

[DISCUSSION DRAFT]

117TH CONGRESS
2^D SESSION

H. R. _____

To provide immunity for certain individuals with respect to the disclosure of information relating to the suspected economic abuse of a survivor of domestic violence to a covered agency, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. VELÁZQUEZ introduced the following bill; which was referred to the Committee on _____

A BILL

To provide immunity for certain individuals with respect to the disclosure of information relating to the suspected economic abuse of a survivor of domestic violence to a covered agency, 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 “Survivor Safety Bank-
5 ing Act”.

6 **SEC. 2. IMMUNITY FROM SUIT.**

7 (a) IMMUNITY.—

1 (1) IMMUNITY FOR INDIVIDUAL.—An individual
2 who has received qualified training from a covered
3 financial institution shall not be held liable, in any
4 civil or administrative proceeding, for disclosing to a
5 covered agency the suspected economic abuse of a
6 survivor of domestic violence to a covered agency if
7 the individual, at the time of the disclosure—

8 (A) served as a supervisor or in a compli-
9 ance or legal function (including as a Bank Se-
10 crecy Act officer) for, or, in the case of a reg-
11 istered representative, investment adviser rep-
12 resentative, or insurance producer, was affili-
13 ated or associated with, a covered financial in-
14 stitution; and

15 (B) disclosed the information relating to
16 the suspected economic abuse of a customer or
17 potential customer to the covered agency—

18 (i) in good faith; and

19 (ii) with reasonable care.

20 (2) IMMUNITY FOR COVERED FINANCIAL INSTI-
21 TUTIONS.—A covered financial institution may not
22 be liable in any civil or administrative proceeding,
23 for a disclosure made by an individual described in
24 subsection (a) above if—

1 (A) the individual was employed by, or, in
2 the case of a registered representative, insur-
3 ance producer, or investment adviser represent-
4 ative, affiliated or associated with, the covered
5 financial institution at the time of the disclo-
6 sure; and

7 (B) before the time of the disclosure, each
8 individual described in paragraph (1) above, re-
9 ceived the training described in subsection (b).

10 (b) TRAINING.—

11 (1) IN GENERAL.—A covered financial institu-
12 tion or third party selected by a covered financial in-
13 stitution, may provide qualified training described in
14 this section to any officer, employee, registered rep-
15 resentative, insurer, or investment adviser represent-
16 ative that is affiliated or associated with, the covered
17 financial institution who—

18 (A) may come into contact with customers
19 or potential customers as a regular part of the
20 professional duties of the individual;

21 (B) may review or approve the financial
22 documents, records, or transactions of a cus-
23 tomer;

24 (C) is in a supervisory role, in a compli-
25 ance or legal role; or

1 (D) in the case of a registered representa-
2 tive, investment adviser representative, or insur-
3 ance producer, is affiliated or associated with,
4 the covered financial institution.

5 (2) CONTENTS OF TRAINING.—Any qualified
6 training offered by a covered financial institution
7 shall—

8 (A) be maintained by the covered financial
9 institution and made available to a covered
10 agency with examination authority over the cov-
11 ered financial institution, upon request, except
12 that a covered financial institution shall not be
13 required to maintain or make available such
14 content with respect to any individual who is no
15 longer employed by, or affiliated or associated
16 with, the covered financial institution;

17 (B) instruct any individual attending the
18 training on how to identify and report the sus-
19 pected economic abuse of a survivor of domestic
20 violence internally and, as appropriate, to cov-
21 ered agencies including common signs that indi-
22 cate an individual that has been or is being sub-
23 jected to domestic violence or economic abuse;

1 (C) discuss the need to protect the privacy
2 and respect the integrity of each individual cus-
3 tomer of the covered financial institution;

4 (D) discuss the need to respect the auton-
5 omy and agency of each individual customer, in-
6 cluding their decision whether or not to inform
7 law enforcement of the suspected domestic vio-
8 lence or economic abuse; and

9 (E) be appropriate to the job responsibil-
10 ities of the individual attending the training.

11 (3) TIMING.—The training described in this
12 subsection shall be provided—

13 (A) as soon as reasonably practicable; and

14 (B) with respect to an individual who be-
15 gins employment, or becomes affiliated or asso-
16 ciated, with a covered financial institution after
17 the date of enactment of this Act, not later
18 than 1 year after the date on which the indi-
19 vidual becomes employed by, or affiliated or as-
20 sociated with, the covered financial institution
21 in a position described subsection (a)(1).

