

Human Services in establishing and carrying out the substance abuse treatment and prevention components of the programs authorized under this Act, to assure coordination of programs, eliminate duplication of efforts and enhance the effectiveness of such services.

(Pub. L. 103-322, title XXXII, § 320401, Sept. 13, 1994, 108 Stat. 2114.)

#### REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 103-322, Sept. 13, 1994, 108 Stat. 1796, known as the Violent Crime Control and Law Enforcement Act of 1994. For complete classification of this Act to the Code, see Short Title of 1994 Act note set out under section 10101 of this title and Tables.

#### CODIFICATION

Section was formerly classified to section 14222 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

### § 12643. Edward Byrne Memorial Formula Grant Program

Nothing in this Act shall be construed to prohibit or exclude the expenditure of appropriations to grant recipients that would have been or are eligible to receive grants under subpart 1 of part E of the Omnibus Crime Control and Safe Streets Act of 1968 [34 U.S.C. 10151 et seq.].

(Pub. L. 103-322, title XXXII, § 320919, Sept. 13, 1994, 108 Stat. 2130.)

#### REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 103-322, Sept. 13, 1994, 108 Stat. 1796, known as the Violent Crime Control and Law Enforcement Act of 1994. For complete classification of this Act to the Code, see Short Title of 1994 Act note set out under section 10101 of this title and Tables.

The Omnibus Crime Control and Safe Streets Act of 1968, referred to in text, is Pub. L. 90-351, June 19, 1968, 82 Stat. 197. The reference to subpart 1 of part E of the Act probably means subpart 1 of part E of title I of the Act which is classified generally to part A (§10151 et seq.) of subchapter V of chapter 101 of this title. For complete classification of this Act to the Code, see Short Title of 1968 Act note set out under section 10101 of this title and Tables.

#### CODIFICATION

Section was formerly classified to section 14223 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

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#### SUBCHAPTER I—CRIME VICTIMS FUND

### § 20101. Crime Victims Fund

#### (a) Establishment

There is created in the Treasury a separate account to be known as the Crime Victims Fund (hereinafter in this subchapter referred to as the "Fund").

#### (b) Fines deposited in Fund; penalties; forfeited appearance bonds

Except as limited by subsection (c), there shall be deposited in the Fund—

(1) all fines that are collected from persons convicted of offenses against the United States except—

(A) fines available for use by the Secretary of the Treasury pursuant to—

(i) section 11(d) of the Endangered Species Act (16 U.S.C. 1540(d)); and

(ii) section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)); and

(B) fines to be paid into—

(i) the railroad unemployment insurance account pursuant to the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.);

(ii) the Postal Service Fund pursuant to sections 2601(a)(2) and 2003 of title 39 and for the purposes set forth in section 404(a)(7) of title 39;

(iii) the navigable waters revolving fund pursuant to section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321); and

(iv) county public school funds pursuant to section 3613 of title 18;

(2) penalty assessments collected under section 3013 of title 18;<sup>1</sup>

(3) the proceeds of forfeited appearance bonds, bail bonds, and collateral collected under section 3146 of title 18;

<sup>1</sup> See References in Text note below.

(4) any money ordered to be paid into the Fund under section 3671(c)(2) of title 18; and

(5) any gifts, bequests, or donations to the Fund from private entities or individuals, which the Director is hereby authorized to accept for deposit into the Fund, except that the Director is not hereby authorized to accept any such gift, bequest, or donation that—

(A) attaches conditions inconsistent with applicable laws or regulations; or

(B) is conditioned upon or would require the expenditure of appropriated funds that are not available to the Office for Victims of Crime.

**(c) Retention of sums in Fund; availability for expenditure without fiscal year limitation**

Sums deposited in the Fund shall remain in the Fund and be available for expenditure under this subchapter for grants under this subchapter without fiscal year limitation. Notwithstanding subsection (d)(5), all sums deposited in the Fund in any fiscal year that are not made available for obligation by Congress in the subsequent fiscal year shall remain in the Fund for obligation in future fiscal years, without fiscal year limitation.

**(d) Availability for judicial branch administrative costs; grant program percentages**

The Fund shall be available as follows:

(1) Repealed. Pub. L. 105-119, title I, § 109(a)(1), Nov. 26, 1997, 111 Stat. 2457.

(2)(A) Except as provided in subparagraph (B), the first \$10,000,000 deposited in the Fund shall be available for grants under section 20104 of this title.

