

local government as a basis for awarding grants under this section.

(Pub. L. 90-351, title I, § 1803, as added Pub. L. 107-273, div. C, title II, § 12102(a), Nov. 2, 2002, 116 Stat. 1863.)

PRIOR PROVISIONS

A prior section 3796ee-3, Pub. L. 90-351, title I, § 1804, as added Pub. L. 103-322, title II, § 20201(a)(3), Sept. 13, 1994, 108 Stat. 1820, related to applications by local governments, prior to the general amendment of this subchapter by Pub. L. 107-273.

A prior section 1803 of Pub. L. 90-351 was classified to section 3796ee-2 of this title prior to the general amendment of this subchapter by Pub. L. 107-273.

§ 3796ee-4. Guidelines

(a) In general

The Attorney General shall issue guidelines establishing procedures under which a State or specifically¹ qualified unit of local government that receives funds under section 3796ee-3 of this title is required to provide notice to the Attorney General regarding the proposed use of funds made available under this subchapter.

(b) Advisory board

(1) In general

The guidelines referred to in subsection (a) of this section shall include a requirement that such eligible State or unit of local government establish and convene an advisory board to recommend a coordinated enforcement plan for the use of such funds.

(2) Membership

The board shall include representation from, if appropriate—

- (A) the State or local police department;
- (B) the local sheriff's department;
- (C) the State or local prosecutor's office;
- (D) the State or local juvenile court;
- (E) the State or local probation office;
- (F) the State or local educational agency;
- (G) a State or local social service agency;
- (H) a nonprofit, nongovernmental victim advocacy organization; and
- (I) a nonprofit, religious, or community group.

(Pub. L. 90-351, title I, § 1804, as added Pub. L. 107-273, div. C, title II, § 12102(a), Nov. 2, 2002, 116 Stat. 1865.)

PRIOR PROVISIONS

A prior section 3796ee-4, Pub. L. 90-351, title I, § 1805, as added Pub. L. 103-322, title II, § 20201(a)(3), Sept. 13, 1994, 108 Stat. 1821, related to allocation and distribution of funds, prior to the general amendment of this subchapter by Pub. L. 107-273.

A prior section 1804 of Pub. L. 90-351 was classified to section 3796ee-3 of this title prior to the general amendment of this subchapter by Pub. L. 107-273.

§ 3796ee-5. Payment requirements

(a) Timing of payments

The Attorney General shall pay to each State or specifically¹ qualified unit of local government that receives funds under section 3796ee-3

of this title that has submitted an application under this subchapter the amount awarded to such State or unit of local government not later than the later of—

- (1) the date that is 180 days after the date that the amount is available; or
- (2) the first day of the payment period if the State has provided the Attorney General with the assurances required by subsection (c) of this section.

(b) Repayment of unexpended amounts

(1) Repayment required

From amounts awarded under this subchapter, a State or specially qualified unit shall repay to the Attorney General, before the expiration of the 36-month period beginning on the date of the award, any amount that is not expended by such State or unit.

(2) Extension

The Attorney General may adopt policies and procedures providing for a one-time extension, by not more than 12 months, of the period referred to in paragraph (1).

(3) Penalty for failure to repay

If the amount required to be repaid is not repaid, the Attorney General shall reduce payment in future payment periods accordingly.

(4) Deposit of amounts repaid

Amounts received by the Attorney General as repayments under this subsection shall be deposited in a designated fund for future payments to States and specially qualified units.

(c) Administrative costs

A State or unit of local government that receives funds under this subchapter may use not more than 5 percent of such funds to pay for administrative costs.

(d) Nonsupplanting requirement

Funds made available under this subchapter to States and units of local government shall not be used to supplant State or local funds as the case may be, but shall be used to increase the amount of funds that would, in the absence of funds made available under this subchapter, be made available from State or local sources, as the case may be.

(e) Matching funds

(1) In general

The Federal share of a grant received under this subchapter may not exceed 90 percent of the total program costs.

(2) Construction of facilities

Notwithstanding paragraph (1), with respect to the cost of constructing juvenile detention or correctional facilities, the Federal share of a grant received under this subchapter may not exceed 50 percent of approved cost.

(Pub. L. 90-351, title I, § 1805, as added Pub. L. 107-273, div. C, title II, § 12102(a), Nov. 2, 2002, 116 Stat. 1865.)

PRIOR PROVISIONS

A prior section 3796ee-5, Pub. L. 90-351, title I, § 1806, as added Pub. L. 103-322, title II, § 20201(a)(3), Sept. 13, 1994, 108 Stat. 1822, required each State and unit of local

¹ So in original. Probably should be "specially".

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