

106TH CONGRESS
1ST SESSION

H. R. 2590

To amend the Violence Against Women Act of 1994, the Family Violence Prevention and Services Act, the Older Americans Act of 1965, the Public Health Service Act, and the Right to Financial Privacy Act of 1978 to ensure that older or disabled persons are protected from institutional, community, and domestic violence and sexual assault and to improve outreach efforts and other services available to older or disabled persons victimized by such violence, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 1999

Mrs. MALONEY of New York (for herself, Mrs. MORELLA, Ms. MILLENDER-McDONALD, Ms. KAPTUR, Mrs. CHRISTENSEN, Mr. SANDLIN, Mr. FROST, Mr. WAXMAN, Mr. BORSKI, Mr. FILNER, Mr. ROMERO-BARCELÓ, Mr. UNDERWOOD, Mr. SANDERS, AND Mr. LANTOS) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on the Judiciary, Commerce, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Violence Against Women Act of 1994, the Family Violence Prevention and Services Act, the Older Americans Act of 1965, the Public Health Service Act, and the Right to Financial Privacy Act of 1978 to ensure that older or disabled persons are protected from institutional, community, and domestic violence and sexual assault and to improve outreach efforts and other services

available to older or disabled persons 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,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Older American’s Protection From Violence Act of
 6 1999”.

7 (b) TABLE OF CONTENTS.—The table of contents for
 8 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 or disabled individuals.
 Sec. 203. State grants.
 Sec. 204. Demonstration grants for community initiatives.

TITLE III—OLDER AMERICANS ACT OF 1965

Sec. 301. Definitions.
 Sec. 302. Research about the sexual abuse of women who are older or disabled individuals.
 Sec. 303. State Long-Term Care Ombudsman program.
 Sec. 304. Domestic violence shelters and programs for older or disabled individuals.
 Sec. 305. Authorization of appropriations.
 Sec. 306. Community initiatives and outreach.
 Sec. 307. Training for health professionals on screening for elder abuse, neglect, and exploitation.

TITLE IV—PUBLIC HEALTH SERVICE ACT

Sec. 401. Short title.
 Sec. 402. Establishment, for certain health professions programs, of provisions regarding identification and referral for elder abuse and neglect.

TITLE V—RIGHT TO FINANCIAL PRIVACY ACT OR 1978

Sec. 501. Financial disclosures by financial institutions of suspected cases of financial exploitation of older or disabled individuals.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

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

7 (2) elder abuse takes on many forms, including
8 physical abuse, sexual abuse, psychological (emo-
9 tional) abuse, neglect (intended or unintended), and
10 financial exploitation;

11 (3) of the more than 1,000,000 persons age 65
12 and over who are victims of abuse each year, at least
13 two-thirds are women;

14 (4) the number of reports of elder abuse in the
15 United States increased by 150 percent between
16 1986 and 1996 and is expected to continue growing;

17 (5) elder abuse is severely underreported, with
18 only a fraction of cases reported, according to the
19 most recent studies;

20 (6) many older or disabled persons, particularly
21 women and minorities, fail to report abuse because
22 of shame, privacy concerns, or as a result of prior
23 unsatisfactory experiences with individuals, agencies

1 or others who lacked sensitivity to the concerns or
2 needs of older or disabled people;

3 (7) many older or disabled persons fail to re-
4 port abuse because they are dependent on their
5 abusers and fear being abandoned or institutional-
6 ized;

7 (8) public and professional awareness and iden-
8 tification of elder abuse is difficult because older or
9 disabled persons are not tied into many social net-
10 works (such as schools or jobs), and may become
11 isolated in their homes, which can increase the risk
12 of elder abuse;

13 (9) there are relatively few statistics and re-
14 search studies regarding violence against older or
15 disabled persons; and

16 (10) older or disabled persons would greatly
17 benefit from policies that develop, strengthen, and
18 implement programs for the prevention of abuse, in-
19 cluding neglect and exploitation, and provide related
20 assistance for victims.

