

105TH CONGRESS  
2D SESSION

# S. 2114

To amend the Violence Against Women Act of 1994, the Family Violence Prevention and Services Act, the Older Americans Act of 1965, and the Public Health Service Act to ensure that older women are protected from institutional, community, and domestic violence and sexual assault and to improve outreach efforts and other services available to older women victimized by such violence, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 22, 1998

Mr. DURBIN (for himself, Ms. COLLINS, Mr. FAIRCLOTH, Mr. AKAKA, Ms. MOSELEY-BRAUN, Mr. HARKIN, Ms. MIKULSKI, Mr. WELLSTONE, Mr. GRAHAM, Mr. JOHNSON, Mr. CLELAND, Ms. LANDRIEU, Mr. REID, Mr. TORICELLI, Mr. DODD, Mr. KOHL, Mr. WARNER, Mrs. BOXER, Mrs. MURRAY) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

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## A BILL

To amend the Violence Against Women Act of 1994, the Family Violence Prevention and Services Act, the Older Americans Act of 1965, and the Public Health Service Act to ensure that older women are protected from institutional, community, and domestic violence and sexual assault and to improve outreach efforts and other services available to older women victimized by such violence, 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; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Older Women’s Protection From Violence Act of 1998”.

4 (b) TABLE OF CONTENTS.—The table of contents for  
5 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

TITLE I—VIOLENCE AGAINST WOMEN ACT OF 1994

Sec. 101. Elder abuse, neglect, and exploitation.

TITLE II—FAMILY VIOLENCE PREVENTION AND SERVICES ACT

Sec. 201. Definitions.

Sec. 202. Domestic abuse services for older individuals.

Sec. 203. State grants.

Sec. 204. Demonstration grants for community initiatives.

Sec. 205. Study regarding health professional training with respect to detection  
and referral of victims of family violence.

TITLE III—OLDER AMERICANS ACT OF 1965

Sec. 301. Definitions.

Sec. 302. Research about the sexual assault of women who are older individ-  
uals.

Sec. 303. State Long-Term Care Ombudsman program.

Sec. 304. Domestic violence shelters and programs for older individuals.

Sec. 305. Authorization of appropriations.

Sec. 306. Community initiatives and outreach.

Sec. 307. Training for health professionals, and other providers of services to  
older individuals, on screening for elder abuse, neglect, and ex-  
ploitation.

TITLE IV—PUBLIC HEALTH SERVICE ACT

Sec. 401. Area health education centers.

Sec. 402. Geriatric centers and training.

TITLE V—FINANCIAL EXPLOITATION OF OLDER INDIVIDUALS

Sec. 501. Study and report.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1           (1) of the estimated more than 1,000,000 per-  
2           sons age 65 and over who are victims of abuse each  
3           year, at least two-thirds are women;

4           (2) in almost 9 out of 10 incidents of domestic  
5           elder abuse and neglect, the perpetrator is a family  
6           member and adult children of the victims are the  
7           largest category of perpetrators and spouses are the  
8           second largest category of perpetrators;

9           (3) the number of reports of elder abuse in the  
10          United States increased by 150 percent between  
11          1986 and 1996 and is expected to continue growing;

12          (4) it is estimated that at least 5 percent of the  
13          Nation's elderly are victims of moderate to severe  
14          abuse and that the rate for all forms of abuse may  
15          be as high as 10 percent;

16          (5) elder abuse is severely underreported, with  
17          1 in 5 cases being reported in 1980 and 1 in 8 cases  
18          being reported today;

19          (6) based on site-specific information from the  
20          Indian Health Service, the rate of trauma and vio-  
21          lence faced by Indian women could be considered to  
22          be epidemic;

23          (7) elder abuse takes on many forms, including  
24          physical abuse, sexual abuse, psychological (emo-

1        tional) abuse, neglect (intended or unintended), and  
2        financial exploitation;

3            (8) many older persons, particularly women and  
4        minorities, fail to report abuse because of shame or  
5        as a result of prior unsatisfactory experiences with  
6        individual agencies or others who lacked sensitivity  
7        to the concerns or needs of older people;

