

PROGRAM INSTRUCTION

AoA-PI-09-03

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

SUBJECT: Procedures for Reporting the Transfer of Federal Fiscal Year
(FY) 2009 Title III Mandatory Grant Funds

LEGAL AND RELATED

REFERENCES: Older Americans Act, Sections 308 (b)(4)(A),
308 (b)(4)(B), 308 (b)(5)(A), and 308 (b)(4)(C),
As Amended

This Program Instruction (PI) provides procedures for reporting the transfer of funds within certain Title III allotments. This PI also explains how the Administration on Aging (AoA) will reflect these reported transfers on a statement of grant award amendment.

The Older Americans Act (OAA), as amended provides authority for states to transfer funds, within statutory limits, among their allotments for Home and Community Based Supportive Services (III-B), Congregate Nutrition Services (III-C1), and Home-Delivered Nutrition Services (III-C2). There is, however, **no authority** for states to transfer funds in or out of the allotments for Preventive Health Services Disease Prevention or the National Family Caregiver Support Program.

Transfers between Congregate Nutrition Services (Title III-C1) and Home-Delivered Nutrition Services (Title III-C2): States may transfer up to 40% of their allotment for Title III-C1 to Title III-C2, or vice versa. By statute, the election to transfer funds is a state decision that may be disapproved by the U.S. Assistant Secretary for Aging, only if she determines that the transfer is not consistent with the objectives of the OAA, as amended. A state may make such a transfer at any point during the fiscal year.

The OAA, as amended provides that the Assistant Secretary may grant a waiver to permit a state to transfer an additional 10%, i.e., up to a total of 50%, of funds between Titles III-C1 and III-C2. The approval of such a waiver by the Assistant Secretary is contingent upon the state's demonstration that the funds available under Titles III-C1 or III-C2, including transfers, are insufficient to satisfy needs. The content requirements of the waiver request are specified in section 308 (b)(4)(C).

Transfers between Home and Community Based Supportive Services (Title III-B) and the Nutrition Service Programs under Title III-C: The OAA, as amended permits a state to transfer up to 30% of an allotment between Titles III-B and the Nutrition Programs under Title

III-C. This transfer may be made at the discretion of the state and requires only that the state notify AoA. Section 316 (b)(4) permits the Assistant Secretary to grant a waiver of the 30% transfer limit. However, in order to receive such a waiver, a state must comply with all the requirements in section 316. The section 316 waiver provision is more involved than the waiver provision in section 308 (relating to transfers between Titles III-C1 and III-C2). States are cautioned not to wait until the end of the fiscal year to request a waiver under section 316. If needed, a section 316 waiver should be initiated as early as possible in the fiscal year.

Instructions for Reflecting a Transfer on the Financial Status Report (SF-269): Whenever a state makes a transfer during the fiscal year, the state should reflect that transfer on its next SF-269. The state should reflect the transfer on the supplemental sheet to the SF-269, detailing how the funds in line 10(o) are allocated.

Funds taken from any part of Title III for use as State Plan Administration do not constitute a transfer in the context of this PI, and therefore should not be reported as a transfer.

When submitting transfer information, a state should follow these procedures:

1. Transfers are made only from the last grant award for FY 2009 for Title III;
2. Show only the total transfer made during the fiscal year, in III-B, III-C1 and/or III-C2 (not the series of individual transfers that might have been made during the fiscal year); and,
3. Show the state's computation of its final allotment in each affected Title, as shown in the state's records, so that AoA can verify the transfer grant award against the state's figures.

Notification of amounts transferred this fiscal year, as well as requests for a waiver must be received on or before September 21, 2009. AoA will issue a revised statement of grant award amendment reflecting the transfer.

The Assistant Secretary reserves the right to approve or disapprove a state's request for a waiver of the limits on the amount of funds that a state may transfer. States will be notified in writing of the Assistant Secretary's decision.

Any transfers reflected on the SF-269 after the close of the fiscal year must be supported by documentation which indicates that the transfers were approved or made prior to the close of the fiscal year.

AoA will not accept requests for waivers submitted after September 21, 2009.

DUE DATE: September 21, 2009 for submission to
Regional Administrators on Aging, DHHS
Regional Offices

INQUIRIES:

Inquiries should be addressed to the appropriate
Regional Administrator on Aging, DHHS
Regional Offices

John Wren
Deputy Assistant Secretary for Policy and Management
Administration on Aging