

implementation of the State plan approved under section 5633(c) of this title.

(2) Grants and contracts may be made under paragraph (1) only to public and private agencies, organizations, and individuals that have experience in providing such technical assistance.

(Pub. L. 93-415, title II, §221, Sept. 7, 1974, 88 Stat. 1118; Pub. L. 95-115, §4(a), Oct. 3, 1977, 91 Stat. 1050; Pub. L. 98-473, title II, §625(a), Oct. 12, 1984, 98 Stat. 2111; Pub. L. 100-690, title VII, §7256, Nov. 18, 1988, 102 Stat. 4438; Pub. L. 102-586, §2(f)(1), Nov. 4, 1992, 106 Stat. 4987; Pub. L. 105-277, div. A, §101(b) [title I, §129(a)(2)(A)], Oct. 21, 1998, 112 Stat. 2681-50, 2681-75; Pub. L. 107-273, div. C, title II, §12221(a)(2), Nov. 2, 2002, 116 Stat. 1894.)

AMENDMENTS

2002—Subsec. (b)(2). Pub. L. 107-273 struck out at end “In providing such technical assistance, the recipient of a grant or contract under this subsection shall coordinate its activities with the State agency described in section 5671(c)(1) of this title.”

1998—Subsec. (a). Pub. L. 105-277 substituted “units of local government” for “units of general local government”.

1992—Subsec. (b)(2). Pub. L. 102-586, §2(f)(1)(A), which directed the substitution of “experience” for “existence”, could not be executed because “existence” did not appear in text.

Pub. L. 102-586, §2(f)(1)(B), made technical amendment to reference to section 5671 of this title to reflect renumbering of corresponding section of original act.

1988—Pub. L. 100-690 inserted “and contracts” after “grants” in section catchline, designated existing provisions as subsec. (a), and added subsec. (b).

1984—Pub. L. 98-473 amended section catchline.

1977—Pub. L. 95-115 inserted “grants and” before “contracts” and substituted “units of general local government or combinations thereof” for “local governments”.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-273 effective on the first day of the first fiscal year that begins after Nov. 2, 2002, and applicable only with respect to fiscal years beginning on or after the first day of the first fiscal year that begins after Nov. 2, 2002, see section 12223 of Pub. L. 107-273, as amended, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 effective Oct. 1, 1988, see section 7296(a) of Pub. L. 100-690, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-115 effective Oct. 1, 1977, see section 263(c) of Pub. L. 93-415, as added by Pub. L. 95-115, set out as a note under section 5601 of this title.

§ 5632. Allocation of funds

(a) Time; basis; amounts

(1) Subject to paragraph (2) and in accordance with regulations promulgated under this part, funds shall be allocated annually among the States on the basis of relative population of people under age eighteen.

(2)(A) Subject to paragraph (3), if the aggregate amount appropriated for a fiscal year to carry out this subchapter is less than \$75,000,000, then the amount allocated to each State for such fiscal year shall be not less than \$325,000, or

such greater amount up to \$400,000 as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 2000, except that the amount allocated to the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall be not less than \$75,000, or such greater amount up to \$100,000 as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 2000, each.

(B) Subject to paragraph (3), if the aggregate amount appropriated for a fiscal year to carry out this subchapter equals or exceeds \$75,000,000, then the amount allocated to each State for such fiscal year shall be not less than \$600,000, except that the amount allocated to the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall be not less than \$100,000, or such greater amount up to \$100,000 as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 2000, each.

(3) If, as a result of paragraph (2), the amount allocated to a State for a fiscal year would be less than the amount allocated to such State for fiscal year 2000, then the amounts allocated to satisfy the requirements of such paragraph shall be reduced pro rata to the extent necessary to allocate to such State for the fiscal year the amount allocated to such State for fiscal year 2000.

(b) Reallocation of unobligated funds

If any amount so allocated remains unobligated at the end of the fiscal year, such funds shall be reallocated in a manner equitable and consistent with the purpose of this part. Any amount so reallocated shall be in addition to the amounts already allocated and available to the State, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands for the same period.

