

115TH CONGRESS  
1ST SESSION

# H. R. 4608

To amend the Victims of Crime Act of 1984 to secure urgent resources  
vital to Indian victims of crime, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 11, 2017

Mr. O'HALLERAN (for himself, Mr. COLE, Ms. SINEMA, and Mr. YOUNG of  
Alaska) introduced the following bill; which was referred to the Com-  
mittee on the Judiciary

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## A BILL

To amend the Victims of Crime Act of 1984 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,*

3 **SECTION 1. SHORT TITLE.**

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

7 **SEC. 2. INDIAN VICTIMS OF CRIME.**

8 (a) GRANT PROGRAM FOR INDIAN CRIME VICTIM  
9 SERVICES.—The Victims of Crime Act of 1984 (34 U.S.C.

1 20101 et seq.) is amended by inserting after section  
 2 1404F the following:

3 “GRANT PROGRAM FOR INDIAN CRIME VICTIM SERVICES

4 “SEC. 1404G. (a) DEFINITIONS.—In this section:

5 “(1) APPROPRIATE COMMITTEES OF CON-  
 6 GRESS.—The term ‘appropriate committees of Con-  
 7 gress’ means—

8 “(A) the Committee on Indian Affairs of  
 9 the Senate;

10 “(B) the Subcommittee on Indian, Insular  
 11 and Alaska Native Affairs of the Committee on  
 12 Natural Resources of the House of Representa-  
 13 tives;

14 “(C) the Committee on the Judiciary of  
 15 the Senate; and

16 “(D) the Committee on the Judiciary of  
 17 the House of Representatives.

18 “(2) COVERED GRANT.—The term ‘covered  
 19 grant’ means a grant under subsection (c).

20 “(3) ELIGIBLE INDIAN TRIBE.—The term ‘eligi-  
 21 ble Indian tribe’ means an Indian tribe that submits  
 22 a written proposal for a covered grant to the Direc-  
 23 tor in accordance with subsection (c)(2).

24 “(4) IMMEDIATE FAMILY MEMBER.—The term  
 25 ‘immediate family member’ has the meaning given

1 the term in section 115(c) of title 18, United States  
2 Code.

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

5 “(6) INDIAN LAND.—The term ‘Indian land’  
6 has the meaning given the term ‘Indian lands’ in  
7 section 3 of the Native American Business Develop-  
8 ment, Trade Promotion, and Tourism Act of 2000  
9 (25 U.S.C. 4302).

10 “(7) INDIAN TRIBE.—The term ‘Indian tribe’  
11 has the meaning given the term in section 4 of the  
12 Indian Self-Determination and Education Assistance  
13 Act (25 U.S.C. 5304).

14 “(8) PERSONALLY IDENTIFYING INFORMA-  
15 TION.—The term ‘personally identifying information’  
16 has the meaning given the term in section 40002(a)  
17 of the Violence Against Women Act of 1994 (34  
18 U.S.C. 12291(a)).

19 “(9) SERVICES TO VICTIMS OF CRIME.—The  
20 term ‘services to victims of crime’—

21 “(A) has the meaning given the term in  
22 section 1404; and

23 “(B) includes efforts that—

1 “(i) respond to the emotional, psycho-  
2 logical, or physical needs of a victim of  
3 crime;

4 “(ii) assist a victim of crime in stabi-  
5 lizing his or her life after victimization;

6 “(iii) assist a victim of crime in un-  
7 derstanding and participating in the crimi-  
8 nal justice system; or

9 “(iv) restore a measure of security  
10 and safety for a victim of crime.

11 “(10) VICTIM OF CRIME.—The term ‘victim of  
12 crime’ means an individual who has suffered direct  
13 physical, sexual, financial, or emotional harm as a  
14 result of the commission of a crime.

15 “(b) DUTIES OF THE DIRECTOR.—The Director  
16 shall—

17 “(1) administer the grant program described in  
18 subsection (c);

19 “(2) provide planning, research, training, and  
20 technical assistance to recipients of covered grants;  
21 and

22 “(3) coordinate with the Office of Tribal Jus-  
23 tice, the Indian Health Service, and the Bureau of  
24 Indian Affairs in implementing the grant program  
25 described in subsection (c).

