

Suspend the Rules and Pass the Bill, H.R. 2610, with Amendments

(The amendments strike all after the enacting clause and insert a new text and a new title)

116TH CONGRESS
1ST SESSION

H. R. 2610

To establish a Senior Scams Prevention Advisory Council to collect and disseminate model educational materials useful in identifying and preventing scams that affect seniors.

IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2019

Ms. BLUNT ROCHESTER (for herself and Mr. WALBERG) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To establish a Senior Scams Prevention Advisory Council to collect and disseminate model educational materials useful in identifying and preventing scams that affect seniors.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Fraud and Scam Reduction Act”.

1 (b) TABLE OF CONTENTS.—The table of contents for
2 this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Commission defined.

TITLE I—PREVENTING CONSUMER SCAMS DIRECTED AT SENIORS

Sec. 101. Short title.
Sec. 102. Senior Scams Prevention Advisory Group.

TITLE II—SENIOR FRAUD ADVISORY OFFICE

Sec. 201. Short title.
Sec. 202. Senior Fraud Advisory Office.

TITLE III—PREVENTING THE TARGETING OF SENIORS DURING
EMERGENCIES

Sec. 301. Short title.
Sec. 302. FTC report on scams targeting seniors during emergencies.
Sec. 303. Increasing awareness of scams targeting seniors.

TITLE IV—PREVENTING SCAMS TARGETING INDIAN TRIBES

Sec. 401. Short title.
Sec. 402. FTC report on unfair or deceptive acts or practices targeting Indian
Tribes.

TITLE V—ENHANCING CONSUMER PROTECTION ENFORCEMENT

Sec. 501. Short title.
Sec. 502. Unfair and deceptive practices cooperation study.

TITLE VI—DETERMINATION OF BUDGETARY EFFECTS

Sec. 601. Determination of budgetary effects.

3 **SEC. 2. COMMISSION DEFINED.**

4 In this Act, the term “Commission” means the Fed-
5 eral Trade Commission.

6 **TITLE I—PREVENTING CON-**
7 **SUMER SCAMS DIRECTED AT**
8 **SENIORS**

9 **SEC. 101. SHORT TITLE.**

10 This title may be cited as the “Stop Senior Scams
11 Act”.

1 **SEC. 102. SENIOR SCAMS PREVENTION ADVISORY GROUP.**

2 (a) ESTABLISHMENT OF SENIOR SCAMS PREVEN-
3 TION ADVISORY GROUP.—There is established a Senior
4 Scams Prevention Advisory Group (referred to in this sec-
5 tion as the “Advisory Group”).

6 (b) MEMBERS.—The Advisory Group shall be com-
7 posed of stakeholders such as the following individuals or
8 the designees of such individuals:

9 (1) The Chairman of the Federal Trade Com-
10 mission.

11 (2) The Secretary of the Treasury.

12 (3) The Attorney General.

13 (4) The Director of the Bureau of Consumer
14 Financial Protection.

15 (5) Representatives from each of the following
16 sectors, including trade associations, to be selected
17 by Federal Trade Commission:

18 (A) Retail.

19 (B) Gift cards.

20 (C) Telecommunications.

21 (D) Wire-transfer services.

22 (E) Senior peer advocates.

23 (F) Consumer advocacy organizations with
24 efforts focused on preventing seniors from be-
25 coming the victims of scams.

1 (G) Financial services, including institu-
2 tions that engage in digital currency.

3 (H) Prepaid cards.

4 (6) A member of the Board of Governors of the
5 Federal Reserve System.

6 (7) A prudential regulator, as defined in section
7 1002 of the Consumer Financial Protection Act of
8 2010 (12 U.S.C. 5481).

9 (8) The Director of the Financial Crimes En-
10 forcement Network.

11 (9) Any other Federal, State, or local agency,
12 industry representative, consumer advocate, or enti-
13 ty, as determined by the Federal Trade Commission.

14 (c) NO COMPENSATION FOR MEMBERS.—A member
15 of the Advisory Group shall serve without compensation
16 in addition to any compensation received for the service
17 of the member as an officer or employee of the United
18 States, if applicable.

