

to a civil monetary penalty under this section in the same manner as such provisions apply to a penalty or proceeding under section 1320a-7a(a) of this title.

(Aug. 14, 1935, ch. 531, title XI, §1197, as added and amended Pub. L. 117-169, title I, §§11001(a), 11002(a)(4), Aug. 16, 2022, 136 Stat. 1850, 1861.)

Editorial Notes

AMENDMENTS

2022—Subsecs. (b) to (e). Pub. L. 117-169, §11002(a)(4), added subsec. (b) and redesignated former subsecs. (b) to (d) as (c) to (e), respectively.

§ 1320f-7. Limitation on administrative and judicial review

There shall be no administrative or judicial review of any of the following:

(1) The determination of a unit, with respect to a drug or biological product, pursuant to section 1320f(c)(6) of this title.

(2) The selection of drugs under section 1320f-1(b) of this title, the determination of negotiation-eligible drugs under section 1320f-1(d) of this title, and¹ the determination of qualifying single source drugs under section 1320f-1(e) of this title the² application of section 1320f-1(f) of this title.³

(3) The determination of a maximum fair price under subsection (b) or (f) of section 1320f-3 of this title.

(4) The determination of renegotiation-eligible drugs under section 1320f-3(f)(2) of this title and the selection of renegotiation-eligible drugs under section 1320f-3(f)(3) of this title.

(Aug. 14, 1935, ch. 531, title XI, §1198, as added and amended Pub. L. 117-169, title I, §§11001(a), 11002(a)(5), Aug. 16, 2022, 136 Stat. 1851, 1861.)

Editorial Notes

AMENDMENTS

2022—Par. (2). Pub. L. 117-169, §11002(a)(5), which directed the amendment of subsec. (b)(2) of this section by inserting “the application of section 1320f-1(f) of this title,” after “section 1320f-1(e) of this title”, was executed by making the insertion in par. (2) to reflect the probable intent of Congress.

SUBCHAPTER XII—ADVANCES TO STATE UNEMPLOYMENT FUNDS

§ 1321. Eligibility requirements for transfer of funds; reimbursement by State; application; certification; limitation

(a)(1) Advances shall be made to the States from the Federal unemployment account in the Unemployment Trust Fund as provided in this section, and shall be repayable, with interest to the extent provided in section 1322(b) of this title, in the manner provided in sections 1101(d)(1), 1103(b)(2), and 1322 of this title. An advance to a State for the payment of compensation in any 3-month period may be made if—

(A) the Governor of the State applies therefor no earlier than the first day of the month

preceding the first month of such 3-month period, and

(B) he furnishes to the Secretary of Labor his estimate of the amount of an advance which will be required by the State for the payment of compensation in each month of such 3-month period.

(2) In the case of any application for an advance under this section to any State for any 3-month period, the Secretary of Labor shall—

(A) determine the amount (if any) which he finds will be required by such State for the payment of compensation in each month of such 3-month period, and

(B) certify to the Secretary of the Treasury the amount (not greater than the amount estimated by the Governor of the State) determined under subparagraph (A).

The aggregate of the amounts certified by the Secretary of Labor with respect to any 3-month period shall not exceed the amount which the Secretary of the Treasury reports to the Secretary of Labor is available in the Federal unemployment account for advances with respect to each month of such 3-month period.

(3) For purposes of this subsection—

(A) an application for an advance shall be made on such forms, and shall contain such information and data (fiscal and otherwise) concerning the operation and administration of the State unemployment compensation law, as the Secretary of Labor deems necessary or relevant to the performance of his duties under this subchapter,

(B) the amount required by any State for the payment of compensation in any month shall be determined with due allowance for contingencies and taking into account all other amounts that will be available in the State's unemployment fund for the payment of compensation in such month, and

(C) the term “compensation” means cash benefits payable to individuals with respect to their unemployment, exclusive of expenses of administration.

(b) The Secretary of the Treasury shall, prior to audit or settlement by the Government Accountability Office, transfer in monthly installments from the Federal unemployment account to the account of the State in the Unemployment Trust Fund the amount certified under subsection (a) by the Secretary of Labor (but not exceeding that portion of the balance in the Federal unemployment account at the time of the transfer which is not restricted as to use pursuant to section 1103(b)(1) of this title). The amount of any monthly installment so transferred shall not exceed the amount estimated by the State to be required for the payment of compensation for the month with respect to which such installment is made.

(Aug. 14, 1935, ch. 531, title XII, §1201, as added Oct. 3, 1944, ch. 480, title IV, §402, 58 Stat. 790; amended Aug. 6, 1947, ch. 510, §5(b), 61 Stat. 794; 1949 Reorg. Plan No. 2, §1, eff. Aug. 19, 1949, 14 F.R. 5225, 63 Stat. 1065; Aug. 28, 1950, ch. 809, title IV, §404(a), 64 Stat. 560; Aug. 5, 1954, ch. 657, §3, 68 Stat. 671; Pub. L. 86-778, title V, §522(a), Sept. 13, 1960, 74 Stat. 978; Pub. L. 94-566, title II,

¹ So in original. The word “and” probably should not appear.

² So in original. Probably should be preceded by “, and”.

³ So in original.