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SENATE

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INDIAN TRIBAL JUSTICE ACT TO SECURE URGENT RE- SOURCES VITAL TO INDIAN VICTIMS OF CRIME, AND FOR OTHER PURPOSES

DECEMBER 3, 2015.—Ordered to be printed

Mr. BARRASSO, from the Committee on Indian Affairs,
submitted the following

R E P O R T

[To accompany S. 1704]

The Committee on Indian Affairs, to which was referred the bill (S. 1704) to amend the Indian Tribal Justice Act to secure urgent resources vital to Indian victims of crime, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

PURPOSE

The purpose of S. 1704 is to create a dedicated funding stream from the Crime Victims Fund to administer a tribal grant program through the Department of the Interior for victims of crime. It would also increase Indian tribes' flexibility to use grants to build a baseline service delivery capacity and improve access to greatly needed, culturally appropriate, community-specific services.

BACKGROUND

In 1984, the Crime Victims Fund (CVF) was created by the Victims of Crime Act (VOCA) to support services for victims of crime.¹ The Office for Victims of Crime (OVC) was established within the Department of Justice (DOJ) to administer the CVF.² The CVF is budget neutral, and it is resourced by criminal fines, forfeited ap-

¹*Victims of Crime Act of 1984*, Pub. L. No. 98-473 (1984).

²*See generally*, Lisa N. Sacco, Cong. Research Serv., R42672, *The Crime Victims Fund: Federal Support for Victims of Crime* (2015).

pearance bonds, penalties, special assessments, gifts, bequests, and donations.³

The OVC administers the CVF through formula and discretionary grants to state and local governments and other entities, as well as through specially designated programs.⁴ After specially designated programs are allocated, the remaining balance of the CVF is distributed through OVC discretionary grants, state victim compensation formula grants, and state victim assistance formula grants.⁵ Crime victim assistance and compensation grants may be used for three years once awarded. Any unspent amounts are retained in the CVF for future use.⁶

During the 98th Congress, Congress capped annual deposits to the CVF.⁷ These caps were eliminated in 1993, and from fiscal years 1985 to 1998, deposits collected in each fiscal year were distributed the following fiscal year for crime victim services.⁸ Congress established an annual obligation cap on the amount of the CVF funds that would be made available for distribution to support crime victim services in fiscal year 2000.⁹ Since then, Congress has established the annual obligation cap through appropriations law.¹⁰

Deposits to the CVF have grown dramatically over time.¹¹ Although the need for crime victim services also continues to grow, only a fraction of these dollars have actually been disbursed for the purpose of supporting crime victim services.¹²

In the 114th Congress, Senator Pat Toomey (R-PA) introduced S. 1495 to promote fairness for victims of crime and ensure the continued viability of the CVF.¹³ The Senate Committee on the Budget marked up the bill, which was placed on the Senate Legislative Calendar on July 21, 2015. An identical companion bill was introduced by Representative Joseph R. Pitts (R-PA).

NEED FOR LEGISLATION

The need for crime victim services is especially significant in Indian country for a number of reasons, including higher crime and victimization rates and systemic roadblocks that make it difficult, or in some cases impossible, for Indian tribes to secure resources for victims of crime.¹⁴

³Id.

⁴Id. “Specially designated programs” include the Children’s Justice Act Program, U.S. Attorneys’ Victim Witness Coordinator funding to support full time employees, FBI Victim Witness Specialist funding to support full time employees, and Federal Victim Notification System funding.

⁵Victim compensation formula grants may be used by states to reimburse crime victims for out-of-pocket expenses authorized in a state’s compensation statute, which are not covered by other resources. Victim assistance formula grants are directed by states to state and community-based victim service program operations to support direct services to victims of crime. States cannot use assistance grant funds in lieu of state and local dollars available for crime victim assistance and must prioritize distribution to certain types of victims according to VOCA guidelines. See Lisa N. Sacco, Cong. Research Serv., R42672, *The Crime Victims Fund: Federal Support for Victims of Crime* (2015).

⁶Lisa N. Sacco, Cong. Research Serv., R42672, *The Crime Victims Fund: Federal Support for Victims of Crime* (2015).

⁷Id.

⁸Id.

⁹Id.

¹⁰The CVF obligation cap was set at \$2.361 billion in fiscal year 2015.

¹¹Lisa N. Sacco, Cong. Research Serv., R42672, *The Crime Victims Fund: Federal Support for Victims of Crime* (2015).

¹²See Id.

¹³*Fairness for Crime Victims Act of 2015*, S. 1495, 114th Cong. (2015).

¹⁴*Addressing the Need for Victim Services in Indian Country*: Hearing before the S. Comm. on Indian Affairs, 114th Cong. (2015).