19 (d) DUTIES.—

20 (1) IN GENERAL.—The Advisory Group shall—

21 (A) collect information on the existence,
22 use, and success of educational materials and
23 programs for retailers, financial services, and
24 wire-transfer companies, which—

1 (i) may be used as a guide to educate
2 employees on how to identify and prevent
3 scams that affect seniors; and

4 (ii) include—

5 (I) useful information for retail-
6 ers, financial services, and wire trans-
7 fer companies for the purpose de-
8 scribed in clause (i);

9 (II) training for employees on
10 ways to identify and prevent senior
11 scams;

12 (III) best practices for keeping
13 employees up to date on current
14 scams;

15 (IV) the most effective signage
16 and placement in retail locations to
17 warn seniors about scammers' use of
18 gift cards, prepaid cards, and wire
19 transfer services;

20 (V) suggestions on effective col-
21 laborative community education cam-
22 paigns;

23 (VI) available technology to as-
24 sist in identifying possible scams at
25 the point of sale; and

1 (VII) other information that
2 would be helpful to retailers, wire
3 transfer companies, financial institu-
4 tions, and their employees as they
5 work to prevent fraud affecting sen-
6 iors; and

7 (B) based on the findings in subparagraph

8 (A)—

9 (i) identify inadequacies, omissions, or
10 deficiencies in those educational materials
11 and programs for the categories listed in
12 subparagraph (A) and their execution in
13 reaching employees to protect older adults;
14 and

15 (ii) create model materials, best prac-
16 tices guidance, or recommendations to fill
17 those inadequacies, omissions, or defi-
18 ciencies that may be used by industry and
19 others to help protect older adults from
20 scams.

21 (2) ENCOURAGED USE.—The Federal Trade
22 Commission shall—

23 (A) make the materials or guidance cre-
24 ated by the Federal Trade Commission de-
25 scribed in paragraph (1) publicly available; and

1 (B) encourage the use and distribution of
2 the materials created under this subsection to
3 prevent scams affecting seniors by govern-
4 mental agencies and the private sector.

5 (e) REPORTS.—Section 101(e)(2) of the Elder Abuse
6 Prevention and Prosecution Act (34 U.S.C. 21711(e)(2))
7 is amended—

8 (1) in subparagraph (C), by striking “and” at
9 the end;

10 (2) in subparagraph (D), by striking the period
11 at the end and inserting “; and”; and

12 (3) by adding at the end the following:

13 “(E) for the Federal Trade Commission, in
14 relevant years, information on—

15 “(i) the newly created materials, guid-
16 ance, or recommendations of the Senior
17 Scams Prevention Advisory Group estab-
18 lished under section 2 of the Stop Senior
19 Scams Act, and any relevant views or con-
20 siderations made by members of the Advi-
21 sory Group that were not included in the
22 Advisory Group’s model materials or con-
23 sidered an official recommendation by the
24 Advisory Group;

1 “(ii) the Senior Scams Prevention Ad-
2 visory Group’s findings about senior scams
3 and industry educational materials and
4 programs; and

5 “(iii) any recommendations on ways
6 stakeholders can continue to work together
7 to reduce scams affecting seniors.”.

8 (f) **TERMINATION.**—This title, and the amendments
9 made by this title, cease to be effective on the date that
10 is 5 years after the date of enactment of this Act.

11 **TITLE II—SENIOR FRAUD**
12 **ADVISORY OFFICE**

13 **SEC. 201. SHORT TITLE.**

14 This title may be cited as the “Seniors Fraud Preven-
15 tion Act of 2020”.

16 **SEC. 202. SENIOR FRAUD ADVISORY OFFICE.**

17 (a) **ESTABLISHMENT OF ADVISORY OFFICE.**—The
18 Federal Trade Commission shall establish an office within
19 the Bureau of Consumer Protection for the purpose of ad-
20 vising the Commission on the prevention of fraud tar-
21 geting seniors and to assist the Commission with the fol-
22 lowing:

23 (1) **OVERSIGHT.**—The advisory office shall
24 monitor the market for mail, television, internet,
25 telemarketing, and recorded message telephone call

1 (hereinafter referred to as “robocall”) fraud tar-
2 geting seniors and shall coordinate with other rel-
3 evant agencies regarding the requirements of this
4 section.

