

Statement of

The Honorable Patrick Leahy

United States Senator
Vermont
October 22, 2009

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Chairman, Senate Judiciary Committee
Opening Statement
Executive Business Meeting
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This morning we have the opportunity to consider criminal justice initiatives that have been pending and have bipartisan support. At Senator Webb's request I have included his proposal to establish a criminal justice commission to make recommendations to us. With Senator Hatch and Senator Graham as cosponsors and Senator Specter and Senator Schumer as well as others, we should have a good discussion when we proceed to that. Today I hope that we will give approval to a bipartisan bill that Senator Crapo and I introduced that is cosponsored by Senators Klobuchar, Grassley, Kohl, Kyl, Schumer, Feinstein, Franken and Coburn to provide critical funding for direct services and compensation for victims of crime from the Crime Victims Fund.

I was honored to support the passage of the Victims of Crime Act of 1984 (VOCA), which has been the principal means by which the Federal Government has supported essential services for crime victims and their families. The Victims of Crime Act provides grants for direct services to victims, such as state crime victim compensation programs, emergency shelters, crisis intervention, counseling, and assistance in participating in the criminal justice system. These services are all financed by a reserve fund created from fines and penalties paid by Federal criminal offenders and at no cost to taxpayers.

A number of us have worked hard over the years to protect the Crime Victims Fund. State victim compensation and assistance programs serve nearly 4,000,000 crime victims each year, including victims of violent crime, domestic violence, sexual assault, child abuse, elder abuse, and drunk driving. The Crime Victims Fund makes these programs possible and has helped hundreds of thousands of victims of violent crime bravely move forward with their lives.

Several years ago, I worked to make sure that the Crime Victims Fund would be there in good times, and in bad. We made sure it had a "rainy day" capacity so that in lean years, victims and their advocates would not have to worry that the Fund would run out of money and that they would be left stranded. More recently, an annual cap has been set on the level of funding to be spent from the Fund in a given year, in part to help preserve adequate funds from year to year. Over the years I have worked with Senator Crapo, Senator Mikulski and others from both political parties to make sure that the Crime Victims Fund was preserved. And fortunately

Congress has consistently rejected efforts to rob crime victims of resources that are appropriately set aside to assist them and their families.

Unfortunately, the cap on the Fund has not always kept pace with the demand for compensation and services. From 2006 to 2008, VOCA victim assistance formula grants were cut by \$87 million or 22 percent. This reduction in funding, coupled with the current economic climate, was devastating to victim service providers who were forced to curtail services, lay off staff, and close their doors, jeopardizing the well-being and recovery of many crime victims. Fortunately, with Senator Mikulski as the chair of the appropriations subcommittee, the funding is being reset at a more appropriate level.

In addition, victim service professionals have seen a clear increase in victimization and victim need in the past year as job losses and economic stress translate into increased violence in the home and in our communities. The National Crime Victims Helpline reported a 25 percent increase in calls in recent months and the National Domestic Violence Hotline reported a similar increase. Local shelters and crisis lines are also reporting a rise in demand as the shortage of affordable housing and rising unemployment are increasing the time that victims stay in emergency shelters. The rising unemployment rate also means victims are less likely to have insurance to cover their crime-related expenses.

At a Judiciary Committee hearing I chaired in April on the Victims of Crime Act, witnesses testified that there has also been an increase in the variety of crimes being committed. The National Crime Victims Helpline has seen an increase in calls from fraud victims - people falling prey to "work at home" scams, secret shopper scams, investment scams, mortgage fraud, and construction fraud. Such victims are in desperate need of financial counseling and mental health counseling to overcome the stress and emotional impact of falling victim to these scams. Under Federal regulations, states may use compensation and victim assistance programs to aid financial crime victims, but services are not available. Victim service providers are reluctant to expand their outreach and services without assured increased funding, and there is already too much competition for the limited funds available. The National Census of Domestic Violence Services conducted last fall showed that in one day, nearly 9,000 victims were turned away from shelter, counseling, and other crucial services because local programs were unable to serve them.

The need for victim assistance and compensation has grown. The Crime Victims Fund can provide more help. Recent years have seen an increase in collections from criminal fines and penalties. Accordingly, Congress has the ability to provide stable and predictable growth without jeopardizing the sustainability of the Fund, and should do so through this legislation. The Crime Victims Fund Preservation Act would establish a minimum funding level for programs under VOCA to ensure reasonable and predictable growth in victim services through FY 2014. Providing a stable and predictable funding stream will enable states to expand their programs and outreach to the thousands of victims who have nowhere to turn. Again, I emphasize that it does not cost a dime of taxpayer funds but will come exclusively from Federal criminal fines and penalties.

I want to commend Senator Mikulski, the Chairwoman of the Commerce, Justice, and Science Appropriations Subcommittee, and Senator Shelby, the Ranking Member, for working with the President to provide \$100 million in the economic recovery package for crime victims. That

additional funding is sorely needed right now, and I know it was sincerely appreciated by victim service providers. Funding in the Omnibus Appropriations Act of 2009 together with the Recovery Act funds, restored funding to the 2006 level, adjusted for inflation. A 2010 cap on total VOCA obligations of \$705 million is expected to maintain the funding level for assistance grants provided in 2009 through the Recovery Act funding and annual appropriations. I believe that the certainty this legislation will provide will be helpful to the states, victim service providers, and the citizens they serve, and will help improve this vital program.

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