Under the current system, despite disproportionately high rates of victimization among American Indians and Alaska Natives¹⁵ and significant increases in deposits to the CVF¹⁶, Indian tribes' ability to access the CVF to meet the needs of crime victims in Indian country is severely limited.¹⁷ These challenges are compounded by the lack of victim services infrastructure on tribal lands. Most Indian tribes lack not only the funding necessary to provide basic services to victims of crime, but also the infrastructure and capacity required to actually deliver these services.¹⁸

The manner in which the CVF has been allocated demonstrates that the current system is not sufficiently flexible to address the unique needs of Indian tribes. Indian tribes are required to apply to states for victim compensation and assistance funding, and significant restrictions on how the CVF funds may be used undermines Indian tribes' ability to provide services to victims of crime.¹⁹ Restrictions on the types of assistance that may be supported with CVF compensation and assistance dollars have also limited tribes' ability to provide greatly needed services to crime victims.²⁰

The need for reform is evidenced by the fact that over the past five fiscal years, despite rising crime and victimization rates, Indian tribes have never received more than 0.7% of the CVF crime victim assistance funding available.²¹ Over the same time period, only a fraction of the states with Indian tribes awarded subgrants to tribes for crime victim assistance.²²

S. 1704 would have a direct, positive impact on crime victims in Indian country by dramatically improving the process by which Indian tribes access grants to support greatly needed crime victim services and compensation. The bill would create a dedicated funding stream from the CVF to administer a tribal grant program through the Department of the Interior for victims of crime. It would also allow tribes to use grants to build a baseline service delivery capacity and otherwise improve access to culturally appropriate, community-specific services.

Without access to basic facilities, services and tools necessary for crime victims to recover and redress their injuries, the net result

¹⁵ See Attorney General's Advisory Comm. on American Indian and Alaska Native Children Exposed to Violence: Ending Violence so Children Can Thrive (Nov. 2014). According to the U.S. Department of Justice and the Indian Law and Order Commission, for instance, American Indian and Alaska Native (AIAN) youth experience reported violent crime rates up to 10 times the national rate, and approximately 22% of AIAN youth suffer from post-traumatic stress disorder. Native American women are 10 times as likely to be murdered as other U.S. citizens, and are sexually assaulted at 4 times the national average, and Alaska Native women are sexually assaulted at a rate of 12 times the national average. 96% of AIAN victims of rape or sexual assault have experienced other physical abuses.

¹⁶ Lisa N. Sacco, Cong. Research Serv., R42672, *The Crime Victims Fund: Federal Support for Victims of Crime* (2015).

¹⁷ *Addressing the Need for Victim Services in Indian Country*: Hearing before the S. Comm. on Indian Affairs, 114th Cong. (2015).

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ Information on crime victim assistance allocations provided to the Committee on Indian Affairs by the U.S. Department of Justice on June 3, 2015.

²² *Id.* In fiscal years 2010 and 2011, only 13 states awarded subgrants to tribes for crime victim assistance. 14 states awarded victim assistance subgrants to tribes in fiscal year 2012. 15 states awarded subgrants for victim assistance in fiscal year 2013. In fiscal year 2014, only 8 states awarded subgrants to tribes.

is often re-victimization and re-criminalization.²³ These systemic failures can lead to increased recidivism, discourage reporting, prevent victims from seeking help, and can have life-long impacts on the mental and physical well-being of an individual or family.²⁴

Systemic failures can also have broader societal impacts and can engender distrust with the criminal justice system.²⁵ Moreover, the failure to help victims assert and defend their rights can allow cycles of violence to grow, and may ultimately lead to the loss of legal rights and protections.²⁶

LEGISLATIVE HISTORY

The Committee convened an oversight hearing on *Addressing the Need for Victim Services in Indian Country* on June 10, 2015. At this hearing, the administration, tribal and state officials, and a tribal court judge testified on the great need for victim services in Indian country. The Committee received testimony in the 114th Congress on juvenile justice, substance abuse and behavioral health, reentry and recidivism, and tribal courts, also underscoring the need to provide victim services in Indian country.²⁷

S. 1704 was introduced on July 7, 2015, by Chairman John Barrasso (R-WY) and referred to the Committee on Indian Affairs. Cosponsors include Vice Chairman Jon Tester (D-MT) and Senators Steve Daines (D-MT), Al Franken (D-MN), Heidi Heitkamp (D-ND), John Hoeven (R-ND), John McCain (R-AZ), Jerry Moran (R-KS), Lisa Murkowski (R-AK), Brian Schatz (D-HI), and Tom Udall (D-NM).

The Committee considered the bill at a business meeting on July 22, 2015. One amendment was offered and adopted. The bill, as amended, was ordered by voice vote to be favorably reported to the full Senate.

Although lawmakers and advocates have worked for some time to address the need for crime victim services, S. 1704 is novel legislation specifically focused on addressing the unique needs of crime victims in Indian country.

S. 1704 has received strong bipartisan support. Indian tribes, tribal associations, and crime victim advocates also strongly support this legislation.

²³*Addressing the Need for Victim Services in Indian Country*: Hearing before the S. Comm. on Indian Affairs, 114th Cong. (2015).

