

The Crime Victims Fund (CVF): Federal Support for Victims of Crime

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The Crime Victims Fund (CVF): Federal Support for Victims of Crime

In 1984, the Crime Victims Fund (CVF, or the Fund) 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 including (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, (5) assistance and compensation for victims of terrorism, (6) funding for sexual assault survivors' notification grants and ensuring rights of sexual assault survivors, and (7) restitution for victims of child pornography. Aside from amendments for new programmatic purposes, VOCA has also been amended to include additional sources of funding for the CVF and adjust processes and requirements for VOCA grants.

In 1988, the Office for Victims of Crime (OVC) was formally established within the Department of Justice (DOJ) to administer VOCA programs. As authorized by VOCA, OVC awards CVF money through grants to states, local units of government, individuals, and other entities. 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 federal criminal fines, forfeited appearance bonds, and 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. Since the enactment of the VOCA Fix to Sustain the Crime Victims Fund Act of 2021 (P.L. 117-27), deposits to the CVF have also included monetary penalties from federal deferred prosecution and nonprosecution agreements. As of February 29, 2024, the CVF had a balance of \$1.29 billion.

When the CVF was created in 1984, Congress placed a cap on how much money could be deposited into the CVF each fiscal year. Congress eliminated the cap for deposits in 1993. From FY1985 to FY1998, deposits collected in each fiscal year were distributed in the following fiscal year. In FY2000, Congress established an annual obligation cap on CVF funds available for distribution to reduce the effects of fluctuating deposits on the amount of funds available and to ensure the stability of funds for crime-victims programs and activities. Since 2000, Congress has established the annual obligation cap in appropriations law.

Due to the fluctuating balance of the Fund, the obligation cap has sharply increased and decreased over last decade. Increases to the cap were sometimes accompanied by new draws on the Fund. The fluctuation of the cap from year to year and the new draws on the CVF affect the formula grant amounts made available for states and territories as well as the amount allocated for discretionary grants.

Over the past decade, Congress has taken a number of actions involving the CVF. In the 114th Congress, the Bipartisan Budget Act of 2015 (P.L. 114-74) included a provision (§702) that required the rescission of \$1.5 billion from the balance of the Crime Victims Fund. In addition, from FY2017 to FY2023, Congress opted to calculate the obligation cap based on the most recent three-year average of deposits into the CVF. In FY2021, Congress passed and President Biden signed P.L. 117-27, which required that revenues collected from federal deferred prosecution and nonprosecution agreements be deposited into the CVF.

In considering the CVF allocation for crime victim services and related activities, future caps, and sustainability of the CVF, policymakers may deliberate several issues. Congress may consider whether to adjust the manner in which funds from the CVF are allocated; amend VOCA to accommodate additional or fewer purpose areas; set limits on the use of the CVF for purposes other than those explicitly authorized by VOCA; or make adjustments to the CVF and CVF cap—such as eliminating the cap or CVF altogether.

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Introduction

In 1984, the Crime Victims Fund (CVF, or the Fund) 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 that the CVF be used for

- 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 for U.S. Attorneys (EOUSA),⁴
- funding for the Children’s Justice Act Program,⁵
- assistance and compensation for victims of terrorism,⁶
- sexual assault survivors’ notification grants and ensuring rights of sexual assault survivors,⁷ and
- restitution for victims of child pornography.⁸

VOCA has also been amended to include additional sources of funding for the CVF and to adjust, and allow for the waiver of, match requirements for VOCA grants.⁹

In 1988, the Office for Victims of Crime (OVC) was formally established within the Department of Justice (DOJ) to administer the CVF.¹⁰ As authorized by VOCA, OVC awards CVF money through formula and discretionary grants to states, local units of government, individuals, and other entities. 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**).¹¹

OVC’s 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 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.¹² OVC funds victim-

¹ P.L. 98-473, Title II, Chapter XIV, Victims of Crime Act of 1984, October 12, 1984, 98 Stat. 2170. The Victims of Crime Act (VOCA) is codified at 34 U.S.C. §20101 et seq.

² P.L. 109-162, Title XI, Violence Against Women and Department of Justice Reauthorization Act of 2005, 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. 114-236, Survivors’ Bill of Rights Act of 2016.

⁸ P.L. 115-299, Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018.

⁹ P.L. 117-27, VOCA Fix to Sustain the Crime Victims Fund Act of 2021.

¹⁰ P.L. 100-690, Title VII, Subtitle D – Victim Compensation and Assistance.

¹¹ Grants are distributed according to a formula established by VOCA.

¹² For more information on OVC and its mission, see DOJ, Office of Justice Programs (OJP), “Office for Victims of Crime (OVC),” <https://www.ojp.gov/about/offices/office-victims-crime-ovc>.

support programs in all 50 states, the District of Columbia, tribes, and the territories.¹³ In FY2018, Congress began setting aside specific percentages of the CVF obligation cap for tribal assistance grants to improve services for victims of crime in American Indian and Alaska Native communities.¹⁴ Notably, Congress did this through appropriations acts and did not create a permanent authorization for tribal assistance grants through VOCA.

Notably, Congress has amended VOCA several times to provide support for victims of terrorism.¹⁵ These amendments established CVF-funded programs for (1) assistance to victims of terrorism¹⁶ who are injured or killed as a result of a terrorist act outside the United States, (2) compensation and assistance to victims of terrorism or mass violence within the United States, and (3) an antiterrorism emergency reserve fund to support victims of terrorism or mass violence.

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

Financing of the Crime Victims Fund

Deposits to the CVF

The CVF does not receive appropriated funding.¹⁷ 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.¹⁸ 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. In FY2021, Congress passed and President Biden signed the VOCA Fix to Sustain the Crime Victims Fund Act of 2021 (VOCA Fix Act; P.L. 117-37), which required that revenues collected from federal deferred prosecution and nonprosecution agreements be deposited into the CVF.

Historically, the largest source of deposits into the CVF has been criminal fines collected from federal offenders. However, with the introduction of monetary penalties collected from deferred and non-prosecution agreements, that may not always be the case.¹⁹ Monetary penalties collected from deferred and nonprosecution agreements represented 62% of the total amount collected during the first six months of FY2024.²⁰ Large criminal fines or other monetary penalties, if

¹³ For information on OVC grant allocations, see "About OVC Funding," <https://ovc.ojp.gov/funding>.

¹⁴ For more information about this program and the annual set-aside, see OVC, *Report on the OVC Fiscal Year 2023 Crime Victims Fund Tribal Set-Aside Program*, <https://ovc.ojp.gov/program/tribal/tribal-victim-services-set-aside/fy-2023-report.pdf>.

¹⁵ 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 Act, Title VI, §621(a) to (d), October 26, 2001, 115 Stat. 370.

¹⁶ Victims who are eligible for assistance include nationals of the United States and employees of the U.S. government.

¹⁷ 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).

¹⁸ See 34 U.S.C. §20101.

¹⁹ CRS communications with DOJ, Office of Legislative Affairs in March 2020. Also see OVC, *2011 OVC Report to the Nation*, p. 2.

