

United States Senate

WASHINGTON, DC 20510

April 4, 2008

The Honorable Barbara A. Mikulski, Chairwoman
The Honorable Richard C. Shelby, Ranking Member
Subcommittee on Commerce, Justice and Science
Committee on Appropriations
United States Senate
Washington, D.C. 20510

Dear Chairwoman Mikulski and Ranking Member Shelby:

As you begin your work on the Subcommittee's appropriations for Fiscal Year (FY) 2009, we respectfully request that you oppose proposals to rescind all amounts remaining in the Crime Victims Fund ("the Fund") at the end of FY 2009, and permit those amounts to remain in the fund for use as authorized by the Victims of Crime Act (VOCA), Public Law 98-473.

Since its enactment more than twenty years ago, VOCA has been the principal means by which the Federal government has supported essential services for crime victims. VOCA created the Fund so that fines, forfeitures, and assessments paid by Federal criminal offenders – *not taxpayers* – generate the revenue used for grants to state crime victim compensation programs, direct victim assistance services and services to victims of Federal crimes.

More than 4,400 agencies nationwide provide critical services to nearly four million victims of domestic violence, sexual assault, child abuse, drunk driving, elder abuse and all other types of crime annually. These agencies rely upon VOCA grants to aid victims in paying for medical care, mental health counseling, lost wages and support, and funeral and burial costs through state crime victim compensation programs that supplement state-funded benefits with VOCA grants. These services are essential to numerous victims' assistance programs in every state. Every state has programs that would be affected or discontinued if this rescission is allowed to stand.

Despite Congress' intention to retain all deposits in the Fund for victim services, the Administration's FY 2009 budget proposal would rescind an estimated \$2.024 billion from the Fund. Consequently, the Fund would be empty at the start of FY 2010, meaning these dedicated revenues would no longer be available to allocate VOCA grants according to the statutory formula, thereby jeopardizing the ability of these programs to continue serving crime victims. This year, the Administration wants to transform the Crime Victims Fund from a statutorily dedicated "separate account" into a conduit for the General Treasury. The Administration is requesting that Congress appropriate taxpayer funds that could be offset by Crime Victims Fund deposits. This approach undermines the very nature and integrity of the Crime Victims Fund. In recommending the creation of the Fund, President Reagan's *Task Force on Victims of Crime* explained:

Not only is it appropriate that these monies collected as a result of criminal activity be used to help victims, but this method of funding also ensures a program that is both administratively efficient and self-sufficient, requiring no funding from tax revenues.

It is important to note that, in three out of the past nine years, Fund deposits were less than annual spending. Thus, under the Administration's proposal taxpayer funds will likely be needed to replace at least a portion of already collected offender revenues.

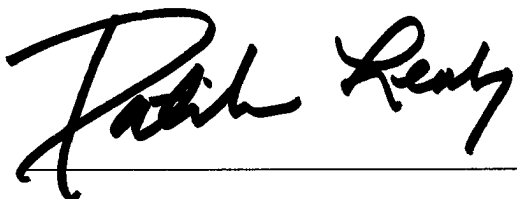
We thank you for protecting the Fund in previous years and urge you to take further actions to support victims. Unfortunately, an inadequate cap has caused stat VOCA assistance grants to be continually cut since FY 2006. In order to simply return funding for these programs back to the FY 2006 level, we urge the Committee to set the FY 2009 VOCA cap at \$770 million. This step, supported by 44 national victim advocacy and criminal justice organizations, will provide the needed resources to meet the ongoing needs of crime victims without jeopardizing future stable funding at recent levels.

Finally, the Administration has indicated that its requested FY 2009 VOCA cap of \$590 million **includes** up to \$50 million set aside for use as an Antiterrorism Emergency Reserve (AER). Congress established the AER as a separate portion of the Fund in addition to the annual cap to avoid reducing the amount otherwise available for state victim assistance grants. Despite the VOCA statute, clear Congressional intent and previous Justice Department practice, the Administration now intends to take the AER **from under the cap** thereby effectively reducing the money available for victims by \$50 million. We urge the Committee to reiterate that amounts used for the AER shall be **in addition** to the cap. Doing this would lower the cap needed to restore VOCA assistance grants from \$770 million to \$717 million.

We bear a responsibility to victims of crime. It is appropriate and just that revenues from convicted criminals be used to support vital victim services. It is entirely inappropriate to expunge this money from the Fund and transfer it into the pot of appropriated taxpayer dollars. We firmly reject this proposal by the Administration and hope that the Senate Commerce, Justice and Science Appropriations Subcommittee will also reject this rescission, which goes against the spirit and intent of the original legislation and subsequent amendments.

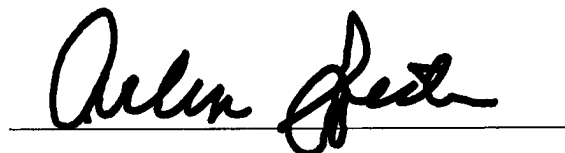
Thank you for your leadership in this critical area and for your consideration of this request.

Sincerely,









Jim Rubin

Chuck Grassley

Norm Feingold

Hedrick Kohl

Robert Menendez

Frank R. Lautenberg

Ed Johnson

Al Franken

John Reed

Ben Cardin

Marco Poyser

Hillary Rodham Clinton

Chris Coons

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