

Calendar No. 393

116TH CONGRESS
1ST SESSION**S. 149****[Report No. 116-182]**

To establish a Senior Scams Prevention Advisory Council.

IN THE SENATE OF THE UNITED STATES

JANUARY 16, 2019

Mr. CASEY (for himself, Mr. MORAN, and Mr. TESTER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

DECEMBER 19, 2019

Reported by Mr. WICKER, with an amendment

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

A BILL

To establish a Senior Scams Prevention Advisory Council.

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 “Stop Senior Scams
5 Act”.

1 **SEC. 2. SENIOR SCAMS PREVENTION ADVISORY COUNCIL.**

2 (a) ~~ESTABLISHMENT.~~—There is established a Senior
3 Scams Prevention Advisory Council (referred to in this
4 Act as the “Advisory Council”).

5 (b) ~~MEMBERS.~~—The Advisory Council shall be com-
6 posed of the following members or the designees of those
7 members:

8 (1) ~~The Chairman of the Federal Trade Com-~~
9 mission:

10 (2) ~~The Secretary of the Treasury.~~

11 (3) ~~The Attorney General.~~

12 (4) ~~The Director of the Bureau of Consumer~~
13 ~~Financial Protection.~~

14 (5) ~~Not more than 2 representatives from each~~
15 ~~of the following sectors, including trade associations,~~
16 ~~to be selected by the Chairman of the Federal Trade~~
17 ~~Commission:~~

18 (A) ~~Retail.~~

19 (B) ~~Gift card.~~

20 (C) ~~Telecommunications.~~

21 (D) ~~Wire-transfer services.~~

22 (E) ~~Senior peer advocates.~~

23 (F) ~~Consumer advocacy organization with~~
24 ~~efforts focused on preventing seniors from be-~~
25 ~~coming the victims of scams.~~

1 (G) Financial services, including institu-
2 tions who engage in digital currency.

3 (H) Prepaid cards.

4 (6) A member of the Board of Governors of the
5 Federal Reserve System.

6 (7) A prudential regulator, as defined in section
7 1002 of the Consumer Financial Protection Act of
8 2010 (12 U.S.C. 5481).

9 (8) The Director of the Financial Crimes En-
10 forcement Network.

11 (9) Any other Federal, State, or local agency,
12 industry representative, consumer advocate, or enti-
13 ty, as determined by the Chairman of the Federal
14 Trade Commission.

15 (c) DUTIES.—

16 (1) IN GENERAL.—The Advisory Council shall,
17 while considering public comment—

18 (A) collect information on the existence,
19 use, and success of model educational materials
20 and programs for retailers, financial services
21 and wire-transfer companies, which—

22 (i) may be used as a guide to educate
23 employees on how to identify and prevent
24 scams that affect seniors; and

25 (ii) include—

1 (I) useful information for retail-
2 ers, financial services, and wire trans-
3 fer companies for the purpose de-
4 scribed in clause (i);

5 (II) training for employees on
6 ways to identify and prevent senior
7 scams;

8 (III) the best methods for keep-
9 ing employees up to date on current
10 scams;

11 (IV) the most effective signage
12 and best placement for signage in re-
13 tail locations to warn seniors about
14 scammers' use of gift cards, prepaid
15 cards, and wire transfer services;

16 (V) suggestions on effective col-
17 laborative community education cam-
18 paigns;

19 (VI) available technology to as-
20 sist in identifying possible scams at
21 the point of sale; and

22 (VII) other information that
23 would be helpful to retailers, wire
24 transfer companies, financial institu-
25 tions, and their employees as they

1 work to prevent fraud affecting sen-
2 iors; and

3 ~~(B)~~ based on the findings in subparagraph

4 ~~(A)~~—

5 (i) identify inadequacies, omissions, or
6 deficiencies in those educational materials
7 and programs for the categories listed in
8 subparagraph ~~(A)~~ and their execution in
9 reaching employees to protect older adults;
10 and

11 (ii) create model materials to fill those
12 inadequacies, omissions, or deficiencies.

13 ~~(2) ENCOURAGED USE.~~—The Chairman of the
14 Federal Trade Commission shall, after the public
15 comment period is complete—

16 ~~(A)~~ make the model educational materials
17 and programs and information about execution
18 of the programs described in paragraph ~~(1)~~
19 publicly available; and

20 ~~(B)~~ encourage the use and distribution of
21 the materials created under this subsection to
22 prevent scams affecting seniors by govern-
23 mental agencies and the private sector.

1 (d) REPORTS.—Section 101(e) of the Elder Abuse
2 Prevention and Prosecution Act (34 U.S.C. 21711(e)) is
3 amended—

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

6 (2) in subparagraph (D), by striking the period
7 at the end and inserting “; and”; and

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

9 “(E) for the Federal Trade Commission,
10 include information on—

11 “(i) the Senior Scams Prevention Ad-
12 visory Council’s newly created model mate-
13 rials; any recommendations of the Advisory
14 Council; and any views or considerations
15 made by members of the Advisory Council
16 or by public comment that were not in-
17 cluded in the Advisory Council’s model ma-
18 terials or considered an official rec-
19 ommendation by the Advisory Council;

20 “(ii) the Senior Scams Prevention Ad-
21 visory Council’s findings about senior
22 scams (including information about the
23 ways scams affect seniors; including the
24 negative effects on their well-being); and

1 “~~(iii)~~ any recommendations on ways
2 stakeholders can continue to work together
3 to reduce scams affecting seniors.”

4 (e) ~~TERMINATION.~~—This Act, and the amendments
5 made by this Act, ceases to be effective on the date that
6 is 5 years after the date of enactment of this Act.

