

(3) provide for the proper and efficient administration of such project or activity,

(4) provide for regular evaluation of such project or activity,

(5) provide that regular reports on such project or activity shall be sent to the appropriate Federal officer, and

(6) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this subchapter.

(Pub. L. 100-690, title III, § 3514, Nov. 18, 1988, 102 Stat. 4256.)

### § 11825. Review of applications

#### (a) Consideration of factors

In reviewing applications submitted under this subchapter, the appropriate Federal officer shall consider—

(1) the relative cost and effectiveness of the proposed project or activity in carrying out purposes for which the requested grant or contract is authorized to be made,

(2) the extent to which such project or activity will incorporate new or innovative techniques,

(3) the increase in capacity of the State or the public or nonprofit private agency, organization, institution, or individual involved to provide services to address the illicit use of drugs by runaway and homeless youth,

(4) the extent to which such project or activity serves communities which have high rates of illicit drug use by juveniles (including runaway and homeless youth),

(5) the extent to which such project or activity will provide services in geographical areas where similar services are unavailable or in short supply, and

(6) the extent to which such project or activity will increase the level of services, or coordinate other services, in the community available to eligible youth.

#### (b) Competitive process

(1) Applications submitted under this subchapter shall be selected for approval through a competitive process to be established by rule by the appropriate Federal officer. As part of such a process, such officer shall publish a notice in the Federal Register—

(A) announcing the availability of funds to carry out this subchapter,

(B) stating the general criteria applicable to the selection of applicants to receive such funds, and

(C) describing the procedures applicable to submitting and reviewing applications for such funds.

(2) As part of such process, each application referred to in subsection (a) shall be subject to peer review by individuals (excluding officers and employees of the Department of Justice and the Department of Health and Human Services) who have expertise in the subject matter related to the project or activity proposed in such application.

#### (c) Expedited review

The appropriate Federal officer shall expedite the consideration of an application referred to

in subsection (a) if the applicant demonstrates, to the satisfaction of the<sup>1</sup> such officer, that the failure to expedite such consideration would prevent the effective implementation of the project or activity set forth in such application.

(Pub. L. 100-690, title III, § 3515, Nov. 18, 1988, 102 Stat. 4257; Pub. L. 101-204, title X, § 1001(b), Dec. 7, 1989, 103 Stat. 1826.)

### Editorial Notes

#### REFERENCES IN TEXT

This subchapter, referred to in subsec. (b)(1)(A), was in the original “this part” and was translated as reading “this chapter” to reflect the probable intent of Congress because subtitle B of title III of Pub. L. 100-690, which comprises subchapters I to III of this chapter, does not contain parts.

#### AMENDMENTS

1989—Subsec. (b)(1)(B). Pub. L. 101-204, § 1001(b)(1)(A), inserted “stating” before “the general criteria”.

Subsec. (b)(1)(C). Pub. L. 101-204, § 1001(b)(1)(B), substituted “describing” for “a description of”.

Subsec. (c). Pub. L. 101-204, § 1001(b)(2), substituted “such officer” for “Administrator”.

### SUBCHAPTER III—COMMUNITY PROGRAM

#### § 11841. Community youth activity program

##### (a) Block grant program

The Secretary of Health and Human Services shall make grants to eligible States to enable such States to carry out the activities described in subsection (e).

##### (b) Application

###### (1) In general

To be eligible to receive a grant under this section, a State, acting on its own behalf or on behalf of a person, shall submit to the Secretary an application that contains such information and is in such form as may be required by the Secretary.

###### (2) Demonstration of need

In the application submitted under paragraph (1), the State shall demonstrate a need for the activities described in subsection (e) and provide a description of those activities and projects that will receive financial assistance from a grant made under this section to the State.

##### (c) Amount of grant

###### (1) Minimum amount

Each State that submits for a fiscal year an application under subsection (b) that meets the requirements of the Secretary shall, subject to the availability of appropriations, receive a grant in an amount determined in accordance with paragraph (3).

###### (2) Programs of national significance

Of amounts appropriated or otherwise available to carry out this section for any fiscal year, the Secretary shall reserve 5 percent to be provided for activities and projects of national significance or projects expected to have a significant impact in preventing the abuse of drugs by youth.

<sup>1</sup> So in original. The word “the” probably should not appear.

