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*** CURRENT THROUGH PL 111-98, APPROVED 11/11/2009 ***

TITLE 42. THE PUBLIC HEALTH AND WELFARE
CHAPTER 112. VICTIM COMPENSATION AND ASSISTANCE

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42 USCS § 10601

§ 10601. 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 chapter 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 of the United States Code and for the purposes set forth in section 404(a)(7) of such 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 of the United States Code*;

(2) penalty assessments collected under *section 3013 of title 18 of the United States Code*;

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

(4) any money ordered to be paid into the Fund under *section 3671(c)(2) of title 18 of the United States Code*; 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) Availability of sums for grants. Sums deposited in the Fund shall remain in the Fund and be available for expenditure under this chapter for grants under this chapter without fiscal year limitation. Notwithstanding section

1402(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 of sums for expenditure. The Fund shall be available as follows:

(1) [Deleted]

(2) (A) Except as provided in subparagraph (B), the first \$ 10,000,000 deposited in the Fund shall be available for grants under section 1404A [42 USCS § 10603a].

(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 1404A [42 USCS § 10603a].

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

(3) 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 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.

(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 1403 [42 USCS § 10602];

(B) 47.5 percent shall be available for grants under section 1404(a) [42 USCS § 10603(a)]; and

(C) 5 percent shall be available for grants under section 1404(c) [42 USCS § 10603(c)].

(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 1404B [42 USCS § 10603b] and to provide compensation to victims of international terrorism under section 1404C [42 USCS § 10603c].

(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 [note to this section] (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.

(e) Amounts awarded and unspent. Any amount awarded as part of a grant under this chapter 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 assisting Native American Indian tribes.

(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 "[Indian] tribe" has the meaning given that term in section 4(b) of the Indian Self-Determination and Education Assistance Act [25 USCS § 450b].

HISTORY:

(Oct. 12, 1984, P.L. 98-473, Title II, Ch XIV, § 1402, 98 Stat. 2170; Aug. 27, 1986, P.L. 99-401, Title I, § 102(b)(1), (2), 100 Stat. 904; Nov. 10, 1986, P.L. 99-646, § 82, 100 Stat. 3619; Nov. 18, 1988, P.L. 100-690, Title VII, Subtitle D, §§ 7121, 7124, 102 Stat. 4419, 4422; Nov. 29, 1990, P.L. 101-647, Title V, § 504, 104 Stat. 4822; Oct. 29, 1992, P.L. 102-572, Title X, § 1001, 106 Stat. 4520; Oct. 27, 1993, P.L. 103-121, Title I, § 110(a), 107 Stat. 1164; Sept. 13, 1994, P.L. 103-322, Title XXIII, Subtitle B, § 230201, Title XXXIII, § 330025(a), 108 Stat. 2079, 2151; April 24, 1996, P.L. 104-132, Title II, Subtitle C, §§ 232(b), (c)(1), 236, 110 Stat. 1243, 1247; Sept. 30, 1996, P.L. 104-208, Div A, Title I, § 101(a) [Title I, § 112], 110 Stat. 3009-21; Nov. 26, 1997, P.L. 105-119, Title I, § 109(a), 111 Stat. 2457; Nov. 29, 1999, P.L. 106-113, Div B, § 1000(a)(1), 113 Stat. 1535; March 10, 2000, P.L. 106-177, Title I, § 104(a), 114 Stat. 36; Oct. 27, 2000, P.L. 106-386, Div C, § 2003(b), (c)(2), (d), 114 Stat. 1544, 1546; Dec. 21, 2000, P.L. 106-553, § 1(a)(2), 114 Stat. 2762; Dec. 21, 2000, P.L. 106-554, § 1(a)(4), 114 Stat. 2763; Oct. 26, 2001, P.L. 107-56, Title VI, Subtitle B, § 621(a)-(d), 115 Stat. 370; Nov. 28, 2001, P.L. 107-77, Title I, § 111, 115 Stat. 765.)

