

112TH CONGRESS
2D SESSION

S. 3490

To dedicate funds from the Crime Victims Fund to victims of elder abuse,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2012

Mr. BROWN of Massachusetts (for himself and Mr. LIEBERMAN) introduced
the following bill; which was read twice and referred to the Committee
on the Judiciary

A BILL

To dedicate funds from the Crime Victims Fund to victims
of elder abuse, 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 “Stop Abuse, Violence,
5 and Exploitation of Elders Act of 2012” or the “SAVE
6 Elders Act of 2012”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

9 (1) The population of individuals age 65 or
10 older in the United States is growing and is esti-

1 mated to reach $\frac{1}{5}$ of the total population of the
2 United States by the year 2030.

3 (2) According to a 2011 report by the Govern-
4 ment Accountability Office, during a recent year, 1
5 out of every 7 older individuals living in a home or
6 community-based setting experienced some form of
7 elder abuse.

8 (3) According to a report by the Bureau of Jus-
9 tice Statistics, “Criminal Victimization in the United
10 States, 2008”, 54 percent of crimes involving victims
11 age 65 or older are unreported.

12 (4) The Crime Victims Fund, which was estab-
13 lished to support victims of crime—

14 (A) is funded by the proceeds of forfeited
15 bonds, criminal penalty assessments, and fines
16 collected from persons convicted of offenses
17 against the United States; and

18 (B) does not receive funds from taxpayers
19 in the United States.

20 (5) No amounts are specifically allocated from
21 the Crime Victims Fund to individuals age 65 or
22 older who experience victimization in the form of
23 abuse, neglect, or exploitation.

24 (6) The Government Accountability Office esti-
25 mates that elder abuse investigations by Adult Pro-

1 tect Services in 33 States may increase by 28 per-
 2 cent by the year 2020.

3 (7) The Federal Government and State govern-
 4 ments use varying definitions of the term “elder
 5 abuse”. The definition of “elder abuse” used by a
 6 State government is recognized as the primary defi-
 7 nition to ensure consistent administration of existing
 8 and future elder abuse programs by the State.

9 **SEC. 3. AMENDMENTS TO THE VICTIMS OF CRIME ACT OF**
 10 **1984.**

11 (a) CRIME VICTIMS FUND.—

12 (1) IN GENERAL.—Section 1402(d) of the Vic-
 13 tims of Crime Act of 1984 (42 U.S.C. 10601(d)) is
 14 amended—

15 (A) by redesignating paragraph (2) as
 16 paragraph (1); and

17 (B) by inserting after paragraph (1), as so
 18 redesignated, the following:

19 “(2)(A) Subject to subparagraph (C), for each
 20 fiscal year in which the obligation limitation is great-
 21 er than the obligation limitation for fiscal year 2012,
 22 the first \$20,000,000 made available for obligation
 23 in the fiscal year after the amount equal to the obli-
 24 gation limitation for fiscal year 2012 is made avail-

1 able shall be available for grants under section
2 1404F.

3 “(B)(i) Subject to subparagraph (C), in any fis-
4 cal year in which an amount less than \$20,000,000,
5 or no amount, is made available under subparagraph
6 (A) for grants under section 1404F, and the amount
7 available in the Fund is greater than the obligation
8 limitation for the fiscal year, the amount described
9 in clause (ii) shall be deposited into an elder abuse
10 reserve fund and shall be available to make grants
11 under section 1404F.

12 “(ii) The amount described in this clause is an
13 amount that is the lesser of—

14 “(I) the difference between—

15 “(aa) \$20,000,000; and

16 “(bb) the amount made available
17 under subparagraph (A) for grants under
18 section 1404F in the fiscal year; and

19 “(II) the limitation surplus for the fiscal
20 year.

21 “(iii) The Director may carry over amounts in
22 the elder abuse reserve fund established under clause
23 (i) from fiscal year to fiscal year.

1 “(iv) Amounts in the elder abuse reserve fund
2 established under clause (i) shall not be subject to
3 the obligation limitation.

4 “(C) The sum of the amounts made available
5 under subparagraphs (A) and (B) for grants under
6 section 1404F in a fiscal year shall be not more
7 than \$20,000,000.

8 “(D) For purposes of this paragraph—

9 “(i) the term ‘obligation limitation’ means
10 the amount in the Fund that is made available
11 for obligation in a fiscal year under the applica-
12 ble appropriations act; and

13 “(ii) the term ‘limitation surplus’ means,
14 with respect to a fiscal year, the amount that
15 is equal to the difference between—

16 “(I) the amount available in the
17 Fund; and

18 “(II) the obligation limitation for the
19 fiscal year.”.

