

amendment of part R of title I of Pub. L. 90-351 by Pub. L. 107-273.

#### § 10406. Payment requirements

##### (a) Timing of payments

The Attorney General shall pay to each State or specifically<sup>1</sup> qualified unit of local government that receives funds under section 10404 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).

##### (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.)

#### CODIFICATION

Section was formerly classified to section 3796ee-5 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

#### PRIOR PROVISIONS

A prior section 1805 of title I of Pub. L. 90-351, as added Pub. L. 103-322, title II, §20201(a)(3), Sept. 13, 1994, 108 Stat. 1821, and classified to former section 3796ee-4 of Title 42, The Public Health and Welfare, related to allocation and distribution of funds, prior to the general amendment of part R of title I of Pub. L. 90-351 by Pub. L. 107-273.

#### § 10407. Utilization of private sector

Funds or a portion of funds allocated under this subchapter may be used by a State or unit of local government that receives a grant under this subchapter to contract with private, non-profit entities, or community-based organizations to carry out the purposes specified under section 10401(b) of this title.

(Pub. L. 90-351, title I, §1806, as added Pub. L. 107-273, div. C, title II, §12102(a), Nov. 2, 2002, 116 Stat. 1866.)

#### CODIFICATION

Section was formerly classified to section 3796ee-6 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

#### PRIOR PROVISIONS

A prior section 1806 of title I of Pub. L. 90-351, as added Pub. L. 103-322, title II, §20201(a)(3), Sept. 13, 1994, 108 Stat. 1822, and classified to former section 3796ee-5 of Title 42, The Public Health and Welfare, required each State and unit of local government to submit an annual evaluation of programs, prior to the general amendment of part R of title I of Pub. L. 90-351 by Pub. L. 107-273.

#### § 10408. Administrative provisions

##### (a) In general

A State or specially qualified unit that receives funds under this subchapter shall—

(1) establish a trust fund in which the government will deposit all payments received under this subchapter;

(2) use amounts in the trust fund (including interest) during the period specified in section 10406(b)(1) of this title and any extension of that period under section 10406(b)(2) of this title;

(3) designate an official of the State or specially qualified unit to submit reports as the Attorney General reasonably requires, in addition to the annual reports required under this subchapter; and

(4) spend the funds only for the purpose of strengthening the juvenile justice system.

##### (b) Chapter provisions

Except as otherwise provided, the administrative provisions of subchapter VII shall apply to this subchapter and for purposes of this section any reference in such provisions to this chapter

<sup>1</sup> So in original. Probably should be "specially".