



The Crime Victims Fund: Federal Support for Victims of Crime

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Summary

In 1984, the Crime Victims Fund (CVF) was established by the Victims of Crime Act (VOCA, P.L. 98-473) to provide funding for state victim compensation and assistance programs. Since 1984, VOCA has been amended several times to support additional victim-related activities. These amendments established within the CVF (1) discretionary grants for private organizations, (2) the Federal Victim Notification System, (3) funding for victim assistance staff within the Federal Bureau of Investigation and Executive Office of U.S. Attorneys, (4) funding for the Children's Justice Act Program, and (5) assistance and compensation for victims of terrorism.

In 1988, the Office for Victims of Crime (OVC) was formally established within the Department of Justice (DOJ) to administer the CVF. As authorized by VOCA, the OVC awards CVF money through grants to states, local units of government, individuals, and other entities. The OVC also distributes CVF money to specially designated programs, such as the Children's Justice Act Program and the Federal Victim Notification System.

Deposits to the CVF come from criminal fines, forfeited appearance bonds, penalties and special assessments collected by the U.S. Attorneys' Offices, federal courts, and Federal Bureau of Prisons. Since 2002, Congress has allowed gifts, bequests, and donations from private entities to be deposited into the CVF.

When the CVF was created in 1984, Congress placed a cap on how much money could be deposited into the CVF each year. Congress eliminated the cap for deposits in 1993. In FY2000, Congress established a cap on the amount that would be available for distribution in a fiscal year to ensure the stability of funds for crime victims programs and activities. Since 2000, Congress has established the yearly CVF cap as a part of DOJ's annual appropriation. For the last several years, Congress has set the CVF distribution cap at \$705 million.

In considering the CVF allocation and future caps, there are several issues on which policymakers may deliberate. Congress may consider whether to adjust the manner in which the CVF is allocated, amend VOCA to accommodate additional victim activities or groups, adjust the cap and allow use of the CVF for grant programs other than those explicitly authorized by VOCA, or make other adjustments to the CVF cap—such as eliminate the cap altogether.

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Introduction

In 1984, the Crime Victims Fund (CVF) was established by the Victims of Crime Act (VOCA, P.L. 98-473) to provide funding for state victim compensation and assistance programs.¹ Since 1984, VOCA has been amended several times to support additional victim-related activities. These amendments established within the CVF

- discretionary grants for private organizations;²
- the Federal Victim Notification System;³
- funding for victim assistance staff in the Federal Bureau of Investigation (FBI) and Executive Office of U.S. Attorneys (EOUSA);⁴
- funding for the Children’s Justice Act Program;⁵ and
- assistance and compensation for victims of terrorism.⁶

In 1988, the Office for Victims of Crime (OVC) was formally established within the Department of Justice (DOJ) to administer the CVF.⁷ As authorized by VOCA, the OVC awards CVF money through formula and discretionary grants to states, local units of government, individuals, and other entities. The OVC also distributes CVF money to specially designated programs, such as the Children’s Justice Act Program and the Federal Victim Notification System (see **Figure 1**).⁸

The OVC mission is to enhance the nation’s capacity to assist crime victims and to improve attitudes, policies, and practices that promote justice and help victims. According to the OVC, this mission is accomplished by (1) administering the CVF, (2) supporting direct services for victims, (3) providing training programs for service providers, (4) sponsoring the development of best practices for service providers, and (5) producing reports on best practices.⁹ The OVC funds victim-support programs in all 50 states, the District of Columbia, and the territories.¹⁰

Notably, Congress has amended VOCA several times to provide support for victims of terrorism.¹¹ These amendments established CVF-funded programs for (1) assistance to victims of

¹ P.L. 98-473, Title II, Chapter XIV, Victims of Crime Act of 1984, October 12, 1984, 98 Stat. 2170. VOCA is codified at 42 U.S.C. §10601 et seq.

² P.L. 109-162, Title XI, Subtitle B, §1132, January 5, 2006, 119 Stat. 3107.

³ P.L. 107-77, Title I, §111, November 28, 2001, 115 Stat. 765.

⁴ P.L. 106-553, §1(a)(2), Title I, §113, December 21, 2000, 114 Stat. 2762, 2762A-68; P.L. 106-554, §1(a)(4), Division A, §213(a)(2), December 21, 2000, 114 Stat. 2763, 2763A-179; and P.L. 106-113, Division B, §1000(a)(1) [H.R. 3421, Title I, §119], November 29, 1999, 113 Stat. 1535, 1501A-22.

⁵ P.L. 106-177, Title I, §104(a), Child Abuse Prevention and Enforcement Act, March 10, 2000, 114 Stat. 36.

⁶ P.L. 104-132, Antiterrorism and Effective Death Penalty Act of 1996, Title II, Subtitle C; P.L. 107-56, USA PATRIOT Act, Title VI, §621(a) to (d).

