AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

116TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPORT
116–590

FRAUD AND SCAM REDUCTION ACT

NOVEMBER 16, 2020.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. PALLONE, from the Committee on Energy and Commerce, submitted the following

R E P O R T

[To accompany H.R. 2610]

The Committee on Energy and Commerce, to whom was referred the bill (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, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

CONTENTS

		Page
I.	Purpose and Summary	6
II.	Background and Need for the Legislation	6
III.	Committee Hearings	7
IV.	Committee Consideration	9
V.	Committee Votes	9
VI.	Oversight Findings	9
VII.	New Budget Authority, Entitlement Authority, and Tax Expenditures	9
VIII.	Federal Mandates Statement	10
IX.	Statement of General Performance Goals and Objectives	10
X.	Duplication of Federal Programs	10
XI.	Committee Cost Estimate	10
XII.	Earmarks, Limited Tax Benefits, and Limited Tariff Benefits	10
XIII.	Advisory Committee Statement	10
XIV.	Applicability to Legislative Branch	10
XV.	Section-by-Section Analysis of the Legislation	10
XVI.	Changes in Existing Law Made by the Bill, as Reported	13

The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Fraud and Scam Reduction Act".

(b) TABLE OF CONTENTS.—The table of contents for 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.

SEC. 2. COMMISSION DEFINED.

In this Act, the term "Commission" means the Federal Trade Commission.

TITLE I—PREVENTING CONSUMER SCAMS DIRECTED AT SENIORS

SEC. 101. SHORT TITLE.

This title may be cited as the "Stop Senior Scams Act".

SEC. 102. SENIOR SCAMS PREVENTION ADVISORY GROUP.

(a) ESTABLISHMENT OF SENIOR SCAMS PREVENTION ADVISORY GROUP.—There is established a Senior Scams Prevention Advisory Group (referred to in this section as the "Advisory Group").

(b) MEMBERS.—The Advisory Group shall be composed of stakeholders such as the following individuals or the designees of such individuals:

(1) The Chairman of the Federal Trade Commission.
(2) The Secretary of the Treasury.
(3) The Attorney General.
(4) The Director of the Bureau of Consumer Financial Protection.
(5) Representatives from each of the following sectors, including trade associations, to be selected by Federal Trade Commission:
  (A) Retail.
  (B) Gift cards.
  (C) Telecommunications.
  (D) Wire-transfer services.
  (E) Senior peer advocates.
  (F) Consumer advocacy organizations with efforts focused on preventing seniors from becoming the victims of scams.
  (G) Financial services, including institutions that engage in digital currency.
  (H) Prepaid cards.
(6) A member of the Board of Governors of the Federal Reserve System.
(7) A prudential regulator, as defined in section 1002 of the Consumer Financial Protection Act of 2010 (12 U.S.C. 5481).
(8) The Director of the Financial Crimes Enforcement Network.
(9) Any other Federal, State, or local agency, industry representative, consumer advocate, or entity, as determined by the Federal Trade Commission.

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

(d) DUTIES.—

(1) IN GENERAL.—The Advisory Group shall—
  (A) collect information on the existence, use, and success of educational materials and programs for retailers, financial services, and wire-transfer companies, which—
    (i) may be used as a guide to educate employees on how to identify and prevent scams that affect seniors; and
    (ii) include—
      (I) useful information for retailers, financial services, and wire transfer companies for the purpose described in clause (i);

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

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

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

(V) suggestions on effective collaborative community education campaigns;

(VI) available technology to assist in identifying possible scams at the point of sale; and

(VII) other information that would be helpful to retailers, wire transfer companies, financial institutions, and their employees as they work to prevent fraud affecting seniors; and

(B) based on the findings in subparagraph (A)—

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

(ii) create model materials, best practices guidance, or recommendations to fill those inadequacies, omissions, or deficiencies that may be used by industry and others to help protect older adults from scams.

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

(A) make the materials or guidance created by the Federal Trade Commission described in paragraph (1) publicly available; and

(B) encourage the use and distribution of the materials created under this subsection to prevent scams affecting seniors by governmental agencies and the private sector.

