

**Calendar No. 84**116TH CONGRESS  
1ST SESSION**S. 211****[Report No. 116–40]**

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

---

## IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2019

Mr. HOEVEN (for himself, Mr. UDALL, Mr. BARRASSO, Mr. DAINES, Ms. CORTEZ MASTO, Mr. TESTER, Ms. SMITH, Ms. MURKOWSKI, Ms. CANTWELL, Ms. WARREN, Ms. MCSALLY, Mr. MERKLEY, Mr. SULLIVAN, Mr. CRAMER, and Ms. STABENOW) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

MAY 13, 2019

Reported by Mr. HOEVEN, without amendment

---

**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,*

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. INDIAN VICTIMS OF CRIME.**

6 (a) GRANT PROGRAM FOR INDIAN CRIME VICTIM  
7 SERVICES.—The Victims of Crime Act of 1984 (34 U.S.C.  
8 20101 et seq.) is amended by inserting after section  
9 1404F the following:

10 “GRANT PROGRAM FOR INDIAN CRIME VICTIM SERVICES

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

12 “(1) APPROPRIATE COMMITTEES OF CON-  
13 GRESS.—The term ‘appropriate committees of Con-  
14 gress’ means—

15 “(A) the Committee on Indian Affairs of  
16 the Senate;

17 “(B) the Subcommittee on Indian, Insular  
18 and Alaska Native Affairs of the Committee on  
19 Natural Resources of the House of Representa-  
20 tives;

21 “(C) the Committee on the Judiciary of  
22 the Senate; and

23 “(D) the Committee on the Judiciary of  
24 the House of Representatives.

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

1           “(3) ELIGIBLE INDIAN TRIBE.—The term ‘eligi-  
2           ble Indian Tribe’ means an Indian Tribe that sub-  
3           mits a written proposal for a covered grant to the  
4           Director in accordance with subsection (c)(2).

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

9           “(5) INDIAN.—The term ‘Indian’ means a  
10          member of an Indian Tribe.

11          “(6) INDIAN LAND.—The term ‘Indian land’  
12          has the meaning given the term ‘Indian lands’ in  
13          section 3 of the Native American Business Develop-  
14          ment, Trade Promotion, and Tourism Act of 2000  
15          (25 U.S.C. 4302).

16          “(7) INDIAN TRIBE.—The term ‘Indian Tribe’  
17          has the meaning given the term ‘Indian tribe’ in sec-  
18          tion 4 of the Indian Self-Determination and Edu-  
19          cation Assistance Act (25 U.S.C. 5304).

20          “(8) PERSONALLY IDENTIFYING INFORMA-  
21          TION.—The term ‘personally identifying information’  
22          has the meaning given the term in section 40002(a)  
23          of the Violence Against Women Act of 1994 (34  
24          U.S.C. 12291(a)).

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

3           “(A) has the meaning given the term in  
4 section 1404; and

5           “(B) includes efforts that—

6           “(i) respond to the emotional, psycho-  
7 logical, or physical needs of a victim of  
8 crime;

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

11           “(iii) assist a victim of crime in un-  
12 derstanding and participating in the crimi-  
13 nal justice system; or

14           “(iv) restore a measure of security  
15 and safety for a victim of crime.

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

20           “(b) DUTIES OF THE DIRECTOR.—The Director  
21 shall—

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

1           “(2) provide planning, research, training, and  
2           technical assistance to recipients of covered grants;  
3           and

4           “(3) coordinate with the Office of Tribal Jus-  
5           tice, the Indian Health Service, and the Bureau of  
6           Indian Affairs in implementing the grant program  
7           described in subsection (c).