(As amended Jan. 5, 2006, P.L. 109-162, Title XI, Subtitle B, Ch. 3, § 1132, 119 Stat. 3107; Dec. 20, 2006, P.L. 109-435, Title I, § 102(b), 120 Stat. 3200.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

References in text:

"Section 3613 of title 18 of the United States Code", referred to in subsec. (b)(1)(B)(iv), was repealed by Act Oct. 12, 1984, P.L. 98-473, §§ 212(a)(2), 235(a)(1), 98 Stat. 1987, 2031.

"Section 3671(c)(2) of title 18 of the United States Code", referred to in subsec. (b)(4), was redesignated 18 USCS § 3681(c)(2) by Act Nov. 10, 1986, P.L. 99-646, § 41(a), 100 Stat. 3600.

"This chapter", referred to in this section, is Chapter XIV of Title II of Act Oct. 12, 1984, P.L. 98-473, 98 Stat. 2170, which appears generally as 42 USCS §§ 10601 et seq. For full classification of this chapter, consult USCS Tables volumes.

"This title", referred to in this section, is Title II of Act Oct. 12, 1984, P.L. 98-473, which appears generally as 42 USCS §§ 10601 et seq. For full classification of such Title, consult USCS Tables volumes.

Explanatory notes:

The word "Indian" has been inserted in brackets in subsec. (g)(3) to indicate the probable intent of Congress to include such word.

The amendment made by § 1000(a)(1) of Act Nov. 29, 1999, P.L. 106-113, is based on § 119 of Title I of H.R. 3421 (113 Stat. 1501A-22), as introduced on Nov. 17, 1999, which was enacted into law by such § 1000(a)(1).

The amendment made by § 1(a)(2) of Act Dec. 21, 2000, P.L. 106-553, is based on § 113 (formerly § 114) of Title I of H.R. 5548 (114 Stat. 2762A-68), as introduced on Oct. 25, 2000, which was enacted into law by such § 1(a)(2).

Effective date of section:

This section took effect on October 1, 1984, pursuant to § 1409(b) of Act Oct. 12, 1984, P.L. 98-473, which appears as a note to this section.

Amendments:

1986. Act Aug. 27, 1986, in subsec. (c)(1), substituted "\$ 110 million" for "\$ 100 million"; and, in subsec. (d), substituted para. (2) for one which read: "Fifty percent of the total deposited in the Fund during a particular fiscal year shall be available for grants under section 1403 and fifty percent shall be available for grants under section 1404."

Act Nov. 10, 1986, in subsec. (e), designated the existing provisions as para. (1), and in para. (1), as so designated, substituted "Except as provided in paragraph (2), any" for "Any", and added para. (2).

1988. Act Nov. 18, 1988, (applicable as provided by § 7129 of such Act, which appears as a note to this section) substituted subsec. (c) for one which read:

"(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.";

and, in subsec. (d)(2), in subpara. (C), inserted ", but not in excess of \$ 110,000,000," and added subpara. (D); and added subsec. (g).

1990. Act Nov. 29, 1990, in subsec. (c)(1)(B)(i), substituted "1990" for "1991".

1992. Act Oct. 29, 1992 (effective 1/1/93, as provided by § 1101(a) of such Act, which appears as 2 USCS § 905 note) substituted subsec. (c) for one which read:

"(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, United States Code, 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.";

and substituted subsec. (d) for one which read:

"(1) Sums deposited in the Fund shall remain in the Fund and be available for expenditure under this subsection for grants under this title 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 1403;

"(ii) 45 percent shall be available for grants under section 1404(a);

"(iii) 1 percent shall be available for grants under section 1404(c); and

"(iv) 4.5 percent shall be available for grants as provided in section 1404A.

"(B) The next \$ 5,500,000 deposited in the Fund in a particular fiscal year shall be available for grants as provided in section 1404A.

"(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 1404(a).

"(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 1403;

"(ii) 47.5 percent shall be available for grants under section 1404(a); and

"(iii) 5 percent shall be available for grants under section 1404(c)(1)(B)."

