



February 23, 2021

Dear Ryan White HIV/AIDS Program Colleagues,

The Coronavirus Disease 2019 (COVID-19) public health emergency has posed significant challenges for Ryan White HIV/AIDS Program (RWHAP) recipients, providers, and clients to provide and access care. On January 27, 2021, the Health Resources and Services Administration's (HRSA) HIV/AIDS Bureau (HAB) released a [letter](#) highlighting language in the Consolidated Appropriations Act, 2021, Pub. L. 116-260, Division M, § 307 that allows for certain statutory penalties and administrative requirements to be waived for fiscal years (FY) 2020 and 2021. HRSA HAB has carefully reviewed and considered RWHAP provisions in order to identify opportunities that allow greater flexibility or administrative relief from penalties that would be otherwise applicable.

Automatic Waivers:

Below is a list of penalties that will be waived for all applicable recipients for **FY 2020 and FY 2021 RWHAP** funding as it pertains to RWHAP provisions and funding limitations. RWHAP recipients that would otherwise be penalized do not need to request waivers but are still required to report their inability to meet the following requirements 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 penalties associated with the requirement(s) are waived for the applicable fiscal year in which the waiver would be imposed.

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, including the requirement to submit an estimated unobligated balance and carryover request prior to the end of the grant year, and associated penalties are waived. Recipients are still required to submit a final FFR. §§ 2603(c), 2609(d)(2), and 2622 of the Public Health Service (PHS) Act.
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 PHS Act.

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 and funding limitations for **FY 2020 and FY 2021 RWHAP** funding should notify their HAB Project Officer through HRSA's Electronic Handbooks (EHBs), with a brief explanation as to the impact of the COVID-19 pandemic. Instructions on how to submit a request for a non-automatic waiver(s) in the EHBs are forthcoming. 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 rare.

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

- Core Medical Services Requirement—Part A, Part B, Part C** The requirement that the recipient must spend at least 75 percent of the amount remaining after reserving amounts for administration, planning and evaluation and/or clinical quality management on core medical services may be waived if the recipient’s ability to provide core medical services was impacted by the COVID-19 pandemic. §§ 2604(c), 2612(b), and 2651(c) of the PHS Act.
- 50 percent EIS—Part C** The requirement that the recipient must expend at least 50 percent of the total funds awarded on Early Intervention Services may be waived. § 2651(b)(2) of the PHS Act.
- Matching Requirement—Part B, ADAP Supplemental** The requirement imposed on recipients with more than one percent of national HIV cases but are unable to match may be waived. § 2617(d) of the PHS Act.
- Maintenance of Effort—Part A, Part B, Part C, Part F Dental Programs** The requirement that recipients maintain expenditures for HIV-related activities (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.

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/
Laura W. Cheever, MD, ScM
Associate Administrator