(c) Use of allocated funds for development, etc., of State plans; limitations; matching requirements

In accordance with regulations promulgated under this part, a portion of any allocation to any State under this part shall be available to develop a State plan or for other pre-award activities associated with such State plan, and to pay that portion of the expenditures which are necessary for efficient administration, including monitoring, evaluation, and one full-time staff position. Not more than 10 percent of the total annual allocation of such State shall be available for such purposes except that any amount expended or obligated by such State, or by units of local government or any combination thereof, from amounts made available under this subsection shall be matched (in an amount equal to any such amount so expended or obligated) by such State, or by such units or combinations, from State or local funds, as the case may be. The State shall make available needed funds for planning and administration to units of local government or combinations thereof within the State on an equitable basis.

(d) Minimum annual allocation for assistance of advisory group

In accordance with regulations promulgated under this part, 5 per centum of the minimum annual allocation to any State under this part shall be available to assist the advisory group established under section 5633(a)(3) of this title. (Pub. L. 93-415, title II, §222, Sept. 7, 1974, 88 Stat. 1118; Pub. L. 95-115, §4(b)(1), (2)(A)-(C), (3), (4), Oct. 3, 1977, 91 Stat. 1051; Pub. L. 96-509, §10, Dec. 8, 1980, 94 Stat. 2755; Pub. L. 98-473, title II, §625(b), Oct. 12, 1984, 98 Stat. 2111; Pub. L. 100-690, title VII, §7257, Nov. 18, 1988, 102 Stat. 4438; Pub. L. 102-586, §2(f)(2), Nov. 4, 1992, 106 Stat. 4987; Pub. L. 105-277, div. A, §101(b) [title I, §129(a)(2)(B)], Oct. 21, 1998, 112 Stat. 2681-50, 2681-75; Pub. L. 107-273, div. C, title II, §12208, Nov. 2, 2002, 116 Stat. 1873.)

AMENDMENTS

2002—Subsec. (a)(2)(A). Pub. L. 107-273, §12208(1)(A)(i), struck out “(other than parts D and E)” after “carry out this subchapter”, substituted “amount up to \$400,000” for “amount, up to \$400,000,” “fiscal year 2000, except” for “fiscal year 1992 except”, “amount up to \$100,000” for “amount, up to \$100,000,” and “fiscal year 2000, each” for “fiscal year 1992, each”, and struck out “the Trust Territory of the Pacific Islands,” after “American Samoa.”

Subsec. (a)(2)(B). Pub. L. 107-273, §12208(1)(A)(ii), struck out “(other than part D)” after “carry out this subchapter”, substituted “less than \$600,000” for “less than \$400,000”, “amount up to \$100,000” for “amount, up to \$100,000,” and “fiscal year 2000,” for “fiscal year 1992”, and struck out “or such greater amount, up to \$600,000, as is available to be allocated if appropriations have been enacted and made available to carry out parts D and E of this subchapter in the full amounts authorized by section 5671(a)(1) and (3) of this title” before “except that” and “the Trust Territory of the Pacific Islands,” after “American Samoa.”

Subsec. (a)(3). Pub. L. 107-273, §12208(1)(B), substituted “fiscal year 2000” for “fiscal year 1992” in two places and “allocate” for “allot”.

Subsec. (b). Pub. L. 107-273, §12208(2), struck out “the Trust Territory of the Pacific Islands,” after “Guam.”

1998—Subsec. (c). Pub. L. 105-277 substituted “units of local government” for “units of general local government” in two places.

1992—Subsec. (a)(2)(A). Pub. L. 102-586, §2(f)(2)(A), (B)(i), substituted “parts D and E” for “part D”, substituted “allocated” for “allotted” in two places, and inserted “or such greater amount, up to \$400,000, as is available to be allocated without reducing the amount of any State or territory’s allocation below the amount allocated for fiscal year 1992” and “, or such greater amount, up to \$100,000, as is available to be allocated without reducing the amount of any State or territory’s allocation below the amount allocated for fiscal year 1992.”

