

through 2027.” for “appropriated \$1,858,079,000 for each of fiscal years 2018 through 2022.”

Pub. L. 117-328, §1241(a)(10)(A), substituted “substance use disorders” for “substance abuse”.

Subsec. (b)(1). Pub. L. 117-328, §1241(a)(10)(B), substituted “substance use disorders” for “substance abuse” in subpars. (A) and (B).

Subsec. (b)(1)(B). Pub. L. 117-328, §1245(b), struck out “the collection of data in this paragraph is” after “this subparagraph is”.

2016—Subsec. (a). Pub. L. 114-255, §8002(k)(1), substituted “section 290aa-4(d) of this title” for “section 290aa-4 of this title” and “\$1,858,079,000 for each of fiscal years 2018 through 2022.” for “\$2,000,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003”.

Subsec. (b)(1)(B). Pub. L. 114-255, §8002(k)(2), substituted “sections 290aa-4(d) and” for “sections 290aa-4 and”.

2000—Subsec. (a). Pub. L. 106-310, §3303(g)(1), substituted “\$2,000,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003” for “\$1,500,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994”.

Subsec. (b)(1)(B). Pub. L. 106-310, §3303(g)(2), substituted “sections 290aa-4 and 300y of this title” for “section 290aa-4 of this title”.

Subsec. (b)(2). Pub. L. 106-310, §3303(g)(3), made technical amendment to reference in original act which appears in text as reference to section 300x-58(a) of this title.

Subsec. (b)(3). Pub. L. 106-310, §3303(g)(4), added par. (3).

#### SUBPART III—GENERAL PROVISIONS

### § 300x-51. Opportunity for public comment on State plans

A funding agreement for a grant under section 300x or 300x-21 of this title is that the State involved will make the plan required in section 300x-1 of this title, and the plan required in section 300x-32 of this title, respectively, public within the State in such manner as to facilitate comment from any person (including any Federal or other public agency) during the development of the plan (including any revisions) and after the submission of the plan to the Secretary.

(July 1, 1944, ch. 373, title XIX, §1941, as added Pub. L. 102-321, title II, §203(a), July 10, 1992, 106 Stat. 403.)

### § 300x-52. Requirement of reports and audits by States

#### (a) Report

A funding agreement for a grant under section 300x or 300x-21 of this title is that the State involved will submit to the Secretary a report in such form and containing such information as the Secretary determines (after consultation with the States) to be necessary for securing a record and a description of—

(1) the purposes for which the grant received by the State for the preceding fiscal year under the program involved were expended and a description of the activities of the State under the program;

(2) the recipients of amounts provided in the grant; and

(3) the amount provided to each recipient in the previous fiscal year.

#### (b) Audits

A funding agreement for a grant under section 300x or 300x-21 of this title is that the State will,

with respect to the grant, comply with chapter 75 of title 31.

#### (c) Availability to public

A funding agreement for a grant under section 300x or 300x-21 of this title is that the State involved will—

(1) make copies of the reports and audits described in this section available for public inspection within the State; and

(2) provide copies of the report under subsection (a), upon request, to any interested person (including any public agency).

(July 1, 1944, ch. 373, title XIX, §1942, as added Pub. L. 102-321, title II, §203(a), July 10, 1992, 106 Stat. 403; amended Pub. L. 104-316, title I, §122(e), Oct. 19, 1996, 110 Stat. 3837; Pub. L. 117-328, div. FF, title I, §1246, Dec. 29, 2022, 136 Stat. 5679.)

#### Editorial Notes

##### AMENDMENTS

2022—Subsec. (a)(3). Pub. L. 117-328 added par. (3).

1996—Subsec. (a). Pub. L. 104-316 struck out “and the Comptroller General” after “with the States” in introductory provisions.

### § 300x-53. Additional requirements

#### (a) In general

A funding agreement for a grant under section 300x or 300x-21 of this title is that the State involved will—

(1)(A) for the fiscal year for which the grant involved is provided, provide for independent peer review to assess the quality, appropriateness, and efficacy of treatment services provided in the State to individuals under the program involved; and

(B) ensure that, in the conduct of such peer review, not fewer than 5 percent of the entities providing services in the State under such program are reviewed (which 5 percent is representative of the total population of such entities);

(2) permit and cooperate with Federal investigations undertaken in accordance with section 300x-55 of this title; and

(3) provide to the Secretary any data required by the Secretary pursuant to subsections (c) and (d) of section 290aa-4 of this title and will cooperate with the Secretary in the development of uniform criteria for the collection of data pursuant to such section.