1993. Act Oct. 27, 1993, in subsec. (d), in para. (2), in subpara. (A), deleted "and" following the concluding semicolon, in subpara. (B), substituted the concluding semicolon for a period, and added subparas. (C) and (D), and in para. (3), substituted "1404A" for "1404(a)"; and, in subsec. (g)(1), substituted "(d)(2)(D)" for "(d)(2)(A)(iv)".

1994. Act Sept. 13, 1994, in subsec. (d), substituted paras. (2), (3), and (4) for ones which read:

"(2) 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 1403;

"(B) 45 percent shall be available for grants under section 1404(a);

"(C) 1 percent shall be available for grants under section 1404(c); and

"(D) 4.5 percent shall be available for grants as provided in section 1404A.

"(3) The next \$ 5,500,000 deposited in the Fund in a particular fiscal year shall be available for grants under section 1404A.

"(4) The next \$ 4,500,000 deposited in the Fund in a particular fiscal year shall be available for grants under section 1404(a).";

and deleted para. (5), which read:

"(5) 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 1403.

"(B) 47.5 percent shall be available for grants under section 1404(a).

"(C) 5 percent shall be available for grants under section 1404(c).";

and, in subsec. (g)(1), substituted "(d)(2)" for "(d)(2)(D)".

Such Act further, in subsec. (d)(3)(B), substituted "1404A" for "1404(a)".

1996. Act April 24, 1996, in subsec. (c), substituted "chapter" for "subsection" preceding "for grants"; in subsec. (d), in para. (3)(B), substituted "1404(a)" for "1404A", and substituted para. (4) for one which read: "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."; and substituted subsec. (e) for one which read:

"(e) Amounts awarded and unspent.

(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'."

Act Sept. 30, 1996, in subsec. (d), added para. (5); and, in subsec. (e), substituted "3" for "2".

1997. Act Nov. 26, 1997, in subsec. (d), deleted para. (1), which read: "(1) 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, United States Code." and, in para. (2), substituted "The first" for "the next".

1999. Act Nov. 29, 1999, in subsec. (d), deleted para. (5), which read: "(5) 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 Oklahoma 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.", redesignated paras. (3) and (4) as paras. (4) and (5), respectively, and added new para. (3).

2000. Act March 10, 2000, in subsec. (d), in para. (2), designated the existing provisions as subpara. (A) and, in such subparagraph, substituted "Except as provided in subparagraph (B), the first \$ 10,000,000" for "The first \$ 10,000,000", and added subpara. (B).

Act Oct. 28, 2000, in subsec. (c), added the sentence beginning "Notwithstanding section 1402(d)(5) . . ."; in subsec. (d)(5), in subpara. (A), substituted "\$ 100,000,000" for "\$ 50,000,000" and, in subpara. (B), inserted ", to provide compensation to victims of international terrorism under the program under section 1404C,"; and, in subsec. (e), 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".

Act Dec. 21, 2000, in subsec. (d)(3), inserted "and the Federal Bureau of Investigation".

2001. Act Oct. 26, 2001, in subsec. (b), in para. (3), deleted "and" after the concluding semicolon, in para. (4), substituted "; and" for a concluding period, and added para. (5); substituted subsec. (c) for one which read: "(c) Availability of sums for grants. Sums deposited in the Fund shall remain in the Fund and be available for expenditure under this chapter for grants under this chapter without fiscal year limitation. Notwithstanding section 1402(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."; and, in subsec. (d), in para. (4), in the introductory matter, substituted "to be distributed from" for "deposited in", in subparas. (A) and (B), substituted "47.5" for "48.5", and, in subpara. (C), substituted "5" for "3", and substituted para. (5) for one which read:

"(5)

(A) If the sums available in the Fund are sufficient to fully provide grants to the States pursuant to section 1403(a)(1), 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 1404B, to provide compensation to victims of international terrorism under the program under section 1404C, and to supplement the funds available to provide grants to States for compensation and assistance in accordance with sections 1403 and 1404 in years in which supplemental grants are needed."