²⁰ Percentage calculated by CRS based on data from OVC, "FY 2007 – FY 2024 Crime Victims Fund Annual Receipts (as of 3/31/2024)," <https://ovc.ojp.gov/about/crime-victims-fund/fy-2007-2024-cvf-annual-receipts.pdf>.

collected, can have a significant effect on deposits into the CVF. For example, from FY1996 through FY2004, fines collected from 12 offenders in federal courts accounted for 45% of all deposits to the CVF during this time period.²¹ **Table 1** provides the total amounts deposited into the CVF in each fiscal year from FY1985 to FY2024.

Fluctuation in Deposits and Growth of the Fund

As **Table 1** illustrates, since FY2000 there has been considerable fluctuation in the amounts deposited each fiscal year. For example, from FY2013 to FY2014 the monetary amount collected rose by over 140.0% and then decreased by approximately 26.0% in FY2015. This was followed by a 43.7% decrease in FY2016, and then a 443.0% increase in FY2017. **Table 1** provides the annual amounts collected from FY1985 through March 31, 2024.

Over the last two decades, more than \$32 billion has been deposited into the CVF. Large criminal fines levied in cases of financial fraud and other white-collar crimes contributed to some of the sizeable growth of the Fund during this time.²² Although OVC had expected deposits to remain high due to major fines levied against federal offenders (in particular, against corporate violators of federal law),²³ deposits into the Fund fluctuate from year to year and sometimes decrease, as they did in FY2016 and FY2018 relative to the previous fiscal year. Because of the large impact fines paid by offenders convicted for financial fraud and other white-collar crime have on deposits to the CVF, fluctuation in prosecutions of corporate violators *may* contribute to a fluctuation in deposits to the CVF.

Caps on the CVF

In the history of the CVF, two caps have affected the balance and distribution of the Fund: a cap on deposits and an obligation cap.

Cap on Deposits

In 1984, Congress placed a cap on how much could be deposited into the CVF each fiscal year. 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 nearly all criminal fines, special assessments, and forfeited bail bonds must be deposited into the CVF (with certain exceptions).²⁴

Obligation Cap

From FY1985 to FY1998, deposits collected each fiscal year were distributed the following fiscal year to support crime victim services. In 2000, Congress established an annual obligation cap on

²¹ Steve Derene, *Crime Victims Fund Report: Past, Present, and Future*, National Association of VOCA Assistance Administrators, March 2005, p. 3 (hereinafter *Crime Victims Fund Report*).

²² See **Table 1** for receipts. For examples of these large criminal fines, see DOJ, Office of Public Affairs, “Attorney General Holder Announces Financial Fraud Enforcement Task Force Executive Director,” press release, December 7, 2011, <https://www.justice.gov/opa/pr/attorney-general-holder-announces-financial-fraud-enforcement-task-force-executive-director>; and DOJ, Office of Public Affairs, “Volkswagen AG Agrees to Plead Guilty and Pay \$4.3 Billion in Criminal and Civil Penalties and Six Volkswagen Executives and Employees Are Indicted in Connection with Conspiracy to Cheat U.S. Emissions Tests,” press release, January 11, 2017, <https://www.justice.gov/opa/pr/volkswagen-ag-agrees-plead-guilty-and-pay-43-billion-criminal-and-civil-penalties-six>.

²³ DOJ, Office of Justice Programs (OJP), OVC, *2015 OVC Report to the Nation: Fiscal Years 2013-2014* (hereinafter, *2015 Report to the Nation*), and *2013 OVC Report to the Nation: Fiscal Years 2011-2012*.

²⁴ Some federal criminal fines and penalty assessments are specifically directed toward other accounts and purposes. See 34 U.S.C. §20101(b).

the amount of CVF funds available for distribution to reduce the effect of fluctuating deposits on grantees and ensure the stability of funds for related programs and activities. Congress establishes the CVF cap each year as a part of the appropriations for DOJ.

Recent Changes to the CVF Obligation Cap and New Uses of Obligated Funds

In FY2015, Congress set the CVF obligation cap at \$2.4 billion, a 216.9% increase over the FY2014 cap (see **Table 1**). Unlike previous fiscal years, Congress directed DOJ to use CVF funds for purposes other than those specified in VOCA. \$10 million was designated for the DOJ Office of the Inspector General (OIG) for oversight and auditing purposes.²⁵

In FY2016, Congress further increased the obligation cap to \$3.0 billion; however, \$379 million was transferred to the Office on Violence Against Women (OVW) for purposes outside of VOCA and \$10 million was again designated for the DOJ Office of the Inspector General (OIG) for oversight and auditing purposes.²⁶ After deducting transfers required by P.L. 114-113, the obligation cap was \$2.7 billion, a 12.4% increase over the FY2015 cap.

In FY2017, Congress set the cap at \$2.6 billion, a 15.4% decrease compared to the FY2016 cap. From this amount, \$326 million was transferred to OVW (again for purposes outside of VOCA) and \$10 million was again designated for the DOJ OIG for oversight and auditing purposes. In the accompanying explanatory statement for the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2017 (Division B, P.L. 115-31), Congress explained that deposits into the CVF had slowed, and to ensure solvency of the Fund the FY2017 obligation cap was calculated based on the most recent three-year average of deposits into the CVF. In the years since, Congress has continued to calculate the annual obligation cap in this manner.

From FY2018 to FY2022, deposits to the CVF and the obligation cap continued to fluctuate, and Congress continued to transfer funds from the CVF to OVW and OIG. However, in FY2023 and FY2024 Congress again transferred \$10 million to OIG but did *not* transfer funds to OVW. In addition, in FY2018, Congress set aside 3% of the cap (off the top before any other funds are allocated) for tribal victim assistance grants, which are also not authorized under VOCA. From FY2019 to FY2024, Congress set aside 5% of the obligation cap amount for these grants (see the “Crime Victims Fund Tribal Set-Aside Program” section).

Carryover Balance of the CVF

OVC is authorized to use the capped amount for grant awards in a given fiscal year. After the yearly allocations are distributed, the remaining balance in the CVF is retained for future obligation. The difference between the fund’s balance (if there is one) and the obligation limit is scored as an offset (i.e., as a Change in Mandatory Program or CHIMP) in DOJ’s total discretionary spending in a given fiscal year.²⁸ Moreover, that offset also affects

CVF and CHIMPs

Federal spending can be divided into the budget categories of discretionary spending, mandatory spending, and net interest. In certain circumstances, reductions in mandatory spending can generate offsets that allow higher levels of discretionary spending than would otherwise be permitted under congressional budget rules or under statutory caps on discretionary spending. CHIMPs are provisions in appropriations acts that reduce or constrain mandatory spending, and they can provide offsets to discretionary spending. Until the last several years, the CVF CHIMP item generated the largest offset of discretionary spending.²⁷

²⁵ Congress did not specify beyond general OIG oversight and auditing purposes.

²⁶ Congress did not specify beyond general OIG oversight and auditing purposes.

²⁷ D. Andrew Austin, CRS Analyst in Economic Policy, contributed to this text box.

