

Suspend the rules and pass the bill, H.R. 4538, with an amendment
(The amendment strikes all after the enacting clause and inserts a
new text)

114TH CONGRESS
2^D SESSION

H. R. 4538

To provide immunity from suit for certain individuals who disclose potential examples of financial exploitation of senior citizens, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 2016

Ms. SINEMA (for herself, Mr. POLIQUIN, Mr. MULVANEY, and Mr. MURPHY of Florida) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To provide immunity from suit for certain individuals who disclose potential examples of financial exploitation of senior citizens, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Senior Safe Act of
5 2016”.

6 **SEC. 2. IMMUNITY.**

7 (a) **DEFINITIONS.**—In this Act—

1 (1) the term “Bank Secrecy Act Officer” means
2 an individual responsible for ensuring compliance
3 with the requirements mandated by subchapter II of
4 chapter 53 of title 31, United States Code;

5 (2) the term “broker-dealer” means a broker or
6 dealer, as those terms are defined, respectively, in
7 section 3(a) of the Securities Exchange Act of 1934
8 (15 U.S.C. 78c(a));

9 (3) the term “covered agency” means—

10 (A) a State financial regulatory agency, in-
11 cluding a State securities or law enforcement
12 authority and a State insurance regulator;

13 (B) each of the Federal financial institu-
14 tions regulatory agencies;

15 (C) the Securities and Exchange Commis-
16 sion;

17 (D) a law enforcement agency;

18 (E) and State or local agency responsible
19 for administering adult protective service laws;
20 and

21 (F) a State attorney general.

22 (4) the term “covered financial institution”
23 means—

24 (A) a credit union;

25 (B) a depository institution;

- 1 (C) an investment advisor;
2 (D) a broker-dealer;
3 (E) an insurance company; and
4 (F) a State attorney general.

5 (5) the term “credit union” means a Federal
6 credit union, State credit union, or State-chartered
7 credit union, as those terms are defined in section
8 101 of the Federal Credit Union Act (12 U.S.C.
9 1752);

10 (6) the term “depository institution” has the
11 meaning given the term in section 3(c) of the Fed-
12 eral Deposit Insurance Act (12 U.S.C. 1813(c));

13 (7) the term “exploitation” means the fraudu-
14 lent or otherwise illegal, unauthorized, or improper
15 act or process of an individual, including a caregiver
16 or fiduciary, that—

17 (A) uses the resources of a senior citizen
18 for monetary personal benefit, profit, or gain;
19 or

20 (B) results in depriving a senior citizen of
21 rightful access to or use of benefits, resources,
22 belongings or assets;

23 (8) the term “Federal financial institutions reg-
24 ulatory agencies” has the meaning given the term in

1 section 1003 of the Federal Financial Institutions
2 Examination Council Act of 1978 (12 U.S.C. 3302);

3 (9) the term “investment adviser” has the
4 meaning given the term in section 202 of the Invest-
5 ment Advisers Act of 1940 (15 U.S.C. 80b-2);

6 (10) the term “insurance company” has the
7 meaning given the term in section 2(a) of the Invest-
8 ment Company Act of 1940 (15 U.S.C. 80a-2(a));

9 (11) the term “registered representative”
10 means an individual who represents a broker-dealer
11 in effecting or attempting to affect a purchase or
12 sale of securities;

13 (12) the term “senior citizen” means an indi-
14 vidual who is not less than 65 years of age;

15 (13) the term “State insurance regulator” has
16 the meaning given such term in section 315 of the
17 Gramm-Leach-Bliley Act (15 U.S.C. 6735); and

18 (14) the term “State securities or law enforce-
19 ment authority” has the meaning given the term in
20 section 24(f)(4) of the Securities Exchange Act of
21 1934 (15 U.S.C. 78x(f)(4)).

22 (b) IMMUNITY FROM SUIT.—

23 (1) IMMUNITY FOR INDIVIDUALS.—An indi-
24 vidual who has received the training described in
25 section 3 shall not be liable, including in any civil or

1 administrative proceeding, for disclosing the possible
2 exploitation of a senior citizen to a covered agency
3 if the individual, at the time of the disclosure—

4 (A) served as a supervisor, compliance offi-
5 cer (including a Bank Secrecy Act Officer), or
6 registered representative for a covered financial
7 institution; and

8 (B) made the disclosure with reasonable
9 care including reasonable efforts to avoid disclo-
10 sure other than to a covered agency.

11 (2) IMMUNITY FOR COVERED FINANCIAL INSTI-
12 TUTIONS.—A covered financial institution shall not
13 be liable, including in any civil or administrative pro-
14 ceeding, for a disclosure made by an individual de-
15 scribed in paragraph (1) if—

16 (A) the individual was employed by, or, in
17 the case of a registered representative, affiliated
18 or associated with, the covered financial institu-
19 tion at the time of the disclosure; and

20 (B) before the time of the disclosure, the
21 covered financial institution provided the train-
22 ing described in section 3 to each individual de-
23 scribed in section 3(a).

1 **SEC. 3. TRAINING REQUIRED.**

2 (a) IN GENERAL.—A covered financial institution
3 may provide training described in subsection (b)(1) to
4 each officer or employee of, or registered representative
5 affiliated or associated with, the covered financial institu-
6 tion who—

7 (1) is described in section 2(b)(1)(A);

8 (2) may come into contact with a senior citizen
9 as a regular part of the duties of the officer, em-
10 ployee, or registered representative; or

11 (3) may review or approve the financial docu-
12 ments, records, or transactions of a senior citizen in
13 connection with providing financial services to a sen-
14 ior citizen.

15 (b) TRAINING.—

16 (1) IN GENERAL.—The training described in
17 this paragraph shall—

18 (A) instruct any individual attending the
19 training on how to identify and report the sus-
20 pected exploitation of a senior citizen;

21 (B) discuss the need to protect the privacy
22 and respect the integrity of each individual cus-
23 tomer of a covered financial institution; and

24 (C) be appropriate to the job responsibil-
25 ities of the individual attending the training.

1 (2) **TIMING.**—The training required under sub-
2 section (a) shall be provided as soon as reasonably
3 practicable but not later than 1 year after the date
4 on which an officer, employee, or registered rep-
5 resentative begins employment with or becomes af-
6 filiated or associated with the covered financial insti-
7 tution.

8 (3) **BANK SECRECY ACT OFFICER.**—An indi-
9 vidual who is designated as a compliance officer
10 under an anti-money laundering program established
11 pursuant to section 5318(h) of title 31, United
12 States Code, shall be deemed to have received the
13 training described under this subsection.

14 **SEC. 4. RELATIONSHIP TO STATE LAW.**

15 Nothing in this Act shall be construed to preempt or
16 limit any provision of State law, except only to the extent
17 that section 2 provides a greater level of protection against
18 liability to an individual described in section 2(b)(1) or
19 to a covered financial institution described in section
20 2(b)(2) than is provided under State law.