

105TH CONGRESS
2D SESSION

H. R. 3624

To amend the Violence Against Women Act of 1994, the Family Violence Prevention and Services Act, the Older Americans Act of 1965, the Public Health Service Act, and the Right to Financial Privacy Act of 1978 to ensure that older women are protected from institutional, community, and domestic violence and sexual assault and to improve outreach efforts and other services available to older women victimized by such violence, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 1998

Mrs. MALONEY of New York (for herself and Mr. CASTLE) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on the Judiciary, Commerce, and Banking and Financial Services, 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

A BILL

To amend the Violence Against Women Act of 1994, the Family Violence Prevention and Services Act, the Older Americans Act of 1965, the Public Health Service Act, and the Right to Financial Privacy Act of 1978 to ensure that older women are protected from institutional, community, and domestic violence and sexual assault and to improve outreach efforts and other services available to older women victimized by such violence, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Older Women’s Protection From Violence Act of 1998”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

TITLE I—VIOLENCE AGAINST WOMEN ACT OF 1994

Sec. 101. Elder abuse, neglect, and exploitation.

TITLE II—FAMILY VIOLENCE PREVENTION AND SERVICES ACT

Sec. 201. Definitions.

Sec. 202. Domestic abuse services for older individuals.

Sec. 203. State grants.

Sec. 204. Demonstration grants for community initiatives.

TITLE III—OLDER AMERICANS ACT OF 1965

Sec. 301. Definitions.

Sec. 302. Research about the sexual abuse of women who are older individuals.

Sec. 303. State Long-Term Care Ombudsman program.

Sec. 304. Domestic violence shelters and programs for older individuals.

Sec. 305. Authorization of appropriations.

Sec. 306. Community initiatives and outreach.

Sec. 307. Training for health professionals on screening for elder abuse, ne-
 glect, and exploitation.

TITLE IV—PUBLIC HEALTH SERVICE ACT

Sec. 401. Short title.

Sec. 402. Establishment, for certain health professions programs, of provisions
 regarding identification and referral for elder abuse and ne-
 glect.

TITLE V—RIGHT TO FINANCIAL PRIVACY ACT OR 1978

Sec. 501. Financial disclosures by financial institutions of suspected cases of fi-
 nancial exploitation of older individuals.

8 **SEC. 2. FINDINGS.**

9 Congress finds that—

1 (1) of the more than 1,000,000 persons age 65
2 and over who are victims of abuse each year, at least
3 two-thirds are women;

4 (2) the number of reports of elder abuse in the
5 United States increased by 150 percent between
6 1986 and 1996 and is expected to continue growing;

7 (3) it is estimated that at least 5 percent of the
8 Nation's elderly are victims of moderate to severe
9 abuse and that the rate for all forms of abuse may
10 be as high as 10 percent;

11 (4) elder abuse is severely underreported, with
12 1 in 5 cases being reported in 1980 and 1 in 8 cases
13 being reported today;

14 (5) elder abuse takes on many forms, including
15 physical abuse, sexual abuse, psychological (emo-
16 tional) abuse, neglect (intended or unintended), and
17 financial exploitation;

18 (6) many older persons, particularly women and
19 minorities, fail to report abuse because of shame or
20 as a result of prior unsatisfactory experiences with
21 individuals, agencies or others who lacked sensitivity
22 to the concerns or needs of older people;

23 (7) many older persons fail to report abuse be-
24 cause they are dependent on their abusers and fear
25 being abandoned or institutionalized;

1 (8) public and professional awareness and iden-
2 tification of elder abuse is difficult because older
3 persons are not tied into many social networks (such
4 as schools or jobs), and may become isolated in their
5 homes, which can increase the risk of elder abuse;

6 (9) the Department of Justice does not include
7 age as a category for criminal statistics reporting;

8 (10) there are relatively few statistics and re-
9 search studies regarding violence against older
10 women; and

11 (11) older persons would greatly benefit from
12 policies that develop, strengthen, and implement pro-
13 grams for the prevention of abuse, including neglect
14 and exploitation, and provide related assistance for
15 victims.