²⁸ For the FY2020 DOJ *Summary of Budget Authority by Appropriation*, see <https://www.justice.gov/doj/page/file/1246636/download>.

the discretionary spending total in the annual Commerce, Justice, Science, and Related Agencies (CJS) appropriations act.²⁹

VOCA requires that all sums deposited in a fiscal year that are not obligated must remain in the CVF for obligation in future fiscal years.³⁰ If collections in a previous year exceed the obligation cap, amounts over the cap are credited to the CVF, also referred to as the “rainy day” fund, for future program benefits. For example, in FY2000 the obligation limit was set at \$500 million despite the fact that deposits were over \$985 million in FY1999. In FY2000, approximately \$485 million remained in the CVF and was credited for future use.³¹ **Table 1** provides the balances that remain credited to the CVF at the end of each fiscal year from FY2000 through FY2023.

Table 1. Crime Victims Fund (CVF): FY1985-FY2024

(dollars in millions)

Fiscal Year	Amount Deposited to CVF	Enacted Cap on CVF Deposits	Obligation Cap on CVF	Funds Made Available for Distribution ^a	Carryover CVF Balance
1985	\$68.3	\$100.0	—	\$68.3	—
1986	\$62.5	\$110.0	—	\$62.5	—
1987	\$77.5	\$110.0	—	\$77.5	—
1988	\$93.6	\$110.0	—	\$93.6	—
1989	\$133.5	\$125.0	—	\$124.2	—
1990	\$146.2	\$125.0	—	\$127.2	—
1991	\$128.0	\$150.0	—	\$128.0	—
1992	\$221.6	\$150.0	—	\$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

²⁹ While some may assume that the program that has its funding increased would be a DOJ program, this report does not assume this and recognizes that the program could also be from another agency or department aside from DOJ.

³⁰ 34 U.S.C. §20101(c).

³¹ *Crime Victims Fund Report*, p.16.

Fiscal Year	Amount Deposited to CVF	Enacted Cap on CVF Deposits	Obligation Cap on CVF	Funds Made Available for Distribution ^a	Carryover CVF Balance
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	\$2,795.5	—	\$705.0	\$705.0 ^e	\$8,186.1
2013	\$1,489.6	—	\$730.0	\$730.0 ^e	\$9,004.0
2014	\$3,591.0	—	\$745.0	\$745.0 ^e	\$11,842.0
2015	\$2,640.0	—	\$2,361.0	\$2,361.0 ^e	\$12,130.0
2016	\$1,486.4	—	\$3,042.0 ^f	\$2,574.9 ^g	\$9,093.0
2017	\$6,583.9	—	\$2,573.0 ^f	\$2,145.0 ^g	\$13,082.0
2018	\$444.8	—	\$4,436.0 ^f	\$3,851.8 ^g	\$9,171.0
2019	\$524.0	—	\$3,353.0 ^f	\$2,827.1 ^g	\$6,448.0
2020	\$503.0	—	\$2,641.0 ^f	\$2,014.2 ^g	\$4,422.0
2021	\$774.0	—	\$2,015.0	\$1,482.2 ^g	\$3,193.0
2022	\$822.0	—	\$2,600.0	\$1,914.1 ^g	\$1,499.0
2023	\$1,386.0	—	\$1,900.0	\$1,794.7 ^g	\$1,019.0
2024	\$662.0 ^h	—	\$1,353.0	NA	NA

Source: FY1985-FY2024 data were provided by the Department of Justice (DOJ), Office of Justice Programs (OJP), Office of Communications. For FY2016-FY2023, CRS calculated the amounts made available for distribution by subtracting the management and administrative (M&A) costs and transfer amounts from the obligation cap amounts. Obligation cap amounts are taken from appropriations law. The FY2023 obligation cap amount was taken from the Consolidated Appropriations Act, 2023 (P.L. 117-328). The FY2024 amount collected into the CVF was taken from the Office for Victims of Crimes (OVC), “FY 2007 – FY 2024 Crime Victims Fund Annual Receipts (as of 3/31/2024),” bar graph, <https://ovc.ojp.gov/about/crime-victims-fund/fy-2007-2024-cvf-annual-receipts.pdf>.

Notes: The Director of 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, 2001, 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 and/or mass violence. These funds do not fall under the annual cap of the CVF. Initial amounts set aside after 9/11 are reflected in footnotes b and d below, but amounts beyond those years are not provided in this table.

- This column refers to funds administered by OVC. From FY1985 to FY1998, deposits collected in each fiscal year were distributed in the following fiscal year to support crime victim services. From FY1985 to FY2002, the funds made available for distribution reflect the amounts distributed in the following fiscal year.
- FY2003 funds include \$17.6 million for the Antiterrorism Emergency Reserve.
- The original cap of \$625.0 million was reduced due to congressional rescission.
- FY2004 funds include \$50.0 million for the Antiterrorism Emergency Reserve.
- Beginning in FY2012, OJP assessed M&A costs for some programs funded by the CVF, but these amounts are not reflected here. See each individual program’s respective table in this report. OJP assesses M&A costs for all Victims of Crime Act (VOCA) programs except the Children’s Justice Act and victim compensation grant programs.
- From FY2016 to FY2022, Congress transferred funds from the obligation capped amount to the Office on Violence Against Women (OVW). From FY2016 to FY2024, Congress transferred funds from the obligation

