

Calendar No. 158

114TH CONGRESS
1ST SESSION

S. 1495

[Report No. 114–87]

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

IN THE SENATE OF THE UNITED STATES

JUNE 3, 2015

Mr. TOOMEY (for himself, Mr. CORKER, Mr. CRAPO, Ms. AYOTTE, Mr. HATCH, Mr. GARDNER, Mr. JOHNSON, Mr. SESSIONS, Mr. PERDUE, Mr. COTTON, Mr. PORTMAN, Mr. ENZI, Mr. TILLIS, Mr. LANKFORD, Mr. RISCH, Mr. FLAKE, and Mr. RUBIO) introduced the following bill; which was read twice and referred to the Committee on the Budget

JULY 21, 2015

Reported by Mr. ENZI, without amendment

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 2015”.

1 **SEC. 2. POINT OF ORDER AGAINST CERTAIN CHANGES IN**
2 **MANDATORY PROGRAMS AFFECTING THE**
3 **CRIME VICTIMS FUND.**

4 (a) FINDINGS.—Congress finds that—

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

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

15 (3) the Crime Victims Fund is funded from
16 fines, penalties, and forfeited bonds in Federal court
17 and private donations;

18 (4) the Crime Victims Fund receives no tax-
19 payer dollars;

20 (5) Federal law provides that funds deposited
21 into the Crime Victims Fund shall be used to pro-
22 vide services to victims of crime in accordance with
23 the Victims of Crime Act of 1984;

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

1 (7) since fiscal year 2000, Congress has been
2 taking funds collected by the Crime Victims Fund
3 and not disbursing the full amount provided for
4 under the Victims of Crime Act of 1984;

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

8 (9) from fiscal year 2010 through fiscal year
9 2014, the Crime Victims Fund collected
10 \$12,000,000,000, but Congress disbursed only
11 \$3,600,000,000 (or 30 percent) to crime victims;

12 (10) under budget rules, Congress represents
13 that the money it has already spent in prior years
14 is still in the Crime Victims Fund and available for
15 victims of crime;

16 (11) Congress concludes that it is time to re-
17 store fairness to crime victims; and

18 (12) Congress concludes that henceforth, funds
19 collected by the Crime Victims Fund should be used
20 for services to crime victims in accordance with the
21 Victims of Crime Act of 1984.

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

1 **“PART C—ADDITIONAL LIMITATIONS ON BUDG-**
2 **ETARY AND APPROPRIATIONS LEGISLATION**

3 **“SEC. 441. POINT OF ORDER AGAINST CHANGES IN MANDA-**
4 **TORY PROGRAMS AFFECTING THE CRIME**
5 **VICTIMS FUND.**

6 “(a) DEFINITIONS.—In this section—

7 “(1) the term ‘CHIMP’ means a provision
8 that—

9 “(A) would have been estimated as affect-
10 ing direct spending or receipts under section
11 252 of the Balanced Budget and Emergency
12 Deficit Control Act of 1985 (2 U.S.C. 902) (as
13 in effect prior to September 30, 2002) if the
14 provision was included in legislation other than
15 appropriation Acts; and

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

23 “(2) the term ‘Crime Victims Fund’ means the
24 Crime Victims Fund established under section 1402
25 of the Victims of Crime Act of 1984 (42 U.S.C.
26 10601); and

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

7 “(b) POINT OF ORDER IN THE SENATE.—

8 “(1) IN GENERAL.—When the Senate is consid-
9 ering a bill or joint resolution making appropriations
10 for a fiscal year, or an amendment thereto, amend-
11 ment between the Houses in relation thereto, con-
12 ference report thereon, or motion thereon, if a point
13 of order is made by a Senator against a provision
14 containing a CHIMP that, if enacted, would cause
15 the amount available for obligation during the fiscal
16 year from the Crime Victims Fund to be less than
17 the 3-year average amount, and the point of order
18 is sustained by the Chair, that provision shall be
19 stricken from the measure and may not be offered
20 as an amendment from the floor.

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

24 “(3) CONFERENCE REPORTS.—When the Sen-
25 ate is considering a conference report on, or an

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

19 “(4) SUPERMAJORITY WAIVER AND APPEAL.—
20 In the Senate, this subsection may be waived or sus-
21 pended only by an affirmative vote of three-fifths of
22 the Members, duly chose and sworn. An affirmative
23 vote of three-fifths of Members of the Senate, duly
24 chosen and sworn shall be required to sustain an ap-

1 peal of the ruling of the Chair on a point of order
2 raised under this subsection.

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

7 “(c) POINT OF ORDER IN THE HOUSE OF REP-
8 RESENTATIVES.—

9 “(1) IN GENERAL.—A provision in a bill or
10 joint resolution making appropriations for a fiscal
11 year that proposes a CHIMP that, if enacted, would
12 cause the amount available for obligation during the
13 fiscal year from the Crime Victims Fund to be less
14 than the 3-year average amount shall not be in order
15 in the House of Representatives.

16 “(2) AMENDMENTS AND CONFERENCE RE-
17 PORTS.—It shall not be in order in the House of
18 Representatives to consider an amendment to, or a
19 conference report on, a bill or joint resolution mak-
20 ing appropriations for a fiscal year if such amend-
21 ment thereto or conference report thereon proposes
22 a CHIMP that, if enacted, would cause the amount
23 available for obligation during the fiscal year from
24 the Crime Victims Fund to be less than the 3-year
25 average amount.

1 “(3) DETERMINATION.—For purposes of this
2 subsection, budgetary levels shall be determined on
3 the basis of estimates provided by the Chairman of
4 the Committee on the Budget of the House of Rep-
5 resentatives.”.

6 (c) TECHNICAL AND CONFORMING AMENDMENT.—
7 The table of contents in section 1(b) of the Congressional
8 Budget Act of 1974 is amended by inserting after the item
9 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.”.

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