



FAQs BASED ON CALL WITH ACL AND STATE UNIT ON AGING DIRECTORS ON APRIL 1, 2020

Various Topics (Issued 4/7/2020)

April 7, 2020

ACL provided these FAQs after a call with State Unit on Aging Directors on Wednesday, April 1, 2020.

Nutrition

Question:

What flexibilities are available in the CARES Act?

Answer:

- Waiver of service match
- 100% transfer authority between C-1 and C-2 is presumptively approved by ACL with no need for a waiver
- “Home-bound” includes individuals practicing social distancing
- Waiver of DRI/DGAs for meals purchased with supplemental funding
- These flexibilities apply to funding awarded under the CARES Act (Supplemental #3), the Families First Response Act (Supplemental #2), and regular OAA for the duration of the public health emergency.

Related Questions:

1. Where can we find examples of innovations from other states?
 - National Nutrition and Aging Resource Center Listserv
 - Other National Resource Centers
2. Can we serve people of any age in a public housing or high-rise facility?
 - The OAA permits the provision of nutrition services to older individuals and their spouses, individuals with disabilities who are not older individuals but who reside in housing facilities occupied primarily by older individuals at which congregate nutrition services are provided, and to individuals with disabilities who reside at home with eligible older individuals.
 - Also, under the National Family Caregiver Support Program, individuals who reside with an eligible caregiver could be served if it would benefit the caregiver and enhance the ability of the caregiver to continue providing care to the care recipient. As an example, a grandchild being raised by a grandparent could be served a meal if it would assist the grandparent.

3. Are emergency meals required to meet the DGAs and DRIs?
 - Under current authorities, no. Meals funded through Disaster Relief Funds following a declaration of a major disaster, Families First Coronavirus Response Act (FFCRA) and the Coronavirus Aid Relief and Economic Security (CARES) Act are not required to meet the DGAs and the DRIs, but the ACL encourages the use of these standards to help older adults maintain their health and manage their chronic conditions and to provide quality service.
 - While Congress provided for the waiver of DRIs and DGAs during the COVID-19 pandemic, they made it clear that ACL should encourage programs to provide nutritious meals when available. However, when meals that do not meet the DRIs/DRAs are unavailable, they encouraged ACL to urge programs to provide meals that meet, at a minimum, no less than 1/3 of the recommended daily caloric intake for an older individual. As an example, the recommended daily caloric intake for a 70-year old is 1600. Under no circumstances should a meal be provided that is less than 534 calories.
 - Meals normally funded under the OAA and meals funded under the Public Health Emergency through Title III C are required to meet the DGAs and the DRIs under Title III C. In these instances, ACL has no authority to waive these requirements. However, if an SUA chooses to use Title III B to fund meals, these meals do not need to meet the requirements of the DGAs and DRIs.

Major Disaster Declaration

Question:

Does the declaration of a “major disaster” give States maximum flexibility to use any portion of the funds awarded for purposes of the Older Americans Act? What is the process for making transfers to exercise the flexibility granted?

Answer:

- Yes, please see the Older Americans Act Disaster Relief FAQ (https://acl.gov/sites/default/files/common/OAADisasterRelief_2020-03-16.pdf)
- This would apply to funds awarded under the Families First Coronavirus Response Act and the CARES Act supplemental appropriations, as well.
- States do not have to make transfers once the major disaster declaration has been declared. States have the ability to simply designate funds as “disaster relief” and spend them in response to the identified needs.

Related Questions:

1. When does the major disaster declaration flexibility go into effect? On the date of the FEMA declaration, or the date the emergency began (which may go back to January), or the funding award dates on the various NOAs?
 - The OAA major disaster declaration flexibilities (“bucketing” of funds under Title III) occur at the start of the disaster declaration period set forth in a state’s application. Most states have 1/20/2020 as the “start” date.

Time Frame for Expenditures

Question:

Can there be any extensions of the time frame for making expenditures? Which funding should we spend first?

Answer:

- All SUAs have been provided a no-cost-extension for the FFY 2019 Title III, Title VII, and NSIP grants. The project period end dates have been extended to September 30, 2021 with final reporting due December 30, 2021. A new Notice of Award (NOA) will be provided to SUAs who have not fully expended their grants in the July 2020 timeframe with the updated project period end date.
- All SUAs that have FFY2018 Title III, Title VII, and NSIP grants will be provided a liquidation extension for an additional year to December 30, 2021. Please note funds must have been obligated by September 30, 2018 to be available for expenditure and liquidation. A new NOA will not be provided with this updated liquidation period, however late requests for liquidation will be approved. Final liquidations and SF425 report are due December 30, 2021.
- Also, see the updated Fiscal FAQ (<https://acl.gov/sites/default/files/common/Fiscal%20FAQs.docx>)
- Funding under the Families First and CARES Act Supplementals have a project period until September 30, 2021, with final liquidation available until December 30, 2021.
- Because FFCRA & CARES Act funding is specifically appropriated for COVID-19 response, we encourage the use of funding in the following order:
 - Families First Coronavirus Response Act funding;
 - CARES Act funding;
 - “Regular” Title III grant funds, starting with the oldest funds available first;
 - FFY 2018
 - FFY 2019
 - FFY 2020
- Because SUAs and networks have been impacted by COVID-19, ACL has waived prior approval requirements for pre-award costs incurred from January 20, 2020 to the effective date of the Federal Awards for the FFCRA and CARES Act funds.