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

(1) in subparagraph (C), by striking "and" at the end;

(2) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(E) for the Federal Trade Commission, in relevant years, information on—

"(i) the newly created materials, guidance, or recommendations of the Senior Scams Prevention Advisory Group established under section 2 of the Stop Senior Scams Act, and any relevant views or considerations made by members of the Advisory Group that were not included in the Advisory Group's model materials or considered an official recommendation by the Advisory Group;

"(ii) the Senior Scams Prevention Advisory Group's findings about senior scams and industry educational materials and programs; and

"(iii) any recommendations on ways stakeholders can continue to work together to reduce scams affecting seniors.".

(f) TERMINATION.—This Act, and the amendments made by this Act, ceases to be effective on the date that is 5 years after the date of enactment of this Act.

TITLE II—SENIOR FRAUD ADVISORY OFFICE

SEC. 201. SHORT TITLE.

This title may be cited as the "Seniors Fraud Prevention Act of 2020".

SEC. 202. SENIOR FRAUD ADVISORY OFFICE.

(a) ESTABLISHMENT OF ADVISORY OFFICE.—The Federal Trade Commission shall establish an office within the Bureau of Consumer Protection for the purpose of advising the Commission on the prevention of fraud targeting seniors and to assist the Commission with the following:

(1) OVERSIGHT.—The advisory office shall monitor the market for mail, television, internet, telemarketing, and recorded message telephone call (hereinafter referred to as "robocall") fraud targeting seniors and shall coordinate with other relevant agencies regarding the requirements of this section.

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

(A) disseminate to seniors and families and caregivers of seniors general information on mail, television, internet, telemarketing, and robocall fraud targeting seniors, including descriptions of the most common fraud schemes;

(B) disseminate to seniors and families and caregivers of seniors information on reporting complaints of fraud targeting seniors either to the national toll-free telephone number established by the Commission for reporting such complaints, or to the Consumer Sentinel Network, operated by the Commission, where such complaints will become immediately available to appropriate law enforcement agencies, including the Federal Bureau of Investigation and the attorneys general of the States;

(C) in response to a specific request about a particular entity or individual, provide publically available information of enforcement action taken by the Commission for mail, television, internet, telemarketing, and robocall fraud against such entity; and

(D) maintain a website to serve as a resource for information for seniors and families and caregivers of seniors regarding mail, television, internet, telemarketing, robocall, and other identified fraud targeting seniors.

(3) COMPLAINTS.—The Commission through the advisory office shall, in consultation with the Attorney General, establish procedures to—

(A) log and acknowledge the receipt of complaints by individuals who believe they have been a victim of mail, television, internet, telemarketing, and robocall fraud in the Consumer Sentinel Network, and shall make those complaints immediately available to Federal, State, and local law enforcement authorities; and

(B) provide to individuals described in subparagraph (A), and to any other persons, specific and general information on mail, television, internet, telemarketing, and robocall fraud, including descriptions of the most common schemes using such methods of communication.

(b) COMMENCEMENT.—The Commission shall commence carrying out the requirements of this section not later than one year after the date of enactment of this Act.

TITLE III—PREVENTING THE TARGETING OF SENIORS DURING EMERGENCIES

SEC. 301. SHORT TITLE.

This title may be cited as the "Protecting Seniors from Emergency Scams Act".

SEC. 302. FTC REPORT ON SCAMS TARGETING SENIORS DURING EMERGENCIES.

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

(1) a description of the number and types of scams identified by the Commission as being targeted at senior citizens; and

(2) policy recommendations to prevent such scams, especially as such scams relate to future national emergencies.

SEC. 303. INCREASING AWARENESS OF SCAMS TARGETING SENIORS.

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

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

TITLE IV—PREVENTING SCAMS TARGETING INDIAN TRIBES

SEC. 401. SHORT TITLE.

This title may be cited as the "Protecting Indian Tribes from Scams Act".

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

(a) FTC REPORT.—Not later than 1 year after the date of the enactment of this Act, and after consultation with Indian Tribes, the Commission shall make publicly available on the website of the Commission and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on unfair or deceptive acts or practices targeted at Indian Tribes or members of Indian Tribes, including—

(1) a description of the types of unfair or deceptive acts or practices identified by the Commission as being targeted at Indian Tribes or members of Indian Tribes;

(2) a description of the consumer education activities of the Commission with respect to such acts or practices;

(3) a description of the efforts of the Commission to collaborate with Indian Tribes to prevent such acts or practices or to pursue persons using such acts or practices;

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

(5) any recommendations for legislation to prevent such acts or practices.

