

Courts, an estimated 1.3 million adults are under the care of guardians—family members or professionals—who control approximately \$50 billion of their assets. Guardianship is a legal relationship created by a court that is designed to protect those with diminished or lost capacity. We found, however, that in some cases, the system lacks basic protections against inappropriate use of guardianship and abuse by those in power, leaving the most vulnerable Americans at risk of exploitation.

In November 2018, the Aging Committee released a bipartisan report following a year-long investigation into State guardianship programs. Titled, “Ensuring Trust: Strengthening State Efforts to Overhaul the Guardianship Process and Protect Older Americans,” the report included a number of recommendations intended to help stem the wave of guardianship abuse, encourage reforms to State systems and restore trust in guardianship arrangements.

Throughout the course of our investigation, we heard harrowing tales from families around the Nation who have struggled with abusive guardians, unscrupulous individuals exploiting vulnerable Americans for their personal profit. Yet we also spoke with families who had heartening stories to share—of dedicated and faithful guardians stepping up to protect the assets of seniors with dementia and other conditions affecting their capacity. A good guardian can provide years of support for a protected individual, ensuring a full life directed, wherever possible, by the person's own choices and preferences. Once a guardianship is imposed, however, the individual's rights are removed, and oversight to protect the individual from abuse, neglect and exploitation becomes critical.

Our Committee gathered information, analysis and recommendations from States, courts, and organizations representing older Americans and those with disabilities around the country. We found signs of progress in a number of jurisdictions. For example, in 2017, Maine was the first state to enact the Uniform Law Commission's Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act. Among the reforms made to Maine's guardianship system, this legislation highlighted the importance of exploring all options to limit or preclude the need for guardianship when appropriate, including the use of supported decision making. Maine's law also mandates the regular review of reports filed by guardians to determine, among other things, whether the guardianship should continue and whether the guardian has complied with his or her duties.

Yet stories in the news continue to call our attention to this important issue. Appalling stories, such as that of a guardian from Nevada who allegedly used the guardianship process to financially exploit more than 150 individuals, and that of another guardian

from North Carolina who, along with an attorney, an advocate, and a professor, took advantage of two men under guardianship and allegedly stole hundreds of thousands of dollars, remind us of the vulnerabilities created by these relationships and the need for diligent oversight.

In the course of the Committee's investigation, we received more than 100 comments identifying gaps in the system and, most important, offering solutions. The Committee found a pattern of barriers to proper oversight and a need for greater use of alternatives to guardianship. We found persistent and widespread challenges that require a nationwide focus in order to ensure the guardianship system works on behalf of the individuals it is intended to protect. The Committee's report outlines policy recommendations at local, state and federal levels that would improve outcomes for Americans subject to guardianship.

The Guardianship Accountability Act, which we are introducing today, addresses many of the report's recommendations. The bill would direct the Elder Justice Coordinating Council to establish a National Online Resource Center on Guardianship to collect and publish information relevant to guardianship for use by guardians, individuals subject to guardianship, as well as courts, states, local governments, and community organizations. The resource center would also publish model legislation and best practices developed pursuant to the Elder Abuse Prevention and Prosecution Act, compile and publish training materials for guardians, share research related to guardianship, and maintain a database on state laws regarding guardianship and the use of less restrictive alternatives. In addition, our legislation would also expand the availability of federal demonstration grants established by the Elder Justice Act, so funds can be used for developing state guardianship databases, for training for court visitors, and for sharing information on guardian background checks.

Combating financial abuse and exploitation of seniors requires law enforcement and social service agencies at all levels of government to work together, and the bipartisan Guardianship Accountability Act promotes this kind of collaboration. I urge my colleagues to support this bipartisan legislation.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 80—ESTABLISHING THE JOHN S. MCCAIN III HUMAN RIGHTS COMMISSION

Mr. COONS (for himself, Mr. TILLIS, Mr. MARKEY, Mr. RUBIO, Mr. MERKLEY, and Ms. SINEMA) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 80

*Resolved,*

#### SECTION 1. JOHN S. MCCAIN III HUMAN RIGHTS COMMISSION.

(a) COMMISSION ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the Senate the John S. McCain III Human Rights Commission (in this section referred to as the “Commission”).

(2) DUTIES.—The Commission shall—

(A) serve as a forum for bipartisan discussion of international human rights issues and promotion of internationally recognized human rights as enshrined in the Universal Declaration of Human Rights;

(B) raise awareness of international human rights violations through regular briefings and hearings; and

(C) collaborate with the executive branch, human rights entities, and nongovernmental organizations to promote human rights initiatives within the Senate.

(3) MEMBERSHIP.—Any Senator may become a member of the Commission by submitting a written statement to that effect to the Commission.

(4) CO-CHAIRPERSONS OF THE COMMISSION.—

(A) IN GENERAL.—Two members of the Commission shall be appointed to serve as co-chairpersons of the Commission, as follows:

(i) One co-chairperson shall be appointed, and may be removed, by the majority leader of the Senate.

(ii) One co-chairperson shall be appointed, and may be removed, by the minority leader of the Senate.

