Other Responsibility Matters; Drug-Free Workplace Requirements; Civil Rights Compliance, and any other certifications required by OJP and OVC. Additionally, States must complete a disclosure form specifying any lobbying activities that are conducted.

3. Submit a Crime Victim Compensation Eligible State Payments Certification Form which is furnished by OVC.

The amount certified on this Form is used by OVC to determine the annual Federal grant award to each eligible State in the following year. This form must be completed and signed by the authorized individual within the agency designated by the Governor to administer the VOCA crime victims compensation grant. For Further information concerning the State certification, see the Program Requirements section.

- 4. Submit the following assurances and information:
- a. An assurance that the program will comply with all applicable nondiscrimination requirements;
- b. An assurance that in the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing, on the grounds of race, color, religion, national origin, sex, or disability against the program, the program will forward a copy of the finding to the Office of Justice Programs, Office for Civil Rights (OCR);
- c. The name of the civil rights contact person who has lead responsibility in ensuring that all applicable civil rights requirements are met and who shall act as liaison in civil rights matters with OCR;
- d. An assurance that programs will maintain information on crime victims receiving services by race, national origin, sex, age, and disabilities, where such information is voluntarily furnished by claimants. A State may, at its discretion, use the following language when soliciting claimant responses: "The submission of information regarding race/ethnic background or disabilities is strictly voluntary. A decision to not supply this information will not affect your eligibility for compensation benefits without this information. However, this information is important. We use it to study the extent to which members of minorities and persons with disabilities are recipients of compensation benefits and to determine the extent to which outreach efforts should be enhanced to ensure access and services to these populations.'

Program Requirements

A. State Eligibility Criteria

The fundamental criteria for eligibility is the grantee must be an operational State-administered crime victim compensation program. The term "State" includes the District of Columbia, the Virgin Islands, and any other possession or territory of the United States. Although an authorized program that has not actually paid out compensation benefits would be technically eligible under Section 1403(b)(1) of VOCA, the program would not be entitled to a VOCA grant because it had not awarded any benefits that could be matched under Section 1403(a)(1). VOCA compensation grant funds may not be used as "start-up" funds for a new State program.

Section 1403 of VOCA prescribes the conditions and eligibility criteria related to crime victim compensation grants. In order for a State to meet or maintain eligibility for a crime victims compensation grant, it must satisfy the following eligibility requirements:

1. The program must be operated by a State and offer compensation to victims and survivors of victims of "compensable crimes," including drunk driving and domestic violence. The term "compensable crime" means a crime, the victims of which are eligible for compensation under the State's eligible crime victim compensation program statute or rule. The range of expenses for which States may award crime victims compensation varies nationwide, although all States must award compensation for medical expenses, including mental health counseling and care; loss of wages; and funeral expenses.

2. The program must promote victim cooperation with the reasonable requests of law enforcement authorities. The States may impose such reasonable requirements as they see fit to promote this cooperation and to verify that a crime has occurred. Encouraging victims to cooperate with law enforcement and to report the crime is important to the effective functioning of the criminal justice system and to preventing further victimizations.

In assessing a victim's cooperation with law enforcement, State crime victim compensation programs are encouraged to consider carefully any compelling health or safety reasons that may influence the extent of victim cooperation with law enforcement. Such considerations might include concerns regarding personal safety and retaliation, as well as threats or intimidation of the victim by the offender or others.

3. The State must certify that grants received under this section will not be used to supplant State funds otherwise available to provide crime victim compensation or to administer the state crime victim compensation program.

The nonsupplantation provision is intended to assure that States use VOCA funds to augment, not replace, otherwise available State funding for crime victim compensation. More specifically, the States may not decrease their financial commitment to crime victim compensation solely because they are receiving VOCA funds for the same purpose.

4. The State, as to compensable crimes occurring within the State, must make compensation awards to victims who are non-residents of the State on the basis of the same criteria used to make awards to victims who are residents of such State.

This provision is intended to ensure that non-residents of a State, who are victimized in a State that has an eligible compensation program, are provided the opportunity to apply for and receive the same compensation benefits that are available to residents of the State. The provision of reciprocal agreements with certain other States or foreign countries will not suffice to meet this criteria. Eligibility for VOCA funds requires the State program to extend its coverage to all non-residents victimized in the State. Note: For the purposes of this provision, the term "non-resident" must, at a minimum, include anyone who is a resident in one State but victimized in another. A State may, at its discretion, broaden its definition of non-resident to include anyone victimized in the State regardless of whether the victim is a United States citizen.

5. The State must provide compensation to victims of Federal crimes occurring within the State on the same basis that such program provides compensation to victims of State crimes.

For example, a victim of a rape, occurring on a Federal installation or Indian reservation inside the State, must be afforded the same benefits that would be available to the victim if the rape were classified as a crime against the State. This provision is intended to cover those individuals victimized on military installations, national parks and highways, Native American reservations, and under other circumstances where Federal jurisdiction exists since there is no Federal compensation program which provides benefits to victims covered under Federal jurisdiction.

6. The State must provide compensation to residents of the State who are victims of crimes occurring