20 (2) TECHNICAL AND CONFORMING AMEND-
21 MENTS.—The Victims of Crime Act of 1984 (42
22 U.S.C. 10601 et seq.) is amended—

23 (A) in section 1402—

24 (i) in subsection (d)—

1 (I) in paragraph (3), by striking
 2 “paragraph (2)” and inserting “para-
 3 graphs (1) and (2)”; and

4 (II) in paragraph (5)(A)—

5 (aa) in the first sentence, by
 6 inserting “(1),” before “(2)”;
 7 and

8 (bb) in the second sentence,
 9 by inserting “(1),” before “(2)”;
 10 and

11 (ii) in subsection (g)—

12 (I) in paragraph (1), in the mat-
 13 ter preceding subparagraph (A), by
 14 striking “(d)(2)” and inserting
 15 “(d)(1)”; and

16 (II) in paragraph (2), by striking
 17 “(d)(2)” and inserting “(d)(1)”;

18 (B) in section 1404(a)(1), by striking
 19 “1402(d)(2)” and inserting “1402(d)(4)”; and

20 (C) in section 1404A, in the first sentence,
 21 by striking “1402(d)(2)” and inserting
 22 “1402(d)(1)”.

23 (3) SENSE OF CONGRESS.—It is the sense of
 24 Congress that—

(A) in establishing the maximum amount available for obligation during a fiscal year in the Fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601), the maximum should be increased by the amount described in such section 1402(d)(2)(A), as amended by paragraph (1), as compared to the maximum amount that would otherwise be established; or

(B) the amount described in paragraph (2)(B) of section 1402(d) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)), as added by paragraph (1), should be made available on an annual basis to be used for compensation and assistance to victims of elder abuse.

(b) COMPENSATION AND ASSISTANCE TO VICTIMS OF ELDER ABUSE.—The Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) is amended by inserting after section 1404E (42 U.S.C. 10603e) the following:

“SEC. 1404F. COMPENSATION AND ASSISTANCE TO VICTIMS OF ELDER ABUSE.

“(a) DEFINITIONS.—In this section—

“(1) the term ‘elder abuse’—

1 “(A) means the abuse, exploitation, or ne-
 2 glect, as those terms are defined in section
 3 2011 of the Social Security Act (42 U.S.C.
 4 1397j), of an individual who is—

5 “(i) age 65 or older; and

6 “(ii) lawfully present in the United
 7 States; and

8 “(B) with respect to a State that receives
 9 a grant under this section, includes any other
 10 conduct not described in subparagraph (A) that
 11 is defined as elder abuse under the laws of the
 12 State; and

13 “(2) the term ‘State’ means each of the several
 14 States of the United States, the District of Colum-
 15 bia, the Commonwealth of Puerto Rico, Guam, the
 16 United States Virgin Islands, American Samoa, and
 17 the Northern Mariana Islands.

18 “(b) GRANTS AUTHORIZED.—

19 “(1) IN GENERAL.—Subject to paragraph (2),
 20 the Director shall use the amounts made available
 21 under section 1402(d)(2) to make grants to States
 22 to support—

23 “(A) eligible crime victim assistance pro-
 24 grams, as defined in section 1404(b)(1), that
 25 provide assistance to victims of elder abuse; and

1 “(B) programs that improve the investiga-
 2 tion, handling (as defined under the laws of a
 3 State), and prosecution of cases of elder abuse.

4 “(2) STATE APPORTIONMENTS.—

5 “(A) BASE AMOUNTS.—Of the amounts al-
 6 located for grants to States under paragraph
 7 (1), the Director shall apportion—

8 “(i) 0.5 percent to—

9 “(I) each of the several States of
 10 the United States;

11 “(II) the District of Columbia;
 12 and

13 “(III) the Commonwealth of
 14 Puerto Rico;

15 “(ii) 0.25 percent to—

16 “(I) Guam; and

17 “(II) the United States Virgin Is-
 18 lands; and

19 “(iii) 0.125 percent to—

20 “(I) American Samoa; and

21 “(II) the Northern Mariana Is-
 22 lands.

23 “(B) REMAINING AMOUNTS.—

24 “(i) IN GENERAL.—Amounts remain-
 25 ing after apportionment under subpara-

graph (A) of the amounts allocated under paragraph (1) shall be apportioned among the States according to a formula established by the Director.

“(ii) FORMULA.—The formula described in clause (i) shall be based on the following factors:

“(I) The population of individuals age 65 or older in a State in relation to the population of individuals age 65 or older in all States.

“(II) The population of individuals age 65 or older in a State in relation to the population of the State.

“(III) The overall rate of crime in a State, as determined by the Bureau of the Census.

“(3) FEDERAL SHARE.—The Federal share of the cost of a program carried out by one of the several States, the District of Columbia, or the Commonwealth of Puerto Rico using a grant under this section may not exceed 80 percent.

“(c) BIENNIAL REPORT.—The Attorney General, acting through the Director, shall submit to Congress a biennial report on—

1 “(1) the use of funds made available under sec-
2 tion 1402(d)(2) during each of the 2 preceding fiscal
3 years; and

4 “(2) the administration of this section, includ-
5 ing—

6 “(A) a complete and detailed analysis of—

7 “(i) the manner in which each State
8 that receives amounts under this section
9 has distributed the amounts; and

10 “(ii) significant problems, if any, in
11 carrying out this section; and

12 “(B) recommendations for legislation to
13 remedy the problems, if any, identified under
14 subparagraph (A)(ii).”.

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