

117TH CONGRESS
2D SESSION

S. 4115

To curtail the use of changes in mandatory programs affecting the Crime Victims Fund to inflate spending.

IN THE SENATE OF THE UNITED STATES

APRIL 28, 2022

Mr. TOOMEY (for himself, Mr. CRAPO, Mr. PORTMAN, Mr. RISCH, Mr. RUBIO, Mr. BRAUN, Mr. WICKER, Mr. LANKFORD, Mr. CRUZ, and Mr. COTTON) introduced the following bill; which was read twice and referred to the Committee on the Budget

A BILL

To curtail the use of changes in mandatory programs affecting the Crime Victims Fund to inflate spending.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fairness for Crime
5 Victims Act of 2022”.

6 **SEC. 2. POINT OF ORDER AGAINST CERTAIN CHANGES IN** 7 **MANDATORY PROGRAMS AFFECTING THE** 8 **CRIME VICTIMS FUND.**

9 (a) FINDINGS.—Congress finds that—

1 (1) the Crime Victims Fund was created in
2 1984, with the support of overwhelming bipartisan
3 majorities in the House of Representatives and the
4 Senate and the support of President Ronald Reagan,
5 who signed the Victims of Crime Act of 1984 (Pub-
6 lic Law 98–473) into law;

7 (2) the Crime Victims Fund was created based
8 on the principle that funds the Federal Government
9 collects from those convicted of crime should be used
10 to aid those who have been victimized by crime;

11 (3) the Crime Victims Fund is funded from
12 fines, penalties, and forfeited bonds in Federal court
13 and private donations;

14 (4) the Crime Victims Fund receives no tax-
15 payer dollars;

16 (5) Federal law provides that funds deposited
17 into the Crime Victims Fund shall be used to pro-
18 vide services to victims of crime in accordance with
19 the Victims of Crime Act of 1984;

20 (6) the Victims of Crime Act of 1984 gives pri-
21 ority to victims of child abuse, sexual assault, and
22 domestic violence;

23 (7) since fiscal year 2000, Congress has been
24 accounting for funds collected by the Crime Victims

1 Fund, but not disbursing the full amount provided
2 for under the Victims of Crime Act of 1984;

3 (8) over \$10,000,000,000 has been withheld
4 from victims of child abuse, sexual assault, domestic
5 violence, and other crimes;

6 (9) from fiscal year 2010 through fiscal year
7 2014, the Crime Victims Fund collected
8 \$12,000,000,000, but Congress disbursed only
9 \$3,600,000,000 (or 30 percent) to victims of crime;

10 (10) since fiscal year 2015, Congress has in-
11 creased disbursements from the Crime Victims Fund to
12 victims of crime, but a permanent solution is nec-
13 essary to ensure consistent disbursements to victims of
14 crime who rely on these funds every year;

15 (11) under budget rules, Congress represents
16 that the money it has already spent in prior years
17 is still in the Crime Victims Fund and available for
18 victims of crime;

19 (12) it is time to restore fairness to crime vic-
20 tims; and

21 (13) funds collected by the Crime Victims Fund
22 should be used for services to and compensation of
23 crime victims in accordance with the Victims of
24 Crime Act of 1984.

1 (b) AMENDMENT.—Title IV of the Congressional
 2 Budget Act of 1974 (2 U.S.C. 651 et seq.) is amended
 3 by adding at the end the following:

4 **“PART C—ADDITIONAL LIMITATIONS ON BUDG-**
 5 **ETARY AND APPROPRIATIONS LEGISLATION**

6 **“SEC. 441. POINT OF ORDER AGAINST CHANGES IN MANDA-**
 7 **TORY PROGRAMS AFFECTING THE CRIME**
 8 **VICTIMS FUND.**

9 “(a) DEFINITIONS.—In this section—

10 “(1) the term ‘CHIMP’ means a provision
 11 that—

12 “(A) would have been estimated as affect-
 13 ing direct spending or receipts under section
 14 252 of the Balanced Budget and Emergency
 15 Deficit Control Act of 1985 (2 U.S.C. 902) (as
 16 in effect prior to September 30, 2002) if the
 17 provision was included in legislation other than
 18 an appropriation Act; and

19 “(B) results in a net decrease in budget
 20 authority in the current year or the budget
 21 year, but does not result in a net decrease in
 22 outlays over the period of the total of the cur-
 23 rent year, the budget year, and all fiscal years
 24 covered under the most recently adopted con-
 25 current resolution on the budget;

1 “(2) the term ‘Crime Victims Fund’ means the
2 Crime Victims Fund established under section 1402
3 of the Victims of Crime Act of 1984 (34 U.S.C.
4 20101); and

5 “(3) the term ‘3-year average amount’ means
6 the annual average amount that was deposited into
7 the Crime Victims Fund during the 3-fiscal-year pe-
8 riod beginning on October 1 of the fourth fiscal year
9 before the fiscal year to which a CHIMP affecting
10 the Crime Victims Fund applies.