²⁴*Id.*; also see *Strengthening Alaska Native Families: Examining Recidivism, Reentry, and Tribal Courts in Alaska*: Hearing before the S. Comm. on Indian Affairs, 114th Cong. (2015).

²⁵*Id.*; also see Attorney General's Advisory Comm. on American Indian/Alaska Native Children Exposed to Violence: Ending Violence so Children Can Thrive (Nov. 2014). For instance, children who experience immediate and long-term exposure to violence suffer from increased rates of altered neurological development, poor physical and mental health, substance abuse, poor school performance and overrepresentation in the juvenile justice system. *Id.*

²⁶*Addressing the Need for Victim Services in Indian Country*: Hearing before the S. Comm. on Indian Affairs, 114th Cong. (2015); *Strengthening Alaska Native Families: Examining Recidivism, Reentry, and Tribal Courts in Alaska*: Hearing before the S. Comm. on Indian Affairs, 114th Cong. (2015).

²⁷*See e.g., Id.*; *Examining the True Costs of Alcohol and Drug Abuse in Native Communities*: Hearing before the S. Comm. on Indian Affairs, 114th Cong. (2015); *Juvenile Justice in Indian Country: Challenges and Promising Strategies*: Hearing before the S. Comm. on Indian Affairs, 114th Cong. (2015); *Addressing the Harmful Effects of Dangerous Drugs in Native Communities*: Hearing before the S. Comm. on Indian Affairs, 114th Cong. (2015).

SUMMARY OF AMENDMENT

Chairman Barrasso offered an amendment in the nature of a substitute at a business meeting held on July 22, 2015. The amendment was adopted, and no other amendments were considered.

The substitute amendment is based on substantial feedback from Indian tribes, Committee members, the administration, and subject-matter experts. It makes technical corrections; clarifies and extends crime victim confidentiality and privacy protections; allows the administering Office to provide training and technical assistance to Indian tribes; and adjusts the timeline for promulgating final regulations through negotiated rulemaking.

SECTION-BY-SECTION ANALYSIS OF BILL AS ORDERED REPORTED

Section 1—Short title

This section states that the Act may be cited as the “Securing Urgent Resources Vital to Indian Victim Empowerment Act” or the “SURVIVE Act.”

Section 2—Tribal Victims of Crime

Section 2(a) amends Section 3 of the Indian Tribal Justice Act (ITJA) (25 U.S.C. § 3602) by defining the terms “victim of crime”, “Indian”, and “Indian country”.

Section 2(b) amends Section 101 of the ITJA (25 U.S.C. § 3611) to change the name of the Office of Tribal Justice Support to the “Office of Tribal Justice Support and Victim Services” (the Office) and allow the Office to provide training and technical assistance to Indian tribes.

Section 2(c) amends the ITJA to create Section 105, a grant program for tribal crime victim services and compensation within the Office, and defines “immediate family member”, “Indian tribe”, and “personally identifying information”.

Section 2(c) directs the Office to make grants to Indian tribes on a competitive basis for a range of crime victim compensation and service activities. Funds obtained through this program may be expended over a period of five years, and shall not be subject to matching requirements. Any sums that are unobligated at the end of the five-year period must be returned to the Office and made available for Indian crime victim compensation or services in the following fiscal year.

Section 2(c) also specifies that in order to access grants under this program, an Indian tribe must submit in writing a detailed victim assistance proposal, according to listed parameters. Any Indian tribe that receives a grant through this program must also submit an annual report to the Office describing the purpose for which grant funds were used.

Section 2(c) provides explicit oversight and enforcement authorities and duties to the Office, including requiring the Office to engage in regular monitoring, reviews, investigations, and audits. The Office must also ensure that all grants are subject to performance measures and enforceable agreements that allow for thorough program oversight. The Secretary of the Interior (Secretary) must provide annual compliance reports on all grants awarded under this program to the Senate Committee on Indian Affairs and the House Subcommittee on Indian, Insular and Alaska Native Affairs. The

annual reports shall protect the confidentiality and privacy of individuals receiving services from the grant recipient and omit personally identifying information.

Section 2(c) section specifies that grants awarded under this program and related administrative costs shall be supported with funds in the CVF, and amends Section 1402(d) of VOCA to require 5% of the CVF funds made available for obligation in a fiscal year to be available to the Secretary to execute the Indian tribal grant program. The Office may not use more than 4% of these funds for grant administration and technical assistance costs.

Section 2(c) specifies that the grant program will sunset after a period of ten years.

Section 3—Regulations regarding Indian tribes

Section 3(a) provides that any rule, regulation, or guidance promulgated before enactment shall have no force or effect with respect to the Indian tribal grant program established under this Act.

Section 3(b) requires the Secretary to issue implementing regulations through negotiated rulemaking, after consultation with Indian tribes.

Section 3(b) also requires the Secretary to consult with no less than two Indian tribes from each Bureau of Indian Affairs region, and that small, medium, and large land-based Indian tribes are represented during the negotiated rulemaking.