(B)(i) For any fiscal year for which the amount deposited in the Fund is greater than the amount deposited in the Fund for fiscal year 1998, the \$10,000,000 referred to in subparagraph (A) plus an amount equal to 50 percent of the increase in the amount from fiscal year 1998 shall be available for grants under section 20104 of this title.

(ii) Amounts available under this subparagraph for any fiscal year shall not exceed \$20,000,000.

(3)(A) Of the sums remaining in the Fund in any particular fiscal year after compliance with paragraph (2), such sums as may be necessary shall be available only for—

(i) the United States Attorneys Offices and the Federal Bureau of Investigation to provide and improve services for the benefit of crime victims in the Federal criminal justice system (as described in section 3771 or section 3772, as it relates to direct services, of title 18 and section 20141 of this title) through victim coordinators, victims' specialists, and advocates, including for the administrative support of victim coordinators and advocates providing such services; and

(ii) a Victim Notification System.

(B) Amounts made available under subparagraph (A) may not be used for any purpose that is not specified in clause (i) or (ii) of subparagraph (A).

(4) Of the remaining amount to be distributed from the Fund in a particular fiscal year—

(A) 47.5 percent shall be available for grants under section 20102 of this title;

(B) 47.5 percent shall be available for grants under section 20103(a) of this title; and

(C) 5 percent shall be available for grants under section 20103(c) of this title.

(5)(A) In addition to the amounts distributed under paragraphs (2), (3), and (4), the Director may set aside up to \$50,000,000 from the amounts transferred to the Fund in response to the airplane hijackings and terrorist acts that occurred on September 11, 2001, as an antiterrorism emergency reserve. The Director may replenish any amounts obligated from such reserve in subsequent fiscal years by setting aside up to 5 percent of the amounts remaining in the Fund in any fiscal year after distributing amounts under paragraphs (2), (3) and (4). Such reserve shall not exceed \$50,000,000.

(B) The antiterrorism emergency reserve referred to in subparagraph (A) may be used for supplemental grants under section 20105 of this title and to provide compensation to victims of international terrorism under section 20106 of this title.

(C) Amounts in the antiterrorism emergency reserve established pursuant to subparagraph (A) may be carried over from fiscal year to fiscal year. Notwithstanding subsection (c) and section 619 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001 (and any similar limitation on Fund obligations in any future Act, unless the same should expressly refer to this section), any such amounts carried over shall not be subject to any limitation on obligations from amounts deposited to or available in the Fund.

(6)(A) The Director may set aside up to \$10,000,000 of the amounts remaining in the Fund in any fiscal year after distributing the amounts under paragraphs (2), (3), and (4), in a Child Pornography Victims Reserve, which may be used by the Attorney General for payments under section 2259(d) of title 18.

(B) Amounts in the reserve may be carried over from fiscal year to fiscal year, but the total amount of the reserve shall not exceed \$10,000,000. Notwithstanding subsection (c) and any limitation on Fund obligations in any future Act, unless the same should expressly refer to this section, any such amounts carried over shall not be subject to any limitation on obligations from amounts deposited to or available in the Fund.

**(e) Amounts awarded and unspent**

Any amount awarded as part of a grant under this subchapter that remains unspent at the end of a fiscal year in which the grant is made may be expended for the purpose for which the grant is made at any time during the 3 succeeding fiscal years, at the end of which period, any remaining unobligated sums shall be available for deposit into the emergency reserve fund referred to in subsection (d)(5) at the discretion of the Director. Any remaining unobligated sums shall be returned to the Fund.

**(f) “Offenses against the United States” as excluding**

As used in this section, the term “offenses against the United States” does not include—

- (1) a criminal violation of the Uniform Code of Military Justice (10 U.S.C. 801 et seq.);
- (2) an offense against the laws of the District of Columbia; and
- (3) an offense triable by an Indian tribal court or Court of Indian Offenses.

**(g) Grants for Indian tribes; child abuse cases**

(1) The Attorney General shall use 15 percent of the funds available under subsection (d)(2) to make grants for the purpose of assisting Native American Indian tribes in developing, establishing, and operating programs designed to improve—

- (A) the handling of child abuse cases, particularly cases of child sexual abuse, in a manner which limits additional trauma to the child victim; and
- (B) the investigation and prosecution of cases of child abuse, particularly child sexual abuse.

(2) The Attorney General may use 5 percent of the funds available under subsection (d)(2) (prior to distribution) for grants to Indian tribes to establish child victim assistance programs, as appropriate.

(3) As used in this subsection, the term “tribe”<sup>2</sup> has the meaning given that term in section 5304(b)<sup>1</sup> of title 25.

