

the application deadline established by the Attorney General, the Attorney General shall reserve not more than 75 percent of the allocation that the State would have received under subsection (a) for such fiscal year to provide grants to specially qualified units which meet the requirements for funding under section 10403 of this title.

**(2) Award basis**

In addition to the qualification requirements for direct grants for specially qualified units the Attorney General may use the average amount allocated by the States to units of 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.)

**Editorial Notes**

CODIFICATION

Section was formerly classified to section 3796ee-3 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 1803 of title I of Pub. L. 90-351, as added Pub. L. 103-322, title II, §20201(a)(3), Sept. 13, 1994, 108 Stat. 1820, and classified to former section 3796ee-2 of Title 42, The Public Health and Welfare, related to review of State applications, prior to the general amendment of part R of title I of Pub. L. 90-351 by Pub. L. 107-273.

**§ 10405. Guidelines**

**(a) In general**

The Attorney General shall issue guidelines establishing procedures under which a State or specifically<sup>1</sup> qualified unit of local government that receives funds under section 10404 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) 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.)

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

**Editorial Notes**

CODIFICATION

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PRIOR PROVISIONS

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**§ 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.

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