Subsec. (a)(2)(B). Pub. L. 102-586, §2(f)(2)(A), (B)(ii), substituted “allocated” for “allotted” in two places and inserted “or such greater amount, up to \$600,000, as is available to be allocated if appropriations have been enacted and made available to carry out parts D and E of this subchapter in the full amounts authorized by section 5671(a)(1) and (3) of this title” and “, or such greater amount, up to \$100,000, as is available to be allocated without reducing the amount of any State or territory’s allocation below the amount allocated for fiscal year 1992”.

Subsec. (a)(3). Pub. L. 102-586, §2(f)(2)(A), (B)(iii), substituted “allocated” for “allotted” wherever appearing and “1992” for “1988” in two places.

Subsec. (b). Pub. L. 102-586, §2(f)(2)(A), substituted “allocated” for “allotted” in two places.

Subsec. (c). Pub. L. 102-586, §2(f)(2)(A), (C), substituted “allocation” for “allotment” in two places, “, evaluation, and one full-time staff position” for “and evaluation”, and “10 percent” for “7½ per centum”.

Subsec. (d). Pub. L. 102-586, §2(f)(2)(A), substituted “allocation” for “allotment”.

1988—Subsec. (a)(1). Pub. L. 100-690, §7257(a)(1), (2), designated existing provisions as par. (1), substituted “Subject to paragraph (2) and in” for “In”, and struck out at end “No such allotment to any State shall be less than \$225,000, except that for the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands no allotment shall be less than \$56,250.”

Subsec. (a)(2), (3). Pub. L. 100-690, §7257(a)(3), added pars. (2) and (3).

Subsec. (b). Pub. L. 100-690, §7257(b), substituted “If” for “Except for funds appropriated for fiscal year 1975, if” and struck out after first sentence “Funds appropriated for fiscal year 1975 may be obligated in accordance with subsection (a) of this section until June 30, 1976, after which time they may be reallocated.”

1984—Subsec. (b). Pub. L. 98-473 substituted “the Trust Territory” for “and the Trust Territory” and inserted “, and the Commonwealth of the Northern Mariana Islands” after “Pacific Islands”.

1980—Subsec. (a). Pub. L. 96-509 inserted reference to the Commonwealth of the Northern Mariana Islands.

1977—Subsec. (a). Pub. L. 95-115, §4(b)(1), substituted “\$225,000” for “\$200,000” and “\$56,250” for “\$50,000”.

Subsec. (c). Pub. L. 95-115, §4(b)(2)(A), (B), (3), inserted provisions relating to pre-award activities, monitoring and evaluation payments, and matching requirements for expended or obligated amounts, and substituted “7½” for “15” and “units of general local government or combinations thereof” for “local governments”.

Subsec. (d). Pub. L. 95-115, §4(b)(2)(C), (4)(B), redesignated subsec. (e) as (d). Former subsec. (d), relating to limitations on financial assistance under this section, was struck out.

Subsec. (e). Pub. L. 95-115, §4(b)(4)(A), (B), added subsec. (e) and redesignated former subsec. (e) as (d).

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-273 effective on the first day of the first fiscal year that begins after Nov. 2, 2002, and applicable only with respect to fiscal years beginning on or after the first day of the first fiscal year that begins after Nov. 2, 2002, see section 12223 of Pub. L. 107-273, as amended, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 effective Oct. 1, 1988, see section 7296(a) of Pub. L. 100-690, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-473 effective Oct. 12, 1984, see section 670(a) of Pub. L. 98-473, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by section 4(b)(1), (3) of Pub. L. 95-115 effective Oct. 1, 1977, see section 263(c) of Pub. L. 93-415, as added by Pub. L. 95-115, set out as a note under section 5601 of this title.

Pub. L. 95-115, §4(b)(2)(D), Oct. 3, 1977, 91 Stat. 1051, provided that: “The amendments made by this paragraph [amending this section] shall take effect on October 1, 1978.”

