If the VSTAGP grantee does not respond or if the grantee responds, but VA determines the documentation is insufficient to establish compliance, VA will make a final determination to recover the VSTAGP grant funds. If VA determines that the grantee did not violate the grant agreement, VA will make a final determination not to recover the grant funds.

(c) *Prohibition of further payment of grant funds.* When VA determines that action will be taken to recover grant funds from a grantee, the grantee will be prohibited from receiving any further VSTAGP grant funds under this part until the grant funds are recovered and the condition that led to the recovery of the grant funds is resolved, unless the grant agreement has been terminated. If the grant agreement has been terminated, no future payments would be issued upon recovery.

(Authority: Pub. L. 116-315, sec. 4304; 2 CFR 200.203)

§ 80.14 Compliance review requirements.

(a) *Site visits.* VA will conduct, as needed, site visits to grantee locations to review grantee accomplishments and management control systems.

(b) *Inspections.* VA will conduct, as needed, inspections of grantee records to determine compliance with the provisions of this part. All visits and evaluations will be performed with minimal disruption to the grantee to the extent practicable.

(Authority: Pub. L. 116-315, sec. 4304; 2 CFR 200.203)

§ 80.15 Financial management.

(a) *Compliance.* All recipients will comply with applicable requirements of the Single Audit Act Amendments of 1996, as implemented by 2 CFR part 200.

(b) *Financial Management.* All grantees must use a financial management system that complies with 2 CFR part

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200. Grantees must meet the applicable requirements of the Office of Management and Budget's regulations on Cost Principles at 2 CFR 200.400 through 200.475.

(Authority: Pub. L. 116-315, sec. 4304; 2 CFR 200.400 through 200.475)

§ 80.16 Recordkeeping.

Grantees must ensure that records are maintained in accordance with 2

CFR 200.337. Grantees must produce such records at VA's request.

(Approved by the Office of Management and Budget under control number 2900-0930 (Recordkeeping))

(Authority: Pub. L. 116-315, sec. 4304; 2 CFR 200.337)

§ 80.17 Non-appealability of grant award decisions.

Grant award decisions are discretionary and are not subject to appeal to any VA official or board.

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