⁷ P.L. 100-690, Title VII, Subtitle D.

⁸ Grants are distributed according to a formula established by VOCA.

⁹ For more information on OVC and its mission, see <http://www.ojp.usdoj.gov/ovc/>.

¹⁰ For information on OVC grant allocations, see <http://www.ojp.usdoj.gov/ovc/grants/index.html>.

¹¹ P.L. 104-132, Justice for Victims of Terrorism Act of 1996, April 24, 1996, 110 Stat. 1243; P.L. 106-386, Victims of Trafficking and Violence Protection Act of 2000, October 28, 2000, 114 Stat. 1543; and P.L. 107-56, USA PATRIOT (continued...)

terrorism¹² who are injured or killed as a result of a terrorist act outside the United States, (2) compensation and assistance to victims of terrorism within the United States, and (3) an antiterrorism emergency reserve fund to support victims of terrorism.

This report provides background and funding information for VOCA programs and the CVF. It describes the process through which CVF funds are allocated and explains how the CVF impacts the annual budget for DOJ. It then provides an analysis of selected issues that Congress may consider regarding the CVF and the FY2013 federal budget.

Financing of the Crime Victims Fund

Deposits to the CVF

The CVF does not receive appropriated funding.¹³ Rather, deposits to the CVF come from a number of sources including criminal fines, forfeited bail bonds, penalties, and special assessments collected by the U.S. Attorneys' Offices, federal courts, and the Federal Bureau of Prisons from offenders convicted of federal crimes.¹⁴ In 2001, the USA PATRIOT Act (P.L. 107-56) established that gifts, bequests, or donations from private entities could also be deposited to the CVF.

The largest source of deposits into the CVF is criminal fines.¹⁵ According to a 2005 report from the National Association of VOCA Assistance Administrators, criminal fines account for approximately 98% of all deposits to the CVF.¹⁶ Large criminal fines, if collected, can have a significant effect on deposits into receipts for the CVF. For example, from FY1996 through FY2004, fines collected from 12 defendants in federal courts accounted for 45% of all deposits to the CVF during this time period.¹⁷ **Table 1** provides the amounts collected into the CVF in each fiscal year from 1985 through 2011.

Caps on the CVF

In 1984, Congress placed a cap on how much could be deposited into the CVF for the first eight years. As shown in **Table 1**, from FY1985 through FY1992, the annual cap on deposits ranged from \$100 million to \$150 million. In 1993, Congress lifted the cap on deposits, establishing that

(...continued)

Act, Title VI, §621(a) to (d), October 26, 2001, 115 Stat. 370.

¹² Victims who are eligible for assistance include nationals of the United States and employees of the U.S. government.

¹³ In January 2002, Congress enacted a one-time appropriation of \$68.1 million for the Crime Victims Fund to assist in providing relief to 9/11 victims (P.L. 107-117, 115 Stat. 2294).

¹⁴ See 42 U.S.C. §10601.

¹⁵ U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime, *2011 OVC Report to the Nation*, p. 2, <http://www.ovc.gov/pubs/reporttonation2011/ReporttoNation2011.pdf> (hereinafter, *2011 OVC Report to the Nation*).

¹⁶ Steve Derene, *Crime Victims Fund Report: Past, Present, Future*, National Association of VOCA Assistance Administrators, March 2005, p. 6, <http://www.navaa.org/budget/CVFReport/CrimeVictimsReport.pdf> (hereinafter, *Crime Victims Fund Report*).

¹⁷ *Crime Victims Fund Report*, p. 3.

all criminal fines, special assessments, and forfeited bail bonds could be deposited into the CVF. From FY1985 through FY1999, deposits collected in a fiscal year were distributed in the following fiscal year.¹⁸

Fluctuation in Deposits

In 2000, Congress established an annual cap on funds available for distribution to reduce the impact of fluctuating deposits and ensure the stability of funds for programs. Since 2000, there has been considerable fluctuation in the amounts deposited each fiscal year. For example, between FY2007 and FY2008, the amount of receipts collected dropped by nearly 12% and then increased by approximately 95% in FY2009. This was followed by a 35% increase in FY2010 and a 15% decrease in FY2011. **Table 1** provides the CVF distribution cap amounts from FY2000 through FY2012.

Since 2000, Congress has established the CVF cap each year as a part of the appropriations for DOJ. For FY2012, Congress set the distribution cap at \$705 million under the Consolidated and Further Continuing Appropriations Act, 2012 (P.L. 112-55).