7 **SECTION 1. SHORT TITLE.**

8 *This Act may be cited as the “Stop Senior Scams Act”.*

9 **SEC. 2. SENIOR SCAMS PREVENTION ADVISORY GROUP.**

10 (a) *ESTABLISHMENT.*—*There is established a Senior*
11 *Scams Prevention Advisory Group (referred to in this Act*
12 *as the “Advisory Group”).*

13 (b) *MEMBERS.*—*The Advisory Group shall be com-*
14 *posed of stakeholders such as the following individuals or*
15 *the designees of those individuals:*

16 (1) *The Chairman of the Federal Trade Commis-*
17 *sion.*

18 (2) *The Secretary of the Treasury.*

19 (3) *The Attorney General.*

20 (4) *The Director of the Bureau of Consumer Fi-*
21 *nancial Protection.*

22 (5) *Representatives from each of the following*
23 *sectors, including trade associations, to be selected by*
24 *Federal Trade Commission:*

25 (A) *Retail.*

1 (B) Gift cards.

2 (C) Telecommunications.

3 (D) Wire-transfer services.

4 (E) Senior peer advocates.

5 (F) Consumer advocacy organizations with
6 efforts focused on preventing seniors from becom-
7 ing the victims of scams.

8 (G) Financial services, including institu-
9 tions that engage in digital currency.

10 (H) Prepaid cards.

11 (6) A member of the Board of Governors of the
12 Federal Reserve System.

13 (7) A prudential regulator, as defined in section
14 1002 of the Consumer Financial Protection Act of
15 2010 (12 U.S.C. 5481).

16 (8) The Director of the Financial Crimes En-
17 forcement Network.

18 (9) Any other Federal, State, or local agency, in-
19 dustry representative, consumer advocate, or entity,
20 as determined by the Federal Trade Commission.

21 (c) *NO COMPENSATION FOR MEMBERS.*—A member of
22 the Advisory Group shall serve without compensation in ad-
23 dition to any compensation received for the service of the
24 member as an officer or employee of the United States, if
25 applicable.

1 (d) *DUTIES.*—

2 (1) *IN GENERAL.*—*The Advisory Group shall—*

3 (A) *collect information on the existence, use,*
4 *and success of educational materials and pro-*
5 *grams for retailers, financial services, and wire-*
6 *transfer companies, which—*

7 (i) *may be used as a guide to educate*
8 *employees on how to identify and prevent*
9 *scams that affect seniors; and*

10 (ii) *include—*

11 (I) *useful information for retail-*
12 *ers, financial services, and wire trans-*
13 *fer companies for the purpose described*
14 *in clause (i);*

15 (II) *training for employees on*
16 *ways to identify and prevent senior*
17 *scams;*

18 (III) *best practices for keeping*
19 *employees up to date on current scams;*

20 (IV) *the most effective signage and*
21 *placement in retail locations to warn*
22 *seniors about scammers' use of gift*
23 *cards, prepaid cards, and wire transfer*
24 *services;*

1 (V) *suggestions on effective col-*
2 *laborative community education cam-*
3 *paigns;*

4 (VI) *available technology to assist*
5 *in identifying possible scams at the*
6 *point of sale; and*

7 (VII) *other information that*
8 *would be helpful to retailers, wire*
9 *transfer companies, financial institu-*
10 *tions, and their employees as they work*
11 *to prevent fraud affecting seniors; and*

12 (B) *based on the findings in subparagraph*
13 (A)—

14 (i) *identify inadequacies, omissions, or*
15 *deficiencies in those educational materials*
16 *and programs for the categories listed in*
17 *subparagraph (A) and their execution in*
18 *reaching employees to protect older adults;*
19 *and*

20 (ii) *create model materials, best prac-*
21 *tices guidance, or recommendations to fill*
22 *those inadequacies, omissions, or defi-*
23 *ciencies that may be used by industry and*
24 *others to help protect older adults from*
25 *scams.*

1 (2) *ENCOURAGED USE.*—*The Chairman of the*
2 *Federal Trade Commission shall—*

3 (A) *make the materials or guidance created*
4 *by the Federal Trade Commission described in*
5 *paragraph (1) publicly available; and*

6 (B) *encourage the use and distribution of*
7 *the materials created under this subsection to*
8 *prevent scams affecting seniors by governmental*
9 *agencies and the private sector.*

10 (e) *REPORTS.*—*Section 101(c)(2) of the Elder Abuse*
11 *Prevention and Prosecution Act (34 U.S.C. 21711(c)(2)) is*
12 *amended—*

13 (1) *in subparagraph (C), by striking “and” at*
14 *the end;*

15 (2) *in subparagraph (D), by striking the period*
16 *at the end and inserting “; and”; and*

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

18 “(E) *for the Federal Trade Commission, in*
19 *relevant years, information on—*

20 “(i) *the newly created materials, guid-*
21 *ance, or recommendations of the Senior*
22 *Scams Prevention Advisory Group estab-*
23 *lished under section 2 of the Stop Senior*
24 *Scams Act, and any relevant views or con-*
25 *siderations made by members of the Advi-*

1 sory Group that were not included in the
2 Advisory Group’s model materials or con-
3 sidered an official recommendation by the
4 Advisory Group;

5 “(ii) the Senior Scams Prevention Ad-
6 visory Group’s findings about senior scams
7 and industry educational materials and
8 programs; and

9 “(iii) any recommendations on ways
10 stakeholders can continue to work together
11 to reduce scams affecting seniors.”.

12 (f) *TERMINATION.*—*This Act, and the amendments*
13 *made by this Act, ceases to be effective on the date that is*
14 *5 years after the date of enactment of this Act.*

Calendar No. 393

116TH CONGRESS
1ST Session

S. 149

[Report No. 116-182]

A BILL

To establish a Senior Seams Prevention Advisory
Council.

DECEMBER 19, 2019

Reported with an amendment