(Pub. L. 98–473, title II, §1402, Oct. 12, 1984, 98 Stat. 2170; Pub. L. 99–401, title I, §102(b)(1), (2), Aug. 27, 1986, 100 Stat. 904; Pub. L. 99–646, §82, Nov. 10, 1986, 100 Stat. 3619; Pub. L. 100–690, title VII, §§7121, 7124, Nov. 18, 1988, 102 Stat. 4419, 4422; Pub. L. 101–647, title V, §504, Nov. 29, 1990, 104 Stat. 4822; Pub. L. 102–572, title X, §1001, Oct. 29, 1992, 106 Stat. 4520; Pub. L. 103–121, title I, §110(a), Oct. 27, 1993, 107 Stat. 1164; Pub. L. 103–322, title XXIII, §230201, title XXXIII, §330025(a), Sept. 13, 1994, 108 Stat. 2079, 2151; Pub. L. 104–132, title II, §§232(b), (c)(1), 236, Apr. 24, 1996, 110 Stat. 1243, 1244, 1247; Pub. L. 104–208, div. A, title I, §101(a) [title I, §112], Sept. 30, 1996, 110 Stat. 3009, 3009–21; Pub. L. 105–119, title I, §109(a), Nov. 26, 1997, 111 Stat. 2457; Pub. L. 106–113, div. B, §1000(a)(1) [title I, §119], Nov. 29, 1999, 113 Stat. 1535, 1501A–22; Pub. L. 106–177, title I, §104(a), Mar. 10, 2000, 114 Stat. 36; Pub. L. 106–386, div. C, §2003(b), (c)(2), (d), Oct. 28, 2000, 114 Stat. 1544, 1546; Pub. L. 106–553, §1(a)(2) [title I, §113, formerly §114], Dec. 21, 2000, 114 Stat. 2762, 2762A–68, renumbered Pub. L. 106–554, §1(a)(4) [div. A, §213(a)(2)], Dec. 21, 2000, 114 Stat. 2763, 2763A–179; Pub. L. 107–56, title VI, §621(a)–(d), Oct. 26, 2001, 115 Stat. 370, 371; Pub. L. 107–77, title I, §111, Nov. 28, 2001, 115 Stat. 765; Pub. L. 109–162, title XI, §1132, Jan. 5, 2006, 119 Stat. 3107; Pub. L. 109–435, title I, §102(b), Dec. 20, 2006, 120 Stat. 3200; Pub. L. 113–163, §3, Aug. 8, 2014, 128 Stat. 1866; Pub. L. 114–22, title I, §113(b), May 29, 2015, 129 Stat. 241; Pub. L. 114–236, §2(c), Oct. 7, 2016, 130 Stat. 967; Pub. L. 115–299, §5(b), Dec. 7, 2018, 132 Stat. 4387.)

<sup>2</sup> So in original. Probably should be “‘Indian tribe’”.

## REFERENCES IN TEXT

The Railroad Unemployment Insurance Act, referred to in subsec. (b)(1)(B)(i), is act June 25, 1938, ch. 680, 52 Stat. 1094, which is classified principally to chapter 11 (§351 et seq.) of Title 45, Railroads. For complete classification of this Act to the Code, see section 367 of Title 45 and Tables.

Section 3613 of title 18, referred to in subsec. (b)(1)(B)(iv), was repealed effective on the first day of the first calendar month beginning 36 months after Oct. 12, 1984 (Nov. 1, 1987), by Pub. L. 98–473, title II, §§212(a)(2), 235(a)(1), Oct. 12, 1984, 98 Stat. 1987, 2031, as amended.

Section 3671(c)(2) of title 18, referred to in subsec. (b)(4), was renumbered section 3681(c)(2) by Pub. L. 99–646, §41(a), Nov. 10, 1986, 100 Stat. 3600.

Section 619 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, referred to in subsec. (d)(5)(C), is section 1(a)(2) [title VI, §619] of Pub. L. 106–553, which was formerly set out as a note below.

The Uniform Code of Military Justice, referred to in subsec. (f)(1), is classified generally to chapter 47 (§801 et seq.) of Title 10, Armed Forces.

Section 5304 of title 25, referred to in subsec. (g)(3), has been amended, and subsec. (b) of section 5304 no longer defines the term “Indian tribe”. However, such term is defined elsewhere in that section.

## CODIFICATION

Section was formerly classified to section 10601 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section. Some section numbers or references in amendment notes below reflect the classification of such sections or references prior to editorial reclassification.