COST AND BUDGETARY CONSIDERATIONS

The following cost estimate, as provided by the Congressional Budget Office, dated September 3, 2015, was prepared for S. 1704:

SEPTEMBER 3, 2015.

Hon. JOHN BARRASSO,
Chairman, Committee on Indian Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1704, the Securing Urgent Resources Vital to Indian Victim Empowerment Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Martin von Gnechten.

Sincerely,

KEITH HALL.

Enclosure.

S. 1704—Securing Urgent Resources Vital to Indian Victim Empowerment Act

S. 1704 would expand the Office of Tribal Justice Support within the Bureau of Indian Affairs to provide services to victims of crimes in tribal areas. The legislation would establish a new grant program to provide services and compensation to those victims. S. 1704 would direct that 5 percent of the funds made available to the Crime Victims Fund (CVF) in each year for the next 10 years be used for that grant program.

Under current law, criminal fines are deposited in the CVF, and spent without further appropriation. The legislation would affect how and when those funds are distributed and spent but would not

change the total amount spent. Because S. 1704 would affect direct spending, pay-as-you-go procedures apply. However, CBO estimates that the net effect on direct spending would be insignificant for each year. Enacting S. 1704 would not affect revenues.

CBO estimates that implementing the bill would have no significant effect on spending subject to appropriation.

S. 1704 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Martin von Gnechten. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

EXECUTIVE COMMUNICATIONS

The Committee has received no communications from the Executive Branch regarding S. 1704.

REGULATORY AND PAPERWORK IMPACT STATEMENT

Paragraph 11(b) of rule XXVI of the Standing Rules of the Senate requires each report accompanying a bill to evaluate the regulatory and paperwork impact that would be incurred in carrying out the bill. The Committee believes that S. 1704 will have a minimal impact on regulatory or paperwork requirements.

CHANGES IN EXISTING LAW

In accordance with subsection 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by S. 1704, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic):

25 U.S.C. § 3602 (Section 3 of the Indian Tribal Justice Act)

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) The term “Bureau” means the Bureau of Indian Affairs of the Department of the Interior.

(2) The term “Courts of Indian Offenses” means the courts established pursuant to part 11 of title 25, Code of Federal Regulations.

(3) *INDIAN.*—The term “Indian” means a member of an Indian tribe.

(4) *INDIAN COUNTRY.*—The term “Indian country” has the meaning given the term in section 1151 of title 18, United States Code.

[(3)] (5) [The term] Except as provided in section 105, the term “Indian tribe” means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native entity, which administers justice under its inherent authority or the authority of the United States and which is recognized as eligible for the special programs and services provided by the United States to Indian tribes because of their status as Indians.

[(4)] (6) The term “judicial personnel” means any judge, magistrate, court counselor, court clerk, court administrator,

bailiff, probation officer, officer of the court, dispute resolution facilitator, or other official, employee, or volunteer within the tribal justice system.

[(5)] (7) The term “Office” means the Office of Tribal Justice Support *and Victim Services* within the Bureau of Indian Affairs.

[(6)] (8) The term “Secretary” means the Secretary of the Interior.

[(7)] (9) The term “tribal organization” means any organization defined in section 4(l) of the Indian Self-Determination and Education Assistance Act.

[(8)] (10) The term “tribal justice system” means the entire judicial branch, and employees thereof, of an Indian tribe, including (but not limited to) traditional methods and forums for dispute resolution, lower courts, appellate courts (including intertribal appellate courts), alternative dispute resolution systems, and circuit rider systems, established by inherent tribal authority whether or not they constitute a court of record.

(11) *VICTIM OF CRIME.*—*The term “victim of crime” means a person that has suffered direct physical, emotional, or pecuniary harm as a result of the commission of a crime.*

25 U.S.C. § 3611 (Section 101 of the Indian Tribal Justice Act)

SEC. 101. OFFICE OF TRIBAL JUSTICE SUPPORT AND VICTIM SERVICES.

(a) ESTABLISHMENT

【There is】 (1) *IN GENERAL.*—*There is hereby established within the Bureau the Office of Tribal Justice Support and Victim Services. 【The purpose】*

(2) *PURPOSES.*—*The purposes of the Office shall be to further the development, operation, and enhancement of tribal justice systems and Courts of Indian Offenses and to provide services to victims of crime.*

(b) TRANSFER OF EXISTING FUNCTIONS AND PERSONNEL

All functions performed before the date of the enactment of this Act by the Branch of Judicial Services of the Bureau and all personnel assigned to such Branch as of the date of the enactment of this Act are hereby transferred to the Office of Tribal Justice Support *and Victim Services*. Any reference in any law, regulation, executive order, reorganization plan, or delegation of authority to the Branch of Judicial Services is deemed to be a reference to the Office of Tribal Justice Support *and Victim Services*.