16 **TITLE I—VIOLENCE AGAINST**
17 **WOMEN ACT OF 1994**

18 **SEC. 101. ELDER ABUSE, NEGLECT, AND EXPLOITATION.**

19 The Violence Against Women Act of 1994 (108 Stat.
20 1902) is amended by adding at the end the following:

1 **“Subtitle H—Elder Abuse, Neglect,**
2 **and Exploitation, Including Do-**
3 **mestic Violence and Sexual As-**
4 **sault Against Older Individuals**

5 **“SEC. 40801. DEFINITIONS.**

6 “In this subtitle:

7 “(1) IN GENERAL.—The terms ‘elder abuse, ne-
8 glect, and exploitation’, ‘domestic violence’, and
9 ‘older individual’ have the meanings given the terms
10 in section 102 of the Older Americans Act of 1965
11 (42 U.S.C. 3002).

12 “(2) SEXUAL ASSAULT.—The term ‘sexual as-
13 sault’ has the meaning given the term in section
14 2003 of the Omnibus Crime Control and Safe
15 Streets Act of 1968 (42 U.S.C. 3796gg–2).

16 **“SEC. 40802. LAW SCHOOL CLINICAL PROGRAMS ON ELDER**
17 **ABUSE, NEGLECT, AND EXPLOITATION.**

18 “The Attorney General shall make grants to law
19 school clinical programs for the purposes of funding the
20 inclusion of cases addressing issues of elder abuse, neglect,
21 and exploitation, including domestic violence, and sexual
22 assault, against older individuals.

1 **“SEC. 40803. TRAINING PROGRAMS FOR LAW ENFORCE-**
2 **MENT OFFICERS.**

3 “The Attorney General shall develop curricula and
4 offer, or provide for the offering of, training programs to
5 assist law enforcement officers, prosecutors, and relevant
6 officers of Federal, State, and local courts in recognizing,
7 addressing, investigating, and prosecuting instances of
8 elder abuse, neglect, and exploitation, including domestic
9 violence, and sexual assault, against older individuals.

10 **“SEC. 40804. AUTHORIZATION OF APPROPRIATIONS.**

11 “There are authorized to be appropriated such sums
12 as may be necessary to carry out this subtitle.”.

13 **TITLE II—FAMILY VIOLENCE**
14 **PREVENTION AND SERVICES**
15 **ACT**

16 **SEC. 201. DEFINITIONS.**

17 Section 309 of the Family Violence Prevention and
18 Services Act (42 U.S.C. 10408) is amended by adding at
19 the end the following:

20 “(7) The term ‘elder domestic abuse’ means do-
21 mestic violence, as defined in section 102 of the
22 Older Americans Act of 1965 (42 U.S.C. 3002),
23 against an older individual, as defined in such sec-
24 tion.”.

1 **SEC. 202. DOMESTIC ABUSE SERVICES FOR OLDER INDIVID-**
2 **UALS.**

3 Section 311(a) of the Family Violence Prevention and
4 Services Act (42 U.S.C. 10410(a)) is amended—

5 (1) in paragraph (4), by striking “and” at the
6 end;

7 (2) in paragraph (5), by striking the period at
8 the end and inserting “; and”; and

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

10 “(6) work with domestic violence programs to
11 encourage the development of programs, including
12 outreach, support groups, and counseling, targeted
13 to victims of elder domestic abuse.”.

14 **SEC. 203. STATE GRANTS.**

15 Section 303(a)(2)(C) of the Family Violence Preven-
16 tion and Services Act (42 U.S.C. 10402(a)(2)(C)) is
17 amended by inserting “age,” after “because of”.

18 **SEC. 204. DEMONSTRATION GRANTS FOR COMMUNITY INI-**
19 **TIATIVES.**

20 Section 318(b)(2)(F) of the Family Violence Preven-
21 tion and Services Act (42 U.S.C. 10418(b)(2)(F)) is
22 amended by inserting “and adult protective services enti-
23 ties” before the semicolon.