8            (9) the lack of culturally relevant elder abuse  
9        services for Indian women makes access to shelter  
10       and other services difficult and often impossible for  
11       some Indian women;

12           (10) many older persons fail to report abuse be-  
13       cause they are dependent on their abusers and fear  
14       being abandoned or institutionalized;

15           (11) the lack of access to telephones, law en-  
16       forcement, and health services in remote areas, in-  
17       cluding Indian reservations, makes access to relief  
18       from elder abuse particularly difficult for some pop-  
19       ulations;

20           (12) public and professional awareness and  
21       identification of elder abuse is difficult because older  
22       persons are not tied into many social networks (such  
23       as schools or jobs), and may become isolated in their  
24       homes, which can increase the risk of elder abuse;

1 (13) the Department of Justice does not in-  
 2 clude age as a category for criminal statistics report-  
 3 ing;

4 (14)(A) there are relatively few statistics and  
 5 research studies regarding violence against older  
 6 women, and even less is known about the incidence  
 7 of violence against Indian women; and

8 (B) there is no national data base regarding vi-  
 9 olence against Indian women; and

10 (15) older persons would greatly benefit from  
 11 policies that develop, strengthen, and implement pro-  
 12 grams for the prevention of abuse, including neglect  
 13 and exploitation, and provide related assistance for  
 14 victims.

## 15 **TITLE I—VIOLENCE AGAINST** 16 **WOMEN ACT OF 1994**

### 17 **SEC. 101. ELDER ABUSE, NEGLECT, AND EXPLOITATION.**

18 The Violence Against Women Act of 1994 (108 Stat.  
 19 1902) is amended by adding at the end the following:

### 20 **“Subtitle H—Elder Abuse, Neglect,** 21 **and Exploitation, Including Do-** 22 **mestic Violence and Sexual As-** 23 **sault Against Older Individuals**

#### 24 **“SEC. 40801. DEFINITIONS.**

25 “In this subtitle:

1           “(1) IN GENERAL.—The terms ‘elder abuse, ne-  
 2           glect, and exploitation’, ‘domestic violence’, and  
 3           ‘older individual’ have the meanings given the terms  
 4           in section 102 of the Older Americans Act of 1965  
 5           (42 U.S.C. 3002).

6           “(2) SEXUAL ASSAULT.—The term ‘sexual as-  
 7           sault’ has the meaning given the term in section  
 8           2003 of the Omnibus Crime Control and Safe  
 9           Streets Act of 1968 (42 U.S.C. 3796gg-2).

10   **“SEC. 40802. LAW SCHOOL CLINICAL PROGRAMS ON ELDER**  
 11           **ABUSE, NEGLECT, AND EXPLOITATION.**

12           “The Attorney General shall make grants to law  
 13           school clinical programs for the purposes of funding the  
 14           inclusion of cases addressing issues of elder abuse, neglect,  
 15           and exploitation, including domestic violence, and sexual  
 16           assault, against older individuals.

17   **“SEC. 40803. TRAINING PROGRAMS FOR LAW ENFORCE-**  
 18           **MENT OFFICERS.**

19           “The Attorney General shall develop curricula and  
 20           offer, or provide for the offering of, training programs to  
 21           assist law enforcement officers, prosecutors, and relevant  
 22           officers of Federal, State, tribal, and local courts in rec-  
 23           ognizing, addressing, investigating, and prosecuting in-  
 24           stances of elder abuse, neglect, and exploitation, including

1 domestic violence, and sexual assault, against older indi-  
 2 viduals.

3 **“SEC. 40804. AUTHORIZATION OF APPROPRIATIONS.**

4 “There are authorized to be appropriated such sums  
 5 as may be necessary to carry out this subtitle.”.

6 **TITLE II—FAMILY VIOLENCE**  
 7 **PREVENTION AND SERVICES**  
 8 **ACT**

9 **SEC. 201. DEFINITIONS.**

10 Section 309 of the Family Violence Prevention and  
 11 Services Act (42 U.S.C. 10408) is amended by adding at  
 12 the end the following:

13 “(7) The term ‘elder domestic abuse’ means do-  
 14 mestic violence, as defined in section 102 of the  
 15 Older Americans Act of 1965 (42 U.S.C. 3002),  
 16 against an older individual, as defined in such sec-  
 17 tion.”.