Pub. L. 95-115, §4(b)(4)(B), Oct. 3, 1977, 91 Stat. 1051, provided that the amendment made by such section 4(b)(4)(B) is effective Oct. 1, 1978.

§ 5633. State plans**(a) Requirements**

In order to receive formula grants under this part, a State shall submit a plan for carrying out its purposes applicable to a 3-year period. Such plan shall be amended annually to include new programs, projects, and activities. The State shall submit annual performance reports to the Administrator which shall describe progress in implementing programs contained in the original plan, and shall describe the status of compliance with State plan requirements. In accordance with regulations which the Administrator shall prescribe, such plan shall—

(1) designate the State agency described in section 5671(c)(1) of this title as the sole agency for supervising the preparation and administration of the plan;

(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) has or will have authority, by legislation if necessary, to implement such plan in conformity with this part;

(3) provide for an advisory group that—

(A) shall consist of not less than 15 and not more than 33 members appointed by the chief executive officer of the State—

(i) which members have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency, the administration of juvenile justice, or the reduction of juvenile delinquency;

(ii) which members include—

(I) at least 1 locally elected official representing general purpose local government;

(II) representatives of law enforcement and juvenile justice agencies, including juvenile and family court judges, prosecutors, counsel for children and youth, and probation workers;

(III) representatives of public agencies concerned with delinquency prevention or treatment, such as welfare, social services, mental health, education, special education, recreation, and youth services;

(IV) representatives of private non-profit organizations, including persons with a special focus on preserving and strengthening families, parent groups and parent self-help groups, youth development, delinquency prevention and treatment, neglected or dependent children, the quality of juvenile justice, education, and social services for children;

(V) volunteers who work with delinquents or potential delinquents;

(VI) youth workers involved with programs that are alternatives to incarceration, including programs providing organized recreation activities;

(VII) persons with special experience and competence in addressing problems related to school violence and vandalism and alternatives to suspension and expulsion; and

(VIII) persons with special experience and competence in addressing problems

related to learning disabilities, emotional difficulties, child abuse and neglect, and youth violence;

(iii) a majority of which members (including the chairperson) shall not be full-time employees of the Federal, State, or local government;

(iv) at least one-fifth of which members shall be under the age of 24 at the time of appointment; and

(v) at least 3 members who have been or are currently under the jurisdiction of the juvenile justice system;

(B) shall participate in the development and review of the State's juvenile justice plan prior to submission to the supervisory board for final action;

(C) shall be afforded the opportunity to review and comment, not later than 30 days after their submission to the advisory group, on all juvenile justice and delinquency prevention grant applications submitted to the State agency designated under paragraph (1);

(D) shall, consistent with this subchapter—

(i) advise the State agency designated under paragraph (1) and its supervisory board; and

(ii) submit to the chief executive officer and the legislature of the State at least annually recommendations regarding State compliance with the requirements of paragraphs (11), (12), and (13); and

(iii) contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system; and

(E) may, consistent with this subchapter—

(i) advise on State supervisory board and local criminal justice advisory board composition;¹

(ii) review progress and accomplishments of projects funded under the State plan.

(4) provide for the active consultation with and participation of units of local government or combinations thereof in the development of a State plan which adequately takes into account the needs and requests of units of local government, except that nothing in the plan requirements, or any regulations promulgated to carry out such requirements, shall be construed to prohibit or impede the State from making grants to, or entering into contracts with, local private agencies or the advisory group;

(5) unless the provisions of this paragraph are waived at the discretion of the Administrator for any State in which the services for delinquent or other youth are organized primarily on a statewide basis, provide that at least 66⅔ per centum of funds received by the State under section 5632 of this title reduced by the percentage (if any) specified by the State under the authority of paragraph (25) and excluding funds made available to the State advisory group under section 5632(d) of this title, shall be expended—

¹ So in original. Probably should be followed by "and".