Act Nov. 28, 2001, substituted subsec. (c) for one which read:

"(c) Fund distribution; retention of sums in fund; availability for expenditure without fiscal year limitation.

(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 distributed 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). 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.";

and, in subsec. (d), in para. (3), substituted ", and for a Victim Notification System." for a concluding period.

2006. Act Jan. 5, 2006, in subsec. (b)(5), substituted ", 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 subparas. (A) and (B) for a concluding period; in subsec. (d)(5)(A), substituted "obligated" for "expended"; and, in subsec. (g), in para. (1), deleted ", acting through the Director," following "Attorney General", redesignated para. (2) as para. (3), and inserted new para. (2).

Act Dec. 20, 2006, in subsec. (b)(1)(B)(ii), substituted "404(a)(7)" for "404(a)(8)".

Redesignation:

Section 114 of Title I of H. R. 5548, as enacted into law by Act Dec. 21, 2000, P.L. 106-553, which amended this section, was been redesignated § 113 of such Title by Act Dec. 21, 2000, P.L. 106-554, § 1(a)(4), 114 Stat. 2763 (enacting into law § 213(a)(2) of Chapter 2 of Division A of H.R. 5666 (114 Stat. 2763A-179), as introduced on Dec. 15, 2000).

Short titles:

Act Oct. 12, 1984, P.L. 98-473, Title II, Ch XVI, § 1401, 98 Stat. 2170, provides: "This chapter [42 USCS §§ 10601 et seq. generally; for full classification, consult USCS Tables volumes] may be cited as the 'Victims of Crime Act of 1984'."

Act Nov. 29, 1990, P.L. 101-647, Title V, § 501, 104 Stat. 4820, provides: "This title may be cited as 'Victims' Rights and Restitution Act of 1990'." For full classification of such Title, consult USCS Tables volumes.

Act April 24, 1996, P.L. 104-132, Title II, Subtitle C, § 231, 110 Stat. 1243, provides: "This subtitle may be cited as the 'Justice for Victims of Terrorism Act of 1996'." For full classification of such Subtitle, consult USCS Tables volumes.

Other provisions:

Effective date of Chapter XIV of Title II of Act Oct. 12, 1984. Act Oct. 12, 1984, P.L. 98-473, Title II, Ch XIV, § 1409, 98 Stat. 2178, provides:

"(a) Except as provided in subsection (b), this chapter and the amendments made by this chapter [for full classification, consult USCS Tables volumes] shall take effect thirty days after the date of enactment of this joint resolution.

"(b) Sections 1402, 1403, 1404, and 1407 of this chapter [42 USCS §§ 10601-10603, and 10604] shall take effect on October 1, 1984."

Applicability of Nov. 18, 1988 amendments. Act Nov. 18, 1988, P.L. 100-690, Title VII, Subtitle D, § 7129, 102 Stat. 4423; Nov. 29, 1990, P.L. 101-647, Title V, § 505, 104 Stat. 4822, provides: "The amendments made by this chapter [subtitle] [amending this section and 42 USCS §§ 10602-10604] 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 until October 1, 1991."

Retroactive transfer to Fund. Act Nov. 18, 1988, P.L. 100-690, Title VII, Subtitle D, § 7130, 102 Stat. 4423, applicable as provided by § 7129 of such Act, which appears as a note to this section, provides: "An amount equivalent to those sums which would have been placed in the Fund under section 1402(b) of the Victims of Crime Act [subsec. (b) of this section], but for the effect of section 1402(c)(2) of such Act [subsec. (c)(2) of this section], is hereby transferred to the Fund from any sums not appropriated from the general treasury."

Former subsec. (d)(1); unobligated sums deemed deposits into Crime Victims Fund. Act Nov. 26, 1997, P.L. 105-119, Title I, § 109(b), 111 Stat. 2457, provides: "Any unobligated sums hitherto available to the judicial branch pursuant to the paragraph repealed by subsection (a) [former subsec. (d)(1) of this section] shall be deemed to be deposits into the Crime Victims Fund as of the effective date hereof 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."