(B) TERM.—The term of a member as a co-chairperson of the Commission shall end on the last day of the Congress during which the member is appointed as a co-chairperson, unless the member ceases being a member of the Senate, leaves the Commission, resigns from the position of co-chairperson, or is removed.

(C) PUBLICATION.—Appointments under this paragraph shall be printed in the Congressional Record.

(D) VACANCIES.—Any vacancy in the position of co-chairperson of the Commission shall be filled in the same manner in which the original appointment was made.

(b) COMMISSION STAFF.—

(1) COMPENSATION AND EXPENSES.—

(A) IN GENERAL.—The Commission is authorized, from funds made available under subsection (c), to—

(i) employ such staff in the manner and at a rate not to exceed that allowed for employees of a committee of the Senate under section 105(e)(3) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 4575(e)(3)); and

(ii) incur such expenses as may be necessary or appropriate to carry out its duties and functions.

(B) EXPENSES.—

(i) IN GENERAL.—Payments made under this subsection for receptions, meals, and food-related expenses shall be authorized only for actual expenses incurred by the Commission in the course of conducting its official duties and functions.

(ii) TREATMENT OF PAYMENTS.—Amounts received as reimbursement for expenses described in clause (i) shall not be reported as income, and the expenses so reimbursed shall not be allowed as a deduction under the Internal Revenue Code of 1986.

(2) DESIGNATION OF PROFESSIONAL STAFF.—

(A) IN GENERAL.—Each co-chairperson of the Commission may designate 1 professional staff member.

(B) COMPENSATION OF SENATE EMPLOYEES.—In the case of the compensation of any professional staff member designated under subparagraph (A) who is an employee of a Member of the Senate or of a committee of the

Senate and who has been designated to perform services for the Commission, the professional staff member shall continue to be paid by the Member or committee, as the case may be, but the account from which the professional staff member is paid shall be reimbursed for the services of the professional staff member (including agency contributions when appropriate) out of funds made available under subsection (c).

(C) DUTIES.—Each professional staff member designated under subparagraph (A) shall—

(i) serve all members of the Commission; and

(ii) carry out such other functions as the co-chairperson designating the professional staff member may specify.

(C) PAYMENT OF EXPENSES.—

(1) IN GENERAL.—The expenses of the Commission shall be paid from the Contingent Fund of the Senate, out of the account of Miscellaneous Items, upon vouchers approved jointly by the co-chairpersons (except that vouchers shall not be required for the disbursement of salaries of employees who are paid at an annual rate of pay).

(2) AMOUNTS AVAILABLE.—For any fiscal year, not more than \$200,000 shall be expended for employees and expenses.

#### SENATE RESOLUTION 81—CALLING FOR ACCOUNTABILITY AND JUSTICE FOR THE ASSASSINATION OF BORIS NEMTSOV

Mr. RUBIO (for himself, Mr. COONS, Mr. WICKER, Mr. DURBIN, Mr. JOHNSON, and Mr. GARDNER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 81

Whereas Boris Nemtsov was a Russian statesman, who over twenty-five years of public service served as Member of Parliament, Governor of the Nizhny Novgorod Region, and First Deputy Prime Minister of Russia;

Whereas Boris Nemtsov throughout his life showed an unwavering commitment to the ideals of democracy, freedom, and the rule of law, and to upholding the rights and dignity of Russian citizens;

Whereas Boris Nemtsov was a powerful voice in opposition to the authoritarianism and corruption of Vladimir Putin's government, publicizing its abuses, leading street protests against election fraud and the war on Ukraine, and successfully advocating for international sanctions on human rights violators;

Whereas Boris Nemtsov was co-chairman of a leading opposition party, won election to the Yaroslavl Regional Duma in 2013, and was planning to run for the Russian Parliament in 2016 and challenge Vladimir Putin for the presidency in 2018;

Whereas, on the evening of February 27, 2015, Boris Nemtsov was shot in the back and killed as he walked across Bolshoi Moskvoretsky Bridge near the Kremlin in Moscow;

Whereas, on March 7 and 8, 2015, Russian authorities arrested five individuals, all of them natives of the Chechen Republic, on suspicion of carrying out the assassination, while a sixth suspect allegedly blew himself up during the attempted arrest;

Whereas the defendants were tried at the Moscow District Military Court, which on June 29, 2017, found them guilty of carrying out the assassination of Boris Nemtsov, and on July 13, 2017, sentenced them to different prison terms;

Whereas, at the time of the assassination, the now-convicted gunman, Zaur Dadayev, was serving as a Lieutenant in the Internal Troops of the Interior Ministry of the Russian Federation and as Deputy Battalion Commander in the "Sever" ("North") Regiment stationed in the Chechen Republic, under the command of the Internal Troops Commander, General Viktor Zolotov, and the Kremlin-backed head of the Chechen Republic, Ramzan Kadyrov;

Whereas Ramzan Kadyrov has called Lieutenant Zaur Dadayev a "true patriot" and has publicly referred to Boris Nemtsov as an "enemy of Russia";

Whereas by Decree No. 115 issued on March 8, 2015, President Vladimir Putin awarded Ramzan Kadyrov the Order of Honor;

