

Calendar No. 312

114TH CONGRESS
1ST SESSION

S. 1704

[Report No. 114–172]

To amend the Indian Tribal Justice Act to secure urgent resources vital to Indian victims of crime, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 7, 2015

Mr. BARRASSO (for himself, Ms. MURKOWSKI, Mr. TESTER, Mr. DAINES, Mr. MORAN, Mr. SCHATZ, Mr. UDALL, Ms. HEITKAMP, Mr. HOEVEN, Mr. MCCAIN, and Mr. FRANKEN) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

DECEMBER 3, 2015

Reported by Mr. BARRASSO, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend the Indian Tribal Justice Act to secure urgent resources vital to Indian victims of crime, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Securing Urgent Re-
3 sources Vital to Indian Victim Empowerment Act” or the
4 “SURVIVE Act”.

5 **SEC. 2. TRIBAL VICTIMS OF CRIME.**

6 (a) DEFINITIONS.—Section 3 of the Indian Tribal
7 Justice Act (25 U.S.C. 3602) is amended—

8 (1) in paragraph (3), by striking “The term”
9 and inserting “Except as provided in section 105,
10 the term”;

11 (2) in paragraph (5), by inserting “and Victim
12 Services” after “Support”;

13 (3) by adding at the end the following:

14 “(9) VICTIM OF CRIME.—The term ‘victim of
15 crime’ includes any individual directly or proximately
16 harmed due to the commission of a crime.”;

17 (4) by redesignating paragraphs (3) through
18 (9) as paragraphs (5) through (11), respectively;
19 and

20 (5) by inserting after paragraph (2) the fol-
21 lowing:

22 “(3) INDIAN.—The term ‘Indian’ means a
23 member of an Indian tribe.

24 “(4) INDIAN COUNTRY.—The term ‘Indian
25 country’ has the meaning given the term in section
26 1151 of title 18, United States Code.”.

1 (b) OFFICE OF TRIBAL JUSTICE SUPPORT AND VIC-
 2 TIMS SERVICES.—Section 101 of the Indian Tribal Justice
 3 Act (25 U.S.C. 3611) is amended—

4 (1) in the section heading, by inserting “**AND**
 5 **VICTIM SERVICES**” after “**SUPPORT**”;

6 (2) in subsection (a)—

7 (A) in the first sentence—

8 (i) by inserting “and Victim Services”
 9 after “Support”; and

10 (ii) by striking “There is” and insert-
 11 ing the following:

12 “(1) IN GENERAL.—There is”;

13 (B) in paragraph (1) (as designated by
 14 subparagraph (A)(ii)), in the second sentence,
 15 by striking “The purpose” and inserting the
 16 following:

17 “(2) PURPOSES.—The purposes”; and

18 (C) in paragraph (2) (as designated by
 19 subparagraph (B)), by inserting “and to pro-
 20 vide services to victims of crime” after “Courts
 21 of Indian Offenses”;

22 (3) in subsection (b), by inserting “and Victim
 23 Services” after “Support” each place it appears; and

24 (4) in subsection (c), by adding at the end the
 25 following:

1 ~~“(7) Make grants for victims of crime in ac-~~
 2 ~~cordance with section 105.”.~~

3 ~~(c) GRANT PROGRAM.—The Indian Tribal Justice~~
 4 ~~Act is amended by inserting after section 104 (25 U.S.C.~~
 5 ~~3614) the following:~~

6 ~~**“SEC. 105. GRANT PROGRAM FOR TRIBAL CRIME VICTIM**~~
 7 ~~**SERVICES.**~~

8 ~~“(a) DEFINITION OF INDIAN TRIBE.—In this section,~~
 9 ~~the term ‘Indian tribe’ has the meaning given the term~~
 10 ~~in section 4 of the Indian Self-Determination and Edu-~~
 11 ~~cation Assistance Act (25 U.S.C. 450b).~~

12 ~~“(b) DUTIES.—The Office shall—~~

13 ~~“(1) administer the grant program described in~~
 14 ~~subsection (c); and~~

15 ~~“(2) provide planning, research, training, and~~
 16 ~~technical assistance to the programs to be carried~~
 17 ~~out using a grant provided under subsection (c).~~

18 ~~“(c) GRANT PROGRAM.—~~

19 ~~“(1) IN GENERAL.—The Office shall make~~
 20 ~~grants to Indian tribes for the purposes of fund-~~
 21 ~~ing—~~

