

## LEGISLATIVE SESSION

VOCA FIX TO SUSTAIN THE CRIME  
VICTIMS FUND ACT OF 2021

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate resume legislative session and the Senate begin consideration of H.R. 1652, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 1652) to deposit certain funds into the Crime Victims Fund, to waive matching requirements, and for other purposes.

## AMENDMENT NO. 2121, AS MODIFIED

Mr. DURBIN. I ask unanimous consent that the Toomey amendment be called up, as modified with the changes at the desk, and that it be reported by number.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for Mr. TOOMEY, proposes an amendment numbered 2121, as modified.

The amendment is as follows:

(Purpose: To ensure adequate funding in the Crime Victims Fund is disbursed to victims, their families, and their advocates each year)

At the appropriate place, insert the following:

## SEC. \_\_\_\_ . POINT OF ORDER.

Section 1402 of the Victims of Crime Act of 1984 (34 U.S.C. 20101) is amended by striking subsection (c) and inserting the following:

“(c)(1) Sums deposited in the Fund shall remain in the Fund and be available for expenditure under this chapter for grants under this chapter without fiscal year limitation, in accordance with paragraph (2). Notwithstanding subsection (d)(5), all sums deposited in the Fund in any fiscal year that are not made available for obligation by Congress in the subsequent fiscal year shall remain in the Fund for obligation in future fiscal years, without fiscal year limitation.

“(2)(A) Except as provided in subparagraph (C), it shall not be in order in the Senate or the House of Representatives to consider a provision in a bill or joint resolution making appropriations for all or a portion of a fiscal year, or an amendment thereto, amendment between the Houses in relation thereto, conference report thereon, or motion thereon, that would cause the amount of annual disbursements from the Fund to be below the annual average amount that was deposited into the Fund during the 3-fiscal-year period beginning on October 1 of the fourth fiscal year before the fiscal year to which the disbursement level applies.

“(B) If a point of order is raised by a Member under subparagraph (A), and the point of order is sustained by the Chair, the provision shall be stricken from the measure and may not be offered as an amendment from the floor.

“(C) A point of order shall not lie in the Senate or the House of Representatives under this paragraph if the difference between the amount in the Fund as of September 30 of the fiscal year immediately preceding the fiscal year to which the annual

disbursements described in subparagraph (A) relates and the amount available for obligation through the annual disbursements described in subparagraph (A) is not more than \$2,000,000,000.

“(3) Paragraph (2) may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under paragraph (2).

“(4) This subsection is enacted by Congress—

“(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with those rules; and

“(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.”

## ORDER OF BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that at 5:15 today the Senate vote on the Toomey amendment and on the passage of the bill, as amended, if amended, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana.

## NOMINATION OF TRACY STONE-MANNING

Mr. DAINES. Mr. President, today, I rise to bring attention to new revelations about President Biden's nominee to head the Bureau of Land Management, Tracy Stone-Manning's involvement in a tree-spiking incident in Idaho, and to share why I oppose her confirmation.

I would have welcomed having a nominee with such strong ties to Montana to be the Director of the Bureau of Land Management, and, until recently, I believed, as did most Montanans, based on her testimony before the Montana State Legislature, back in 2013, that her role in the tree-spiking crime was minimal, her actions were helpful, and she helped bring criminals to justice.

Unfortunately, new information has revealed that this simply was not the case. In fact, rather than bringing criminals to justice, Ms. Stone-Manning assisted in helping them evade justice for years—for years.

I am going to lay this out because I think it is important that the facts are shared before this body. First, it reveals that she withheld the truth from investigators for several years. Second, it reveals that she harshly criticized Federal law enforcement at the very same time she was refusing to tell them the truth. And, third, it reveals that she has not taken responsibility or expressed remorse for not speaking the truth much, much sooner.

I know many of my colleagues are probably just tuning into Ms. Stone-Manning's involvement in a tree-spik-

ing crime committed in 1989 while she was a member of an ecoterrorist group called Earth First!

The picture that she and her advocates have painted about her involvement in this crime is that she was the innocent hero who helped put bad people in jail. Well, in recent weeks, we have learned there is a lot more to this story. It is very alarming. It is very disturbing on many levels.

Ms. Stone-Manning stated to the Montana State Legislature that a rather frightening man approached her with a letter while she was on campus. Come to find out, that man wasn't a stranger. It was her roommate and someone whom she described to the court during the 1993 trial as someone who was in her main circle of friends.

Ms. Stone-Manning stated that she simply mailed the anonymous letter—that she simply mailed it. But in reality, and as we have since found out and as we have explored court records in Idaho, this information had not come out, except in the last 45 days.

The investigation later revealed that this letter had not only been collaboratively composed, but after waiting for a few days, it was typed by Ms. Stone-Manning on a rented typewriter, which, according to her very own testimony, was because she wanted to avoid having it on her own computer and avoid having any fingerprints that could be traced back to her.

The words that Ms. Stone-Manning typed and mailed are explicit. It is not what you type and send to protect people. They are what you say to frighten people.

I am going to read this letter—it is not very long—that Ms. Stone-Manning typed on a rented typewriter and personally mailed. It says:

To Whom It May Concern:

This letter is being sent to notify you that the Post Office Sale—

If I can add, the Post Office Sale was a timber sale. They labeled it the “Post Office Sale.”—

in Idaho has been spiked heavily.

The reasoning for this action is that this piece of land is very special to the earth. It is home to the Elk, Deer, Mountain Lions, Birds, and especially the Trees.

The project required that eleven of us spend nine days in God awful weather conditions spiking trees. We unloaded a total of five hundred pounds of spikes measuring 8 to 10 inches in length. The sales were marked so that no workers will be injured and so that you assholes know that they are spiked. The majority of trees were spiked within the first ten feet, but many, many others were spiked as high as a hundred and fifty feet.

I would be more than willing to pay you a dollar for the sale, but you would have to find me first and that could be your WORST nightmare.

Sincerely, George Hayduke

P.S. You bastards go in there anyway and a lot of people could get hurt.

The text of that letter was never made public until very recently, just in the last 45 days. Montanans never had the opportunity to read what Ms. Stone-Manning typed on the rented typewriter and sent until just a few weeks ago.

The letter is chilling and it makes you think that, if Ms. Stone-Manning was really concerned about the tree spiking, she could have gone to the authorities immediately in 1989, when this occurred.

We also now know she had firsthand knowledge about the perpetrators. She knew who did it. She knew all of the details about the crime. She knew who spiked the trees.

By the way, why do you spike trees? Why do you put these great big spikes in the trees? That is because, if a logger comes in with a saw and their blade hits it, they could be severely injured. If one of these logs comes through a sawmill, the sawmill operator can be severely injured, as has actually happened. We have had some severely injured individuals because of the tree spiking. This was the ecoterrorism going on several years ago.

But she withheld this information from law enforcement in 1989, even after she was subpoenaed by a grand jury for her hair, her handwriting, and fingerprint samples. She didn't report it to law enforcement in 1990, not in 1991, not in 1992. In fact, she condemned the FBI for investigating her in the first place, despite the fact that she knew all the details of the crime. In fact, she claimed being investigated by the FBI was "degrading" and that the "government does do bad things." She compared her treatment to how the Government of Panama would treat someone.

Ms. Stone-Manning said all of these things and played the victim, despite knowing all the details and players of the crime, despite having had the opportunity for 4 years to put bad people behind bars. What Ms. Stone-Manning did was actively obstruct an investigation.

At no time, by the way, did Ms. Stone-Manning ever come forward from her own volition. Now, she only came forward after there was a break in the investigation. This is now in 1993, after another suspect identified her involvement and after her attorney struck an immunity deal, not before she was caught.

In fact, one of the men she had the opportunity to put behind bars during the time she remained silent went on to commit an act of—this man that she remained silent on went on to commit an act of domestic violence. Her cooperation with law enforcement could have prevented this.

None of her actions show any kind of remorse. They didn't then and they still don't now. Ms. Stone-Manning has not expressed regret for her false and disparaging characterization of Federal investigators.

This deception and misrepresentation of her involvement, coupled with her clear violation of Senate Ethics rules while she served as a U.S. Senate staffer, leave the public with no reason to trust her judgment, her leadership capabilities, or her ability to remain

pragmatic when making decisions on behalf of the Bureau of Land Management.

Ms. Stone-Manning has lost her credibility, and to move forward with her nomination would cause more controversy and distrust for the leadership at the Bureau of Land Management, the U.S. Senate, and the Biden administration.

You see, there are 10,000 employees at the Bureau of Land Management who report to the Director and they need to have that trust, as well.

President Obama's former Director of the Bureau of Land Management, Bob Abbey, has concluded that Stone-Manning's "questionable past" brings what he said "needless controversy" to the Agency. Obama's very own Director of the Bureau of Land Management said that her involvement in the tree-spiking crime should disqualify Stone-Manning and the Biden administration needs a new nominee.

I agree with Mr. Abbey because, in Montana and the West and all America, we need a Director of the Bureau of Land Management who can garner public trust, bring folks together, and lead with integrity.

Throughout the confirmation process, I have given Ms. Stone-Manning a fair shake, an opportunity to answer questions about important policies that impact our Montana way of life. However, over the course of the last few weeks, this new information has come to light and has led me to now actively and publicly oppose her nomination.

The controversy surrounding this nomination is not and should not be about party-line politics. Montanans care about trusting those in public service, about integrity. The public trust surrounding Ms. Stone-Manning has been wrecked. Her ability to be the Director that the Bureau of Land Management needs has been compromised beyond repair.

As this nomination draws more attention and some continue to contend that her actions were commendable, I hope all my colleagues will give full consideration to the facts laid out here today. I urge my colleagues, especially those who represent western States, to join me opposing this nomination. I would urge the Biden administration to pull Ms. Stone-Manning's nomination. Nominate someone to lead the Agency who can garner the public trust and one who can lead the Agency without the significant controversy.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

#### CRIME VICTIMS FUND ACT

Mr. DURBIN. Mr. President, when the pandemic began last year, Americans across the country were faced with more than one public health crisis. While we all feared contracting COVID-19 outside of our homes, the most vulnerable members of our community feared a danger lurking within the home or, certainly, in the neighborhood—violent crime.

During the first several weeks of the pandemic, police departments across America reported a significant increase in arrests or calls related to domestic violence. And reports of hate incidents and crimes increased, as well, particularly those targeting Asian American and Pacific Islander, or what is known as the AAPI community.

Nearly 4,000 of these hate incidents were reported during the first year of the COVID-19 pandemic. AAPI women comprised the majority of the victims.

