



January 18, 2017

The Honorable Scott Perry  
1207 Longworth House Office Building  
Washington, DC 20515

The Honorable Brendan Boyle  
1133 Longworth House Office Building  
Washington, DC 20515

SENT VIA FAX

Dear Representatives Perry and Boyle,

The National Association of VOCA Assistance Administrators (NAVAA) represents the 56 state and territorial jurisdictions that are charged with the responsibility of managing Victims of Crime Act (VOCA) victim assistance formula grants. State VOCA assistance funds are passed through to some four thousand plus local direct victim service agencies that every year provides critical assistance to millions of victims of domestic violence, child abuse, sexual assault, drunken driving crashes, survivors of homicide victims and, indeed, victims of all types of crimes.

We are writing to support HR 275 which you have introduced to establish a minimum annual limit on obligations from the Crime Victims Fund based on the 3-year average Fund deposits in order to ensure adequate and sustainable funding levels for programs authorized under the VOCA statute.

The Crime Victims Fund was created as a mandatory spending program meaning that all deposits into the Fund are to be distributed the following fiscal year pursuant to the VOCA statute. In FY 2000, however, Congress began delaying the obligation of a portion of the previous year's deposits above a certain amount (the "cap") in order "to ensure that a stable source of funds will remain available for the [VOCA] program." Over the following 14 years, despite the fact that deposits into the Fund reached historic levels, state VOCA assistance grants increased so gradually that they failed to even keep pace with relatively modest rates of inflation, resulting in serious shortcomings in the nation's ability to meet essential crime victims' needs. The National Network to End Domestic Violence, for example, annually reported significant and growing discrepancies between the capacity of emergency shelters and requests for services. State VOCA assistance administrators, the thousands of victim service providers as well as the millions of crime victims who are helped by VOCA-supported programs were therefore extremely grateful that Congress saw fit to triple the annual VOCA cap in FY 2015.

Thanks to the cap increase, state VOCA victim assistance grants for FY 2015 and FY 2016 quadrupled compared to the FY 2014 grants. Under the VOCA statute, grantees have the year of the award plus three years to obligate and expend each year's grant. State VOCA assistance administrators manage these grants so as to ensure, as much as possible, a stable and sustainable level of support for local service providers by spreading out each federal grant to cover a period of several years. Having reasonably accurate projections of future funding levels is a crucial factor in responsible and effective long-term VOCA grant management.

By establishing a minimum annual VOCA cap based upon the 3-year average of Fund deposits, HR 275 not only sustains the current level of support but also provides greater stability and predictability about subsequent years' funding.

We are, however, concerned about another issue now affecting the Crime Victims Fund that we believe can and should be addressed in HR 275. The Fund was created over thirty years ago based on recommendations of President Reagan's *Task Force on Victims of Crime* as a non-taxpayer funded revenue source for formula grants to states for state crime victim compensation programs and victim assistance programs as authorized under the Victims of Crime Act (VOCA). Those were the only two programs originally supported by the Crime Victims Fund. Although the Fund now supports several other victim-related programs, including those that assist victims involved in the Federal criminal justice system and victims of domestic or international terrorism or mass violence emergencies, these new uses have all been enacted through amendment of the underlying VOCA authorizing statute. This approach, rather than ad hoc changes made outside the VOCA statute, makes sense since it enables Congress to consider the impact that diverting the Fund would have on VOCA-authorized programs, including principally, state VOCA assistance grants. Indeed, the Crime Victims Fund is often called the "VOCA fund" because it has always been understood that the Fund is meant to be used exclusively to support those programs and activities explicitly authorized under the VOCA statute.

Recently, however, the Fund has been used to subsidize programs that are not specifically authorized by the VOCA statute by simply transferring amounts out of the Fund. Recent appropriations bills, for example, transferred significant Fund amounts for VAWA programs and the DOJ Inspector General's Office. Having now opened this door, other proposals have been made that would tap the Fund to support other non-VOCA authorized and even some non-victim related activities.

As noted above, when Congress created the Crime Victims Fund as a mandatory spending program, it intended this potentially substantial Fund to be a self-supporting source for only those victim-related programs specifically authorized under the VOCA statute. Thus, the use of these "backdoor" carve outs violate the express statutory provision that "sums deposited in the Fund shall remain in the Fund for expenditure under this chapter for grants under this chapter without fiscal year limitation" (42 U.S.C. 10602(c)). They are also inconsistent with HR 275's findings that conclude: "Federal law provides that funds deposited into the Crime Victims Fund shall be used to provide services to victims of crime in accordance with the Victims of Crime Act of 1984." Allowing the Fund to be used for purposes not authorized under the VOCA statute creates a tempting opportunity to transform the Crime Victims Fund into a sizable revenue source for virtually any program.

We therefore very strongly urge you to extend HR 275's scope to also apply to proposals that would use the Crime Victims Fund for purposes not explicitly authorized under the VOCA statute. This can be easily accomplished by inserting "or for any purpose other than a purpose expressly authorized under the Victims of Crime Act of 1984 (42 U.S.C. 10601 et. seq.)" after "the 3-year average amount" at appropriate places in the bill.

Thank you for your support of the Crime Victims Fund and your commitment to helping crime victims.

Sincerely,



Steve Derene  
Executive Director  
608-233-2245

cc: Rep. Ted Poe  
Rep. Jim Costa