

A prior section 7104, Pub. L. 89-10, title IV, §4004, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3674, related to funding, prior to the general amendment of this subchapter by Pub. L. 107-110. See section 7103 of this title.

A prior section 4004 of Pub. L. 89-10 was classified to section 3044 of this title, prior to the general amendment of Pub. L. 89-10 by Pub. L. 103-382.

A prior section 7105, Pub. L. 99-570, title IV, §4302, Oct. 27, 1986, 100 Stat. 3207-153, which established National Trust for Drug-Free Youth to encourage private gifts of property to assist the Secretary of Education in carrying out the national programs of drug abuse research, education, and prevention under subtitle B of title IV of Pub. L. 99-570, Oct. 27, 1986, 100 Stat. 3207-125 (former 20 U.S.C. 4601 et seq.), was omitted from the Code because of the repeal of subtitle B. Section was formerly classified to section 4665, and subsequently section 3225, of this title.

#### SUBPART 1—STATE GRANTS

### § 7111. Reservations and allotments

#### (a) Reservations

##### (1) In general

From the amount made available under section 7103(1) of this title to carry out this subpart for each fiscal year, the Secretary—

(A) shall reserve 1 percent or \$4,750,000 (whichever is greater) of such amount for grants to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with the Secretary's determination of their respective needs and to carry out programs described in this subpart;

(B) shall reserve 1 percent or \$4,750,000 (whichever is greater) of such amount for the Secretary of the Interior to carry out programs described in this subpart for Indian youth; and

(C) shall reserve 0.2 percent of such amount for Native Hawaiians to be used under section 7117 of this title to carry out programs described in this subpart.

##### (2) Other reservations

From the amount made available under section 7103(2) of this title to carry out subpart 2 of this part for each fiscal year, the Secretary—

(A) may reserve not more than \$2,000,000 for the national impact evaluation required by section 7132(a) of this title;

(B) notwithstanding section 3 of the No Child Left Behind Act of 2001,<sup>1</sup> shall reserve an amount necessary to make continuation grants to grantees under the Safe Schools/Healthy Students initiative (under the same terms and conditions as provided for in the grants involved).

#### (b) State allotments

##### (1) In general

Except as provided in paragraph (2), the Secretary shall, for each fiscal year, allot among the States—

(A) one-half of the remainder not reserved under subsection (a) of this section according to the ratio between the school-aged

population of each State and the school-aged population of all the States; and

(B) one-half of such remainder according to the ratio between the amount each State received under section 6334 of this title for the preceding year and the sum of such amounts received by all the States.

#### (2) Minimum

For any fiscal year, no State shall be allotted under this subsection an amount that is less than the greater of—

(A) one-half of 1 percent of the total amount allotted to all the States under this subsection; or

(B) the amount such State received for fiscal year 2001 under section 4111 as such section was in effect the day preceding January 8, 2002.<sup>1</sup>

#### (3) Reallotment

##### (A) Reallotment for failure to apply

If any State does not apply for an allotment under this subpart for a fiscal year, the Secretary shall reallot the amount of the State's allotment to the remaining States in accordance with this section.

##### (B) Reallotment of unused funds

The Secretary may reallot any amount of any allotment to a State if the Secretary determines that the State will be unable to use such amount within 2 years of such allotment. Such reallotments shall be made on the same basis as allotments are made under paragraph (1).

#### (4) Definition

In this section the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

#### (c) Limitation

Amounts appropriated under section 7103(2) of this title for a fiscal year may not be increased above the amounts appropriated under such section for the previous fiscal year unless the amounts appropriated under section 7103(1) of this title for the fiscal year involved are at least 10 percent greater than<sup>2</sup> the amounts appropriated under such section 7103(1) of this title for the previous fiscal year.

(Pub. L. 89-10, title IV, §4111, as added Pub. L. 107-110, title IV, §401, Jan. 8, 2002, 115 Stat. 1735.)

#### REFERENCES IN TEXT

Section 3 of the No Child Left Behind Act of 2001, referred to in subsec. (a)(2)(B), is section 3 of Pub. L. 107-110, Jan. 8, 2002, 115 Stat. 1426, which is not classified to the Code. The reference probably should be to section 4 of the Act, which is set out as a note under section 6301 of this title, and which contains transition provisions.

