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TITLE 42--THE PUBLIC HEALTH AND WELFARE

CHAPTER 6A--PUBLIC HEALTH SERVICE

SUBCHAPTER II--GENERAL POWERS AND DUTIES

Part D--Primary Health Care

subpart iii--scholarship program and loan repayment program

Sec. 254r. Grants to States for operation of offices of rural
health

(a) In general

The Secretary, acting through the Director of the Office of Rural Health Policy (established in section 912 of this title), may make grants to States for the purpose of improving health care in rural areas through the operation of State offices of rural health.

(b) Requirement of matching funds

(1) In general

The Secretary may not make a grant under subsection (a) of this section unless the State involved agrees, with respect to the costs to be incurred by the State in carrying out the purpose described in such subsection, to provide non-Federal contributions toward such costs in an amount equal to--

(A) for the first fiscal year of payments under the grant, not less than \$1 for each \$3 of Federal funds provided in the grant;

(B) for any second fiscal year of such payments, not less than \$1 for each \$1 of Federal funds provided in the grant; and

(C) for any third fiscal year of such payments, not less than \$3 for each \$1 of Federal funds provided in the grant.

(2) Determination of amount of non-Federal contribution

(A) Subject to subparagraph (B), non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in

determining the amount of such non-Federal contributions.

(B) The Secretary may not make a grant under subsection (a) of this section unless the State involved agrees that--

(i) for the first fiscal year of payments under the grant, 100 percent or less of the non-Federal contributions required

in

paragraph (1) will be provided in the form of in-kind contributions;

(ii) for any second fiscal year of such payments, not more than 50 percent of such non-Federal contributions will be provided in the form of in-kind contributions; and

(iii) for any third fiscal year of such payments, such non-Federal contributions will be provided solely in the form of cash.

(c) Certain required activities

The Secretary may not make a grant under subsection (a) of this section unless the State involved agrees that activities carried out by an office operated pursuant to such subsection will include--

(1) establishing and maintaining within the State a clearinghouse for collecting and disseminating information on--

(A) rural health care issues;

(B) research findings relating to rural health care; and

(C) innovative approaches to the delivery of health care in rural areas;

(2) coordinating the activities carried out in the State that relate to rural health care, including providing coordination for the purpose of avoiding redundancy in such activities; and

(3) identifying Federal and State programs regarding rural health, and providing technical assistance to public and nonprofit private entities regarding participation in such programs.

(d) Requirement regarding annual budget for office

The Secretary may not make a grant under subsection (a) of this section unless the State involved agrees that, for any fiscal year for which the State receives such a grant, the office operated pursuant to subsection (a) of this section will be provided with an annual budget of not less than \$50,000.

(e) Certain uses of funds

(1) Restrictions

The Secretary may not make a grant under subsection (a) of this section unless the State involved agrees that--

(A) if research with respect to rural health is conducted pursuant to the grant, not more than 10 percent of the grant will be expended for such research; and

(B) the grant will not be expended--

(i) to provide health care (including providing cash payments regarding such care);

(ii) to conduct activities for which Federal funds are expended--

(I) within the State to provide technical and other

nonfinancial assistance under subsection (f) of section 254c \1\ of this title;

\1\ See References in Text note below.

(II) under a memorandum of agreement entered into with the State under subsection (h) of such section; or
(III) under a grant under section 254q-1 of this title;

(iii) to purchase medical equipment, to purchase ambulances, aircraft, or other vehicles, or to purchase major communications equipment;
(iv) to purchase or improve real property; or
(v) to carry out any activity regarding a certificate

of

need.

(2) Authorities

Activities for which a State may expend a grant under subsection

(a) of this section include--

- (A) paying the costs of establishing an office of rural health for purposes of subsection (a) of this section;
- (B) subject to paragraph (1)(B)(ii)(III), paying the costs of any activity carried out with respect to recruiting and retaining health professionals to serve in rural areas of the State; and
- (C) providing grants and contracts to public and nonprofit private entities to carry out activities authorized in this section.

(f) Reports

The Secretary may not make a grant under subsection (a) of this section unless the State involved agrees--

- (1) to submit to the Secretary reports containing such information as the Secretary may require regarding activities carried out under this section by the State; and
- (2) to submit such a report not later than January 10 of each fiscal year immediately following any fiscal year for which the State has received such a grant.

(g) Requirement of application

The Secretary may not make a grant under subsection (a) of this section unless an application for the grant is submitted to the Secretary and the application 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 such subsection.