## AMENDMENTS

2018—Subsec. (d)(6). Pub. L. 115–299 added par. (6).

2016—Subsec. (d)(3)(A)(i). Pub. L. 114–236 inserted “or section 3772, as it relates to direct services,” after “section 3771”.

2015—Subsec. (d)(3)(A)(i). Pub. L. 114–22 inserted “section” before “3771”.

2014—Subsec. (d)(3). Pub. L. 113–163 designated existing provisions as subpar. (A), substituted “available only for—” for “available for the United States Attorneys Offices and the Federal Bureau of Investigation to improve services for the benefit of crime victims in the Federal criminal justice system, and for a Victim Notification System.”, added cls. (i) and (ii) of subpar. (A), and added subpar. (B).

2006—Subsec. (b)(1)(B)(ii). Pub. L. 109–435 substituted “404(a)(7)” for “404(a)(8)”.

Subsec. (b)(5). Pub. L. 109–162, §1132(1), struck out period at end and inserted “, which the Director is hereby authorized to accept for deposit into the Fund, except that the Director is not hereby authorized to accept any such gift, bequest, or donation that—” and subpars. (A) and (B).

Subsec. (d)(5)(A). Pub. L. 109–162, §1132(2), substituted “obligated” for “expended”.

Subsec. (g)(1). Pub. L. 109–162, §1132(3)(A), struck out “, acting through the Director,” after “Attorney General”.

Subsec. (g)(2), (3). Pub. L. 109–162, §1132(3)(B), (C), added par. (2) and redesignated former par. (2) as (3).

2001—Subsec. (b)(5). Pub. L. 107–56, §621(a), added par. (5).

Subsec. (c). Pub. L. 107–77, §111(b), amended heading and text of subsec. (c) to read as it did the day before enactment of amendment by Pub. L. 107–56. Text, as amended generally by Pub. L. 107–56, read as follows:

“(1) Subject to the availability of money in the Fund, in each fiscal year, beginning with fiscal year 2003, the Director shall distribute not less than 90 percent nor more than 110 percent of the amount distributed from the Fund in the previous fiscal year, except the Director may distribute up to 120 percent of the amount dis-

tributed in the previous fiscal year in any fiscal year that the total amount available in the Fund is more than 2 times the amount distributed in the previous fiscal year.

“(2) In each fiscal year, the Director shall distribute amounts from the Fund in accordance with subsection (d) of this section. All sums not distributed during a fiscal year shall remain in reserve in the Fund to be distributed during a subsequent fiscal year. Notwithstanding any other provision of law, all sums deposited in the Fund that are not distributed shall remain in reserve in the Fund for obligation in future fiscal years, without fiscal year limitation.”

Pub. L. 107-56, §621(b), amended heading and text of subsec. (c) generally.

Subsec. (d)(3). Pub. L. 107-77, §111(a), inserted before period at end “, and for a Victim Notification System”.

Subsec. (d)(4). Pub. L. 107-56, §621(c), substituted “to be distributed from” for “deposited in” in introductory provisions, “47.5 percent” for “48.5 percent” in subpars. (A) and (B), and “5 percent” for “3 percent” in subpar. (C).

Subsec. (d)(5). Pub. L. 107-56, §621(d), amended par. (5) generally. Prior to amendment, par. (5) read as follows:

“(5)(A) If the sums available in the Fund are sufficient to fully provide grants to the States pursuant to section 10602(a)(1) of this title, the Director may retain any portion of the Fund that was deposited during a fiscal year that was in excess of 110 percent of the total amount deposited in the Fund during the preceding fiscal year as an emergency reserve. Such reserve shall not exceed \$100,000,000.

“(B) The emergency reserve referred to in subparagraph (A) may be used for supplemental grants under section 10603b of this title, to provide compensation to victims of international terrorism under the program under section 10603c of this title, and to supplement the funds available to provide grants to States for compensation and assistance in accordance with sections 10602 and 10603 of this title in years in which supplemental grants are needed.”

2000—Subsec. (c). Pub. L. 106-386, §2003(d), which directed insertion of “Notwithstanding subsection (d)(5), all sums deposited in the Fund in any fiscal year that are not made available for obligation by Congress in the subsequent fiscal year shall remain in the Fund for obligation in future fiscal years, without fiscal year limitation.” at the end of section 1402(c) of the Victims of Crime Act 1984, was executed by making the insertion at the end of subsec. (c) of this section, which is section 1402 of the Victims of Crime Act of 1984, to reflect the probable intent of Congress.