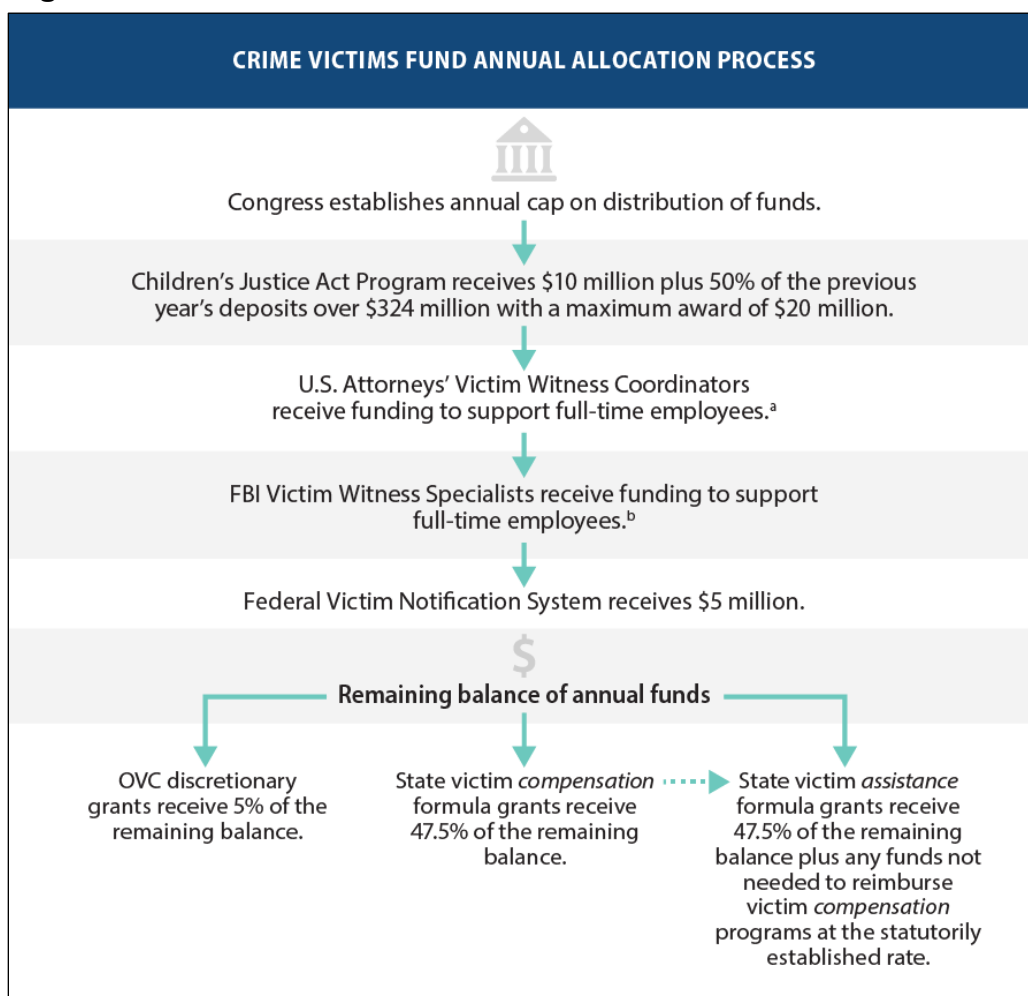
capped amount to the DOJ Office of the Inspector General (OIG). Both amounts are reduced from the obligation capped amount before running the VOCA formula. The amount for OIG has been \$10.0 million each year from FY2015-FY2024, but the amount transferred for OVW varied. In 2016, P.L. 114-113 transferred \$379.0 million to OVW, and from FY2017-FY2022, P.L. 115-31 transferred \$326.0 million, P.L. 115-141 transferred \$492.0 million, P.L. 116-6 transferred \$497.5 million, P.L. 116-93 transferred \$435.0 million, P.L. 116-260 transferred \$435.0 million, and P.L. 117-103 transferred \$575.0 million, respectively.

- g. The FY2016-FY2023 distribution amounts reflect the deductions of the transfers to OVW and OIG highlighted in note f above as well as deductions for M&A costs described in the notes for **Figure 1**.
- h. This was the amount collected in FY2024 as of March 31, 2024.

VOCA-Authorized Distribution of the Crime Victims Fund

As previously discussed, OVC awards CVF money through formula and discretionary grants to states, local units of government, individuals, and other entities. OVC also awards CVF money to specially designated programs. Grants are allocated as required by VOCA (see **Figure 1**). The programs supported with funding from the CVF are discussed in more detail below.

Figure 1. Annual VOCA-Authorized Distribution of the Crime Victims Fund



Source: Office for Victims of Crime (OVC), "Crime Victims Fund," <https://ovc.ojp.gov/about/crime-victims-fund>.

Notes: This figure illustrates the annual distribution process as authorized under the Victims of Crime Act (VOCA). This figure does not reflect allocations *not* authorized under VOCA. Beginning in FY2018, Congress set aside a percentage of the annual cap (off the top) for tribal assistance grants. Congress set aside 3% for tribal assistance grants in FY2018 and 5% each year after. Beginning in FY2012, the Office of Justice Programs (OJP) assessed management and administrative (M&A) costs for programs funded by the Crime Victims Fund (CVF). OJP does not assess M&A costs for the Children’s Justice Act Program and state victim compensation grants. In FY2012, 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. In FY2013, state victim assistance grants were assessed 9.9% in M&A costs and all other CVF-funded grants were assessed 7.4% in M&A costs. In FY2014, CVF grants were assessed a 7.9% M&A costs. In FY2015, CVF grants were assessed 2.7% (\$59.96 million) in M&A costs. OJP reduced the percentage for FY2015 due to the substantial increase in the obligation cap for that year, and has generally kept a similar percentage over the last several years. From FY2016 through FY2023, CVF grants were assessed \$78.06 million, \$92.0 million, \$82.2 million, \$80.9 million, \$81.8 million, \$87.8 million, \$100.9 million, and \$95.4 million, respectively.

a. As of FY2023, there were 224 Victim Witness Coordinators supported by the CVF.

b. As of FY2023, there were 238 Victim Witness Specialists supported by the CVF.

Children’s Justice Act Program

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.³² Of the designated funds, the ACF receives up to \$17 million to manage this program for the states, while OVC distributes up to \$3 million for tribal populations.³³ In FY2023, the ACF received \$15.2 million from the CVF to fund the Children’s Justice Act Program. **Table 2** provides funding data from FY2019 to FY2023.³⁴

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

(dollars in millions)

(Administrative Agency in Parentheses)	FY2019	FY2020	FY2021	FY2022	FY2023
State Allocation (ACF)	\$15.7 ^a	\$17.0	\$17.0	\$17.0	\$15.2 ^a
Tribal Allocation (OVC)	\$3.0	\$3.0	\$3.0	\$3.0	\$3.0

Source: Office of Justice Programs (OJP), Office of Communications.

Notes: ACF = Administration for Children and Families, OVC = Office for Victims of Crime.

a. The Department of Health and Human Services had carryover funding from the previous fiscal year and did not need the full allocation for this fiscal year.

Executive Office for U.S. Attorneys (EOUSA)

OVC provides annual funding to support victim-witness coordinators (sometimes referred to as specialists) within each of the 93 U.S. Attorney’s Offices, and 12 victim-witness coordinators exclusively serving Indian Country.³⁵ In accordance with the *Attorney General Guidelines for*

³² 34 U.S.C. §20101(d)(2).

³³ 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*.

³⁴ At the time of communication between CRS and OJP, FY2024 data were not yet available.

³⁵ 34 U.S.C. §20101(d)(3).

Victim and Witness Assistance,³⁶ these personnel provide direct support for victims of federal crime by assisting them during criminal proceedings and advising them 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 received from OVC from FY2019 to FY2023.

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

(dollars in millions)

	FY2019	FY2020	FY2021	FY2022	FY2023
Allocation to EOUSA	\$26.0	\$25.7	\$28.1	\$27.9	\$31.5
Number of FTEs	193	192	192	192	224

Source: Office of Justice Programs, Office of Communications.

Notes: EOUSA = Executive Office for U.S. Attorneys. Allocation figures reflect final enacted levels including reductions for management and administrative (M&A) costs. For more information on the M&A cost assessment for Crime Victims Fund (CVF) programs, see the notes in **Figure 1**.

Federal Bureau of Investigation (FBI)

OVC provides annual funding to support victim witness specialists within the 56 FBI field offices.³⁷ These specialists, or coordinators, personally assist victims of federal crime and provide information on criminal cases throughout case development and court proceedings.³⁸ **Table 4** provides the amount of CVF funding that the FBI's Victim Witness Program received from OVC from FY2019 to FY2023.³⁹

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

(dollars in millions)

	FY2019	FY2020	FY2021	FY2022	FY2023
Allocation to FBI	\$29.3	\$34.0	\$34.8	\$34.8	\$43.3
Number of FTEs	186	233	233	238	238

Source: Allocations and FTE numbers were provided by the Office of Justice Programs, Office of Communications.