(c) FUNCTIONS

In addition to the functions transferred to the Office pursuant to subsection (b), the Office shall perform the following functions:

(1) Provide funds to Indian tribes and tribal organizations for the development, enhancement, and continuing operation of tribal justice systems.

(2) Provide technical assistance and training, including programs of continuing education and training for personnel of Courts of Indian Offenses.

(3) Study and conduct research concerning the operation of tribal justice systems.

(4) Promote cooperation and coordination among tribal justice systems and the Federal and State judiciary systems.

(5) Oversee the continuing operations of the Courts of Indian Offenses.

(6) Provide funds to Indian tribes and tribal organizations for the continuation and enhancement of traditional tribal judicial practices.

(7) *Make grants for victims of crime in accordance with section 105.*

(d) NO IMPOSITION OF STANDARDS

Nothing in this Act shall be deemed or construed to authorize the Office to impose justice standards on Indian tribes.

(e) ASSISTANCE TO TRIBES

(1) The Office shall provide technical assistance and training to any Indian tribe or tribal organization upon request *and timely notice regarding technical assistance and training resources and activities of the Office.* Technical assistance and training shall include (but not be limited to) assistance for the development of—

(A) tribal codes and rules of procedure;

(B) tribal court administrative procedures and court records management systems;

(C) methods of reducing case delays;

(D) methods of alternative dispute resolution;

(E) tribal standards for judicial administration and conduct; and

(F) long-range plans for the enhancement of tribal justice systems.

(2) Technical assistance and training provided pursuant to paragraph (1) may be provided through direct services, by contract with independent entities, or through grants to Indian tribes or tribal organizations.

(f) INFORMATION CLEARINGHOUSE ON TRIBAL JUSTICE SYSTEMS

The Office shall maintain an information clearinghouse (which shall include an electronic data base) on tribal justice systems and Courts of Indian Offenses, including (but not limited to) information on staffing, funding, model tribal codes, tribal justice activities, and tribal judicial decisions. The Office shall take such actions as may be necessary to ensure the confidentiality of records and other matters involving privacy rights.

25 U.S.C. § 3614 (Section 104 of the Indian Tribal Justice Act)

SEC. 104. TRIBAL JUDICIAL CONFERENCES.

The Secretary is authorized to provide funds to tribal judicial conferences, under section 101 of this Act, pursuant to contracts entered into under the authority of the Indian Self-Determination and Education Assistance Act for the development, enhancement, and continuing operation of tribal justice systems of Indian tribes which are members of such conference. Funds provided under this section may be used for—

(1) the employment of judges, magistrates, court counselors, court clerks, court administrators, bailiffs, probation officers, officers of the court, or dispute resolution facilitators;

(2) the development, revision, and publication of tribal codes, rules of practice, rules of procedure, and standards of judicial performance and conduct;

- (3) the acquisition, development, and maintenance of a law library and computer assisted legal research capacities;
- (4) training programs and continuing education for tribal judicial personnel;
- (5) the development and operation of records management systems;
- (6) planning for the development, enhancement, and operation of tribal justice systems; and
- (7) the development and operation of other innovative and culturally relevant programs and projects, including (but not limited to) programs and projects for—
 - (A) alternative dispute resolution;
 - (B) tribal victims assistance or victims services;
 - (C) tribal probation services or diversion programs;
 - (D) juvenile services and multidisciplinary investigations of child abuse; and
 - (E) traditional tribal judicial practices, traditional justice systems, and traditional methods of dispute resolution.

SEC. 105. GRANT PROGRAM FOR TRIBAL CRIME VICTIM SERVICES AND COMPENSATION.

(a) **DEFINITIONS.**—*In this section:*

(1) **IMMEDIATE FAMILY MEMBER.**—*The term “immediate family member” has the meaning given the term in section 115(c) of title 18, United States Code.*

(2) **INDIAN TRIBE.**—*The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. § 450b).*

(3) **PERSONALLY IDENTIFYING INFORMATION.**—*The term “personally identifying information” has the meaning given the term “personally identifying information or personal information” in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. § 13925(a)).*

(b) **DUTIES.**—*The Office shall—*

(1) *administer the grant program described in subsection (c); and*

(2) *provide planning, research, training, and technical assistance to grant recipients for grants provided under subsection (c).*

(c) **GRANT PROGRAM.**—

(1) **IN GENERAL.**—*On an annual basis, the Office shall make competitive grants to Indian tribes for the purposes of funding—*

(A) *a crime victim compensation program, administered by 1 or more Indian tribes, that provides compensation to victims of crime and survivors of victims of crime in accordance with paragraphs (1), (2), (6)(A), (7), and (8) of subsection (b) and subsections (c) and (e) of section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. § 10602), on the condition that any reference to a State or a jurisdiction of a State in those subsections shall be considered a reference to an Indian tribe or the jurisdiction of an Indian tribe;*

(B) *services to victims of crime, which may be provided in traditional form or through electronic, digital, or other technological formats, including—*

