

ACF

Administration
for Children
and Families

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Administration on Developmental Disabilities

1. Log No. ADD-IM-93-1

2. Issuance Date: 2/23/93

3. Originating Office: Administration on Developmental
Disabilities

4. Key Word: Transfer

5. Part B Funds

6.

7.

INFORMATION MEMORANDUM

TO : Directors, Designated State Agencies
Chairpersons, State Planning Councils
Executive Directors, State Planning Councils

SUBJECT : Transfer of Part B Funds from One State Planning
Council to Another State Planning Council

LEGAL AND
RELATED
REFERENCES

: The Developmental Disabilities Assistance and Bill
of Rights Act, P.L. 101-496 (42 U.S.C. 6000, et
seq.)

45 CFR Parts 1385 and 1386, amended November 20,
1989 (54 FR 47982)

PURPOSE : The purpose of the Information Memorandum is to
inform States that Part B funds cannot be
transferred directly from one State to another.

CONTENT : State Planning Councils wishing to assist another
state (e.g., any state(s) seeking funds as a
result of hurricane or other natural disaster) by
donating any portion of Part B funds to another
State Planning Council are reminded to review the
requirements of the Developmental Disabilities
Assistance and Bill of Rights Act (the Act), and
attendant regulations.

Section 122 of the Act provides that participation
in the Basic State Grant Program is contingent on
approval of a State Plan. The State Plan must
include an assurance that the State will use the
allotted funding to make a significant
contribution to enhancing the capabilities of
agencies in the State to improve the independence,
productivity, and integration into the community
of persons with developmental disabilities. Thus,

Page 2 - Information Memorandum

Part B funding must be used toward improving service provision in the State receiving the Basic State Grant.

The Act [Section 125(c)] also provides for combining funds to support activities in more than one state. However, there is no provision for donation or transfer of one state's Part B funds to another State Planning Council to support activities which will benefit only the recipient state. The Act provides for joint efforts which benefit all of the cooperating states.

A State Planning Council has suggested that Part B funds might be transferred from one State to another through reallocation. However, Section 125(d) of the Act provides that an amount of a State's allotment may be reallocated if the Secretary determines that a particular State will not require such funds. Reallocated funds must be distributed proportionately among the other States whose funds were not reduced. Thus, there is no provision in the Act for reallocating funds directly from one State to another.

EFFECTIVE
DATE:

Date of Issuance.

INQUIRIES TO: Ray Sanchez
Director
Division of Program Operations
Telephone: (202) 690-5962

Will Wolstein

Will Wolstein
Acting Commissioner
Administration on Developmental
Disabilities

Copy To: Regional Administrators, ACF/DHSS
National Association of Developmental Disabilities
Planning Councils (NADDC)