Implementation of March 10, 2000 amendments; interaction with any cap. Act March 10, 2000, P.L. 106-177, Title I, § 104(b), 114 Stat. 36, provides: "Subsection (a) [amending subsec. (d)(2) of 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 [42 USCS §§ 10601 et seq. generally; for full classification, consult USCS Tables volumes]."

Victims of September 11, 2001. Act Oct. 26, 2001, P.L. 107-56, Title VI, Subtitle B, § 621(e), 115 Stat. 371, provides:

"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 [note to this section], and any similar limitation on Fund obligations in such Act for Fiscal Year 2002; and

"(2) subsections (c) and (d) of section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).".

Amounts in excess of \$ 635,000,000; availability for obligation. Act March 11, 2009, P.L. 111-8, Div B, Title V, § 512, 123 Stat. 596, provides: "Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of \$ 635,000,000 shall not be available for obligation until the following fiscal year."

Similar provisions were contained in Acts Nov. 29, 1999, P.L. 106-113, Div B, § 1000(a)(1), 113 Stat. 1535 (enacting into law § 620 of Title VI of H.R. 3421 (113 Stat. 1501A-55); Dec. 21, 2000, P.L. 106-553, § 1(a)(2), 114 Stat. 2762 (enacting into law § 619 of Title VI of H.R. 5548 (114 Stat. 2762A-107), as introduced on Oct. 25, 2000); Nov. 28, 2001, P.L. 107-77, Title VI, § 619, 115 Stat. 802; Feb. 20, 2003, P.L. 108-7, Div B, Title VI, § 617, 117 Stat. 102; Jan. 23, 2004, P.L. 108-199, Div B, Title VI, § 618, 118 Stat. 95; Dec. 8, 2004, P.L. 108-447, Div B, Title VI, § 616, 118 Stat. 2915; Nov. 22, 2005, P.L. 109-108, Title VI, § 612, 119 Stat. 2336; Dec. 26, 2007, P.L. 110-161, Div B, Title V, § 513, 121 Stat. 1926.

NOTES:

Code of Federal Regulations:

Department of Justice--Office of Justice programs hearing and appeal procedures, 28 *CFR* 18.1 et seq.

Department of Justice--Confidentiality of identifiable research and statistical information, 28 *CFR* 22.1 et seq.

Department of Justice--Uniform administrative requirements for grants and cooperative agreements to State and local governments, 28 *CFR* 66.1 et seq.

Department of Justice--Uniform administrative requirements for grants and agreements (including subawards) with institutions of higher education, hospitals, and other non-profit organizations, 28 *CFR* 70.1 et seq.

Department of the Army--Law enforcement reporting, 32 *CFR* 635.1 et seq.

Department of the Army--Military Police investigation, 32 *CFR* 637.1 et seq.

Related Statutes & Rules:

This section is referred to in 18 *USCS* §§ 798, 4048; 42 *USCS* §§ 10603, 10603a, 10603b, 10603c, 10604, 10605; 50 *USCS* § 783.

Research Guide:

Federal Procedure:

9A Fed Proc L Ed, Criminal Procedure § 22:1711.

Am Jur:

21A *Am Jur* 2d, Criminal Law § 1235.

Intellectual Property:

3 Milgrim on Trade Secrets (Matthew Bender), ch 12, Public Law Aspects of Trade Secrets: Regulatory Agencies; Criminal Prosecution § 12.06.

Law Review Articles:

Nevin; Scott. The USA Patriot Act: Time To Speak Up [Discussion of T. Derden, One Year Under the Patriot Act]. 46 *Advoc* (Boise) 19, December 2003.

Brandt; Van Valkenburgh. The USA Patriot Act: The Devil is in the Details [Discussion of T. Derden, One Year Under the Patriot Act]. 46 *Advoc* (Boise) 24, December 2003.

