

110TH CONGRESS
2D SESSION

H. R. 5292

To permit the Secretary of Health and Human Services to directly administer Ryan White part A and B grants for eligible areas, States, or territories that failed to make appropriate use of previous Ryan White part A and B grants.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 2008

Mr. FORTUÑO introduced the following bill; which was referred to the
Committee on Energy and Commerce

A BILL

To permit the Secretary of Health and Human Services to directly administer Ryan White part A and B grants for eligible areas, States, or territories that failed to make appropriate use of previous Ryan White part A and B grants.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. AUTHORITY FOR THE SECRETARY OF HEALTH**
2 **AND HUMAN SERVICES TO ADMINISTER CER-**
3 **TAIN GRANTS.**

4 (a) IN GENERAL.—Part E of title XXVI of the Public
5 Health Service Act is amended by adding at the end the
6 following new section:

7 **“SEC. 2689. AUTHORITY FOR THE SECRETARY OF HEALTH**
8 **AND HUMAN SERVICES TO ADMINISTER CER-**
9 **TAIN GRANTS.**

10 “(a) IN GENERAL.—With respect to a grant made
11 to an eligible area or a State under part A or B of this
12 title, if the Secretary determines, after reasonable notice
13 and opportunity for hearing, that the eligible area or State
14 has substantially failed to make appropriate use of any
15 grant made under part A or B of this title during either
16 of the two previous fiscal years, the grant shall be adminis-
17 tered by the Secretary in lieu of the chief elected official
18 of such eligible area or State, but in all other respects
19 in accordance with the grant requirements under part A
20 or B of such title.

21 “(b) PROHIBITION ON ADMINISTRATION FOR CON-
22 SECUTIVE YEARS.—In any case in which a grant made
23 to an eligible area or a State has been administered by
24 the Secretary pursuant to subsection (a), the Secretary is
25 not authorized to administer any grant made during the

1 subsequent fiscal year for such eligible area or State pur-
2 suant to subsection (a).

3 “(c) DETERMINATION.—In making the determination
4 under subsection (a), the Secretary shall consider wheth-
5 er—

6 “(1) more than 5 percent of the grant funds
7 awarded remained unobligated one year after the
8 date on which the grant was made;

9 “(2) the eligible area or State has had addi-
10 tional requirements imposed on the grant under sec-
11 tion 74.14(a) of title 45 of the Code of Federal Reg-
12 ulations (as in effect on the date of the enactment
13 of this section); or

14 “(3) the eligible area or State has had special
15 conditions or restrictions imposed on the grant
16 under section 92.12(a) of title 45 of the Code of
17 Federal Regulations (as in effect on the date of the
18 enactment of this section).

19 “(d) DELEGATION.—With respect to a grant admin-
20 istered by the Secretary in lieu of the chief elected official
21 under subsection (a), the Secretary may delegate to a Fed-
22 eral instrumentality or private entity the authority to ad-
23 minister such grant.”.

24 (b) RULEMAKING.—Not later than 90 days after the
25 date of the enactment of this Act, the Secretary shall pro-

1 mulgate regulations to carry out the amendment made by
2 subsection (a).

3 (c) EFFECTIVE DATE.—The amendment made by
4 this Act shall take effect for grants under part A or part
5 B of title XXVI of the Public Health Service Act made
6 on or after the date of the enactment of this Act.

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