Section 4111 as such section was in effect the day preceding January 8, 2002, referred to in subsec. (b)(2)(B), probably means section 4011 of Pub. L. 89-10, as added by Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3674, which was classified to this section prior to the general amendment of this subchapter by Pub. L. 107-110, title IV, §401, Jan. 8, 2002, 115 Stat. 1734.

#### PRIOR PROVISIONS

A prior section 7111, Pub. L. 89-10, title IV, §4011 [4111], as added Pub. L. 103-382, title I, §101, Oct. 20,

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

<sup>2</sup> So in original. Probably should be "than".

1994, 108 Stat. 3674, related to reservations and allotments, prior to the general amendment of this subchapter by Pub. L. 107-110.

**§ 7112. Reservation of State funds for safe and drug-free schools**

**(a) State reservation for the chief executive officer of a State**

**(1) In general**

The chief executive officer of a State may reserve not more than 20 percent of the total amount allocated to a State under section 7111(b) of this title for each fiscal year to award competitive grants and contracts to local educational agencies, community-based organizations (including community anti-drug coalitions) other public entities and private organizations, and consortia thereof. Such grants and contracts shall be used to carry out the comprehensive State plan described in section 7113(a) of this title through programs or activities that complement and support activities of local educational agencies described in section 7115(b) of this title. Such officer shall award grants based on—

(A) the quality of the program or activity proposed; and

(B) how the program or activity meets the principles of effectiveness described in section 7115(a) of this title.

**(2) Priority**

In making such grants and contracts under this section, a chief executive officer shall give priority to programs and activities that prevent illegal drug use and violence for—

(A) children and youth who are not normally served by State educational agencies or local educational agencies; or

(B) populations that need special services or additional resources (such as youth in juvenile detention facilities, runaway or homeless children and youth, pregnant and parenting teenagers, and school dropouts).

**(3) Special consideration**

In awarding funds under paragraph (1), a chief executive officer shall give special consideration to grantees that pursue a comprehensive approach to drug and violence prevention that includes providing and incorporating mental health services related to drug and violence prevention in their program.

**(4) Peer review**

Grants or contracts awarded under this section shall be subject to a peer review process.

**(5) Use of funds**

Grants and contracts under this section shall be used to implement drug and violence prevention activities, including—

(A) activities that complement and support local educational agency activities under section 7115 of this title, including developing and implementing activities to prevent and reduce violence associated with prejudice and intolerance;

(B) dissemination of information about drug and violence prevention; and

(C) development and implementation of community-wide drug and violence prevention planning and organizing.

**(6) Administrative costs**

The chief executive officer of a State may use not more than 3 percent of the amount described in paragraph (1) for the administrative costs incurred in carrying out the duties of such officer under this section.

**(b) In State distribution**

**(1) In general**

A State educational agency shall distribute not less than 93 percent of the amount made available to the State under section 7111(b) of this title, less the amount reserved under subsection (a) of this section, to its local educational agencies.

**(2) State administration costs**

**(A) In general**

A State educational agency may use not more than 3 percent of the amount made available to the State under section 7111(b) of this title for each fiscal year less the amount reserved under subsection (a) of this section, for State educational agency administrative costs, including the implementation of the uniform management information and reporting system as provided for under subsection (c)(3) of this section.

**(B) Additional amounts for the uniform management information system**

In the case of fiscal year 2002, a State educational agency may, in addition to amounts provided for in subparagraph (A), use 1 percent of the amount made available to the State educational agency under section 7111(b) of this title for each fiscal year less the amount reserved under subsection (a) of this section, for implementation of the uniform management information and reporting system as provided for under subsection (c)(3) of this section.

**(c) State activities**

**(1) In general**

A State educational agency may use not more than 5 percent of the amount made available to the State under section 7111(b) of this title for each fiscal year less the amount reserved under subsection (a) of this section, for activities described in this subsection.

**(2) Activities**

A State educational agency shall use the amounts described in paragraph (1), either directly, or through grants and contracts, to plan, develop, and implement capacity building, technical assistance and training, evaluation, program improvement services, and coordination activities for local educational agencies, community-based organizations, and other public and private entities. Such uses—

(A) shall meet the principles of effectiveness described in section 7115(a) of this title;

(B) shall complement and support local uses of funds under section 7115(b) of this title;

(C) shall be in accordance with the purposes of this part; and

(D) may include, among others activities—

(i) identification, development, evaluation, and dissemination of drug and vio-