

117TH CONGRESS
1ST SESSION

S. 611

To deposit certain funds into the Crime Victims Fund, to waive matching requirements, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 4, 2021

Mr. DURBIN (for himself, Mr. GRAHAM, Ms. BALDWIN, Mr. GRASSLEY, Mrs. FEINSTEIN, Mr. CORNYN, Ms. KLOBUCHAR, Ms. MURKOWSKI, Mr. LEAHY, Mr. CRAPO, Mr. WHITEHOUSE, Ms. ERNST, Mr. BROWN, Mr. TILLIS, Mr. WYDEN, Mr. MENENDEZ, Ms. HIRONO, Mrs. SHAHEEN, Ms. WARREN, Ms. SMITH, Mr. BLUMENTHAL, Mr. REED, Mr. TESTER, Mr. SCHATZ, Mr. CASEY, Ms. CORTEZ MASTO, and Mr. PORTMAN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To deposit certain funds into the Crime Victims Fund, to waive matching requirements, and for other purposes.

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 “VOCA Fix to Sustain
5 the Crime Victims Fund Act of 2021”.

1 **SEC. 2. COMPREHENSIVE FIX OF CRIME VICTIMS FUND**
 2 **AND COMPENSATION.**

3 (a) CRIME VICTIMS FUND.—Section 1402 of the Vic-
 4 tims of Crime Act of 1984 (34 U.S.C. 20101) is amend-
 5 ed—

6 (1) in subsection (b)—

7 (A) in paragraph (4), by striking “; and”
 8 and inserting a semicolon;

9 (B) in paragraph (5)(B), by striking the
 10 period at the end and inserting “; and”; and

11 (C) by adding at the end the following new
 12 paragraph:

13 “(6) any funds that would otherwise be depos-
 14 ited in the general fund of the Treasury collected
 15 pursuant to—

16 “(A) a deferred prosecution agreement; or

17 “(B) a non-prosecution agreement.”; and

18 (2) in subsection (e), by striking “Director”
 19 and inserting “Director, except that renewals and
 20 extensions beyond that period may be granted at the
 21 discretion of the Attorney General”.

22 (b) CRIME VICTIM COMPENSATION.—Section 1403 of
 23 the Victims of Crime Act of 1984 (34 U.S.C. 20102) is
 24 amended—

25 (1) in subsection (a)—

1 (A) in paragraph (1), by striking “40 per-
2 cent in fiscal year 2002 and of 60 percent in
3 subsequent fiscal years” and inserting “75 per-
4 cent”;

5 (B) in paragraph (2), by striking “of 40
6 percent in fiscal year 2002 and of 60 percent
7 in subsequent fiscal years”;

8 (C) by redesignating paragraph (3) as
9 paragraph (4); and

10 (D) by inserting after paragraph (2) the
11 following new paragraph:

12 “(3) For the purposes of calculating amounts
13 awarded in the previous fiscal year under this sub-
14 section, the Director shall not require eligible crime
15 victim compensation programs to deduct recovery
16 costs or collections from restitution or from subroga-
17 tion for payment under a civil lawsuit.”;

18 (2) in subsection (b)(2) by striking “authori-
19 ties;” and inserting “authorities, except if a program
20 determines such cooperation may be impacted due to
21 a victim’s age, physical condition, psychological
22 state, cultural or linguistic barriers, or any other
23 health or safety concern that jeopardizes the victim’s
24 well-being;” and

25 (3) in subsection (d)—

1 (A) in paragraph (3), by striking “; and”
 2 and inserting a semicolon;

3 (B) in paragraph (4), by striking the pe-
 4 riod at the end and inserting “; and”; and

5 (C) by adding at the end the following new
 6 paragraph:

7 “(5) the term ‘recovery costs’ means expenses
 8 for personnel directly involved in the recovery efforts
 9 to obtain collections from restitution or from sub-
 10 rogation for payment under a civil lawsuit.”.

11 **SEC. 3. WAIVER OF MATCHING REQUIREMENT.**

12 (a) IN GENERAL.—Section 1404(a) of the Victims of
 13 Crime Act of 1984 (34 U.S.C. 20103(a)) is amended by
 14 inserting at the end the following new paragraph:

15 “(7)(A) Each chief executive may waive a
 16 matching requirement imposed by the Director, in
 17 accordance with subparagraph (B), as a condition
 18 for the receipt of funds under any program to pro-
 19 vide assistance to victims of crimes authorized under
 20 this chapter. The chief executive shall report to the
 21 Director the approval of any waiver of the matching
 22 requirement.

23 “(B) Each chief executive shall establish and
 24 make public, a policy including—

1 “(i) the manner in which an eligible crime
2 victim assistance program can request a match
3 waiver;

4 “(ii) the criteria used to determine eligi-
5 bility of the match waiver; and

6 “(iii) the process for decision making and
7 notifying the eligible crime victim assistance
8 program of the decision.”.

9 (b) NATIONAL EMERGENCY WAIVER.—Section
10 1404(a) of the Victims of Crime Act of 1984 (34 U.S.C.
11 20103(a)), as amended by subsection (a), is further
12 amended by inserting at the end the following new para-
13 graph:

14 “(8) Beginning on the date a national emer-
15 gency is declared under the National Emergencies
16 Act (50 U.S.C. 1601 et seq.) with respect to a pan-
17 demic and ending on the date that is one year after
18 the date of the end of such national emergency, each
19 chief executive shall issue waivers for any matching
20 requirement, in its entirety, for all eligible crime vic-
21 tim assistance programs contracted to provide serv-
22 ices at that time.”.

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