22 ~~“(A) a crime victim compensation program~~
 23 ~~that provides compensation to victims of crime~~
 24 ~~for the services described in subparagraphs (A)~~
 25 ~~through (C) of section 1403(b)(1) of the Vie-~~

1 tims of Crime Act of 1984 (42 U.S.C.
2 10602(b)(1));

3 “(B) services to victims of crime, which
4 may be provided in traditional form or through
5 electronic, digital, or other technological for-
6 mats, including—

7 “(i) services provided through sub-
8 grants to victim services agencies or de-
9 partments of tribal governments or non-
10 profit organizations;

11 “(ii) domestic violence shelters, rape
12 crisis centers, and child advocacy centers
13 providing services to victims of crime in In-
14 dian country or in Alaska Native villages;

15 “(iii) relocation and transitional hous-
16 ing for victims of crime and family mem-
17 bers of victims of crime;

18 “(iv) medical care, treatment, and re-
19 lated evaluations arising from the victim-
20 ization, including—

21 “(I) emergency medical care and
22 evaluation, nonemergency medical
23 care and evaluation, psychological and
24 psychiatric care and evaluation, and
25 other forms of medical assistance;

1 treatment, or therapy, regardless of
2 the setting in which the services are
3 delivered;

4 “(II) mental health and crisis
5 counseling, evaluation, and assistance,
6 including outpatient therapy, coun-
7 seling services, referral to substance
8 abuse treatment, and other forms of
9 specialized treatment; and

10 “(III) prophylactic treatment to
11 prevent a victim of crime from con-
12 tracting HIV/AIDS or any other sexu-
13 ally transmitted disease or infection;

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

18 “(vi) legal services, legal assistance
19 services, and legal clinics (including serv-
20 ices provided by pro bono legal clinics and
21 practitioners), the need for which arises di-
22 rectly from the victimization;

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

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

3 “(ix) forensic interviews, medical eval-
4 uations, and forensic medical evidence col-
5 lection examinations for victims of crime,
6 the need for which arises directly from the
7 victimization;

8 “(C) the development, establishment, and
9 operation of programs designed to improve the
10 handling of, including the investigation and
11 prosecution of, violent crime cases, particularly
12 cases of child abuse, domestic violence, sexual
13 assault, stalking, human trafficking, and iden-
14 tity theft, in a manner that limits additional
15 trauma to the victims;

16 “(D) housing for tribal law enforcement of-
17 ficers and other personnel, including victim ad-
18 vocates, whose work is dedicated to providing
19 services to victims of crime;

20 “(E) the repair, renovation, or rehabilita-
21 tion of existing facilities used for providing
22 services to victims of crime, including improve-
23 ments necessary to comply with the Americans
24 with Disabilities Act of 1990 (42 U.S.C. 12101
25 et seq.);

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

4 “(G) the design, development, purchase,
5 upgrade, improvement, implementation, or sup-
6 port (including training in the use) of techno-
7 logical equipment, hardware, technology plat-
8 forms, software, or applications used in pro-
9 grams providing or managing services to vic-
10 tims of crime;

11 “(H) the development or implementation of
12 training, technical assistance, or professional
13 development that improves or enhances the
14 quality of services to victims of crime;

15 “(I) transportation for victims of crime;

16 “(J) grant writing activities for grants de-
17 scribed under this subsection;

18 “(K) administration of the program and
19 services described in this paragraph;

20 “(L) activities that impact the delivery and
21 quality of services and justice to victims of
22 crime, including strategies to increase the ca-
23 pacity of Indian tribes to provide services to vic-
24 tims of crime; and

1 “(M) any other services permitted under a
2 regulation lawfully promulgated by the Attorney
3 General or Secretary in accordance with this
4 Act.