Notes: Allocation figures reflect final enacted levels including reductions for management and administrative (M&A) costs. For more information on the M&A cost assessment for Crime Victims Fund (CVF) programs, see the notes for **Figure 1**.

³⁶ DOJ, *Attorney General Guidelines for Victim and Witness Assistance*, 2022 Edition.

³⁷ 34 U.S.C. §20101(d)(3).

³⁸ For more information on the FBI Victim Assistance Program, see DOJ, *FBI Victim Services*, 2018, <https://www.fbi.gov/file-repository/fbi-victim-services-brochure-2018.pdf/view>.

³⁹ At the time of communication between CRS and OJP, FY2024 data were not yet available.

The Victim Notification System (VNS)

OVC provides annual funding to support the VNS, a program administered by the EOUSA and jointly operated by the FBI, EOUSA, OVC, and the Federal Bureau of Prisons.⁴⁰ VNS is the vehicle through which victims of federal crime⁴¹ are notified of major case events relating to the offender, such as the release or detention status of the offender.⁴² **Table 5** provides the amount of CVF funding that the VNS received from OVC from FY2019 to FY2023.⁴³

Table 5. Annual Allocation for Victim Notification System (VNS)

(dollars in millions)

	FY2019	FY2020	FY2021	FY2022	FY2023
Allocation to EOUSA	\$4.9	\$5.4	\$6.0	\$4.5	\$7.0

Source: Office of Justice Programs (OJP), Office of Communications.

Notes: EOUSA = Executive Office of U.S. Attorneys. Allocation figures reflect final enacted levels including reductions for management and administrative (M&A) costs. For more information on the M&A cost assessment for Crime Victims Fund (CVF) programs, see the notes for **Figure 1**.

CRS asked OJP why the VNS received more than \$5 million in FY2020, FY2022, and FY2023. OJP stated that the primary drivers of increased costs are that (1) the number of agencies participating in the VNS has increased, which increases the costs of both personnel support and equipment/software required to meet the demands; and (2) the VNS architecture was redesigned and updated with the latest technologies and to comply with new statutory requirements for victim notification.

Victim Compensation and Assistance

After the Children's Justice Act, federal victim witness coordinators/specialists, and VNS programs are funded, remaining CVF money under the obligation cap is distributed as follows: Victim Compensation Formula Grants (47.5%); Victim Assistance Formula Grants (47.5%); and OVC Discretionary Grants (5%).⁴⁴ Amounts not used for state compensation grants are made available for state victim-assistance formula grants.

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.⁴⁵ All 50 states, the District of Columbia, the U.S. Virgin Islands, Guam, and Puerto Rico have victim compensation programs.⁴⁶ OVC awards each state 75% of the total amount the state paid (from state funding sources) to victims in the prior fiscal year.⁴⁷

⁴⁰ 34 U.S.C. §20101(d)(3).

⁴¹ Notifications may include whether the case is being referred to state or local authorities.

⁴² For more information on VNS, see <https://www.notify.usdoj.gov/>.

⁴³ At the time of communication between CRS and OJP, FY2024 data were not yet available.

⁴⁴ 34 U.S.C. §20101(d)(4).

⁴⁵ Ibid.

⁴⁶ Territories and the District of Columbia are treated as states for grant eligibility and distribution purposes. See 34 U.S.C. §20101(d)(4). The Commonwealth of the Northern Mariana Islands and American Samoa do not have victim compensation programs.

⁴⁷ 34 U.S.C. §20102(a). In 2021, P.L. 117-27 increased the federal grant calculation for funding to a state's victim compensation formula grant from 60% to 75% of the amount the state paid (from state funding sources) to victims in the prior fiscal year.

According to VOCA, a state is eligible to receive a victim compensation formula grant if the state program meets the following requirements:

- offers compensation⁴⁸ to victims and survivors of victims of criminal violence;
- promotes victim cooperation with reasonable requests of law enforcement authorities;⁴⁹
- certifies that grants received will not be used to supplant state funds;
- ensures that nonresident victims (as to compensable crimes occurring within the state) receive compensation awards using the same criteria as victims residing within the state;
- ensures that compensation provided to victims of federal crimes is given on the same basis as the compensation given to victims of state crime;
- provides compensation to residents of the state who are victims of crimes occurring outside the state;
- does not deny compensation to any victim because of the victim's familial relationship to the offender or because the victim shares a residence with the offender;⁵⁰
- does not compensate any individual who has previously been convicted of a federal offense, if that person is delinquent in paying a fine, other monetary penalty, or restitution imposed for the offense;
- complies with VOCA nondiscrimination requirements;
- provides a waiver⁵¹ for any application filing deadline for a crime victim if the delay in filing the application was a result of a delay in the testing of, or a delay in the DNA profile matching from, a sexual assault forensic examination kit or biological material collected as evidence related to a sexual offense; and
- provides other information and assurances as the Director of OVC may reasonably require.⁵²

Grant funds 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

⁴⁸ 34 U.S.C. §20102(b)(1). Compensation is used for (1) medical expenses attributable to a physical injury resulting from a compensable crime, including expenses for mental health counseling and care; (2) loss of wages attributable to a physical injury resulting from a compensable crime; and (3) funeral expenses attributable to a death resulting from a compensable crime.

⁴⁹ 34 U.S.C. §20102(b)(2). The program must promote victim cooperation with the reasonable requests of law enforcement "except if a program determines such cooperation may be impacted due to a victim's age, physical condition, psychological state, cultural or linguistic barriers, or any other health or safety concern that jeopardizes the victim's wellbeing."

⁵⁰ A program may do this if pursuant to rules issued by the program to prevent unjust enrichment of the offender.

⁵¹ Programs must begin doing this by March 15, 2025.

⁵² 34 U.S.C. §20102(b). Under VOCA victim compensation grant guidelines, for residents victimized outside their own State, "[a] state must provide compensation to state residents who are victims of crimes occurring outside the state if the crimes would be compensable crimes had they occurred inside that state and the crimes (1) occurred in a state without an eligible VOCA crime victim compensation program, or (2) in cases of terrorism, occurred outside the territorial jurisdiction of the United States. The state must make these awards according to the same criteria used to make awards to those who are victimized while in the state." For nonresidents of a state, "the state, in making awards for compensable crimes occurring within the state, must make compensation awards to nonresidents of the state on the basis of the same criteria used to make awards to victims who are residents of the state." See DOJ, "Victims of Crime Act Victim Compensation Program," 66 *Federal Register* 27162, May 16, 2001.

