

AMENDMENTS

1988—Subsec. (a). Pub. L. 100-690, § 2619(d)(1) [(e)(1)], designated existing provisions as subsec. (a).

Subsec. (a)(5). Pub. L. 100-690, § 2619(d)(2) [(e)(2)], struck out concluding provisions which read as follows: “(For purposes of this section, the term ‘significant percentage’ means at least a percentage of 1 percent of the number of reported cases of such syndrome in the United States);”.

Subsec. (a)(8). Pub. L. 100-690, § 2619(d)(3) [(e)(3)], substituted “funds from payments” for “funds from to payments” and struck out “and” after semicolon.

Subsec. (a)(9). Pub. L. 100-690, § 2619(d)(4) [(e)(4)], substituted “section 300ee-18(e) of this title” for “section 300ee-19(e) of this title”.

Subsec. (b). Pub. L. 100-690, § 2619(d)(5) [(e)(5)], added subsec. (b).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 effective immediately after enactment of Pub. L. 100-607, which was approved Nov. 4, 1988, see section 2600 of Pub. L. 100-690, set out as a note under section 242m of this title.

REFERENCE TO COMMUNITY, MIGRANT, PUBLIC HOUSING, OR HOMELESS HEALTH CENTER CONSIDERED REFERENCE TO HEALTH CENTER

Reference to community health center, migrant health center, public housing health center, or homeless health center considered reference to health center, see section 4(c) of Pub. L. 104-299, set out as a note under section 254b of this title.

§ 300ee-17. Determination of amount of allotments for States

(a) Minimum allotment

Subject to the extent of amounts made available in appropriation Acts, the allotment for a State under section 300ee-11(a) of this title for a fiscal year shall be the greater of—

- (1) the applicable amount specified in subsection (b); or
- (2) the amount determined in accordance with subsection (c).

(b) Determination of minimum allotment

(1) If the total amount appropriated under section 300ee-24(a) of this title for a fiscal year exceeds \$100,000,000, the amount referred to in subsection (a)(1) shall be \$300,000 for the fiscal year.

(2) If the total amount appropriated under section 300ee-24(a) of this title for a fiscal year equals or exceeds \$50,000,000, but is less than \$100,000,000, the amount referred to in subsection (a)(1) shall be \$200,000 for the fiscal year.

(3) If the total amount appropriated under section 300ee-24(a) of this title for a fiscal year is less than \$50,000,000, the amount referred to in subsection (a)(1) shall be \$100,000 for the fiscal year.

(c) Determination under formula

(1) The amount referred to in subsection (a)(2) is the sum of—

- (A) the amount determined under paragraph (2); and
- (B) the amount determined under paragraph (3).

(2) The amount referred to in paragraph (1)(A) is the product of—

- (A) an amount equal to 50 percent of the amounts appropriated pursuant to section 300ee-24(a) of this title; and

(B) a percentage equal to the quotient of—

- (i) the population of the State involved; divided by
- (ii) the population of the United States.

(3) The amount referred to in paragraph (1)(B) is the product of—

(A) an amount equal to 50 percent of the amounts appropriated pursuant to section 300ee-24(a) of this title; and

(B) a percentage equal to the quotient of—

- (i) the number of additional cases of acquired immune deficiency syndrome reported to and confirmed by the Secretary for the State involved for the most recent fiscal year for which such data is available; divided by
- (ii) the number of additional cases of such syndrome reported to and confirmed by the Secretary for the United States for such fiscal year.

(d) Disposition of certain funds appropriated for allotments

(1) Amounts described in paragraph (2) shall be allotted by the Secretary to States receiving payments under section 300ee-11(a) of this title for the fiscal year (other than any State referred to in paragraph (2)(C)). Such amounts shall be allotted according to a formula established by the Secretary. The formula shall be equivalent to the formula described in this section under which the allotment under section 300ee-11(a) of this title for the State for the fiscal year involved was determined.

(2) The amounts referred to in paragraph (1) are any amounts that are not paid to States under section 300ee-11(a) of this title as a result of—

(A) the failure of any State to submit an application under section 300ee-13 of this title;

(B) the failure, in the determination of the Secretary, of any State to prepare within a reasonable period of time such application in compliance with such section; or

(C) any State informing the Secretary that the State does not intend to expend the full amount of the allotment made to the State.

(July 1, 1944, ch. 373, title XXV, formerly title XV, § 2507, as added Pub. L. 100-607, title II, § 221, Nov. 4, 1988, 102 Stat. 3098; amended Pub. L. 100-690, title II, § 2619(e) [(f)], Nov. 18, 1988, 102 Stat. 4243; renumbered title XXV and amended Pub. L. 101-93, § 5(e)(1), (2), Aug. 16, 1989, 103 Stat. 612.)

Editorial Notes

PRIOR PROVISIONS

A prior section 2507 of act July 1, 1944, was successively renumbered by subsequent acts, see section 238f of this title.

AMENDMENTS

1989—Subsec. (a). Pub. L. 101-93, § 5(e)(2), substituted “Subject to the extent of amounts made available in appropriation Acts, the allotment” for “The allotment”.

1988—Subsec. (a)(1). Pub. L. 100-690, § 2619(e)(1) [(f)(1)], substituted “applicable amount specified” for “amount described”.

