

106TH CONGRESS
2D SESSION

S. 3164

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 25, 2000

Referred to the Committee on the Judiciary, and in addition to the Committee on Commerce, 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

AN ACT

To protect seniors from fraud.

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 “Protecting Seniors
5 From Fraud Act”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) Older Americans are among the most rap-
4 idly growing segments of our society.

5 (2) Our Nation's elderly are too frequently the
6 victims of violent crime, property crime, and con-
7 sumer and telemarketing fraud.

8 (3) The elderly are often targeted and retar-
9 geted in a range of fraudulent schemes.

10 (4) The TRIAD program, originally sponsored
11 by the National Sheriffs' Association, International
12 Association of Chiefs of Police, and the American
13 Association of Retired Persons unites sheriffs, police
14 chiefs, senior volunteers, elder care providers, fami-
15 lies, and seniors to reduce the criminal victimization
16 of the elderly.

17 (5) Congress should continue to support
18 TRIAD and similar community partnerships that
19 improve the safety and quality of life for millions of
20 senior citizens.

21 (6) There are few other community-based ef-
22 forts that forge partnerships to coordinate criminal
23 justice and social service resources to improve the
24 safety and security of the elderly.

1 (7) According to the National Consumers
2 League, telemarketing fraud costs consumers nearly
3 \$40,000,000,000 each year.

4 (8) Senior citizens are often the target of tele-
5 marketing fraud.

6 (9) Fraudulent telemarketers compile the
7 names of consumers who are potentially vulnerable
8 to telemarketing fraud into the so-called “mooch
9 lists”.

10 (10) It is estimated that 56 percent of the
11 names on such “mooch lists” are individuals age 50
12 or older.

13 (11) The Federal Bureau of Investigation and
14 the Federal Trade Commission have provided re-
15 sources to assist private-sector organizations to oper-
16 ate outreach programs to warn senior citizens whose
17 names appear on confiscated “mooch lists”.

18 (12) The Administration on Aging was formed,
19 in part, to provide senior citizens with the resources,
20 information, and assistance their special cir-
21 cumstances require.

22 (13) The Administration on Aging has a system
23 in place to inform senior citizens of the dangers of
24 telemarketing fraud.

1 (14) Senior citizens need to be warned of the
2 dangers of telemarketing fraud before they become
3 victims of such fraud.

4 **SEC. 3. SENIOR FRAUD PREVENTION PROGRAM.**

5 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated to the Attorney General
7 \$1,000,000 for each of the fiscal years 2001 through 2005
8 for programs for the National Association of TRIAD.

9 (b) COMPTROLLER GENERAL.—The Comptroller
10 General of the United States shall submit to Congress a
11 report on the effectiveness of the TRIAD program 180
12 days prior to the expiration of the authorization under this
13 Act, including an analysis of TRIAD programs and activi-
14 ties; identification of impediments to the establishment of
15 TRIADS across the Nation; and recommendations to im-
16 prove the effectiveness of the TRIAD program.

17 **SEC. 4. DISSEMINATION OF INFORMATION.**

18 (a) IN GENERAL.—The Secretary of Health and
19 Human Services, acting through the Assistant Secretary
20 of Health and Human Services for Aging, shall provide
21 to the Attorney General of each State and publicly dis-
22 seminate in each State, including dissemination to area
23 agencies on aging, information designed to educate senior
24 citizens and raise awareness about the dangers of fraud,
25 including telemarketing and sweepstakes fraud.

1 (b) INFORMATION.—In carrying out subsection (a),
2 the Secretary shall—

3 (1) inform senior citizens of the prevalence of
4 telemarketing and sweepstakes fraud targeted
5 against them;

6 (2) inform senior citizens how telemarketing
7 and sweepstakes fraud work;

8 (3) inform senior citizens how to identify tele-
9 marketing and sweepstakes fraud;

10 (4) inform senior citizens how to protect them-
11 selves against telemarketing and sweepstakes fraud,
12 including an explanation of the dangers of providing
13 bank account, credit card, or other financial or per-
14 sonal information over the telephone to unsolicited
15 callers;

16 (5) inform senior citizens how to report sus-
17 pected attempts at or acts of fraud;

18 (6) inform senior citizens of their consumer
19 protection rights under Federal law; and

20 (7) provide such other information as the Sec-
21 retary considers necessary to protect senior citizens
22 against fraudulent telemarketing and sweepstakes
23 promotions.

24 (c) MEANS OF DISSEMINATION.—The Secretary shall
25 determine the means to disseminate information under

1 this section. In making such determination, the Secretary
 2 shall consider—

- 3 (1) public service announcements;
- 4 (2) a printed manual or pamphlet;
- 5 (3) an Internet website;
- 6 (4) direct mailings; and
- 7 (5) telephone outreach to individuals whose
 8 names appear on so-called “mooch lists” confiscated
 9 from fraudulent marketers.

10 (d) PRIORITY.—In disseminating information under
 11 this section, the Secretary shall give priority to areas with
 12 high incidents of fraud against senior citizens.

13 **SEC. 5. STUDY OF CRIMES AGAINST SENIORS.**

14 (a) IN GENERAL.—The Attorney General shall con-
 15 duct a study relating to crimes against seniors, in order
 16 to assist in developing new strategies to prevent and other-
 17 wise reduce the incidence of those crimes.

18 (b) ISSUES ADDRESSED.—The study conducted
 19 under this section shall include an analysis of—

- 20 (1) the nature and type of crimes perpetrated
 21 against seniors, with special focus on—
- 22 (A) the most common types of crimes that
 23 affect seniors;

1 (B) the nature and extent of tele-
2 marketing, sweepstakes, and repair fraud
3 against seniors; and

4 (C) the nature and extent of financial and
5 material fraud targeted at seniors;

6 (2) the risk factors associated with seniors who
7 have been victimized;

8 (3) the manner in which the Federal and State
9 criminal justice systems respond to crimes against
10 seniors;

11 (4) the feasibility of States establishing and
12 maintaining a centralized computer database on the
13 incidence of crimes against seniors that will promote
14 the uniform identification and reporting of such
15 crimes;

16 (5) the effectiveness of damage awards in court
17 actions and other means by which seniors receive re-
18 imbursement and other damages after fraud has
19 been established; and

20 (6) other effective ways to prevent or reduce the
21 occurrence of crimes against seniors.

22 **SEC. 6. INCLUSION OF SENIORS IN NATIONAL CRIME VIC-**
23 **TIMIZATION SURVEY.**

24 Beginning not later than 2 years after the date of
25 enactment of this Act, as part of each National Crime Vic-

1 timization Survey, the Attorney General shall include sta-
 2 tistics relating to—

3 (1) crimes targeting or disproportionately af-
 4 fecting seniors;

5 (2) crime risk factors for seniors, including the
 6 times and locations at which crimes victimizing sen-
 7 iors are most likely to occur; and

8 (3) specific characteristics of the victims of
 9 crimes who are seniors, including age, gender, race
 10 or ethnicity, and socioeconomic status.

11 **SEC. 7. STATE AND LOCAL GOVERNMENT OUTREACH.**

12 It is the sense of Congress that State and local gov-
 13 ernments should fully incorporate fraud avoidance infor-
 14 mation and programs into programs that provide assist-
 15 ance to the aging.

 Passed the Senate October 24 (legislative day, Sep-
 tember 22), 2000.

Attest:

GARY SISCO,
Secretary.