Subsec. (d)(2). Pub. L. 106-177 designated existing provisions as subpar. (A), substituted “Except as provided in subparagraph (B), the first \$10,000,000” for “The first \$10,000,000”, and added subpar. (B).

Subsec. (d)(3). Pub. L. 106-553, as renumbered by Pub. L. 106-554, inserted “and the Federal Bureau of Investigation” after “United States Attorneys Offices”.

Subsec. (d)(5)(A). Pub. L. 106-386, §2003(b)(1), substituted “\$100,000,000” for “\$50,000,000”.

Subsec. (d)(5)(B). Pub. L. 106-386, §2003(c)(2), inserted “, to provide compensation to victims of international terrorism under the program under section 10603c of this title,” after “section 10603b of this title”.

Subsec. (e). Pub. L. 106-386, §2003(b)(2), substituted “shall be available for deposit into the emergency reserve fund referred to in subsection (d)(5) at the discretion of the Director. Any remaining unobligated sums” for “in excess of \$500,000 shall be returned to the Treasury. Any remaining unobligated sums in an amount less than \$500,000”.

1999—Subsec. (d)(3) to (5). Pub. L. 106-113 added par. (3), redesignated former pars. (3) and (4) as (4) and (5), respectively, and struck out former par. (5) which read as follows: “The Director may set aside up to \$500,000 of the reserve fund described in paragraph (4) to make supplemental grants to United States Attorneys Offices to provide necessary assistance to victims of the bombing of the Alfred P. Murrah Federal Building in Okla-

homa City, to facilitate observation of and/or participation by such victims in trial proceedings arising therefrom, including, without limitation, provision of lodging and travel assistance, and to pay such other, related expenses determined to be necessary by the Director.”

1997—Subsec. (d)(1). Pub. L. 105-119, §109(a)(1), struck out par. (1) which read as follows: “The first \$6,200,000 deposited in the Fund in each of the fiscal years 1992 through 1995 and the first \$3,000,000 in each fiscal year thereafter shall be available to the judicial branch for administrative costs to carry out the functions of the judicial branch under sections 3611 and 3612 of title 18.”

Subsec. (d)(2). Pub. L. 105-119, §109(a)(2), substituted “The first” for “the next”.

1996—Subsec. (c). Pub. L. 104-132, §232(c)(1)(A), substituted “under this chapter” for “under this subsection”.

Subsec. (d)(3)(B). Pub. L. 104-132, §236, substituted “section 10603(a) of this title” for “section 10603a of this title”.

Subsec. (d)(4). Pub. L. 104-132, §232(b), amended par. (4) generally. Prior to amendment, par. (4) read as follows: “The Director may retain any portion of the Fund that was deposited during a fiscal year that is in excess of 110 percent of the total amount deposited in the Fund during the preceding fiscal year as a reserve for use in a year in which the Fund falls below the amount available in the previous year. Such reserve may not exceed \$20,000,000.”

Subsec. (d)(5). Pub. L. 104-208 added par. (5).

Subsec. (e). Pub. L. 104-208 substituted “3 succeeding fiscal years” for “2 succeeding fiscal years”.

Pub. L. 104-132, §232(c)(1)(B), reenacted heading without change and amended text generally. Prior to amendment, text read as follows:

“(1) Except as provided in paragraph (2), any sums awarded as part of a grant under this chapter that remain unspent at the end of a fiscal year in which such grant is made may be expended for the purpose for which such grant is made at any time during the next succeeding fiscal year, at the end of which year any remaining unobligated sums shall be returned to the general fund of the Treasury.

“(2) For the purposes of the application of paragraph (1) to any grant under this chapter with respect to fiscal year 1985, there shall be substituted in such paragraph ‘two succeeding fiscal years’ for ‘succeeding fiscal year’ and ‘which period’ for ‘which year’.”

1994—Subsec. (d)(2). Pub. L. 103-322, §230201(a)(1), added par. (2) and struck out former par. (2) which read as follows: “Of the next \$100,000,000 deposited in the Fund in a particular fiscal year—

“(A) 49.5 percent shall be available for grants under section 10602 of this title;

“(B) 45 percent shall be available for grants under section 10603(a) of this title;

“(C) 1 percent shall be available for grants under section 10603(c) of this title; and

“(D) 4.5 percent shall be available for grants as provided in section 10603a of this title.”

Subsec. (d)(3). Pub. L. 103-322, §330025(a), which directed amendment of par. (3) by substituting “section 10603a” for “section 10603(a)” was executed to subpar. (B).

