

117TH CONGRESS
2D SESSION

S. 3529

To amend the Investor Protection and Securities Reform Act of 2010 to provide grants to States for enhanced protection of senior investors and senior policyholders, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 20, 2022

Mr. VAN HOLLEN (for himself, Mr. SCOTT of South Carolina, Mr. WARNOCK, and Ms. LUMMIS) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To amend the Investor Protection and Securities Reform Act of 2010 to provide grants to States for enhanced protection of senior investors and senior policyholders, 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.**

4 This Act may be cited as the “Empowering States
5 to Protect Seniors from Bad Actors Act”.

1 **SEC. 2. GRANTS TO ELIGIBLE ENTITIES FOR ENHANCED**
 2 **PROTECTION OF SENIOR INVESTORS AND**
 3 **SENIOR POLICYHOLDERS.**

4 (a) IN GENERAL.—Section 989A of the Investor Pro-
 5 tection and Securities Reform Act of 2010 (12 U.S.C.
 6 5537) is amended to read as follows:

7 **“SEC. 989A. GRANTS TO ELIGIBLE ENTITIES FOR EN-**
 8 **HANCED PROTECTION OF SENIOR INVES-**
 9 **TORS AND SENIOR POLICYHOLDERS.**

10 “(a) DEFINITIONS.—In this section:

11 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
 12 tity’ means—

13 “(A) the securities commission (or any
 14 agency or office performing like functions) of
 15 any State; and

16 “(B) the insurance department (or any
 17 agency or office performing like functions) of
 18 any State.

19 “(2) SENIOR.—The term ‘senior’ means any in-
 20 dividual who has attained the age of 62 years or
 21 older.

22 “(3) SENIOR FINANCIAL FRAUD.—The term
 23 ‘senior financial fraud’ means a fraudulent or other-
 24 wise illegal, unauthorized, or improper act or process
 25 of an individual, including a caregiver or a fiduciary,
 26 that—

1 “(A) uses the resources of a senior for
2 monetary or personal benefit, profit, or gain;

3 “(B) results in depriving a senior of right-
4 ful access to or use of benefits, resources, be-
5 longings, or assets; or

6 “(C) is an action described in section 1348
7 of title 18, United States Code, that is taken
8 against a senior.

9 “(4) TASK FORCE.—The term ‘task force’
10 means the task force established under subsection
11 (b)(1).

12 “(b) GRANT PROGRAM.—

13 “(1) TASK FORCE.—

14 “(A) IN GENERAL.—The Commission shall
15 establish a task force to carry out the grant
16 program under paragraph (2).

17 “(B) MEMBERSHIP.—The task force shall
18 consist of the following members:

19 “(i) A Chair of the task force, who—

20 “(I) shall be appointed by the
21 Chairman of the Commission, in con-
22 sultation with the Commissioners of
23 the Commission; and

24 “(II) may be a representative of
25 the Office of the Investor Advocate of

1 the Commission, the Division of En-
 2 forcement of the Commission, or such
 3 other representative as the Commis-
 4 sion determines appropriate.

5 “(ii) If the Chair is not a representa-
 6 tive of the Office of the Investor Advocate
 7 of the Commission, a representative of
 8 such Office.

9 “(iii) If the Chair is not a representa-
 10 tive of the Division of Enforcement of the
 11 Commission, a representative of such Divi-
 12 sion.

13 “(iv) Such other representatives as
 14 the Commission determines appropriate.

15 “(C) DETAIL OF EXECUTIVE AGENCY EM-
 16 PLOYEES.—Upon the request of the Commis-
 17 sion, the head of any Federal agency may de-
 18 tail, on a reimbursable basis, any of the per-
 19 sonnel of that Federal agency to the Commis-
 20 sion to assist it in carrying out its functions
 21 under this section. The detail of any such per-
 22 sonnel shall be without interruption or loss of
 23 civil service status or privilege.

24 “(2) GRANTS.—The task force shall carry out
 25 a program under which the task force shall make

1 grants, on a competitive basis, to eligible entities,
2 which—

3 “(A) may use the grant funds—

4 “(i) to hire staff to identify, inves-
5 tigate, and prosecute (through civil, admin-
6 istrative, or criminal enforcement actions)
7 cases involving senior financial fraud;

8 “(ii) to fund technology, equipment,
9 and training for regulators, prosecutors,
10 and law enforcement officers, in order to
11 identify, investigate, and prosecute cases
12 involving senior financial fraud;

13 “(iii) to provide educational materials
14 and training to seniors to increase aware-
15 ness and understanding of senior financial
16 fraud;

17 “(iv) to develop comprehensive plans
18 to combat senior financial fraud; and

19 “(v) to enhance provisions of State
20 law to provide protection from senior fi-
21 nancial fraud; and

22 “(B) may not use the grant funds for any
23 indirect expense, such as rent, utilities, or any
24 other general administrative cost that is not di-

1 rectly related to the purpose of the grant pro-
2 gram.