Whereas, according to reports published in RBC newspaper on January 20, 2016, General Alexander Bastrykin, chairman of the Investigative Committee of the Russian Federation, has on two occasions prevented investigators from indicting Major Ruslan Geremeyev, Battalion Commander in the "Sever" ("North") Regiment of the Internal Troops of the Ministry of Internal Affairs of the Russian Federation stationed in the Chechen Republic and a close associate of Ramzan Kadyrov, as an organizer in the assassination;

Whereas, according to reports published in Novaya Gazeta newspaper on December 9, 2016, operatives of the Federal Security Service of the Russian Federation in the Chechen Republic have failed to serve Major Ruslan Geremeyev with a summons for questioning as a witness, reporting to their superiors that on the sole occasion they attempted to do so, "nobody opened the door";

Whereas, despite requests from the legal team representing Boris Nemtsov's family, the Investigative Committee of the Russian Federation and the Moscow District Military Court have refused to question high-ranking persons of interest, including Ramzan Kadyrov and General Viktor Zolotov;

Whereas the Investigative Committee of the Russian Federation has, to this day, not issued any indictments against the organizers or masterminds of the assassination of Boris Nemtsov, with the exception of Major Ruslan Geremeyev's driver, Ruslan Mukhudinov, who is named alongside "other unidentified persons";

Whereas the Investigative Committee of the Russian Federation and the Moscow District Military Court have refused to classify the assassination of Boris Nemtsov under Article 277 of the Criminal Code as "encroachment on the life of a statesman or a public figure," choosing instead Article 105 that deals with common domestic murders;

Whereas, throughout the proceedings at the Moscow District Military Court, the judge repeatedly disallowed questions relating to political motives behind the assassination;

Whereas the Federal Protective Service of the Russian Federation has refused to release video footage from the security cameras on Bolshoi Moskvoretsky Bridge from the night of the assassination, claiming in a letter to State Duma Member Dmitry Gudkov on November 6, 2015, that the bridge next to the Kremlin is "not a protected object";

Whereas, on May 18, 2017, the Parliamentary Assembly of the Council of Europe appointed Lithuanian Member of Parliament Emanuelis Zingeris as its special rapporteur on the need to shed light on the background of the murder of Boris Nemtsov, with a mandate to review and report on the case and on the progress of the official Russian investigation;

Whereas, on May 24, 2018, the Russian Foreign Ministry informed Emanuelis Zingeris

that he is forbidden from entering the Russian Federation;

Whereas, at its twenty-seventh annual session held on July 7–11, 2018, the Parliamentary Assembly of the Organization for Security and Cooperation in Europe (OSCE) adopted a resolution urging Russian authorities to "undertake a new, full and thorough investigation into the February 2015 assassination of Boris Nemtsov";

Whereas, on July 8, 2018, the Parliamentary Assembly of the Organization for Security and Cooperation in Europe held a public event to discuss the need for OSCE oversight of the official Russian investigation into the assassination of Boris Nemtsov;

Whereas the United States and the Russian Federation are full members of the Organization for Security and Cooperation in Europe;

Whereas the OSCE Moscow Document has established that "issues relating to human rights, fundamental freedoms, democracy and the rule of law . . . are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned";

Whereas, on February 27, 2018, Washington, D.C. designated the street in front of the Embassy of the Russian Federation as "Boris Nemtsov Plaza" to honor Mr. Nemtsov; and

Whereas, on February 22, 2019, the President of the Parliamentary Assembly of the Organization for Security and Cooperation in Europe, George Tsereteli, appointed Swedish Member of Parliament and Vice President of the Assembly Margareta Cederfelt as the rapporteur on the investigation of the assassination of Boris Nemtsov, with a mandate to review and report on the case and on the progress of the official Russian investigation: Now, therefore, be it

*Resolved*, That the Senate—

(1) commemorates the life of Russian opposition leader Boris Nemtsov and his work to advance democracy and human rights in Russia;

(2) condemns Vladimir Putin and his regime for targeting political opponents and working to cover up the assassination of Boris Nemtsov;

(3) urges the United States Government, in all its interactions with the Government of the Russian Federation, to raise the case of the assassination of Boris Nemtsov and underscore the necessity of bringing the organizers and masterminds to justice;

(4) supports the efforts by the Organization for Security and Cooperation in Europe and its Parliamentary Assembly to initiate oversight of the official Russian investigation into the assassination of Boris Nemtsov;

(5) calls on the Government of the Russian Federation to allow an impartial international investigation of the assassination of Boris Nemtsov and to cooperate with the Parliamentary Assembly of the Organization for Security and Cooperation in Europe and the Parliamentary Assembly of the Council of Europe in their ongoing inquiries over this case;

(6) calls on the Secretary of State and the Secretary of the Treasury to use their authority under the Sergei Magnitsky Rule of Law Accountability Act (title IV of Public Law 112-208) and the Global Magnitsky Human Rights Accountability Act (subtitle F of title XII of Public Law 114-328) to designate individuals whom they determine to have been involved in the assassination of Boris Nemtsov as perpetrators, organizers, or masterminds, on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury, freezing their assets and making them ineligible to receive United States visas; and