

535; amended Pub. L. 98-555, §4, Oct. 30, 1984, 98 Stat. 2855; Pub. L. 100-607, title III, §301(a), Nov. 4, 1988, 102 Stat. 3111; Pub. L. 102-531, title I, §101, Oct. 27, 1992, 106 Stat. 3469; Pub. L. 103-183, title VII, §705(e), Dec. 14, 1993, 107 Stat. 2241.)

#### AMENDMENTS

1993—Subsec. (a). Pub. L. 103-183 substituted “through 1998” for “through 1997”.

1992—Subsec. (a). Pub. L. 102-531, §101(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “For the purpose of allotments under section 300w-1 of this title, there is authorized to be appropriated \$95,000,000 for fiscal year 1982, \$96,500,000 for fiscal year 1983, \$98,500,000 for fiscal year 1984, \$98,500,000 for the fiscal year ending September 30, 1985, \$98,500,000 for the fiscal year ending September 30, 1986, \$98,500,000 for the fiscal year ending September 30, 1987, \$110,000,000 for fiscal year 1989, and such sums as may be necessary for each of the fiscal years 1990 and 1991.”

Subsec. (b). Pub. L. 102-531, §101(b), substituted “\$7,000,000” for “\$3,500,000”.

1988—Subsec. (a). Pub. L. 100-607 struck out “and” after “1986,” and inserted “, \$110,000,000 for fiscal year 1989, and such sums as may be necessary for each of the fiscal years 1990 and 1991” before period at end.

1984—Subsec. (a). Pub. L. 98-555, §4(a), inserted provisions authorizing appropriations for fiscal years ending Sept. 30, 1985, 1986, and 1987.

Subsec. (b). Pub. L. 98-555, §4(b), substituted “\$3,500,000” for “\$3,000,000”.

#### EFFECTIVE DATE

Pub. L. 97-35, title IX, §901, Aug. 13, 1981, 95 Stat. 535, provided in part that this subchapter is effective Oct. 1, 1981.

### § 300w-1. Allotments

#### (a) Availability based upon prior year distributions

(1) From the amounts appropriated under section 300w of this title for any fiscal year and available for allotment under this subsection, the Secretary shall allot to each State an amount which bears the same ratio to the available amounts for that fiscal year as the amounts provided by the Secretary under the provisions of law listed in paragraph (2) to the State and entities in the State for fiscal year 1981 bore to the total amount appropriated for such provisions of law for fiscal year 1981.

(2) The provisions of law referred to in paragraph (1) are the following provisions of law as in effect on September 30, 1981:

(A) The authority for grants under section 247b of this title for preventive health service programs for the control of rodents.

(B) The authority for grants under section 247b of this title for establishing and maintaining community and school-based fluoridation programs.

(C) The authority for grants under section 247b of this title for preventive health service programs for hypertension.

(D) Sections 247b-1<sup>1</sup> and 247b-2 of this title.

(E) Section 246(d)<sup>1</sup> of this title.

(F) Section 255(a)<sup>1</sup> of this title.

(G) Sections 300d-1,<sup>1</sup> 300d-2,<sup>1</sup> and 300d-3<sup>1</sup> of this title.

#### (b) Population

From the amount required to be made available under section 300w(b) of this title for allot-

ments under this subsection for any fiscal year, the Secretary shall make allotments to each State on the basis of the population of the State.

#### (c) Distribution of appropriated funds not allotted

To the extent that all the funds appropriated under section 300w of this title for a fiscal year and available for allotment in such fiscal year are not otherwise allotted to States because—

(1) one or more States have not submitted an application or description of activities in accordance with section 300w-4 of this title for the fiscal year;

(2) one or more States have notified the Secretary that they do not intend to use the full amount of their allotment; or

(3) some State allotments are offset or repaid under section 300w-5(b)(3) of this title;

such excess shall be allotted among each of the remaining States in proportion to the amount otherwise allotted to such States for the fiscal year without regard to this subsection.

#### (d) Distributions to Indian tribes

(1) If the Secretary—

(A) receives a request from the governing body of an Indian tribe or tribal organization within any State that funds under this part be provided directly by the Secretary to such tribe or organization, and

(B) determines that the members of such tribe or tribal organization would be better served by means of grants made directly by the Secretary under this part,

the Secretary shall reserve from amounts which would otherwise be allotted to such State under subsection (a) for the fiscal year the amount determined under paragraph (2).

(2) The Secretary shall reserve for the purpose of paragraph (1) from amounts that would otherwise be allotted to such State under subsection (a) an amount equal to the amount which bears the same ratio to the State's allotment for the fiscal year involved as the total amount provided or allotted for fiscal year 1981 by the Secretary to such tribe or tribal organization under the provisions of law referred to in subsection (a) bore to the total amount provided or allotted for such fiscal year by the Secretary to the State and entities (including Indian tribes and tribal organizations) in the State under such provisions of law.

(3) The amount reserved by the Secretary on the basis of a determination under this subsection shall be granted to the Indian tribe or tribal organization serving the individuals for whom such a determination has been made.

(4) In order for an Indian tribe or tribal organization to be eligible for a grant for a fiscal year under this subsection, it shall submit to the Secretary a plan for such fiscal year which meets such criteria as the Secretary may prescribe.

(5) The terms “Indian tribe” and “tribal organization” have the same meaning given such terms in section 5304(b) and (c)<sup>2</sup> of title 25.

<sup>1</sup> See References in Text note below.

<sup>2</sup> See References in Text note below.

**(e) Report on equitable distribution of available funds**

The Secretary shall conduct a study for the purpose of devising a formula for the equitable distribution of funds available for allotment to the States under this section. In conducting the study, the Secretary shall take into account—

- (1) the financial resources of the various States,
- (2) the populations of the States, and
- (3) any other factor which the Secretary may consider appropriate.