1 **TITLE III—OLDER AMERICANS**
2 **ACT OF 1965**

3 **SEC. 301. DEFINITIONS.**

4 Section 102 of the Older Americans Act of 1965 (42
5 U.S.C. 3002) is amended by adding at the end the follow-
6 ing:

7 “(45) The term ‘domestic violence’ means an
8 act or threat of violence, not including an act of self
9 defense, committed—

10 “(A) by a current or former spouse of the
11 victim;

12 “(B) by a person related by blood or mar-
13 riage to the victim;

14 “(C) by a person who is cohabiting with or
15 has cohabited with the victim;

16 “(D) by a person with whom the victim
17 shares a child in common;

18 “(E) by a person who is or has been in the
19 social relationship of a romantic or intimate na-
20 ture with the victim; or

21 “(F) by a person similarly situated to a
22 spouse of the victim, or by any other person, if
23 the domestic or family violence laws of the ju-
24 risdiction of the victim provide for legal protec-
25 tion of the victim from the person.

1 “(46) The term ‘sexual assault’ has the mean-
2 ing given the term in section 2003 of the Omnibus
3 Crime Control and Safe Streets Act of 1968 (42
4 U.S.C. 3796gg-2).”.

5 **SEC. 302. RESEARCH ABOUT THE SEXUAL ASSAULT OF**
6 **WOMEN WHO ARE OLDER INDIVIDUALS.**

7 Section 202(d)(3)(C) of the Older Americans Act of
8 1965 (42 U.S.C. 3012(d)(3)(C)) is amended—

9 (1) by striking “and” at the end of clause (i);

10 (2) by striking the period at the end of clause

11 (ii) and inserting “; and”; and

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

13 “(iii) in establishing research priorities under
14 clause (i), consider the importance of research about
15 the sexual assault of women who are older individ-
16 uals.”.

17 **SEC. 303. STATE LONG-TERM CARE OMBUDSMAN PROGRAM.**

18 Section 303(a)(1) of the Older Americans Act of
19 1965 (42 U.S.C. 3023(a)(1)) is amended by inserting be-
20 fore the period the following: “, except that for grants to
21 carry out section 321(a)(10), there are authorized to be
22 appropriated such sums as may be necessary without fiscal
23 year limitation”.

1 **SEC. 304. DOMESTIC VIOLENCE SHELTERS AND PROGRAMS**
2 **FOR OLDER INDIVIDUALS.**

3 Section 422(b) of the Older Americans Act of 1965
4 (42 U.S.C. 3035a(b)) is amended—

5 (1) by striking “and” at the end of paragraph
6 (11);

7 (2) by striking the period at the end of para-
8 graph (12) and inserting a semicolon; and

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

10 “(13) expand access to domestic violence shel-
11 ters and programs for older individuals and encour-
12 age the use of senior housing, nursing homes, or
13 other suitable facilities or services when appropriate
14 as emergency short-term shelters or measures for
15 older individuals who are the victims of elder abuse,
16 including domestic violence, and sexual assault,
17 against older individuals; and

18 “(14) promote research on legal, organizational,
19 or training impediments to providing services to
20 older individuals through shelters and programs,
21 such as impediments to provision of the services in
22 coordination with delivery of health care or senior
23 services.”.

1 **SEC. 305. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) OMBUDSMAN PROGRAM.—Section 702(a) of the
3 Older Americans Act of 1965 (42 U.S.C. 3058a(a)) is
4 amended to read as follows:

5 “(a) OMBUDSMAN PROGRAM.—There are authorized
6 to be appropriated to carry out chapter 2 such sums as
7 may be necessary without fiscal year limitation.”.

8 (b) ELDER ABUSE PREVENTION PROGRAM.—Section
9 702(b) of the Older Americans Act of 1965 (42 U.S.C.
10 3058a(b)) is amended to read as follows:

11 “(b) PREVENTION OF ELDER ABUSE, NEGLECT, AND
12 EXPLOITATION.—There are authorized to be appropriated
13 to carry out chapter 3 such sums as may be necessary
14 without fiscal year limitation.”.

