

115TH CONGRESS
2D SESSION

S. 3746

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

IN THE SENATE OF THE UNITED STATES

DECEMBER 12, 2018

Mr. TOOMEY (for himself, Mr. CRAPO, Mr. RUBIO, Mr. COTTON, Mr. CRUZ, and Mrs. ERNST) introduced the following bill; which was read twice and referred to the Committee on the Budget

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fairness for Crime
5 Victims Act of 2018”.

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

9 (a) FINDINGS.—Congress finds that—

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (13) funds collected by the Crime Victims Fund
22 should be used for services to crime victims in ac-
23 cordance with the Victims of Crime Act of 1984.

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

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

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

9 “(a) DEFINITIONS.—In this section—

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

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

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

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

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

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

12 “(1) POINT OF ORDER.—

13 “(A) IN GENERAL.—In the Senate, it shall
14 not be in order to consider a provision in a bill
15 or joint resolution making appropriations for all
16 or a portion of a fiscal year, or an amendment
17 thereto, amendment between the Houses in re-
18 lation thereto, conference report thereon, or mo-
19 tion thereon, that contains a CHIMP that, if
20 enacted, would cause the amount available for
21 obligation during the fiscal year from the Crime
22 Victims Fund to be less than the 3-year average
23 amount.

24 “(B) POINT OF ORDER SUSTAINED.—If a
25 point of order is made by a Senator against a

1 provision described in subparagraph (A), and
2 the point of order is sustained by the Chair,
3 that provision shall be stricken from the meas-
4 ure and may not be offered as an amendment
5 from the floor.

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

9 “(3) CONFERENCE REPORTS.—When the Sen-
10 ate is considering a conference report on, or an
11 amendment between the Houses in relation to, a bill
12 or joint resolution, upon a point of order being made
13 by any Senator pursuant to paragraph (1), and such
14 point of order being sustained, such material con-
15 tained in such conference report or House amend-
16 ment shall be stricken, and the Senate shall proceed
17 to consider the question of whether the Senate shall
18 recede from its amendment and concur with a fur-
19 ther amendment, or concur in the House amendment
20 with a further amendment, as the case may be,
21 which further amendment shall consist of only that
22 portion of the conference report or House amend-
23 ment, as the case may be, not so stricken. Any such
24 motion in the Senate shall be debatable. In any case
25 in which such point of order is sustained against a

1 conference report (or Senate amendment derived
2 from such conference report by operation of this
3 subsection), no further amendment shall be in order.

4 “(4) SUPERMAJORITY WAIVER AND APPEAL.—
5 In the Senate, this subsection may be waived or sus-
6 pended only by an affirmative vote of three-fifths of
7 the Members, duly chosen and sworn. An affirmative
8 vote of three-fifths of Members of the Senate, duly
9 chosen and sworn shall be required to sustain an ap-
10 peal of the ruling of the Chair on a point of order
11 raised under this subsection.

12 “(5) DETERMINATION.—For purposes of this
13 subsection, budgetary levels shall be determined on
14 the basis of estimates provided by the Chairman of
15 the Committee on the Budget of the Senate.

16 “(c) POINT OF ORDER IN THE HOUSE OF REP-
17 RESENTATIVES.—

18 “(1) IN GENERAL.—A provision in a bill or
19 joint resolution making appropriations for a fiscal
20 year that proposes a CHIMP that, if enacted, would
21 cause the amount available for obligation during the
22 fiscal year from the Crime Victims Fund to be less
23 than the 3-year average amount shall not be in order
24 in the House of Representatives.

1 “(2) AMENDMENTS AND CONFERENCE RE-
 2 PORTS.—It shall not be in order in the House of
 3 Representatives to consider an amendment to, or a
 4 conference report on, a bill or joint resolution mak-
 5 ing appropriations for a fiscal year if such amend-
 6 ment thereto or conference report thereon proposes
 7 a CHIMP that, if enacted, would cause the amount
 8 available for obligation during the fiscal year from
 9 the Crime Victims Fund to be less than the 3-year
 10 average amount.

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

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

“PART C—ADDITIONAL LIMITATIONS ON BUDGETARY AND APPROPRIATIONS
 LEGISLATION

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

○