(b) INCREASING AWARENESS OF UNFAIR OR DECEPTIVE ACTS OR PRACTICES TARGETING INDIAN TRIBES.—Not later than 6 months after the date of the submission of the report required by subsection (a), the Commission shall update the website of the Commission to include information for consumers and businesses on identifying and avoiding unfair or deceptive acts or practices targeted at Indian Tribes or members of Indian Tribes.

TITLE V—ENHANCING CONSUMER PROTECTION ENFORCEMENT

SEC. 501. SHORT TITLE.

This title may be cited as the "FTC Collaboration Act of 2020".

SEC. 502. UNFAIR AND DECEPTIVE PRACTICES COOPERATION STUDY.

(a) IN GENERAL.—

(1) STUDY REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Federal Trade Commission shall conduct a study on facilitating and refining existing efforts with State Attorneys General to prevent, publicize, and penalize frauds and scams being perpetrated on individuals in the United States.

(2) REQUIREMENTS OF STUDY.—In conducting the study, the Commission shall examine the following:

(A) The roles and responsibilities of the Commission and State Attorneys General that best advance collaboration and consumer protection.

(B) The policies, procedures, and mechanisms that facilitate cooperation and communications across the Commission.

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

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

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

(A) consult with—

(i) the National Association of State Attorneys General;

(ii) public interest organizations dedicated to consumer protection;

(iii) relevant private sector entities; and

(iv) any other Federal or State agency that the Federal Trade Commission considers necessary; and

(B) provide opportunity for public comment and advice relevant to the production of the study.

(b) REPORT TO CONGRESS.—Not later than 6 months after the completion of the study required pursuant to subsection (a), the Commission shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, and make publicly available on the website of the Commission, a report that contains the following:

(1) The results of the study.

(2) Recommended best practices to enhance collaboration efforts between the Commission and State Attorneys General with respect to preventing, publicizing, and penalizing fraud and scams.

(3) Quantifiable metrics by which enhanced collaboration can be measured.
(4) Legislative recommendations, if any, to enhance collaboration efforts between the Commission and State Attorneys General to prevent, publicize, and penalize fraud and scams.

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 report to Congress on scams targeting seniors and Indian tribes, and for other purposes.

I. PURPOSE AND SUMMARY

H.R. 2610, the "Fraud and Scam Reduction Act", was introduced by Representatives Lisa Blunt-Rochester (D–DE) and Tim Walberg (R–MI) and referred to the Committee on Energy and Commerce. The bill's original short title was "Stop Senior Scams Act". H.R. 2610, as reported, establishes a Senior Scams Prevention Advisory Group at the Federal Trade Commission (FTC) to collect and disseminate model educational materials for retailers, financial institutions, and wire-transfer companies to use in preventing scams that affect seniors.

During full Committee markup, the committee adopted an amendment in the nature of a substitute incorporating legislative text based on four other bills referred to the Committee on Energy and Commerce: H.R. 2301, the "Seniors Fraud Prevention Act of 2019" *(Reps. Deutch (D–FL), Buchanan (R–FL), and Welch (D–VT));* H.R. 7699, the "Protecting Seniors from Emergency Scams Act" *(Reps. Kelly (D–IL), Marshall (R–KS),* and *Caster (D–IL);* H.R. 8127, the "Protecting Indian Tribes from Scams Act" *(Reps. Luján (D–NM) and Gianforte (R–MT));* and H.R. 8152, the "FTC Collaboration Act of 2020" *(Reps. O'Halleran (D–AZ) and Hudson (R–NC)).*

The legislative text of H.R. 2301 directs the FTC to establish an office to advise the FTC on the prevention of fraud targeting seniors and to help monitor marketing materials for fraud targeting seniors. H.R. 7699 requires the FTC to submit a report to Congress on scams targeting seniors, including policy recommendations to prevent senior scams, especially scams related to national emergencies. H.R. 8127 directs the FTC to submit to Congress a report on unfair or deceptive acts or practices targeted at Indian Tribes or members of Indian Tribes. Lastly, H.R. 8152 requires the FTC to conduct a study on facilitating and refining existing efforts with State Attorneys General to prevent, publicize, and penalize frauds and scams perpetrated on individuals in the United States.