In my home State of Illinois, some of these victims of violent crimes have an indispensable resource they can turn to. It is known as KAN-WIN, a non-profit that supports survivors of violence, particularly women and members of the immigrant community. KAN-WIN offers a 24-hour hotline, legal advocacy, transitional housing, sexual assault services, and many more resources to survivors of violent crimes. They also offer programming to support children who have grown up in a traumatic environment.

During the pandemic, organizations like KAN-WIN have been a beacon of hope for some of the most vulnerable members of our community. But these beacons of hope are at the risk of growing dark, unless we in this Senate today take immediate action by passing the VOCA Fix to Sustain the Crime Victims Fund Act. This legislation, which I am proud to have introduced with Republican Senator LINDSEY GRAHAM, will replenish the Crime Victims Fund, which Congress established in 1984 with the passage of the Victims of Crime Act, known as VOCA.

The Crime Victims Fund helps abused children, survivors of domestic violence, and other victims of violent crime access the professional services they desperately need. It also assists victims with expenses like medical bills, counseling, funeral costs, loss of wages. And, importantly, the Crime Victims Fund supplies grants to thousands, literally thousands of victim service providers across the Nation, like KAN-WIN.

In KAN-WIN's case, the Crime Victims Fund pays for the salary of their Children's Advocate. That advocate reached out to my office and wrote the following: "The entire Children's Program at KAN-WIN will have to be eliminated" if the VOCA Fix to sustain the Crime Victims Fund does not pass the Senate. Without this legislation, "linguistically and culturally sensitive services and counseling, education assistance, economic assistance, medical assistance, art activities that help regulate children's emotions, parent-child relationship assistance, and other case management services" will be cut.

The kids who receive help from KAN-WIN are far from the only people who would be hurt if the Crime Victims Fund runs dry. Children's Advocacy Centers in Illinois report that a significant cut in VOCA funding would result in more than 1,500 children being deprived of services they need to overcome trauma.

The Chicago Children's Advocacy Center writes: "One of the most important uses of VOCA funds is for mental health therapy for sexually abused children." Without that funding, they will have to "cut the number of children we provide therapy to and more children would go without life-changing treatment to heal from their abuse. Even a small cut in VOCA would mean up to 100 children would go without healing services."

We have a serious problem across America—and I have seen in Illinois, particularly in the city of Chicago—of gun violence. There are so many guns. The city is awash in guns. Too many young people get their hands on them every day.

The Fourth of July weekend, 104 people were shot in the city of Chicago. 104; 19 died. Last weekend, 50. The numbers are staggering. We have a mass shooting in the city of Chicago every weekend. It has become, sadly, expected. It breaks your heart.

I went to the juvenile facility of Cook County several years ago and talked to the counselors who are meeting with the adolescents who have been charged in these gun crimes. Some of these adolescents spend a year or two in that facility waiting for trial. I asked these counselors: Who are these kids? What has happened to them to the point where they can take a gun and just shoot wantonly into a crowd, killing infants and children and grandmothers and innocent people?

The counselor said to me: There are many things. There are hardly any serious mental illnesses that you can think of that we don't find in these kids. But the one thing we find, Senator, consistently is they are the victims of trauma.

Now, by classic definition, trauma is some physical injury, but trauma today is viewed in a much larger context. It goes back to a template that was established by Kaiser Permanente and the CDC called adverse childhood experiences—ACEs for short. Most psychologists and child counselors know exactly what I am talking about.

ACEs, these adverse childhood experiences, can be as simple as witnessing a violent crime or returning to a home where the parent is not a positive force—perhaps the only parent is drug-addicted or an alcoholic or not home at all—or having a situation in which you are never sure where home is. So many kids in school talk about moving back and forth from one relative to another. All of these things take their toll on little kids. It is part of the traumatic experience.

These counselors of these gun-toting adolescents at the Cook County facility say that over 90 percent of them are victims of trauma. Stop and think: Is it possible that that simple thing that happened in a child's life could have that kind of impact? Well, I am afraid it is. For many of us, just to think back on your childhood, of the most memorable moment in your child-

hood—I hope it is a good memory, one that you smile with, but it could be a terrible memory, too, the loss of someone you love or some other tragic event. Well, that is what has happened to these kids. This trauma in their lives runs the risk of changing them and even making them potentially dangerous to the innocent people they live around.

That is why, when we talk about the Victims of Crime Act and giving these kids counseling, a child who witnesses a domestic violence incident in the home, where their mother is being beaten or worse, how in the world do you erase that from your memory? You only hope that you can find someone—some mentor, some counselor—who can talk you through it. That is what the VOCA does. The victims of crime have an opportunity to access those professional services before they do the damage that they do.

So how did we get to this point where we are even debating whether to fund this? Why is the Crime Victims Fund so dangerously close to running out of money when we know we need it so much?

It comes down to how the fund is funded. See, the money for the victims of crime doesn't come from taxpayer dollars. Traditionally, it comes from criminal fines, penalties, forfeited bail bonds, and special assessments collected by the Federal Government. Historically, these criminal fines have accounted for the largest portion of the funding, but in recent years, deposits in the Crime Victims Fund have dropped significantly as the Justice Department has increasingly used deferred prosecution and nonprosecution agreements. Monetary penalties from these deferred prosecutions and nonprosecution agreements are currently deposited into the General Treasury, not into the Crime Victims Fund. As a result, the shift in sentencing has resulted in a devastating impact on the fund.

That is why the bipartisan, bicameral coalition of lawmakers has worked with advocacy organizations to write a fix to the VOCA law to sustain the Crime Victims Fund. Our bill would stabilize the Crime Victims Fund by redirecting monetary penalties from deferred prosecutions and nonprosecution agreements to the victims and service providers that desperately need the financial support.

If you think that is an easy and obvious fix, you don't understand Congress. To have all of the different committees of jurisdiction take a look at it and all of the Members take a look at it and to come up with a solution, it doesn't happen every day. One of the reasons it happened here in the Senate is that one of my colleagues, whom I want to put in the RECORD as a major positive force, Senator TAMMY BALDWIN of the State of Wisconsin. She took a real personal interest in this, and I thank her for it. She brought us together and came up with a solution and worked

out the details—and there were many—until we could all agree. I thank her personally and specifically during the course of this opening remark.

The reduced deposits into the fund have had a devastating impact. She knew it. I knew it. Everyone does. As of this year, victim assistance grants have been reduced by more than \$600 million nationwide, and even more catastrophic cuts are looming if we don't fix it today. So far in 2021, this Crime Victims Fund has already missed out on nearly \$550 million in deposits. We are not even halfway through the year. Imagine how much more money this fund is going to lose if we don't pass this bill.

There is no time to waste. Every day that goes by, we miss an opportunity to help replenish this fund. More importantly, we miss an opportunity to help a crime victim. It may be a medical bill. It could be a funeral cost. It could be counseling for that child whom I described earlier. Missing that opportunity may mean that the life of that child will never quite be the same.

The Senate must immediately pass this bill. The House already did it in March—in March. It is time for us to get around to it. So, with broad bipartisan support in the House, we should be inspired in the Senate by our bipartisan coalition backing the bill. Sixty-three Senators—forty-two Dems, twenty-one Republicans—not bad. We have all come together for the VOCA fix.

Over the past few months, an objection has prevented us from moving forward on this legislation. We have been literally waiting for weeks to pass this bill. Today, we have a chance to do it and to send it to the President's desk. That is why, this afternoon, we are going to take two votes. The first is on an amendment from Senator TOOMEY. It doesn't address the substance of the programs that I mentioned; it addresses the budget process. There is mention, of course, in this bill, but his change would reach far beyond any single piece of legislation. We will consider it. I will be opposing it, and others will get their chance to vote. Then we will face final passage on the House-passed bill.

A broad coalition of victims' rights advocates, service providers, and law enforcement organizations are urging the vote I just described against the Toomey amendment and for the final bill. They recently wrote to us, saying: "The VOCA Fix Act is a narrowly tailored, carefully negotiated, technical fix bill to address the immediate needs of survivors, and the Senate must act now to pass this critical legislation without any amendments. . . . Every delay allows potential funds that should be deposited into the Crime Victims Fund to serve victims to instead be deposited into the General Treasury. The House passed the VOCA Fix Act more than four months ago with overwhelming bipartisan support; we urge the Senate to similarly pass the House-passed VOCA Fix Act, as is, immediately."

More than 1,700 national, regional, State, Tribal, and local organizations are begging us to do this and do it today so we can send it to the President and ensure that the victims are able to maintain access to the services they desperately need. We owe it to the victims to get this done.

I see my colleague on the floor who is the cosponsor of this bill with me. He was the Senate Judiciary Committee's chairman in the previous Congress, and I have that honor in this Congress. I am glad that we could get together, a Democrat and a Republican, again. We have cosponsored things before, and we will continue to. I want to thank Senator GRAHAM for his leadership and in joining on this effort. I think it is a good one, and we need more of them.

I yield the floor.

Mr. GRAHAM. I thank Senator DURBIN.

Madam President, it has been a pleasure working with Senator DURBIN on this to, hopefully, get it over the line this afternoon. I think most Americans, if they understood what we were trying to do, would be enthusiastically behind the effort.

As for the deferred prosecution and nonprosecution agreements, the revenues from those procedures—for lack of a better word—go into the General Treasury, not the Crime Victims Fund, and we are fixing that. We have had a reduction in funds available in South Carolina. We have lost \$3.2 million for VOCA crime victims funding for the South Carolina Network of Children's Advocacy Centers' 27 members. Because of this quirk in the law, the Crime Victims Fund is at a historic low, and it is affecting operations in the field.

Attorney General Alan Wilson has been great to work with. With Senators FEINSTEIN and GRASSLEY, we have been a team on this on the Judiciary Committee.

Senator DURBIN went through the ins and outs of what we are doing here. I just want to add this: This was not easy. There are a lot of stakeholders in this, and there are a lot of committees of jurisdiction.

I want to thank Senator BALDWIN, who has been a driving force behind it. That is absolutely true. All of the committees could have easily said no, but this is one time we wanted to get to yes because the lack of funding is beginning to affect the operations of groups that are just indispensable when it comes to providing relief to crime victims.

I would urge a "yes" vote. This has been a bipartisan process from day one. It has been going on about a year. It is now time to correct the quirk in the law to get these funds over to the Crime Victims Fund from the General Treasury.

