

(5) the application otherwise is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this part.

(July 1, 1944, ch. 373, title XII, §1217, as added Pub. L. 101-590, §3, Nov. 16, 1990, 104 Stat. 2924.)

**§ 300d-18. Determination of amount of allotment**

**(a) Minimum allotment**

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

(1) the amount determined under subsection (b)(1) of this section; and

(2) \$250,000 in the case of each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico, and \$50,000 in the case of each of the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

**(b) Determination under formula**

**(1) In general**

The amount referred to in subsection (a)(1) of this section for a State for a fiscal year is the sum of—

(A) an amount determined under paragraph (2); and

(B) an amount determined under paragraph (3).

**(2) Amount relating to population**

The amount referred to in subparagraph (A) of paragraph (1) for a State for a fiscal year is the product of—

(A) an amount equal to 80 percent of the amounts appropriated under section 300d-32(a) of this title for the fiscal year and available for allotment under section 300d-11(a) of this title; and

(B) a percentage equal to the quotient of—

(i) an amount equal to the population of the State; divided by

(ii) an amount equal to the population of all States.

**(3) Amount relating to square mileage**

The amount referred to in subparagraph (B) of paragraph (1) for a State for a fiscal year is the product of—

(A) an amount equal to 20 percent of the amounts appropriated under section 300d-32(a) of this title for the fiscal year and available for allotment under section 300d-11(a) of this title; and

(B) a percentage equal to the quotient of—

(i) an amount equal to the lesser of 266,807 and the amount of the square mileage of the State; divided by

(ii) an amount equal to the sum of the respective amounts determined for the States under clause (i).

**(c) Disposition of certain funds appropriated for allotments**

**(1) In general**

Amounts described in paragraph (2) shall, in accordance with paragraph (3), be allotted by

the Secretary to States receiving payments under section 300d-11(a) of this title for the fiscal year (other than any State referred to in paragraph (2)(C)).

**(2) Type of amounts**

The amounts referred to in paragraph (1) are any amounts made available pursuant to 300d-32(b)(3) of this title that are not paid under section 300d-11(a) of this title to a State as a result of—

(A) the failure of the State to submit an application under section 300d-17 of this title;

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

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

**(3) Amount**

The amount of an allotment under paragraph (1) for a State for a fiscal year shall be an amount equal to the product of—

(A) an amount equal to the amount described in paragraph (2) for the fiscal year involved; and

(B) the percentage determined under subsection (b)(2) of this section for the State.

(July 1, 1944, ch. 373, title XII, §1218, as added Pub. L. 101-590, §3, Nov. 16, 1990, 104 Stat. 2924.)

**§ 300d-19. Failure to comply with agreements**

**(a) Repayment of payments**

**(1) Requirement**

The Secretary may, in accordance with subsection (b) of this section, require a State to repay any payments received by the State pursuant to section 300d-11(a) of this title that the Secretary determines were not expended by the State in accordance with the agreements required to be made by the State as a condition of the receipt of payments under such section.

**(2) Offset of amounts**

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

**(b) Opportunity for hearing**

Before requiring repayment of payments under subsection (a)(1) of this section, the Secretary shall provide to the State an opportunity for a hearing.

(July 1, 1944, ch. 373, title XII, §1219, as added Pub. L. 101-590, §3, Nov. 16, 1990, 104 Stat. 2925.)

**§ 300d-20. Prohibition against certain false statements**

**(a) In general**

**(1) False statements or representations**

A person may not knowingly and willfully make or cause to be made any false statement or representation of a material fact in connec-

tion with the furnishing of items or services for which payments may be made by a State from amounts paid to the State under section 300d-11(a) of this title.

**(2) Concealing or failing to disclose information**

A person with knowledge of the occurrence of any event affecting the right of the person to receive any payments from amounts paid to the State under section 300d-11(a) of this title may not conceal or fail to disclose any such event with the intent of fraudulently securing such amount.

**(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 XII, §1220, as added Pub. L. 101-590, §3, Nov. 16, 1990, 104 Stat. 2925.)