#### (b) Patient records

The Secretary may make a grant under section 300x or 300x-21 of this title only if the State involved has in effect a system to protect from inappropriate disclosure patient records maintained by the State in connection with an activity funded under the program involved or by any entity which is receiving amounts from the grant.

(July 1, 1944, ch. 373, title XIX, §1943, as added Pub. L. 102-321, title II, §203(a), July 10, 1992, 106 Stat. 404; amended Pub. L. 102-352, §2(a)(12), Aug. 26, 1992, 106 Stat. 939; Pub. L. 114-255, div. B, title VIII, §8003(1), Dec. 13, 2016, 130 Stat. 1232.)

**Editorial Notes**

## AMENDMENTS

2016—Subsec. (a)(3). Pub. L. 114-255 substituted “subsections (c) and (d) of section 290aa-4 of this title” for “section 290aa-4 of this title”.

1992—Subsec. (a)(3). Pub. L. 102-352 substituted “section 290aa-4 of this title” for “section 290bb-21 of this title”.

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-352 effective immediately upon effectuation of amendment made by Pub. L. 102-321, see section 3(1) of Pub. L. 102-352, set out as a note under section 285n of this title.

**§ 300x-54. Disposition of certain funds appropriated for allotments****(a) In general**

Amounts described in subsection (b) and available for a fiscal year pursuant to section 300x or 300x-21 of this title, as the case may be, shall be allotted by the Secretary and paid to the States receiving a grant under the program involved, other than any State referred to in subsection (b) with respect to such program. Such amounts shall be allotted in a manner equivalent to the manner in which the allotment under the program involved was determined.

**(b) Specification of amounts**

The amounts referred to in subsection (a) are any amounts that—

(1) are not paid to States under the program involved as a result of—

(A) the failure of any State to submit an application in accordance with the program;

(B) the failure of any State to prepare such application in compliance with the program; 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 under the program;

(2) are terminated, repaid, or offset under section 300x-55 of this title;

(3) in the case of the program established in section 300x of this title, are available as a result of reductions in allotments under such section pursuant to section 300x-1(d) or 300x-4(b) of this title; or

(4) in the case of the program established in section 300x-21 of this title, are available as a result of reductions in allotments under such section pursuant to section 300x-26 or 300x-30 of this title.

(July 1, 1944, ch. 373, title XIX, §1944, as added Pub. L. 102-321, title II, §203(a), July 10, 1992, 106 Stat. 404.)

**§ 300x-55. Failure to comply with agreements****(a) Suspension or termination of payments**

Subject to subsection (e), if the Secretary determines that a State has materially failed to comply with the agreements or other conditions required for the receipt of a grant under the program involved, the Secretary may in whole or in part suspend payments under the grant, termi-

nate the grant for cause, or employ such other remedies (including the remedies provided for in subsections (b) and (c)) as may be legally available and appropriate in the circumstances involved.

**(b) Repayment of payments****(1) In general**

Subject to subsection (e), the Secretary may require a State to repay with interest any payments received by the State under section 300x or 300x-21 of this title that the Secretary determines were not expended by the State in accordance with the agreements required under the program involved.

**(2) Offset against payments**

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 the program involved.

**(c) Withholding of payments****(1) In general**

Subject to subsections (e) and (g)(3), the Secretary may withhold payments due under section 300x or 300x-21 of this title if the Secretary determines that the State involved is not expending amounts received under the program involved in accordance with the agreements required under the program.

**(2) Termination of withholding**

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 the program involved in accordance with the agreements required under the program.

**(d) Applicability of remedies to certain violations****(1) In general**

With respect to agreements or other conditions for receiving a grant under the program involved, in the case of the failure of a State to maintain material compliance with a condition referred to in paragraph (2), the provisions for noncompliance with the condition that are provided in the section establishing the condition shall apply in lieu of subsections (a) through (c) of this section.

**(2) Relevant conditions**

For purposes of paragraph (1):

(A) In the case of the program established in section 300x of this title, a condition referred to in this paragraph is the condition established in section 300x-1(d) of this title and the condition established in section 300x-4(b) of this title.

(B) In the case of the program established in section 300x-21 of this title, a condition referred to in this paragraph is the condition established in section 300x-26 of this title and the condition established in section 300x-30 of this title.

**(e) Opportunity for hearing**

Before taking action against a State under any of subsections (a) through (c) (or under a