Senator TOOMEY's amendment, I will oppose. I appreciate Senator TOOMEY very much, but I think that most of the groups and all of the law enforcement groups are opposed to the

Toomey amendment, and I will reluctantly do so.

I hope we can get a really big vote on final passage because we need to prove to the American people that we can do things together. There is nothing that should bring us together more than helping victims of crime and making sure this fund has the resources it deserves to provide the treatment needed. This rise in crime has made this more relevant, not less.

As for Senator DURBIN, as always, I have enjoyed working with him, and we will continue to find common ground where we can. So I urge a "yes" vote on its final passage here in a couple of hours.

I yield the floor.

Mr. DURBIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. ROSEN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BRAUN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MURPHY). Without objection, it is so ordered.

The Senator from Indiana.

UNANIMOUS CONSENT REQUEST

Mr. BRAUN. Mr. President, I rise today because, in a practical place like the State of Indiana, believe it or not, we actually balance our budget every year. We have commonsense things in place that if you are going to receive some benefits of some sort, maybe you do something where we can help to get you to where you do not need the benefits.

In this case, this is again something that was not broken and is now being fixed in a way that takes enterprising States like the State of Indiana, like Texas, like Arizona, places that wanted the ability in administering their share of Medicaid, to have ways to try to get folks into a position where they could get back on their feet, seek work, and do things that would make sense for trying to maybe earn their way into that benefit somewhat.

Do we believe Washington has all the answers? I think that is what you believe when you get rid of something that was working in many places.

I am in the camp that, as much as I know the Federal Government has to weigh in and do things, but if the argument is that we have been knocking it out of the park here, that we have been getting things done that really work, if it wasn't done in the context that of every dollar we spend here, we borrow 23 cents—and in the time I have been here, 2 and a half years, have been probably the loudest voice on trying to fix healthcare.

Part of that issue is in my own party, where I think we are apologists for a broken healthcare industry. The other side of the aisle wants to just spend money to try to fix it without fixing the underlying issues that drive so many of the problems in this country,

where we deal with them in a sustainable way in our State governments, in our local governments. If we take away that flexibility, then we are defaulting to a system that has not been solving the problems.

Today, we are here specifically talking about the Medicaid Program. The way it works currently, the Federal Government pays for half the benefits, and the States pay for half the benefits. The Social Security Act authorizes a framework of flexibility so enterprising, innovative States can maybe do something to bring down the cost of these programs and wean us off the need for them primarily in the long run.

Since President Biden has taken office, several State waivers that were previously approved under the Trump administration have been revoked. It has happened in Texas. It has happened in Arkansas. It has happened in Arizona. And now they are coming after a place like Indiana that has a system that works so well that we are even in the process of giving some revenues back to our citizens this coming year, where revenues were so far above forecast, we are still taking care of issues at the State level and doing what we ought to be considering: returning resources to the taxpayer.

This isn't even that. This is trying to retain the flexibility where it has been working. It is called the Gateway to Work Program, and it is not like it is overbearing. It just requires 20 hours per month of work, job searching, school, or community service. It was designed in a way that engages the individual needing the benefit and that can improve their quality of life over the long run.

It has had a long history. The pilot was first approved by CMS in 2007. It has been renewed as recently as 2018. Yet the Biden administration, right now, by taking these actions—these flexibilities would have been in place until 2025. It is stopping prematurely what I believe is essential if we are going to ever live within our means here, finding better ways to do it and more sustainable ways to pay for it. We should have that flexibility.

With this in mind, I will introduce the Let States Set Medicaid Requirements Act. This legislation will empower States to have the flexibility that they have had that has been making progress. It will encourage behaviors that will improve healthcare outcomes. It has precedence in other Federal programs when it comes to earning unemployment benefits or food assistance. This bill is commonsense policy that I think needs to be put into place so that flexibility cannot arbitrarily be taken away.

I yield to my colleague.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, for everything from emergency room visits to mental health care, Medicaid funding is vital to the health of our most

vulnerable citizens. More than 4 million of my constituents, including half of all the children in the State, depend on the stability of the State's Medicaid Program.

Unfortunately, the Biden administration has put the healthcare of these individuals in jeopardy by rescinding a previous approval of Texas's 1115 waiver extension. Basically, that waiver would allow the State to manage the program in a way that maximizes the benefit and save money where possible, mainly through managed care.

Now, those are some pretty bureaucratic terms, the 1115 waiver, but here is the short of it: Texas stands to lose \$11 billion to provide healthcare for underserved patients as a result of this unilateral and unjustified rescission by the Biden administration. All of this was done for an unconstitutional purpose: to force Texas to accept the Affordable Care Act's Medicaid expansion—something the Supreme Court of the United States has said they cannot constitutionally force. Two anonymous Federal officials, in a Washington Post story, reported as much in a recent story.

I said earlier, when this happened to Texas, that if the administration can do it to Texas, they can do it to anyone, any State in this Chamber. My friend Senator BRAUN's home State of Indiana and Senator YOUNG's State of Indiana now is the latest victim, and I appreciate their commitment to ending this game of political chicken.

These actions not only unjustifiably jeopardize the health of millions of vulnerable people, they also erode the trust States have when they negotiate with the Federal Government, where apparently a deal is not a deal. States will never view their Federal partners as working in good faith if these agreements are invalidated by a successor administration.

If we don't stand up against these reckless actions now, which State will be next? It may not be a Medicaid 1115 extension. It may be some other policy by the Biden administration. But how far in this case will this administration go to commandeer State resources in forcing a Medicaid expansion?

I am proud to stand alongside of Senator BRAUN and Senator YOUNG in the fight to protect the healthcare of the most vulnerable Americans in my State and across the country.

I yield to the junior Senator from Indiana. I beg your pardon, Mr. President; maybe the senior Senator or—never mind.

Mr. YOUNG. I thank my colleague very much for his reflections on what is really at stake here, Mr. President.

Last month, the Biden administration's Centers for Medicare and Medicaid Services notified the State of Indiana that it was withdrawing approval of the State's Gateway to Work Program. So what does this actually mean to rank-and-file Hoosiers? Well, it means that the Centers for Medicare and Medicaid Services has decided to

revoke Indiana's ability to determine appropriate work requirements and appropriate community engagement expectations for Medicaid recipients in our State. It means that this administration regards work as some form of punishment, and efforts to transition to a position of self-reliance are somehow inappropriate.

Now, we Republicans believe in people. We believe in people. We believe in self-reliance. We believe that the vast majority of Americans, Americans of modest means, don't want to be trapped in Government programs.

Medicaid should ideally be a service which is a temporary support for people who really need it. The goal should be to prepare individuals for a life of dignity, and that includes securing a vocation, finding a measure of self-reliance in life.

Now, Indiana wasn't the only State to receive this bad news. Arizona officials also received word that their Medicaid work expectations were being revoked. Just a few months ago, this administration likewise pulled all work expectations from the States of Arkansas, New Hampshire, Michigan, and Wisconsin.

Indiana's Gateway to Work Program, again revoked by CMS, would have merely asked Medicaid recipients to report 20 hours of work or volunteer or school or other activities every month. This is really important. These community engagement activities are designed to improve quality of life, to improve the quality of the recipient's life over the long-term and to help Hoosiers transition from Medicaid to full employment. This is what people want.

When we think of the American dream, we think of the ability to go out and start a family and be part of a larger community and to be able to meaningfully participate in a nation's civic life and to secure a vocation.

Most would regard the goals of Indiana's Gateway to Work program as commendable. However, according to CMS, this program would result in significant coverage losses and harm to beneficiaries—harm to beneficiaries—a misleading statement that ignores the extensive list of individuals exempt from this requirement: students, pregnant women, the medically frail or the incapacitated, those with disabilities, and a bunch of others.

Now, luckily for Hoosiers, the State of Indiana had not yet implemented the Gateway to Work program at the time of CMS's notice because of the unique challenges presented by the pandemic; meaning that Medicaid recipients would not face immediate disruption of their benefits.

Unfortunately, the same cannot be said for other Americans across the country. And we are here to fight for them. This includes Texas, where the administration's decision to revoke that State's waiver put in jeopardy healthcare for 4 million Americans. That doesn't sound very compassionate to me.

Up to this point, Medicaid waivers have allowed the States the ability, the freedom—the freedom under our federalist system—to test new policy approaches within the Medicaid Program, allowing them to design and improve their programs in ways that best fit their own populations and maybe serve as models for other States where successes are elicited and proven.

But with the Biden administration's recent actions, with their one-size-fits-all mandates and mindset, States will now need to be on guard. CMS may decide to revoke its waiver authority at any given time. This means any attempt by a State to improve its Medicaid Program carries a serious risk of disrupting healthcare for the program's beneficiaries if that innovation could ultimately be revoked. God forbid we try and improve a government program. But I guess Medicaid is perfect, and we can't find room for improvement. Certainly, we can't rely on the States to come up with improvements. Any improvements that might be made would have to come from Washington, DC. This is the sort of mindset we seem to be dealing with.

But for a nation that has always valued quality and innovation in healthcare, for Americans who believe we should empower all of our citizens, and for leaders who believe we have a responsibility to provide the least among us the necessary tools to stand on their own two feet, this is an unsustainable situation.

So I urge my colleagues to act now and stand up for their State's ability to set their own Medicaid requirements that meet the needs of their own citizens.

And with that, I yield to my esteemed colleague from Indiana, who has been working very hard on this issue, Senator BRAUN.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BRAUN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of my bill, which is at the desk. Further, I ask that the bill be considered read a third time and passed, and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, first of all, I want to say about my two colleagues, I have very much enjoyed talking healthcare with the Senator from Indiana, the lead sponsor of this. We have had a lot of very productive discussions about the role of healthcare in America.

I strongly support the proposition that the Federal Government doesn't know all the answers here. Sometimes my friends say I am the Senator from innovation because I am always trying to promote innovation. That is what section 1332 is all about.

My other colleague from Indiana is a very valued member of the Finance Committee. So I want it understood that I think Indiana Senators, they are 100 percent straight shooters who I enjoy talking healthcare with.

Let me say, respectfully, why I have a difference of opinion with respect to this issue.

My sense is that what my colleagues from Indiana want to do is based on a premise that comes from the Trump administration, which I think is flawed. The premise is that those on Medicaid really don't work and don't want to work.

Having run the legal aid program for the elderly before I came to the Senate and was codirector of the Oregon Gray Panthers—and, again, it is a good discussion. People have differences of opinion. I think those on Medicaid overwhelmingly—overwhelmingly would like to be able to work and do work, and that is what the difference of opinion is here.