Carryover Balance of the CVF

Funding for a current year's grants is provided by the previous year's deposits to the CVF, and the OVC is authorized to use the capped amount for grant awards in a given year. After the yearly allocations are distributed, the remaining balance in the CVF is retained for future expenditures. The remaining balance and the capped amount, however, are both counted, or "scored," as part of the DOJ budget total in a given fiscal year. These amounts impact the DOJ appropriation total and are included in the department's overall budget score.¹⁹ As a result, proposals to increase the CVF cap could possibly reduce the available budget for other federal programs by the amount specified in the proposed increase. Thus, congressional proposals to increase the cap may be accompanied by a proposed offset that would reduce the funding of another program.²⁰

VOCA law requires that all sums deposited in a fiscal year that are not obligated must remain in the CVF for obligation in future fiscal years.²¹ If collections in a previous year exceed the distribution cap, then amounts over the cap are credited to the "rainy day" fund for future program benefits. For example, in FY2000 funding for the year was capped at \$500 million despite the fact that collections were over \$985 million in FY1999. If the receipts collected in a prior year are not sufficient to reach the cap, the additional amounts are made up from balances credited to the CVF, commonly referred to as the rainy day fund.²² Approximately \$485 million

¹⁸ 2011 OVC Report to the Nation, p. 3.

¹⁹ For the DOJ FY2013 Summary of Budget Authority by Appropriation, see <http://www.justice.gov/jmd/2013summary/pdf/budget-authority-appropriation.pdf>.

²⁰ While some may assume that the program that has its funding reduced would be a DOJ program, this report does not assume this and recognizes that the program could also be from another department aside from DOJ.

²¹ 42 U.S.C. §10601(c).

²² U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime, 2009 OVC Report to the Nation, p. 11, https://www.ncjrs.gov/ovc_archives/reporttonation2009/ReporttoNation09Part1.pdf.

remained in the CVF and was credited for future use.²³ **Table 1** provides the balances that remain credited to the CVF at the end of each fiscal year from FY2000 through FY2011.

Table 1. Crime Victims Fund: FY1985—FY2012

(dollars in millions)

Fiscal Year	Amount Collected to CVF	Enacted Cap on CVF Deposits	Enacted Cap on CVF Distribution	Funds Made Available for Distribution ^a	Carryover CVF Balance
1985	\$68.3	\$100	—	\$68.3	—
1986	62.5	\$110	—	62.5	—
1987	77.5	\$110	—	77.5	—
1988	93.6	\$110	—	93.6	—
1989	133.5	\$125	—	124.2	—
1990	146.2	\$125	—	127.2	—
1991	128.0	\$150	—	128.0	—
1992	221.6	\$150	—	152.2	—
1993	144.7	—	—	144.7	—
1994	185.1	—	—	185.1	—
1995	233.9	—	—	233.9	—
1996	528.9	—	—	528.9	—
1997	362.9	—	—	362.9	—
1998	324.0	—	—	324.0	—
1999	985.2	—	—	500.0	—
2000	777.0	—	500.0	537.5	485.2
2001	544.4	—	537.5	550.0	785.2
2002	519.5	—	550.0	600.0	792.0
2003	361.3	—	600.0	617.6 ^b	718.9
2004	833.7	—	621.3 ^c	671.3 ^d	422.1
2005	668.3	—	620.0	620.0	1,307.4
2006	641.8	—	625.0	625.0	1,333.5
2007	1,018.0	—	625.0	625.0	1,784.0
2008	896.3	—	590.0	590.0	2,084.0
2009	1,745.7	—	635.0	635.0	3,146.5
2010	2,362.3	—	705.0	705.0	4,801.5
2011	1,998.0	—	705.0	705.0	6,099.7
2012	—	—	705.0	705.0	—

Source: U.S. Department of Justice, Office of Justice Programs, Office of Communications.

