



October 19, 2020

Honorable Nancy Pelosi  
Speaker  
House of Representatives  
Washington, DC 20515

Honorable Mitch McConnell  
Majority Leader  
United States Senate  
Washington, DC 20510

Honorable Kevin McCarthy  
Minority Leader  
House of Representatives  
Washington, DC 20515

Honorable Chuck Schumer  
Minority Leader  
United States Senate  
Washington, DC 20510

Honorable Jerrold Nadler  
Chair  
House Judiciary Committee  
2138 Rayburn House Office Building  
Washington, DC 20515

Honorable Jim Jordan  
Ranking Member  
House Judiciary Committee  
2056 Rayburn House Office Building  
Washington, DC 20515

Honorable Lindsey Graham  
Chair  
Senate Judiciary Committee  
290 Russell Senate Office Building  
Washington, DC 20510

Honorable Dianne Feinstein  
Ranking Member  
Senate Judiciary Committee  
331 Hart Senate Office Building  
Washington, DC 20510

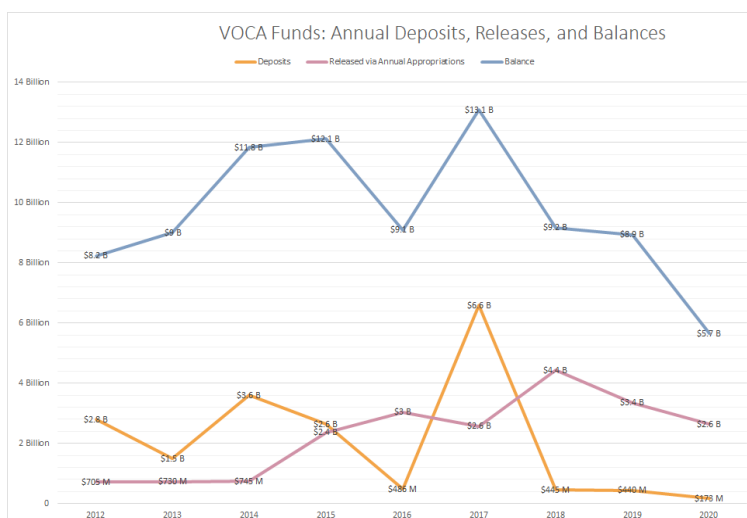
Dear Speaker Pelosi, Majority Leader McConnell, Minority Leader McCarthy, Minority Leader Schumer, Chairman Nadler, Ranking Member Jordan, Chairman Graham, and Ranking Member Feinstein:

**We, the undersigned organizations representing thousands of victim service providers, prosecutors, and state VOCA administration and compensation agencies, as well as millions of survivors of crime, call on Congress to take immediate action to prevent expected catastrophic cuts to Victims of Crime Act (“VOCA”) grants. VOCA grants are the primary source of federal funding for thousands of victim service providers across the nation, including programs serving victims of domestic violence, sexual assault, child abuse, trafficking, and drunk driving. VOCA grants also fund victim compensation, which helps**

survivors pay medical bills, makes up for missed wages, and, in the most severe cases, helps pay for funeral costs. VOCA grants are *not* taxpayer-funded. Instead, they are paid for out of the Crime Victims Fund (“CVF” or “the Fund”), which comprises federal criminal monetary penalties. Every year, appropriators decide how much to release from the CVF. Most of the disbursement is distributed by the Office for Victims of Crime (“OVC”) via formula grant to victim service providers, with some of the disbursement also reimbursing state compensation programs.

In Fiscal Year 2020, the VOCA disbursement - and thus the funding available for victim service providers - decreased by 25%, and victim service providers have been told to expect further, potentially catastrophic cuts. Such cuts to programs that already struggle to serve every survivor who walks through their doors would mean that hundreds of thousands of Americans would be unable to access lifesaving services every year, programs would be forced to close, and tens of thousands of advocates could lose their jobs during a time of extremely high unemployment. This would also coincide with continued increased need, particularly for African-American communities that have been disproportionately impacted, for services resulting from the COVID-19 pandemic and reduced state and local funding.