5 “(2) ELIGIBILITY.—An Indian tribe seeking a
6 grant under this subsection shall submit to the Of-
7 fice a written victim assistance proposal that in-
8 cludes, at a minimum—

9 “(A) a description of the need for services
10 and the mission and goals of the activity to be
11 carried out using the grant;

12 “(B) a description of how amounts re-
13 ceived under the grant would be used;

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

17 “(D) any qualifications, certifications, or
18 licenses that may be required for individuals in-
19 volved in administering the program;

20 “(E) a certification by the Indian tribe
21 that—

22 “(i) victims of crime are entitled to
23 the rights and protections described in sec-
24 tion 3771(a) of title 18, United States

1 Code, or substantially similar rights and
2 protections under tribal law; and

3 “(ii) individuals who report crimes are
4 protected by law from retribution and re-
5 taliation;

6 “(F) a description of any plans or agree-
7 ments to coordinate crime victim services
8 among Federal, State, local, and tribal govern-
9 ments; and

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

13 “(3) NO MATCHING REQUIREMENT.—A recipi-
14 ent or subrecipient of a grant under this subsection
15 shall not be required to make a matching contribu-
16 tion for Federal dollars received.

17 “(4) ANNUAL REPORT.—A recipient or sub-
18 recipient of a grant under this subsection shall, on
19 an annual basis, submit to the Office a report de-
20 scribing the purpose for which the grant was used,
21 which shall include, at a minimum—

22 “(A) the purpose for which grant funds
23 were obligated and the amount of funds obli-
24 gated by the recipient or subrecipient for each
25 purpose, including, on a quarterly basis—

1 “(i) the amount of grant funds used
2 by the recipient or subrecipient for admin-
3 istrative costs;

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

7 “(iii) the amount of grant funds used
8 by the recipient or subrecipient for capital
9 investments;

10 “(B) the number of victims served as a re-
11 sult of the grant;

12 “(C) a description of the types of victims
13 served under a program carried out using the
14 grant, which, for each victim, shall include, at
15 a minimum—

16 “(i) the alleged crime and injury in-
17 volved;

18 “(ii) whether the victim is an Indian;
19 and

20 “(iii) other demographic information,
21 including the age, sex, and tribal affiliation
22 of the victim, if applicable;

23 “(D) the nature and location of the alleged
24 crime involved in each incident, including—

1 “(i) whether the crime was committed
2 in Indian country;

3 “(ii) whether the alleged perpetrator
4 is an Indian; and

5 “(iii) the disposition of the incident,
6 including any resulting charge, verdict,
7 fine, fee, penalty, sentence, dismissal, or
8 decision to settle or otherwise not pursue
9 prosecution; and

10 “(E) all jurisdictions involved in any dis-
11 position.

12 “(d) OVERSIGHT AND ENFORCEMENT AUTHORITY.—

13 “(1) AUTHORITY.—The Office shall—

14 “(A) regularly monitor and review grants
15 awarded under subsection (c); and

16 “(B) conduct investigations and audits—

17 “(i) to ensure compliance with all ap-
18 plicable Federal law; and

19 “(ii) to prevent duplication and redun-
20 dancy in the awarding of grants under
21 subsection (c).

22 “(2) PERFORMANCE MEASURES AND ENFORCE-
23 ABLE AGREEMENTS.—The Office shall ensure that
24 all grants awarded under subsection (c), are subject
25 to performance measures and enforceable agree-

1 ments that allow for thorough program oversight by
2 the Secretary.

3 ~~“(3) COMPLIANCE REPORTS TO CONGRESS.—~~

4 For fiscal year 2017 and each fiscal year thereafter,
5 the Secretary shall submit to the Committee on In-
6 dian Affairs of the Senate and the Subcommittee on
7 Indian, Insular and Alaska Native Affairs of the
8 House of Representatives an annual compliance re-
9 port on all grants awarded under subsection (c).

10 ~~“(c) DEADLINE FOR AWARDING GRANTS.—Not later~~
11 than 180 days after the date on which funding is made
12 available to carry out this section, the Office shall award
13 all funds available for grants under this section to eligible
14 recipients.

15 ~~“(f) AVAILABILITY OF GRANT FUNDS.—Any amount~~
16 awarded under this section that remains unobligated at
17 the end of the fiscal year in which the grant is made may
18 be expended for the purpose for which the grant was made
19 at any time during the 5 succeeding fiscal years, at the
20 end of which period, any unobligated sums shall remain
21 available to the Office for award under this section in the
22 following fiscal year.