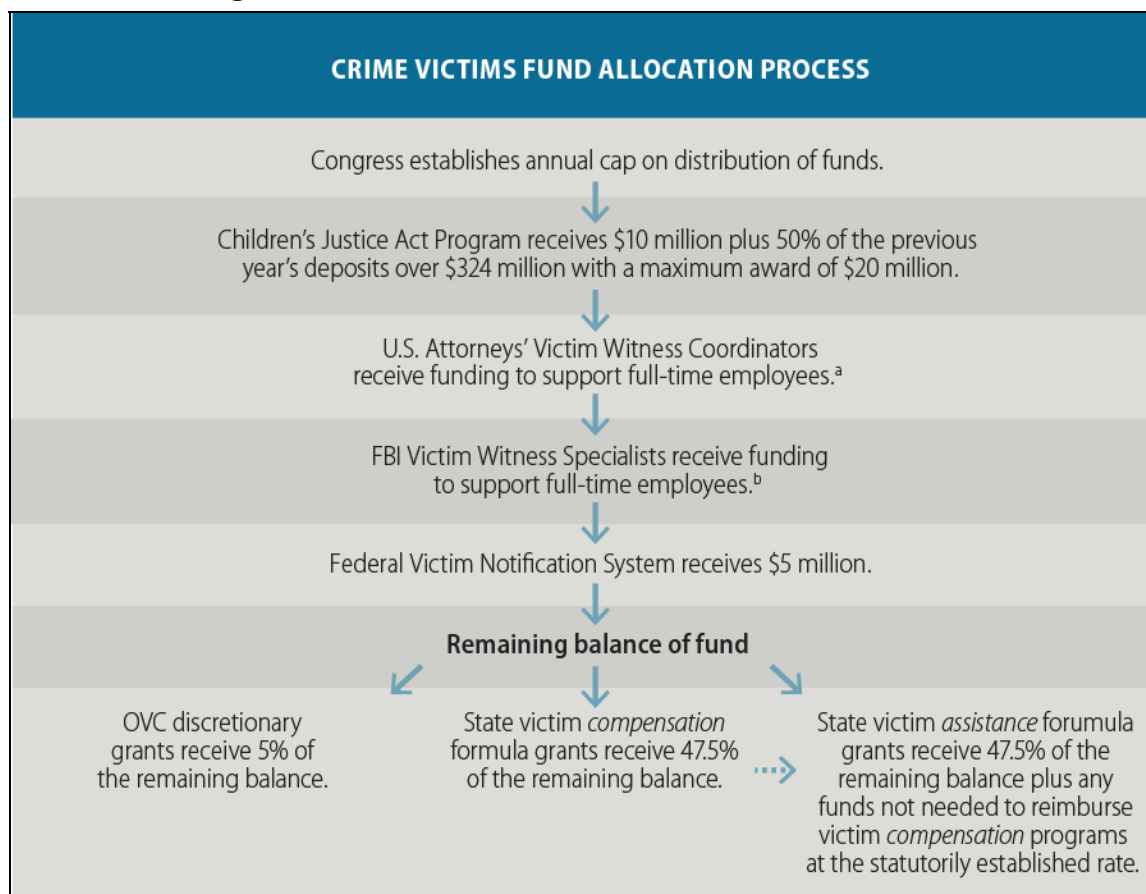
²³ *Crime Victims Fund Report*, p.16.

- a. From FY1985-FY1998, deposits collected in each fiscal year were distributed in the following fiscal year to support crime victims services. From FY1985-FY2002, the funds made available for distribution reflect the amounts distributed in the following fiscal year.
- b. FY2003 funds include \$17.6 million for the Antiterrorism Emergency Reserve.
- c. The original cap of \$625.0 million was reduced due to congressional rescission.
- d. FY2004 funds include \$50.0 million for the Antiterrorism Emergency Reserve.

Distribution of the Crime Victims Fund

As previously stated, the OVC awards CVF money through formula and discretionary grants to states, local units of government, individuals, and other entities. The OVC also awards CVF money to specially designated programs. Grants are allocated according to statute (see **Figure 1**) established by the VOCA.

Figure 1. Annual Distribution of the Crime Victims Fund



Source: U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime, *Crime Victims Fund*, Figure 2, <http://www.ojp.usdoj.gov/ovc/pubs/crimevictimsfundfs/intro.html>; and U.S. Department of Justice, Federal Bureau of Investigation, FY2013 Congressional Budget Submission.

Notes: In FY2012, OJP assessed management and administrative (M & A) costs for programs funded by the CVF. OJP did not assess M & A costs for the Children's Justice Act Program and state victim compensation grants. State victim assistance grants were assessed 11.6% in M & A costs and all other CVF-funded grants were assessed 8.1% in M & A costs for FY2012.

- a. As of FY2012, there are 170 Victim Witness Coordinators supported by the CVF.
- b. As of FY2012, there are 134 Victim Witness Specialists supported by the CVF.

Children’s Justice Act Program

The OVC and the Administration for Children and Families (ACF) within the Department of Health and Human Services manage the Children’s Justice Act Program, a grant program designed to improve the investigation, handling, and prosecution of child abuse cases. Up to \$20 million must be distributed annually to the Children’s Justice Act Program.²⁴ Of the designated funds, ACF receives up to \$17 million to manage this program for the states, while the OVC distributes up to \$3 million for tribal populations.²⁵ In FY2012, the ACF received \$17 million from the CVF to fund the Children’s Justice Act Program. **Table 2** provides funding data from FY2010 through FY2012.

Table 2. Annual Allocation for Children’s Justice Act Grants

(dollars in millions)

(Administrative Agency in Parentheses)	FY2010	FY2011	FY2012
State Allocation (ACF)	\$17.00	\$17.00	\$17.00
Tribal Allocation (OVC)	3.00	3.00	3.00

Source: U.S. Department of Health and Human Services, Administration for Children and Families, Office of Legislative Affairs and Budget; and U.S. Department of Justice, Office of Justice Programs, Office of Communications.