15 **SEC. 306. COMMUNITY INITIATIVES AND OUTREACH.**

16 Title VII of the Older Americans Act of 1965 (42
17 U.S.C. 3058 et seq.) is amended—

18 (1) by redesignating subtitle C as subtitle D;

19 (2) by redesignating sections 761 through 764
20 as sections 771 through 774, respectively; and

21 (3) by inserting after subtitle B the following:

1 **“Subtitle C—Community Initiatives**
2 **and Outreach**

3 **“SEC. 761. COMMUNITY INITIATIVES TO COMBAT ELDER**
4 **ABUSE, NEGLECT, AND EXPLOITATION.**

5 “The Secretary shall make grants to nonprofit pri-
6 vate organizations to support projects in local commu-
7 nities, involving diverse sectors of each community, to co-
8 ordinate activities concerning intervention in and preven-
9 tion of elder abuse, neglect, and exploitation, including do-
10 mestic violence, and sexual assault, against older individ-
11 uals.

12 **“SEC. 762. OUTREACH TO OLDER INDIVIDUALS.**

13 “The Secretary shall make grants to develop and im-
14 plement outreach programs directed toward assisting older
15 individuals who are victims of elder abuse, neglect, and
16 exploitation (including domestic violence, and sexual as-
17 sault, against older individuals), including programs di-
18 rected toward assisting the individuals in senior housing
19 complexes, nursing homes, board and care facilities, and
20 senior centers.

21 **“SEC. 763. AUTHORIZATION OF APPROPRIATIONS.**

22 “There are authorized to be appropriated to carry out
23 this subtitle such sums as may be necessary without fiscal
24 year limitation.”.

1 **SEC. 307. TRAINING FOR HEALTH PROFESSIONALS ON**
2 **SCREENING FOR ELDER ABUSE, NEGLECT,**
3 **AND EXPLOITATION.**

4 Section 411 of the Older Americans Act of 1965 (42
5 U.S.C. 3031) is amended by adding at the end the follow-
6 ing:

7 “(f)(1) The Secretary shall, in consultation with the
8 Assistant Secretary, develop curricula and implement con-
9 tinuing education training programs for adult protective
10 service workers, persons carrying out a State Long-Term
11 Care Ombudsman program, health care providers (includ-
12 ing home health care providers), social workers, clergy, do-
13 mestic violence service providers, and other community-
14 based social service providers in settings, including senior
15 centers, adult day care facilities, nursing homes, board
16 and care facilities, and senior housing, to improve their
17 ability to recognize and address instances of elder abuse,
18 neglect, and exploitation, including domestic violence, and
19 sexual assault, against older individuals.

20 “(2) In carrying out paragraph (1), the Secretary
21 shall develop and implement separate curricula and train-
22 ing programs for medical students, physicians, physician
23 assistants, nurse practitioners, and nurses.

24 “(3) In carrying out paragraph (1), the Secretary
25 shall provide information about the curricula and training
26 programs to entities described in sections 791(c)(2) and

1 860(f)(2) of the Public Health Service Act (42 U.S.C.
 2 295j(c)(2) and 298b-7(f)(2)) that seek grants or con-
 3 tracts under title VII or VIII of such Act.”.

4 **TITLE IV—PUBLIC HEALTH**
 5 **SERVICE ACT**

6 **SEC. 401. SHORT TITLE.**

7 This title may be cited as the “Elder Abuse Identi-
 8 fication and Referral Act of 1998”.

9 **SEC. 402. ESTABLISHMENT, FOR CERTAIN HEALTH PROFES-**
 10 **SIONS PROGRAMS, OF PROVISIONS REGARD-**
 11 **ING IDENTIFICATION AND REFERRAL FOR**
 12 **ELDER ABUSE AND NEGLECT.**

13 (a) TITLE VII PROGRAMS; PREFERENCES IN FINAN-
 14 CIAL AWARDS.—Section 791 of the Public Health Service
 15 Act (42 U.S.C. 295j) is amended by adding at the end
 16 the following:

17 “(c) PREFERENCES REGARDING TRAINING IN IDEN-
 18 TIFICATION AND REFERRAL OF VICTIMS OF ELDER
 19 ABUSE AND NEGLECT.—

20 “(1) IN GENERAL.—In the case of a health pro-
 21 fessions entity specified in paragraph (2), the Sec-
 22 retary shall, in making awards of grants or contracts
 23 under this title, give preference to any such entity
 24 (if otherwise a qualified applicant for the award in-
 25 volved) that has in effect the requirement that, as a

