

Administrative Procedure Act

Pursuant to 5 U.S.C. 553, we have found for this rule that notice and public procedure are impracticable, unnecessary, and contrary to the public interest and that we have good cause to dispense with notice and comment on this rule and to dispense with a 30-day delay of its effective date. The Homeless Veterans Comprehensive Assistance Act of 2001 (Pub. L. 107-95) authorizes increases in both the services (3 new grant programs) and the per diem available to homeless veteran providers. These increased services and per diem are critical to properly provide services to the homeless veterans population and meet the Congressional mandates of ending chronic homelessness. Also, a delay in some cases may even lead to the closing of some of our collaborative partners' homeless veteran programs. Therefore, the need to take emergency action is particularly great for those homeless veterans who will benefit from the increased services (grants) and per diem.

Executive Order 12866

This document has been reviewed by the office of Management and Budget under Executive Order 12866.

Regulatory Flexibility Act

The Secretary hereby certifies that the interim final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-602. In all likelihood, only similar entities that are small entities will participate in the Homeless Providers Grant and Per Diem Program. Therefore, pursuant to 5 U.S.C. 605(b), this interim final rule is exempt from the initial and final regulatory flexibility analysis requirement of sections 603 and 604.

Unfunded Mandates

The Unfunded Mandates Reform Act requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before developing any rule that may result in an expenditure by State, local, or tribal governments, in the aggregate, or by the private sector of \$100 million or more in any given year. This rule would have no consequential effect on State, local, or tribal governments.

Catalog of Federal Domestic Assistance Program

The Catalog of Federal Domestic Assistance program number is 64.024.

List of Subjects**38 CFR Part 17**

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Foreign relations, Government contracts, Grant programs—health, Grant programs—veterans, Health care, Health facilities, Health professions, Health records, Homeless, Medical and dental schools, Medical devices, Medical research, Mental health programs, Nursing homes, Philippines, Reporting and recordkeeping requirements, Scholarships and fellowships, Travel and transportation expenses, Veterans.

38 CFR Part 61

Administrative practice and procedure, Alcohol abuse, Alcoholism, Day care, Dental health, Drug abuse, Government contracts, Grant programs—health, Grant programs—veterans, Health care, Health facilities, Health professions, Health records, Homeless, Mental health programs, Per-diem program; Reporting and recordkeeping requirements, Travel and transportation expenses, Veterans.

Approved: December 17, 2002.

Anthony J. Principi,

Secretary of Veterans Affairs.

For the reasons set forth in the preamble, we are amending 38 CFR chapter I as follows:

PART 17—MEDICAL

1. The authority citation for part 17 continues to read as follows:

Authority: 38 U.S.C. 501, 1721, unless otherwise noted.

§§ 17.700 through 17.731 [Removed]

2. Remove §§ 17.700 through 17.731 and the undesignated center heading, VA HOMELESS PROVIDERS GRANT AND PER DIEM PROGRAM, immediately preceding those sections.

3. A new part 61 is added to read as follows:

PART 61—VA HOMELESS PROVIDERS GRANT AND PER DIEM PROGRAM

Sec.

- 61.0 Purpose.
- 61.1 Definitions.
- 61.10 Capital grants—general.
- 61.11 Applications for capital grants.
- 61.12 Threshold requirements for capital grant applications.
- 61.13 Rating criteria for capital grant applications.
- 61.14 Selecting applications for capital grants.
- 61.15 Obtaining additional information and awarding capital grants.

- 61.16 Matching funds for capital grants.
 - 61.17 Site control for capital grants.
 - 61.20 Life Safety Code capital grants.
 - 61.30 Per diem—general.
 - 61.31 Application for per diem.
 - 61.32 Ranking non-capital grant recipients for per diem.
 - 61.33 Payment of per diem.
 - 61.40 Special needs grants—general.
 - 61.41 Special needs grants application.
 - 61.42 Threshold requirements for special needs grant applications.
 - 61.43 Rating criteria for special needs grant applications.
 - 61.44 Awarding special needs grants.
 - 61.50 Technical assistance grants—general.
 - 61.51 Applications for technical assistance grants.
 - 61.52 Threshold requirements for technical assistance grant applications.
 - 61.53 Rating criteria for technical assistance grant applications.
 - 61.54 Awarding technical assistance grants.
 - 61.55 Technical assistance reports.
 - 61.60 Notice of Fund Availability.
 - 61.61 Agreement and funding actions.
 - 61.62 Program changes.
 - 61.63 Procedural error.
 - 61.64 Religious organizations.
 - 61.65 Inspections.
 - 61.66 Financial management.
 - 61.67 Recovery provisions.
 - 61.80 General operation requirements for supportive housing and service centers.
 - 61.81 Outreach activities.
 - 61.82 Resident rent for supportive housing.
- (Authority: 38 U.S.C. 501, 2002, 2011, 2012, 2061, 2064, 7721 note)

§ 61.0 Purpose.

This part implements the VA Homeless Providers Grant and Per Diem Program which consists of the following components: capital grants, per diem, special needs grants, and technical assistance grants.

(Authority: 38 U.S.C. 501, 2002, 2011, 2012, 2061, 2064, 7721 note)

§ 61.1 Definitions.

For purposes of this part:

Area or community means a political subdivision or contiguous political subdivisions (such as precinct, ward, borough, city, county, State, Congressional district, etc.) with a separately identifiable population of homeless veterans.

Capital grant means a grant for construction, renovation, or acquisition of a facility; or for acquisition of a van.

Capital lease means a lease that will be in effect for the full period in which VA may recover all or portions of the capital grant amount under this part.

Chronically mentally ill means a condition of schizophrenia or major affective disorder (including bipolar disorder) or post-traumatic stress disorder (PTSD), based on a diagnosis from a licensed mental health professional, with at least one