18 **SEC. 202. DOMESTIC ABUSE SERVICES FOR OLDER INDIVID-**  
 19 **UALS.**

20 Section 311(a) of the Family Violence Prevention and  
 21 Services Act (42 U.S.C. 10410(a)) is amended—

22 (1) in paragraph (4), by striking “and” at the  
 23 end;

24 (2) in paragraph (5), by striking the period at  
 25 the end and inserting “; and”; and

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

2 “(6) work with domestic violence programs to  
3 encourage the development of programs, including  
4 outreach, support groups, and counseling, targeted  
5 to victims of elder domestic abuse.”.

6 **SEC. 203. STATE GRANTS.**

7 Section 303(a)(2)(C) of the Family Violence Preven-  
8 tion and Services Act (42 U.S.C. 10402(a)(2)(C)) is  
9 amended by inserting “age,” after “because of”.

10 **SEC. 204. DEMONSTRATION GRANTS FOR COMMUNITY INI-**  
11 **TIATIVES.**

12 Section 318(b)(2)(F) of the Family Violence Preven-  
13 tion and Services Act (42 U.S.C. 10418(b)(2)(F)) is  
14 amended by inserting “and adult protective services enti-  
15 ties” before the semicolon.

16 **SEC. 205. STUDY REGARDING HEALTH PROFESSIONAL**  
17 **TRAINING WITH RESPECT TO DETECTION**  
18 **AND REFERRAL OF VICTIMS OF FAMILY VIO-**  
19 **LENCE.**

20 The Family Violence Prevention and Services Act (42  
21 U.S.C. 10401 et seq.) is amended by adding at the end  
22 the following:



1 **“SEC. 319. STUDY REGARDING HEALTH PROFESSIONAL**  
2 **TRAINING WITH RESPECT TO DETECTION**  
3 **AND REFERRAL OF VICTIMS OF FAMILY VIO-**  
4 **LENCE.**

5 “(a) IN GENERAL.—The Secretary shall request that  
6 the Institute of Medicine of the National Academy of  
7 Sciences, in collaboration with the Family Violence Pre-  
8 vention Fund, conduct a study of the adequacy of training  
9 for health professionals with respect to the detection and  
10 referral of victims of family violence.

11 “(b) PURPOSE OF STUDY.—The study conducted  
12 under this section shall—

13 “(1) determine the number of teaching institu-  
14 tions that incorporate training for health profes-  
15 sionals in the area of domestic violence and elder  
16 abuse;

17 “(2) assess whether when such training is avail-  
18 able, the training is adequate for both detection and  
19 referral of victims of domestic violence and elder  
20 abuse; and

21 “(3) examine whether increased training is  
22 needed with respect to detection of domestic violence  
23 and elder abuse.

24 “(c) RECOMMENDATIONS.—The Secretary shall en-  
25 sure that the Institute of Medicine, in consultation with  
26 the Family Violence Prevention Fund and based on the

1 results of the study under this section, develops rec-  
2 ommendations for improvements in training for health  
3 professionals with respect to detection and referral of vic-  
4 tims of family violence, through legislative or non-  
5 legislative means.

6 “(d) FACTORS FOR CONSIDERATION.—In developing  
7 the recommendations described in subsection (c), the Sec-  
8 retary shall ensure that Institute of Medicine—

9 “(1) examines whether preferences, in federally  
10 funded educational programs for medical educational  
11 entities that include domestic violence and elder  
12 abuse training in the curricula of the entities, are ef-  
13 fective in providing an incentive for incorporation of  
14 such training in the curricula;

15 “(2) determines whether there are other legisla-  
16 tive means that may be effective in encouraging the  
17 training described in paragraph (1), such as grant  
18 programs for curriculum development; and

19 “(3) determines an appropriate level of funding  
20 for any such grant program recommended.

21 “(e) REPORT.—The Secretary shall ensure that, not  
22 later than 12 months after the date of enactment of the  
23 Older Women’s Protection From Violence Act of 1998, a  
24 report concerning the study conducted under this section

1 is prepared by the Institute of Medicine and submitted  
 2 to Congress.”.

