

**OJJDP FY 2023 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 units of local government, local private agencies, and to provide funds for programs of eligible Indian Tribes.

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 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 State Advisory Group.

3. If a state is requesting to renew a waiver that was previously approved, the state must certify that no changes have occurred since the original information was provided in support of the waiver.

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