Pub. L. 103-322, §230201(a)(2), added par. (3) and struck out former par. (3) which read as follows: “The next \$5,500,000 deposited in the Fund in a particular fiscal year shall be available for grants under section 10603a of this title.”

Subsec. (d)(4). Pub. L. 103-322, §230201(a)(3), added par. (4) and struck out former par. (4) which read as follows: “The next \$4,500,000 deposited in the Fund in a particular fiscal year shall be available for grants under section 10603(a) of this title.”

Subsec. (d)(5). Pub. L. 103-322, §230201(a)(4), struck out par. (5) which read as follows: “Any deposits in the Fund in a particular fiscal year that remain after the funds are distributed under paragraphs (1) through (4) shall be available as follows:

“(A) 47.5 percent shall be available for grants under section 10602 of this title.

“(B) 47.5 percent shall be available for grants under section 10603(a) of this title.

“(C) 5 percent shall be available for grants under section 10603(c) of this title.”

Subsec. (g)(1). Pub. L. 103-322, § 230201(b), substituted “subsection (d)(2)” for “subsection (d)(2)(D)”.

1993—Subsec. (d)(2)(C), (D). Pub. L. 103-121, § 110(a)(1), added subpars. (C) and (D).

Subsec. (d)(3). Pub. L. 103-121, § 110(a)(2), substituted “section 10603a of this title” for “section 10603(a) of this title”.

Subsec. (g)(1). Pub. L. 103-121, § 110(a)(3), substituted “subsection (d)(2)(D)” for “subsection (d)(2)(A)(iv)”.

1992—Subsec. (c). Pub. L. 102-572, § 1001(1), added subsec. (c) and struck out former subsec. (c) which read as follows:

“(1)(A) If the total deposited in the Fund during a particular fiscal year reaches the ceiling sum described in subparagraph (B), the excess over the ceiling sum shall not be part of the Fund. The first \$2,200,000 of such excess shall be available to the judicial branch for administrative costs to carry out the functions of the judicial branch under sections 3611 and 3612 of title 18 and the remaining excess shall be deposited in the general fund of the Treasury.

“(B) The ceiling sum referred to in subparagraph (A) is—

“(i) \$125,000,000 through fiscal year 1990; and

“(ii) \$150,000,000 thereafter through fiscal year 1994.

“(2) No deposits shall be made in the Fund after September 30, 1994.”

Subsec. (d). Pub. L. 102-572, § 1001(2), added subsec. (d) and struck out former subsec. (d) which read as follows:

“(1) Sums deposited in the Fund shall remain in the Fund and be available for expenditure under this subsection for grants under this chapter without fiscal year limitation.

“(2) The Fund shall be available as follows:

“(A) Of the first \$100,000,000 deposited in the Fund in a particular fiscal year—

“(i) 49.5 percent shall be available for grants under section 10602 of this title;

“(ii) 45 percent shall be available for grants under section 10603(a) of this title;

“(iii) 1 percent shall be available for grants under section 10603(c) of this title; and

“(iv) 4.5 percent shall be available for grants as provided in section 10603a of this title.

“(B) The next \$5,500,000 deposited in the Fund in a particular fiscal year shall be available for grants as provided in section 10603a of this title.

“(C) Any deposits in the Fund in a particular fiscal year in excess of \$105,500,000, but not in excess of \$110,000,000, shall be available for grants under section 10603(a) of this title.

“(D) Any deposits in the Fund in a particular fiscal year in excess of \$110,000,000 shall be available as follows:

“(i) 47.5 percent shall be available for grants under section 10602 of this title;

“(ii) 47.5 percent shall be available for grants under section 10603(a) of this title; and

“(iii) 5 percent shall be available for grants under section 10603(c)(1)(B) of this title.”

1990—Subsec. (c)(1)(B)(i). Pub. L. 101-647 substituted “1990” for “1991”.

1988—Subsec. (c). Pub. L. 100-690, § 7121(a), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows:

“(1) If the total deposited in the Fund during a particular fiscal year reaches the sum of \$110 million, the excess over that sum shall be deposited in the general fund of the Treasury and shall not be a part of the Fund.

“(2) No deposits shall be made in the Fund after September 30, 1988.”

Subsec. (d)(2)(C). Pub. L. 100-690, § 7121(b)(2), inserted “, but not in excess of \$110,000,000,” after “\$105,500,000”.

Subsec. (d)(2)(D). Pub. L. 100-690, § 7121(b)(1), added subpar. (D).

Subsec. (g). Pub. L. 100-690, § 7124, added subsec. (g). 1986—Subsec. (c)(1). Pub. L. 99-401, § 102(b)(1), substituted “\$110 million” for “\$100 million”.