II. BACKGROUND AND NEED FOR LEGISLATION

Consumers in the United States face a vast and rapidly changing array of fraudulent activities, as well as a variety of other unfair, deceptive, or abusive business practices. In 2019, the FTC received more than 3.2 million consumer complaints through its Consumer Sentinel Network database regarding identity theft and fraud, including imposter scams and telephone and mobile service scams.[1]

[1] Federal Trade Commission, *Consumer Sentinel Network; Data Book 2019* (Jan. 2020) (www.ftc.gov/system/files/documents/reports/consumer-sentinel-network-data-book-2019/consumer_sentinel_network_data_book_2019.pdf).

The FTC also reported that more than $1.9 billion was paid to scammers as a result of fraudulent schemes.[2] These numbers may understate the true extent of fraud against American consumers.

The FTC has made addressing fraud targeting specific populations a consumer protection priority.[3] Consumer fraud affects victims of all ages, but older Americans represent a rapidly growing segment of the total population. In the past decade, the 65-and-older population grew by more than one-third.[4] According to the Federal Bureau of Investigation, scammers may be more likely to target seniors because they are more trusting, usually have some accumulated wealth, and are less likely to report fraud because they do not know how to report or are embarrassed about being scammed.[5] According to the FTC, older adults suffered nearly $400 million in losses from fraud in 2018.[6]

Scammers have also been known to exploit consumer fear and confusion during emergencies, natural disasters, or other crises. For example, scammers have targeted the stimulus checks and unemployment benefits intended to provide critical relief to Americans suffering from the economic repercussions of the coronavirus disease 2019 (COVID–19) pandemic.[7] These scams exploit Americans already struggling financially and divert resources away from where they are needed. The FTC has also issued warnings about many other coronavirus-related scams, including contact tracing and charity scams.[8]

One often-overlooked area in Federal fraud prevention efforts are scams targeting Indian tribes or tribal members. The scope and scale of scams affecting Indian tribes has not been well documented, hindering efforts to prevent them.

H.R. 2610 is needed to help prevent fraud and scams, especially those targeting seniors, Indian tribes, and tribal members. H.R. 2610 will ensure the government and industry continue to work together to implement best practices that stop scams before they can cause harm; streamline efforts to prevent fraud targeting seniors, especially during national emergencies; protect Indian tribes and tribal members from unfair or deceptive acts or practices; and enhance collaborative efforts between the FTC and State Attorneys General to reduce fraud and scams.

III. COMMITTEE HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress, the following hearings were used to develop or consider H.R. 2610:

---

[2] *Id.*

[3] Federal Trade Commission, *Fiscal Year 2021 Congressional Budget Justification* (Feb. 10, 2020) (www.ftc.gov/system/files/documents/reports/fy-2021-congressional-budget-justification/fy_2021_cbj_final.pdf).

[4] United States Census Bureau, *65 and Older Population Grows Rapidly as Baby Boomers Age* (June 25, 2020) (www.census.gov/newsroom/press-releases/2020/65-older-population-grows.html).

[5] Federal Bureau of Investigation, *Elder Fraud* (www.fbi.gov/scams-and-safety/common-scams-and-crimes/elder-fraud).

[6] Federal Trade Commission, Protecting Older Consumers; 2018–2019 (Oct. 18, 2019) (www.ftc.gov/system/files/documents/reports/protecting-older-consumers-2018–2019-report-federal-trade-commission/p144401_protecting_older_consumers_2019_1.pdf).

[7] *Scammers are Using Fake Coronavirus Stimulus Payment Sites to Steal Your Money,* CNBC (Apr. 23, 2020).

[8] Federal Trade Commission, *Coronavirus Advice for Consumers* (www.ftc.gov/coronavirus/scams-consumer-advice); Federal Trade Commission, *COVID–19 Contact Tracing Text Message Scams* (May 19, 2020) (www.consumer.ftc.gov/blog/2020/05/covid-19-contact-tracing-text-message-scams).

