

## AMENDMENTS

1992—Pub. L. 102-352 repealed Pub. L. 102-321, §163(a)(3), which directed the substitution of “the Administrator of the Substance Abuse and Mental Health Services Administration” for “the National Institute of Mental Health, the National Institute on Alcohol Abuse and Alcoholism, and the National Institute on Drug Abuse”.

Pub. L. 102-321, §162(2), which directed the substitution of “through the agencies of the Administration” for “through the National” and all that follows through “Abuse”, was executed by making the substitution for “through the National Institute of Mental Health, the National Institute of Alcohol Abuse and Alcoholism, and the National Institute on Drug Abuse” to reflect the probable intent of Congress.

1990—Pub. L. 101-645 amended section generally, substituting provision relating to technical assistance for provision relating to disbursement and availability of funds.

## EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-321 effective Oct. 1, 1992, with provision for programs providing financial assistance, see section 801(c), (d) of Pub. L. 102-321, set out as a note under section 236 of this title.

**§ 290cc-31. Failure to comply with agreements****(a) Repayment of payments**

(1) The Secretary may, subject to subsection (c) of this section, require a State to repay any payments received by the State under section 290cc-21 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 290cc-29 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 290cc-21 of this title.

**(b) Withholding of payments**

(1) The Secretary may, subject to subsection (c) of this section, withhold payments due under section 290cc-21 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 290cc-29 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 290cc-21 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) of this section, or withholding payments under subsection (b)(1) of this section, the Secretary shall provide to the State an opportunity for a hearing.

**(d) Rule of construction**

Notwithstanding any other provision of this part, a State receiving payments under section

290cc-21 of this title may not, with respect to any agreements required to be contained in the application submitted under section 290cc-29 of this title, be considered to be in violation of any such agreements by reason of the fact that the State, in the regular course of providing services under section 290cc-22(b) of this title to eligible homeless individuals, incidentally provides services to homeless individuals who are not eligible homeless individuals.

(July 1, 1944, ch. 373, title V, §531, as added Pub. L. 100-77, title VI, §611(3), July 22, 1987, 101 Stat. 521; amended Pub. L. 101-645, title V, §511, Nov. 29, 1990, 104 Stat. 4731.)

## AMENDMENTS

1990—Pub. L. 101-645 amended section generally, substituting provisions relating to failure to comply with agreements for provision relating to technical assistance.

**§ 290cc-32. Prohibition against certain false statements****(a) In general**

(1) A person may not knowingly make or cause to be made any false statement or representation of a material fact in connection with the furnishing of items or services for which amounts may be paid by a State from payments received by the State under section 290cc-21 of this title.

(2) A person with knowledge of the occurrence of any event affecting the right of the person to receive any amounts from payments made to the State under section 290cc-21 of this title may not conceal or fail to disclose any such event with the intent of securing such an amount that the person is not authorized to receive or securing such an amount in an amount greater than the amount the person is authorized to receive.

**(b) Criminal penalty for violation of prohibition**

Any person who violates a prohibition established in subsection (a) of this section may for each violation be fined in accordance with title 18 or imprisoned for not more than 5 years, or both.

(July 1, 1944, ch. 373, title V, §532, as added Pub. L. 100-77, title VI, §611(3), July 22, 1987, 101 Stat. 521; amended Pub. L. 101-645, title V, §511, Nov. 29, 1990, 104 Stat. 4732.)

## AMENDMENTS

1990—Pub. L. 101-645 amended section generally, substituting provisions relating to prohibition against certain false statements for provisions relating to failure to comply with agreements.

**§ 290cc-33. Nondiscrimination****(a) In general****(1) Rule of construction regarding certain civil rights laws**

For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 [42 U.S.C. 6101 et seq.], on the basis of handicap under section 504 of the Rehabilitation Act of 1973 [29 U.S.C. 794], on the basis of sex under title IX of the Education Amendments of 1972