Executive Office of U.S. Attorneys (EOUSA)

The OVC provides annual funding to support victim-witness coordinators within each of the 93 U.S. Attorney’s Offices.²⁶ In accordance with the *Attorney General Guidelines for Victim and Witness Assistance*,²⁷ these personnel provide direct support for victims of federal crime by assisting victims in criminal proceedings and advising victims of their rights, such as their right to make oral and written victim impact statements at an offender’s sentencing hearing. **Table 3** provides the number of full-time employees supported with CVF funding and the amount of CVF funding that the EOUSA victim-witness coordinator program has received from the OVC from FY2010 through FY2012.

²⁴ 42 U.S.C. §10601(d)(2).

²⁵ For more information regarding the Children’s Justice Act Program, see CRS Report R40899, *The Child Abuse Prevention and Treatment Act (CAPTA): Background, Programs, and Funding*, by Emilie Stoltzfus.

²⁶ 42 U.S.C. §10601(d)(3).

²⁷ U.S. Department of Justice, *Attorney General Guidelines for Victim and Witness Assistance*, http://www.justice.gov/olp/pdf/ag_guidelines2012.pdf.

Table 3. Annual Allocation and Full-Time Employees for EOUSA Victim Witness Coordinators

(dollars in millions)

	FY2010	FY2011	FY2012
Allocation to EOUSA	\$23.33	\$23.44	\$21.54
Number of FTEs	170	170	170

Source: U.S. Department of Justice, Office of Justice Programs, Office of Communications.

Federal Bureau of Investigation (FBI)

The OVC provides annual funding to support victim witness specialists within the 56 FBI field offices.²⁸ These specialists, or coordinators, personally assist victims of federal crime and provide information on criminal cases throughout case development and court proceedings.²⁹ **Table 4** provides the amount of CVF funding that the FBI's Victim Witness Program has received from the OVC in FY2010-FY2012.

Table 4. Annual Allocation and Full-Time Employees for FBI Victim Witness Specialists

(dollars in millions)

	FY2010	FY2011	FY2012
Allocation to FBI	\$14.64	\$15.75	\$16.21
Number of FTEs	134	134	134

Source: Allocations were provided by U.S. Department of Justice, Office of Justice Programs, Office of Communications. The number of FTEs were taken from the FY2011-FY2013 congressional budget submissions for the FBI.

The Victim Notification System

The OVC provides annual funding to support the Victim Notification System (VNS), a program administered by the EOUSA and jointly operated by the FBI, EOUSA, OVC, and the Federal Bureau of Prisons.³⁰ VNS is the vehicle through which victims are notified of major case events relating to the offender, such as the release or detention status of the offender.³¹ **Table 5** provides the amount of CVF funding that the FBI's Victim Witness Program has received from the OVC in FY2010-FY2012.

²⁸ 42 U.S.C. §10601(d)(3).

²⁹ For more information on the FBI Victim Assistance Program, see http://www.fbi.gov/stats-services/victim_assistance/overview/field-office-victim-assistance-program.

³⁰ 42 U.S.C. §10601(d)(3).

³¹ For more information on VNS, see <https://www.notify.usdoj.gov/>.

Table 5. Annual Allocation for Victim Notification System

(dollars in millions)

	FY2010	FY2011	FY2012
Allocation to EOUSA	\$5.50	\$4.88	\$4.49

Source: U.S. Department of Justice, Office of Justice Programs, Office of Communications.

Victim Compensation and Assistance

After the Children’s Justice Act, victim witness, and VNS programs are funded, remaining CVF money is distributed as follows: Victim Compensation Formula Grants (47.5%); Victim Assistance Formula Grants (47.5%); and OVC Discretionary Grants (5%).³² Amounts not used for state compensation grants are made available for state victim assistance formula grants. As shown in **Figure 1**, while both compensation and assistance grants are allotted the same percentage of the remaining balance, the state victim assistance grant program receives 47.5% of the remaining balance *plus* any funds not needed to reimburse victim compensation programs at the statutorily established rate.

Victim Compensation Formula Grant Program

As mentioned, 47.5% of the remaining annual CVF money is for grant awards to state crime victim compensation programs.³³ All 50 states, the District of Columbia, the U.S. Virgin Islands, and Puerto Rico have victim compensation programs.³⁴ The OVC awards each state 60% of the total amount the state paid (from state funding sources) to victims in the prior fiscal year.³⁵

According to VOCA, a state is eligible to receive a victim compensation formula grant if the state program meets the following requirements: (1) promote victim cooperation with requests of law enforcement authorities, (2) certify that grants received will not be used to supplant state funds, (3) ensure that non-resident victims receive compensation awards on the same basis as victims residing within the state, (4) ensure that compensation provided to victims of federal crimes is given on the same basis as the compensation given to victims of state crime, and (5) provide compensation to residents of the state who are victims of crimes occurring outside the state.³⁶

The formula grants may be used to reimburse crime victims for out-of-pocket expenses such as medical and mental health counseling expenses, lost wages, funeral and burial costs, and other costs (except property loss) authorized in a state’s compensation statute. Victims are reimbursed for crime-related expenses that are not covered by other resources, such as private insurance. Since FY2004, more than half of annual compensation expenses paid have been for medical and dental services.³⁷

³² 42 U.S.C. §10601(d)(4).