23 ~~“(g) EFFECT.—Nothing in this section—~~

24 ~~“(1) precludes an Indian tribe from contracting~~
25 with another Indian tribe or tribal organization for

1 the administration of a program funded under this
 2 subsection; or

3 ~~“(2) prevents multiple Indian tribes or tribal~~
 4 ~~organizations from forming a consortium for any of~~
 5 ~~the purposes described in this subsection.~~

6 ~~“(h) FUNDING.—~~

7 ~~“(1) IN GENERAL.—The grant program estab-~~
 8 ~~lished under this section shall be carried out using~~
 9 ~~funds made available under section 1402(d)(1) of~~
 10 ~~the Victims of Crime Act of 1984 (42 U.S.C.~~
 11 ~~10601(d)(1)).~~

12 ~~“(2) ADMINISTRATIVE EXPENSES.—With re-~~
 13 ~~spect to the grant program under this section only,~~
 14 ~~for each fiscal year in which a grant is made or~~
 15 ~~grant funds may be obligated, an amount not to ex-~~
 16 ~~ceed 4 percent of the funds made available to the~~
 17 ~~Office under this section may be used by the Office~~
 18 ~~for administrative expenses, the management and~~
 19 ~~administration of grants made under this section,~~
 20 ~~and training and technical assistance.~~

21 ~~“(i) TERM.—This section shall be effective for—~~

22 ~~“(1) the first fiscal year beginning after the~~
 23 ~~date of enactment of this section; and~~

24 ~~“(2) the 9 fiscal years following such year.”.~~

1 (d) FUNDING FOR GRANTS FOR TRIBAL VICTIMS OF
 2 CRIME.—Section 1402(d) of the Victims of Crime Act of
 3 1984 (42 U.S.C. 10601(d)) is amended—

4 (1) by inserting before paragraph (2) the fol-
 5 lowing:

6 “(1) Beginning on October 1, 2015, and each
 7 fiscal year thereafter for a period of 10 fiscal years,
 8 5 percent of the total amount in the Fund available
 9 for obligation during a fiscal year shall be made
 10 available to the Secretary of the Interior to make
 11 grants under section 105 of the Indian Tribal Jus-
 12 tice Act.”; and

13 (2) in paragraph (3)(A), in the matter pre-
 14 ceeding clause (i), by striking “paragraph (2)” and
 15 inserting “paragraphs (1) and (2)”.

16 **SEC. 3. REGULATIONS REGARDING INDIAN TRIBES.**

17 (a) EXISTING REGULATIONS.—Any regulation, rule,
 18 or guidance promulgated by the Attorney General or the
 19 Secretary of the Interior before the date of enactment of
 20 this Act shall have no force or effect with respect to sec-
 21 tion 105 of the Indian Tribal Justice Act, as added by
 22 section 2.

23 (b) NEGOTIATED RULEMAKING.—

24 (1) IN GENERAL.—Not later than 90 days after
 25 the date of enactment of this Act, the Secretary of

1 the Interior, in consultation with Indian tribes (as
 2 defined in section 4 of the Indian Self-Determination
 3 and Education Assistance Act (25 U.S.C. 450b))
 4 and through notice and comment rulemaking, shall
 5 promulgate final regulations carrying out section
 6 105 of the Indian Tribal Justice Act, as added by
 7 section 2.

8 (2) REQUIREMENTS.—The Secretary of the In-
 9 terior shall ensure that—

10 (A) not fewer than 2 Indian tribes from
 11 each Bureau of Indian Affairs region partici-
 12 pate in the consultation; and

13 (B) small, medium, and large land-based
 14 Indian tribes are represented.

15 **SECTION 1. SHORT TITLE.**

16 *This Act may be cited as the “Securing Urgent Re-*
 17 *sources Vital to Indian Victim Empowerment Act” or the*
 18 *“SURVIVE Act”.*

19 **SEC. 2. TRIBAL VICTIMS OF CRIME.**

20 (a) DEFINITIONS.—Section 3 of the Indian Tribal Jus-
 21 tice Act (25 U.S.C. 3602) is amended—

22 (1) in paragraph (3), by striking “The term”
 23 and inserting “Except as provided in section 105, the
 24 term”;

1 (2) in paragraph (5), by inserting “and Victim
2 Services” after “Support”;

3 (3) by adding at the end the following:

4 “(9) *VICTIM OF CRIME.*—The term ‘victim of
5 crime’ means a person that has suffered direct phys-
6 ical, emotional, or pecuniary harm as a result of the
7 commission of a crime.”;

8 (4) by redesignating paragraphs (3) through (9)
9 as paragraphs (5) through (11), respectively; and

10 (5) by inserting after paragraph (2) the fol-
11 lowing:

12 “(3) *INDIAN.*—The term ‘Indian’ means a mem-
13 ber of an Indian tribe.