(except property loss, with limited exceptions)⁵³ 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. In FY2021 and FY2022, 32%, or \$228.9 million, of the total payments were for medical and dental expenses.⁵⁴ According to OVC data, assault victims generally represent the highest percentage of victims receiving compensation each year; however, in FY2021 and FY2022 child sexual abuse victims were the highest.⁵⁵ In FY2021 and FY2022, victims of child sexual abuses represented 31% of all claims paid⁵⁶ and victims of assault represented 26%.⁵⁷

On February 5, 2024, OVC published a Notice of Proposed Rulemaking to propose changes and generally replace the existing Victim Compensation Guidelines published in 2001. While the proposed rule would retain most of the substance of the existing guidelines, it would also account for various statutory changes and clarify existing provisions.⁵⁸

Table 6 provides the amount of CVF funding that was allocated to OVC's Victim Compensation Program from FY2019 to FY2023.⁵⁹

Table 6. Annual Allocation for Victim Compensation Grant Program

(dollars in millions)

	FY2019	FY2020	FY2021	FY2022	FY2023
Allocation for Compensation Grants	\$135.4	\$133.9	\$186.8	\$177.8	\$169.9

Source: 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 (Victim Assistance Program). Amounts not used for state compensation grants are made available for the Victim Assistance Program. The Victim Assistance Program provides grants to state crime-victim assistance programs to administer funds for state- and community-based victim service program operations.⁶⁰ The grants support direct services to

⁵³ The Final Guidelines for the VOCA Victim Compensation Grant Program clarify that states may not include property replacement or repair cost as compensable expenses, *except for* replacement or repair of locks and windows, and replacement of bedding and clothing held as evidence, in their annual certification of payments. See Section IV. B.2 (b) (ii) 4 & 5.

⁵⁴ Medical and dental services do not include mental health services. OVC records these mental health costs in a separate category. For additional compensation data, as well as the number of victims served, by victim types and service categories, see DOJ, OJP, OVC, *2023 Report to the Nation*, Exhibit 4, <https://ovc.ojp.gov/2023-report-nation/exhibits>.

⁵⁵ OVC, *Performance Reports* and *2023 Report to the Nation*. The 16 crimes for which grantees provided funding to claimants are assault, sexual assault, stalking, child sexual abuse, child pornography, homicide, child physical abuse/neglect, driving under the influence, other vehicular crimes, arson, burglary, fraud/financial crimes, robbery, human trafficking, kidnapping, and terrorism. See OVC, *Victims of Crime Act Victim Compensation Formula Grant Program*, Fiscal Year 2020 Data Analysis Report, p.11; and *2023 Report to the Nation*, Exhibit 3.

⁵⁶ Of the total applications paid that indicated that a victimization type was related to a crime.

⁵⁷ OVC, *2023 Report to the Nation*, Exhibit 3.

⁵⁸ OVC, "Victims of Crime Act (VOCA) Victim Compensation Grant Program: A Proposed Rule by the Justice Programs Office," 89 *Federal Register* 7639-7652, February 5, 2024.

⁵⁹ At the time of communication between CRS and OJP, FY2024 data were not yet available.

⁶⁰ 34 U.S.C. §20103(c).

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.⁶¹ States are required to prioritize the following groups: (1) underserved populations of victims of violent crime,⁶² (2) victims of child abuse, (3) victims of sexual assault, and (4) victims of spousal abuse.⁶³ 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.⁶⁴ The territories of the Northern Mariana Islands, Guam, and American Samoa receive a base amount of \$200,000 each year.⁶⁵ The remaining funds are distributed to states and territories according to their respective share of the total population based on U.S. census data. **Table 7** provides the amount of CVF funding that OVC allocated for the Victim Assistance Program from FY2019 to FY2023.⁶⁶

Table 7. Annual Allocation for Victim Assistance Grant Program

(dollars in millions)

	FY2019	FY2020	FY2021	FY2022	FY2023
Allocation for Assistance Grants	\$2,253.3	\$1,668.3	\$1,041.2	\$1,434.3	\$1,349.7

Source: Office of Justice Programs, Office of Communications.

Notes: Allocation figures reflect final enacted levels including reductions for management and administrative (M&A) costs. For more information on the M&A cost assessment for Crime Victims Fund (CVF) programs, see the notes for **Figure 1**.

According to OVC, domestic or family violence victimizations made up the largest victimization type among those receiving services under the Victim Assistance Program in FY2021 and FY2022; 23% of the victims served by these grants reported family or domestic violence victimization.⁶⁷ This percentage has declined since 2000, when 50.1% of all victims served by the victim assistance grants were victims of domestic or family violence.⁶⁸

⁶¹ For the most recent rule implementing the Victim Assistance Program, see OVC, “Victims of Crime Act Victim Assistance Program,” 81 *Federal Register* 44515-44535, July 8, 2016.

⁶² States have flexibility in determining the populations of victims of violent crimes that are considered underserved in their respective states.

⁶³ 34 U.S.C. §20103(a).

⁶⁴ 34 U.S.C. §20103(a)(5)(A).

⁶⁵ 34 U.S.C. §20103(a)(5)(B). While the Republic of Palau is listed as an authorized recipient of victim assistance formula grant funds, this country does not receive victim assistance formula grant funds from OVC. For the history of Palau’s relationship with the United States, see CRS Report R46573, *The Freely Associated States and Issues for Congress*.

⁶⁶ At the time of communication between CRS and OJP, FY2024 data were not yet available.

⁶⁷ OVC, *2023 Report to the Nation*, Exhibit 5. Victim assistance organizations provided assistance to 31,388,852 individuals in FY2021 and FY2022. Victims served could report more than one type of victimization, and the total includes individuals that have been counted in multiple victimization types.

⁶⁸ OVC, *2000 Victims of Crime Act Performance Report, State Assistance Program*. For additional annual reports on the Victim Assistance Formula Grants Program, see <https://ovc.ojp.gov/program/victims-crime-act-voca-administrators/performance-reports>.

The Effect of the Fluctuating Obligation Cap on States' Victim Assistance Funds

Fluctuations in the annual CVF obligation cap affect the amount made available for the Victim Assistance Program more than any other VOCA program. As shown in **Table 1**, the CVF annual obligation cap has fluctuated considerably since Congress sharply increased the cap in FY2015. In FY2015, Congress set the obligation cap at \$2.361 billion—more than triple the amount set in FY2014. Due to this increase, in FY2015 states received more than quadruple the victim assistance formula grant funds they received in FY2014. For example, in FY2014 Texas received \$35.92 million in victim assistance formula grant funds, and in FY2015 it received \$161.83 million. Since that initial sharp increase, the amount Texas has received in victim assistance funds has ranged from a high of \$284.10 million in FY2018 to a low of \$68.28 million in FY2024.⁶⁹ To accommodate decreases in victim assistance formula funding, some states reduce funding for organizations that provide direct services to victims (and warn of consequences for victims of crime).⁷⁰

Discretionary Grants

Five percent of the CVF money available annually (after the specially designated program allocations have been made; see **Figure 1**) is for discretionary grants.⁷¹ 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; or (3) nonprofit victim service organizations and coalitions to improve outreach and services to victims of crime.⁷² Further, OVC may use discretionary grant funding to support the development and implementation of victim notification systems⁷³ and crime victims legal assistance grants.⁷⁴ OVC awards discretionary grants each year through a competitive application process.⁷⁵

Table 8 provides the amount of CVF funding that OVC allotted for discretionary grants from FY2019 to FY2023.⁷⁶

⁶⁹ Data taken from OVC, *Funding*, <https://ovc.ojp.gov/funding/formula-grant-allocations-archive> and <https://ovc.ojp.gov/funding/fy-2024-voca-compensation-allocation.pdf>.