In the 114th Congress, the Subcommittee on Commerce, Manufacturing, and Trade held an informational hearing on October 23, 2015. The hearing was entitled, "Fighting Fraud Against the Elderly, an Update." The Subcommittee received testimony from the following witnesses:

- Daniel Kaufman, Deputy Director, Bureau of Consumer Protection, Federal Trade Commission
- Stacy Canan, Deputy Director, Office of Financial Protection for Older Americans, Consumer Financial Protection Bureau
- Robert F. Harris, Cook County Public Guardian
- Charles Wallace, Associate Professor and Undergraduate Program Director, Computer Science, Michigan Technological University
- Tobie Stanger, Senior Editor, Consumer Reports

In the 115th Congress, the Subcommittee on Digital Commerce and Consumer Protection held an oversight hearing on July 18, 2018. The hearing was entitled, "Oversight of the Federal Trade Commission." The Subcommittee received testimony from the following witnesses:

- The Honorable Joseph J. Simons, Chairman, Federal Trade Commission
- The Honorable Noah Joshua Phillips, Commissioner, Federal Trade Commission
- The Honorable Rohit Chopra, Commissioner, Federal Trade Commission
- The Honorable Rebecca Kelly Slaughter, Commissioner, Federal Trade Commission
- The Honorable Maureen Ohlhausen, Commissioner, Federal Trade Commission

In the 116th Congress, the Subcommittee on Consumer Protection and Commerce held an oversight hearing on May 8, 2019. The hearing was entitled, "Oversight of the Federal Trade Commission: Strengthening Protections for Americans" Privacy and Data Security." The Subcommittee received testimony from the following witnesses:

- The Honorable Joseph J. Simons, Chairman, Federal Trade Commission
- The Honorable Noah Joshua Phillips, Commissioner, Federal Trade Commission
- The Honorable Rohit Chopra, Commissioner, Federal Trade Commission
- The Honorable Rebecca Kelly Slaughter, Commissioner, Federal Trade Commission
- The Honorable Christine S. Wilson, Commissioner, Federal Trade Commission

In the 116th Congress, the Subcommittee on Consumer Protection and Commerce held an informational hearing on July 9, 2020. The hearing was entitled, "Consumers Beware: Increased Risks During the COVID–19 Pandemic." The Subcommittee received testimony from the following witnesses:

- Kevin Anderson, Senior Deputy Attorney General, Director, Consumer Protection Division North Carolina Department of Justice

- Sally Greenberg, Executive Director, National Consumers League
- Thomas Quaadman, Executive Vice President, Center for Capital Markets Competitiveness, Chamber Technology Engagement Center, Global Innovation Policy Center, U.S. Chamber of Commerce

IV. Committee Consideration

H.R. 2610 was introduced by Reps. Blunt Rochester and Walberg and was referred to the Committee on Energy and Commerce on May 9, 2019. The bill was subsequently referred to the Subcommittee on Consumer Protection and Commerce on May 10, 2019. A number of hearings related to this legislation were held in the last two Congresses as well the 116th Congress.

H.R. 2610 was discharged from the Subcommittee on Consumer Protection and Commerce on September 9, 2020, as the bill was called up for consideration by the full Committee on Energy and Commerce. The full Committee met in virtual open markup session on September 9, 2020, on the H.R. 2610. An amendment in the nature of a substitute (AINS) offered by Ms. Blunt Rochester, on behalf of herself and Messrs. Walberg, Hudson, and Luján, was agreed to by a voice vote. The AINS incorporated as titles to the bill the legislative language of H.R. 2301, H.R. 7699, H.R. 8127, and H.R. 8152. The full Committee then agreed to a motion offered by Mr. Pallone, Chairman of the committee, to order H.R. 2610 reported favorably to the House, amended, by a voice vote, a quorum being present.

V. Committee Votes

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list each record vote on the motion to report legislation and amendments thereto. The Committee advises that there were no record votes taken on H.R. 2610, including the motion by Mr. Pallone on final passage.

VI. Oversight Findings

Pursuant to clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the oversight findings and recommendations of the Committee are reflected in the descriptive portion of the report.

VII. New Budget Authority, Entitlement Authority, and Tax Expenditures

Pursuant to 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit

authority, or an increase or decrease in revenues or tax expenditures.