Subsec. (b)(1). Pub. L. 100-690, § 2619(e)(2)(A)(i) [(f)(2)(A)(i)], made technical amendment to reference to

section 300ee-24(a) of this title to correct reference to corresponding provision of original act.

Pub. L. 100-690, § 2619(e)(2)(A)(ii) [(f)(2)(A)(ii)], substituted “subsection (a)(1) shall be” for “subsection (a)(1) is”.

Subsec. (b)(2), (3), Pub. L. 100-690, § 2619(e)(2)(B), (C) [(f)(2)(B), (C)], substituted “subsection (a)(1) shall be” for “subsection (a)(1) is”.

Subsec. (d), Pub. L. 100-690, § 2619(e)(3) [(f)(3)], substituted “allotment under section 300ee-11(a) of this title” for “allotment” in par. (1) and “section 300ee-13 of this title” for “section 300ee-17 of this title” in par. (2)(A).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 effective immediately after enactment of Pub. L. 100-607, which was approved Nov. 4, 1988, see section 2600 of Pub. L. 100-690, set out as a note under section 242m of this title.

§ 300ee-18. Failure to comply with agreements

(a) Repayment of payments

(1) The Secretary may, subject to subsection (c), require a State to repay any payments received by the State under section 300ee-11(a) of this title that the Secretary determines were not expended by the State in accordance with the agreements required to be contained in the application submitted by the State pursuant to section 300ee-13 of this title.

(2) If a State fails to make a repayment required in paragraph (1), the Secretary may offset the amount of the repayment against the amount of any payment due to be paid to the State under section 300ee-11(a) of this title.

(b) Withholding of payments

(1) The Secretary may, subject to subsection (c), withhold payments due under section 300ee-11(a) of this title if the Secretary determines that the State involved is not expending amounts received under such section in accordance with the agreements required to be contained in the application submitted by the State pursuant to section 300ee-13 of this title.

(2) The Secretary shall cease withholding payments from a State under paragraph (1) if the Secretary determines that there are reasonable assurances that the State will expend amounts received under section 300ee-11(a) of this title in accordance with the agreements referred to in such paragraph.

(3) The Secretary may not withhold funds under paragraph (1) from a State for a minor failure to comply with the agreements referred to in such paragraph.

(c) Opportunity for hearing

Before requiring repayment of payments under subsection (a)(1), or withholding payments under subsection (b)(1), the Secretary shall provide to the State an opportunity for a hearing conducted within the State.

(d) Prompt response to serious allegations

The Secretary shall promptly respond to any complaint of a substantial or serious nature that a State has failed to expend amounts received under section 300ee-11(a) of this title in accordance with the agreements required to be contained in the application submitted by the State pursuant to section 300ee-13 of this title.

(e) Investigations

(1) The Secretary shall conduct in several States in each fiscal year investigations of the expenditure of payments received by the States under section 300ee-11(a) of this title in order to evaluate compliance with the agreements required to be contained in the applications submitted to the Secretary pursuant to section 300ee-13 of this title.

(2) The Comptroller General of the United States may conduct investigations of the expenditure of funds received under section 300ee-11(a) of this title by a State in order to ensure compliance with the agreements referred to in paragraph (1).

(3) Each State, and each entity receiving funds from payments made to a State under section 300ee-11(a) of this title, shall make appropriate books, documents, papers, and records available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for examination, copying, or mechanical reproduction on or off the premises of the appropriate entity upon a reasonable request therefor.

(4)(A) In conducting any investigation in a State, the Secretary and the Comptroller General of the United States may not make a request for any information not readily available to the State, or to an entity receiving funds from payments made to the State under section 300ee-11(a) of this title, or make an unreasonable request for information to be compiled, collected, or transmitted in any form not readily available.

(B) Subparagraph (A) shall not apply to the collection, compilation, or transmittal of data in the course of a judicial proceeding.

(July 1, 1944, ch. 373, title XXV, formerly title XV, § 2508, as added Pub. L. 100-607, title II, § 221, Nov. 4, 1988, 102 Stat. 3099; amended Pub. L. 100-690, title II, § 2619(f) [(g)], Nov. 18, 1988, 102 Stat. 4243; renumbered title XXV, Pub. L. 101-93, § 5(e)(1), Aug. 16, 1989, 103 Stat. 612.)

Editorial Notes

PRIOR PROVISIONS

A prior section 2508 of act July 1, 1944, was successively renumbered by subsequent acts, see section 238g of this title.

AMENDMENTS

1988—Subsec. (a), Pub. L. 100-690, § 2619(f)(1) [(g)(1)], substituted “300ee-13 of this title” for “300ee-17 of this title”.

Subsec. (b), Pub. L. 100-690, § 2619(f)(2) [(g)(2)], inserted “of payments” after “Withholding” in heading and substituted “300ee-13 of this title” for “300ee-17 of this title” in par. (1).

Subsecs. (d), (e)(1), Pub. L. 100-690, § 2619(f)(3), (4) [(g)(3), (4)], substituted “300ee-13 of this title” for “300ee-17 of this title”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 effective immediately after enactment of Pub. L. 100-607, which was approved Nov. 4, 1988, see section 2600 of Pub. L. 100-690, set out as a note under section 242m of this title.