

**Grassley-Blumenthal-Rubio-Klobuchar**  
**“Elder Abuse Prevention and Response Act of 2016”**  
**Section-by-Section Summary**  
**July 14, 2016**

**Section 1. Short Title: Table of Contents.** Cites the short title of the Act as the “Elder Abuse Prevention and Prosecution Act.” Provides the table of contents for the Act.

**Sec. 2. Definitions.** Defines certain terms used in the legislation (including “abuse,” “elder justice,” “exploitation,” “law enforcement,” and “neglect”) by reference to section 2011 of the Social Security Act (42 U.S.C. 1397j). Provides additional definitions of terms used in the bill, including “adult protective services,” “elder,” “elder abuse,” and “State.”

**TITLE I—Supporting Federal Cases Involving Elder Justice**

**Sec. 101.** Requires the designation of at least one Assistant United States Attorney in every judicial district to prosecute (or assist with) elder abuse cases, conduct public outreach, and ensure the collection of the statistical data on elder abuse that’s required under section 202 of this Act. Requires the Attorney General, in consultation with the FBI, to implement a comprehensive training program for FBI agents on the investigation and prosecution of elder abuse. Requires U.S. Department of Justice (“DOJ”) through its Executive Office for U.S. Attorneys (“EOUSA”), to operate an elder abuse resource group that facilitates information sharing among prosecutors. Requires the Attorney General, in consultation with the EOUSA Director, to establish an advisory working group or subcommittee of U.S. Attorneys for the purpose of providing advice on DOJ’s elder abuse policies. Requires the chairman of the Federal Trade Commission (“FTC”) to designate, within 60 days after this bill’s enactment, an Elder Justice Coordinator within the FTC’s Bureau of Consumer Protection, and specifies the Coordinator’s duties. Also requires the FTC to annually report to Congress on FTC enforcement actions in which an elder abuse victim was identified. Requires the Attorney General, in consultation with the directors of the EOUSA and FBI, to develop a plan for prioritizing the investigation and prosecution of those who target seniors in international fraud or financial exploitation schemes, and requires the Attorney General to report to Congress on such efforts. Requires the Attorney General to designate an Elder Justice Coordinator to develop DOJ’s elder abuse training materials, coordinate the Department’s elder justice efforts, determine best practices, and carry out related activities. Clarifies that no additional appropriations are authorized for the implementation of this section.

**TITLE III—Improved Data Collection and Federal Coordination**

**Sec. 201. Establishment of Best Practices for Local, State, and Federal Data Collection.** Requires the Attorney General, in consultation with Federal, State, and local law enforcement agencies, to recommend best practices for collection of data focused on elder abuse. Requires DOJ to post the best practices on its website within a year after enactment of this Act and provide technical assistance to state, local, and tribal governments that choose to implement these best practices.

**Sec. 202. Effective Interagency Coordination and Federal Data Collection.** Requires the Attorney General to annually collect statistical data on elder abuse from Federal agencies. Specifies the type of data to be

collected (e.g., number of investigations initiated and prosecuted, types of elder abuse scams perpetrated, case outcomes). Also requires the HHS Secretary to annually provide statistical data to the Attorney General on elder abuse cases investigated by adult protective services agencies. Requires that a summary of such data be posted in a publicly accessible manner on DOJ's website. Also requires that DOJ develop and post on its website additional recommendations for improved data collection by government agencies at every level of government. Prohibits the reporting of any data that would reveal the identities of specific individuals.

### **TITLE III—Enhanced Victim Assistance to Elder Abuse Survivors**

**Sec. 301. Sense of the Senate.** Expresses the sense of the Senate concerning the problems posed by elder abuse and exploitation as well as the importance of supporting the victims and developing a multi-pronged approach to elder abuse and exploitation. Also calls for DOJ's Office for Victims of Crime to report to Congress, within one year of enactment, on the nature, extent, and amount of victims' compensation and victims' assistance received by victims of crime who are aged 60 years or older, under the Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.).

### **TITLE IV—Robert Matava Elder Abuse Prosecution Act of 2016**

**Sec. 401. Short Title.** Cites the short title as the "Robert Matava Elder Abuse Prosecution Act of 2016."

**Sec. 402. Enhanced Penalty for Telemarketing and Email Marketing Fraud Directed At Elders.** Amends the Federal criminal code to add new definition of "telemarketing or email marketing" and prohibit such conduct under the telemarketing fraud statute. Also makes it mandatory for a Federal court, in sentencing criminals under 18 U.S.C. § 2326,<sup>1</sup> to order the forfeiture of property, equipment, software, or other technology that was used (or intended to be used) in perpetrating a financial exploitation scheme against individuals over the age of 55.

**Sec. 403. Training and Technical Assistance for States.** Requires the Attorney General, in consultation with the Secretary of Health and Human Services, and in coordination with the Elder Justice Coordinating Council, to provide training and technical assistance to states and local governments on the investigation, prosecution, prevention, and mitigation of various forms of elder abuse and neglect.

**Sec. 404. Interstate Initiatives.** Encourages the formation of interstate compacts or cooperative agreements that will promote elder safety and wellbeing as well as the enforcement of elder safety laws. Provides congressional consent for such compacts or agreements, and requires the State Justice Institute (in consultation with state and local agencies and nonprofits) as well as the HHS Secretary to submit proposed legislation to Congress that will facilitate such agreements or compacts.

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<sup>1</sup> This statute, 18 U.S.C. § 2326, provides: "A person who is convicted of an offense under section 1028, 1029, 1341, 1342, 1343, or 1344, or a conspiracy to commit such an offense, in connection with the conduct of telemarketing—(1) shall be imprisoned for a term of up to 5 years in addition to any term of imprisonment imposed under any of those sections, respectively; and (2) in the case of an offense under any of those sections that—(A) victimized ten or more persons over the age of 55; or (B) targeted persons over the age of 55, shall be imprisoned for a term of up to 10 years in addition to any term of imprisonment imposed under any of those sections, respectively."

