

ACF Administration for Children and Families	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Administration for Children, Youth and Families	
	1. Log No: ACYF-PI-93-09	2. Issuance Date: May 11, 1993
	3. Originating Office: Children's Bureau	
	4. Key Words: Independent Living Initiative FY 1993 Amendment	

PROGRAM INSTRUCTION

TO: State Agencies Administering or Supervising the Administration of Title IV-E of the Social Security Act; and State Independent Living Coordinators

SUBJECT: Amendment to Program Instruction ACYF-PI-93-01 on the Availability of Fiscal Year 1993 Funds for the Federal Independent Living Program (ILP)

LEGAL AND RELATED REFERENCES: Sections 472, 474, 475 and 477 of Title IV-E of the Social Security Act; P.L. 102-394; 45 CFR Part 92; and ACYF-PI-93-01 issued January 15, 1993

BACKGROUND: The authorization for the Independent Living Program (ILP) mandated by section 477 of the Social Security Act (the Act) expired on September 30, 1992. Currently, authorization for the program is based on the Departments of Labor, Health and Human Services and Education, and Related Agencies Appropriations Act, 1993 (Appropriations Act), P.L. 102-394, which appropriated \$70 million for the ILP for FY 1993. Because the funding period for this grant program is no longer specified by the ILP legislation, the period during which States must obligate the funds awarded to them, and the period for liquidating such obligations have been determined by the Department of Health and Human Services (DHHS), within the context of existing Departmental grant regulations (45 CFR 92.23(a)(b)).

PURPOSE: The purpose of this Program Instruction (PI) is to amend page 10 of Program Instruction ACYF-PI-93-01 issued January 15, 1993 - Fiscal and Reporting Requirements, to indicate a change in the obligation period from October 1, 1992 through September 30, 1993 to October 1, 1992 through March 31, 1994. The FY 1993 grant awards reflect the change in the obligation period.

CONTENT: The Code of Federal Regulations, 45 CFR Part 92.23(a)(b), indicates that, where Congress has not specified a funding period in authorizing legislation, the agency has the discretion to determine what the funding period will be. As a general rule, this period would

coincide with the period of the appropriation which, in the case of the ILP, is FY 1993 (October 1, 1992 through September 30, 1993). These principles are reflected in ACYF-PI-93-01 which states that:

. . . all funds must be obligated by the end of the funding period, September 30, 1993. Although States would normally be required to liquidate those funds within 90 days of the end of the funding period, ACYF is exercising its discretion under the regulation to extend the liquidation period to one year. Accordingly, States must liquidate these funds by the end of fiscal year 1994, or September 30, 1994. Nevertheless, where there is a bona fide need to give grantees more time to obligate grant funds, the Department may set an appropriate period to accommodate the need. Therefore, due to the late award of FY 1993 ILP grants, this Program Instruction extends the obligation period through March 31, 1994 (the revised obligation period is October 1, 1992 through March 31, 1994). However, as stated in ACYF-PI-93-01, the date by which States must liquidate the ILP funds remains the end of fiscal year 1994, or September 30, 1994.

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/s/
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