³³ Ibid.

³⁴ Territories and the District of Columbia are treated as states for grant eligibility and distribution purposes. See 42 U.S.C. §10602(d)(4).

³⁵ 42 U.S.C. §10602(a).

³⁶ 42 U.S.C. §10602(b).

³⁷ Medical and dental services do not include mental health services. OVC records these mental health costs in a (continued...)

According to the OVC, assault victims represent the highest percentage of victims receiving compensation each year.³⁸ In FY2011, there were 80,344 claims made by victims of assault, representing nearly half of all claims filed during the reporting period for FY2011. Nearly 40% of assault claims for FY2011 were domestic violence-related.³⁹

Table 6 provides the amount of CVF funding that was allotted to OVC’s Victim Compensation Program from FY2010 through FY2012.

Table 6. Annual Allocation for Victim Compensation Grant Program
(dollars in millions)

	FY2010	FY2011	FY2012
Allocation for Compensation Grants	\$198.04	\$180.89	\$180.73

Source: U.S. Department of Justice, Office of Justice Programs, Office of Communications.

Victim Assistance Formula Grant Program

The other 47.5% of the remaining annual CVF money (see **Figure 1**) is for the Victim Assistance Formula Grants Program. Amounts not used for state compensation grants are made available for the Victim Assistance Formula Grants Program. This program provides grants to state crime victim assistance programs to administer funds for state and community-based victim service program operations.⁴⁰ The grants support direct services to crime victims including information and referral services, crisis counseling, temporary housing, criminal justice advocacy support, and other assistance needs.

Assistance grants are distributed by states according to guidelines established by VOCA. States are required to prioritize the following groups: (1) underserved populations of victims of violent crime,⁴¹ (2) victims of child abuse, (3) victims of sexual assault, and (4) victims of spousal abuse.⁴² States may not use federal funds to supplant state and local funds otherwise available for crime victim assistance.

VOCA establishes the amount of funds allocated to each state and territory. Each of the 50 states, the District of Columbia, the U.S. Virgin Islands, and Puerto Rico receive a base amount of \$500,000 each year.⁴³ The territories of the Northern Mariana Islands, Guam, and American

(...continued)

separate category. For additional compensation data, as well as the number of victims served, by victim types and service categories, see U.S. Department of Justice, U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime, *VOCA Nationwide Performance Reports*, <http://www.ojp.usdoj.gov/ovc/grants/vocareps.html>.

³⁸ Ibid.

³⁹ U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime, *2011 Victims of Crime Act Performance Report, State Assistance Program*, http://www.ojp.usdoj.gov/ovc/grants/vocanpr_val1.html.

⁴⁰ 42 U.S.C. §10603(c).

⁴¹ States have flexibility in determining the populations of victims of violent crimes that may be underserved in their respective states.

⁴² 42 U.S.C. §10603(a).

⁴³ 42 U.S.C. §10603(a)(5)(A).

Samoa receive a base amount of \$200,000 each year.⁴⁴ The remaining funds are distributed based on U.S. census population data. **Table 7** provides the amount of CVF funding that the OVC allotted for the Victim Assistance Grant Program from FY2010 through FY2012.

Table 7. Annual Allocation for Victim Assistance Grant Program

(dollars in millions)

	FY2010	FY2011	FY2012
Allocation for Assistance Grants	\$412.13	\$428.08	\$377.09

Source: U.S. Department of Justice, Office of Justice Programs, Office of Communications.

Notes: The reduction in allocation for FY2012 reflects a new OJP management and administrative cost assessment for CVF programs, with the exception of the Children's Justice Act Program and victim compensation grants, were assessed \$55.59 million in FY2012.

According to the OVC, victims of domestic violence make up the largest number of victims receiving services under the Victim Assistance Formula Grants Program. In 2011, approximately 45% of the 3,760,235 victims served by these grants were victims of domestic violence.⁴⁵ This figure has remained relatively stable since 2000, when 50% of all victims served by the victim assistance grants were victims of domestic violence.⁴⁶

Discretionary Grants

Five percent of the CVF money available after the specially designated program allocations have been made (see **Figure 1**) is for discretionary grants.⁴⁷ According to VOCA, discretionary grants must be distributed for (1) demonstration projects, program evaluation, compliance efforts, and training and technical assistance services to crime victim assistance programs; (2) financial support of services to victims of federal crime; and (3) nonprofit victim service organizations and coalitions to improve outreach and services to victims of crime.⁴⁸ The OVC awards discretionary grants each year through a competitive application process.⁴⁹

Table 8 provides the amount of CVF funding that the OVC allotted for discretionary grants from FY2010 through FY2012.

⁴⁴ 42 U.S.C. §10603(a)(5)(B).