⁷⁰ National Association of Attorneys General, *RE: Support Bridge Funding for VOCA Fund*, https://www.naag.org/wp-content/uploads/2024/02/VOCA-Funding_-_Finale.pdf.

⁷¹ 34 U.S.C. §20101(d)(4).

⁷² 34 U.S.C. §20103(c).

⁷³ 34 U.S.C. §20108(a). These grants may be awarded to state, tribal, and local prosecutors' offices, law enforcement agencies, courts, jails, and correctional institutions, and to qualified public or private entities provided that the jurisdiction has laws substantially equivalent to the crime victims' rights provisions of 18 U.S.C. Chapter 237. In contrast to the federal VNS, which notifies victims of federal crime, state and local victim notification systems notify victims of state and local crime.

⁷⁴ 34 U.S.C. §20107(a). These grants may be awarded to state, tribal, and local prosecutors' offices, law enforcement agencies, courts, jails, and correctional institutions, and to qualified public and private entities, to develop, establish, and maintain programs for the enforcement of crime victims' rights.

⁷⁵ For more information on discretionary programs, see <https://ovc.ojp.gov/funding/types-of-funding/discretionary-grants>.

⁷⁶ At the time of communication between CRS and OJP, FY2024 data were not yet available.

Table 8. Annual Allocation for Discretionary Grants

(dollars in millions)

	FY2019	FY2020	FY2021	FY2022	FY2023
Allocation for Discretionary Grants	\$125.9	\$94.9	\$64.6	\$84.9	\$80.0

Source: Office of Justice Programs, Office of Communications. Allocation figures reflect final enacted levels including reductions for management and administrative (M&A) costs. For more information on the M&A cost assessment for Crime Victims Fund (CVF) programs, see the notes for **Figure 1**.

Notes: The allocations reflect the funds allocated for discretionary grants, but not necessarily committed, to discretionary grants. For example, in FY2022 \$84.7 million was committed for discretionary grants (\$212,000 less than the annual allocation).

Survivors' Bill of Rights Act of 2016

The Survivors' Bill of Rights Act of 2016 (P.L. 114-236) established statutory rights for sexual assault survivors in the federal justice system.⁷⁷ The act requires CVF funds made available to U.S. Attorneys and the FBI (see "Executive Office for U.S. Attorneys (EOUSA)" and "Federal Bureau of Investigation (FBI)")⁷⁸ for victim and witness assistance to be used to carry out the requirements of the act, subject to specified exceptions. Further, it authorized OVC to make grants to states (using discretionary grant funds) to develop sexual assault survivors' rights and policies and to disseminate written notice of such rights and policies to medical centers, hospitals, forensic examiners, sexual assault service providers, law enforcement agencies, and other state entities.

Antiterrorism Emergency Reserve

The Antiterrorism Emergency Reserve was established under P.L. 104-132 to meet the immediate and long-term needs of victims of terrorism and mass violence.⁷⁹ OVC accomplishes this mission by providing supplemental grants to state and local jurisdictions (where an incident has occurred) for victim compensation and assistance and 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 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, 2001, 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.⁸⁰ After funding all other program

⁷⁷ 18 U.S.C. §3772. These rights include the right to (1) not be prevented from receiving a forensic medical examination and not be charged for an examination; (2) have a sexual assault evidence collection kit (i.e., a rape kit) preserved for 20 years or the maximum applicable statute of limitations, whichever is shorter; (3) be informed of any result, including a DNA profile match, toxicology report, or other information collected as part of a medical forensic examination, if such disclosure would not impede or compromise an ongoing investigation; (4) be informed of policies governing the collection and preservation of a rape kit and the status and location of a rape kit; (5) receive written notification prior to destruction or disposal of a rape kit; and (6) be informed of these rights and policies.

⁷⁸ 34 U.S.C. §20101(d)(3).

⁷⁹ P.L. 104-132, Title II, Subtitle C.

⁸⁰ 34 U.S.C. §20101(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).

areas, as listed above, the funds retained in the CVF may be used to replenish the Antiterrorism Emergency Reserve.⁸¹ This reserve fund supports the following programs:

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

Table 9 provides the amounts of funding that OVC has committed from the Antiterrorism Emergency Reserve from FY2018 to FY2023.⁸²

Table 9. Funds Obligated from the Antiterrorism Emergency Reserve

(dollars in millions)

	FY2019	FY2020	FY2021	FY2022	FY2023
Obligations for Programs Funded by the Antiterrorism Emergency Reserve	\$26.8	\$25.5	\$6.8	\$19.4	\$18.31

Source: Office of Justice Programs (OJP), Office of Communications.

Notes: Funds may be obligated to the following programs that are funded by the Antiterrorism Emergency Reserve: Antiterrorism and Emergency Assistance Program, International Terrorism Victim Expense Reimbursement Program, Crime Victim Emergency Assistance Fund at the FBI, and Victim Reunification Program. For grant award data, see OJP, “OJP Award Data,” <https://www.ojp.gov/funding/explore/ojp-award-data>.

Assistance for Victims of Terrorism and Mass Violence

Over the past few years, OVC has responded to several incidents of terrorism and/or mass violence in the United States with grants from the AEAP. Following incidents of terrorism or mass violence, jurisdictions⁸³ may apply for AEAP funds for crisis response, criminal justice support, crime victim compensation, and training and technical assistance expenses. In 2024, for example, OVC awarded \$3.49 million to the Colorado Department of Public Safety to support victims of the November 19, 2022, mass shooting in Colorado Springs where a gunman killed 5 people and injured 32 others.⁸⁴ Funding supported “counseling and other mental health-related services to victims and their families and other support for victims through the Colorado Springs Resiliency Center and the National Alliance on Mental Health (NAMI).”⁸⁵

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 respond to the needs of victims of the attack. The OVC awarded \$3.1 million in victim assistance funding and \$13.5 million in victim

⁸¹ These funds do not fall under the annual cap of the CVF.

⁸² At the time of communication between CRS and OJP, FY2024 data were not yet available.

⁸³ Eligible applicants include state victim assistance and victim compensation programs, U.S. Attorneys’ offices, victim service and nongovernmental organizations, and federal, state, and local governments.

⁸⁴ OVC, *OVC FY24 AEAP Club Q*, <https://ovc.ojp.gov/funding/awards/15povc-24-gg-00003-aerx>.

⁸⁵ Ibid.

compensation funding⁸⁶ to the states of New York, Virginia, and Pennsylvania.⁸⁷ The funds were used by these states to coordinate and provide emergency assistance to victims in the form of 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, 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.⁸⁸
- 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.⁸⁹
- 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; and news releases.⁹⁰

Child Pornography Victims Reserve

The Child Pornography Victims Reserve was established under the Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018 (AVAA; P.L. 115-299).⁹¹ Among other changes, the act authorized a one-time \$35,000 payment (adjusted for inflation) to victims of child pornography trafficking offenses. The Child Pornography Victims Reserve was established within the Crime Victims Fund to provide funding for these payments. The act requires courts to impose additional assessments on persons convicted of child pornography offenses,⁹² and the additional assessments must be deposited into the Child Pornography Victims Reserve.

