

## § 33.1

33.103 How to apply.

AUTHORITY: 42 U.S.C. 3701 through 3797y-4; 5 U.S.C. 301.

SOURCE: 50 FR 22990, May 30, 1985, unless otherwise noted.

### Subpart A—Criminal Justice Block Grants

#### GENERAL PROVISIONS

##### § 33.1 General.

This subpart defines eligibility criteria and sets forth requirements for application for and administration of block grants by state and local governments.

[50 FR 22990, May 30, 1985, as amended at 63 FR 50761, Sept. 23, 1998]

##### § 33.2 Statutory authority.

The statutory authority for the regulations is the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3701, *et. seq.*, as amended (Pub. L. 90-351, as amended by Pub. L. 93-83, Pub. L. 93-415, Pub. L. 94-430, Pub. L. 94-503, Pub. L. 95-115, Pub. L. 96-157, and Pub. L. 98-473) (hereinafter referred to as the Justice Assistance Act of 1984 or the Act).

##### § 33.3 OMB approval of information collection requirements.

The information collection requirements in this subpart A have been approved by the Office of Management and Budget under control no. 1121-0113.

[50 FR 22990, May 30, 1985, as amended at 63 FR 50761, Sept. 23, 1998]

#### ELIGIBLE APPLICANTS

##### § 33.10 State government.

All states are eligible to apply for and receive block grants. Section 404 of the Act. State, as defined in the statute, means any state of the United States and includes the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands. Section 901(a)(2) of the Act.

##### § 33.11 Units of local government.

(a) Units of local government are eligible to receive subgrants from a participating state. Unit of local government means any city, county, town-

## 28 CFR Ch. I (7-1-08 Edition)

ship, borough, parish, village, or other general purpose political subdivision of a state and includes Indian tribes which perform law enforcement functions as determined by the Secretary of the Interior. Section 901(a)(3) of the Act.

(b) If the Bureau determines, during any fiscal year, that a portion of the funds allocated to a state will not be required, or that a state will be unable to qualify and receive funds, or that a state chooses not to participate in the program, then the Bureau shall award the funds allocated to the state directly to urban, rural, and suburban units of local government or combinations thereof within the state, giving priority to those jurisdictions with the greatest need. Section 407(d) of the Act.

##### § 33.12 Establishment of State Office.

(a) Section 408(a) of the Act provides that the chief executive of each participating state shall designate a State Office for the purposes of:

(1) Preparing an application to obtain funds; and

(2) Administering funds received from the Bureau of Justice Assistance, including receipt, review, processing, monitoring, progress and financial report review, technical assistance, grant adjustments, accounting, auditing, and fund disbursements.

(b) An office or agency performing other functions within the state's executive branch may be designated as the State Office. Section 408(b) of the Act.

#### ALLOCATION OF FUNDS

##### § 33.20 Fund availability.

Section 407(a) of the Justice Assistance Act provides that 80 percent of the total amount appropriated for part D (block grants) and part E (discretionary grants) shall be allocated for block grants.

(a) *Allocation to States.* Each participating state shall receive a base amount of \$250,000 with the remaining funds allocated to each state on the basis of the state's relative share of total U.S. population. Section 407(a) of the Act. If a state does not elect to participate in the Act, the states allocation shall be awarded by the Bureau directly to local units of government and