1 “(c) GRANT PROGRAM.—

2 “(1) IN GENERAL.—On an annual basis, the  
3 Director shall make grants to eligible Indian tribes  
4 for the purposes of funding—

5 “(A) a program, administered by one or  
6 more Indian tribes, that provides services to  
7 victims of crime, which may be provided in tra-  
8 ditional form or through electronic, digital, or  
9 other technological formats, including—

10 “(i) services to victims of crime pro-  
11 vided through subgrants to agencies or de-  
12 partments of tribal governments or non-  
13 profit organizations;

14 “(ii) domestic violence shelters, rape  
15 crisis centers, child abuse programs, child  
16 advocacy centers, and elder abuse pro-  
17 grams providing services to victims of  
18 crime;

19 “(iii) medical care, equipment, treat-  
20 ment, and related evaluations arising from  
21 the victimization, including—

22 “(I) emergency medical care and  
23 evaluation, nonemergency medical  
24 care and evaluation, psychological and  
25 psychiatric care and evaluation, and

1 other forms of medical assistance,  
2 treatment, or therapy, regardless of  
3 the setting in which the services are  
4 delivered;

5 “(II) mental and behavioral  
6 health and crisis counseling, evalua-  
7 tion, and assistance, including out-  
8 patient therapy, counseling services,  
9 substance abuse treatment, and other  
10 forms of specialized treatment, includ-  
11 ing intervention and prevention serv-  
12 ices;

13 “(III) prophylactic treatment to  
14 prevent an individual from contracting  
15 HIV/AIDS or any other sexually  
16 transmitted disease or infection; and

17 “(IV) forensic medical evidence  
18 collection examinations and forensic  
19 interviews of victims of crime—

20 “(aa) to the extent that  
21 other funding sources are un-  
22 available or insufficient; and

23 “(bb) on the condition that,  
24 to the extent practicable, the ex-  
25 aminers and interviewers follow

1 relevant guidelines or protocols  
2 issued by the State, unit of local  
3 government, or Indian tribe with  
4 jurisdiction over the area in  
5 which the examination or inter-  
6 view is conducted;

7 “(iv) legal services, legal assistance  
8 services, and legal clinics (including serv-  
9 ices provided by pro bono legal clinics and  
10 practitioners), the need for which arises di-  
11 rectly from the victimization;

12 “(v) the training and certification of  
13 service animals and therapy animals;

14 “(vi) equipment for Braille or TTY/  
15 TTD machines for the deaf necessary to  
16 provide services to victims of crime;

17 “(vii) restorative justice opportunities  
18 that allow victims of crime to meet with  
19 the perpetrators if the meetings are volun-  
20 tarily agreed to by the victim of crime and  
21 are for therapeutic purposes; and

22 “(viii) training and related materials,  
23 including books, training manuals, and  
24 training videos, for staff and service pro-

1           viders to develop skills necessary to offer  
2           quality services to victims of crime;

3           “(B) development or implementation of  
4           training, technical assistance, or professional  
5           development that improves or enhances the  
6           quality of services to victims of crime, including  
7           coordination between healthcare, education, and  
8           justice systems;

9           “(C) transportation of victims of crime  
10          to—

11                 “(i) receive services; or

12                 “(ii) participate in criminal justice  
13                 proceedings;

14           “(D) emergency legal assistance to victims  
15           of crime that is directly connected to the crime;

16           “(E) supervision of direct service providers  
17           and contracts for professional or specialized  
18           services that are related directly to providing  
19           services to victims of crime;

20           “(F) repair and replacement of essential  
21           items used during the provision of services to  
22           victims of crime to contribute to and maintain  
23           a healthy and safe environment for the victims;

24           “(G) transitional housing for victims of  
25           crime, particularly victims who have a par-

1            ticular need for such housing and cannot safely  
2            return to previous housing, including travel,  
3            rental assistance, security deposits, utilities,  
4            and other related costs that are incidental to  
5            the relocation to transitional housing;

6            “(H) relocation of victims of crime, par-  
7            ticularly where necessary for the safety and  
8            well-being of the victim, including reasonable  
9            moving expenses, security deposits for housing,  
10           rental expenses, and utility startup costs;

11           “(I) coordination of activities that facili-  
12           tate the provision of direct services to victims of  
13           crime;

14           “(J) multi-system, inter-agency, multi-dis-  
15           ciplinary response to the needs of victims of  
16           crime; and

17           “(K) administration of the program and  
18           services described in this section.