14 “(4) *INDIAN COUNTRY.*—The term ‘Indian coun-
15 try’ has the meaning given the term in section 1151
16 of title 18, United States Code.”.

17 (b) *OFFICE OF TRIBAL JUSTICE SUPPORT AND VIC-*
18 *TIMS SERVICES.*—Section 101 of the Indian Tribal Justice
19 Act (25 U.S.C. 3611) is amended—

20 (1) in the section heading, by inserting “**AND**
21 **VICTIM SERVICES**” after “**SUPPORT**”;

22 (2) in subsection (a)—

23 (A) in the first sentence—

24 (i) by inserting “and Victim Services”
25 after “Support”; and

1 (ii) by striking “There is” and insert-
2 ing the following:

3 “(1) IN GENERAL.—There is”;

4 (B) in paragraph (1) (as designated by sub-
5 paragraph (A)(ii)), in the second sentence, by
6 striking “The purpose” and inserting the fol-
7 lowing:

8 “(2) PURPOSES.—The purposes”; and

9 (C) in paragraph (2) (as designated by sub-
10 paragraph (B)), by inserting “and to provide
11 services to victims of crime” after “Courts of In-
12 dian Offenses”;

13 (3) in subsection (b), by inserting “and Victim
14 Services” after “Support” each place it appears;

15 (4) in subsection (c), by adding at the end the
16 following:

17 “(7) Make grants for victims of crime in accord-
18 ance with section 105.”; and

19 (5) in subsection (e)(1), in the first sentence of
20 the matter preceding subparagraph (A), by inserting
21 “and timely notice regarding technical assistance and
22 training resources and activities of the Office” before
23 the period at the end.

1 (c) *GRANT PROGRAM.*—*The Indian Tribal Justice Act*
 2 *is amended by inserting after section 104 (25 U.S.C. 3614)*
 3 *the following:*

4 **“SEC. 105. GRANT PROGRAM FOR TRIBAL CRIME VICTIM**
 5 **SERVICES AND COMPENSATION.**

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

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

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

15 “(3) *PERSONALLY IDENTIFYING INFORMATION.*—
 16 *The term ‘personally identifying information’ has the*
 17 *meaning given the term ‘personally identifying infor-*
 18 *mation or personal information’ in section 40002(a)*
 19 *of the Violence Against Women Act of 1994 (42*
 20 *U.S.C. 13925(a)).*

21 “(b) *DUTIES.*—*The Office shall—*

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

1 “(2) provide planning, research, training, and
2 technical assistance to grant recipients for grants pro-
3 vided under subsection (c).

4 “(c) GRANT PROGRAM.—

5 “(1) IN GENERAL.—On an annual basis, the Of-
6 fice shall make competitive grants to Indian tribes for
7 the purposes of funding—

8 “(A) a crime victim compensation program,
9 administered by 1 or more Indian tribes, that
10 provides compensation to victims of crime and
11 survivors of victims of crime in accordance with
12 paragraphs (1), (2), (6)(A), (7), and (8) of sub-
13 section (b) and subsections (c) and (e) of section
14 1403 of the Victims of Crime Act of 1984 (42
15 U.S.C. 10602), on the condition that any ref-
16 erence to a State or a jurisdiction of a State in
17 those subsections shall be considered a reference
18 to an Indian tribe or the jurisdiction of an In-
19 dian tribe;

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

24 “(i) services provided through sub-
25 grants to victim services agencies or depart-

ments 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, nonemergency 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

1 *treatment, including intervention and*
2 *prevention services; and*

3 “(III) *prophylactic treatment to*
4 *prevent a victim of crime from con-*
5 *tracting HIV/AIDS or any other sexu-*
6 *ally transmitted disease or infection;*

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

11 “(vi) *legal services, legal assistance*
12 *services, and legal clinics (including services*
13 *provided by pro bono legal clinics and prac-*
14 *titioners), the need for which arises directly*
15 *from the victimization;*

16 “(vii) *ambulance and other medical*
17 *transport and emergency response services;*

18 “(viii) *the training and certification of*
19 *service animals and therapy animals; and*