(i) services provided through subgrants to victim services agencies or departments of tribal governments or nonprofit organizations;

(ii) domestic violence shelters, rape crisis centers, and child advocacy centers providing services to victims of crime in Indian country or in Alaska Native villages;

(iii) relocation and transitional housing for victims of crime and immediate family members of victims of crime;

(iv) medical care, treatment, and related evaluations arising from the victimization, including—

(I) emergency medical care and evaluation, non-emergency medical care and evaluation, psychological and psychiatric care and evaluation, and other forms of medical assistance, treatment, or therapy, regardless of the setting in which the services are delivered;

(II) mental health and crisis counseling, evaluation, and assistance, including outpatient therapy, counseling services, substance abuse treatment, and other forms of specialized treatment, including intervention and prevention services; and

(III) prophylactic treatment to prevent a victim of crime from contracting HIV/AIDS or any other sexually transmitted disease or infection;

(v) medical equipment, such as wheel chairs, prosthetics, crutches, canes, hearing aids, and eyeglasses, the need for which arises directly from the victimization;

(vi) legal services, legal assistance services, and legal clinics (including services provided by pro bono legal clinics and practitioners), the need for which arises directly from the victimization;

(vii) ambulance and other medical transport and emergency response services;

(viii) the training and certification of service animals and therapy animals; and

(ix) forensic interviews, medical evaluations, and forensic medical evidence collection examinations for victims of crime, the need for which arises directly from the victimization;

(C) the development, establishment, coordination, and operation of programs designed to improve the handling of, including the investigation and prosecution of, violent crime cases, particularly cases of child abuse, domestic violence, sexual assault, stalking, human trafficking, and identity theft, in a manner that limits additional trauma to the victims;

(D) housing for law enforcement officers and other personnel, including victim advocates, whose work is dedicated to providing services to victims of crime in Indian country or Alaska Native villages;

(E) the repair, renovation, or rehabilitation of existing facilities used for providing services to victims of crime, in-

cluding improvements necessary to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.);

(F) communication devices, as necessary to ensure the safety and security of victims of crime;

(G) the design, development, purchase, upgrade, improvement, implementation, or support (including training in the use) of technological equipment, hardware, technology platforms, software, or applications used in programs providing or managing services to victims of crime;

(H) the development or implementation of training, technical assistance, or professional development that improves or enhances the quality of services to victims of crime, including coordination between healthcare, education, and justice systems;

(I) transportation for victims of crime;

(J) grant writing activities for grants described under this section;

(K) administration of the program and services described in this section;

(L) activities that impact the delivery and quality of services to victims of crime, including strategies to increase the capacity of Indian tribes to provide services to victims of crime; and

(M) any other services permitted under a regulation lawfully promulgated by the Secretary in accordance with this Act.

(2) **ELIGIBILITY.**—An Indian tribe seeking a grant under this section shall, in response to a request for proposal, submit to the Office a written proposal for victim services and compensation grants, which shall include—

(A) a description of the need for services or compensation and the mission and goals of the activity to be carried out using the grant;

(B) a description of how amounts received under the grant would be used;

(C) the proposed annual budget for the activities for each fiscal year in which amounts received under the grant may be used;

(D) any qualifications, certifications, or licenses that may be required for individuals involved in administering the program;

(E) a certification by the Indian tribe that, under the law of that Indian tribe or the law of a State to which the Act of August 15, 1953 (67 Stat. 588, chapter 505) (commonly known as “Public Law 280”) applies—

(i) victims of crime are entitled to the rights and protections described in section 3771(a) of title 18, United States Code, or substantially similar rights and protections; and

(ii) individuals who report crimes are protected by law from retribution and retaliation;

(F) a description of any plans or agreements to coordinate crime victim services among Federal, State, local, and tribal governments; and

(G) any additional information required by the Secretary through written guidance, after consultation with Indian tribes.

(3) *NO MATCHING REQUIREMENT.*—A recipient or subrecipient of a grant under subsection (c) shall not be required to make a matching contribution for Federal dollars received.

(4) *ANNUAL REPORT.*—A recipient of a grant under this subsection shall, on an annual basis, submit to the Office an itemized budget with a report describing the purpose for which the grant was used, which shall include—

(A) the purpose for which grant funds were obligated and the amount of funds obligated by the recipient or subrecipient for each purpose, including, on a quarterly basis—

(i) the amount of grant funds used by the recipient or subrecipient for administrative and operational costs;

(ii) the amount of grant funds used by the recipient or subrecipient for direct services; and

(iii) the amount of grant funds used by the recipient or subrecipient for compensation;

(B) the number of victims served as a result of the grant;

(C) a description, in the aggregate, of the types of victims served, including—

(i) the alleged crime and injury involved;

(ii) whether the victim is an Indian; and

(iii) the age, sex, and tribal affiliation of the victim, if applicable; and

(D) a description, in the aggregate, of the general nature and location of the alleged crimes involved, including—

(i) whether the crime was committed in Indian country or an Alaska Native village;

(ii) whether the alleged perpetrator is an Indian;

(iii) the disposition of the incident; and

(iv) all jurisdictions involved in any disposition.