19           “(2) ELIGIBILITY.—An Indian tribe seeking a  
20           covered grant shall, in response to a request for pro-  
21           posal, submit to the Director a written proposal for  
22           a covered grant, which shall include—

23           “(A) a description of the need for services  
24           and the mission and goals of the activity to be  
25           carried out using the grant;

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

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

6           “(D) any qualifications, certifications, or  
7           licenses that may be required for individuals in-  
8           volved in administering the program;

9           “(E) a certification by the Indian tribe  
10          that, under the law of that Indian tribe or the  
11          law of a State to which the Act of August 15,  
12          1953 (67 Stat. 588, chapter 505) (commonly  
13          known as ‘Public Law 280’), applies—

14               “(i) victims of crime are entitled to  
15               the rights and protections described in sec-  
16               tion 3771(a) of title 18, United States  
17               Code, or substantially similar rights and  
18               protections; and

19               “(ii) individuals who report crimes are  
20               protected by law from retribution and re-  
21               taliation;

22          “(F) a certification by the Indian tribe  
23          that grant funds will be used to supplement and  
24          not supplant other Federal, State, local, and

1 tribal funds that are used for the purposes de-  
2 scribed in paragraph (1);

3 “(G) a description of any plans or agree-  
4 ments to coordinate services among Federal,  
5 State, local, and tribal governments; and

6 “(H) any additional information required  
7 by the Director through written guidance, after  
8 consultation with Indian tribes.

9 “(3) NO MATCHING REQUIREMENT.—A recipi-  
10 ent or subrecipient of a covered grant shall not be  
11 required to make a matching contribution for Fed-  
12 eral dollars received.

13 “(4) PROHIBITED USES OF FUNDS.—A recipi-  
14 ent or subrecipient of a covered grant may not use  
15 the amounts of the grant for—

16 “(A) salaries, benefits, fees, furniture,  
17 equipment, and other expenses of executive di-  
18 rectors, board members, and other administra-  
19 tors, except as specifically allowed under this  
20 section;

21 “(B) lobbying and administrative advocacy;  
22 and

23 “(C) fundraising activities.

24 “(5) ANNUAL REPORT.—A recipient of a cov-  
25 ered grant shall, on an annual basis, submit to the

1 Director an itemized budget with a report describing  
2 the purpose for which the grant was used, which  
3 shall include—

4 “(A) the purpose for which grant funds  
5 were obligated or spent and the amount of  
6 funds obligated or spent by the recipient or sub-  
7 recipient for each purpose, including, on a quar-  
8 terly basis—

9 “(i) the amount of grant funds obli-  
10 gated or spent by the recipient or sub-  
11 recipient for administrative and operational  
12 costs; and

13 “(ii) the amount of grant funds obli-  
14 gated or spent by the recipient or sub-  
15 recipient for direct services;

16 “(B) the number of individuals served as a  
17 result of the grant;

18 “(C) a description, in the aggregate, of the  
19 types of individuals served, including—

20 “(i) the alleged crime and injury in-  
21 volved;

22 “(ii) whether the victim is an Indian;  
23 and

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

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

4                   “(i) whether the crime was committed  
5                   on Indian land;

6                   “(ii) whether the alleged perpetrator  
7                   is an Indian;

8                   “(iii) the disposition of the incident;  
9                   and

10                   “(iv) all jurisdictions involved in any  
11                   disposition.

12           “(6) OBLIGATION TO REPORT FRAUD, WASTE,  
13           OR ABUSE OF GRANT FUNDS.—A recipient or sub-  
14           recipient of a covered grant shall immediately report  
15           to the Director any finding of fraud, waste, or abuse  
16           of grant funds.

17           “(d) PROTECTION OF CRIME VICTIM CONFIDEN-  
18           TIALITY AND PRIVACY.—

19                   “(1) ANNUAL REPORTS.—In order to ensure  
20                   the safety of victims of crime and immediate family  
21                   members of victims of crime, recipients and sub-  
22                   recipients of covered grants shall protect the con-  
23                   fidentiality and privacy of individuals receiving serv-  
24                   ices from the recipient or subrecipient.

