United States Senate
WASHINGTON, DC 20510

April 25, 2005

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

Dear Chairman Shelby and Ranking Member Mikulski,

As you begin your work on the Subcommittee's appropriations for Fiscal Year (FY) 2006, we respectfully request that you oppose proposals to rescind all amounts remaining in the Crime Victims Fund ("the Fund") at the end of FY 2006, 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 Crime Victims 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.

In FY 2000, Congress began limiting the amount of Crime Victims Fund deposits that could be obligated each year. This was in response to fluctuations in Fund deposits in order to "ensure that a stable level of funding will remain available for these programs in future years." That same year, Congress amended the law to ensure all receipts remain in the Fund for obligation in future fiscal years. These steps created a balance in the Fund for use in years when deposits fell below the annual cap. These balances have been needed three times in the past six years to meet annual Fund obligations enabling VOCA to honor the pledge Congress made to sustain critical victim services. 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 2006 budget proposal would rescind an estimated $1.267 billion from the Fund. Consequently, the Fund would be empty at the start of FY 2007, meaning no funds would be available to allocate VOCA grants according the statutory formula, thereby jeopardizing the ability of these programs to continue serving crime victims.

Earlier this year, the Senate adopted an amendment to the FY 2006 Senate Budget Resolution supporting the retention of all amounts deposited into the Crime Victims for uses authorized under the VOCA statute. We urge you to refrain from adopting the rescission proposal and to continue the retention of all deposits in the Crime Victims Fund. Rescission of this vital funding source at the end of FY 2006 would create a disastrous situation for providers of victims' services.

We bear a responsibility to victims of crime. It is appropriate and just that compensation come from convicted criminals and provided to the victim. It is entirely inappropriate to expunge this money from the Crime Victims Fund and transfer it into the pot of appropriated taxpayer dollars. We firmly reject this proposal by the Administration and hope that you decide to 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,

Mike Crapo
Patrick Leahy
Jim F. Bunning
Joe Biden
Mark Pryor
George Allen
Susan Collins
Arlen Specter
Maria Cantwell
Jeff Bingaman
Ken Salazar
Jim Talent
Jon Kyl
John Cornyn

Dianne Feinstein

Herb Kohl

Dick Durbin

Chuck Grassley

Ted Kennedy

Carl Levin

Jim Jeffords

P. L. Chafee

Charles Schumer

Ron Wyden

Jack Reed

Debbie Stabenow

Chris Dodd

Daniel K. Inouye

Patty Murray