### 3 **TITLE III—OLDER AMERICANS** 4 **ACT OF 1965**

#### 5 **SEC. 301. DEFINITIONS.**

6 Section 102 of the Older Americans Act of 1965 (42  
 7 U.S.C. 3002) is amended by adding at the end the follow-  
 8 ing:

9 “(45) The term ‘domestic violence’ means an  
 10 act or threat of violence, not including an act of self  
 11 defense, committed—

12 “(A) by a current or former spouse of the  
 13 victim;

14 “(B) by a person related by blood or mar-  
 15 riage to the victim;

16 “(C) by a person who is cohabiting with or  
 17 has cohabited with the victim;

18 “(D) by a person with whom the victim  
 19 shares a child in common;

20 “(E) by a person who is or has been in the  
 21 social relationship of a romantic or intimate na-  
 22 ture with the victim; or

23 “(F) by a person similarly situated to a  
 24 spouse of the victim, or by any other person, if  
 25 the domestic or family violence laws of the ju-

1 jurisdiction of the victim provide for legal protec-  
 2 tion of the victim from the person.

3 “(46) The term ‘sexual assault’ has the mean-  
 4 ing given the term in section 2003 of the Omnibus  
 5 Crime Control and Safe Streets Act of 1968 (42  
 6 U.S.C. 3796gg-2).”.

7 **SEC. 302. RESEARCH ABOUT THE SEXUAL ASSAULT OF**  
 8 **WOMEN WHO ARE OLDER INDIVIDUALS.**

9 Section 202(d)(3)(C) of the Older Americans Act of  
 10 1965 (42 U.S.C. 3012(d)(3)(C)) is amended—

11 (1) by striking “and” at the end of clause (i);

12 (2) by striking the period at the end of clause

13 (ii) and inserting “; and”; and

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

15 “(iii) in establishing research priorities under  
 16 clause (i), consider the importance of research about  
 17 the sexual assault of women who are older individ-  
 18 uals.”.

19 **SEC. 303. STATE LONG-TERM CARE OMBUDSMAN PROGRAM.**

20 Section 303(a)(1) of the Older Americans Act of  
 21 1965 (42 U.S.C. 3023(a)(1)) is amended by inserting be-  
 22 fore the period the following: “, except that for grants to  
 23 carry out section 321(a)(10), there are authorized to be  
 24 appropriated such sums as may be necessary without fiscal  
 25 year limitation”.

1 **SEC. 304. DOMESTIC VIOLENCE SHELTERS AND PROGRAMS**  
2 **FOR OLDER INDIVIDUALS.**

3 Section 422(b) of the Older Americans Act of 1965  
4 (42 U.S.C. 3035a(b)) is amended—

5 (1) by striking “and” at the end of paragraph  
6 (11);

7 (2) by striking the period at the end of para-  
8 graph (12) and inserting a semicolon; and

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

10 “(13) expand access to domestic violence shel-  
11 ters and programs, including mental health services,  
12 for older individuals and encourage the use of senior  
13 housing, nursing homes, or other suitable facilities  
14 or services when appropriate as emergency short-  
15 term shelters or measures for older individuals who  
16 are the victims of elder abuse, including domestic vi-  
17 olence, and sexual assault, against older individuals;  
18 and

19 “(14) promote research on legal, organizational,  
20 or training impediments to providing services to  
21 older individuals through shelters and programs,  
22 such as impediments to provision of the services in  
23 coordination with delivery of health care or senior  
24 services.”.

1 **SEC. 305. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) OMBUDSMAN PROGRAM.—Section 702(a) of the  
3 Older Americans Act of 1965 (42 U.S.C. 3058a(a)) is  
4 amended to read as follows:

5 “(a) OMBUDSMAN PROGRAM.—There are authorized  
6 to be appropriated to carry out chapter 2 such sums as  
7 may be necessary without fiscal year limitation.”.