20 “(ix) *forensic interviews, medical eval-*
21 *uations, and forensic medical evidence col-*
22 *lection examinations for victims of crime,*
23 *the need for which arises directly from the*
24 *victimization;*

1 “(C) the development, establishment, coordi-
2 nation, and operation of programs designed to
3 improve the handling of, including the investiga-
4 tion and prosecution of, violent crime cases, par-
5 ticularly cases of child abuse, domestic violence,
6 sexual assault, stalking, human trafficking, and
7 identity theft, in a manner that limits addi-
8 tional trauma to the victims;

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

14 “(E) the repair, renovation, or rehabilita-
15 tion of existing facilities used for providing serv-
16 ices to victims of crime, including improvements
17 necessary to comply with the Americans with
18 Disabilities Act of 1990 (42 U.S.C. 12101 et
19 seq.);

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

23 “(G) the design, development, purchase, up-
24 grade, improvement, implementation, or support
25 (including training in the use) of technological

1 *equipment, hardware, technology platforms, soft-*
2 *ware, or applications used in programs pro-*
3 *viding or managing services to victims of crime;*

4 *“(H) the development or implementation of*
5 *training, technical assistance, or professional de-*
6 *velopment that improves or enhances the quality*
7 *of services to victims of crime, including coordi-*
8 *nation between healthcare, education, and justice*
9 *systems;*

10 *“(I) transportation for victims of crime;*

11 *“(J) grant writing activities for grants de-*
12 *scribed under this section;*

13 *“(K) administration of the program and*
14 *services described in this section;*

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

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

22 *“(2) ELIGIBILITY.—An Indian tribe seeking a*
23 *grant under this section shall, in response to a request*
24 *for proposal, submit to the Office a written proposal*

1 *for victim services and compensation grants, which*
2 *shall include—*

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

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

8 *“(C) the proposed annual budget for the ac-*
9 *tivities for each fiscal year in which amounts re-*
10 *ceived under the grant may be used;*

11 *“(D) any qualifications, certifications, or li-*
12 *censes that may be required for individuals in-*
13 *volved in administering the program;*

14 *“(E) a certification by the Indian tribe*
15 *that, under the law of that Indian tribe or the*
16 *law of a State to which the Act of August 15,*
17 *1953 (67 Stat. 588, chapter 505) (commonly*
18 *known as ‘Public Law 280’) applies—*

19 *“(i) victims of crime are entitled to the*
20 *rights and protections described in section*
21 *3771(a) of title 18, United States Code, or*
22 *substantially similar rights and protections;*
23 *and*

1 “(ii) individuals who report crimes are
2 protected by law from retribution and retal-
3 iation;

4 “(F) a description of any plans or agree-
5 ments to coordinate crime victim services among
6 Federal, State, local, and tribal governments;
7 and

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

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

15 “(4) ANNUAL REPORT.—A recipient of a grant
16 under this subsection shall, on an annual basis, sub-
17 mit to the Office an itemized budget with a report de-
18 scribing the purpose for which the grant was used,
19 which shall include—

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

1 “(i) the amount of grant funds used by
2 the recipient or subrecipient for administra-
3 tive and operational costs;

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

7 “(iii) the amount of grant funds used
8 by the recipient or subrecipient for com-
9 pensation;

10 “(B) the number of victims served as a re-
11 sult of the grant;

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

14 “(i) the alleged crime and injury in-
15 volved;

16 “(ii) whether the victim is an Indian;
17 and

18 “(iii) the age, sex, and tribal affili-
19 ation of the victim, if applicable; and

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

23 “(i) whether the crime was committed
24 in Indian country or an Alaska Native vil-
25 lage;

- 1 “(ii) *whether the alleged perpetrator is*
 2 *an Indian;*
 3 “(iii) *the disposition of the incident;*
 4 *and*
 5 “(iv) *all jurisdictions involved in any*
 6 *disposition.*

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

9 “(1) *ANNUAL REPORTS.—In order to ensure the*
 10 *safety of victims of crime and immediate family*
 11 *members of victims of crime, recipients and subrecipi-*
 12 *ents of grants under this section shall protect the con-*
 13 *fidentiality and privacy of individuals receiving serv-*
 14 *ices from the recipient of the grant.*

