



August 17, 2009

The Honorable Patrick Leahy
Chair, Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, DC 20510-4502

The Honorable Jeff Sessions
Ranking Member, Committee on the Judiciary
United States Senate
335 Russell Senate Office Building
Washington, DC 20510-0104

SENT VIA FAX

Dear Chairman Leahy and Ranking Member Sessions:

We are writing to express our support for S. 1340, "The Crime Victims Fund Preservation Act," introduced by Senators Patrick Leahy and Michael Crapo. As representatives of national and state victim advocacy, criminal justice and other groups that support services for victims of all types of crimes, we strongly endorse S. 1340 and hope you will act positively and expeditiously to enact this important legislation which will establish in statute a minimum cap on the distribution of the Crime Victims Fund for fiscal years 2010 through 2014.

The Victims of Crime Act (VOCA) created the Crime Victims Fund as an important source of non-taxpayer revenues exclusively to support a wide variety of services for crime victims. All of the revenues in the Fund come from the payment of criminal fines and other penalties paid by federal criminal offenders. Prior to 2000, all monies deposited into the Fund were distributed the following year. In 2000, because of wide fluctuations in Fund deposits, Congress began delaying (or "capping") the amount of the Fund that could be used to support these services. Congress has repeatedly said that it did this in order to ensure "a stable source of funding" for these programs. However, despite unprecedented deposits into the Fund, the annual cap did not keep pace with the addition of new programs, earmarks and set-asides supported by the Fund and growth in other VOCA programs. As a result the funds available to support state victim assistance programs – the domestic violence shelters, rape crisis centers, child abuse treatment programs, support groups for survivors of homicide victims and drunk driving and other direct providers that serve some 4 million crime victims every year – declined by \$87 million between 2006 and 2008.

Through the FY 2009 appropriations and one-time Recovery Act funds, VOCA funding for state assistance programs were restored to the 2006 levels, including inflation. However, as you well know, restoration of funding to the same level it was four years ago hardly meets the ever-growing needs for victim services. We know, for example, that according to a 24-hour census conducted by the National Network to End Domestic Violence, some 9,000 requests for shelter and other services on just one day were unmet because of "a critical shortage of funds and staff." The National Crime Victims Helpline reports a 25 percent increase in calls and the National Domestic Violence Hotline reported a similar increase.

As a result of the VOCA cap and some extraordinarily large criminal fines, the amount retained in the Crime Victims Fund (the "rainy day balance") will continue to accumulate. Based on already published judgments in federal criminal cases, a minimum of \$2.4 billion in additional criminal fines will be deposited into the Fund between 2009 and 2014. Thus, even under S. 1340 there will be a huge Fund balance carried over each year, thereby ensuring the Fund's sustainability.

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Consistent with Congress' express intent that the Crime Victims Fund be used only to support victim services, Senators Leahy and Crapo introduced S. 1340 to draw down these funds to be used as provided for in the VOCA statute. Under the bill, the VOCA statute would establish a minimum cap for fiscal years 2010 through 2014; the 2010 cap would be \$705 million (a \$70 million increase over the FY 2009 cap) and then increase by 23 percent each year through 2014. As a result, the VOCA cap will exceed \$1.6 billion in 2014 without jeopardizing the Fund. As Senator Crapo has noted, "these resources [should] go to the people for which they were originally intended. Unfortunately, victims of violence nationwide remain significantly underserved. Congress needs to honor the commitment it made to these victims 25 years ago."

We believe that drawing down the Fund balance is essential to meeting the ever-growing needs to assist crime victims' recovery and will help protect against future attempts to rescind the Fund balance.

We strongly concur with Senator Leahy that "This legislation will help ensure sufficient, stable and predictable resources for victims of crime and their families, and will allow victim service providers to plan ahead in order to maximize these resources. ... This legislation will build upon Congress's strong support for victims of crime by improving the mechanism through which funding is distributed to victim service providers throughout the States."

We urge the Judiciary Committee and the entire Congress to move expeditiously to enact S. 1340 and provide critically needed resources to help victims of crime.

For more information, please contact Steve Derene, National Association of VOCA Assistance Administrators, steve@navaa.org, (608) 233-2245 or Susan Howley, National Center for Victims of Crime, showley@ncvc.org, (202) 467-8722.

Sincerely,

National Association of VOCA Assistance Administrators
National Center for Victims of Crime
American Probation and Parole Association
American Society of Victimology
Arizona Voice for Crime Victims
Association of Prosecuting Attorneys
Association of VAWA Administrators
Break the Cycle
Casa de Esperanza
CASA of New Jersey
Coalition of Pennsylvania Crime Victim Organizations (COPCVO)
Colorado Organization for Victim Assistance
Family Violence Prevention Fund
International Organization for Victim Assistance
Jewish Women International
Justice Solutions, Inc.
Maryland Crime Victims Resource Center
Mothers Against Drunk Driving
National Alliance to End Sexual Violence
National Association of Crime Victim Compensation Boards

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National Association of Victim Service Professionals in Corrections (NAVSPIC)
National CASA Association
National Coalition Against Domestic Violence
National Congress of American Indians Task Force on Violence Against Women
National Council of Jewish Women
National Crime Victim Research and Treatment Center
National Crime Victims Law Institute
National Criminal Justice Association
National District Attorneys' Association
National Judicial College
National Network to End Domestic Violence
National Organization for Victim Assistance
National Organization of Parents of Murdered Children
SafeNOW Project
Security on Campus, Inc.
Stop Family Violence
Texas CASA
The National Coalition of Victims In Action (NCVIA)
The National Organization of Sisters of Color Ending Sexual Assault (SCESA)
The Renée Olubunmi Rondeau Peace Foundation (RORPF)
The Wellstone Institute
Victims' Assistance Legal Organization (VALOR)
Wisconsin CASA Association
YWCA USA

cc: Members of Senate Committee on the Judiciary
Hon. Mike Crapo