

**OJJDP FY 2024 Title II  
Waiver Requirements for Pass-Through  
(Subawards)**  
(Submit in [JustGrants](#))

1. The JJDP Act at 34 U.S.C. § 11133(a)(5) requires states to expend at least 66 and 2/3 percent of Formula Grants Program funds that they receive in each year, unless waived at the discretion of the OJJDP Administrator—through programs of units of local government, local private agencies, and eligible Indian Tribes, or combination thereof, to the extent such programs are consistent with the Three-Year State Plan, except that direct funding of any local private agency by a State shall be permitted only if such agency requests such funding after it has applied for and been denied funding by any unit of local government or combination thereof, and agree to attempt to comply with the core requirements applicable to the detention and confinement of juveniles.

2. The request for waiver should be **attached** to the state's Title II application in the form of a letter addressed to the OJJDP Administrator, who will review requests for exceptions to this requirement. The requesting state must meet all the following criteria prior to review or approval:

- a. Demonstrate, by comparing state and local expenditures for the preceding fiscal year, that the services for delinquent or other youth are organized primarily on a statewide basis.
- b. Demonstrate consultation with units of local government in the state, either directly or through organizations representing such units, regarding the proposed waiver.
- c. Demonstrate consultation with other state agencies that bear the primary financial burden for juvenile justice.
- d. Receive approval of the request by the State Advisory Group.

3. For further information or clarification, contact your OJJDP Program Manager.

**Note:** Beginning in FY 2024, states seeking to waive the pass-through requirement will be required to submit a new request with their FY 24 application to coincide with year 1 of the new Three-Year State Plan. Requests for a waiver renewal will not be considered. If approved, the waiver will apply to awards for the duration of the Three-Year State Plan period (FY 2024 through FY 2026).