

Congress of the United States
Washington, DC 20510

November 3, 2021

The Honorable Lawrence J. Hogan Jr.
Governor
State of Maryland
100 State Circle
Annapolis, Maryland 21401

Dear Governor Hogan,

Federal Victims of Crime Act (VOCA) funding provides critical assistance to Maryland entities that serve victims of crime. As a federal delegation, we understand the vital importance of these funds, and have repeatedly fought to bring them to our state and to ensure that they are maintained. In your September 24, 2021, letter to us regarding potential federal funding cuts for Maryland entities providing services to victims of crime, you stated in part that “Congress has drastically reduced state funding under VOCA...it’s unacceptable that Congress would allow this to happen...this action is shockingly out of line with the values espoused by the Biden Administration and majorities in Congress.”

This characterization is deeply misleading, both misconstruing the cause of the funding reductions and omitting recent actions by Congress, the U.S. Justice Department, and the Biden Administration to address this problem. Our letter today is intended to ensure that your Administration clearly understands the structure of federal funding under the Victims of Crime Act (VOCA, P.L. 98-473) through the Crime Victims Fund (CVF, or the Fund) and to urge you to utilize the over \$50 million in unspent federal funding Maryland received from FY18 to FY20, which was available to you at the time you sent your letter to the delegation.

VOCA was enacted by Congress in 1984 to provide federal resources to crime victims and organizations that support them. This legislation established the Fund to function as a bank and receive deposits from criminal fines, forfeited bail bonds, penalties, and special assessments collected from offenders convicted of federal crimes (34 U.S.C. §20101). This fund does not use taxpayer funding; rather, it uses fines and penalties paid by convicted federal criminals.

The Department of Justice (DOJ) Office for Victims of Crime (OVC) then calculates annual grants to state victim compensation programs and victim assistance programs, among other recipients, according to statutory formulas. Victim assistance funding goes to sub-grantees (or sub-recipients) that provide direct services to crime victims including information and referral services, crisis counseling, temporary housing, criminal justice advocacy support, and other assistance.

Last year, federal VOCA funding enabled the important work of more than 120 Maryland victim service programs including rape crisis centers, domestic violence shelters, child advocates and child advocacy centers, anti-sex trafficking programs, victim-witness coordinators in State's Attorneys Offices, and programs for homicide survivors. These Maryland programs have served roughly 120,000 victims per year over the past several years.

In FY 2018, receipts into the CVF began to diminish – by some estimates by more than 90% – resulting in a roughly 70% reduction in funding for victims' assistance programs, grants, and organizations. Some of the likely reasons for this decline include an increased use of deferred and non-prosecution agreements, in particular under the Trump Administration. In contrast to criminal fines, monetary penalties collected as a part of such agreements with DOJ were at the time made to the Treasury Department, not into the Fund. Second, Congress since 2015 has directed the use of CVF funds for a broader scope of activities, such as the Office of Violence Against Women. As a result of the decline in the overall balance of the Fund, Maryland's VOCA award has been reduced from more than \$61 million in FY 18 to \$41 million in FY 19, \$30 million in FY 20, and \$18 million in FY 21. This decline throughout the Trump Administration led to increasing concerns about the fund's solvency.

Recognizing the serious effects of this problem for victims of crime, we were all proud to cosponsor or vote for the bipartisan VOCA Fix to Sustain the Crime Victims Fund Act of 2021 (VOCA Fix). This legislation makes both long-term changes to preserve the solvency of VOCA funding and provides immediate solutions to help states prevent cuts to programming. We were surprised that you omitted any mention of this important bipartisan legislation in your recent letter. The House passed this legislation by a 384 to 38 vote on March 17, 2021. The Senate passed the legislation unanimously on July 20, 2021. President Biden then signed this legislation into law on July 22, 2021 (P.L. 117-27), two months prior to your letter.

In addition to ensuring the long-term sustainability of this federal funding source, the VOCA Fix included provisions that were effective immediately to help grantees mitigate any cuts to services. This includes the authorization of no-cost extensions, which would permit Maryland to utilize the approximately \$4.5 million of its unspent funding from FY 18 in addition to the \$16.5 million in unspent funding from FY 19 and \$29.9 million in unspent funding from FY 20. In sum, Maryland has authority to immediately use over \$50 million in unspent funding from the past several fiscal years.