11 “(b) POINT OF ORDER IN THE SENATE.—

12 “(1) POINT OF ORDER.—

13 “(A) IN GENERAL.—Except as provided in
14 subparagraph (C), in the Senate, it shall not be
15 in order to consider a provision in a bill or joint
16 resolution making appropriations for all or a
17 portion of a fiscal year, or an amendment there-
18 to, amendment between the Houses in relation
19 thereto, conference report thereon, or motion
20 thereon, that contains a CHIMP that, if en-
21 acted, would cause the amount available for ob-
22 ligation during the fiscal year from the Crime
23 Victims Fund to be less than the 3-year average
24 amount.

1 “(B) POINT OF ORDER SUSTAINED.—If a
2 point of order is made by a Senator against a
3 provision described in subparagraph (A), and
4 the point of order is sustained by the Chair,
5 that provision shall be stricken from the meas-
6 ure and may not be offered as an amendment
7 from the floor.

8 “(C) LIMITATION.—A point of order shall
9 not lie in the Senate under this paragraph if
10 the difference between the amount in the Crime
11 Victims Fund as of September 30 of the fiscal
12 year immediately preceding the fiscal year to
13 which the CHIMP described in subparagraph
14 (A) relates and the amount available for obliga-
15 tion under the CHIMP described in subpara-
16 graph (A) is not more than \$2,000,000,000.

17 “(2) FORM OF THE POINT OF ORDER.—A point
18 of order under paragraph (1) may be raised by a
19 Senator as provided in section 313(e).

20 “(3) CONFERENCE REPORTS.—When the Sen-
21 ate is considering a conference report on, or an
22 amendment between the Houses in relation to, a bill
23 or joint resolution, upon a point of order being made
24 by any Senator pursuant to paragraph (1), and such
25 point of order being sustained, such material con-

1 tained in such conference report or House amend-
 2 ment shall be stricken, and the Senate shall proceed
 3 to consider the question of whether the Senate shall
 4 recede from its amendment and concur with a fur-
 5 ther amendment, or concur in the House amendment
 6 with a further amendment, as the case may be,
 7 which further amendment shall consist of only that
 8 portion of the conference report or House amend-
 9 ment, as the case may be, not so stricken. Any such
 10 motion in the Senate shall be debatable. In any case
 11 in which such point of order is sustained against a
 12 conference report (or Senate amendment derived
 13 from such conference report by operation of this
 14 subsection), no further amendment shall be in order.

15 “(4) SUPERMAJORITY WAIVER AND APPEAL.—

16 In the Senate, this subsection may be waived or sus-
 17 pended only by an affirmative vote of three-fifths of
 18 the Members, duly chose and sworn. An affirmative
 19 vote of three-fifths of Members of the Senate, duly
 20 chosen and sworn shall be required to sustain an ap-
 21 peal of the ruling of the Chair on a point of order
 22 raised under this subsection.

23 “(5) DETERMINATION.—For purposes of this
 24 subsection, budgetary levels shall be determined on

1 the basis of estimates provided by the Chairman of
 2 the Committee on the Budget of the Senate.

3 “(c) POINT OF ORDER IN THE HOUSE OF REP-
 4 RESENTATIVES.—

5 “(1) IN GENERAL.—

6 “(A) POINT OF ORDER.—Except as pro-
 7 vided in subparagraph (B), a provision in a bill
 8 or joint resolution making appropriations for a
 9 fiscal year that proposes a CHIMP that, if en-
 10 acted, would cause the amount available for ob-
 11 ligation during the fiscal year from the Crime
 12 Victims Fund to be less than the 3-year average
 13 amount shall not be in order in the House of
 14 Representatives.

15 “(B) LIMITATION.—Subparagraph (A)
 16 shall not apply if the difference between the
 17 amount in the Crime Victims Fund as of Sep-
 18 tember 30 of the fiscal year immediately pre-
 19 ceding the fiscal year to which the CHIMP de-
 20 scribed in subparagraph (A) relates and the
 21 amount available for obligation under the
 22 CHIMP described in subparagraph (A) is not
 23 more than \$2,000,000,000.

24 “(2) AMENDMENTS AND CONFERENCE RE-
 25 PORTS.—It shall not be in order in the House of

1 Representatives to consider an amendment to, or a
 2 conference report on, a bill or joint resolution mak-
 3 ing appropriations for a fiscal year if such amend-
 4 ment thereto or conference report thereon proposes
 5 a CHIMP that, if enacted, would cause the amount
 6 available for obligation during the fiscal year from
 7 the Crime Victims Fund to be less than the 3-year
 8 average amount.

9 “(3) DETERMINATION.—For purposes of this
 10 subsection, budgetary levels shall be determined on
 11 the basis of estimates provided by the Chairman of
 12 the Committee on the Budget of the House of Rep-
 13 resentatives.”.

14 (c) TECHNICAL AND CONFORMING AMENDMENT.—
 15 The table of contents in section 1(b) of the Congressional
 16 Budget Act of 1974 is amended by inserting after the item
 17 relating to section 428 the following:

“PART C—ADDITIONAL LIMITATIONS ON BUDGETARY AND APPROPRIATIONS
 LEGISLATION

“Sec. 441. Point of order against changes in mandatory programs affecting the
 Crime Victims Fund.”.