5 (2) CONSUMER EDUCATION.—The Commission
6 through the advisory office shall, in consultation
7 with the Attorney General, the Secretary of Health
8 and Human Services, the Postmaster General, the
9 Chief Postal Inspector for the United States Postal
10 Inspection Service, and other relevant agencies—

11 (A) disseminate to seniors and families and
12 caregivers of seniors general information on
13 mail, television, internet, telemarketing, and
14 robocall fraud targeting seniors, including de-
15 scriptions of the most common fraud schemes;

16 (B) disseminate to seniors and families
17 and caregivers of seniors information on report-
18 ing complaints of fraud targeting seniors either
19 to the national toll-free telephone number estab-
20 lished by the Commission for reporting such
21 complaints, or to the Consumer Sentinel Net-
22 work, operated by the Commission, where such
23 complaints will become immediately available to
24 appropriate law enforcement agencies, including

1 the Federal Bureau of Investigation and the at-
2 torneys general of the States;

3 (C) in response to a specific request about
4 a particular entity or individual, provide pub-
5 lically available information of enforcement ac-
6 tion taken by the Commission for mail, tele-
7 vision, internet, telemarketing, and robocall
8 fraud against such entity; and

9 (D) maintain a website to serve as a re-
10 source for information for seniors and families
11 and caregivers of seniors regarding mail, tele-
12 vision, internet, telemarketing, robocall, and
13 other identified fraud targeting seniors.

14 (3) COMPLAINTS.—The Commission through
15 the advisory office shall, in consultation with the At-
16 torney General, establish procedures to—

17 (A) log and acknowledge the receipt of
18 complaints by individuals who believe they have
19 been a victim of mail, television, internet, tele-
20 marketing, and robocall fraud in the Consumer
21 Sentinel Network, and shall make those com-
22 plaints immediately available to Federal, State,
23 and local law enforcement authorities; and

24 (B) provide to individuals described in sub-
25 paragraph (A), and to any other persons, spe-

1 cific and general information on mail, television,
2 internet, telemarketing, and robocall fraud, in-
3 cluding descriptions of the most common
4 schemes using such methods of communication.

5 (b) COMMENCEMENT.—The Commission shall com-
6 mence carrying out the requirements of this section not
7 later than one year after the date of enactment of this
8 Act.

9 **TITLE III—PREVENTING THE**
10 **TARGETING OF SENIORS DUR-**
11 **ING EMERGENCIES**

12 **SEC. 301. SHORT TITLE.**

13 This title may be cited as the “Protecting Seniors
14 from Emergency Scams Act”.

15 **SEC. 302. FTC REPORT ON SCAMS TARGETING SENIORS**
16 **DURING EMERGENCIES.**

17 Not later than 30 days after the date of enactment
18 of this Act, the Federal Trade Commission (referred to
19 in this Act as the “Commission”) shall submit a report
20 to Congress including—

21 (1) a description of the number and types of
22 scams identified by the Commission as being tar-
23 geted at senior citizens; and

1 (2) policy recommendations to prevent such
2 scams, especially as such scams relate to future na-
3 tional emergencies.

4 **SEC. 303. INCREASING AWARENESS OF SCAMS TARGETING**
5 **SENIORS.**

6 (a) IN GENERAL.—As soon as practicable after the
7 date of enactment of this Act, the Commission shall up-
8 date its web portal to include the latest information,
9 searchable by region and type of scam, on scams targeting
10 seniors, including contacts for relevant law enforcement
11 and adult protective service agencies.

12 (b) COORDINATION WITH MEDIA OUTLETS AND LAW
13 ENFORCEMENT.—The Commission shall work with media
14 outlets and law enforcement to distribute the information
15 included in the web portal of the Commission pursuant
16 to subsection (a) to senior citizens and their families and
17 caregivers.

18 **TITLE IV—PREVENTING SCAMS**
19 **TARGETING INDIAN TRIBES**

20 **SEC. 401. SHORT TITLE.**

21 This title may be cited as the “Protecting Indian
22 Tribes from Scams Act”.

1 **SEC. 402. FTC REPORT ON UNFAIR OR DECEPTIVE ACTS OR**
2 **PRACTICES TARGETING INDIAN TRIBES.**

3 (a) FTC REPORT.—Not later than 1 year after the
4 date of the enactment of this Act, and after consultation
5 with Indian Tribes, the Commission shall make publicly
6 available on the website of the Commission and submit
7 to the Committee on Energy and Commerce of the House
8 of Representatives and the Committee on Commerce,
9 Science, and Transportation of the Senate a report on un-
10 fair or deceptive acts or practices targeted at Indian
11 Tribes or members of Indian Tribes, including—

12 (1) a description of the types of unfair or de-
13 ceptive acts or practices identified by the Commis-
14 sion as being targeted at Indian Tribes or members
15 of Indian Tribes;

16 (2) a description of the consumer education ac-
17 tivities of the Commission with respect to such acts
18 or practices;

19 (3) a description of the efforts of the Commis-
20 sion to collaborate with Indian Tribes to prevent
21 such acts or practices or to pursue persons using
22 such acts or practices;

23 (4) a summary of the enforcement actions
24 taken by the Commission related to such acts or
25 practices; and

1 (5) any recommendations for legislation to pre-
2 vent such acts or practices.

