



DEPARTMENT OF HEALTH & HUMAN SERVICES

Health Resources and Services
Administration

HIV/AIDS Bureau

FEB 12 2007

Rockville MD 20857

The Honorable Thomas R. Suozzi
County Executive
Nassau Board of County Executives
1 West Street
Mineola, New York 11501

Dear Mr. Suozzi:

I want to provide you with important information regarding your jurisdiction's eligibility for Federal assistance. The recently enacted Ryan White HIV/AIDS Treatment Modernization Act of 2006, Public Law (P.L.) 109-415, amended Part A of Title XXVI of the Public Health Service (PHS) Act, 42 U.S.C. section 300ff-11 et seq., to change provisions on eligibility and maintenance of eligibility for Eligible Metropolitan Areas (EMA).

Section 2601(a) of the PHS Act specifies that an EMA must have more than 2,000 cases of AIDS during the most recent 5-year period. In addition, section 2609 of the PHS Act now specifies that a metropolitan area with a minimum population of 50,000 persons and having at least 1,000, but fewer than 2,000 cases of AIDS, meets the criteria for a Transitional Grant Area (TGA). Section 2609(c)(1) also specifies that an EMA receiving funding in fiscal year (FY) 2006, but that does not qualify as an eligible area or a TGA for FY 2007, will be considered a TGA.

In order to determine if existing EMAs met the criteria established in section 2601 and section 2609, the Health Resources and Services Administration (HRSA), relied on data that the Nassau County EMA reported to the Centers for Disease Control and Prevention (CDC) for the most recent 5-year period, 2001 through 2005, ending December 31. After reviewing these data, HRSA has determined that the Nassau County EMA no longer meets the eligibility criterion for an EMA, effective with the FY 2007 grant. Your area case count reported to and confirmed by the Director of the CDC for the period 2001-2005 was 1505. Therefore, for FY 2007, the Nassau County EMA will be considered a TGA, as defined in section 2609 of the PHS Act. Continued eligibility as a TGA depends on the TGA meeting the criteria established in section 2609(c).

In FY 2007, the HIV/AIDS Bureau (HAB) will be funding a total of 34 TGAs comprised of 29 Part A (formerly referred to as Title I) EMAs and 5 newly eligible TGAs. The amended PHS Act contains specific language regarding the administration of the TGA grant and the establishment or ongoing use of a Planning Council, information regarding the type and distribution of formula and supplemental grants, and the time-frame for the obligation and expenditure of grant funds, both formula and supplemental. Many of these provisions mirror those which apply to EMAs.

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It is important to note that the PHS Act contains specific language in section 2609(d)(2)(B), which specifies that TGAs are not subject to hold harmless provisions as delineated in section 2603(a)(4)(A). The assurance statement will be revised to reflect the requirements of the amended PHS Act, and will need to be signed by the chief elected official of your area.

HAB realizes that the combination of the change in status of Nassau County from an IUMA to a TGA, the absence of hold harmless protection, and the use of living cases of HIV/AIDS in the formulas used to determine grant award amounts, may result in your FY 2007 award being less than the FY 2006 award. At this time, no information is available regarding the level of award you can expect in FY 2007. We will have specifics about award amounts once we have a final appropriation for FY 2007. We are currently operating under a Continuing Resolution, which is being used to fund many federal agencies through February 15, 2007. Congress is working to provide appropriations for the remainder of the fiscal year, and once they have completed that action, we will provide your award amount information shortly thereafter.

HAB will continue to work with all Part A grantees in an equitable manner and all such grantees are expected to meet the requirements of the PHS Act as amended by P.L. 109-415, as they relate to the services supportable under the FY 2007 award. If you have concerns, I urge you to discuss those with your respective Division of Service Systems project officer.

Sincerely,



Deborah Parham Hopson, Ph.D., R.N.
Assistant Surgeon General
Associate Administrator

cc: Mr. Edward Weingarten, Nassau County Department of Health
Mr. Michael Wade, Chair, Nassau/Suffolk Title I Planning Council, c/o United Way of Long Island
Mr. Robert DeLor, Chair, Nassau/Suffolk Title I Planning Council, c/o United Way of Long Island