8 (b) ELDER ABUSE PREVENTION PROGRAM.—Section  
9 702(b) of the Older Americans Act of 1965 (42 U.S.C.  
10 3058a(b)) is amended to read as follows:

11 “(b) PREVENTION OF ELDER ABUSE, NEGLECT, AND  
12 EXPLOITATION.—There are authorized to be appropriated  
13 to carry out chapter 3 such sums as may be necessary  
14 without fiscal year limitation.”.

15 **SEC. 306. COMMUNITY INITIATIVES AND OUTREACH.**

16 Title VII of the Older Americans Act of 1965 (42  
17 U.S.C. 3058 et seq.) is amended—

18 (1) by redesignating subtitle C as subtitle D;

19 (2) by redesignating sections 761 through 764  
20 as sections 771 through 774, respectively; and

21 (3) by inserting after subtitle B the following:

1 **“Subtitle C—Community Initiatives**  
 2 **and Outreach**

3 **“SEC. 761. COMMUNITY INITIATIVES TO COMBAT ELDER**  
 4 **ABUSE, NEGLECT, AND EXPLOITATION.**

5 “(a) IN GENERAL.—The Assistant Secretary shall  
 6 make grants to nonprofit private organizations or tribal  
 7 organizations to support projects in local communities, in-  
 8 volving diverse sectors of each community, to coordinate  
 9 activities concerning intervention in and prevention of  
 10 elder abuse, neglect, and exploitation, including domestic  
 11 violence, and sexual assault, against older individuals.

12 “(b) AWARD REQUIREMENT.—In awarding grants  
 13 under subsection (a) the Assistant Secretary shall take  
 14 into consideration—

15 “(1) State and tribal efforts to carry out the  
 16 activities described in such subsection; and

17 “(2) encouraging coordination among the State  
 18 and tribal efforts, State adult protective service ac-  
 19 tivities, and activities of private nonprofit organiza-  
 20 tions.

21 **“SEC. 762. OUTREACH TO OLDER INDIVIDUALS.**

22 “(a) IN GENERAL.—The Assistant Secretary shall  
 23 make grants to develop and implement outreach programs  
 24 directed toward assisting older individuals who are victims  
 25 of elder abuse, neglect, and exploitation (including domes-

1 tie violence, and sexual assault, against older individuals),  
 2 including programs directed toward assisting the individ-  
 3 uals in senior housing complexes, nursing homes, board  
 4 and care facilities, and senior centers.

5 “(b) AWARD REQUIREMENT.—In awarding grants  
 6 under subsection (a) the Assistant Secretary shall take  
 7 into consideration—

8 “(1) State and tribal efforts to develop and im-  
 9 plement outreach programs described in such sub-  
 10 section; and

11 “(2) encouraging coordination among the State  
 12 and tribal efforts, State adult protective service ac-  
 13 tivities, and activities of private nonprofit organiza-  
 14 tions.

15 **“SEC. 763. AUTHORIZATION OF APPROPRIATIONS.**

16 “There are authorized to be appropriated to carry out  
 17 this subtitle such sums as may be necessary without fiscal  
 18 year limitation.”.

19 **SEC. 307. TRAINING FOR HEALTH PROFESSIONALS, AND**  
 20 **OTHER PROVIDERS OF SERVICES TO OLDER**  
 21 **INDIVIDUALS, ON SCREENING FOR ELDER**  
 22 **ABUSE, NEGLECT, AND EXPLOITATION.**

23 Section 411 of the Older Americans Act of 1965 (42  
 24 U.S.C. 3031) is amended by adding at the end the follow-  
 25 ing:



1       “(f)(1) The Assistant Secretary for Aging shall, in  
2 consultation with the Assistant Secretary for Children and  
3 Families, the Surgeon General, the Indian Health Service,  
4 the Director of the National Institute on Aging, the Fam-  
5 ily Violence Prevention Fund, the National Center on  
6 Elder Abuse, the National Coalition Against Domestic Vi-  
7 olence, and other specialists working in the areas of do-  
8 mestic violence against seniors and elder abuse, update  
9 and improve curricula and implement continuing edu-  
10 cation training programs for adult protective service work-  
11 ers, persons carrying out a State Long-Term Care Om-  
12 budsman program, health care providers (including home  
13 health care providers) and mental health providers (in-  
14 cluding specialists), social workers, clergy, domestic vio-  
15 lence service providers, and other community-based social  
16 service providers in settings, including senior centers,  
17 adult day care facilities, nursing homes, board and care  
18 facilities, senior housing, and the homes of older individ-  
19 uals, to improve the ability of the persons using the cur-  
20 riculum and training programs to recognize and address  
21 instances of elder abuse, neglect, and exploitation, includ-  
22 ing domestic violence, and sexual assault, against older in-  
23 dividuals.