21 **TITLE I—VIOLENCE AGAINST**
22 **WOMEN ACT OF 1994**

23 **SEC. 101. ELDER ABUSE, NEGLECT, AND EXPLOITATION.**

24 The Violence Against Women Act of 1994 (108 Stat.
25 1902) is amended by adding at the end the following:

1 **“Subtitle H—Elder Abuse, Neglect,**
2 **and Exploitation, Including Do-**
3 **mestic Violence and Sexual As-**
4 **sault Against older or Disabled**
5 **Individuals**

6 **“SEC. 40801. DEFINITIONS.**

7 “In this subtitle:

8 “(1) IN GENERAL.—The terms ‘elder abuse, ne-
9 glect, and exploitation’, ‘domestic violence’, and
10 ‘older individual’ have the meanings given the terms
11 in section 102 of the Older Americans Act of 1965
12 (42 U.S.C. 3002).

13 “(2) SEXUAL ASSAULT.—The term ‘sexual as-
14 sult’ has the meaning given the term in section
15 2003 of the Omnibus Crime Control and Safe
16 Streets Act of 1968 (42 U.S.C. 3796gg-2).

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

19 “The Attorney General shall make grants to law
20 school clinical programs for the purposes of funding the
21 inclusion of cases addressing issues of elder abuse, neglect,
22 and exploitation, including domestic violence, and sexual
23 assault, against older or disabled individuals.

1 **“SEC. 40803. TRAINING PROGRAMS FOR LAW ENFORCE-**
2 **MENT OFFICERS.**

3 “The Attorney General shall develop curricula and
4 offer, or provide for the offering of, training programs to
5 assist law enforcement officers, prosecutors, and relevant
6 officers of Federal, State, and local courts in recognizing,
7 addressing, investigating, and prosecuting instances of
8 elder abuse, neglect, and exploitation, including domestic
9 violence, and sexual assault, against older or disabled indi-
10 viduals.

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

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

14 **TITLE II—FAMILY VIOLENCE**
15 **PREVENTION AND SERVICES**
16 **ACT**

17 **SEC. 201. DEFINITIONS.**

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

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

1 **SEC. 202. DOMESTIC ABUSE SERVICES FOR OLDER OR DIS-**
2 **ABLED INDIVIDUALS.**

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

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

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

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

10 “(6) work with domestic violence programs to
11 encourage the development of programs, including
12 outreach, support groups, and counseling, targeted
13 to victims of elder domestic abuse.”.

14 **SEC. 203. STATE GRANTS.**

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

18 **SEC. 204. DEMONSTRATION GRANTS FOR COMMUNITY INI-**
19 **TIATIVES.**

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

1 **TITLE III—OLDER AMERICANS**
2 **ACT OF 1965**

3 **SEC. 301. DEFINITIONS.**

4 Section 102 of the Older Americans Act of 1965 (42
5 U.S.C. 3002) is amended by adding at the end the fol-
6 lowing:

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

10 “(A) by a current or former spouse of the
11 victim;

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

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

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

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

21 “(F) by a person similarly situated to a
22 spouse of the victim, or by any other person, if
23 the domestic or family violence laws of the ju-
24 risdiction of the victim provide for legal protec-
25 tion of the victim from the person.

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

5 **SEC. 302. RESEARCH ABOUT THE SEXUAL ASSAULT OF**
6 **WOMEN WHO ARE OLDER OR DISABLED INDI-**
7 **VIDUALS.**

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

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

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

12 (ii) and inserting “; and”; and

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

14 “(iii) in establishing research priorities under
15 clause (i), consider the importance of research about
16 the sexual assault of women who are older or dis-
17 abled individuals.”.

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

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

1 **SEC. 304. DOMESTIC VIOLENCE SHELTERS AND PROGRAMS**
2 **FOR OLDER OR DISABLED 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 for older or disabled individuals
12 and encourage the use of senior housing, nursing
13 homes, or other suitable facilities or services when
14 appropriate as emergency short-term shelters or
15 measures for older or disabled individuals who are
16 the victims of elder abuse, including domestic vio-
17 lence, and sexual assault, against older or disabled
18 individuals; and

19 “(14) promote research on legal, organizational,
20 or training impediments to providing services to
21 older or disabled individuals through shelters and
22 programs, such as impediments to provision of the
23 services in coordination with delivery of health care
24 or senior 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 “The Secretary shall make grants to nonprofit pri-
6 vate organizations to support projects in local commu-
7 nities, involving diverse sectors of each community, to co-
8 ordinate activities concerning intervention in and preven-
9 tion of elder abuse, neglect, and exploitation, including do-
10 mestic violence, and sexual assault, against older or dis-
11 abled individuals.

