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# United States Senate

COMMITTEE ON APPROPRIATIONS  
WASHINGTON, DC 20510-6025  
<http://appropriations.senate.gov>

March 12, 2021

The Honorable Merrick Garland  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530

Dear Attorney General Garland,

Congratulations on your recent confirmation as Attorney General of the United States. Your new position leading the Department of Justice comes at a critical time in our nation. We both believe President Biden chose the right person for the job, and we stand ready to work with you.

One issue deserving your immediate attention is the troubling trend of declining deposits into the Crime Victims Fund (CVF) each year. Senator Shaheen raised this issue with you during your call on February 26, and we wanted to take this opportunity to provide you with additional information on the urgency of the situation. As you may remember from your previous work within the Department of Justice, the CVF, established by the Victims of Crime Act (VOCA) of 1984, is financed by fines and penalties imposed in federal cases. The CVF funds provide the victims of crime with direct compensation for crime-related expenses, such as medical costs, funeral and burial costs, and mental health counseling. States also receive CVF formula grant funds to make thousands of awards annually to public and private nonprofit organizations that provide assistance to victims, including providing emergency shelter and emergency transportation.

Over the past several years, deposits into the CVF have declined sharply. The main reason for that decline appears to be that many recent settlements in federal cases have not included criminal fees and fines that would be deposited into the CVF. Instead, these settlements have been structured as deferred prosecution agreements (DPA) and non-prosecution agreements (NPA). Funds from those agreements are deposited into the General Treasury, not the CVF. Over the past several years, more than \$3 billion has gone to the Treasury as part of DPAs and NPAs (\$695 million in FY 2017, \$1.3 billion in FY 2018, and \$1.1 billion in FY 2019), while deposits in the CVF have declined (CVF collections of \$6.6 billion in FY 2017, \$445 million in FY 2018, \$495 million in FY 2019 and \$503 million in FY 2020).

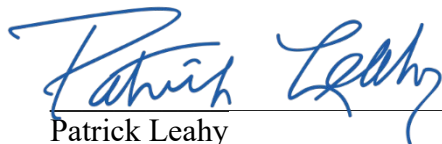
The estimated balance of the CVF for FY 2021 is \$4 billion, a drop from last year's balance of \$4.4 billion. This is a steep drop from FY 2017, when the year-end balance was \$13.1 billion. Something needs to be done now to ensure solvency of the CVF.

Congress is taking steps to rectify this situation with the introduction this month of the Crime Victims Fund Sustainability Act (S. 611), a bill that we are both co-sponsoring. If enacted, the legislation would divert fines assessed under DPAs and NPAs from the General Treasury into the CVF. But we are also asking for your close review of this situation in order to maintain viability of the CVF to continue strong, sustained support for crime victims. To that end, please provide answers to the following questions:

1. In FY 2020, the Commerce, Justice Science and Related Agencies Appropriations Act directed the Justice Department to raise awareness of the CVF with its litigating components. In July 2020, updated references to the CVF were added to the Justice Manual, including language to educate prosecutors about the purpose of the CVF, its funding sources, and the impact of NPAs and DPAs on the ability to compensate victims. How will the Executive Office for United States Attorneys and other Justice Department litigating components ensure that new attorneys, including assistant U.S. attorneys, will be educated about the CVF as part of their training? How else will you ensure that attorneys at the Justice Department promote victim assistance and compensation?
2. As Attorney General, how do you plan to direct the use of DPAs and NPAs?
3. How often did the Justice Department utilize DPAs and NPAs for each fiscal year 2014–2020? What was the total amount of settlement fines and fees returned to the General Treasury from the Justice Department for each of those fiscal years?

We look forward to your response and ask that we receive it no later than May 1, 2021.

Sincerely,



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Patrick Leahy  
Chair  
Senate Committee on Appropriations



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Jeanne Shaheen  
Chair  
Subcommittee on Commerce, Justice,  
Science and Related Agencies  
Senate Committee on Appropriations