8           “(c) GRANT PROGRAM.—

9           “(1) IN GENERAL.—On an annual basis, the  
10          Director shall make grants to eligible Indian Tribes  
11          for the purposes of funding—

12                 “(A) a program, administered by one or  
13                 more Indian Tribes, that provides services to  
14                 victims of crime, which may be provided in tra-  
15                 ditional form or through electronic, digital, or  
16                 other technological formats, including—

17                         “(i) services to victims of crime pro-  
18                         vided through subgrants to agencies or de-  
19                         partments of Tribal governments or non-  
20                         profit organizations;

21                         “(ii) domestic violence shelters, rape  
22                         crisis centers, child abuse programs, child  
23                         advocacy centers, and elder abuse pro-  
24                         grams providing services to victims of  
25                         crime;

1           “(iii) medical care, equipment, treat-  
2           ment, and related evaluations arising from  
3           the victimization, including—

4                   “(I) emergency medical care and  
5                   evaluation, nonemergency medical  
6                   care and evaluation, psychological and  
7                   psychiatric care and evaluation, and  
8                   other forms of medical assistance,  
9                   treatment, or therapy, regardless of  
10                  the setting in which the services are  
11                  delivered;

12                  “(II) mental and behavioral  
13                  health and crisis counseling, evalua-  
14                  tion, and assistance, including out-  
15                  patient therapy, counseling services,  
16                  substance abuse treatment, and other  
17                  forms of specialized treatment, includ-  
18                  ing intervention and prevention serv-  
19                  ices;

20                  “(III) prophylactic treatment to  
21                  prevent an individual from contracting  
22                  HIV/AIDS or any other sexually  
23                  transmitted disease or infection; and

1                   “(IV) forensic medical evidence  
2                   collection examinations and forensic  
3                   interviews of victims of crime—

4                   “(aa) to the extent that  
5                   other funding sources are un-  
6                   available or insufficient; and

7                   “(bb) on the condition that,  
8                   to the extent practicable, the ex-  
9                   aminers and interviewers follow  
10                  relevant guidelines or protocols  
11                  issued by the State, unit of local  
12                  government, or Indian Tribe with  
13                  jurisdiction over the area in  
14                  which the examination or inter-  
15                  view is conducted;

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

21                  “(v) the training and certification of  
22                  service animals and therapy animals;

23                  “(vi) equipment for Braille or TTY/  
24                  TTD machines for the deaf necessary to  
25                  provide services to victims of crime;

1           “(vii) restorative justice opportunities  
2           that allow victims of crime to meet with  
3           the perpetrators if the meetings are volun-  
4           tarily agreed to by the victim of crime and  
5           are for therapeutic purposes; and

6           “(viii) training and related materials,  
7           including books, training manuals, and  
8           training videos, for staff and service pro-  
9           viders to develop skills necessary to offer  
10          quality services to victims of crime;

11          “(B) 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, including  
15          coordination between healthcare, education, and  
16          justice systems;

17          “(C) the transportation of victims of crime  
18          to—

19                  “(i) receive services; or

20                  “(ii) participate in criminal justice  
21                  proceedings;

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

24          “(E) the supervision of direct service pro-  
25          viders and contracts for professional or special-



1           ized services that are related directly to pro-  
2           viding services to victims of crime;

3           “(F) the repair and replacement of essen-  
4           tial items used during the provision of services  
5           to victims of crime to contribute to and main-  
6           tain a healthy and safe environment for the vic-  
7           tims;

8           “(G) transitional housing for victims of  
9           crime, particularly victims who have a par-  
10          ticular need for such housing and cannot safely  
11          return to previous housing, including travel,  
12          rental assistance, security deposits, utilities,  
13          and other related costs that are incidental to  
14          the relocation to transitional housing;

15          “(H) the relocation of victims of crime,  
16          particularly where necessary for the safety and  
17          well-being of the victim, including reasonable  
18          moving expenses, security deposits for housing,  
19          rental expenses, and utility startup costs;

20          “(I) the coordination of activities that fa-  
21          cilitate the provision of direct services to victims  
22          of crime;

23          “(J) a multi-system, inter-agency, multi-  
24          disciplinary response to the needs of victims of  
25          crime; and

1           “(K) the administration of the program  
2           and services described in this section.

