

**TITLE 42 - THE PUBLIC HEALTH AND WELFARE**  
**CHAPTER 6A - PUBLIC HEALTH SERVICE**  
**SUBCHAPTER XVII - BLOCK GRANTS**  
**Part B - Block Grants Regarding Mental Health and Substance Abuse**  
**subpart i - block grants for community mental health services**

**§ 300x-4. Additional provisions**

**(a) Review of State plan by mental health planning council**

The Secretary may make a grant under section 300x of this title to a State only if—

- (1) the plan submitted under section 300x-1 (a) of this title with respect to the grant and the report of the State under section 300x-52 (a) of this title concerning the preceding fiscal year has been reviewed by the State mental health planning council under section 300x-3 of this title; and
- (2) the State submits to the Secretary any recommendations received by the State from such council for modifications to the plan (without regard to whether the State has made the recommended modifications) and any comments concerning the annual report.

**(b) Maintenance of effort regarding State expenditures for mental health**

**(1) In general**

A funding agreement for a grant under section 300x of this title is that the State involved will maintain State expenditures for community mental health services at a level that is not less than the average level of such expenditures maintained by the State for the 2-year period preceding the fiscal year for which the State is applying for the grant.

**(2) Exclusion of certain funds**

The Secretary may exclude from the aggregate State expenditures under subsection (a) of this section, funds appropriated to the principle agency for authorized activities which are of a non-recurring nature and for a specific purpose.

**(3) Waiver**

The Secretary may, upon the request of a State, waive the requirement established in paragraph (1) if the Secretary determines that extraordinary economic conditions in the State justify the waiver.

**(4) Noncompliance by State**

**(A)** In making a grant under section 300x of this title to a State for a fiscal year, the Secretary shall make a determination of whether, for the previous fiscal year, the State maintained material compliance with the agreement made under paragraph (1). If the Secretary determines that a 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.

**(B)** 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).

(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.)

**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

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 5, 2009 (see <http://www.law.cornell.edu/uscode/uscpri.html>).*

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**

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.