15 “(2) *NONDISCLOSURE.—*

16 “(A) *IN GENERAL.—Subject to paragraphs*
 17 *(3) and (4), a recipient or subrecipient of a*
 18 *grant under this section shall not disclose, reveal,*
 19 *or release any personally identifying informa-*
 20 *tion collected in connection with any service re-*
 21 *quested, used, or denied through a program of*
 22 *the recipient or require the release of personally*
 23 *identifying information as a condition of eligi-*
 24 *bility for the services provided by the grantee—*

1 “(i) regardless of whether the informa-
 2 tion has been encoded, encrypted, hashed, or
 3 otherwise protected; and

4 “(ii) subject to subparagraph (B) and
 5 the condition that consent for release may
 6 not be given by an abuser of the minor, an
 7 abuser of a parent or guardian of a minor,
 8 or an incapacitated person, absent the in-
 9 formed, written, reasonably time-limited
 10 consent of—

11 “(I) the individual about whom
 12 information is sought;

13 “(II) in the case of an emanci-
 14 pated minor, the minor and the parent
 15 or guardian; or

16 “(III) in the case of legal inca-
 17 pacity, a court-appointed guardian.

18 “(B) CERTAIN MINORS AND OTHER INDIVID-
 19 UALS.—If a minor or individual with a legally
 20 appointed guardian may lawfully receive serv-
 21 ices without the consent of a parent or guardian,
 22 that minor or individual may consent to the re-
 23 lease of information under subparagraph (A)(ii)
 24 without the additional consent of a parent or
 25 guardian.

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

5 “(A) make reasonable attempts to provide
6 notice to victims of crime affected by the disclo-
7 sure of information; and

8 “(B) take steps necessary to protect the pri-
9 vacy and safety of the individuals affected by the
10 release of the information.

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

14 “(A) data in the aggregate that is not per-
15 sonally identifying information regarding serv-
16 ices to clients and demographics in order to com-
17 ply with Federal, State, tribal, or territorial re-
18 porting, evaluation, or data collection require-
19 ments;

20 “(B) court-generated and law enforcement-
21 generated information contained in secure, gov-
22 ernmental registries for protection order enforce-
23 ment purposes; and

1 “(C) *law enforcement-generated and pros-*
 2 *ecution-generated information necessary for law*
 3 *enforcement and prosecution purposes.*

4 “(5) *STATUTORILY MANDATED REPORTS OF*
 5 *ABUSE OR NEGLECT.—Nothing in this subsection pro-*
 6 *hibits a recipient or subrecipient of a grant under*
 7 *this section from reporting suspected abuse or neglect.*

8 “(6) *CONGRESSIONAL OVERSIGHT.—*

9 “(A) *IN GENERAL.—Nothing in this sub-*
 10 *section prevents the Secretary from disclosing*
 11 *grant activities authorized by this section to the*
 12 *Committee on Indian Affairs of the Senate and*
 13 *the Subcommittee on Indian, Insular and Alaska*
 14 *Native Affairs of the House of Representatives.*

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

18 “(7) *CONFIDENTIALITY ASSESSMENT AND ASSUR-*
 19 *ANCES.—A recipient or subrecipient of a grant under*
 20 *this section shall document compliance with the con-*
 21 *fidentiality and privacy requirements of this sub-*
 22 *section.*

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

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

1 “(A) regularly monitor and review grants
 2 awarded under subsection (c), which shall in-
 3 clude evaluation of quarterly financial reports
 4 for victim services and compensation grants; and

5 “(B) conduct investigations and audits—

6 “(i) to ensure compliance with all ap-
 7 plicable Federal law; and

8 “(ii) to prevent duplication and redun-
 9 dancy in the awarding of grants under sub-
 10 section (c).

11 “(2) *PERFORMANCE MEASURES AND ENFORCE-*
 12 *ABLE AGREEMENTS.*—*The Secretary shall ensure that*
 13 *all grants awarded under subsection (c) are subject to*
 14 *performance measures and enforceable agreements*
 15 *that allow for thorough program oversight.*

16 “(3) *COMPLIANCE REPORTS TO CONGRESS.*—*For*
 17 *fiscal year 2017 and each fiscal year thereafter, the*
 18 *Secretary of the Interior shall submit to the Com-*
 19 *mittee on Indian Affairs of the Senate and the Sub-*
 20 *committee on Indian, Insular and Alaska Native Af-*
 21 *airs of the House of Representatives an annual com-*
 22 *pliance report on all grants awarded under subsection*
 23 *(c).*

24 “(f) *TIMELINES.*—

1 “(1) *NEGOTIATED RULEMAKING.*—Not later than
 2 60 days after the date of enactment of this section, the
 3 Secretary shall publish a notice in the *Federal Reg-*
 4 *ister* to initiate the negotiated rulemaking described
 5 in section 3(b) of the *Securing Urgent Resources Vital*
 6 *to Indian Victim Empowerment Act*, which shall be
 7 completed not later than 180 days after that publica-
 8 tion.