As I understand it, Senator BRAUN wants States to have the authority to condition access to Medicaid on work. Now, his colleague from Indiana noted some exceptions and the like, which sounds like it is of some value, but the basic proposition is conditioning access to Medicaid on work.

It has been my experience—and I have made a practice of it over the years, having been in public life, to go back and talk to people on Medicaid. I think overwhelmingly they want to and do work.

It seems to me, as we emerge from the economic effects of the COVID crisis—and my colleague and I are going to work, for example, on unemployment insurance, where I hope, again, to bring flexibility to the States. For example, my colleague on the Finance Committee knows that we certainly had a lot of serious technology issues with respect to the unemployment insurance programs of the States. So one of the areas I will propose, as we continue our work this year, is that the 53 systems should have a uniform baseline. And I think we are going to have good support, Democrats and Republicans, on it. The key feature will be, of course, giving States the flexibility to innovate, consistent with having a uniform baseline.

So I want my colleagues, both of them, to understand—Senator BRAUN, who I have had some good conversations with, with respect to healthcare; and Senator YOUNG, who is on the Finance Committee—I very much look forward to working with both of them on these healthcare issues.

For the reasons that I am describing today, I am objecting at this time. But I think there are a lot of areas where both parties can come together with respect to healthcare. For these reasons, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. BRAUN. Mr. President.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BRAUN. Mr. President, my friend from Oregon, we have had a discussion not only on this particular issue. I respect his point of view. And I think we both agree, though, that when it comes to healthcare, it is something that is breaking the bank in this country.

When it is 20 percent of our GDP, and it is 10 to 12 percent in most other developed countries, it has got to be a problem with the underlying industry and the way government has gone about trying to address it.

I am one in my own business, 13 years ago, who declared that no one should go broke because they get sick or have a bad accident, and then took the tools that were out there with a system that didn't give you many to work with, have found a way to make it sustainable, to put skin in the game for my own employees, to get them to get better care for themselves, and to do things that weren't the same things we have been doing, which have not improved the situation.

Medicaid is paid for half by States, half by the Federal Government. I think it does entitle States to have more flexibility on account of it. But what I would ask my colleagues on my side of the aisle is to look at holding the industry more accountable by being competitive, transparent, engaging the healthcare consumer, and that the other side of the aisle doesn't just push through for spending more Federal dollars, where the proof is in the pudding. Neither approach has been working.

It is a tapeworm on the economy. Warren Buffett has got it correct. We need to put our heads together.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

H.R. 1652

Ms. MURKOWSKI. Mr. President, just about a month ago, I was on the floor. Senator DURBIN from Illinois was here. We were on the floor at that time to ask for unanimous consent to pass legislation to fix a technical issue with the VOCA deposit.

As my colleagues will remember, VOCA is designed to help sustain the Crime Victims Fund Act, or that is the legislation that we had introduced at that time. Just to refresh memories, I would like to reiterate why this fix to the victims fund is so essential.

Effectively, what we are talking about here is stability; sustainability; and, really, certainty.

I had an opportunity in late June to host a roundtable with members from the victim services groups from around the State. We were focused on the impact of the VOCA deposit issue specific to Alaska and what it meant for those who provide the services for victims, whether these are the child advocacy centers, whether these are the domestic violence shelters and the centers, abused women networks. But I was really blown away by the testimony

from so many in these organizations. They were facing a 36-percent cut to the VOCA funds in just this past fiscal year.

When you think about what the impact of cuts at 36 percent means to any organization, it is, obviously, very, very limiting. But for some of these organizations, we are talking about a quarter of their budget. A quarter of their annual budget could be lost just like that.

What they shared with me was that this was everything for them. This was the difference of being able to answer the phone from somebody who has been abused; is in an awful, tragic situation; doesn't know where to go, and they phone that number and there is nobody to take that call, nobody to respond, nobody to save those lives.

It is a matter of not just having the individual there to answer the phone, but, again, when we think about the types of services that are provided by these victim services organizations, they are there for, truly, the most vulnerable at an exceptionally vulnerable moment in their lives.

I was able to hear from those who were gathered at this roundtable, to hear firsthand on the increases in victimization that we have seen in my home State of Alaska during this past year, as we have seen this impact from COVID. But the impacts of this increase on our providers have really been astounding.

Alaska CARES, for example, saw a 173-percent increase in children hospitalized in the pediatric ICU for serious physical abuse and fatal neglect.

Think about that. They had a 173-percent increase in these kids who are being hospitalized, and they have said they were seeing significant brain trauma, significant brain injury. I heard about unprecedented increases that we are seeing in child torture, which our child advocacy centers are witnessing firsthand. Really, when you think about that, it has to just haunt you to the core.

The Alaska chapter of Volunteers of America, which receives VOCA funds to provide at-risk youth and children with vital mental health services, shared a story. They introduced me to Alice.

Alice is a teen who experienced numerous traumatic events in her young life, including child sexual assault and neglect. By receiving services through VOCA, she is pulling her life together. She is learning coping skills, learning to make those positive choices.

So when we think about the role that these victim services play, these providers who, again, are there for truly the most vulnerable at the most vulnerable times that they may face, it should make us want to do everything we can to ensure that they have the resources available for them.

The longer Congress delays this inevitable fix, the larger cuts victim services in Alaska and in every State in our Nation are going to face. I think



we all recognize this has been a difficult time, but for those who are trying to serve victims through a global pandemic, it has really been so much harder. It has been 10 times harder. Our providers are exhausted. They are burned out. And now they are faced with massive cuts.

Now, my colleague from Pennsylvania has some legitimate budget concerns that he hopes to address through an amendment we will take up later today. His concerns with changes in mandatory spending are valid, and I respect that, but this VOCA fix legislation is not the mechanism to address these concerns. I fear that if his amendment should pass, it will delay and perhaps derail this much needed fix.

Again, we are hearing from victims. We are hearing from survivors. We are hearing from victim service organizations. They are asking us—they are asking us—they are begging us for a fix now to the VOCA deposit. I am not hearing too many of them ask for CHIMP reform. The use of CHIMPs is controversial. Our legislation, which would fix the VOCA deposit, is not.

We cannot fail the many who dedicate their lives to serving victims and survivors. There was an Alaska organization at the VOCA roundtable who said it very neatly. She said: It is a representation of our values as a society how we help those who are most vulnerable.

We have the ability today to do what is right, so I would urge my colleagues to vote aye on the VOCA Fix Act.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, I ask unanimous consent that Senator HYDE-SMITH and I be allowed to use a prop or two during our next presentation.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO MISSISSIPPI STATE UNIVERSITY  
BASEBALL TEAM

Mr. WICKER. Mr. President, thank you very much.

My first prop is a front-page story from the Northeast Mississippi Daily Journal on Thursday, July 1, 2021. It says:

Hail State! Bulldogs are national champions. Mississippi State celebrates after winning the College World Series 9-0 against Vanderbilt after the deciding Game 3 on Wednesday in Omaha. See full coverage: Sports, 1B.

That is my other prop, and that headline says:

Best in Show. Decisive win delivers first national title for the Mississippi State Bulldogs.

Senator HYDE-SMITH and I could not be more delighted to rise this afternoon and recognize Mississippi State University and their baseball team on their first national championship in school history in any sport.

The Bulldogs had been to the College World Series 11 times in the past, and that in itself is a remarkable achieve-

ment. They even got to the championship series once in 2013. But this year was the year it all finally came together under Head Coach Chris Lemonis.

They say good pitching wins baseball games, and in this case, it certainly helped Mississippi State win the College World Series.

The hype had been building around MSU by the time they arrived in Omaha in mid-June. After beating Texas and then Virginia and then again beating Texas on a walk-off hit in the bottom of the ninth, the Dawgs advanced to the championship round to face Vanderbilt.

The Bulldogs dropped the season opener, but the next day, on the strength of pitching from Houston Harding and Preston Johnson, who combined to throw a four-hitter, State bounced back with a 13-to-2 victory. They carried that momentum into game 3, where Will Bednar and Landon Sims took the mound and held Vandy to one single hit. The Bulldogs won in a 9-to-0 shutout to bring the national title home for the first time ever to Starkville, MS.

I want to offer my congratulations to Mississippi State Head Coach Chris Lemonis, who was named Coach of the Year by Collegiate Baseball Newspaper.

Congratulations are also in order for Will Bednar, who won Most Outstanding Player at the College World Series and outfielder Tanner Allen, the SEC Player of the Year. He was also named the American Baseball Coaches Association National Player of the Year.

In addition, six Bulldogs were named to this year's College World Series All-Tournament Team: Logan Tanner, Luke Hancock, Lane Forsythe, Tanner Allen, Rowdey Jordan, and Will Bednar.

I want to commend the Mississippi State Bulldogs team for their tireless work throughout this season and for their outstanding achievement. They have made Mississippi State and the entire Magnolia State of Mississippi proud.

In the words of the late Jack Cristil, the voice of the Bulldogs for many, many years, you can wrap this one up in the maroon and white.

I yield to my colleague from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi.

Mrs. HYDE-SMITH. Mr. President, I am so pleased to join my colleague in congratulating Mississippi State University's baseball team on its recent 2021 NCAA College World Series championship, the first NCAA championship in school history.

Mississippi State capped off its extraordinary season by defeating an incredibly talented Vanderbilt University team 9 to 0 in game 3. My house was full. We were all cheering. Their impressive and remarkable run through this year's College World Series is a testament to the rich tradition

of the MSU baseball program, which has now appeared in 12 NCAA College World Series in its history, including most recently 3 consecutive series. The inspiring performance of this baseball team continues to be celebrated all over our State. Maroon is everywhere.

I truly appreciate the hard work, skill, and dedication that earned these athletes the first NCAA Division I baseball championship for Mississippi State, which are aptly described in the accompanying resolution.

We take pride in the legacy and inspiring example of these young men and their coaches. Thank you for such a wonderful and historic season. Hail State.

(Rings cowbell.)

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

THE ECONOMY

Mr. BARRASSO. Mr. President, I come to the floor today to oppose Democrats' latest multitrillion-dollar spending spree.

It has only been 4 months since the Democrats passed a \$1.9 trillion spending bill, and it was done through Congress on a party-line vote. Not a single Republican voted for the bill. The Democrats put the whole thing on a credit card. The bill is going to be paid for by our kids and our grandkids, and they are going to have to pay for it with interest.

To me, that bill was completely unnecessary. It was a big payoff to the people who run the Democratic Party—\$86 billion for union bosses, hundreds of billions for bankrupt blue States, and free vacation time for DC bureaucrats. There was a big expansion of Medicaid. There was an even bigger expansion of ObamaCare. Millions of dollars went for so-called climate justice.

