



MAY 14 2014

PROGRAM INSTRUCTION

ACL-PI-14-03

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) 2014 Title III Mandatory Grant Funds

LEGAL AND
RELATED

REFERENCES: Older Americans Act, Sections 308 (b)(4)(A),
308 (b)(4)(B), 308 (b)(4)(C), 308 (b)(5)(A), and 316
As Amended

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. This Program Instruction (PI) provides procedures for reporting the transfer of funds among Title III allotments, as permitted in the Older Americans Act.

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 (ASA), only if the ASA determines that the transfer is not consistent with the objectives of the OAA, as amended.

The OAA, as amended provides that the ASA 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 ASA 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). Such a waiver request should be submitted to the Regional Administrator as soon as possible during the fiscal year, and approved by the ASA prior to the State's submittal of the SF-425.

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. Section 316 (b)(4) permits the ASA 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.

Waiver Requests:

The ASA 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 ASA's decision.

Requests for a waiver of transfer limits will not be accepted after August 15, 2014.

Instructions for Transfer Requests:

Starting in FY 2014, ACL issued Title III awards with a unique grant number for each part/chapter; therefore transfers need to be submitted and recorded in a timely fashion in order for states to correctly report the Federal Funding Accountability Transparency Act (FFATA) sub-award activities and draw funds from Payment Management System (PMS) sub-accounts. Notwithstanding the different award numbers identified on the award letters issued by ACL, the aggregate state plan and area plan administration costs do not constitute a transfer in the context of this PI, and therefore should not be reported as a transfer. However, accounting for administration costs is still necessary in order to properly track and report those expenses.

FY 2014 transfer requests must be submitted to the ACL Regional Administrator on or before August 15, 2014. The transfer request must include the cumulative grant award for each part/chapter before and after the requested transfer. ACL will issue an amended notice of award reflecting the transfer request. Funds will not be available for drawdown from PMS until ACL issues the amended notice of award.

Instructions for Reflecting a Transfer on the Federal Financial Report (SF-425):

Transfers should be reported on the SF-425 after ACL issues the amended notice of award. Report all transfers made between III-B, III-C1, and III-C2 on a cumulative basis using the most recent notice of award, as of the end of the semi-annual reporting period.

DUE DATE FOR SUBMISSION TO REGIONAL ADMINISTRATORS, ACL:

August 15, 2014

INQUIRIES: Inquiries should be addressed to the appropriate
Regional Administrators, Administration for Community Living



Edwin Walker
Deputy Assistant Secretary
Administration on Aging



Rimas Liogys
Director
Office of Grants Management