(d) *PROTECTION OF CRIME VICTIM CONFIDENTIALITY AND PRIVACY.*—

(1) *ANNUAL REPORTS.*—In order to ensure the safety of victims of crime and immediate family members of victims of crime, recipients and subrecipients of grants under this section shall protect the confidentiality and privacy of individuals receiving services from the recipient of the grant.

(2) *NONDISCLOSURE.*—

(A) *IN GENERAL.*—Subject to paragraphs (3) and (4), a recipient or subrecipient of a grant under this section shall not disclose, reveal, or release any personally identifying information collected in connection with any service requested, used, or denied through a program of the recipient or require the release of personally identifying information as a condition of eligibility for the services provided by the grantee—

(i) regardless of whether the information has been encoded, encrypted, hashed, or otherwise protected; and

(ii) subject to subparagraph (B) and the condition that consent for release may not be given by an abuser

of the minor, an abuser of a parent or guardian of a minor, or an incapacitated person, absent the informed, written, reasonably time-limited consent of—

(I) the individual about whom information is sought;

(II) in the case of an emancipated minor, the minor and the parent or guardian; or

(III) in the case of legal incapacity, a court-appointed guardian.

(B) **CERTAIN MINORS AND OTHER INDIVIDUALS.**—If a minor or individual with a legally appointed guardian may lawfully receive services without the consent of a parent or guardian, that minor or individual may consent to the release of information under subparagraph (A)(ii) without the additional consent of a parent or guardian.

(3) **RELEASE.**—If the release of information described in paragraph (2) is compelled by a statutory or court mandate, a recipient or subrecipient of a grant under this section shall—

(A) make reasonable attempts to provide notice to victims of crime affected by the disclosure of information; and

(B) take steps necessary to protect the privacy and safety of the individuals affected by the release of the information.

(4) **INFORMATION SHARING.**—A recipient or subrecipient of a grant under this section may share—

(A) data in the aggregate that is not personally identifying information regarding services to clients and demographics in order to comply with Federal, State, tribal, or territorial reporting, evaluation, or data collection requirements;

(B) court-generated and law enforcement-generated information contained in secure, governmental registries for protection order enforcement purposes; and

(C) law enforcement-generated and prosecution-generated information necessary for law enforcement and prosecution purposes.

(5) **STATUTORILY MANDATED REPORTS OF ABUSE OR NEGLIGENCE.**—Nothing in this subsection prohibits a recipient or subrecipient of a grant under this section from reporting suspected abuse or neglect.

(6) **CONGRESSIONAL OVERSIGHT.**—

(A) **IN GENERAL.**—Nothing in this subsection prevents the Secretary from disclosing grant activities authorized by this section to the Committee on Indian Affairs of the Senate and the Subcommittee on Indian, Insular and Alaska Native Affairs of the House of Representatives.

(B) **REQUIREMENTS.**—A disclosure under subparagraph (A) shall protect confidentiality and omit personally identifying information.

(7) **CONFIDENTIALITY ASSESSMENT AND ASSURANCES.**—A recipient or subrecipient of a grant under this section shall document compliance with the confidentiality and privacy requirements of this subsection.

(e) **OVERSIGHT AND ENFORCEMENT AUTHORITY.**—

(1) **AUTHORITY.**—The Secretary shall—

(A) regularly monitor and review grants awarded under subsection (c), which shall include evaluation of quarterly financial reports for victim services and compensation grants; and

(B) conduct investigations and audits—

(i) to ensure compliance with all applicable Federal law; and

(ii) to prevent duplication and redundancy in the awarding of grants under subsection (c).

(2) *PERFORMANCE MEASURES AND ENFORCEABLE AGREEMENTS.*—The Secretary shall ensure that all grants awarded under subsection (c) are subject to performance measures and enforceable agreements that allow for thorough program oversight.

(3) *COMPLIANCE REPORTS TO CONGRESS.*—For fiscal year 2017 and each fiscal year thereafter, the Secretary of the Interior shall submit to the Committee on Indian Affairs of the Senate and the Subcommittee on Indian, Insular and Alaska Native Affairs of the House of Representatives an annual compliance report on all grants awarded under subsection (c).

(f) *TIMELINES.*—

(1) *NEGOTIATED RULEMAKING.*—Not later than 60 days after the date of enactment of this section, the Secretary shall publish a notice in the Federal Register to initiate the negotiated rulemaking described in section 3(b) of the Securing Urgent Resources Vital to Indian Victim Empowerment Act, which shall be completed not later than 180 days after that publication.

(2) *REQUEST FOR PROPOSAL.*—Not later than 60 days after the negotiated rulemaking described in paragraph (1) is complete, the Secretary shall publish a request for proposal in the Federal Register for grants under this section.