**§ 300d-21. Technical assistance and provision by Secretary of supplies and services in lieu of grant funds**

**(a) Technical assistance**

The Secretary shall, without charge to a State receiving payments under section 300d-11(a) of this title, provide to the State (or to any public or nonprofit private entity designated by the State) technical assistance with respect to the planning, development, and operation of any program carried out pursuant to section 300d-11(b) of this title. The Secretary may provide such technical assistance directly, through contract, or through grants.

**(b) Provision by Secretary of supplies and services in lieu of grant funds**

**(1) In general**

Upon the request of a State receiving payments under section 300d-11(a) of this title, the Secretary may, subject to paragraph (2), provide supplies, equipment, and services for the purpose of aiding the State in carrying out section 300d-11(b) of this title and, for such purpose, may detail to the State any officer or employee of the Department of Health and Human Services.

**(2) Reduction in payments**

With respect to a request described in paragraph (1), the Secretary shall reduce the amount of payments to the State under section 300d-11(a) of this title by an amount equal to the costs of detailing personnel and the fair market value of any supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

(July 1, 1944, ch. 373, title XII, §1221, as added Pub. L. 101-590, §3, Nov. 16, 1990, 104 Stat. 2926.)

PRIOR PROVISIONS

A prior section 300d-21, act July 1, 1944, ch. 373, title XII, §1221, as added Oct. 21, 1976, Pub. L. 94-573, §14(3), 90 Stat. 2718; amended Dec. 12, 1979, Pub. L. 96-142, title I, §107(a)-(c), 93 Stat. 1069, related to programs for burn,

trauma, and poison injuries, prior to repeal by Pub. L. 97-35, title IX, §902(d)(1), (h), Aug. 13, 1981, 95 Stat. 560, 561, effective Oct. 1, 1981.

**§ 300d-22. Report by Secretary**

Not later than October 1, 2008, the Secretary shall report to the appropriate committees of Congress on the activities of the States carried out pursuant to section 300d-11 of this title. Such report shall include an assessment of the extent to which Federal and State efforts to develop systems of trauma care and to designate trauma centers have reduced the incidence of mortality, and the incidence of permanent disability, resulting from trauma. Such report may include any recommendations of the Secretary for appropriate administrative and legislative initiatives with respect to trauma care.

(July 1, 1944, ch. 373, title XII, §1222, as added Pub. L. 101-590, §3, Nov. 16, 1990, 104 Stat. 2926; amended Pub. L. 103-183, title VI, §601(d), Dec. 14, 1993, 107 Stat. 2238; Pub. L. 110-23, §11, May 3, 2007, 121 Stat. 97.)

AMENDMENTS

2007—Pub. L. 110-23 amended section generally. Prior to amendment, section required Secretary to submit report no later than Oct. 1, 1995.

1993—Pub. L. 103-183 substituted “1995” for “1992” and inserted after first sentence “Such report shall include an assessment of the extent to which Federal and State efforts to develop systems of trauma care and to designate trauma centers have reduced the incidence of mortality, and the incidence of permanent disability, resulting from trauma.”

PART C—GENERAL PROVISIONS REGARDING PARTS A AND B

**§ 300d-31. Definitions**

For purposes of this part and parts A and B of this subchapter:

**(1) Designated trauma center**

The term “designated trauma center” means a trauma center designated in accordance with the modifications to the State plan described in section 300d-13 of this title.

**(2) State plan regarding emergency medical services**

The term “State plan”, with respect to the provision of emergency medical services, means a plan for a comprehensive, organized system to provide for the access, response, triage, field stabilization, transport, hospital stabilization, definitive care, and rehabilitation of patients of all ages with respect to emergency medical services.

**(3) State**

The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

**(4) Trauma**

The term “trauma” means an injury resulting from exposure to—

(A) a mechanical force; or

(B) another extrinsic agent, including an extrinsic agent that is thermal, electrical, chemical, or radioactive.