

Program Instructions

AoA-PI-01-02 January 8, 2001

TO: STATE AGENCIES ON AGING ADMINISTERING PLANS UNDER TITLE III OF THE OLDER AMERICANS ACT OF 1965, AS AMENDED

SUBJECT: State Guidance to Implement Title III, Part E --
National Family Caregiver Support Program

LEGAL AND RELATED REFERENCES: Sections 371, 372, 373, and 374 of the Older Americans Act of 1965, as Amended (P.L. 106-501), Grants for State and Community Programs on Aging

This Program Instruction provides guidance to states for use in implementing the provisions of the newly authorized National Family Caregiver Support Program under Title III, Part E of the Older Americans Act, as amended in 2000 (P.L. 106-501). The legislative authority and provisions of the National Family Caregiver Support Program became effective upon the signing of the Older Americans Act Amendments of 2000 by President Clinton on November 13, 2000. This new program provides an opportunity for the aging network to develop a service delivery system to respond to the needs of our Nations caregivers.

Use of Title III-E Funds for State and Area Plan Administration

Title III-E funds may be used to compute the total amount of funds which are available for administration of the State plan and also may be used to pay for administration of the State plan. Section 308(b) allows the State agency to use five percent of the total Title III allotment or \$500,000 to pay for not more than seventy-five percent of the cost for administration of the State plan. Therefore, Title III-E funds may be used for State administrative costs in the same manner as other Title III funds and are subject to the same limitations.

Title III-E funds may be used to compute the total amount of funds which are available for area plan administration and also may be used to pay for administration of area plans. Section 304(d) of the Act provides that, after the application of Section 308(b), the State may use up to ten percent of the States remaining total Title III allotment to pay for not more than seventy-five percent of the cost for administration of area plans. Section 303(c) indicates that funds under Title III-B and C may be used for paying part of the cost of area plan administration. Section 373(g) authorizes the State agency to use Title III-E funds for the cost of administration of area plans. Therefore, Title III-E funds may be used for area plan administrative costs in the same manner as Title III-B and C funds and are subject to the same limitations. The cost of administration of area plans can be taken from any or all of these three sources.

Maintenance of Effort

The intent of the Title III-E maintenance of effort provision in Section 374 is that States use the funds made available under Title III-E to supplement existing services. Further, those funds must be spent in addition to, and shall not supplant, any Federal, State, or local funds expended by a State or unit of general purpose local government (including area agencies on aging) to fund services described in Section 373 provided prior to the date of enactment of Part E. In other words, a State or unit of general purpose local government (including area agencies on aging) may not use Federal Part E funds to supplant, replace, or in substitution for, any other Federal, State, or local funding expended pursuant to Federal, State, or local laws that were in effect on or before November 12, 2000, which was one day before the date of enactment of Title III-E.

To implement this requirement, the State must provide, in its State plan, an assurance that it will use funds made available under Title III-E to implement a National Family Caregiver Support Program and will not supplant with Title III-E funds any funds that were expended under any Federal, State, or local program in existence on or before November 12, 2000. For your convenience, an optional form is attached which can be used to fulfill this requirement.

Federal Share Limitation

Section 373(g)(2)(C) permits a State to use up to ten percent of the total Federal and non-Federal share available to the State under Title III-E to provide support services to grandparents and older individuals who are relative caregivers.

The term grandparent or older individual who is a relative caregiver means a grandparent or stepgrandparent of a child, or a relative of a child by blood or marriage, who is 60 years of age or older and: (A) lives with the child; (B) is the primary caregiver of the child because the biological or adoptive parents are unable or unwilling to serve as the primary caregiver of the child; and (C) has a legal relationship to the child, as such legal custody or guardianship, or is raising the child informally. The term child means an individual who is not more than 18 years of age.

The ten percent limitation applies to the State as a whole. As a result, the state has the flexibility to vary among area agencies on aging the expenditures to provide support services to grandparents and older individuals who are relative caregivers.

SUA Distribution of Title III-E

Section 305(a)(2)(C) requires a State to develop and publish for review and comment a formula for distribution within the State of funds received under Title III. Funds available to States under the newly authorized Title III-E are subject to this provision and must be allocated to area agencies on aging.

There is no specific requirement to amend the Intrastate Funding Formula (IFF) in order to distribute Title III-E funds. States may use their current IFF for the allocation of funds under Part E. However, if

a State chooses to amend its IFF, it shall submit the revised formula to the Assistant Secretary for Aging for review and approval.

Title III-E Reporting

Sections 373(e)(2) and (3) require the State to maintain and report information relating to the Title III-E program. In addition, basic grant fiscal reporting requires the inclusion of Title III-E expenditures into the SF-269 Supplemental Report. To this end, an amended SF-269 Supplemental Report and instructions will be published in the Federal Register for comment. It will be designed to provide States with the necessary information and specific format requirements for initial reporting of performance under Title III-E. Concurrently, an effort will commence to review amending the State Performance Report as a component of the National Aging Program Information System. This effort will be aimed at producing outcome measures for Title III-E to fulfill the requirements of the Government Performance and Results Act.

Title III-E Match Requirements

Sections 373(g)(2)(A) and (B) require that the Federal share be 75% of the cost of carrying out a State program under this subpart. The non-Federal share (25%) of the cost of carrying out a State program under this Part must be provided from State and local sources and may be met with cash or in-kind expenditures. Expenditures used to satisfy the non-Federal share requirement must be related to the purpose of Title III-E and may not be used to meet maintenance of effort or non-Federal share requirements in other Federal programs, including other sections of Title III.

However, expenditures previously used to over match other programs may be used to satisfy the non-Federal share requirement in Title III-E provided that those expenditures no longer are counted toward meeting the non-Federal share requirement of such other programs and those expenditures are related to the purpose of Title III-E.

Expenditures previously used to satisfy maintenance of effort requirements in other Federal programs, e.g., Titles III-B and C, may be used to satisfy the maintenance of effort and/or non-Federal share requirements for Title III-E, provided those expenditures are related to the purpose of Title III-E and are no longer counted toward satisfying the maintenance of effort requirements for those other programs. States are reminded that they must continue to meet the maintenance of effort requirements in those other programs, e.g., section 309(c).

Reallotment of Title III-E Grant Funds

Section 304(b) provides that whenever the Assistant Secretary determines that any amount allotted under Title III-E will not be used by a State, the Assistant Secretary shall make such funds available for use through a reallotment to other States. States will be requested to notify the AoA of the amount, if any, of Title III-E funds the state will not use by the end of the Fiscal Year. These funds will be released for reallotment to other states.

Technical Assistance

The AoA will provide ongoing technical assistance to States to assist in implementing the National Family Caregiver Support Program. Currently, the agency maintains a Caregiving Resources for the Aging Network website at <http://www.aoa.gov/carenetwork/> This website is being upgraded and expanded to add additional research on caregiving and evidence-based materials developed by the network. Also, shortly we will initiate a moderated listserv with aging network representatives to discuss caregiver issues of concern to the network. Finally, a national symposium on caregiving is being planned to provide a forum for the exchange of knowledge and information about various caregiver program models and methods of delivering services to address better the diverse needs of caregivers throughout the nation.

EFFECTIVE DATE: Immediately, State Assurance Due February 15, 2001

ATTACHMENTS: Certification of Maintenance of Effort

INQUIRIES: Address inquiries to Regional Administrators on Aging, DHHS Regional Offices.

Jeanette C. Takamura
Assistant Secretary for Aging