**(3) Specified appropriations****(A) In general**

Of the aggregate amount appropriated under subsection (g) for any fiscal year and after reserving the amount required by paragraph (2), the Secretary shall—

(i) allot—

(I) 25 percent equally among the eligible States if such amount is less than \$40,000,000; or

(II) \$250,000 to each eligible State if such amount equals or exceeds \$40,000,000;

(ii) allot one-half of 1 percent of such amount on the basis of need among Guam, American Samoa, the Virgin Islands of the United States, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands; and

(iii) set aside the remainder to be disbursed as described in subparagraph (B).

For purposes of this subparagraph, the term “State” does not include Guam, American Samoa, the Virgin Islands of the United States, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

**(B) Remainder**

Amounts referred to in subparagraph (A)(iii) shall be used by the Secretary to make grants, on a competitive basis and taking into consideration with respect to the States—

(i) the highest proportions of school-aged youth are<sup>1</sup> at risk of drug abuse;

(ii) if a tangible need has been identified by the State involved; and

(iii) if the State involved has proposed the funding of additional projects targeted at the areas of highest need;

to carry out the activities and projects that are consistent with the activities described in subsection (e)(1). The activities and projects for which such grants are made shall be selected by the Secretary from among proposed activities and projects submitted to the Secretary by the States. Such grants shall be made to the States for redistribution to the persons on whose behalf the State submitted an application under subsection (b).

**(d) Priority**

In making grants under this section, the Secretary shall give priority to—

(1) projects aimed at youth who are not in school or who are at risk of dropping out of school;

(2) projects that seek to reinvolve dropouts in educational programs, involve youth community-based activities, develop training or employment opportunities for dropouts, or provide youth with alternatives to drug abuse;

(3) projects to provide after-school, vacation, and weekend activities designed to give youth opportunities to actively participate in a variety of activities, including youth sports programs;

(4) activities and projects that are consistent with activities and projects described in subsection (e)(1) and that include participation by the business community;

(5) projects that provide outreach to individuals of all ages who are at high risk of involvement with drug abuse;

(6) projects targeted to communities with the most serious drug abuse problems to enable such communities to develop programs that coordinate Federal, State, and local efforts to develop comprehensive, long-term, community-wide prevention and education strategies;

(7) projects that seek to involve youth who are members of gangs or who may join a gang, in—

(A) educational programs;

(B) community-based activities;

(C) training or employment opportunities;

or

(D) other alternatives to gang involvement;

(8) programs for unsupervised children before and after school, including—

(A) education and instruction consistent with part A of title IV of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 7101 et seq.];

(B) athletic activities;

(C) creative activities; and

(D) other programs designed to reduce the risk of drug abuse; and

(9) projects that seek to inform youth regarding the existence and operation of the projects referred to in paragraph (7).

**(e) Activities and projects**

Financial assistance may be provided with a grant received under subsection (a)<sup>2</sup> under this section by a State as follows:

**(1) Community services and partnerships**

Such assistance may be provided for community services and partnerships designed to develop community activities targeted at drug abuse prevention through education, training, and recreation projects. Such services may be provided by, and such partnerships may be entered into with—

(A) local educational agencies;

(B) law enforcement agencies;

(C) community-based organizations;

(D) community action agencies;

(E) local or State recreational departments; or

(F) business organizations; and

in consultation with local and State health departments and with community health or mental health centers when appropriate. Such assistance may be provided to any entity described in subparagraphs (A) through (F), either individually or in partnerships. Applications for such assistance shall include a description of the method to be used to evaluate the impact the particular service or partnership is designed to have on the drug abuse problem within the community.

<sup>1</sup> So in original. Probably should be “who are”.

<sup>2</sup> So in original. Words “under subsection (a)” probably should not appear.

**(2) Other activities and projects**

Such assistance may be provided to carry out projects or activities that are consistent with the activities and projects described in paragraph (1).

**(f) Project evaluations**

The Secretary shall provide for the evaluation of activities and projects conducted with financial assistance received under this section. Applications for grants under this section shall include a description of the method to be used in evaluating the impact such activities and programs have on the drug abuse problem within the communities in which such activities and projects are carried out.

**(g) Authorization of appropriations**

To carry out this section, there are authorized to be appropriated \$40,000,000 for fiscal year 1989, \$55,000,000 for fiscal year 1990, \$60,000,000 for fiscal year 1991, \$66,550,000 for fiscal year 1992, and \$73,205,000 for fiscal year 1993.