3 (b) INCREASING AWARENESS OF UNFAIR OR DECEP-
4 TIVE ACTS OR PRACTICES TARGETING INDIAN TRIBES.—
5 Not later than 6 months after the date of the submission
6 of the report required by subsection (a), the Commission
7 shall update the website of the Commission to include in-
8 formation for consumers and businesses on identifying
9 and avoiding unfair or deceptive acts or practices targeted
10 at Indian Tribes or members of Indian Tribes.

11 **TITLE V—ENHANCING CON-**
12 **SUMER PROTECTION EN-**
13 **FORCEMENT**

14 **SEC. 501. SHORT TITLE.**

15 This title may be cited as the “FTC Collaboration
16 Act of 2020”.

17 **SEC. 502. UNFAIR AND DECEPTIVE PRACTICES COOPERA-**
18 **TION STUDY.**

19 (a) IN GENERAL.—

20 (1) STUDY REQUIRED.—Not later than 1 year
21 after the date of the enactment of this Act, the Fed-
22 eral Trade Commission shall conduct a study on fa-
23 cilitating and refining existing efforts with State At-
24 torneys General to prevent, publicize, and penalize

1 frauds and scams being perpetrated on individuals in
2 the United States.

3 (2) REQUIREMENTS OF STUDY.—In conducting
4 the study, the Commission shall examine the fol-
5 lowing:

6 (A) The roles and responsibilities of the
7 Commission and State Attorneys General that
8 best advance collaboration and consumer pro-
9 tection.

10 (B) The policies, procedures, and mecha-
11 nisms that facilitate cooperation and commu-
12 nications across the Commission.

13 (C) How resources should be dedicated to
14 best advance such collaboration and consumer
15 protection.

16 (D) The accountability mechanisms that
17 should be implemented to promote collaboration
18 and consumer protection.

19 (3) CONSULTATION AND PUBLIC COMMENT.—In
20 producing the study required in paragraph (1), the
21 Commission shall—

22 (A) consult with—

23 (i) the National Association of State
24 Attorneys General;

1 (ii) public interest organizations dedi-
2 cated to consumer protection;

3 (iii) relevant private sector entities;
4 and

5 (iv) any other Federal or State agency
6 that the Federal Trade Commission con-
7 siders necessary; and

8 (B) provide opportunity for public com-
9 ment and advice relevant to the production of
10 the study.

11 (b) REPORT TO CONGRESS.—Not later than 6
12 months after the completion of the study required pursu-
13 ant to subsection (a), the Commission shall submit to the
14 Committee on Energy and Commerce of the House of
15 Representatives and the Committee on Commerce,
16 Science, and Transportation of the Senate, and make pub-
17 licly available on the website of the Commission, a report
18 that contains the following:

19 (1) The results of the study.

20 (2) Recommended best practices to enhance col-
21 laboration efforts between the Commission and State
22 Attorneys General with respect to preventing, publi-
23 cizing, and penalizing fraud and scams.

24 (3) Quantifiable metrics by which enhanced col-
25 laboration can be measured.

1 (4) Legislative recommendations, if any, to en-
2 hance collaboration efforts between the Commission
3 and State Attorneys General to prevent, publicize,
4 and penalize fraud and scams.

5 **TITLE VI—DETERMINATION OF**
6 **BUDGETARY EFFECTS**

7 **SEC. 601. DETERMINATION OF BUDGETARY EFFECTS.**

8 The budgetary effects of this Act, for the purpose of
9 complying with the Statutory Pay-As-You-Go Act of 2010,
10 shall be determined by reference to the latest statement
11 titled “Budgetary Effects of PAYGO Legislation” for this
12 Act, submitted for printing in the Congressional Record
13 by the Chairman of the House Budget Committee, pro-
14 vided that such statement has been submitted prior to the
15 vote on passage.

 Amend the title so as to read: “A bill to establish
 an office within the Federal Trade Commission and an
 outside advisory group to prevent fraud targeting seniors
 and to direct the Commission to study and submit a re-
 port to Congress on scams targeting seniors and Indian
 tribes, and for other purposes.”.