1 condition of receiving a degree or certificate (as ap-
2 plicable) from the entity, each student has had sig-
3 nificant training (such as training conducted in ac-
4 cordance with curricula or programs authorized
5 under section 411(f) of the Older Americans Act of
6 1965 (42 U.S.C. 3031(f))), in carrying out the fol-
7 lowing functions as a provider of health care:

8 “(A) Identifying victims of elder abuse and
9 neglect, including domestic violence, and sexual
10 assault, against older individuals, and maintain-
11 ing complete medical records that include docu-
12 mentation of the examination, treatment given,
13 and referrals made, and recording the location
14 and nature of the victim’s injuries.

15 “(B) Examining and treating such victims,
16 within the scope of the health professional’s dis-
17 cipline, training, and practice, including, at a
18 minimum, providing medical advice regarding
19 the dynamics and nature of elder abuse and ne-
20 glect, including domestic violence, and sexual
21 assault, against older individuals.

22 “(C) Referring the victims to public and
23 nonprofit private entities that provide services
24 for such victims.

1 “(2) RELEVANT HEALTH PROFESSIONS ENTI-
2 TIES.—For purposes of paragraph (1), a health pro-
3 fessions entity specified in this paragraph is any en-
4 tity that is a school of medicine, a school of osteo-
5 pathic medicine, a graduate program in mental
6 health practice, a school of nursing (as defined in
7 section 298b), a program for the training of physi-
8 cian assistants, or a program for the training of al-
9 lied health professionals.

10 “(3) REPORT TO CONGRESS.—Not later than 2
11 years after the date of the enactment of the Elder
12 Abuse Identification and Referral Act of 1998, the
13 Secretary shall submit to the Committee on Com-
14 merce of the House of Representatives, and the
15 Committee on Labor and Human Resources of the
16 Senate, a report specifying—

17 “(A) the health professions entities that
18 are receiving preference under paragraph (1);

19 “(B) the number of hours of training re-
20 quired by the entities for purposes of such
21 paragraph;

22 “(C) the extent of clinical experience so re-
23 quired; and

24 “(D) the types of courses through which
25 the training is being provided.

1 “(4) DEFINITIONS.—In this subsection:

2 “(A) IN GENERAL.—The terms ‘abuse’,
3 ‘neglect’, ‘domestic violence’, and ‘older individ-
4 ual’ have the meanings given the terms in sec-
5 tion 102 of the Older Americans Act of 1965
6 (42 U.S.C. 3002).

7 “(B) ELDER ABUSE AND NEGLECT.—The
8 term ‘elder abuse and neglect’ means abuse and
9 neglect of an older individual.

10 “(C) SEXUAL ASSAULT.—The term ‘sexual
11 assault’ has the meaning given the term in sec-
12 tion 2003 of the Omnibus Crime Control and
13 Safe Streets Act of 1968 (42 U.S.C. 3796gg–
14 2).”.

15 (b) TITLE VIII PROGRAMS; PREFERENCES IN FI-
16 NANCIAL AWARDS.—Section 860 of the Public Health
17 Service Act (42 U.S.C. 298b–7) is amended by adding at
18 the end the following:

19 “(f) PREFERENCES REGARDING TRAINING IN IDEN-
20 TIFICATION AND REFERRAL OF VICTIMS OF ELDER
21 ABUSE AND NEGLECT.—

22 “(1) IN GENERAL.—In the case of a health pro-
23 fessions entity specified in paragraph (2), the Sec-
24 retary shall, in making awards of grants or contracts
25 under this title, give preference to any such entity

1 (if otherwise a qualified applicant for the award in-
2 volved) that has in effect the requirement that, as a
3 condition of receiving a degree or certificate (as ap-
4 plicable) from the entity, each student has had sig-
5 nificant training (such as training conducted in ac-
6 cordance with curricula or programs authorized
7 under section 411(f) of the Older Americans Act of
8 1965 (42 U.S.C. 3031(f))), in carrying out the fol-
9 lowing functions as a provider of health care:

10 “(A) Identifying victims of elder abuse and
11 neglect, including domestic violence, and sexual
12 assault, against older individuals, and maintain-
13 ing complete medical records that include docu-
14 mentation of the examination, treatment given,
15 and referrals made, and recording the location
16 and nature of the victim’s injuries.