3           “(2) ELIGIBILITY.—An Indian Tribe seeking a  
4           covered grant shall, in response to a request for pro-  
5           posal, submit to the Director a written proposal for  
6           a covered grant, which shall include—

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

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

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

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

18          “(E) a certification by the Indian Tribe  
19          that, under the law of that Indian Tribe or the  
20          law of a State to which the Act of August 15,  
21          1953 (67 Stat. 588, chapter 505) (commonly  
22          known as ‘Public Law 280’) applies—

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

1 Code, or substantially similar rights and  
2 protections; and

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

6 “(F) a certification by the Indian Tribe  
7 that grant funds will be used to supplement and  
8 not supplant other Federal, State, local, and  
9 Tribal funds that are used for the purposes de-  
10 scribed in paragraph (1);

11 “(G) a description of any plans or agree-  
12 ments to coordinate services among Federal,  
13 State, local, and Tribal governments; and

14 “(H) any additional information required  
15 by the Director through written guidance, after  
16 consultation with Indian Tribes.

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

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

24 “(A) salaries, benefits, fees, furniture,  
25 equipment, and other expenses of executive di-

1           rectors, board members, and other administra-  
2           tors, except as specifically allowed under this  
3           section;

4                   “(B) lobbying and administrative advocacy;  
5           and

6                   “(C) fundraising activities.

7           “(5) ANNUAL REPORT.—A recipient of a cov-  
8           ered grant shall, on an annual basis, submit to the  
9           Director an itemized budget with a report describing  
10          the purpose for which the grant was used, which  
11          shall include—

12                   “(A) the purpose for which grant funds  
13           were obligated or spent and the amount of  
14           funds obligated or spent by the recipient or sub-  
15           recipient for each purpose, including, on a quar-  
16           terly basis—

17                           “(i) the amount of grant funds obli-  
18                           gated or spent by the recipient or sub-  
19                           recipient for administrative and operational  
20                           costs; and

21                           “(ii) the amount of grant funds obli-  
22                           gated or spent by the recipient or sub-  
23                           recipient for direct services;

24                   “(B) the number of individuals served as a  
25           result of the grant;

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

3           “(i) the alleged crime and injury in-  
4 volved;

5           “(ii) whether the victim is an Indian;  
6 and

7           “(iii) the age, sex, and Tribal affili-  
8 ation of the victim, if applicable; and

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

12           “(i) whether the crime was committed  
13 on Indian land;

14           “(ii) whether the alleged perpetrator  
15 is an Indian;

16           “(iii) the disposition of the incident;  
17 and

18           “(iv) all jurisdictions involved in any  
19 disposition.

20           “(6) OBLIGATION TO REPORT FRAUD, WASTE,  
21 OR ABUSE OF GRANT FUNDS.—A recipient or sub-  
22 recipient of a covered grant shall immediately report  
23 to the Director any finding of fraud, waste, or abuse  
24 of grant funds.

1       “(d) PROTECTION OF CRIME VICTIM CONFIDEN-  
2 TIALITY AND PRIVACY.—

3           “(1) ANNUAL REPORTS.—In order to ensure  
4 the safety of victims of crime and immediate family  
5 members of victims of crime, recipients and sub-  
6 recipients of covered grants shall protect the con-  
7 fidentiality and privacy of individuals receiving serv-  
8 ices from the recipient or subrecipient.

