



DEPARTMENT OF HEALTH & HUMAN SERVICES

Health Resources and Services  
Administration

Rockville, MD 20857  
HIV/AIDS Bureau

April 26, 2022

Dear Ryan White HIV/AIDS Program Colleagues,

The Coronavirus Disease 2019 (COVID-19) public health emergency continues to pose significant challenges for Ryan White HIV/AIDS Program (RWHAP) recipients, providers, and clients to provide and access care. The Consolidated Appropriations Act, 2022, Pub. L. 117-103, Division H, § 238 confers flexibility or administrative relief from statutory penalties and administrative requirements that would be otherwise applicable, as was similarly authorized for Fiscal Years (FYs) 2020 and 2021. The Health Resources and Services Administration's (HRSA) HIV/AIDS Bureau (HAB) implemented this authority on February 23, 2021, by permitting waivers of six provisions for FY 2020 and 2021 RWHAP funding.<sup>1</sup>

After a review of the utilization of the prior waivers and the continued impact of COVID-19 on RWHAP recipients, three of the six waivers will be extended into FY 2022. **Note:** the unobligated balances (UOB) waiver will no longer be an automatic waiver and will only be available for FY 2022 funding by request.

**Automatic Waiver:**

**Expedited Distribution and Penalty—Part B**      The requirement that recipients obligate 75 percent of the award and associated penalties are waived. Recipients are still required to submit an interim FFR. §§ 2618(c) and (d) of the Public Health Service (PHS) Act.

The expedited distribution requirement and penalty will be waived for all applicable recipients for **FY 2022 RWHAP Part B** funding. RWHAP Part B recipients that would otherwise be penalized do not need to request this waiver but are still required to report their inability to meet the expedited distribution requirement in their interim and final federal financial report (FFR) and/or meet all other reporting requirements, as applicable. Recipients will be notified via the issuance of a Notice of Award that the penalty associated with this requirement is waived for FY 2022.

**Non-Automatic Waivers:**

Below is a list of penalties that may be waived, if specifically requested. Recipients that are unable to meet the following provisions for FY 2022 RWHAP funding should request a waiver following the instructions provided through your RWHAP Part listserv. If the failure to meet the requirements listed below is due to the pandemic, recipients will not be penalized. HRSA HAB expects these requests to be

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<sup>1</sup> COVID-19 Vaccines and the Ryan White HIV/AIDS Program:  
<https://ryanwhite.hrsa.gov/sites/default/files/ryanwhite/grants/penalties-waivers-program-letter.pdf>

rare. RWHAP recipients will be issued a Notice of Award indicating that the penalties associated with the requested requirement(s) are waived, as applicable.

**Unobligated Balances**

**Penalty—Part A, Part B**

Requirements regarding the timeframe for obligation and expenditure of formula and supplemental RWHAP funds within the designated timeframe and associated penalties may be waived. The request must be made when submitting the FY 2022 estimated unobligated balances and estimated carryover request. Recipients are still required to submit a final FFR. §§ 2603(c), 2609(d)(2), and 2622 of the PHS Act. Due to the timing of the final FFR, any UOB penalties that result from formula fund UOBs reported in the final FY 2022 FFRs will be waived during the FY 2024 award cycle.

**Maintenance of Effort—  
Part A, Part B, Part C,  
Part F Dental Programs**

The requirement that recipients maintain expenditures for HIV-related activities (Early Intervention Services (EIS) for Part C) at a level which is not less than the level of expenditures for such activities during the one-year period preceding the fiscal year for which the applicant is applying to receive the grant may be waived. §§ 2605(a)(1)(B), 2617(b)(7)(E), 2664(d), 2692(b)(4) of the PHS Act.

Waivers for the following requirements that were offered in FY 2020 and FY 2021 are being discontinued for FY 2022 due to a low number of requests:

- Core medical services requirement (Part A, Part B, and Part C)
- 50% EIS requirement – Part C
- Matching requirement – Part B, ADAP Supplemental

We appreciate your dedication and remain committed to working with RWHAP recipients to reduce burden in accordance with applicable laws and regulations.

Sincerely,

/Laura W. Cheever/

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Associate Administrator