9 “(2) *REQUEST FOR PROPOSAL.*—Not later than
 10 60 days after the negotiated rulemaking described in
 11 paragraph (1) is complete, the Secretary shall publish
 12 a request for proposal in the *Federal Register* for
 13 grants under this section.

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

21 “(g) *AVAILABILITY OF GRANT FUNDS.*—Any amount
 22 awarded under this section that remains unobligated at the
 23 end of the fiscal year in which the grant is made may be
 24 expended for the purpose for which the grant was made at
 25 any time during the 5 succeeding fiscal years, at the end

1 *of which period, any unobligated sums shall remain avail-*
 2 *able to the Office for award under this section in the fol-*
 3 *lowing fiscal year.*

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

5 “(1) *precludes an Indian tribe from contracting*
 6 *for the administration of a program or activity fund-*
 7 *ed under this Act; or*

8 “(2) *prevents multiple Indian tribes or tribal or-*
 9 *ganizations from forming a consortium for any of the*
 10 *purposes described in this Act.*

11 “(i) *FUNDING.—*

12 “(1) *IN GENERAL.—The grant program estab-*
 13 *lished under this section shall be carried out using*
 14 *funds made available under section 1402(d)(1) of the*
 15 *Victims of Crime Act of 1984 (42 U.S.C.*
 16 *10601(d)(1)).*

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

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

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

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

5 (d) *FUNDING FOR GRANTS FOR TRIBAL VICTIMS OF*
6 *CRIME.*—*Section 1402(d) of the Victims of Crime Act of*
7 *1984 (42 U.S.C. 10601(d)) is amended—*

8 (1) *by inserting before paragraph (2) the fol-*
9 *lowing:*

10 “(1) *Beginning on October 1, 2015, and each fis-*
11 *cal year thereafter for a period of 10 fiscal years, 5*
12 *percent of the total amount in the Fund available for*
13 *obligation during a fiscal year shall be made avail-*
14 *able to the Secretary of the Interior to make grants*
15 *under section 105 of the Indian Tribal Justice Act.”;*
16 *and*

17 (2) *in paragraph (3)(A), in the matter preceding*
18 *clause (i), by striking “paragraph (2)” and inserting*
19 *“paragraphs (1) and (2)”.*

20 **SEC. 3. REGULATIONS REGARDING INDIAN TRIBES.**

21 (a) *EXISTING REGULATIONS.*—*Any regulation, rule, or*
22 *guidance promulgated by the Attorney General or the Sec-*
23 *retary of the Interior before the date of enactment of this*
24 *Act shall have no force or effect with respect to section 105*
25 *of the Indian Tribal Justice Act, as added by section 2.*

1 **(b) NEGOTIATED RULEMAKING.**—

2 **(1) IN GENERAL.**—*Not later than 1 year after*
3 *the date of enactment of this Act, the Secretary of the*
4 *Interior, in consultation with Indian tribes (as de-*
5 *finied in section 4 of the Indian Self-Determination*
6 *and Education Assistance Act (25 U.S.C. 450b) and*
7 *through notice and comment rulemaking, shall pro-*
8 *mulgate final regulations carrying out section 105 of*
9 *the Indian Tribal Justice Act, as added by section 2.*

10 **(2) REQUIREMENTS.**—*The Secretary of the Inte-*
11 *rior shall ensure that—*

12 **(A)** *not fewer than 2 Indian tribes from*
13 *each Bureau of Indian Affairs region participate*
14 *in the consultation; and*

15 **(B)** *small, medium, and large land-based*
16 *Indian tribes are represented.*

Calendar No. 312

114TH CONGRESS
1ST Session

S. 1704

[Report No. 114-172]

A BILL

To amend the Indian Tribal Justice Act to secure urgent resources vital to Indian victims of crime, and for other purposes.

DECEMBER 3, 2015

Reported with an amendment