Subsec. (d)(2). Pub. L. 99-401, § 102(b)(2), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “Fifty percent of the total deposited in the Fund during a particular fiscal year shall be available for grants under section 10602 of this title and fifty percent shall be available for grants under section 10603 of this title.”

Subsec. (e). Pub. L. 99-646 designated existing provision as par. (1), substituted “Except as provided in paragraph (2), any” for “Any”, and added par. (2).

#### EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Jan. 1, 1993, see section 1101 of Pub. L. 102-572, set out as a note under section 905 of Title 2, The Congress.

#### EFFECTIVE DATE OF 1988 AMENDMENT

Pub. L. 100-690, title VII, § 7129, Nov. 18, 1988, 102 Stat. 4423, as amended by Pub. L. 101-647, title V, § 505, Nov. 29, 1990, 104 Stat. 4822, provided that: “The amendments made by this chapter [probably means this subtitle, subtitle D (§§ 7121-7130) of title VII of Pub. L. 100-690, enacting section 20111 of this title, amending this section and sections 20102, 20103, and 20110 of this title, and enacting provisions set out as a note under this section] shall not apply with respect to a State compensation program that was an eligible State crime victim compensation program on the date of the enactment of this Act [Nov. 18, 1988] until October 1, 1991.”

#### EFFECTIVE DATE

Pub. L. 98-473, title II, § 1409, Oct. 12, 1984, 98 Stat. 2178, provided that:

“(a) Except as provided in subsection (b), this chapter [chapter XIV (§§ 1401-1411) of title II of Pub. L. 98-473, see Short Title of 1984 Act note set out under section 10101 of this title] and the amendments made by this chapter shall take effect thirty days after the date of enactment of this joint resolution [Oct. 12, 1984].

“(b) Sections 1402, 1403, 1404, and 1407 of this chapter [enacting this subchapter] shall take effect on October 1, 1984.”

#### VICTIMS OF SEPTEMBER 11, 2001

Pub. L. 107-56, title VI, § 621(e), Oct. 26, 2001, 115 Stat. 371, provided that: “Amounts transferred to the Crime Victims Fund for use in responding to the airplane hijackings and terrorist acts (including any related search, rescue, relief, assistance, or other similar activities) that occurred on September 11, 2001, shall not be subject to any limitation on obligations from amounts deposited to or available in the Fund, notwithstanding—

“(1) section 619 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001 [section 1(a)(2) [title VI, § 619] of Pub. L. 106-553, formerly set out as a note below], and any similar limitation on Fund obligations in such Act for Fiscal Year 2002 [see Pub. L. 107-77, title VI, § 619, Nov. 28, 2001, 115 Stat. 802, formerly set out as a note below]; and

“(2) subsections (c) and (d) of section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) [now 34 U.S.C. 20101].”

#### LIMITATION ON AMOUNTS AVAILABLE FOR OBLIGATION

Pub. L. 115-141, div. B, title V, § 510, Mar. 23, 2018, 132 Stat. 437, provided that: “Notwithstanding any other provision of law, amounts deposited or available in the Fund established by section 1402 of chapter XIV of title II of Public Law 98-473 (34 U.S.C. 20101) in any fiscal year in excess of \$4,436,000,000 shall not be available for obligation until the following fiscal year”.

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 115-31, div. B, title III, §510, May 5, 2017, 131 Stat. 221.

Pub. L. 114-113, div. B, title V, §510, Dec. 18, 2015, 129 Stat. 2324.

Pub. L. 113-235, div. B, title V, §510, Dec. 16, 2014, 128 Stat. 2210.

Pub. L. 113-76, div. B, title V, §510, Jan. 17, 2014, 128 Stat. 79.

Pub. L. 113-6, div. B, title V, §510, Mar. 26, 2013, 127 Stat. 271.

Pub. L. 112-55, div. B, title V, §512, Nov. 18, 2011, 125 Stat. 632.

Pub. L. 111-117, div. B, title V, §512, Dec. 16, 2009, 123 Stat. 3151.

Pub. L. 111-8, div. B, title V, §512, Mar. 11, 2009, 123 Stat. 596.

Pub. L. 110-161, div. B, title V, §513, Dec. 26, 2007, 121 Stat. 1926.

Pub. L. 109-108, title VI, §612, Nov. 22, 2005, 119 Stat. 2336.

Pub. L. 108-447, div. B, title VI, §616, Dec. 8, 2004, 118 Stat. 2915.