9           “(2) NONDISCLOSURE.—

10           “(A) IN GENERAL.—Subject to paragraphs  
11 (3) and (4), a recipient or subrecipient of a cov-  
12 ered grant shall not disclose, reveal, or release  
13 any personally identifying information collected  
14 in connection with any service requested, used,  
15 or denied through a program of the recipient or  
16 subrecipient or require the release of personally  
17 identifying information as a condition of eligi-  
18 bility for the services provided by the recipient  
19 or subrecipient—

20           “(i) regardless of whether the infor-  
21 mation has been encoded, encrypted,  
22 hashed, or otherwise protected; and

23           “(ii) subject to subparagraph (B) and  
24 the condition that consent for release may  
25 not be given by an abuser of the minor, an

1 abuser of a parent or guardian of a minor,  
2 or an incapacitated individual, absent the  
3 informed, written, reasonably time-limited  
4 consent of—

5 “(I) the individual about whom  
6 information is sought;

7 “(II) in the case of an emanci-  
8 pated minor, the minor, and the par-  
9 ent or guardian; or

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

12 “(B) CERTAIN MINORS AND OTHER INDI-  
13 VIDUALS.—If a minor or individual with a le-  
14 gally appointed guardian may lawfully receive  
15 services without the consent of a parent or  
16 guardian, that minor or individual may consent  
17 to the release of information under subpara-  
18 graph (A)(ii) without the additional consent of  
19 a parent or guardian.

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

1           “(A) make reasonable attempts to provide  
2 notice to victims of crime affected by the disclo-  
3 sure of information; and

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

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

9           “(A) data in the aggregate that is not per-  
10 sonally identifying information regarding serv-  
11 ices to clients and demographics in order to  
12 comply with Federal, State, Tribal, or terri-  
13 torial reporting, evaluation, or data collection  
14 requirements;

15           “(B) court-generated and law enforcement-  
16 generated information contained in secure gov-  
17 ernmental registries for protection order en-  
18 forcement purposes; and

19           “(C) law enforcement-generated and pros-  
20 ecution-generated information necessary for law  
21 enforcement and prosecution purposes.

22           “(5) STATUTORILY MANDATED REPORTS OF  
23 ABUSE OR NEGLECT.—Nothing in this subsection  
24 shall be construed to prohibit a recipient or sub-



1 recipient of a covered grant from reporting sus-  
2 pected abuse or neglect of an individual.

3 “(6) CONGRESSIONAL OVERSIGHT.—

4 “(A) IN GENERAL.—Nothing in this sub-  
5 section shall be construed to prohibit the Direc-  
6 tor from disclosing grant activities authorized  
7 by this section to the appropriate committees of  
8 Congress.

9 “(B) REQUIREMENTS.—The Director shall  
10 ensure that a disclosure under subparagraph  
11 (A) protects confidentiality and omits person-  
12 ally identifying information.

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

17 “(e) OVERSIGHT AND ENFORCEMENT AUTHORITY.—

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

19 “(A) regularly monitor and review covered  
20 grants awarded, which shall include evaluation  
21 of quarterly financial reports for victim services  
22 grants; and

23 “(B) conduct investigations and audits—

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

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

3                   “(2) PERFORMANCE MEASURES AND ENFORCE-  
4                   ABLE AGREEMENTS.—The Director shall ensure that  
5                   all covered grants are subject to performance meas-  
6                   ures and enforceable agreements that allow for thor-  
7                   ough program oversight.

8                   “(3) COMPLIANCE REPORTS TO CONGRESS.—  
9                   For the first fiscal year beginning after the date of  
10                  enactment of this section and each fiscal year there-  
11                  after, the Director shall submit to the appropriate  
12                  committees of Congress an annual compliance report  
13                  on all covered grants awarded.

14                  “(4) VIOLATIONS.—

15                  “(A) IN GENERAL.—If, after reasonable  
16                  notice and opportunity for a hearing on the  
17                  record (subject to subparagraph (B)), the Di-  
18                  rector finds that a recipient or subrecipient of  
19                  a covered grant has failed to comply substan-  
20                  tially with any provision of this section or a  
21                  rule, regulation, guideline, or procedure issued  
22                  under this section, a commitment or certifi-  
23                  cation made in the written proposal submitted  
24                  under subsection (c)(2), or the provisions of any  
25                  other applicable law, the Director shall—

1 “(i) terminate payments to the recipi-  
2 ent;

3 “(ii) suspend payments to the recipi-  
4 ent until the Director is satisfied that the  
5 noncompliance has ended; or

6 “(iii) take any other action that the  
7 Director determines appropriate.