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Interpretive Notes and Decisions:

1. Constitutionality
2. Purpose
3. Relation to other laws
4. What constitutes deposit to Fund

1. Constitutionality

Provision of Victims of Crime Act (18 USCS § 3013), pursuant to which special assessment was imposed on defendant convicted of unlawful possession of firearm by convicted felon is not bill for raising revenue subject to constraints of Origination Clause of Constitution, since monies collected by way of special assessment are used, pursuant to 42 USCS §§ 10601(b)(2) and 10602, to fund Crime Victims Assistance Fund. *United States v Herrada* (1989, CA5 Tex) 887 F2d 524, cert den (1990) 495 US 958, 109 L Ed 2d 748, 110 S Ct 2565.

2. Purpose

Based on restrictions set forth in 42 USCS §§ 1601-1603, Victims of Crime Act and special assessment imposed thereunder were intended to assist and compensate crime victims and not to raise revenue within meaning of Origination Clause of Constitution. *United States v Simpson* (1989, CA3 Pa) 885 F2d 36, cert den (1990) 495 US 958, 109 L Ed 2d 747, 110 S Ct 2565.

3. Relation to other laws

Provision of Victims of Crime Act (18 USCS § 3013), pursuant to which special assessment was imposed on defendant convicted of unlawful possession of firearm by convicted felon is not bill for raising revenue subject to constraints of Origination Clause of Constitution, since monies collected by way of special assessment are used, pursuant to 42 USCS §§ 10601(b)(2) and 10602, to fund Crime Victims Assistance Fund. *United States v Herrada* (1989, CA5 Tex) 887 F2d 524, cert den (1990) 495 US 958, 109 L Ed 2d 748, 110 S Ct 2565.

4. What constitutes deposit to Fund

District Court's order that criminal fine imposed on defendant as part of sentence following conviction for unlawful gratuities be paid to "the registry of the court" was consistent with deposit of fine, by way of registry of court, into noninterest bearing Crime Victims Fund as required by 42 USCS § 10601(b)(1), and therefore, upon reversal of defendant's conviction, it was not entitled to interest on refund of fine. *United States v Sun Growers* (2000, App DC) 341 US App DC 273, 212 F3d 603, amd, reh den (2000, App DC) 2000 US App LEXIS 18145.



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*** CURRENT THROUGH PL 111-98, APPROVED 11/11/2009 ***

TITLE 42. THE PUBLIC HEALTH AND WELFARE
CHAPTER 112. VICTIM COMPENSATION AND ASSISTANCE

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42 USCS § 10603c

§ 10603c. Compensation to victims of international terrorism

(a) Definitions. In this section:

(1) International terrorism. The term "international terrorism" has the meaning given the term in *section 2331 of title 18, United States Code*.

(2) National of the United States. The term "national of the United States" has the meaning given the term in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

(3) Victim.

(A) In general. The term "victim" means a person who--

(i) suffered direct physical or emotional injury or death as a result of international terrorism occurring on or after October 23, 1983, with respect to which an investigation or civil or criminal prosecution was ongoing after April 24, 1996; and

(ii) as of the date on which the international terrorism occurred, was a national of the United States or an officer or employee of the United States Government.

(B) Incompetent, incapacitated, or deceased victims. In the case of a victim who is less than 18 years of age, incompetent, incapacitated, or deceased, a family member or legal guardian of the victim may receive the compensation under this section on behalf of the victim.

(C) Exception. Notwithstanding any other provision of this section, in no event shall an individual who is criminally culpable for the terrorist act or mass violence receive any compensation under this section, either directly or on behalf of a victim.

(b) Award of compensation. The Director may use the emergency reserve referred to in section 1402(d)(5)(A) [42 USCS § 10601(d)(5)(A)] to carry out a program to compensate victims of acts of international terrorism that occur outside the United States for expenses associated with that victimization. The amount of compensation awarded to a victim under this subsection shall be reduced by any amount that the victim received in connection with the same act of international terrorism under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.

