

October 29, 2007

The Honorable John Conyers, Jr., Chair, House Committee on the Judiciary  
The Honorable Lamar Smith, Ranking Member, House Committee on the Judiciary

The Honorable Tom Lantos, Chair, House Committee on Foreign Affairs  
The Honorable Ileana Ros-Lehtinen, Ranking Member, House Committee on Foreign Affairs

The Honorable John Dingell, Chair, House Committee on Energy and Commerce  
The Honorable Joe Barton, Ranking Member, House Committee on Energy and Commerce

Re: H.R. 3887 - ‘‘William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007’’

Dear Representatives Conyers, Smith, Lantos, Ros-Lehtinen, Dingell and Barton:

Our organizations represent the millions of victims of crime in the United States who receive critical services that help them recover from the physical, financial, emotional, and spiritual consequences of criminal activity. VOCA victim assistance formula grants provides financial support to more than 4,400 direct provides of critical services to millions of victims of all types of types of crimes (e.g. domestic violence shelters, rape crisis centers, child treatment programs, homicide survivor support groups, drunk driving advocates, court appointed special advocates, prosecutor- and law enforcement- based assistance units).

We are writing regarding one provision in H.R. 3887, the ‘‘William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007.’’ Among other things, Section 214(a) of the bill creates a new grant program for assistance to U.S. citizens who are victims of severe forms of trafficking and provides authorization for funding for this new program. However, the bill goes on to create a new section 214(b)(1) of the bill which states,

The Attorney General is authorized to use funds available under the Victims of Crimes Act of 1984 to provide assistance to persons victimized in cases brought under chapter 117 of title 18, United States Code.

Our concern with section 214(b)(1) is that it creates another, seemingly unlimited, set-aside from VOCA that will reduce the amount of funds available for state victim assistance grants. Since 2000, Congress has imposed a cap on annual VOCA obligations and because of VOCA’s statutory allocation formula, the creation of yet another VOCA-funded program reduces the amount otherwise available for local direct victim assistance services. The way this section is drafted suggests that this set-aside would be treated the same as others that Congress previously enacted (for U.S. Attorney’s victim witness coordinators, FBI victim specialists and the federal Victim Notification System) and be taken off the top of the annual VOCA cap, thereby cutting the amount of funds allocated for state victim assistance grants.

One of the VOCA’s historic hallmarks is that it is dedicated to serving victims of all types of crime. If enacted, section 214(b)(1) would be the first time in VOCA’s twenty-three years existence that a specific earmark was created to exclusively address the needs for a specific category of crime victims which in turn would reduce the amount available for other crime victims.

It is important to note that under existing law, a portion of VOCA funds is already available to provide services these victims. 18 U.S.C. 10603(c)(2) authorizes the Director of the Office for Victims of Crime to use up to half of its discretionary funds for ‘‘the financial support of services to victims of Federal

crime by eligible crime victim assistance programs.” Victims of offenses contained in chapter 17 of title 18, United States Code (Mann Act – “Transportation for Illegal Sexual Activity and Related Crimes”) would be considered victims of Federal crimes. In recent years, OVC’s annual allocation for discretionary grants has ranged from \$28 million to \$31 million.

OVC Guidelines (*Federal Register*, Vol. 62, No. 77, April 22, 1997, page 19616) for victim assistance formula grant programs requires that “Subrecipients must provide services to victims of federal crimes on the same basis as victims of state/local crimes.” For example, through a VOCA grant a program in Georgia serves young women engaged in prostitution or related activities by providing special advocates to assist them in the judicial system, case management services, referrals and collaboration with schools to identify girls who have been victims of sexual abuse or are at risk for recruitment. Other VOCA-funded programs, while not specifically identifying this type of victimization, also provide similar services. Enactment of section 214(b)(1) would likely diminish the amount of state VOCA assistance funds available to support the services intended by this bill.

VOCA grants funds are also available under state crime victim compensation programs to help reimburse the medical, counseling and other needs for domestic trafficking victims.

Thus, there are several mechanisms already under existing law to access VOCA funds for the services intended under the bill. In light of the appropriations authorized under section 214(a), the creation of a new, unspecified set-aside off the top of annual VOCA allocations seems unnecessary and detrimental to services provided to victims of all types of crime under state VOCA victim assistance programs.

Because VOCA already makes resources available for the purpose cited and because section 214(b)(1) would create a special VOCA earmark for a specific category of crime victims, we strongly urge the Committee to delete section 214(b)(1) from the bill.

Sincerely,

Break the Cycle  
Legal Momentum  
National Alliance to End Sexual Violence  
National Association of Crime Victim Compensation Boards  
National Association of VOCA Assistance Administrators  
National Center for Victims of Crime  
National Coalition Against Domestic Violence  
National Network to End Domestic Violence

Cc: Members of the House Committee on Foreign Affairs  
Members of the House Committee on the Judiciary  
Members of the House Committee on Energy and Commerce

[For further information or questions, contact Jill Morris, Director of Public Policy, National Coalition Against Domestic Violence, (202) 745-1211, [jmorris@ncadv.org](mailto:jmorris@ncadv.org)]