8 “(B) SUBRECIPIENTS.—A subrecipient of  
9 a covered grant may not request a hearing  
10 under subparagraph (A) but may assist a re-  
11 cipient in providing information during the  
12 hearing process.

13 “(f) TIMELINES.—

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

22 “(2) REQUEST FOR PROPOSAL.—Not later than  
23 60 days after the negotiated rulemaking described in  
24 paragraph (1) is complete, the Director shall publish

1 a request for proposal in the Federal Register for  
2 covered grants.

3 “(3) REQUIRED DISBURSAL.—Not later than  
4 January 31 of each of the first 10 fiscal years begin-  
5 ning after the date of enactment of this section, the  
6 Director shall disburse competitive grants to Indian  
7 Tribes in accordance with this section.

8 “(g) AVAILABILITY OF GRANT FUNDS.—Any amount  
9 awarded under a covered grant that remains unobligated  
10 at the end of the fiscal year in which the grant is made  
11 may be expended for the purpose for which the grant was  
12 made at any time during the 5 succeeding fiscal years,  
13 at the end of which period, any unobligated sums shall  
14 remain available to the Director for award under this sec-  
15 tion in the following fiscal year.

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

17 “(1) an Indian Tribe from contracting for the  
18 administration of a program or activity funded  
19 under this section; or

20 “(2) multiple Indian Tribes or Tribal organiza-  
21 tions from forming a consortium for any of the pur-  
22 poses described in this section.

23 “(i) FUNDING.—

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

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

9                   “(A) administration and management of  
10                   covered grants; and

11                   “(B) training and technical assistance.

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

15           (b) FUNDING FOR GRANTS FOR TRIBAL VICTIMS OF  
16           CRIME.—Section 1402(d) of the Victims of Crime Act of  
17           1984 (34 U.S.C. 20101(d)) is amended—

18                   (1) by inserting before paragraph (2) the fol-  
19                   lowing:

20                   “(1) For each of the first 10 fiscal years begin-  
21                   ning after the date of enactment of the Securing Ur-  
22                   gent Resources Vital to Indian Victim Empowerment  
23                   Act, 5 percent of the total amount in the Fund  
24                   available for obligation during a fiscal year shall be

1 made available to the Director to make grants under  
2 section 1404G.”;

3 (2) in paragraph (2)(A), by inserting “after  
4 compliance with paragraph (1)” after “deposited in  
5 the Fund”;

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

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

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

12 (a) EXISTING REGULATIONS.—Any regulation, rule,  
13 or guidance promulgated by the Director of the Office for  
14 Victims of Crime before the date of enactment of this Act  
15 shall have no force or effect with respect to section 1404G  
16 of the Victims of Crime Act of 1984, as added by section  
17 2.

18 (b) NEGOTIATED RULEMAKING.—

19 (1) IN GENERAL.—Not later than 1 year after  
20 the date of enactment of this Act, the Director of  
21 the Office for Victims of Crime, in consultation with  
22 the Secretary of the Interior and Indian Tribes (as  
23 defined in section 1404G of the Victims of Crime  
24 Act of 1984, as added by section 2) and through no-  
25 tice and comment negotiated rulemaking, following

1 the provisions of subchapter III of chapter 5 of title  
2 5, United States Code (commonly known as the ‘Ne-  
3 gotiated Rulemaking Act of 1990’), shall promulgate  
4 final regulations carrying out section 1404G of the  
5 Victims of Crime Act of 1984, as added by section  
6 2.

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

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

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

**Calendar No. 84**

116<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 211**

[Report No. 116-40]

---

---

**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.

---

---

MAY 13, 2019

Reported without amendment