(c) Annual report. The Director shall annually submit to Congress a report on the status and activities of the program under this section, which report shall include--

- (1) an explanation of the procedures for filing and processing of applications for compensation;
- (2) a description of the procedures and policies instituted to promote public awareness about the program;
- (3) a complete statistical analysis of the victims assisted under the program, including--
 - (A) the number of applications for compensation submitted;
 - (B) the number of applications approved and the amount of each award;
 - (C) the number of applications denied and the reasons for the denial;
 - (D) the average length of time to process an application for compensation; and
 - (E) the number of applications for compensation pending and the estimated future liability of the program; and
- (4) an analysis of future program needs and suggested program improvements.

HISTORY:

(Oct. 12, 1984, P.L. 98-473, Title II, Ch XIV, § 1404C, as added Oct. 28, 2000, P.L. 106-386, Div C, § 2003(c)(1), 114 Stat. 1544; Oct. 26, 2001, P.L. 107-56, Title VI, Subtitle B, § 624(c), 115 Stat. 373.)

(As amended Jan. 28, 2008, P.L. 110-181, Div A, Title X, Subtitle F, § 1083(b)(4), 122 Stat. 342.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

References in text:

"Title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986", referred to in this section, is Title VIII of Act Aug. 27, 1986, P.L. 99-399. For full classification of such Title, consult USCS Tables volumes.

Amendments:

2001. Act Oct. 26, 2001, in subsec. (b), added the sentence beginning "The amount of compensation awarded . . .".

2008. Act Jan. 28, 2008, in subsec. (a)(3)(A)(i), substituted "October 23, 1983, with respect to which an investigation or civil or criminal" for "December 21, 1988 with respect to which an investigation or".

NOTES:

Code of Federal Regulations:

Department of Justice--Crime victim services, *28 CFR 94.11* et seq.

Related Statutes & Rules:

This section is referred to in *42 USCS § 10601*.

Research Guide:

Law Review Articles:

Nevin; Scott. The USA Patriot Act: Time To Speak Up [Discussion of T. Derden, One Year Under the Patriot Act]. *46 Advoc (Boise)* 19, December 2003.

Brandt; Van Valkenburgh. The USA Patriot Act: The Devil is in the Details [Discussion of T. Derden, One Year Under the Patriot Act]. *46 Advoc (Boise)* 24, December 2003.

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TITLE 42. THE PUBLIC HEALTH AND WELFARE
CHAPTER 112. VICTIM COMPENSATION AND ASSISTANCE

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42 USCS § 10604

§ 10604. Administrative provisions

(a) Authority of Director to establish rule and regulations. establishment of rules and regulations; delegation of functions. The Director may establish such rules, regulations, guidelines, and procedures as are necessary to carry out any function of the Director under this chapter.

(b) Recordkeeping. Each recipient of sums under this chapter shall keep such records as the Director shall prescribe, including records that fully disclose the amount and disposition by such recipient of such sums, the total cost of the undertaking for which such sums are used, and that portion of the cost of the undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(c) Access of Director to books and records for purpose of audit and examination. The Attorney General or any duly authorized representative of the Attorney General shall have access, for purpose of audit and examination, to any books, documents, papers, and records of the recipient of sums under this chapter that, in the opinion of the Director, may be related to the expenditure of funds received under this chapter.

(d) Revealing research or statistical information; prohibition; immunity from legal proceedings; permission; admission of information as evidence. Except as otherwise provided by Federal law, no officer or employee of the Federal Government, and no recipient of sums under this chapter, shall use or reveal any research or statistical information furnished under this chapter by any person and identifiable to any specific private person for any purpose other than the purpose for which such information was obtained in accordance with this chapter. Such information, and any copy of such information, shall be immune from legal process and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceeding.

(e) Discrimination prohibited. No person shall on the ground of race, color, religion, national origin, handicap, or sex be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with, any undertaking funded in whole or in part with sums made available under this chapter.

(f) Failure to comply with provisions; notice and hearing; power of Director. If, after reasonable notice and opportunity for a hearing on the record, the Director finds that a State has failed to comply substantially with any provision of this chapter or a rule, regulation, guideline, or procedure issued under this chapter, or an application submitted in accordance with this chapter or the provisions of any other applicable law, the Director shall--

- (1) terminate payments to such State;
- (2) suspend payments to such State until the Director is satisfied that such noncompliance has ended; or
- (3) take such other action as the Director deems appropriate.