The bill flooded the country with cash, and it did so without adding goods or services to the country. So what happens? Well, prices go up. It is no wonder that prices have gone up since Joe Biden took office.

Experts from both parties warned that the so-called stimulus bill would actually cause inflation, and that includes President Obama's economic adviser Larry Summers. Critics also included former Obama economic adviser Jason Furman. I want to make sure I get the quote right. He said: "I don't know any economist that was recommending something the size of what [we passed]." Didn't know a single economist who recommended it.

The nonpartisan Congressional Budget Office said we don't need any stimulus funding. Well, that didn't stop the Democrats. The Congressional Budget Office said our economy would be back to normal, they said, this summer without a dime of additional spending.

Democrats, of course, ignored the experts. They got their hands on America's credit card, and they just couldn't resist using it.

One measure of inflation is now the highest it has been in nearly 30 years.

Filling up a pickup truck in my home State of Wyoming—and I was there again this past weekend—is now about \$25 more expensive than it was the day Joe Biden was inaugurated. For 3 months in a row, prices have gone up faster than wages. In effect, the American people, because of the inflation exceeding wages and growth, have taken a pay cut.

Two things I hear about every weekend in Wyoming: one, the cost of things, and then I hear from small businesses trying to hire people, trying to get people back to work.

We know, nationally, nearly half of all the unemployed people have been making more money by staying at home than they would have by going to work. That is because Washington Democrats continue to pay them unemployment bonuses on top of the unemployment earnings that they make in their own State. States have unemployment programs to compensate people who are out of work, but Washington Democrats said: Not enough. We are going to pay everybody a big bonus on top of that.

At the end of June, a poll estimated that 1.8 million people were staying home from work because they were making more money not working than they would make by working. These people aren't lazy. They are logical. They see what the incentives are. Democrats are printing money, and people are not going to work because they are getting paid to stay home. No wonder that we have inflation combined with a record number in this country of unfilled jobs.

Both inflation and worker shortages were created by this Democratic spending bill. It seems the Democrats still haven't learned basic economics, and now the Democrats are getting ready to make the same mistake all over again. This time, it is even on a bigger scale. The Democrats are spending taxpayer dollars like it is Monopoly money.

Democrats are getting ready to cram another bill through Congress on another party-line vote, ignoring all the warning signs. Even the Treasury Secretary, the Secretary of the Treasury, Janet Yellen, admitted last week—she said “several more months of rapid inflation”; “several more months of rapid inflation.”

Democrats see the inflation and say: Don't worry about it. We will just send you another government check. Democrats seem to want the entire country getting a government check.

The latest spending spree massively expands ObamaCare, just like the last one. This new spending spree would lower the age of Medicare even though life expectancy has gone up since Medicare was created.

This reckless spending spree would also give amnesty to millions and millions of illegal immigrants. The amnesty includes nothing to strengthen our borders. That is where the work needs to be done. It just creates more

incentives to come here illegally. No wonder we are seeing the highest numbers of illegal aliens in 20 years, right now. Many illegal immigrants have admitted they came here because Democrats promised to give them government benefits: free healthcare, plus the assurance that they could stay in this country.

The spending spree is larded up with giveaways to the Democrats' favorite groups: union bosses, trial lawyers, leftwing professors. It includes taxpayer funding for full-time professional climate activists.

So this morning, this very morning, Representative OCASIO-CORTEZ of New York and 80 other Members and Democrats sent a letter to Senator SCHUMER demanding funding of these activists. Senator SCHUMER went straight to the floor, and he said he would include it.

Now, these full-time climate activists would get a government paycheck, free healthcare, free childcare, free college tuition, free housing—part of the Democrats' goal of replacing middle-class jobs with government checks.

The majority leader came to the floor and talked about hiring hundreds of thousands of climate activists—a climate corps. Think about all the activists against the Keystone Pipeline, against drilling in the Arctic. They would now be paid by the Federal Government.

This bill that we are going to be considering, the budget that the Democratic Party is bringing forth, also includes supersizing the Internal Revenue Service. In total, the bill is the single most expensive spending bill in the history of this Nation. It costs almost as much as America's entire role in World War II. It might not be infrastructure, but it is a bullet train to socialism.

This new spending bill raises taxes. Yet it gives carve-outs to rich people in blue States and owners of electric vehicles.

Let me be very clear. Not one Republican is going to vote for this budget bill—not one in the House, not one in the Senate—not for this loaded, reckless spending spree with all the taxes included. That is why all it takes is one Democrat in the Senate or a handful in the House to stop this freight train to socialism.

This means all eyes will now be on the Democratic caucus. CHUCK SCHUMER and NANCY PELOSI want absolutely every one of them to walk the plank. One Democrat could stop this sprint to socialism, stop this massive amnesty, stop these crippling tax increases. If none do, every single Democrat will be held responsible for the consequences of their actions.

The consequences mean more inflation, with higher costs of gas, goods, groceries, more worker shortages, and more debt for our Nation. Democrats did enough damage with their last spending blowout. The new spending spree is twice as big, and the timing is even worse.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

H.R. 1652

Mr. TOOMEY. Mr. President, I rise this afternoon to speak about the legislation we are going to be voting on later today, including an amendment that I have, and it has to do with the Crime Victims Fund. And I just want to explain and remind my colleagues just how important the Crime Victims Fund is.

This is a very, very major funding source for people who do some of the most important work in America. I know. I have met these folks. I have toured their facilities all across Pennsylvania. I am referring to the advocates for victims of crimes. And these advocates, my goodness, the heinous and horrendous crimes that they guide people's recovery from—I am at a loss for words to describe what these folks do often for children, often for very vulnerable people who are victims of these heinous crimes.

Well, thank God there are people who dedicate their lives, professionals who dedicate their lives to helping people with their recovery, to helping people who are victims to cope with what can be horrific reliving of the experience when they have to recount it to law enforcement or go through physical exams and on and on. It is very, very difficult work, and it is very, very important to help completely innocent victims get through what is undoubtedly the worst experience in their lifetime.

So the Crime Victims Fund provides resources for the people who help the victims of crime and for victims themselves. It is important to point out that the fund is funded entirely by the proceeds from criminal penalties. There is no taxpayer money in this fund. There never has been. It is entirely from criminal penalties.

And there is a statute that created this account in the Federal Government that requires the money that goes into it, these criminal penalties, to go to the victims and their advocates. But it doesn't say when the money has to go, and so that gave rise to a serious problem that developed.

For years, it turns out that money that was put into this fund—money from criminal penalties that went into the fund—didn't go to victims, didn't go to the advocates for victims. It was intentionally withheld because we had these crazy budget rules that created an incentive to withhold it.

The way the budget rule worked is, if there was money in the fund that did not go to the victims of crime and their advocates, as it is supposed to, under the budget rules, you could pretend that that was a savings, and it would therefore allow you to spend more money in other areas. It was effectively a way to circumvent spending caps, and that is how it was used.

Year in and year out, money was systematically withheld from victims of



crime and their advocates, and it was a big problem. I will give you a sense of scale. In 2014, for instance, only \$745 million was obligated, despite a balance of \$9 billion. There was over \$8 billion in funding that was supposed to go to crime victims and their advocates intentionally withheld. In 2013, only \$730 million was obligated out of a little over an \$8 billion balance. There was over \$7 billion intentionally withheld.

From 2001 to 2014, the value of the funds—the money going in—increased by almost 600 percent. Funding for victims of crime and their advocates increased by 39 percent.

This was wrong. It was an abuse. It was based on an arcane and ridiculous budget rule, and it had a very, very deleterious effect. So when I discovered this, I began fighting this aggressively. It was brought to my attention by the people who serve victims of crime.

These groups came to me and asked me to help them in the struggle for them to get the resources they needed to meet the unmet needs of victims of crime all over my State and, I am sure, all over the country.

For instance, in 2015, the National Children's Alliance sent me a letter, and they said:

The [Crime Victims Fund] caps have been set too low; deposits—

Meaning the criminal penalties going into the fund—

have skyrocketed while disbursements have remained almost flat. . . . We look forward to further working with you to make all of the statutory changes needed to update the VOCA Crime Victims Fund and in turn better meet the needs of all victims and survivors of crime.

In 2016, the Court Appointed Special Advocates wrote:

Since 2000, when Congress began capping disbursement from the Crime Victims Fund to prevent fluctuations in deposits, funding has not kept pace with the needs of victims, including the growing population of child victims in America.

In 2015, I got a letter from the Pennsylvania Coalition Against Domestic Violence, and they said:

The most frustrating thing for someone who has done policy work is that there is money available for these unmet needs.

That is all true. There was money available. It was because money was deposited into the fund. It was just being systematically withheld from the victims of crime and their advocates.

But I got the message, and I think these folks were exactly right. So in response to these groups, I began working closely with appropriators on both sides of the aisle to address this problem and worked extensively with Senator SHELBY and his staff. The fact is, since about 2015, appropriators, the folks who control the effective allocation of this, have voluntarily obligated appropriate levels of disbursements since 2015, and the chart illustrates this very clearly.

Everything to the left of the green line is prior to 2015. You can see these

very, very low levels—less than \$1 billion every year—despite huge amounts of money being poured in; and then afterwards, starting in 2015, large, large increases in disbursements from the fund. Very, very important.

This has changed the circumstances for advocates of crime. They have grown enormously. I know this. In Pennsylvania, they have been able to hire more counselors. They have been able to open more facilities to treat and to help these victims of crime.

This is tremendous progress, but there is no guarantee that it is going to continue. So I have sought to make this simple principle: The idea that the money flowing into the fund should also flow out of the fund to the victims. I have tried to make this a permanent arrangement.

Now, let me be very clear. I am not trying to change budget rules. I am not trying to reopen some general budget. This is one egregious example of a category of budget flaws, and I am not trying to change it. I would love to change that. I should qualify that. I am trying to change it in other venues, but not here, not today. Today, all I am trying to do is something very, very narrow and very specific, and that is to make sure that victims of crimes and their advocates get the money they are supposed to get. It is really and truly as simple as that.

I have introduced legislation to do just this, repeatedly—you know, legislation that would simply require that we appropriate the appropriate dollar amounts each year. It was reported favorably out of the Senate Budget Committee in 2015. It was unanimously adopted in the congressional Bipartisan Budget Act of 2019.