(h) Noncompliance

The Secretary may not make payments under subsection (a) of this

section to a State for any fiscal year subsequent to the first fiscal year of such payments unless the Secretary determines that, for the immediately preceding fiscal year, the State has complied with each of the agreements made by the State under this section.

(i) ``State'' defined

For purposes of this section, the term ``State'' means each of the several States.

(j) Authorization of appropriations

(1) In general

For the purpose of making grants under subsection (a) of this section, there are authorized to be appropriated \$3,000,000 for fiscal year 1991, \$4,000,000 for fiscal year 1992, \$3,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1998 through 2002.

(2) Availability

Amounts appropriated under paragraph (1) shall remain available until expended.

(k) Termination of program

No grant may be made under this section after the aggregate amounts appropriated under subsection (j)(1) of this section are equal to \$36,000,000.

(July 1, 1944, ch. 373, title III, Sec. 338J, as added Pub. L. 101-597, title III, Sec. 302, Nov. 16, 1990, 104 Stat. 3032; amended Pub. L. 105-392, title III, Sec. 301, Nov. 13, 1998, 112 Stat. 3585.)

References in Text

Section 254c of this title, referred to in subsec. (e)(1)(B)(ii)(I), was in the original a reference to section 330, meaning section 330 of act July 1, 1944, which was omitted in the general amendment of subpart I (Sec. 254b et seq.) of this part by Pub. L. 104-299, Sec. 2, Oct. 11, 1996, 110 Stat. 3626. Sections 2 and 3(a) of Pub. L. 104-299 enacted new sections 330 and 330A of act July 1, 1944, which are classified, respectively, to sections 254b and 254c of this title.

Prior Provisions

A prior section 254r, act July 1, 1944, ch. 373, title III, Sec. 338I, formerly title VII, Sec. 757, as added Aug. 1, 1977, Pub. L. 95-83, title III, Sec. 307(n)(1), 91 Stat. 392; amended Dec. 17, 1980, Pub. L. 96-537, Sec. 3(d), 94 Stat. 3174; renumbered Sec. 338G, Aug. 13, 1981, Pub. L. 97-35, title XXVII, Sec. 2709(a), 95 Stat. 908; Oct. 30,

1984, Pub. L. 98-551, Sec. 3, 98 Stat. 2817; renumbered Sec. 338I, Dec. 1, 1987, Pub. L. 100-177, title II, Sec. 201(1), 101 Stat. 992; Nov. 4, 1988, Pub. L. 100-607, title VI, Sec. 629(a)(3), 102 Stat. 3146, which related to Indian Health Scholarships and was classified to section 294y-1 of this title prior to renumbering by Pub. L. 97-35, was repealed

by Pub. L. 100-713, title I, Sec. 104(b)(1), Nov. 23, 1988, 102 Stat. 4787. For provisions continuing scholarships provided on or before Nov. 23, 1988, see section 104(b)(2) of Pub. L. 100-713.

A prior section 338J of act July 1, 1944, was renumbered section 338K by Pub. L. 101-597 and is classified to section 254s of this title.

Amendments

1998--Subsec. (b)(1). Pub. L. 105-392, Sec. 301(1), struck out ``in cash'' after ``contributions'' in introductory provisions.

Subsec. (j)(1). Pub. L. 105-392, Sec. 301(2), struck out ``and'' after ``1992,'' and inserted before period at end `` , and such sums as may be necessary for each of the fiscal years 1998 through 2002''.

Subsec. (k). Pub. L. 105-392, Sec. 301(3), substituted ``\$36,000,000'' for ``\$10,000,000''.

Communications for Rural Health Providers

Pub. L. 102-538, title I, Sec. 154, formerly Sec. 134, Oct. 27, 1992, 106 Stat. 3541, renumbered Sec. 154 by Pub. L. 103-66, title VI, Sec. 6001(a)(2), Aug. 10, 1993, 107 Stat. 379, directed Secretary of Commerce, in conjunction with Secretary of Health and Human Services, to establish an advisory panel to develop recommendations for the improvement of rural health care through the collection of information needed by providers and the improvement in the use of communications to disseminate such information and, not later than 1 year after establishment of Panel to prepare and submit to Congress a report summarizing the recommendations made by the Panel.

Similar provisions were contained in Pub. L. 101-555, Sec. 3, Nov. 15, 1990, 104 Stat. 2760.