

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".

shall be deemed to include a reference to this subchapter.

(Pub. L. 90-351, title I, §1807, 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-7 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 10409. Assessment reports**

**(a) Reports to Attorney General**

**(1) In general**

Except as provided in paragraph (4), for each fiscal year for which a grant or subgrant is awarded under this subchapter, each State or specially qualified unit of local government that receives such a grant shall submit to the Attorney General a grant report, and each unit of local government that receives such a subgrant shall submit to the State a subgrant report, at such time and in such manner as the Attorney General may reasonably require.

**(2) Grant report**

Each grant report required by paragraph (1) shall include—

- (A) a summary of the activities carried out with such grant;
- (B) if such activities included any subgrant, a summary of the activities carried out with each such subgrant; and
- (C) an assessment of the effectiveness of such activities on achieving the purposes of this subchapter.

**(3) Subgrant report**

Each subgrant report required by paragraph (1) shall include—

- (A) a summary of the activities carried out with such subgrant; and
- (B) an assessment of the effectiveness of such activities on achieving the purposes of this subchapter.

**(4) Waivers**

The Attorney General may waive the requirement of an assessment in paragraph (2)(C) for a State or specially qualified unit of local government, or in paragraph (3)(B) for a unit of local government, if the Attorney General determines that—

- (A) the nature of the activities are such that assessing their effectiveness would not be practical or insightful;
- (B) the amount of the grant or subgrant is such that carrying out the assessment would not be an effective use of those amounts; or
- (C) the resources available to the State or unit are such that carrying out the assessment would pose a financial hardship on the State or unit.

**(b) Reports to Congress**

Not later than 120 days after the last day of each fiscal year for which 1 or more grants are awarded under this subchapter, the Attorney General shall submit to Congress a report, which shall include—

- (1) a summary of the information provided under subsection (a);

(2) an assessment by the Attorney General of the grant program carried out under this subchapter; and

(3) such other information as the Attorney General considers appropriate.

(Pub. L. 90-351, title I, §1808, as added Pub. L. 107-273, div. C, title II, §12102(a), Nov. 2, 2002, 116 Stat. 1867.)

CODIFICATION

Section was formerly classified to section 3796ee-8 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 10410. Definitions**

In this subchapter:

**(1) Unit of local government**

The term “unit of local government” means—

- (A) a county, township, city, or political subdivision of a county, township, or city, that is a unit of local government as determined by the Secretary of Commerce for general statistical purposes;
- (B) any law enforcement district or judicial enforcement district that—
  - (i) is established under applicable State law; and
  - (ii) has the authority, in a manner independent of other State entities, to establish a budget and raise revenues; and
- (C) the District of Columbia and the recognized governing body of an Indian tribe or Alaskan Native village that carries out substantial governmental duties and powers.

**(2) Specially qualified unit**

The term “specially qualified unit” means a unit of local government which may receive funds under this subchapter only in accordance with section 10404(e) of this title.

**(3) State**

The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, except that—

- (A) the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands (the “partial States”) shall collectively be considered as 1 State; and
- (B) for purposes of section 10404(a) of this title, the amount allocated to a partial State shall bear the same proportion to the amount collectively allocated to the partial States as the population of the partial State bears to the collective population of the partial States.

**(4) Juvenile**

The term “juvenile” means an individual who is 17 years of age or younger.

**(5) Juvenile justice expenditures**

The term “juvenile justice expenditures” means expenditures in connection with the juvenile justice system, including expenditures in connection with such system to carry out—

- (A) activities specified in section 10401(b) of this title; and