The Director of OVC may set aside up to \$10 million of the amounts remaining in the CVF in any fiscal year (after distributing the amounts for VOCA programs listed in **Figure 1**) in the Child Pornography Victims Reserve, which may be used by the Attorney General for payments under 18 U.S.C. §2259(d). Amounts in the reserve may be carried over from fiscal year to fiscal year,

⁸⁶ 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).

⁸⁷ OVC, *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.

⁸⁸ Ibid, p. 5.

⁸⁹ Ibid, p. 5.

⁹⁰ Ibid, p. 5.

⁹¹ The Child Pornography Victims Reserve was established under section 1402(d)(6) of VOCA (34 U.S.C. §20101(d)).

⁹² These offenses include conduct proscribed by 18 U.S.C. §§2251(d), 2252, 2252A(a)(1) through (5), 2252A(g)(in cases in which the series of felony violations exclusively involves violations of §§2251(d), 2252, 2252A(a)(1) through (5), or 2260(b)), or 2260(b).

but the total amount of the reserve shall not exceed \$10 million.⁹³ From FY2020–FY2023, approximately \$2 million has been collected from AVAA assessments, but none of these funds have been used.⁹⁴

Distribution of Crime Victim Fund Not Authorized by VOCA

In FY2015, Congress began to distribute CVF money for non-VOCA purposes through the annual appropriations process.

- From FY2015 through FY2024, Congress designated \$10 million of CVF funds for the DOJ OIG for oversight and auditing purposes.
- From FY2016 through FY2022, Congress directed the transfer of CVF funds to OVW for grant programs authorized under the Violence Against Women Act (VAWA).⁹⁵
- In FY2018, Congress set aside 3% of the amount made available for obligation for tribal victim assistance grants. From FY2019 to FY2024, Congress set aside 5% for this purpose.

Unlike the funds transferred to the DOJ OIG and OVW, the funds for tribal victim assistance grants—known as the Crime Victims Fund Tribal Set-Aside Program—are administered by OVC.

Crime Victims Fund Tribal Set-Aside Program

During the first two years of the Crime Victims Fund Tribal Set-Aside Program (FY2018 and FY2019) OVC distributed the funds as competitive grant awards with a 36-month project period to all eligible applicants. Eligible applicants included federally recognized Indian tribal governments, legal entities acting as the authorized designees of federally recognized Indian tribes, and tribal consortia made up of two or more federally recognized Indian tribes. Beginning in FY2020 and each year since, OVC distributed these funds according to a population-based formula. Eligible applicants are required to submit a declaration, referred to as a Population Certificate, noting the size of the population to be served with the funds. Recipients may use these funds for victim services and choose an award period between 12 and 60 months.⁹⁶

Table 10 provides the amounts of funding Congress allocated for the Tribal Assistance Grants from FY2020 to FY2024.

⁹³ 34 U.S.C. §20101(d)(6).

⁹⁴ OJP, Office of Communications. According to OJP, OVC is working with DOJ leadership to help with implementation of required elements of the AVAA that will lead to and help support applications for and the processing and payment of claims.

⁹⁵ For more information on grant programs authorized under the Violence Against Women Act, see CRS Report R45410, *The Violence Against Women Act (VAWA): Historical Overview, Funding, and Reauthorization*.

⁹⁶ For more information about this program, see OVC, *Report on the OVC Fiscal Year 2023 Crime Victims Fund Tribal Set-Aside Program*, <https://ovc.ojp.gov/program/tribal/tribal-victim-services-set-aside/fy-2023-report.pdf>.

Table 10. Annual Allocation for Tribal Assistance Grants

(dollars in millions)

	FY2020	FY2021	FY2022	FY2023	FY2024
Allocation for Tribal Assistance Grants	\$132.1	\$100.8	\$130.0	\$95.0	\$67.7

Source: Percentage calculated by CRS using the annual Crime Victims Fund (CVF) obligation cap data.

Selected Issues for Congress

Congress may consider several issues given the declining balance of the CVF since 2017 and its effect on funds available for VOCA programs from year to year as well as other considerations involving VOCA programs. These issues include (1) funding activities not authorized by VOCA, (2) eliminating or adjusting the calculation of the obligation cap, (3) eliminating the CVF and switching to discretionary appropriations, and (4) sources of revenue for the CVF.

Funding Activities Not Authorized by VOCA

VOCA Assistance Administrators have voiced concern that fluctuations in annual obligations can directly affect 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 management and administrative (M&A) costs cause a reduction in funding available for victim assistance formula grants and discretionary grants.

Congress may consider whether to continue to use receipts from the CVF to fund activities that are not authorized by VOCA. Congress did not elect to fund VAWA programs with CVF funds in FY2023 and FY2024, but it continues to use the CVF for OIG auditing purposes. Congress also continues to use the CVF to fund victim assistance programs for tribes by allocating 5% of the initial obligation cap amount for the Crime Victims Fund Tribal Set-Aside Program. Congress might consider adjusting amounts for non-VOCA purposes, considering the declining balance of the CVF. Alternatively, Congress could amend VOCA to create permanent authorizations for these purposes. Further, Congress could appropriate funds to cover OVC's M&A costs instead of having these costs covered with funds from the CVF.

Eliminating or Adjusting the Calculation of the Obligation Cap

Congress could decide to eliminate or adjust the calculation of the CVF annual obligation cap. If Congress should decide to eliminate the cap and allow all collected funds to be distributed in a given fiscal year, the fiscal issues for states that are caused by fluctuating amounts in victim assistance funds would likely continue and possibly be made more severe.

Congress may also alter the way it determines the annual obligation cap on the CVF, and there are any number of ways that Congress may adjust its calculations. Congress is limited by the balance of the CVF, and may only set an obligation cap that is equal to or below the balance of the Fund.

Eliminating the CVF

Given that changes in the CVF balance and obligation cap cause fluctuations in victim assistance funds available for states, territories, and tribes, Congress might consider eliminating the Fund

altogether. Instead, Congress could authorize and appropriate annual funds from the Treasury for VOCA programs to provide more consistent funding each year.

Revenue for the Fund

In 2021, Congress and President Biden enacted P.L. 117-27, which requires monetary penalties from federal deferred prosecution and nonprosecution agreements to be deposited in the CVF. While the CVF has received this new revenue since July 2021, the declining balance of the CVF since 2017 and the ability to sustain stable funding for VOCA programs remain issues for Congress.

Congress might consider further increasing revenue for the CVF by increasing federal criminal fines. Some federal criminal fines have not been adjusted in decades, and Congress could increase the fine amounts to adjust for inflation and possibly provide more funding for the CVF. For example, in 1982 Congress and President Reagan increased the maximum criminal fine for attempting to evade or defeat taxes from \$10,000 to \$100,000 for individuals and established a \$500,000 maximum criminal fine for corporations.⁹⁷

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⁹⁷ See P.L. 97-248 and 26 U.S.C. §7201.