25                   “(2) NONDISCLOSURE.—

1           “(A) IN GENERAL.—Subject to paragraphs  
2           (3) and (4), a recipient or subrecipient of a cov-  
3           ered grant shall not disclose, reveal, or release  
4           any personally identifying information collected  
5           in connection with any service requested, used,  
6           or denied through a program of the recipient or  
7           subrecipient or require the release of personally  
8           identifying information as a condition of eligi-  
9           bility for the services provided by the recipient  
10          or subrecipient—

11                 “(i) regardless of whether the infor-  
12                 mation has been encoded, encrypted,  
13                 hashed, or otherwise protected; and

14                 “(ii) subject to subparagraph (B) and  
15                 the condition that consent for release may  
16                 not be given by an abuser of the minor, an  
17                 abuser of a parent or guardian of a minor,  
18                 or an incapacitated individual, absent the  
19                 informed, written, reasonably time-limited  
20                 consent of—

21                         “(I) the individual about whom  
22                         information is sought;

23                         “(II) in the case of an emanci-  
24                         pated minor, the minor, and the par-  
25                         ent or guardian; or

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

3 “(B) CERTAIN MINORS AND OTHER INDI-  
4 VIDUALS.—If a minor or individual with a le-  
5 gally appointed guardian may lawfully receive  
6 services without the consent of a parent or  
7 guardian, that minor or individual may consent  
8 to the release of information under subpara-  
9 graph (A)(ii) without the additional consent of  
10 a parent or guardian.

11 “(3) RELEASE.—If the release of information  
12 described in paragraph (2) is compelled by a statu-  
13 tory or court mandate, a recipient or subrecipient of  
14 a covered grant shall—

15 “(A) make reasonable attempts to provide  
16 notice to victims of crime affected by the disclo-  
17 sure of information; and

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

21 “(4) INFORMATION SHARING.—A recipient or  
22 subrecipient of a covered grant may share—

23 “(A) data in the aggregate that is not per-  
24 sonally identifying information regarding serv-  
25 ices to clients and demographics in order to

1 comply with Federal, State, tribal, or territorial  
2 reporting, evaluation, or data collection require-  
3 ments;

4 “(B) court-generated and law enforcement-  
5 generated information contained in secure, gov-  
6 ernmental registries for protection order en-  
7 forcement purposes; and

8 “(C) law enforcement-generated and pros-  
9 ecution-generated information necessary for law  
10 enforcement and prosecution purposes.

11 “(5) STATUTORILY MANDATED REPORTS OF  
12 ABUSE OR NEGLECT.—Nothing in this subsection  
13 shall be construed to prohibit a recipient or sub-  
14 recipient of a covered grant from reporting sus-  
15 pected abuse or neglect of an individual.

16 “(6) CONGRESSIONAL OVERSIGHT.—

17 “(A) IN GENERAL.—Nothing in this sub-  
18 section shall be construed to prohibit the Direc-  
19 tor from disclosing grant activities authorized  
20 by this section to the appropriate committees of  
21 Congress.

22 “(B) REQUIREMENTS.—The Director shall  
23 ensure that a disclosure under subparagraph  
24 (A) protects confidentiality and omits person-  
25 ally identifying information.

1           “(7) CONFIDENTIALITY ASSESSMENT AND AS-  
2           SURANCES.—A recipient or subrecipient of a covered  
3           grant shall document compliance with the confiden-  
4           tiality and privacy requirements of this subsection.

5           “(e) OVERSIGHT AND ENFORCEMENT AUTHORITY.—

6           “(1) AUTHORITY.—The Director shall—

7                   “(A) regularly monitor and review covered  
8                   grants awarded, which shall include evaluation  
9                   of quarterly financial reports for victim services  
10                  grants; and

11                  “(B) conduct investigations and audits—

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

14                          “(ii) to prevent duplication and redun-  
15                          dancy in the awarding of covered grants.

16           “(2) PERFORMANCE MEASURES AND ENFORCE-  
17           ABLE AGREEMENTS.—The Director shall ensure that  
18           all covered grants are subject to performance meas-  
19           ures and enforceable agreements that allow for thor-  
20           ough program oversight.

21           “(3) COMPLIANCE REPORTS TO CONGRESS.—

22           For fiscal year 2017 and each fiscal year thereafter,  
23           the Director shall submit to the appropriate commit-  
24           tees of Congress an annual compliance report on all  
25           covered grants awarded.

1 “(4) VIOLATIONS.—

2 “(A) IN GENERAL.—If, after reasonable  
3 notice and opportunity for a hearing on the  
4 record (subject to subparagraph (B)), the Di-  
5 rector finds that a recipient or subrecipient of  
6 a covered grant has failed to comply substan-  
7 tially with any provision of this section or a  
8 rule, regulation, guideline, or procedure issued  
9 under this section, or an application submitted  
10 in accordance with this section or the provisions  
11 of any other applicable law, the Director shall—

12 “(i) terminate payments to the recipi-  
13 ent;

14 “(ii) suspend payments to the recipi-  
15 ent until the Director is satisfied that the  
16 noncompliance has ended; or

17 “(iii) take any other action that the  
18 Director determines appropriate.