(3) *REQUIRED DISBURSAL.*—Beginning in the first full fiscal year succeeding the date of enactment of this section, and in each fiscal year thereafter for a period of 10 years, the Office shall disburse competitive grants to Indian tribes in accordance with this Act not later than 120 days after October 1 of each year.

(g) *AVAILABILITY OF GRANT FUNDS.*—Any amount awarded under this section that remains unobligated at the end of the fiscal year in which the grant is made may be expended for the purpose for which the grant was made at any time during the 5 succeeding fiscal years, at the end of which period, any unobligated sums shall remain available to the Office for award under this section in the following fiscal year.

(h) *EFFECT.*—Nothing in this section—

(1) precludes an Indian tribe from contracting for the administration of a program or activity funded under this Act; or

(2) prevents multiple Indian tribes or tribal organizations from forming a consortium for any of the purposes described in this Act.

(i) *FUNDING.*—

(1) *IN GENERAL.*—The grant program established under this section shall be carried out using funds made available under section 1402(d)(1) of the Victims of Crime Act of 1984 (42 U.S.C. § 10601(d)(1)).

(2) *ADMINISTRATIVE EXPENSES.*—*With respect to the grant program under this section only, for each fiscal year in which a grant is made or grant funds may be obligated, an amount not to exceed 4 percent of the funds made available to the Office under this section may be used by the Office for administrative expenses, the management and administration of grants made under this section, and training and technical assistance.*

(j) *TERM.*—*This section shall be effective for—*

(1) *the first fiscal year beginning after the date of enactment of this section; and*

(2) *the 9 fiscal years following such year.*

42 U.S.C. § 10601(d) (Section 1402(d) of the Victims of Crime Act of 1984)

(d) *AVAILABILITY FOR JUDICIAL BRANCH ADMINISTRATIVE COSTS; GRANT PROGRAM PERCENTAGES*

The Fund shall be available as follows:

(1) Repealed. Pub. L. 105–119, Title I, § 109(a)(1), Nov. 26, 1997, 111 Stat. 2457

(1) *Beginning on October 1, 2015, and each fiscal year thereafter for a period of 10 fiscal years, 5 percent of the total amount in the Fund available for obligation during a fiscal year shall be made available to the Secretary of the Interior to make grants under section 105 of the Indian Tribal Justice Act.*

(2)(A) Except as provided in subparagraph (B), the first \$10,000,000 deposited in the Fund shall be available for grants under section 10603a of this title.

(B)(i) For any fiscal year for which the amount deposited in the Fund is greater than the amount deposited in the Fund for fiscal year 1998, the \$10,000,000 referred to in subparagraph (A) plus an amount equal to 50 percent of the increase in the amount from fiscal year 1998 shall be available for grants under section 10603a of this title.

(ii) Amounts available under this subparagraph for any fiscal year shall not exceed \$20,000,000.

(3)(A) Of the sums remaining in the Fund in any particular fiscal year after compliance with ~~paragraph (2)~~ *paragraphs (1) and (2)*, such sums as may be necessary shall be available only for—

(i) the United States Attorneys Offices and the Federal Bureau of Investigation to provide and improve services for the benefit of crime victims in the Federal criminal justice system (as described in section 3771 of title 18 and section 10607 of this title) through victim coordinators, victims' specialists, and advocates, including for the administrative support of victim coordinators and advocates providing such services; and

(ii) a Victim Notification System.

(B) Amounts made available under subparagraph (A) may not be used for any purpose that is not specified in clause (i) or (ii) of subparagraph (A).

(4) Of the remaining amount to be distributed from the Fund in a particular fiscal year—

(A) 47.5 percent shall be available for grants under section 10602 of this title;

(B) 47.5 percent shall be available for grants under section 10603(a) of this title; and

(C) 5 percent shall be available for grants under section 10603(c) of this title.

(5)(A) In addition to the amounts distributed under paragraphs (2), (3), and (4), the Director may set aside up to \$50,000,000 from the amounts transferred to the Fund in response to the airplane hijackings and terrorist acts that occurred on September 11, 2001, as an antiterrorism emergency reserve. The Director may replenish any amounts obligated from such reserve in subsequent fiscal years by setting aside up to 5 percent of the amounts remaining in the Fund in any fiscal year after distributing amounts under paragraphs (2), (3) and (4). Such reserve shall not exceed \$50,000,000.

(B) The antiterrorism emergency reserve referred to in subparagraph (A) may be used for supplemental grants under section 10603b of this title and to provide compensation to victims of international terrorism under section 10603c of this title.

(C) Amounts in the antiterrorism emergency reserve established pursuant to subparagraph (A) may be carried over from fiscal year to fiscal year. Notwithstanding subsection (c) of this section and section 619 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001 (and any similar limitation on Fund obligations in any future Act, unless the same should expressly refer to this section), any such amounts carried over shall not be subject to any limitation on obligations from amounts deposited to or available in the Fund.

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