24       “(2) In carrying out paragraph (1), the Assistant  
25 Secretary shall develop and implement separate curricula

1 and training programs for medical students, physicians,  
 2 mental health providers, physician assistants, nurse prac-  
 3 titioners, nurses, and social workers.

4 “(3) In carrying out paragraph (1), the Assistant  
 5 Secretary shall provide information about the curricula  
 6 and training programs to entities described in sections  
 7 791(c)(2) and 860(f)(2) of the Public Health Service Act  
 8 (42 U.S.C. 295j(c)(2) and 298b–7(f)(2)) that seek grants  
 9 or contracts under title VII or VIII of such Act.”.

## 10 **TITLE IV—PUBLIC HEALTH** 11 **SERVICE ACT**

### 12 **SEC. 401. AREA HEALTH EDUCATION CENTERS.**

13 Subparagraphs (D) and (E) of section 746(d)(2) of  
 14 the Public Health Service Act (42 U.S.C. 293j(d)(2)) are  
 15 each amended by inserting “, which may include training  
 16 in domestic violence and elder abuse screening and referral  
 17 protocols” before the semicolon.

### 18 **SEC. 402. GERIATRIC CENTERS AND TRAINING.**

19 (a) GERIATRIC EDUCATION CENTERS.—Section  
 20 777(a)(4) of the Public Health Service Act (42 U.S.C.  
 21 294o(a)(4)) is amended by inserting “, including training  
 22 and retraining of faculty to provide instruction regarding  
 23 identification and treatment of older individuals who are  
 24 the victims of domestic violence and elder abuse” before  
 25 the semicolon.

1 (b) GERIATRIC TRAINING REGARDING PHYSICIANS  
 2 AND DENTISTS.—Section 777(b)(2)(D) of the Public  
 3 Health Service Act (42 U.S.C. 294o(b)(2)(D)) is amend-  
 4 ed—

5 (1) by striking “and exposure” and inserting “,  
 6 exposure”; and

7 (2) by inserting “, and screening for elder  
 8 abuse and domestic abuse,” after “of elderly individ-  
 9 uals”.

## 10 **TITLE V—FINANCIAL EXPLOI-** 11 **TATION OF OLDER INDIVID-** 12 **UALS**

### 13 **SEC. 501. STUDY AND REPORT.**

14 (a) DEFINITIONS.—In this section—

15 (1) the term “financial exploitation” means any  
 16 fraud, coercion, or other conduct by a caregiver,  
 17 family member, or fiduciary that constitutes a viola-  
 18 tion of any Federal, State, or tribal law, including  
 19 any legally enforceable professional standard appli-  
 20 cable to any profession or occupation;

21 (2) the term “financial institution” has the  
 22 meaning given the term in section 1101 of the Right  
 23 to Financial Privacy Act of 1978 (12 U.S.C. 3401);

1           (3) the term “older individual” has the meaning  
2           given the term in section 102 of the Older Ameri-  
3           cans Act of 1965 (42 U.S.C. 3002); and

4           (4) the term “Secretary” means the Secretary  
5           of the Treasury.

6           (b) STUDY.—The Secretary, in consultation with the  
7           Attorney General of the United States, State attorneys  
8           general, and tribal and local prosecutors, shall conduct a  
9           study of the nature and extent of financial exploitation  
10          of older individuals.