⁴⁵ U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime, *2011 Victims of Crime Act Performance Report, State Assistance Program*, http://www.ojp.usdoj.gov/ovc/grants/vocanpr_va11.html.

⁴⁶ U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime, *2000 Victims of Crime Act Performance Report, State Assistance Program*, http://www.ojp.usdoj.gov/ovc/grants/vocanpr_va00.html. For additional annual reports on the Victim Assistance Formula Grants Program, see <http://www.ojp.usdoj.gov/ovc/grants/vocareps.html>.

⁴⁷ 42 U.S.C. §10601(d)(4).

⁴⁸ 42 U.S.C. §10603(c).

⁴⁹ For more information on discretionary programs, see <http://www.ojp.usdoj.gov/ovc/grants/types.html#discretionarygrants>.

Table 8. Annual Allocation for Discretionary Grants

(dollars in millions)

	FY2010	FY2011	FY2012
Allocation for Discretionary Grants	\$32.12	\$32.05	\$29.36

Source: U.S. Department of Justice, Office of Justice Programs, Office of Communications.

Antiterrorism Emergency Reserve

The Antiterrorism Emergency Reserve was established in P.L. 104-132 to meet the immediate and long-term needs of victims of terrorism and mass violence.⁵⁰ The OVC accomplishes this mission by providing supplemental grants to states for victim compensation and assistance and also by providing direct compensation to victims (U.S. nationals or officers or employees of the U.S. government, including Foreign Service Nationals working for the U.S. government) of terrorist acts that occur abroad.

The Director of the OVC is authorized to set aside \$50 million of CVF money in the Antiterrorism Emergency Reserve to respond to the needs of victims of the September 11 terrorist attacks, and subsequently, to replenish any amounts expended so that not more than \$50 million is reserved in any fiscal year for any future victims of terrorism.⁵¹ After funding all other program areas, as listed above, the funds retained in the CVF may be used to replenish the Antiterrorism Emergency Reserve.⁵² This reserve fund supports the following programs:

- Antiterrorism and Emergency Assistance Program,
- International Terrorism Victim Expense Reimbursement Program,
- Crime Victim Emergency Assistance Fund at the FBI, and
- Victim Reunification Program.

Assistance for Victims of 9/11

In the aftermath of the terrorist attacks on September 11, 2001, the OVC used money available in the Antiterrorism Emergency Reserve account to immediately respond to the needs of victims. The OVC awarded \$3.1 million in victim assistance funding and \$13.5 million in victim compensation funding⁵³ to the states of New York, Virginia, and Pennsylvania.⁵⁴ The funds were used by these states to coordinate and provide emergency assistance to victims in the form of

⁵⁰ P.L. 104-132, Title II, Subtitle C.

⁵¹ 42 U.S.C. §10601(d)(5). The OVC also received a one-time \$68.1 million appropriation in the FY2002 Department of Defense Appropriations Act (P.L. 107-117, 115 Stat. 2294) to assist in its work of providing relief to 9/11 victims (USA PATRIOT Act, P.L. 107-56, 115 Stat. 371).

⁵² These funds do not fall under the annual cap of the CVF.

⁵³ Emergency funds were disbursed under the authority of the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (P.L. 107-38). The Antiterrorism Emergency Reserve was later reimbursed under the Department of Defense Appropriations Act (P.L. 107-117).

⁵⁴ U.S. Department of Justice, Office for Victims of Crime, *Meeting the Needs of the Victims of the September 11th Terrorist Attacks: Department of Defense Appropriations Act of 2002, Report to Congress*, April 2003, p. 4, https://www.ncjrs.gov/ovc_archives/reports/911victimsreptocongress03/meetingneedssept11.pdf.

crisis counseling and other direct services, and to offset out-of-pocket expenses for medical and mental health services, funeral costs, and lost wages.

In addition to providing funds to states, the OVC provided other assistance and services to victims, including the following:

- OVC staff worked to identify the short- and long-term needs of victims and related costs, as well as to coordinate its efforts with other federal agencies such as the Federal Emergency Management Agency (FEMA).
- Immediately following the attacks, the OVC set up a call center that offered a 24-hour, toll-free telephone line for collecting victim information and providing referrals for financial, housing, and counseling assistance. Approximately 37,000 victims and family members received assistance and referrals through the call center.⁵⁵
- The OVC also established a Victim and Family Travel Assistance Center, which handled all logistical arrangements and paid travel and lodging costs for 1,800 family members traveling to funerals and memorial services.⁵⁶
- The OVC designed and operated a special “Hope and Remembrance” website to provide victims with answers to frequently asked questions, official messages from U.S. government sources, news releases, etc.⁵⁷

The OVC continues to assist those affected by 9/11 through the Healing and Remembrance Program. In FY2010, the Mental Health Association of New York City received CVF money to operate a website to assist and support those affected by 9/11 and provide travel support for 9/11 anniversary events.⁵⁸

Selected Issues

Congress may confront several issues when considering the annual distribution cap on the CVF and possible amendments to VOCA. These issues include using the CVF for programs other than those explicitly authorized by VOCA, making adjustments to the CVF cap such as eliminating the cap, and amending VOCA to accommodate new programs or to adjust the allocation formula.