19 “(B) SUBRECIPIENTS.—A subrecipient of  
20 a covered grant may not request a hearing  
21 under subparagraph (A) but may assist a re-  
22 cipient in providing information during the  
23 hearing process.

24 “(f) TIMELINES.—

1           “(1) NEGOTIATED RULEMAKING.—Not later  
2           than 60 days after the date of enactment of this sec-  
3           tion, the Director shall publish a notice in the Fed-  
4           eral Register to initiate the negotiated rulemaking  
5           described in section 3(b) of the Securing Urgent Re-  
6           sources Vital to Indian Victim Empowerment Act,  
7           which shall be completed not later than 180 days  
8           after that publication.

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

14          “(3) REQUIRED DISBURSAL.—Not later than  
15          January 31 of each of the first 10 fiscal years begin-  
16          ning after the date of enactment of this section, the  
17          Director shall disburse competitive grants to Indian  
18          tribes in accordance with this section.

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

1 remain available to the Director for award under this sec-  
2 tion in the following fiscal year.

3 “(h) EFFECT.—Nothing in this section prohibits—

4 “(1) an Indian tribe from contracting for the  
5 administration of a program or activity funded  
6 under this section; or

7 “(2) multiple Indian tribes or tribal organiza-  
8 tions from forming a consortium for any of the pur-  
9 poses described in this section.

10 “(i) FUNDING.—

11 “(1) IN GENERAL.—The grant program estab-  
12 lished under this section shall be carried out using  
13 amounts made available under section 1402(d)(1).

14 “(2) ADMINISTRATIVE EXPENSES.—For each  
15 fiscal year in which a grant is made or grant funds  
16 may be obligated under this section, the Director  
17 may use not more than 4 percent of the amounts  
18 made available under this section for—

19 “(A) administration and management of  
20 covered grants; and

21 “(B) training and technical assistance.

22 “(j) TERM.—This section shall be effective for the  
23 first 10 fiscal years beginning after the date of enactment  
24 of this section.”.

1 (b) FUNDING FOR GRANTS FOR TRIBAL VICTIMS OF  
2 CRIME.—Section 1402(d) of the Victims of Crime Act of  
3 1984 (34 U.S.C. 20101(d)) is amended—

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

6 “(1) For each of the 10 fiscal years beginning  
7 after the date of enactment of the Securing Urgent  
8 Resources Vital to Indian Victim Empowerment Act,  
9 5 percent of the total amount in the Fund available  
10 for obligation during a fiscal year shall be made  
11 available to the Director to make grants under sec-  
12 tion 1404G.”;

13 (2) in paragraph (2)(A), by inserting “after  
14 compliance with paragraph (1)” after “deposited in  
15 the Fund”;

16 (3) in paragraph (3)(A), in the matter pre-  
17 ceding clause (i), by striking “paragraph (2)” and  
18 inserting “paragraphs (1) and (2)”; and

19 (4) in paragraph (5)(A), by inserting “(1),” be-  
20 fore “(2)” each place that term appears.

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

22 (a) EXISTING REGULATIONS.—Any regulation, rule,  
23 or guidance promulgated by the Director of the Office for  
24 Victims of Crime before the date of enactment of this Act  
25 shall have no force or effect with respect to section 1404G

1 of the Victims of Crime Act of 1984, as added by section  
2 2.

3 (b) NEGOTIATED RULEMAKING.—

4 (1) IN GENERAL.—Not later than 1 year after  
5 the date of enactment of this Act, the Director of  
6 the Office for Victims of Crime, in consultation with  
7 the Secretary of the Interior and Indian tribes (as  
8 defined in section 4 of the Indian Self-Determination  
9 and Education Assistance Act (25 U.S.C. 5304))  
10 and through notice and comment negotiated rule-  
11 making, following the provisions of subchapter III of  
12 chapter 5 of title 5, United States Code (commonly  
13 known as the “Negotiated Rulemaking Act of  
14 1990”), shall promulgate final regulations carrying  
15 out section 1404G of the Victims of Crime Act of  
16 1984, as added by section 2.

17 (2) REQUIREMENTS.—The Director of the Of-  
18 fice for Victims of Crime shall ensure that—

19 (A) not fewer than 2 Indian tribes from  
20 each Bureau of Indian Affairs region partici-  
21 pate in the consultation; and

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

○