Before June 30, 1982, the Secretary shall submit a report to the Congress respecting the development of a formula and make such recommendations as the Secretary may deem appropriate in order to ensure the most equitable distribution of funds under allotments under this section.

(July 1, 1944, ch. 373, title XIX, §1902, as added Pub. L. 97-35, title IX, §901, Aug. 13, 1981, 95 Stat. 535.)

## REFERENCES IN TEXT

Section 247b-1 of this title, referred to in subsec. (a)(2)(D), was in the original a reference to section 401 of the Health Services and Centers Amendments of 1978, Pub. L. 95-626, which was repealed effective Oct. 1, 1981, by Pub. L. 97-35, title IX, §902(a), (h), Aug. 13, 1981, 95 Stat. 559, 561. Pub. L. 100-572, §3, Oct. 31, 1988, 102 Stat. 2887, enacted section 317A of act July 1, 1944, which is classified to section 247b-1 of this title.

Section 247b-2 of this title, referred to in subsec. (a)(2)(D), was repealed effective Oct. 1, 1981, by Pub. L. 97-35, title IX, §902(a), (h), Aug. 13, 1981, 95 Stat. 559, 561.

Section 246(d) of this title, referred to in subsec. (a)(2)(E), was repealed effective Oct. 1, 1981, by Pub. L. 97-35, title IX, §902(b), (h), Aug. 13, 1981, 95 Stat. 559, 561.

Section 255 of this title, referred to in subsec. (a)(2)(F), was in the original a reference to section 339 of act July 1, 1944, which was repealed effective Oct. 1, 1981, by Pub. L. 97-35, title IX, §902(b), (h), Aug. 13, 1981, 95 Stat. 559, 561. Pub. L. 97-414, §6(a), Jan. 4, 1983, 96 Stat. 2057, added a new section 339 of act July 1, 1944, which is classified to section 255 of this title.

Sections 300d-1, 300d-2, and 300d-3 of this title, referred to in subsec. (a)(2)(G), were in the original references to sections 1202, 1203, and 1204, respectively, of act July 1, 1944, which were repealed effective Oct. 1, 1981, by Pub. L. 97-35, title IX, §902(d)(1), (h), Aug. 13, 1981, 95 Stat. 560, 561. Pub. L. 101-590, §3, Nov. 16, 1990, 104 Stat. 2916-2918, enacted new sections 1202, 1203, and 1204 of act July 1, 1944, which were classified to sections 300d-1, 300d-2, and 300d-3, respectively, of this title. Pub. L. 103-183, title VI, §601(b), Dec. 14, 1983, 107 Stat. 2238, repealed section 1202 and renumbered sections 1203 and 1204 as 1202 and 1203, respectively. Pub. L. 110-23, §§3, 5, May 3, 2007, 121 Stat. 90, 91, repealed section 1202, renumbered section 1203 as 1202, and enacted new section 1203 of act July 1, 1944, which is classified to section 300d-5 of this title.

Section 5304 of title 25, referred to in subsec. (d)(5), has been amended, and subsecs. (b) and (c) of section 5304 no longer define the terms “Indian tribe” and “tribal organization”. However, such terms are defined elsewhere in that section.

## EFFECTIVE DATE

Section effective Oct. 1, 1981, see section 901 of Pub. L. 97-35, set out in part as a note under section 300w of this title.

**§ 300w-2. Payments under allotments to States**

(a)(1) For each fiscal year, the Secretary shall make payments, as provided by section 6503(a) of

title 31, to each State from its allotment under section 300w-1 of this title (other than any amount reserved under section 300w-1(d) of this title) from amounts appropriated for that fiscal year.

(2) Any amount paid to a State for a fiscal year and remaining unobligated at the end of such year shall remain available for the next fiscal year to such State for the purposes for which it was made.

(b) The Secretary, at the request of a State, may reduce the amount of payments under subsection (a) by—

(1) the fair market value of any supplies or equipment furnished the State, and

(2) the amount of the pay, allowances, and travel expenses of any officer or employee of the Government when detailed to the State and the amount of any other costs incurred in connection with the detail of such officer or employee,

when the furnishing of supplies or equipment or the detail of an officer or employee is for the convenience of and at the request of the State and for the purpose of conducting activities described in section 300w-3 of this title. The amount by which any payment is so reduced shall be available for payment by the Secretary of the costs incurred in furnishing the supplies or equipment or in detailing the personnel, on which the reduction of the payment is based, and the amount shall be deemed to be part of the payment and shall be deemed to have been paid to the State.

(July 1, 1944, ch. 373, title XIX, §1903, as added Pub. L. 97-35, title IX, §901, Aug. 13, 1981, 95 Stat. 537.)

## CODIFICATION

In subsec. (a)(1), “section 6503(a) of title 31” substituted for “section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213)” on authority of Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

## EFFECTIVE DATE

Section effective Oct. 1, 1981, see section 901 of Pub. L. 97-35, set out in part as a note under section 300w of this title.

**§ 300w-3. Use of allotments**

**(a) Preventive health services, comprehensive public health services, emergency medical services, etc.**

(1) Except as provided in subsections (b) and (c), payments made to a State under section 300w-2 of this title may be used for the following:

(A) Activities consistent with making progress toward achieving the objectives established by the Secretary for the health status of the population of the United States for the year 2000 (in this part referred to as “year 2000 health objectives”).

(B) Preventive health service programs for the control of rodents and for community and school-based fluoridation programs.

(C) Feasibility studies and planning for emergency medical services systems and the