Issues in Considering the CVF Cap

One issue Congress might consider is whether to use receipts from the CVF to fund grant programs that are not authorized by VOCA. In the past, Congress has passed legislation that made CVF money available to support programs authorized outside of VOCA.⁵⁹ For example, the National Defense Authorization Act (P.L. 110-181) included a provision mandating that the

⁵⁵ Ibid, p. 5.

⁵⁶ Ibid, p. 5.

⁵⁷ Ibid, p. 5.

⁵⁸ For additional information regarding the Healing and Remembrance Program, see <http://www.9-11healingandremembrance.org/ovc/FamilySupportCenters/Default.aspx>.

⁵⁹ For expenditure guidelines, see 42 USC §10601(d).

Attorney General transfer from the emergency reserve of the CVF “such funds as may be required” to cover the costs of special masters appointed by U.S. district courts in civil cases brought against state sponsors of terrorism.

Thus far, CVF money has not been used to fund *grant programs* outside of those authorized by VOCA. In the *Budget of the United States Government, Fiscal Year 2013*, the Administration requests to raise the CVF cap by \$365 million and specifies that the additional money should be transferred to other accounts administered by DOJ, including the Office on Violence Against Women (OVW) and the Office of Justice Programs (OJP). Both the Senate and the House Committee on Appropriations rejected the Administration’s proposal to fund OVW and OJP grant programs through the CVF for FY2013. While it could be argued that the non-VOCA grant programs the Administration proposed to fund with receipts from the CVF would assist crime victims in some manner, the Administration’s proposal raises a question about whether this might pave the way for the CVF to be used to support other DOJ grant programs that might not be victim-focused. On the other hand, as mentioned above, the CVF has a balance of more than \$6 billion, which indicates that receipts to the fund are exceeding the congressionally specified cap. In a time of fiscal constraint, the CVF might provide an avenue to fund some DOJ grant programs while reducing DOJ’s discretionary appropriation; however, there is no guarantee that receipts going into the CVF will be consistent from one year to the next. Therefore, if Congress were to increase the cap and use funding from the CVF for non-VOCA programs, it is not possible to ensure that there will be a consistent level of funding to support these programs in future budget cycles.

Congress could decide to eliminate the cap on the Crime Victims Fund altogether. If Congress should decide to eliminate the cap and allow all collected funds to be distributed in a given fiscal year, it could possibly have significant consequences for the DOJ budget. As mentioned, the capped amount and remaining balance in the CVF are considered part of the DOJ budget total. These amounts impact the DOJ appropriation, are used to offset spending limits for DOJ programs, and are included in the overall budget score for DOJ. If Congress were to eliminate the cap, it would have to make up the amount of the CVF through offsets. Moreover, Congress may wish to consider whether VOCA programs would be able to use all money in the fund if the distribution cap were eliminated.

Issues in Considering Amendments to VOCA

While VOCA may be amended in many possible ways, this report presents two options that Congress may choose to consider. Congress may wish to reassess the allocation formula of the CVF (see **Figure 1**) or consider the addition of new programs to be supported through the CVF.

VOCA Assistance Administrators have voiced concern that fluctuations in annual obligations can directly impact fund availability for victim assistance formula grants and, to a lesser extent, discretionary grants. The addition of new programs, increases in funding to other programs funded by the CVF, and new management and administration costs cause a reduction in funding available for victim assistance formula grants and discretionary grants.⁶⁰ Congress may choose to review the allocation formula to determine if changes should be made to reduce the impact of fluctuations in obligated funds on these grants.

⁶⁰ Ibid; National Association of VOCA Assistance Administrators, *Victims of Crime Act (VOCA) Crime Victims Fund: Briefing Background*, p. 4, http://www.navaa.org/budget/13/docs/VOCA_Background%202013.pdf.

Since 1984, VOCA has been amended several times to support additional victim-related activities and accommodate the needs of specific groups of victims, such as child abuse victims and victims of terrorist acts. Congress may choose to continue amending VOCA to accommodate the needs of additional special populations, such as victims of elder abuse. As the so-called “baby boom” generation ages, it is possible that elder abuse will grow as a social concern.⁶¹ Likewise, other populations with unique risks and needs may present themselves, and Congress may choose to use VOCA as one potential vehicle to address those risks and needs.

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⁶¹ Martin J. Gorbien and Amy R. Eisenstein, “Elder Abuse and Neglect: An Overview,” *Clinics in Geriatric Medicine*, vol. 2 (May 21, 2005).