So there is broad bipartisan support for this idea. But we have never been able to get it across the finish line. Again, I am not trying to change all the budget rules, just this one fund. I just want to make sure that crime victims get the money that the statute says they are supposed to get.

The Senator from Illinois, I believe, is the Senator who has introduced legislation that would create a new category of resources for the Crime Victims Fund, and that is specifically to add deferred and nondeferred prosecution agreement payments to the Crime Victims Fund. So it wouldn't be just criminal judgments. It would also be these prosecution agreements.

I fully support that money going into the Crime Victims Fund. It is a new, important source of revenue that can help to serve these victims of crime. There are no tax dollars involved. I support this goal. I support this legislation. I just want to make sure that we don't go back to these days, that weren't so terribly long ago, when money going into the fund stayed in the fund because it served people's purposes.

And that is a problem I have with the underlying legislation in its current form. That legislation has no require-

ment whatsoever that any increase in funding will actually be matched by an increase in outflows for victims and their advocates.

You see, making the fund bigger doesn't by itself guarantee that there will be any more money for victims of crime or their advocates. Ensuring that money goes into the fund is just not enough. We saw this. We need to ensure that more money is actually leaving the fund and going to victims, not remaining unspent so as to offset some other category of spending, who knows what.

I was appreciative back in 2018 for the endorsement from the National Organization for Victim Assistance, who wrote:

A permanent solution is needed. . . . There is no mechanism to stop Congress from diverting money from victims in the future, should it choose to do so.

Well, my amendment solves this problem. It is very simple. It would just require a reasonable minimum level for victims and advocates based on the amounts that have been deposited into the Crime Victims Fund from both of the sources.

As I say, Congress has been adhering to this voluntarily since 2016. What my amendment would do is it would simply create a point of order. If legislation came to the floor that violated this principle and that went back to these days of withholding—intentionally withholding—money that should be going to victims of crime, then that legislation would be subject to a point of order. Now, 60 Senators could override that point of order, but at least it would create the presumption and an incentive for appropriation legislation to actually provide the funding to victims and their advocates that it is supposed to.

I should also be clear. The policy only creates a spending floor. It would be at the discretion of the appropriators first and Congress as a whole later to decide if they wanted to disburse more money than what the floor contemplates, but the floor would at least prevent the worst of these abuses.

So you can imagine my surprise when some of the folks who are big advocates for putting more money into the fund are adamantly opposed to my language that would actually require that money to also come out of the fund and go to the intended beneficiaries.

You have to ask yourself, Why would someone oppose such a requirement? It is hard not to think that maybe one of the reasons that some people are adamant that they not be required to actually disburse this money is maybe they are thinking about going back to what used to happen routinely around here.

Remember, if the money is withheld from victims, if we go back to when the money didn't make it out the door to victims, why, that amount that is withheld can be spent on other things, and that is a powerful incentive for a

lot of folks around here. You can see how it was done.

Now, I have heard people say, some of my opponents say: Don't worry. We have no intention of diverting any of this money. Just trust us, they say.

If they have no intention of diverting the money, then why are they so adamant that they not be required to disburse it to its intended beneficiaries?

Well, we don't really have to speculate anymore because the President of the United States, President Biden, has been very clear about his intentions. In his budget, he has explicitly called for withholding this money from victims. It is right here in black and white. You don't have to be creative here. You don't have to be conspiratorial. The President has declared to the world in a published budget that he wants to withhold the money from crime victims. In fact, he laid it out there. It is in table S-8 of his budget.

I think this is a well-founded concern that we might go back to that practice. And in any case, if nobody wants to go back to that practice, then why wouldn't they agree to a requirement that this money actually be disbursed?

Now, over the course of debating this, much has been made of a letter that has been signed by some victims' organizations. Let's look at this for what it is. Organizations that depend overwhelmingly on congressional appropriations are asked to sign a letter by the very people who control whether or not they get funding, and the letter is advocating against codifying the stable increased funding that would benefit those folks.

I think we know what is going on there. I want to thank the many groups that are supporting this amendment: the Committee for a Responsible Federal Budget, Heritage Action, FreedomWorks, the R Street Institute, Taxpayer Protection Alliance, Americans for Prosperity, and others.

But, folks, this isn't complicated and it isn't about overhauling budget rules and it isn't about anything that is terribly complicated or arcane. It is about ensuring that crime victims and their advocates get the money they are supposed to get.

I urge my colleagues to stand with me and support this amendment and make sure that the neediest and some of the most vulnerable among us—victims of crime—receive the increased funding they deserve.

The PRESIDING OFFICER (Mr. MARKEY). The Senator from Vermont.

Mr. LEAHY. Mr. President, I will oppose this amendment today. I base it on my experience as an advocate for victims of crime that began when I was a prosecutor, certainly during the time when I was the Vice President of the National District Attorneys Association and on their executive board.

If you look at the Victims of Crime Act Fix bill, it has passed the House. It would deposit the proceeds in deferred prosecution agreements and non-prosecution agreements into the Crime

Victims Fund. And I mention this because in recent years, deposits into the fund have shrunk significantly. They actually threatened the ability to sustain payments to crime victims.

Senator TOOMEY's amendment would create a point of order if expenditures from the Crime Victims Fund fall below the 3-year average. The current 3-year average is \$583 million, assuming the CBO estimate of collections in fiscal year 2021 is \$750 million.

The Commerce, Justice, Science, and Related Agency Subcommittee, Appropriations, has worked to ensure the release of the fund is more than the 3-year average. For example, in fiscal year 2021, the CJS bill allows spending of \$2 billion—\$2.015 billion out of the fund. Now, that is \$1.5 billion more than the 3-year average of fiscal years 2018, 2019, and 2020.

I mention all of this because I support the crime victims. I spent a career supporting and advocating for them. I did that, as I said, before I was in the Senate, when I was a prosecutor.

But this amendment offered by Senator TOOMEY impinges on the ability of the Appropriations Committee to do its job. If it were adopted, here is what would happen. It would create a point of order. It would delay the movement of any appropriations bill that the Crime Victims Fund is part of.

I just put over on the—talking about the average—we have been releasing more than the 3-year average of the fund over the last several fiscal years, but then there could be a time when there is not enough funds to keep it sustainable.

And that is why we are here to vote on the underlying bill, the VOCA Fix Act. That would direct deposits from nonprosecution agreements and deferred prosecution agreements to go into the Crime Victims Fund so we can continue to spend out of the fund at or above current levels. And without it, the spending would continue to fall.

Victims groups like the National Alliance to End Sexual Violence are asking for clean passage of this act.

I went down through it and looked at the various States. I mention a couple: the Pennsylvania Coalition Against Domestic Violence, the Children's Advocacy Centers of Pennsylvania. The Pennsylvania Coalition Against Rape authored an opinion piece on July 5. They ask for clean passage of the VOCA Fix Act.

By the way, this bill also has nearly 60 cosponsors, including a number of my Republican colleagues like Senators MURKOWSKI, GRAHAM, CORNYN, and GRASSLEY. And the Senate bill is identical to the one before us, H.R. 1652.

Now, if we don't include amendments, if we pass this bill, we can get it to the President for signature immediately. We can help to ensure deposits into the Crime Victims Fund. That means all crime victims are going to be helped. I want that passage without an amendment.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Association of Prosecuting Attorneys, the National Latin@ Network for Healthy Families, Council of State Governments, Futures Without Violence, and numerous others be placed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 13, 2021.

Hon. MEMBER,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR: The organizations below, comprising the national VOCA stakeholder workgroup, are writing today to urge you to support a floor vote on the House-passed H.R. 1652, the VOCA Fix to Sustain the Crime Victims Fund Act of 2021 ("VOCA Fix Act") by allowing a vote on the bill. We further urge you to vote in favor of the VOCA Fix Act and to oppose controversial amendments.

The bipartisan and bicameral VOCA Fix Act, introduced in the Senate as S. 611 by Senators Durbin, Graham, Baldwin, Grassley, Feinstein, Cornyn, Klobuchar, and Murkowski, is a narrowly-focused, carefully negotiated technical fix to address an immediate crisis—massive cuts to Victim of Crime Act ("VOCA") victim service grants and insufficient funding for victim compensation.

VOCA grants are funded by monetary penalties associated with Federal criminal convictions—they are not funded with taxpayer money. In recent years, deposits into the VOCA's Crime Victims Fund ("CVF" or "the Fund") have dropped dramatically, due to the Department of Justice's increasing reliance on deferred prosecution and non-prosecution agreements (DPAs/NPAs). Unlike criminal convictions, monetary penalties associated with DPAs/NPAs are deposited into the General Fund of the Treasury—they do not go into the Crime Victims Fund, despite being outcomes based on the same crimes.

The VOCA Fix Act fixes this discrepancy by making a technical fix to deposit monetary penalties associated with DPAs/NPAs into the CVF instead of the General Fund, in alignment with the original intent of the statute. It also increases funding for state victim compensation programs and includes other provisions outlined in this letter of support, signed by more than 1,710 national, regional, state, Tribal, and local organizations and government agencies.

The VOCA Fix Act passed the House with overwhelming bipartisan support, but it has stalled in the Senate due to attempts to use the non-controversial VOCA Fix Act to force a vote on the controversial use of Changes in Mandatory Programs ("CHIMPs") in the Appropriations process. Recognizing the critical need to pass the VOCA Fix Act without further delay, Senators are pursuing a consent agreement to vote on both the VOCA Fix Act and an amendment by Senator Toomey relating to the use of the VOCA CHIMP. We urge you to support a floor vote on the VOCA Fix Act by letting the unanimous consent agreement to go through. Upon the acceptance of the consent agreement, we urge you to vote in favor of the VOCA Fix Act.

We also urge you to vote against Senator Toomey's amendment to limit the use of the VOCA offset by requiring Appropriators to release the average of the past three years' deposits from the CVF annually. We recognize Senator Toomey's desire to help survivors, but his amendment is not the best

way to do so. While on the surface, this proposal may seem reasonable, it actually has the potential to be harmful. The average of the past three years' deposits was less than \$500 million. If there was no balance in the Fund to offset the low deposits, victim service grants would have been \$200 million—a cut of 95% compared to four years ago. The cuts to grants over the last few years have been catastrophic, but a cut of 95% would completely decimate the entire victim service infrastructure. The \$2 billion balance allowed by Senator Toomey's amendment is less than yearly disbursement over the past five years and is insufficient to meet the needs of survivors.