We understand that you and the General Assembly leadership have since committed to preventing any cuts to these victim service providers for FY 21. We urge you to follow through on this commitment without delay and to avoid cuts in future fiscal years. The approximately 120,000 victims served in Maryland every year depend on it.

Since President Biden signed this legislation into law in July 2021, the OVC has taken swift action to implement its provisions by recalculating its formula allocations; developing a procedure for requesting no-cost extensions; issuing bulletins clarifying the match waiver, law enforcement cooperation exception, and community violence intervention (CVI) support; and receiving approval to delegate the Attorney General's authority to grant no-cost extensions to the Office of Justice Programs (OJP).

In addition to existing VOCA funds, Maryland received \$3.7 billion in federal American Rescue Plan Act (ARPA) funding, and, as we've informed your office, DOJ has announced that states are permitted to use this funding to fulfill obligations under VOCA, including using these funds toward the 75% match requirement.

Finally, we will work in Congress to increase Maryland's VOCA awards in future years through the appropriations process. Congress historically sets the annual cap on obligations from the CVF through appropriations language that helps maintain its long-term solvency. This cap sets the total amount of funding that comes out of the Fund annually, which is then divided up to the states according to the aforementioned formulas. In the House-passed FY 22 Justice Appropriations bill, and in the text of the companion legislation released by Senate Appropriations Committee majority, the annual CVF cap would be increased to \$2.6 billion. If passed, this could potentially increase Maryland's VOCA awards in future years.

We have discussed these issues with your staff and with DOJ OVC staff. We understand that OVC funds programs and releases resources to assist grantees with the administration of federal VOCA funding, including assistance in spending down unused victim assistance funds. DOJ OVC's State Administering Agencies Support Team can help states effectively manage their fiscal, programmatic, and award monitoring efforts. OVC's Center for VOCA Administrators – newly launched this summer – is a new training and technical assistance center designed specifically to support Victim Assistance and Victim Compensation Administrators in managing and administering their VOCA funding. This Center offers expert consultation, peer-to-peer collaboration, problem-solving, training, and innovation to improve federal grant management and administration. Its overall goal is to build a strong support network of VOCA Administrators and their staff to broaden victim services to historically underserved communities and to advance promising policies, practices, and programs.

We strongly encourage you to improve your coordination and transparency with DOJ OVC staff, the Maryland General Assembly, and the Maryland Congressional Delegation to responsibly administer our state's federally-allocated VOCA funding. We remain committed to sustainable federal funding for these essential victim services.

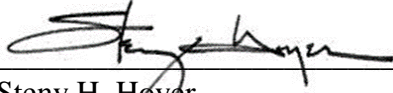
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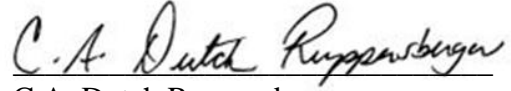
Benjamin L. Cardin
United States Senator



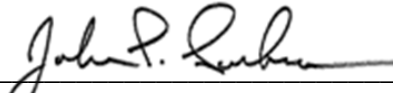
Chris Van Hollen
United States Senator



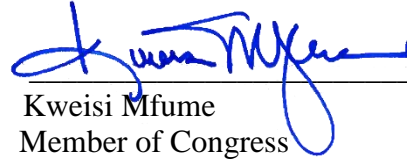
Steny H. Hoyer
Member of Congress



C.A. Dutch Ruppersberger
Member of Congress



John P. Sarbanes
Member of Congress



Kweisi Mfume
Member of Congress



Anthony G. Brown
Member of Congress



Jamie Raskin
Member of Congress



David Trone
Member of Congress

Cc: Hon. Adrienne A. Jones, Speaker of the Maryland House of Delegates
Hon. William C. Ferguson IV, President of the Maryland Senate
Executive Director Glenn Fueston, Governor's Office of Crime Prevention, Youth, and
Victim Services