

September 15, 2003

**PROGRAM INSTRUCTION
AOA-PI-03-07**

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

SUBJECT : Procedures for Reporting the Transfer
of Title III Formula Grant Funds

LEGAL AND RELATED
REFERENCES : Older Americans Act, as Amended -
Sections 308(b)(4)(A), 308(b)(4)(B),
308(b)(5)(A), and 308(b)(4)(C)

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 will reflect these reported transfers on grant award amendments.

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

Transfers between Congregate Meals (Title III-C1) and Home-Delivered Meals (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 Assistant Secretary, AoA, only if she determines that the transfer is not consistent with the objectives of the OAA. A state may effect such a transfer at any point during the fiscal year.

The OAA 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 granting of such a waiver is contingent upon the state's demonstrating to the satisfaction of the Assistant Secretary that the funds available under Titles III-C1 or III-C2, including transfers, are insufficient to satisfy needs. The contents of the waiver request are specified in section 308(B)(4)(C).

Transfers between Title III-B and the Nutrition Programs under Title III-C: The OAA 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 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 Financial Status Report (SF-269), detailing how the funds in line 10.0 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 Program Instruction, and therefore should not be reported as a transfer.

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

1. transfers are made only from the last grant award for FY 2003 for Title III (2003-9);
2. show only the total transfer effected 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 30, 2003. AoA will issue a revised grant award reflecting the transfer. This will ensure that states may draw down funds from the appropriate allotment.

State agencies will be notified by letter of the Assistant Secretary for Aging's approval or disapproval of requests for waiver of the limits on the amount of funds that a state may transfer.

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 the end of the fiscal year.

DUE DATE: September 30, 2003 for submission to
Regional Administrators on Aging.

INQUIRIES: Inquiries should be addressed to the appropriate
Regional Administrator on Aging.

Josefina G. Carbonell
Assistant Secretary for Aging