The past and expected future cuts to VOCA grants are the result of concerningly low deposits into the Fund (see chart below). As Appropriators wrote in 2019, “The Committee is concerned . . . by the historically low receipts deposited in the CVF, and in turn, the decrease in resources available for OVC’s disbursement of CVF funded grants and cooperative agreements.”<sup>1</sup> As the size of the Fund dwindles, less money is available to be disbursed to the states in the form of grants. Instead of prosecuting federal crimes, particularly white collar crimes, the Department of Justice is increasingly relying on non-prosecution and deferred-prosecution agreements. If these cases had been prosecuted, the monetary penalties would have been deposited into the Fund. Instead, the money that would otherwise go to serve victims is being deposited into the General Treasury.



State victim compensation funds are facing a somewhat analogous challenge, because they are primarily funded through state criminal monetary penalties. We support the use of alternatives

<sup>1</sup> Senate committee report, *Department of Commerce, Justice, Science and Related Agencies Appropriations Bill, 2020, (to Accompany S.2584)*.

to the criminal system while understanding the burden that the resulting decreased revenue puts on state victim compensation funds. Compensation funds in many states are running dry and are unable to help survivors pay for medical bills, counseling, lost wages, and even funeral costs. Moreover, the onset of the COVID-19 pandemic has delayed many prosecutions, resulting in even less income for the state compensation funds. The federal government's reimbursement to a state victim compensation program is based on the size of the state's payments to victims from these dwindling state funds, and thus they are also receiving less support from the federal government, while the need for these funds continue to mount. Additionally, requirements that survivors engage with the criminal justice system limit the reach of victim compensation.

**The undersigned organizations propose the following measures, which are also being promoted by the 56 State and Territorial Attorneys Generals (see August 26 [letter](#) to Congress):**

- Redirect monetary penalties from federal deferred prosecution and non-prosecution agreements that would otherwise be deposited into the General Treasury into the Crime Victims Fund;
- Increase the federal reimbursement to victim compensation programs from the current 60% to 75%; and
- Allow states to request a one-year no-cost extension from the Attorney General, as allowed for other Department of Justice formula grant programs, to ensure states can thoughtfully and effectively distribute victim service grants without being penalized.

**We also ask that Congress:**

- Require the Office for Victims of Crime to waive the 20% match requirement for victim service subgrantees for the pendency of the COVID-19 crisis and one additional year;
- Allow state VOCA Administrators to waive subgrantee match requirements at their discretion after the aforementioned waiver expires and require state VOCA Administrators to develop and publish a policy and procedure for obtaining a waiver;
- Instruct OVC not to deduct restitution payments recovered by state victim compensation funds when calculating victim compensation awards; and
- Provide flexibility for state compensation programs to waive the requirement to promote victim cooperation with law enforcement if good cause is established by the program.

This is an urgent matter. Every day that passes without the fixes above is a day that money that, with these fixes, could be accruing into the CVF is not doing so - as much as \$2 billion annually. Survivors and the programs that serve them need renewed funding *now* to avoid catastrophic and dangerous cuts. Congress must act immediately to ensure the provisions proposed above are passed into law.

For more information, contact Denise Edwards ([dedwards@nca-online.org](mailto:dedwards@nca-online.org)), Rachel Graber ([rgrab@ncadv.org](mailto:rgrab@ncadv.org)), Terri Poore ([terri@endsexualviolence.org](mailto:terri@endsexualviolence.org)), Monica McLaughlin ([mmclaughlin@nnev.org](mailto:mmclaughlin@nnev.org)), Daisy Pagan ([daisy@navaa.org](mailto:daisy@navaa.org)), and Dan Eddy ([dan.eddy@nacvcb.org](mailto:dan.eddy@nacvcb.org)).

Respectfully,

Association of Prosecuting Attorneys

Casa de Esperanza: National Latin@ Network for Healthy Families and Communities

Futures Without Violence

National Alliance to End Sexual Assault

National Association of Crime Victim Compensation Boards

National Association of VOCA Assistance Administrators

National Children's Alliance

National Coalition Against Domestic Violence

National Criminal Justice Association

National District Attorneys Association

National Network to End Domestic Violence, membership organization of the 56 state as territorial domestic violence coalitions