(g) Report. The Director shall, on December 31, 1990, and on June 30 every two years thereafter, report to the President and to the Congress on the revenue derived from each source described in section 1402 [42 USCS § 10601] and on the effectiveness of the activities supported under this chapter. The Director may include in such report recommendations for legislation to improve this chapter.

(h) Maintenance of effort. Each entity receiving sums made available under this Act for administrative purposes shall certify that such sums will not be used to supplant State or local funds, but will be used to increase the amount of such funds that would, in the absence of Federal funds, be made available for these purposes.

HISTORY:

(Oct. 12, 1984, P.L. 98-473, Title II, Ch XIV, § 1407, 98 Stat. 2176; Nov. 10, 1986, P.L. 99-646, § 48, 100 Stat. 3605; Nov. 18, 1988, P.L. 100-690, Title VII, Subtitle D, § 7123(b)(10)-(14), 102 Stat. 4421; Sept. 13, 1994, P.L. 103-322, Title XXIII, Subtitle B, §§ 230206, 230207, 108 Stat. 2080; Oct. 11, 1996, P.L. 104-294, Title VI, § 604(b)(9), 110 Stat. 3507.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

References in text:

"This chapter", referred to in this section, is Chapter XIV of Title II of Act Oct. 12, 1984, P.L. 98-473, 98 Stat. 2170, which appears generally as *42 USCS §§ 10601 et seq.* For full classification of this chapter, consult USCS Tables volumes.

Effective date of section:

Act Oct. 12, 1984, P.L. 98-473, Title II, CH XIV, § 1409(b), 98 Stat. 2178, which appears as *42 USCS § 10601* note, provides that this section shall take effect Oct. 1, 1984.

Amendments:

1986. Act Nov. 10, 1986 redesignated subsec. (h) as subsec. (g), and in subsec. (g) as so redesignated, substituted "1302" for "1402".

1988. Act Nov. 18, 1988 (applicable as provided by § 7129 of such Act, which appears as *42 USCS § 10601* note), in subsec. (a), substituted "Director" for "Attorney General" in two places and deleted "and may delegate to any officer or employee of the Department of Justice any such function as the Attorney General deems appropriate" following "chapter"; in subsec. (b), substituted "Director" for "Attorney General"; in subsec. (c), substituted "Director" for "Attorney General or any duly authorized representative of the Attorney General"; in subsec. (f), substituted "Director" for "Attorney General" wherever appearing; and, in subsec. (g), substituted "Director" for "Attorney General" in two places and substituted "on December 31, 1990, and on December 31 every 2 years thereafter" for "no later than December 31, 1987".

1994. Act Sept. 13, 1994, as amended by Act Oct. 11, 1996 (effective 9/13/94 pursuant to § 604(d) of such Act, which appears as *18 USCS § 13* note), in subsec. (g), substituted "and on June 30 every two years thereafter" for "and on December 31 every 2 years thereafter".

Such Act further added subsec. (h).

1996. Act Oct. 11, 1996 (effective 9/13/94 pursuant to § 604(d) of such Act, which appears as *18 USCS § 13* note) amended the directory language of the Act Sept. 13, 1994 without affecting the text of this section.

Other provisions:

Reports on fines. Act Oct. 11, 1996, P.L. 104-294, Title I, § 101(c), 110 Stat. 3491, provides: "Not later than 2 years and 4 years after the date of the enactment of this Act, the Attorney General shall report to Congress on the amounts received and distributed from fines for offenses under this chapter [probably *18 USCS §§ 1831 et seq.*] deposited in the Crime Victims Fund established by section 1402 of the Victims of Crime Act of 1984 (*42 U.S.C. 10601*).".

NOTES:

Code of Federal Regulations:

Department of Justice--Equal treatment for faith-based organizations, *28 CFR 38.1 et seq.*

Department of Justice--Crime victim services, *28 CFR 94.11 et seq.*