12 **“SEC. 762. OUTREACH TO OLDER OR DISABLED INDIVID-**
13 **UALS.**

14 “The Secretary shall make grants to develop and im-
15 plement outreach programs directed toward assisting older
16 or disabled individuals who are victims of elder abuse, ne-
17 glect, and exploitation (including domestic violence, and
18 sexual assault, against older or disabled individuals), in-
19 cluding programs directed toward assisting the individuals
20 in senior housing complexes, nursing homes, board and
21 care facilities, and senior centers.

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

23 “There are authorized to be appropriated to carry out
24 this subtitle such sums as may be necessary without fiscal
25 year limitation.”.

1 **SEC. 307. TRAINING FOR HEALTH PROFESSIONALS ON**
2 **SCREENING FOR ELDER ABUSE, NEGLECT,**
3 **AND EXPLOITATION.**

4 Section 411 of the Older Americans Act of 1965 (42
5 U.S.C. 3031) is amended by adding at the end the fol-
6 lowing:

7 “(f)(1) The Secretary shall, in consultation with the
8 Assistant Secretary, develop curricula and implement con-
9 tinuing education training programs for adult protective
10 service workers, persons carrying out a State Long-Term
11 Care Ombudsman program, health care providers (includ-
12 ing home health care providers), social workers, clergy, do-
13 mestic violence service providers, and other community-
14 based social service providers in settings, including senior
15 centers, adult day care facilities, nursing homes, board
16 and care facilities, and senior housing, to improve their
17 ability to recognize and address instances of elder abuse,
18 neglect, and exploitation, including domestic violence, and
19 sexual assault, against older or disabled individuals.

20 “(2) In carrying out paragraph (1), the Secretary
21 shall develop and implement separate curricula and train-
22 ing programs for medical students, physicians, physician
23 assistants, nurse practitioners, and nurses.

24 “(3) In carrying out paragraph (1), the Secretary
25 shall provide information about the curricula and training
26 programs to entities described in sections 791(c)(2) and

1 860(f)(2) of the Public Health Service Act (42 U.S.C.
2 295j(c)(2) and 298b-7(f)(2)) that seek grants or con-
3 tracts under title VII or VIII of such Act.”.

4 **TITLE IV—PUBLIC HEALTH**
5 **SERVICE ACT**

6 **SEC. 401. SHORT TITLE.**

7 This title may be cited as the “Elder Abuse Identi-
8 fication and Referral Act of 1998”.

9 **SEC. 402. ESTABLISHMENT, FOR CERTAIN HEALTH PROFES-**
10 **SIONS PROGRAMS, OF PROVISIONS REGARD-**
11 **ING IDENTIFICATION AND REFERRAL FOR**
12 **ELDER ABUSE AND NEGLECT.**

13 Section 791 of the Public Health Service Act (42
14 U.S.C. 295j) is amended by adding at the end the fol-
15 lowing:

16 “(d) PREFERENCES REGARDING TRAINING IN IDEN-
17 TIFICATION AND REFERRAL OF VICTIMS OF ELDER
18 ABUSE AND NEGLECT.—

19 “(1) IN GENERAL.—In the case of a health pro-
20 fessions entity specified in paragraph (2), the Sec-
21 retary shall, in making awards of grants or contracts
22 under this title, give preference to any such entity
23 (if otherwise a qualified applicant for the award in-
24 volved) that has in effect the requirement that, as a
25 condition of receiving a degree or certificate (as ap-

1 plicable) from the entity, each student has had sig-
2 nificant training (such as training conducted in ac-
3 cordance with curricula or programs authorized
4 under section 411(f) of the Older Americans Act of
5 1965 (42 U.S.C. 3031(f))), in carrying out the fol-
6 lowing functions as a provider of health care:

7 “(A) Identifying victims of elder abuse and
8 neglect, including domestic violence, and sexual
9 assault, against older or disabled individuals,
10 and maintaining complete medical records that
11 include documentation of the examination,
12 treatment given, and referrals made, and re-
13 cording the location and nature of the victim’s
14 injuries.

