

United States Senate

WASHINGTON, DC 20510

June 3, 2020

Katharine Sullivan
Principal Deputy Assistant Attorney General
United States Department of Justice
810 7th Street NW
Washington, DC, 20001

Dear Principal Deputy Assistant Attorney General Sullivan:

We write today to inquire about the financial health of the Crime Victims Fund (CVF), authorized by the Victims of Crime Act in 1984. Since 1984, the CVF has provided critical support for crime survivors through services including medical care, mental-health counseling, lost wages, courtroom advocacy, temporary housing, and more. These services are essential to help victims survive the aftermath of crime.

The CVF is unique because deposits to the fund come from fines, special assessments, and other penalties paid by criminals convicted of federal crimes and do not come from taxpayers. This deposit system has led to strong financial health for the CVF during its existence. Yet it is our understanding that CVF deposits have decreased sharply in recent years, totaling \$6.584 billion in 2017, \$444.8 million in 2018, and \$495 million in 2019. The CVF carryover balance also decreased from \$13 billion in 2018 to \$9.1 billion in 2019.

These problematic trends for the financial health of the fund caused the Senate Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies to formally express concerns regarding decreased CVF deposits. In Senate Report 116-127 to S.2584, the subcommittee noted:

Crime Victims Fund Awareness.—The Committee appreciates the Department's efforts to combat and thwart criminal conduct through investigations by its law enforcement components, prosecutions by its litigating components, and rehabilitative efforts in the Bureau of Prisons. Additionally, the Committee supports the OVC for the work it does to provide support and resources to ease victim suffering. The Committee is concerned, however, 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.

The Committee does not believe this decrease in deposits is purposeful, but is concerned that the Department's litigating components may not be fully aware of the need for settlements that contemplate victims assistance payments and their corresponding deposit into the CVF. The Department's Justice Manual, and the settlement structure guidance provided therein, does not fully explain the need for or the benefits associated with victim assistance payments for crime victims. Accordingly, the Committee directs the Department to review and revise its on-boarding education materials and practices for new litigating attorneys to ensure a thorough explanation regarding victim assistance payments and their corresponding deposits into the CVF is included. The Committee further directs the Department to develop a plan for the distribution of this same information to litigating attorneys currently working within the Department to ensure they too are aware of this critical need. The Department shall report to the Committee within 60 days of enactment of this act on its efforts to increase Departmental awareness regarding its whole of justice approach for crime victims.

We emphasize the concerns of the subcommittee, and we would like to gather additional information on the health of the fund. Specifically, we would like to request the following information:

1. An analysis of causes for the trends in deposits and in the CVF balance for Fiscal Years 2017 through 2019;
2. A status report on DOJ's efforts to increase deposits into the CVF;
3. An analysis of whether policy changes by the Department are necessary to increase deposits into the CVF;
4. An accounting of monthly deposits into the Crime Victims Fund for Fiscal Years 2019 through March 2020.

In answering these questions, we respectfully request that you confer with the Department's litigation units as you see appropriate. Thank you for your work administering the programs and your support for victims of crime. We encourage you to continue to prioritize services and resources for victims of crime.

Sincerely,


Martha McSally
United States Senator


Charles E. Grassley
United States Senator


Mike Crapo
United States Senator


Thom Tillis
United States Senator

cc: Jessica Hart
Director
Office for Victims of Crime