(Pub. L. 100-690, title III, §3521, Nov. 18, 1988, 102 Stat. 4258; Pub. L. 101-93, §4(1), Aug. 16, 1989, 103 Stat. 611; Pub. L. 101-226, §23, Dec. 12, 1989, 103 Stat. 1941; Pub. L. 103-382, title III, §394(b), Oct. 20, 1994, 108 Stat. 4027; Pub. L. 105-285, title II, §202(d), Oct. 27, 1998, 112 Stat. 2755; Pub. L. 114-95, title IX, §9215(k), Dec. 10, 2015, 129 Stat. 2168.)

**Editorial Notes**

## REFERENCES IN TEXT

The Elementary and Secondary Education Act of 1965, referred to in subsec. (d)(8)(A), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27. Part A of title IV of the Act is classified generally to part A (§7101 et seq.) of subchapter IV of chapter 70 of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of Title 20 and Tables.

## AMENDMENTS

2015—Subsec. (d)(8)(A). Pub. L. 114-95 substituted “education and instruction consistent with part A of title IV of the Elementary and Secondary Education Act of 1965” for “education and instruction consistent with title IV of the Elementary and Secondary Education Act of 1965”.

1998—Subsec. (c)(2). Pub. L. 105-285 struck out “, such as activities authorized by section 9910(a)(2)(F) of this title,” after “national significance”.

1994—Subsec. (d)(8)(A). Pub. L. 103-382 substituted “title IV of the Elementary and Secondary Education Act of 1965” for “the Drug-Free Schools and Communities Act of 1986”.

1989—Subsec. (b)(2). Pub. L. 101-93, §4(1)(A), substituted “subsection (e)” for “subsections (c)(3)(B) and (e)”.

Subsec. (c)(3)(A). Pub. L. 101-93, §4(1)(B), substituted “subsection (g)” for “subsection (h)”.

Subsec. (d). Pub. L. 101-226, which directed amendment of section 3521(d) of the National Narcotics Leadership Act of 1988 by adding par. (8) and redesignating former par. (8) as (9), was executed to section 3521(d) of Pub. L. 100-690, the Anti-Drug Abuse Act of 1988, as the probable intent of Congress. Subtitle A (§§1001-1012) of title I of Pub. L. 100-690 is the National Narcotics Leadership Act of 1988.

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive pro-

grams and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of Title 20, Education.

**Executive Documents**

## TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

**§ 11842. Evaluation of drug abuse education and prevention efforts****(a) Method**

The Secretary of Health and Human Services shall develop and conduct a structured evaluation of the different approaches utilized across the Nation to reduce drug abuse.

**(b) Grants**

The Secretary of Health and Human Services may make grants to or enter into contracts with appropriate entities for the purpose of conducting the evaluations required by subsection (a).

**(c) Time of reports**

The Secretary shall submit a report based on the evaluations prepared under subsection (a) not later than 1 year after November 18, 1988, and another report based on such evaluations not later than 3 years after November 18, 1988. A third report based on such evaluations shall be submitted by the Secretary not later than January 1, 1994.

**(d) Authorization of appropriations**

To carry out this section, there are authorized to be appropriated \$12,000,000 in fiscal year 1989, and \$15,000,000 for each of the fiscal years 1990 through 1993.

(Pub. L. 100-690, title III, §3522, Nov. 18, 1988, 102 Stat. 4260; Pub. L. 101-93, §4(2), Aug. 16, 1989, 103 Stat. 611; Pub. L. 101-204, title X, §1001(c)(1), Dec. 7, 1989, 103 Stat. 1826.)

**Editorial Notes**

## AMENDMENTS

1989—Subsec. (a). Pub. L. 101-93 and Pub. L. 101-204, §1001(c)(1)(A)(ii), made identical amendments, striking out “(as defined in section 11851(6) of this title)” after “drug abuse”.

Pub. L. 101-204, §1001(c)(1)(A)(i), struck out “, acting through the Administrator,” before “shall develop”.

Subsec. (b). Pub. L. 101-204, §1001(c)(1)(B), substituted “Secretary of Health and Human Services” for “Administrator”.

## SUBCHAPTER IV—MISCELLANEOUS

**§ 11851. Definitions**

Unless otherwise defined by an Act amended by this title,<sup>1</sup> for purposes of this title<sup>1</sup> and the amendments made by this title—<sup>1</sup>

(1) the term “community based” has the meaning given it in section 11103(1) of title 34,

(2) the term “controlled substance” has the meaning given it in section 802(6) of title 21,

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