3 “(3) AUTHORITY OF TASK FORCE.—In carrying
4 out paragraph (2), the task force—

5 “(A) may consult with staff of the Com-
6 mission; and

7 “(B) shall make public all actions of the
8 task force relating to carrying out that para-
9 graph.

10 “(c) APPLICATIONS.—An eligible entity desiring a
11 grant under this section shall submit an application to the
12 task force, in such form and in such a manner as the task
13 force may determine, that includes—

14 “(1) a proposal for activities to protect seniors
15 from senior financial fraud that are proposed to be
16 funded using a grant under this section, including—

17 “(A) an identification of the scope of the
18 problem of senior financial fraud in the applica-
19 ble State;

20 “(B) a description of how the proposed ac-
21 tivities would—

22 “(i) protect seniors from senior finan-
23 cial fraud, including by proactively identi-
24 fying victims of senior financial fraud;

1 “(ii) assist in the investigation and
 2 prosecution of those committing senior fi-
 3 nancial fraud; and

4 “(iii) discourage and reduce cases of
 5 senior financial fraud; and

6 “(C) a description of how the proposed ac-
 7 tivities would be coordinated with other State
 8 efforts; and

9 “(2) any other information that the task force
 10 determines appropriate.

11 “(d) PERFORMANCE OBJECTIVES; REPORTING RE-
 12 QUIREMENTS; AUDITS.—

13 “(1) IN GENERAL.—The task force—

14 “(A) may establish such performance ob-
 15 jectives and reporting requirements for eligible
 16 entities receiving a grant under this section as
 17 the task force determines are necessary to carry
 18 out and assess the effectiveness of the program
 19 under this section; and

20 “(B) shall require each eligible entity that
 21 receives a grant under this section to submit to
 22 the task force a detailed accounting of the use
 23 of grant funds, which shall be submitted at
 24 such time, in such form, and containing such
 25 information as the task force may require.

1 “(2) REPORT.—Not later than 2 years, and
2 again not later than 5 years, after the date of the
3 enactment of the Empowering States to Protect Sen-
4 iors from Bad Actors Act, the task force shall sub-
5 mit to the Committee on Financial Services of the
6 House of Representatives and the Committee on
7 Banking, Housing, and Urban Affairs of the Senate
8 a report that—

9 “(A) specifies each recipient of a grant
10 under this section;

11 “(B) includes a description of the pro-
12 grams that are supported by each such grant;
13 and

14 “(C) includes an evaluation by the task
15 force of the effectiveness of such grants.

16 “(3) AUDITS.—The task force shall annually
17 conduct an audit of the program under this section
18 to ensure that eligible entities to which grants are
19 made under that program are, for the year covered
20 by the audit, using grant funds for the intended pur-
21 poses of those funds.

22 “(e) MAXIMUM AMOUNT.—The amount of a grant to
23 an eligible entity under this section may not exceed
24 \$500,000, which the task force shall adjust annually to
25 reflect the percentage change in the Consumer Price Index

1 for All Urban Consumers published by the Bureau of
 2 Labor Statistics of the Department of Labor.

3 “(f) SUBGRANTS.—An eligible entity that receives a
 4 grant under this section may, in consultation with the task
 5 force, make a subgrant, as the eligible entity determines
 6 is necessary or appropriate—

7 “(1) to carry out the activities described in sub-
 8 section (b)(2)(A); and

9 “(2) which may not be used for any activity de-
 10 scribed in subsection (b)(2)(B).

11 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
 12 are authorized to be appropriated to carry out this section
 13 \$10,000,000 for each of fiscal years 2023 through 2028.”.

14 (b) CONFORMING AMENDMENT.—The table of con-
 15 tents in section 1(b) of the Dodd-Frank Wall Street Re-
 16 form and Consumer Protection Act is amended by striking
 17 the item relating to section 989A and inserting the fol-
 18 lowing:

“Sec. 989A. Grants to eligible entities for enhanced protection of senior inves-
 tors and senior policyholders.”.