It is also important to note that funding is not being diverted from victims to pay for other programs, as stated by those seeking to amend the VOCA Fix Act. When the CVF is used as a paper offset, funds are not transferred to pay for other programs—they remain in the Fund. Moreover, despite claims to the contrary, Appropriators are not hoarding money in the Fund to use as an offset. Over the past several years, they have reduced the balance in the Fund from \$13 billion in Fiscal Year 2017 to an anticipated \$2.5 billion at the end of this fiscal year by increasing grants to victim service providers. While \$2.5 billion may seem like a large balance, in actuality, it would only cover one year's VOCA grants at Fiscal Year 2020 levels, which were already at a five-year low. The amendment has the potential to bring down future funding bills and cause a government shutdown, and a bill with this language would not pass the House of Representatives. We ask that you join us in opposing this amendment.

Victims, survivors, and victim service organizations are telling us that they are cutting services, laying off staff, and even closing. They are asking for the VOCA Fix Act—they are not asking for CHIMP reform. While we wait for passage, survivors and advocates have watched criminal settlements totaling more than \$545 million directed towards the General Fund rather than into the Crime Victims Fund this calendar year, because this technical fix has not passed. Ultimately, there may be merit in holding a conversation about the structure of Congressional spending bills, but the VOCA Fix Act is not the appropriate forum. The use of CHIMPs is controversial; the VOCA Fix Act is not.

The VOCA Fix Act is a narrowly tailored, carefully negotiated technical fix bill to address the immediate needs of survivors, and the Senate must act now to pass this critical legislation without any amendments. On behalf of a broad and committed group of national, regional, state, Tribal, and local stakeholders, we urge you to support a vote on the VOCA Fix Act, to vote in favor of the VOCA Fix Act, and to vote against the Toomey amendment. Every delay allows potential funds that should be deposited into the Crime Victims Fund to serve victims to instead be deposited into the General Treasury. The House passed the VOCA Fix Act more than four months ago with overwhelming bipartisan support; we urge the Senate to similarly pass the House-passed VOCA Fix Act, as is, immediately.

For more information, contact Denise Edwards, Rachel Graber, Terri Poore, Monica McLaughlin, Daisy Pagan, and Dan Eddy.

Respectfully,

Association of Prosecuting Attorneys, Casa de Esperanza: National Latin@ Network for Healthy Families and Communities, Council of State Governments Justice Center, Futures Without Violence, Mothers Against Drunk Driving, National Alliance to End Sexual Violence, National Association of Crime Victim Compensation Boards, Na-

tional Association of VOCA Assistance Administrators, National Children's Alliance, National Coalition Against Domestic Violence, National Criminal Justice Association, National District Attorneys Association, National Network to End Domestic Violence, National Organization for Victim Assistance, National Organization of Sisters of Color Ending Sexual Assault, Ujima, Inc.: The National Center on Violence Against Women in the Black Community.

Mr. LEAHY. I urge a "no" vote on this amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I join Senator LEAHY and others who have come to the floor this afternoon to urge clean passage of the VOCA Fix Act so that we can secure greater deposits into the Crime Victims Fund and ensure continued support for crime victims.

I am currently the chair of the Commerce, Justice, and Science Appropriations Subcommittee. Senator MORAN from Kansas is my ranking member. Before that, Senator MORAN was chair of the committee, and I was the ranking member. Together, we have committed to a target of spending from the fund at a minimum of the 3-year average of collections. That is a practice that was started by former Appropriations Committee and CJS Chair Senator Mikulski, along with Senator SHELBY, back in 2015.

All deposits made into the Crime Victims Fund should stay in the fund. Our subcommittee directs the amount that is released by the Justice Department from the fund for victim services. But every dollar stays in the fund and is available in future years if it is not used for victim services.

If Senator TOOMEY's amendment passes, if appropriations bills contain less than the 3-year average, either the entire cap falls, depleting the fund in one fiscal year or, more likely, the appropriations bill would be stopped from moving forward on the floor.

Now, I appreciate what Senator TOOMEY is trying to do. He wants to address budget reform and the impact of mandatory spending, but this is not the way to do that. That needs a thoughtful process that goes through the committee that there is debate on. This should not be done as an amendment to a bill that is at a process that is critical to help the victims of crime.

Victims groups and direct service providers are asking for the clean passage of this act, the VOCA Fix Act. They are urging us to vote no on Senator TOOMEY's amendment.

We have all heard from victims groups requesting clean passage of this bill. I have heard from individuals and organizations from across New Hampshire, as Senator LEAHY said, organizations like the New Hampshire Coalition Against Domestic and Sexual Violence and the Granite State Children's Alliance which both benefit from the Crime Victims Fund because they get funding for those people who are injured.

This bill has already passed the House. If we pass this legislation today without amendment, it can be quickly signed into law, and we can get these much needed changes to shore up collections into the fund so that the victims of crime can get the help that they need. It will make a meaningful impact to ensure there is adequate funding for survivors now and in years to come.

I would urge a "no" vote on the Toomey amendment.

I yield the floor.

Mr. GRASSLEY. Mr. President, before we proceed to a vote on final passage of the VOCA Fix Act, on which I teamed up with Senators DURBIN, GRAHAM, and other members of the Judiciary Committee, we first will turn to the Toomey amendment.

This amendment is loosely based on a bill introduced by Senator TOOMEY in 2015. That 2015 measure, entitled the "Fairness for Victims of Crime Act," would have created a budgetary point of order against legislation that required the Crime Victims Fund to disburse less than the average amount collected by the Fund over the previous 3 fiscal years.

The Senate held a field hearing on this legislation, which was introduced by Senator Toomey, the same year. The Budget Committee, of which I am a member, then approved the legislation by unanimous voice vote. I still support the premise behind this bill, which is to promote fairness for crime victims and restore the original intent of the Victims of Crime Act.

Some years ago, appropriators placed an arbitrary cap on the amount of money that could flow out of the Crime Victims Fund each year. The imposition of this cap meant not only that billions of dollars accumulated, unspent, in the fund in later years, but also that this sum could be used as an offset to support other projects backed by congressional appropriators. Meanwhile, the availability of so much unspent money in the Crime Victims Fund made it an extremely tempting target for budget dealmakers. On one occasion in 2015, during the Obama administration, budget negotiators simply rescinded at least a billion dollars of the fund for a budget deal.

As noted by Senator TOOMEY today, the President's budget proposal for the coming fiscal year indicates that he proposes to rely on \$26 billion in the Crime Victims Fund and cancellations in the Children's Health Program to offset an equivalent amount in new discretionary spending. Table S-8 to the President's budget shows that this is the intention.

Every last penny brought into the Victims of Crime Act Fund is supposed to help victims rather than serve as a funding gimmick for other projects supported by appropriators and the White House. It is for this reason that I support the Toomey amendment.

Mr. DURBIN. Mr. President, is there a scheduled vote?

The PRESIDING OFFICER. To the Senator from Illinois, it is scheduled for 5:15.

Mr. DURBIN. The first vote is on the Toomey amendment followed by a vote on passage of the bill, amended or unamended?

The PRESIDING OFFICER. That is correct.

Mr. DURBIN. I would just say in conclusion—and I thank the Senator from New Hampshire and the Senator from Vermont for their comments on this measure.

If you listen carefully to the Senator from Pennsylvania, there is one thing he did not say. He did not say that any surplus in this fund was spent for another purpose.

He seems to worry about the allocation of the balance each year of the fund. I would think a fiscal conservative would want to make certain that the money spent is spent properly, not overspending in some years and underspending in others.

That is exactly what the appropriators are asking for here, the ability to moderate and to regulate the amount of money as it is spent, as it is needed. That seems like a pretty fiscally conservative point of view and a responsible one.

I urge my colleagues to follow the advice of the Senators from Vermont and New Hampshire and to oppose the Toomey amendment and support the passage of the bill.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, my understanding is that I would have 1 minute to close out debate on this; is that correct?

The PRESIDING OFFICER. There is 1 minute, and the Senator is recognized.

Mr. TOOMEY. Could I claim that minute now?

The PRESIDING OFFICER. Yes.

Mr. TOOMEY. Thank you very much. Listen, it is very clear that we have very broad agreements on a provision in this legislation that will dramatically increase the money that goes into the fund. What my colleagues on the other side of the aisle object to is a requirement that the money actually go out of the fund to the victims and their advocates.

And we know that, systemically, money was withheld from this fund for years, and we know that President Biden has stipulated in his current budget that it must happen again.

I am simply saying, if we all agree that this nontaxpayer money coming from criminal penalties and non-deferred agreements, if it is supposed to go into this account, the Crime Victims Fund, which I support, it should actually have to go to the victims of crime and their advocates.

If my amendment passes, this bill could be passed by the House later that same day or the next day. It could be on the President's desk before the end of the week, easily. If it were to pass

and be signed into law, then we would be assured that appropriation bills would be brought to the floor with the proper allocation done. So I urge the support of my amendment, and then the adoption of the underlying bill.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I am not going to read the lengthy statement from the coalition of victims' rights advocates and law enforcement organizations opposing the Toomey amendment and the many organizations that have asked us to vote no on the amendment and yes on the Victims of Crime Act.

I ask unanimous consent to have printed in the RECORD the entire statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 13, 2021.

Hon. MEMBER,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR: The organizations below, comprising the national VOCA stakeholder workgroup, are writing today to urge you to support a floor vote on the House-passed H.R. 1652, the VOCA Fix to Sustain the Crime Victims Fund Act of 2021 ("VOCA Fix Act") by allowing a vote on the bill. We further urge you to vote in favor of the VOCA Fix Act and to oppose controversial amendments.

The bipartisan and bicameral VOCA Fix Act, introduced in the Senate as S. 611 by Senators Durbin, Graham, Baldwin, Grassley, Feinstein, Cornyn, Klobuchar, and Murkowski, is a narrowly-focused, carefully negotiated technical fix to address an immediate crisis—massive cuts to Victim of Crime Act ("VOCA") victim service grants and insufficient funding for victim compensation.

VOCA grants are funded by monetary penalties associated with Federal criminal convictions—they are not funded with taxpayer money. In recent years, deposits into the VOCA's Crime Victims Fund ("CVF" or "the Fund") have dropped dramatically, due to the Department of Justice's increasing reliance on deferred prosecution and non-prosecution agreements (DPAs/NPAs). Unlike criminal convictions, monetary penalties associated with DPAs/NPAs are deposited into the General Fund of the Treasury—they do not go into the Crime Victims Fund, despite being outcomes based on the same crimes.

