

Crime Victims Fund Preservation Act of 2009

S. 1340 and H.R. 3402

S. 1340, introduced by Senators Patrick Leahy and Mike Crapo, and **H.R. 3402**, introduced by Representatives Ted Poe and Jim Costa, are bipartisan companion bills that establish a minimum funding level for VOCA programs for fiscal years through 2014. The minimum VOCA caps in the bills will ensure a reasonable growth in victim programs without jeopardizing the long-term sustainability of the Crime Victims Fund.

The Crime Victims Fund is a special account dedicated solely to supporting services to help crime victims. The money comes *entirely* from fines and other penalties paid by federal criminal offenders, **not from taxpayers**. Until 2000, all amounts deposited into Fund were distributed the following year according to a statutory formula. Because of large fluctuations in Fund deposits, Congress began delaying (capping) annual obligations from the Fund; this resulted in a balance (“rainy day reserve”) being retained in the Fund to ensure stable funding for victim services in future years.

The annual VOCA cap has varied from year to year. Because of VOCA’s allocation formula, grants for state victim assistance programs (that supports more than 4,000 local agencies that provide services to 4 million crime victims every year) are dependent on the size of the cap, and increases in the amount used for other VOCA funded program areas. Because the cap has not kept pace with these costs, funding for state victim assistance grants had been cut by \$87 million (22 percent). During this same period, the Fund balance actually increased from \$1.3 billion to \$2 billion. Fortunately, these cuts were restored by the combination of the 2009 Omnibus Appropriations Act and one-time Recovery Act funds.

Meanwhile, as the Fund’s rainy day reserve continues to grow to unprecedented levels, victim programs’ capacity to provide essential assistance to crime victims has eroded in the face of reduced overall funding and constantly growing unmet needs. According to the U.S. Justice Department, 336,000 fewer crime victims received VOCA assistance services in 2008 than during the previous year. The National Census of Domestic Violence Services reports that, on one day in 2008, nearly 61,000 adults

and children sought support from local domestic violence programs. But on that same day, almost 9000 requests were unmet due to lack of resources.

S. 1340 and H.R. 3402 address these issues by establishing minimum caps on the Fund though fiscal year 2014. In so doing, the bill steadily draws down a portion of the accumulated Fund balance to be used exclusively for victim services as intended by Congress. The total amount to be released will ensure a steady, predictable and manageable growth to meet ongoing crime victims’ needs.

Under the bills, the minimum funding level for 2010 will be \$705 million and then increase by 23 percent through 2014 by amending the VOCA statute (42 U.S.C. 10601) to provide the following minimum cap amounts:

- (a) \$705,000,000 for fiscal year 2010;
- (b) \$867,150,000 for fiscal year 2011;
- (c) \$1,066,594,500 for fiscal year 2012;
- (d) \$1,311,911,235 for fiscal year 2013; and
- (e) \$1,613,650,819 for fiscal year 2014.

These funds will be allocated according to the current VOCA statute to support Children’s Justice Act grants, set-asides for the U.S. Attorneys victim/witness coordinators, FBI victim assistance specialists, federal victim notification system, OVC discretionary grants for training, technical assistance and services for victims of federal crimes, state crime victim compensation grants and state victim assistance grants.

Based on currently known future Fund deposits, it is projected that even with these minimum caps, the Fund will have a balance of at least \$800 million at the end of 2014, thus ensuring the Funds sustainability without the need for other revenue sources. (See “Analysis of Crime Victims Fund Condition.”)

Crime victims continue to desperately need critical services. S. 1340 and H.R. 3402 will help meet these needs, without taxpayer funds, and as Congress intended.

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Fact Sheet

- The Crime Victims Fund is a special account made up entirely of fines and other penalties paid by convicted federal offenders and dedicated exclusively to a variety of services to help crime victims; **there are no taxpayer dollars** in the Fund.
- Grants to state VOCA victim assistance programs fund services to more than 4 million victims of all types of crimes, including, among others, domestic violence, sexual assault, child abuse, survivors of homicide victim, drunk driving crashes, stalking, identity theft, and elder abuse.
- Because of fluctuations in Fund deposits, Congress limits or “caps” annual obligations from the Fund, resulting in an accumulated “rainy day” balance to ensure stable funding for victim services.
- Because the VOCA cap did not keep pace with the costs of programs, state crime victim assistance grants were cut by \$87 million (22 percent) from 2006 to 2008.
- During this same period, however, the Fund’s “rainy day” balance increased by more than \$700 million — from \$1.3 billion in 2006 to \$2 billion in 2008. Based on criminal fines that federal courts have already imposed but not yet collected, the balance is projected to grow even more through 2014.
- **Crime victims’ needs continue to increase.** Although these prior cuts were restored by a combination of the 2009 Appropriations Act and the economic recovery act, the need to support crime victim services continue to increase. Examples:
 - According to U.S. Department of Justice Office for Victims of Crime, 366,000 *fewer* crime victims received VOCA funded victim assistance services in 2008 than in 2007.
 - The National Census of Domestic Violence Services reports that, on one day in 2008, nearly 61,000 adults and children sought support from local domestic violence programs. But on that same day, almost 9,000 requests were unmet due to lack of resources.
 - Calls to the National Crime Victim Hotline operated by the National Center for Victims of Crime have increased, especially for victims of a variety of frauds, such as work at home, secret shopper and investment schemes, mortgage and construction fraud.
- **S. 1340 (introduced by Senators Patrick Leahy and Mike Crapo) and H.R. 3402 (introduced by Representatives Ted Poe and Jim Costa) are essential to preserving the Fund and meeting victims’ needs.** These bills will statutorily establish a minimum annual cap on VOCA through 2014. The caps will increase the VOCA cap by 23 percent each year yet leave a balance of at least \$800 million, enough to ensure the Fund’s sustainability.
- The bills will provide a steady, reasonable and predictable growth in victim services through 2014 without jeopardizing the Fund’s ability to continue supporting victim services.