

State has failed to maintain such compliance, the Secretary shall reduce the amount of the allotment under section 300x of this title for the State for the fiscal year for which the grant is being made by an amount equal to the amount constituting such failure for the previous fiscal year.

(ii) Alternative

A State that has failed to comply with paragraph (1) and would otherwise be subject to a reduction in the State's allotment under section 300x of this title may, upon request by the State, in lieu of having the amount of the allotment under section 300x of this title for the State reduced for the fiscal year of the grant, agree to comply with a negotiated agreement that is approved by the Secretary and carried out in accordance with guidelines issued by the Secretary. If a State fails to enter into or comply with a negotiated agreement, the Secretary may take action under this paragraph or the terms of the negotiated agreement.

(B) Submission of information to the secretary

The Secretary may make a grant under section 300x of this title for a fiscal year only if the State involved submits to the Secretary information sufficient for the Secretary to make the determination required in subparagraph (A)(i).

(July 1, 1944, ch. 373, title XIX, §1915, as added Pub. L. 102-321, title II, §201(2), July 10, 1992, 106 Stat. 383; amended Pub. L. 106-310, div. B, title XXXII, §3204(b), (c), Oct. 17, 2000, 114 Stat. 1193; Pub. L. 114-255, div. B, title VIII, §8001(d), Dec. 13, 2016, 130 Stat. 1228.)

Editorial Notes

PRIOR PROVISIONS

Prior sections 300x-4 and 300x-4a were repealed by Pub. L. 102-321, title II, §201(2), July 10, 1992, 106 Stat. 378.

Section 300x-4, act July 1, 1944, ch. 373, title XIX, §1916, formerly §1915, as added Aug. 13, 1981, Pub. L. 97-35, title IX, §901, 95 Stat. 546; amended Jan. 4, 1983, Pub. L. 97-414, §8(u), 96 Stat. 2063; renumbered §1916 and amended Oct. 19, 1984, Pub. L. 98-509, title I, §§103, 106(a)-(c), (f), (g), 98 Stat. 2355, 2358, 2359; Oct. 7, 1985, Pub. L. 99-117, §7(a), 99 Stat. 492; Nov. 14, 1986, Pub. L. 99-660, title V, §503, 100 Stat. 3797; Nov. 18, 1988, Pub. L. 100-690, title II, §§2027-2035, 2037(a)(2), 102 Stat. 4199-4201, 4203; Aug. 16, 1989, Pub. L. 101-93, §2(e)-(l), (p)(1), (q)(1), 103 Stat. 606-609; Aug. 15, 1990, Pub. L. 101-374, §4(b), 104 Stat. 459, required States to make application and describe their activities in relation to allotments for grants for alcohol, drug abuse, and mental health services.

A prior section 1915 of act July 1, 1944, was classified to section 300x-3 of this title prior to repeal by Pub. L. 102-321.

Section 300x-4a, act July 1, 1944, ch. 373, title XIX, §1916A, as added Nov. 18, 1988, Pub. L. 100-690, title II, §2036, 102 Stat. 4202; amended Aug. 16, 1989, Pub. L. 101-93, §2(m), 103 Stat. 608, related to group homes for recovering substance abusers.

AMENDMENTS

2016—Subsec. (b)(3). Pub. L. 114-255, §8001(d)(1), designated existing provisions as subpar. (A) and inserted

heading, substituted “paragraph (1) in whole or in part if” for “paragraph (1) if” and “State in the fiscal year involved or in the previous fiscal year justify the waiver” for “State justify the waiver.”, and added subpars. (B) and (C).

Subsec. (b)(4)(A). Pub. L. 114-255, §8001(d)(2)(A), designated existing provisions as cl. (i), inserted subpar. (A) and cl. (i) headings, and added cl. (ii).

Subsec. (b)(4)(B). Pub. L. 114-255, §8001(d)(2)(B), inserted heading and substituted “subparagraph (A)(i)” for “subparagraph (A)” in text.

2000—Subsec. (a)(1). Pub. L. 106-310, §3204(b)(1), inserted “and the report of the State under section 300x-52(a) of this title concerning the preceding fiscal year” after “to the grant”.

Subsec. (a)(2). Pub. L. 106-310, §3204(b)(2), inserted “and any comments concerning the annual report” before period at end.

Subsec. (b)(2) to (4). Pub. L. 106-310, §3204(c), added par. (2) and redesignated former pars. (2) and (3) as (3) and (4), respectively.

§ 300x-5. Restrictions on use of payments

(a) In general

A funding agreement for a grant under section 300x of this title is that the State involved will not expend the grant—

(1) to provide inpatient services;

(2) to make cash payments to intended recipients of health services;

(3) to purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment;

(4) to satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds; or

(5) to provide financial assistance to any entity other than a public or nonprofit private entity.

(b) Limitation on administrative expenses

A funding agreement for a grant under section 300x of this title is that the State involved will not expend more than 5 percent of the grant for administrative expenses with respect to the grant.

(July 1, 1944, ch. 373, title XIX, §1916, as added Pub. L. 102-321, title II, §201(2), July 10, 1992, 106 Stat. 384.)

Editorial Notes

PRIOR PROVISIONS

A prior section 300x-5, act July 1, 1944, ch. 373, title XIX, §1917, formerly §1916, as added Aug. 13, 1981, Pub. L. 97-35, title IX, §901, 95 Stat. 549; renumbered §1917 and amended Oct. 19, 1984, Pub. L. 98-509, title I, §§104, 106(a), (b), (d), (g), 98 Stat. 2357-2359; Oct. 7, 1985, Pub. L. 99-117, §7(b), 99 Stat. 493; Nov. 18, 1988, Pub. L. 100-690, title II, §§2037(a)(1), (b), 2052(b), 102 Stat. 4203, 4208; Aug. 16, 1989, Pub. L. 101-93, §2(p)(2), 103 Stat. 609, related to reports and audits relative to grants for alcohol, drug abuse, and mental health services, prior to repeal by Pub. L. 102-321, §201(2).

A prior section 1916 of act July 1, 1944, was classified to section 300x-4 of this title prior to repeal by Pub. L. 102-321.

§ 300x-6. Application for grant

(a) In general

For purposes of section 300x of this title, an application for a grant under such section for a