VIII. Federal Mandates Statement

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

IX. Statement of General Performance Goals and Objectives

Pursuant to clause 3(c)(4) of rule XIII, the general performance goal or objective of this legislation is to reduce fraud and scams targeting seniors, Indian Tribes, and Tribal members, and to facilitate and refine the existing efforts of the FTC with State Attorneys General to prevent fraud and scams.

X. Duplication of Federal Programs

Pursuant to clause 3(c)(5) of rule XIII, no provision of H.R. 2610 is known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111–139 or the most recent Catalog of Federal Domestic Assistance.

XI. Committee Cost Estimate

Pursuant to clause 3(d)(1) of rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

XII. Earmarks, Limited Tax Benefits, and Limited Tariff Benefits

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that H.R. 2610 contains no earmarks, limited tax benefits, or limited tariff benefits.

XIII. Advisory Committee Statement

No advisory committee within the meaning of section 5(b) of the Federal Advisory Committee Act was created by this legislation.

XIV. Applicability to Legislative Branch

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

XV. Section-by-Section Analysis of the Legislation

Section 1. Short title; Table of contents

Section 1(a) designates that the short title may be cited as the "Fraud and Scam Reduction Act". Section 1(b) provides the table of contents.

Sec. 2. Definitions

Section 2 defines the term "Commission" to mean the Federal Trade Commission.

TITLE I—PREVENTING CONSUMER SCAMS DIRECTED AT SENIORS

Sec. 101. Short title

Section 101 designates that this title may be cited as the "Stop Senior Scams Act".

Sec. 102. Senior Scams Prevention Advisory Group

Subsection (a) establishes a Senior Scams Prevention Advisory Group ("Advisory Group"). Subsection (b) specifies that the Advisory Group shall be composed of certain stakeholders. Subsection (c) specifies that officers or employees of the United States who are members of the Advisory Group shall serve without additional compensation. Subsection (d) require the Advisory Group to collect educational materials and programs that educate employees on identifying and preventing senior scams, identify deficiencies in those materials and programs, and create improved model materials. This subsection also directs the FTC to make the improved materials public and encourage their use and distribution. Subsection (e) amends the Elder Abuse Prevention and Prosecution Act, 34 U.S.C. 21711, to include information, findings, and recommendations from the Advisory Group in the annual report to Congress. Subsection (f) specifies that the Act and the amendments made by the Act shall sunset five years after the date of enactment.

TITLE II—SENIOR FRAUD ADVISORY OFFICE

[This title incorporates text based on H.R. 2301, sponsored by Reps. Deutch, Buchanan, and Welch.]

Sec. 201. Short title

Section 201 designates that this title may be cited as the "Seniors Fraud Prevention Act of 2020".

Sec. 202. Senior fraud advisory office

Subsection (a) establishes an office within the FTC's Bureau of Consumer Protection for the purpose of advising the Commission on the prevention of fraud targeting seniors. Paragraph (1) of this subsection requires the advisory office to monitor the market for mail, television, internet, and robocall fraud targeting seniors.

Paragraph (2) of this subsection requires the advisory office to educate consumers, including seniors, their families, and their caregivers, about fraud targeting older Americans. This consumer outreach program would provide information about the most common senior fraud schemes, as well as information on how to report senior fraud through the national toll-free number or through the FTC's Consumer Sentinel Network. This subsection also requires the FTC, in response to a specific request, to provide publicly available information about any enforcement actions it has taken against any particular individual or entity. The advisory office

would also be required to maintain a website providing information regarding the various types of fraud targeting seniors.

Paragraph (3) of this subsection requires the FTC, through the advisory office, to establish procedures to log and acknowledge complaints from individuals who believe they have been victims of mail, television, internet, telemarketing, or robocall fraud in the Consumer Sentinel Network. These complaints would be made immediately available to Federal, State, and local law enforcement authorities. This paragraph also specifies the FTC would have one year after the date of enactment to begin carrying out the bill's requirements.

TITLE III—PREVENTING THE TARGETING OF SENIORS DURING EMERGENCIES

[This title incorporates text based on H.R. 7699, sponsored by Reps. Kelly (D–IL), Marshall, and Caster (D–IL).]