The VOCA Fix Act fixes this discrepancy by making a technical fix to deposit monetary penalties associated with DPAs/NPAs into the CVF instead of the General Fund, in alignment with the original intent of the statute. It also increases funding for state victim compensation programs and includes other provisions outlined in this letter of support, signed by more than 1,710 national, regional, state, Tribal, and local organizations and government agencies.

The VOCA Fix Act passed the House with overwhelming bipartisan support, but it has stalled in the Senate due to attempts to use the non-controversial VOCA Fix Act to force a vote on the controversial use of Changes in Mandatory Programs ("CHIMPs") in the Appropriations process. Recognizing the critical need to pass the VOCA Fix Act without further delay, Senators are pursuing a consent agreement to vote on both the VOCA Fix Act and an amendment by Senator Toomey relating to the use of the VOCA CHIMP. We urge you to support a floor vote

on the VOCA Fix Act by letting the unanimous consent agreement to go through. Upon the acceptance of the consent agreement, we urge you to vote in favor of the VOCA Fix Act.

We also urge you to vote against Senator Toomey's amendment to limit the use of the VOCA offset by requiring Appropriators to release the average of the past three years' deposits from the CVF annually. We recognize Senator Toomey's desire to help survivors, but his amendment is not the best way to do so. While on the surface, this proposal may seem reasonable, it actually has the potential to be harmful. The average of the past three years' deposits was less than \$500 million. If there was no balance in the Fund to offset the low deposits, victim service grants would have been \$200 million—a cut of 95% compared to four years ago. The cuts to grants over the last few years have been catastrophic, but a cut of 95% would completely decimate the entire victim service infrastructure. The \$2 billion balance allowed by Senator Toomey's amendment is less than yearly disbursement over the past five years and is insufficient to meet the needs of survivors.

It is also important to note that funding is not being diverted from victims to pay for other programs, as stated by those seeking to amend the VOCA Fix Act. When the CVF is used as a paper offset, funds are not transferred to pay for other programs—they remain in the Fund. Moreover, despite claims to the contrary, Appropriators are not hoarding money in the Fund to use as an offset. Over the past several years, they have reduced the balance in the Fund from \$13 billion in Fiscal Year 2017 to an anticipated \$2.5 billion at the end of this fiscal year by increasing grants to victim service providers. While \$2.5 billion may seem like a large balance, in actuality, it would only cover one year's VOCA grants at Fiscal Year 2020 levels, which were already at a five-year low. The amendment has the potential to bring down future funding bills and cause a government shutdown, and a bill with this language would not pass the House of Representatives. We ask that you join us in opposing this amendment.

Victims, survivors, and victim service organizations are telling us that they are cutting services, laying off staff, and even closing. They are asking for the VOCA Fix Act—they are not asking for CHIMP reform. While we wait for passage, survivors and advocates have watched criminal settlements totaling more than \$545 million directed towards the General Fund rather than into the Crime Victims Fund this calendar year, because this technical fix has not passed. Ultimately, there may be merit in holding a conversation about the structure of Congressional spending bills, but the VOCA Fix Act is not the appropriate forum. The use of CHIMPs is controversial; the VOCA Fix Act is not.

The VOCA Fix Act is a narrowly tailored, carefully negotiated technical fix bill to address the immediate needs of survivors, and the Senate must act now to pass this critical legislation without any amendments. On behalf of a broad and committed group of national, regional, state, Tribal, and local stakeholders, we urge you to support a vote on the VOCA Fix Act, to vote in favor of the VOCA Fix Act, and to vote against the Toomey amendment. Every delay allows potential funds that should be deposited into the Crime Victims Fund to serve victims to instead be deposited into the General Treasury. The House passed the VOCA Fix Act more than four months ago with overwhelming bipartisan support; we urge the Senate to similarly pass the House-passed VOCA Fix Act, as is, immediately.

For more information, contact Denise Edwards, Rachel Graber, Terri Poore,

Monica McLaughlin, Daisy Pagan, and Dan Eddy.

Respectfully,  
Association of Prosecuting Attorneys, Casa de Esperanza: National Latin@ Network for Healthy Families and Communities, Council of State Governments Justice Center, Futures Without Violence, Mothers Against Drunk Driving, National Alliance to End Sexual Violence, National Association of Crime Victim Compensation Boards, National Association of VOCA Assistance Administrators, National Children's Alliance, National Coalition Against Domestic Violence, National Criminal Justice Association, National District Attorneys Association, National Network to End Domestic Violence, National Organization for Victim Assistance, National Organization of Sisters of Color Ending Sexual Assault, Ujima, Inc.: The National Center on Violence Against Women in the Black Community.

Mr. DURBIN. I yield the floor.

VOTE ON AMENDMENT NO. 2121

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2121, offered by the Senator from Pennsylvania, Mr. TOOMEY.

Mr. TOOMEY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 40, nays 60, as follows:

[Rollcall Vote No. 271 Leg.]

YEAS—40

Barrasso	Hagerty	Rounds
Blackburn	Hawley	Rubio
Boozman	Inhofe	Sasse
Braun	Johnson	Scott (FL)
Burr	Kennedy	Scott (SC)
Cassidy	Lankford	Sullivan
Cornyn	Lee	Thune
Cotton	Lummis	Tillis
Cramer	Marshall	Toomey
Crapo	McConnell	Tuberville
Cruz	Paul	Wicker
Daines	Portman	Young
Ernst	Risch	
Grassley	Romney	

NAYS—60

Baldwin	Hassan	Ossoff
Bennet	Heinrich	Padilla
Blumenthal	Hickenlooper	Peters
Blunt	Hirono	Reed
Booker	Hoeven	Rosen
Brown	Hyde-Smith	Sanders
Cantwell	Kaine	Schatz
Capito	Kelly	Schumer
Cardin	King	Shaheen
Carper	Klobuchar	Shelby
Casey	Leahy	Sinema
Collins	Lujan	Smith
Coons	Manchin	Stabenow
Cortez Masto	Markey	Tester
Duckworth	Menendez	Van Hollen
Durbin	Merkley	Warner
Feinstein	Moran	Warnock
Fischer	Murkowski	Warren
Gillibrand	Murphy	Whitehouse
Graham	Murray	Wyden

The amendment (No. 2121) was rejected.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER (Mr. PETERS). The bill having been read the third time, the question is, Shall the bill pass?

Mr. PADILLA. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 272 Leg.]

YEAS—100

Baldwin	Hagerty	Portman
Barrasso	Hassan	Reed
Bennet	Hawley	Risch
Blackburn	Heinrich	Romney
Blumenthal	Hickenlooper	Rosen
Blunt	Hirono	Rounds
Booker	Hoeven	Rubio
Boozman	Hyde-Smith	Sanders
Braun	Inhofe	Sasse
Brown	Johnson	Schatz
Burr	Kaine	Schumer
Cantwell	Kelly	Scott (FL)
Capito	Kennedy	Scott (SC)
Cardin	King	Shaheen
Carper	Klobuchar	Shelby
Casey	Lankford	Sinema
Cassidy	Leahy	Smith
Collins	Lee	Stabenow
Coons	Lujan	Sullivan
Cornyn	Lummis	Tester
Cortez Masto	Manchin	Thune
Cotton	Markey	Tillis
Cramer	Marshall	Toomey
Crapo	McConnell	Tuberville
Cruz	Menendez	Van Hollen
Daines	Merkley	Warner
Duckworth	Moran	Warnock
Durbin	Murkowski	Warren
Ernst	Murphy	Whitehouse
Feinstein	Murray	Wicker
Fischer	Ossoff	Wyden
Gillibrand	Padilla	Young
Graham	Paul	
Grassley	Peters	

The PRESIDING OFFICER. On this vote, the yeas are 100, the nays are 0.

The 60-vote threshold having been achieved, the bill is passed.

The bill (H.R. 1652) was passed.

#### MORNING BUSINESS

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO BRIAN WAGNER

Mr. DURBIN. Madam President, the U.S. Postal Service always provides outstanding service during every election, but 2020 was something unseen in more than a century. Last year, USPS had to manage processing nearly 66 million ballots, countless safety concerns, and a hostile administration. And as expected, it met these challenges with incredible efforts and determination. A big part of that strength came from the National Association of Postal Supervisors, or NAPS. What started as 50 postal supervisors dedicating themselves to helping their fellow supervisors more than a century ago has become a critical force during our election. They have kept our Nation connected through the mail, and in 2020, they helped keep us connected to our democracy.

With a membership of 27,000, NAPS local ballot ambassadors helped postal leadership process millions of ballots

during this pivotal election. Leading the effort was NAPS national president Brian Wagner. I am grateful for his leadership and service. He has served in NAPS for more than 25 years, and in August, he will be retiring from his position. I would like to share his amazing story with you.

Brian was a paperboy while growing up in Peoria, IL. Right out of high school, he joined the U.S. Postal Service as a letter carrier. It was a perfect fit; Brian just enjoys people. He loves connecting with his neighbors and naturally made friends all along his route. A lifelong lover of ice cream, Brian was happy to have The Spotted Cow ice cream shop on his route as well. Brian even met his wife Carol when he was a letter carrier. Carol ran the mailroom of a business on Brian's route.

While working as a letter carrier, Brian worked hard on his formal education. He earned an associate's degree in business from Illinois Central Junior College, a bachelor's degree in finance from Illinois State University, and an MBA from Illinois State, all while still completing his route every day. Brian and Carol married after he graduated.

In 1990, Brian joined NAPS. He joined NAPS because he knew that being a postal worker was a wonderful job with benefits that were worth fighting to keep. Others deserved to have the same opportunities he had. He began representing NAPS members in 1994 when members elected him president of the Heart of IL Branch 255. Throughout the years, he has served as NAPS secretary/treasurer, central region vice president, and NAPS Illinois State area vice president.

In August 2016, Brian was elected NAPS national president and has been a consistent fighter for postal supervisors. His dedication to NAPS is incredible. Brian even celebrated his 30th wedding anniversary at a NAPS convention. He has been in their corner through these especially tough times in the last several years.

This summer, Brian will retire from his role. He will have more time to travel, practice for his marathons, and watch his beloved St. Louis Cardinals play baseball. In addition, he will be able to spend time with his sons Justin and Ryan and dote on his new grandchild. I have heard Idaho and Hawaii are on the docket for travel plans. I hope he will also find time to enjoy his favorite mint chocolate chip ice cream at The Spotted Cow.

Wishing our best to one of our best.

#### MEASURES READ THE FIRST TIME ON JULY 19, 2021

The following bill was read the first time:

S. 2382. A bill to authorize the National Cyber Director to accept details from other elements of the Federal Government on non-reimbursable basis, and for other purposes.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to