11          (c) CONSULTATION.—In conducting the study under  
12          this section, the Secretary shall solicit comments and in-  
13          formation from—

14               (1) senior citizen advocacy groups;

15               (2) law centers specializing in elder law;

16               (3) financial institutions;

17               (4) elder abuse coalitions;

18               (5) privacy experts;

19               (6) providers of adult protective services;

20               (7) Indian tribes, the Director of Indian Health  
21          Service of the Department of Health and Human  
22          Services, and the Commissioner of Indian Affairs of  
23          the Department of the Interior;

1           (8) State Long-Term Care Ombudsmen de-  
 2       scribed in the Older Americans Act of 1965 (42  
 3       U.S.C. 3001 et seq.);

4           (9) area agencies on aging (as defined in sec-  
 5       tion 102 of the Older Americans Act of 1965 (42  
 6       U.S.C. 3002));

7           (10) recipients of grants under title VI of the  
 8       Older Americans Act of 1965 (42 U.S.C. 3057 et  
 9       seq.); and

10          (11) other service providers.

11       (d) PURPOSE OF STUDY.—In conducting the study  
 12   under this section, the Secretary shall—

13           (1) define and describe the scope of the problem  
 14       of financial exploitation of older individuals;

15           (2) conduct a survey of financial institutions in  
 16       order to obtain—

17               (A) an estimate of the number and type of  
 18               financial transactions that are considered by  
 19               those institutions to constitute financial exploi-  
 20               tation of older individuals; and

21               (B) a detailed description of the types and  
 22               characteristics of risk faced by elderly cus-  
 23               tomers with respect to financial exploitation;

1           (3) examine whether Federal, State, and tribal  
2 laws and regulatory practices are adequate to pro-  
3 tect older individuals from financial exploitation; and

4           (4) examine the extent to which a better public  
5 understanding of Federal, State, and tribal laws  
6 would help to prevent financial exploitation of older  
7 individuals, including an examination regarding  
8 whether improved training of officers, employees,  
9 and agents of financial institutions concerning their  
10 responsibilities under section 1103 of the Right to  
11 Financial Privacy Act of 1978 (12 U.S.C. 3403)  
12 would help to combat the problem of financial exploi-  
13 tation of older individuals.

14       (e) RECOMMENDATIONS.—

15           (1) IN GENERAL.—Based on the results of the  
16 study under this section, the Secretary, in consulta-  
17 tion with the Attorney General and State attorneys  
18 general, shall develop recommendations for legisla-  
19 tive or other action to prevent the financial exploi-  
20 tation of older individuals.

21           (2) FACTORS FOR CONSIDERATION.—In devel-  
22 oping the recommendations under paragraph (1),  
23 the Secretary shall—

24                   (A) balance the needs of older individuals  
25 to be free from financial exploitation with their

1           need for financial privacy, and their right  
2           against self-incrimination;

3           (B) consider the most effective and least  
4           intrusive legislative solutions to combat the  
5           problem of financial exploitation of older indi-  
6           viduals;

7           (C) with respect to the reporting of  
8           incidences of financial exploitation of older indi-  
9           viduals, consider—

10                 (i) the appropriate Federal, State, or  
11                 tribal agency to which such incidences  
12                 should be reported, and the means by  
13                 which a financial institution would obtain  
14                 information regarding the manner in which  
15                 to report such an incidence; and

16                 (ii) whether there should be limita-  
17                 tions on the authority of a financial insti-  
18                 tution to disclose information relating to  
19                 an older individual who is a customer of  
20                 the financial institution in order to combat  
21                 the problem of financial exploitation of  
22                 older individuals, including limitations  
23                 on—

24                         (I) the number of times such a  
25                         disclosure may be made;

1 (II) the number and type of gov-  
2 ernmental or tribal agencies to which  
3 such a disclosure may be made; and

4 (III) the duration of the author-  
5 ity of the financial institution to make  
6 such a disclosure; and

7 (D) whether there is a need for adult pro-  
8 tective services to combat such exploitation.

9 (f) REPORT.—Not later than 18 months after the  
10 date of enactment of this Act, the Secretary shall submit  
11 to Congress a report, which shall include—

12 (1) the results of the study conducted under  
13 this section, including an analysis of the extent of  
14 the problem of financial exploitation of older individ-  
15 uals; and

16 (2) the recommendations developed under sub-  
17 section (e).

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