Sec. 301. Short title

Section 301 designates that this title may be cited as the "Protecting Seniors from Emergency Scams Act".

Sec. 302. FTC report on scams targeting seniors during emergencies

This section requires the FTC to submit a report to Congress, no later than 30 days after the date of enactment, including a description of the number and types of scams identified by the FTC as being targeted at seniors, and policy recommendations to prevent such scams, especially as such scams relate to future national emergencies.

Sec. 302. Increasing awareness of scams targeting seniors

This section requires the FTC to update its website to include the latest information, searchable by region and type of scam, on scams targeting seniors, and to work with media outlets and law enforcement to distribute this information.

TITLE IV—PREVENTING SCAMS TARGETING INDIAN TRIBES

[This title incorporates text based on H.R. 8127, sponsored by Reps. Luján and Gianforte.]

Sec. 401. Short title

Section 401 designates that this title may be cited as the "Protecting Indian Tribes from Scams Act".

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

Subsection (a) of this section requires the FTC to issue a report on unfair or deceptive acts or practices targeted at Indian Tribes or members of Indian Tribes, including: (1) the types of unfair or deceptive acts or practices identified by the Commission as being targeted at Indian Tribes or members of Indian Tribes; (2) FTC's consumer education activities with respect to such acts or practices; (3) the efforts of the FTC to collaborate with Indian Tribes to prevent such acts or practices; (4) a summary of related enforcement

actions taken by the FTC; and (5) any recommendations for legislation to prevent such acts or practices.

Subsection (b) requires the FTC, no later than six months after the report is issued, to update its website to include information for consumers and businesses on identifying and avoiding unfair or deceptive acts or practices targeted at Indian Tribes or members of Indian Tribes.

TITLE V—ENHANCING CONSUMER PROTECTION ENFORCEMENT

[This title incorporates text based on H.R. 8152, sponsored by Reps. O'Halleran and Hudson.]

Sec. 501. Short title

Section 301 designates that this title may be cited as the "FTC Collaboration Act of 2020".

Sec. 502. Unfair and deceptive practices cooperation study

Subsection (a) requires the FTC to conduct a study on facilitating and refining existing efforts with State Attorneys General to prevent, publicize, and penalize frauds and scams being perpetrated on individuals in the United States no later than one year after the date of enactment. This subsection specifies that for the study, the FTC shall examine: (A) the roles and responsibilities of the FTC and States Attorneys General that best advance collaboration and consumer protection; (B) the policies, procedures, and mechanisms that facilitate cooperation and communications; (C) how resources should be dedicated to best advance such collaboration and consumer protection; and (D) the accountability mechanisms that should be implemented to promote collaboration and consumer protection. This subsection further directs the FTC to consult with certain stakeholders and to provide an opportunity for public comment.

Subsection (b) requires the FTC to issue a report no later than six months after the completion of the study that contains: (1) the results of the study; (2) recommended best practices to enhance collaboration efforts; (3) quantifiable metrics by which enhanced collaboration can be measured; and (4) legislative recommendations, if any, to enhance collaboration efforts.

XVI. Changes in Existing Law Made by the Bill, as Reported

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

ELDER ABUSE PREVENTION AND PROSECUTION ACT

* * * * * * *

TITLE I—SUPPORTING FEDERAL CASES INVOLVING ELDER JUSTICE

SEC. 101. SUPPORTING FEDERAL CASES INVOLVING ELDER JUSTICE.

(a) SUPPORT AND ASSISTANCE.—

(1) ELDER JUSTICE COORDINATORS.—The Attorney General shall designate in each Federal judicial district not less than one Assistant United States Attorney to serve as the Elder Justice Coordinator for the district, who, in addition to any other responsibilities, shall be responsible for—

(A) serving as the legal counsel for the Federal judicial district on matters relating to elder abuse;

(B) prosecuting, or assisting in the prosecution of, elder abuse cases;

(C) conducting public outreach and awareness activities relating to elder abuse; and

(D) ensuring the collection of data required to be collected under section 202.