17 “(B) Examining and treating such victims,
18 within the scope of the health professional’s dis-
19 cipline, training, and practice, including, at a
20 minimum, providing medical advice regarding
21 the dynamics and nature of elder abuse and ne-
22 glect, including domestic violence, and sexual
23 assault, against older individuals.

1 “(C) Referring the victims to public and
2 nonprofit private entities that provide services
3 for such victims.

4 “(2) RELEVANT HEALTH PROFESSIONS ENTI-
5 TIES.—For purposes of paragraph (1), a health pro-
6 fessions entity specified in this paragraph is any en-
7 tity that is a school of nursing or other public or
8 nonprofit private entity that is eligible to receive an
9 award described in such paragraph.

10 “(3) REPORT TO CONGRESS.—Not later than 2
11 years after the date of the enactment of the Elder
12 Abuse Identification and Referral Act of 1998, the
13 Secretary shall submit to the Committee on Com-
14 merce of the House of Representatives, and the
15 Committee on Labor and Human Resources of the
16 Senate, a report specifying—

17 “(A) the health professions entities that
18 are receiving preference under paragraph (1);

19 “(B) the number of hours of training re-
20 quired by the entities for purposes of such
21 paragraph;

22 “(C) the extent of clinical experience so re-
23 quired; and

24 “(D) the types of courses through which
25 the training is being provided.

1 “(4) DEFINITIONS.—In this subsection:

2 “(A) IN GENERAL.—The terms ‘abuse’,
3 ‘neglect’, ‘domestic violence’, and ‘older individ-
4 ual’ have the meanings given the terms in sec-
5 tion 102 of the Older Americans Act of 1965
6 (42 U.S.C. 3002).

7 “(B) ELDER ABUSE AND NEGLECT.—The
8 term ‘elder abuse and neglect’ means abuse and
9 neglect of an older individual.

10 “(C) SEXUAL ASSAULT.—The term ‘sexual
11 assault’ has the meaning given the term in sec-
12 tion 2003 of the Omnibus Crime Control and
13 Safe Streets Act of 1968 (42 U.S.C. 3796gg–
14 2).”.

15 **TITLE V—RIGHT TO FINANCIAL**
16 **PRIVACY ACT OF 1978**

17 **SEC. 501. FINANCIAL DISCLOSURES BY FINANCIAL INSTITU-**
18 **TIONS OF SUSPECTED CASES OF FINANCIAL**
19 **EXPLOITATION OF OLDER INDIVIDUALS.**

20 Section 1103(d) of the Right to Financial Privacy
21 Act of 1978 (12 U.S.C. 3403(d)) is amended by inserting
22 after paragraph (2) the following:

23 “(d)(3) Nothing in this title shall preclude a financial
24 institution, or officer, employee, or agent thereof, from re-
25 porting suspected financial exploitation of an older individ-

1 ual to State, Federal, or local law enforcement entities,
2 or government-regulated adult protective services entities.
3 Such report may include only the name or other identify-
4 ing information concerning an older individual, the ac-
5 count involved, and the nature of any suspected financial
6 exploitation, including pertinent documentation. Any fi-
7 nancial institution, or officer, employee, or agent thereof,
8 making a disclosure of information and documentation
9 pursuant to this paragraph shall not be liable to the cus-
10 tomer under any law or regulation of the United States
11 or any constitution, law, or regulation of any State or po-
12 litical subdivision thereof, for such disclosure. For pur-
13 poses of this paragraph, the term “older individual”
14 means an individual who is 65 years of age or older, and
15 the term “exploitation” means any fraud, abuse, or other
16 conduct that constitutes a violation of any Federal or
17 State law, including any legally enforceable professional
18 standard applicable with regard to any profession or occu-
19 pation, and the unauthorized use of an older individual’s
20 funds, property, or resources for another person’s profit
21 or advantage.”.

○