15 “(B) Examining and treating such victims,
16 within the scope of the health professional’s dis-
17 cipline, training, and practice, including, at a
18 minimum, providing medical advice regarding
19 the dynamics and nature of elder abuse and ne-
20 glect, including domestic violence, and sexual
21 assault, against older or disabled individuals.

22 “(C) Referring the victims to public and
23 nonprofit private entities that provide services
24 for such victims.

1 “(2) RELEVANT HEALTH PROFESSIONS ENTI-
2 TIES.—For purposes of paragraph (1), a health pro-
3 fessions entity specified in this paragraph is any en-
4 tity that is a school of medicine, a school of osteo-
5 pathic medicine, a graduate program in mental
6 health practice, a school of nursing (as defined in
7 section 298b), a program for the training of physi-
8 cian assistants, or a program for the training of al-
9 lied health professionals.

10 “(3) REPORT TO CONGRESS.—Not later than 2
11 years after the date of the enactment of the Elder
12 Abuse Identification and Referral Act of 1998, the
13 Secretary shall submit to the Committee on Com-
14 merce of the House of Representatives, and the
15 Committee on Labor and Human Resources of the
16 Senate, a report specifying—

17 “(A) the health professions entities that
18 are receiving preference under paragraph (1);

19 “(B) the number of hours of training re-
20 quired by the entities for purposes of such
21 paragraph;

22 “(C) the extent of clinical experience so re-
23 quired; and

24 “(D) the types of courses through which
25 the training is being provided.

1 “(4) DEFINITIONS.—In this subsection:

2 “(A) IN GENERAL.—The terms ‘abuse’,
3 ‘neglect’, ‘domestic violence’, and ‘older indi-
4 vidual’ have the meanings given the terms in
5 section 102 of the Older Americans Act of 1965
6 (42 U.S.C. 3002).

7 “(B) ELDER ABUSE AND NEGLECT.—The
8 term ‘elder abuse and neglect’ means abuse and
9 neglect of an older or disabled individual.

10 “(C) SEXUAL ASSAULT.—The term ‘sexual
11 assault’ has the meaning given the term in sec-
12 tion 2003 of the Omnibus Crime Control and
13 Safe Streets Act of 1968 (42 U.S.C. 3796gg-
14 2).”.

15 **TITLE V—RIGHT TO FINANCIAL**
16 **PRIVACY ACT OF 1978**

17 **SEC. 501. FINANCIAL DISCLOSURES BY FINANCIAL INSTITU-**
18 **TIONS OF SUSPECTED CASES OF FINANCIAL**
19 **EXPLOITATION OF OLDER OR DISABLED IN-**
20 **DIVIDUALS.**

21 Section 1103(d) of the Right to Financial Privacy
22 Act of 1978 (12 U.S.C. 3403(d)) is amended by inserting
23 after paragraph (2) the following:

24 “(3) Nothing in this title shall preclude a financial
25 institution, or officer, employee, or agent thereof, from re-

1 porting suspected financial exploitation of an older or dis-
2 abled individual to State, Federal, or local law enforce-
3 ment entities, or government-regulated adult protective
4 services entities. Such report may include only the name
5 or other identifying information concerning an older or
6 disabled individual, the account involved, and the nature
7 of any suspected financial exploitation, including pertinent
8 documentation. Any financial institution, or officer, em-
9 ployee, or agent thereof, making a disclosure of informa-
10 tion and documentation pursuant to this paragraph shall
11 not be liable to the customer under any law or regulation
12 of the United States or any constitution, law, or regulation
13 of any State or political subdivision thereof, for such dis-
14 closure. For purposes of this paragraph, the term “older
15 or disabled individual” means an individual who is 65
16 years of age or older or disabled, and the term “exploit-
17 ation” means any fraud, abuse, or other conduct that
18 constitutes a violation of any Federal or State law, includ-
19 ing any legally enforceable professional standard applica-
20 ble with regard to any profession or occupation, and the
21 unauthorized use of an older or disabled individual’s
22 funds, property, or resources for another person’s profit
23 or advantage.”.

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