(2) INVESTIGATIVE SUPPORT.—The Attorney General, in consultation with the Director of the Federal Bureau of Investigation, shall, with respect to crimes relating to elder abuse, ensure the implementation of a regular and comprehensive training program to train agents of the Federal Bureau of Investigation in the investigation and prosecution of such crimes and the enforcement of laws related to elder abuse, which shall include—

(A) specialized strategies for communicating with and assisting elder abuse victims; and

(B) relevant forensic training relating to elder abuse.

(3) RESOURCE GROUP.—The Attorney General, through the Executive Office for United States Attorneys, shall ensure the operation of a resource group to facilitate the sharing of knowledge, experience, sample pleadings and other case documents, training materials, and any other resources to assist prosecutors throughout the United States in pursuing cases relating to elder abuse.

(4) DESIGNATED ELDER JUSTICE WORKING GROUP OR SUBCOMMITTEE TO THE ATTORNEY GENERAL'S ADVISORY COMMITTEE OF UNITED STATES ATTORNEYS.—Not later than 60 days after the date of enactment of this Act, the Attorney General, in consultation with the Director of the Executive Office for United States Attorneys, shall establish a subcommittee or working group to the Attorney General's Advisory Committee of United States Attorneys, as established under section 0.10 of title 28, Code of Federal Regulations, or any successor thereto, for the purposes of advising the Attorney General on policies of the Department of Justice relating to elder abuse.

(b) DEPARTMENT OF JUSTICE ELDER JUSTICE COORDINATOR.—Not later than 60 days after the date of enactment of this Act, the Attorney General shall designate an Elder Justice Coordinator within the Department of Justice who, in addition to any other responsibilities, shall be responsible for—

(1) coordinating and supporting the law enforcement efforts and policy activities for the Department of Justice on elder justice issues;

(2) evaluating training models to determine best practices and creating or compiling and making publicly available replication guides and training materials for law enforcement officers, prosecutors, judges, emergency responders, individuals working in victim services, adult protective services, social services, and public safety, medical personnel, mental health personnel, financial services personnel, and any other individuals whose work may bring them in contact with elder abuse regarding how to—

(A) conduct investigations in elder abuse cases;

(B) address evidentiary issues and other legal issues; and

(C) appropriately assess, respond to, and interact with victims and witnesses in elder abuse cases, including in administrative, civil, and criminal judicial proceedings; and

(3) carrying out such other duties as the Attorney General determines necessary in connection with enhancing the understanding, prevention, and detection of, and response to, elder abuse.

(c) FEDERAL TRADE COMMISSION.—

(1) FEDERAL TRADE COMMISSION ELDER JUSTICE COORDINATOR.—Not later than 60 days after the date of enactment of this Act, the Chairman of the Federal Trade Commission shall designate within the Bureau of Consumer Protection of the Federal Trade Commission an Elder Justice Coordinator who, in addition to any other responsibilities, shall be responsible for—

(A) coordinating and supporting the enforcement and consumer education efforts and policy activities of the Federal Trade Commission on elder justice issues; and

(B) serving as, or ensuring the availability of, a central point of contact for individuals, units of local government, States, and other Federal agencies on matters relating to the enforcement and consumer education efforts and policy activities of the Federal Trade Commission on elder justice issues.

(2) REPORTS TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and once every year thereafter, the Chairman of the Federal Trade Commission and the Attorney General shall each submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report detailing the enforcement actions taken by the Federal Trade Commission and the Department of Justice, respectively, over the preceding year in each case in which not less than one victim was an elder or that involved a financial scheme or scam that was either targeted directly toward or largely affected elders, including—

(A) the name of the district where the case originated;

(B) the style of the case, including the case name and number;

(C) a description of the scheme or scam; [and]

(D) the outcome of the case**[**.**]***; and*

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

(i) the newly created materials, guidance, or recommendations of the Senior Scams Prevention Advisory Group established under section 2 of the Stop Senior Scams Act, and any relevant views or considerations made by members of the Advisory Group that were not included in the Advisory Group's model materials or considered an official recommendation by the Advisory Group;

(ii) the Senior Scams Prevention Advisory Group's findings about senior scams and industry educational materials and programs; and

(iii) any recommendations on ways stakeholders can continue to work together to reduce scams affecting seniors.

(d) USE OF APPROPRIATED FUNDS.—No additional funds are authorized to be appropriated to carry out this section.

* * * * * * *

○