

The Crime Victims Fund Stabilization Act of 2024

What is the Victims of Crime Act?

The Victims of Crime Act (VOCA) was signed into law in 1984 and created the Crime Victims Fund (CVF). The CVF comprises monetary penalties associated with federal criminal convictions and, since July of 2021, federal criminal deferred prosecution and non-prosecution agreements. VOCA is the primary source of federal grant funding for victim services, including services for survivors of domestic violence, child abuse, sexual assault, stalking, trafficking, attempted homicide, drunk/drug-impaired driving, and other crimes. It also matches 75% of eligible state victim compensation funding. Every year, Congress decides how much money to release from the CVF as part of the annual appropriations process. *VOCA is not funded by taxpayers.*

The problem

Deposits into the CVF fluctuate annually, depending on what cases the Department of Justice is bringing. Even taking into account natural fluctuations, deposits into the CVF have dropped dramatically since 2018. From 2008 to 2017, deposits averaged \$2.56 billion annually; from 2018 through 2023, annual deposits averaged only \$737 million. Consequently, the CVF has been depleted, resulting in a **\$630 million cut to victim services in FY24.**

The Crime Victims Fund Stabilization Act of 2024

In order to stabilize the balance of the CVF and prevent further cuts to VOCA grants, the bipartisan *Crime Victims Fund Stabilization Act of 2024* adds the False Claims Act to the sources of revenue deposited into the Crime Victims Fund. The Senate bill will also deposit monetary penalties from declinations of prosecution and similar final resolutions that involve monetary penalties but not convictions.

What is the False Claims Act?

The False Claims Act (FCA) “provides that any person who knowingly submits, or causes to submit, false claims to [or otherwise defrauds] the [federal] government is liable for three times the government’s damages plus a penalty that is linked to inflation.”¹ Because these are civil rather than criminal penalties, they are not currently deposited into the CVF. In Fiscal Year 2022, the Department of Justice obtained more than \$2.2 billion from FCA actions. Some of these receipts are transferred to the defrauded agencies to restore what was stolen, and some are paid to qui tam whistleblowers. But much of the receipts are unobligated.

How is the False Claims Act related to VOCA?

The VOCA statute already references the False Claims Act, allowing the Director to use False Claims Act funding to support victim services subject to appropriation.² Depositing FCA penalties directly into the CVF would ensure they are available for obligation for victim services.

Didn’t the VOCA Fix to Sustain the Crime Victims Fund Act address the CVF shortfall?

In July of 2021, Congress passed the *VOCA Fix to Sustain the Crime Victims Fund Act of 2021* to address declining deposits into the CVF. Prior to the *VOCA Fix*, only monetary penalties associated with federal criminal convictions were deposited into the CVF. The *VOCA Fix* added monetary penalties associated with deferred and non-prosecution agreements to the CVF. The

¹ <https://www.justice.gov/civil/false-claims-act>

² 34 USC § 20102

VOCA Fix helped, with monetary penalties associated with deferred- and non-prosecution agreements comprising more than 60% of deposits in Fiscal Year 2022 and 20% of deposits in Fiscal Year 2023,³ but it did not fully fix the issue. Based on historical trends, the VOCA Fix to Sustain the Crime Victims Fund Act ought to have addressed the low deposits. However, receipts from these sources are also far lower than the historical norm, and they have been insufficient to fully restore annual deposits.

Would this be using taxpayer money to fund VOCA?

No. The FCA is non-taxpayer money.

Will this change harm whistleblowers?

No! The *Crime Victims Fund Stabilization Act of 2024* explicitly provides that whistleblowers and federal agencies are paid first. Only the money left over after that happens and after other preexisting obligations are satisfied is deposited into the CVF.

Is this change permanent?

No. This change sunsets after five years, which will allow Congress to assess its impact and conduct oversight before renewing it.

Contact rgraber@jwi.org for more information.

³ <https://ovc.ojp.gov/about/crime-victims-fund/fy-2007-2023-cvf-annual-receipts.pdf>