

How the Crime Victims Fund Is Disbursed

According to the VOCA statutory formula (42 U.S.C. 10601(d)), the annual VOCA cap is distributed as follows:

Under the annual cap:

- The first \$10 million to \$20 million is used for formula grants to states to improve the investigation and prosecution of child abuse (Children’s Justice Act);
- After that, funds are set aside for certain Federal victim services at levels specified by Congress:
 - Victim witness coordinators in U.S. Attorneys’ offices (170 FTE);
 - Victim assistance staff in FBI offices (112 FTE);
 - Federal Victim Notification System (\$5 million per year).
- Of the amount remaining, after the above allocations:
 - Five percent for discretionary grants administered by the Office for Victims of Crime for demonstration projects, training and technical assistance and services to victims of Federal crimes.
 - 47.5% of funds remaining under the cap are available for state crime victim compensation grants with each state receiving a grant based upon 60% of its state-funded compensation benefits.
 - 47.5% of funds remaining under the cap plus any amount not used for state crime victim compensation grants are allocated for formula grants to states to support direct assistance services to victims of crime (each state receives a base amount plus an amount apportioned on population).
- For 2012 and future years, Congress directed that DOJ grant administrative costs be paid by program grant funds, rather than a separate non-VOCA appropriation. This reduces the amount available for VOCA programs “under the cap.” In 2012, OJP calculated its average administrative cost at 8.1% which was applied to funding for OVC discretionary grants, U.S. Attorney victim/witness and FBI victim assistance staff and the federal victim notification system were each cut by 8.1%. However, because of the way OJP interprets the above VOCA allocation statute, there was no assessment against Children’s Justice Act grants or, in effect, state crime victim compensation grants. Technically, OJP says they assessed the 47.5% potentially available for compensation grants, meaning there was that much less rollover for state assistance grants. Nevertheless, the net real world result was that state compensation programs received their full 60% grants while state assistance grants ended up paying \$49.3 million (a disproportionately larger 11.6% assessment).

In effect, state VOCA assistance grants receive whatever is left over after the other VOCA programs are funded.

Above the annual cap:

In addition, up to five percent of amounts remaining in the Fund after the above annual allocations may be used to replenish the \$50 million Antiterrorism Emergency Reserve (AER) which is available to assist victims of international and domestic terrorism or mass violence and compensation to international terrorism victims.

Crime Victims Fund Savings

From 1984 to 2000, the total amount of the previous year’s deposits into the Crime Victims Fund was distributed for victim services. In 2000, Congress started to delay or “cap” annual Fund obligations. It also reaffirmed that all unobligated amounts would remain in the Fund for use in future years. The caps result in the accumulation of a substantial Fund balance or “reserve.” According to congressional scorekeeping guidelines, Fund obligations deferred to future years are considered to be rescinded in the current fiscal year.* This rescission is often treated as “savings” used to offset spending limits for other programs, although the deferred amounts actually remain in the Fund to support victim services in future years.

* See OMB Circular A-11, Part 8, Appendix A “Scorekeeping Guidelines,” page 2, July 2010 accessed at http://www.whitehouse.gov/sites/default/files/omb/assets/a11_current_year/app_a.pdf