Pub. L. 108-199, div. B, title VI, §618, Jan. 23, 2004, 118 Stat. 95.

Pub. L. 108-7, div. B, title VI, §617, Feb. 20, 2003, 117 Stat. 102.

Pub. L. 107-77, title VI, §619, Nov. 28, 2001, 115 Stat. 802.

Pub. L. 106-553, §1(a)(2) [title VI, §619], Dec. 21, 2000, 114 Stat. 2762, 2762A-107.

Pub. L. 106-113, div. B, §1000(a)(1) [title VI, §620], Nov. 29, 1999, 113 Stat. 1535, 1501A-55.

#### INTERACTION WITH ANY CAP

Pub. L. 106-177, title I, §104(b), Mar. 10, 2000, 114 Stat. 36, provided that: “Subsection (a) [amending this section] shall be implemented so that any increase in funding provided thereby shall operate notwithstanding any dollar limitation on the availability of the Crime Victims Fund established under the Victims of Crime Act of 1984 [34 U.S.C. 20101 et seq.]”

#### TRANSFER OF CERTAIN UNOBLIGATED FUNDS

Pub. L. 105-119, title I, §109(b), Nov. 26, 1997, 111 Stat. 2457, provided that: “Any unobligated sums hitherto available to the judicial branch pursuant to the paragraph repealed by subsection (a) [former 34 U.S.C. 20101(d)(1)] shall be deemed to be deposits into the Crime Victims Fund as of the effective date hereof [Nov. 26, 1997] and may be used by the Director of the Office for Victims of Crime to improve services for the benefit of crime victims, including the processing and tracking of criminal monetary penalties and related litigation activities, in the Federal criminal justice system.”

#### RETROACTIVE TRANSFER TO FUND

Pub. L. 100-690, title VII, §7130, Nov. 18, 1988, 102 Stat. 4423, provided that: “An amount equivalent to those sums which would have been placed in the Fund under section 1402(b) of the Victims of Crime Act [34 U.S.C. 20101(b)], but for the effect of section 1402(c)(2) of such Act, is hereby transferred to the Fund from any sums not appropriated from the general treasury.”

### § 20102. Crime victim compensation

#### (a) Authority of Director; grants

(1) Except as provided in paragraph (2), the Director shall make an annual grant from the Fund to an eligible crime victim compensation program of 40 percent in fiscal year 2002 and of 60 percent in subsequent fiscal years of the amounts awarded during the preceding fiscal year, other than amounts awarded for property damage. Except as provided in paragraph (3), a grant under this section shall be used by such program only for awards of compensation.

(2) If the sums available in the Fund for grants under this section are insufficient to provide grants of 40 percent in fiscal year 2002 and of 60 percent in subsequent fiscal years as provided in paragraph (1), the Director shall make, from the sums available, a grant to each eligible crime victim compensation program so that all such programs receive the same percentage of the amounts awarded by such program during the preceding fiscal year, other than amounts awarded for property damage.

(3) Not more than 5 percent of a grant made under this section may be used for training purposes and the administration of the State crime victim compensation program receiving the grant.

#### (b) Eligible crime victim compensation programs

A crime victim compensation program is an eligible crime victim compensation program for the purposes of this section if—

(1) such program is operated by a State and offers compensation to victims and survivors of victims of criminal violence, including drunk driving and domestic violence for—

(A) medical expenses attributable to a physical injury resulting from compensable crime, including expenses for mental health counseling and care;

(B) loss of wages attributable to a physical injury resulting from a compensable crime; and

(C) funeral expenses attributable to a death resulting from a compensable crime;

(2) such program promotes victim cooperation with the reasonable requests of law enforcement authorities;

(3) such State certifies that grants received under this section will not be used to supplant State funds otherwise available to provide crime victim compensation;

(4) such program, as to compensable crimes occurring within the State, makes compensation awards to victims who are nonresidents of the State on the basis of the same criteria used to make awards to victims who are residents of such State;

(5) such program provides compensation to victims of Federal crimes occurring within the State on the same basis that such program provides compensation to victims of State crimes;

(6) such program provides compensation to residents of the State who are victims of crimes occurring outside the State if—

(A) the crimes would be compensable crimes had they occurred inside that State; and

(B) the places the crimes occurred in are States not having eligible crime victim compensation programs;

(7) such program does not, except pursuant to rules issued by the program to prevent unjust enrichment of the offender, deny compensation to any victim because of that victim's familial relationship to the offender, or because of the sharing of a residence by the victim and the offender;

(8) such program does not provide compensation to any person who has been convicted of