22 (4) TRAINING RECORDS.—

23 (A) IN GENERAL.—A covered financial in-
24 stitution shall, with respect to any qualifying

1 abuse identification training, maintain records
2 that include—

3 (i) a list of all individuals that the
4 covered financial institution has provided
5 qualifying training to; and

6 (ii) recordings of each qualifying
7 training offered.

8 (B) REGULATOR REVIEW.—A covered fi-
9 nancial institution shall , upon request, provide
10 the records described in this paragraph to any
11 covered agency with examination authority over
12 the covered financial institution.

13 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
14 tion shall be construed to limit the liability of an individual
15 or a covered financial institution in a civil action for any
16 act, omission, or fraud that is not a disclosure described
17 in subsection (a).

18 **SEC. 3. REPORTS.**

19 The Secretary of the Treasury, acting through the
20 Financial Crimes Enforcement Network, shall not later
21 than 1 year after the date of the enactment of this Act
22 and each year thereafter, submit a report to the Banking,
23 Housing, and Urban Affairs Committee of the Senate and
24 the Financial Services Committee of the House of Rep-

1 representatives based on information received from financial
2 institutions under this Act that contains—

3 (1) appropriate statistical information and a
4 full and substantive analysis of customers and po-
5 tential customers of covered financial institutions
6 who are a survivor of domestic violence or economic
7 abuse;

8 (2) a summary of recent trends and innovations
9 that have impacted the landscape for customers and
10 potential customers of covered financial institutions
11 who are a survivor of domestic violence or economic
12 abuse;

13 (3) a summary of regulatory initiatives that
14 have concentrated on individuals who are survivors
15 of domestic violence or economic abuse as well as in-
16 dustry practices related to survivors of domestic vio-
17 lence or economic abuse;

18 (4) key observations, best practices, and areas
19 needing improvement, involving individuals who are
20 survivors of domestic violence or economic abuse
21 identified during examinations, enforcement actions,
22 and investor education outreach;

23 (5) a summary of the most serious financial
24 issues encountered by survivors of domestic violence

1 or economic abuse, including issues involving finan-
2 cial products and services;

3 (6) an analysis with respect to existing policies
4 and procedures of covered financial institutions with
5 respect to customers and potential customers who
6 are survivors of domestic violence or economic abuse
7 and whether these policies and procedures need to be
8 further developed or refined;

9 (7) recommendations for changes to the regula-
10 tions, guidance, and orders of covered agencies;

11 (8) such legislative actions as may be appro-
12 priate to resolve problems encountered by survivors
13 of domestic violence or economic abuse; and

14 (9) any other information, as determined appro-
15 priate by the Director of the Financial Crimes En-
16 forcement Network.

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

18 Nothing in this Act shall be construed to preempt or
19 limit any provision of State law, except to the extent that
20 section 2 provides a greater level of protection against li-
21 ability to an individual or covered financial institution de-
22 scribed in such section than is provided under State law.

23 **SEC. 5. DEFINITIONS.**

24 In this Act:

1 (1) DOMESTIC VIOLENCE.—The term “domestic
2 violence” means a pattern of behavior involving the
3 use or attempted use of physical, sexual, verbal, psy-
4 chological, economic, or technological abuse or any
5 other coercive behavior committed, enabled, or solie-
6 ited to gain or maintain power and control over a
7 survivor by a person who—

8 (A) is a current or former partner or
9 spouse or dating partner of the survivor, or
10 other person similarly situated to a spouse of
11 the survivor;

12 (B) is cohabitating with or has cohabitated
13 with the survivor as a spouse or dating partner;

14 (C) shares a child in common with the sur-
15 vivor;

16 (D) is an adult family member of the sur-
17 vivor;

18 (E) is an adult family member of, or paid
19 or nonpaid caregiver in an ongoing relationship
20 of trust with, a survivor aged 50 or older or an
21 adult survivor with disabilities; and

22 (F) commits acts against a youth or adult
23 survivor who is protected from those acts under
24 the family or domestic violence laws of the ju-
25 risdiction.

1 (2) ECONOMIC ABUSE.—The term “economic
2 abuse” means behavior that is coercive, deceptive, or
3 unreasonably controls or restrains a person’s ability
4 to acquire, use, or maintain economic resources to
5 which they are entitled, including using coercion,
6 fraud, or manipulation, to—

7 (A) restrict a person’s access to money, as-
8 sets, credit, or financial information;

9 (B) unfairly use a person’s personal eco-
10 nomic resources, including money, assets, and
11 credit, for one’s own advantage;

12 (C) exert undue influence over a person’s
13 financial and economic behavior or decisions,
14 including forcing default on joint or other fi-
15 nancial obligations;

16 (D) exploit powers of attorney, guardian-
17 ship, or conservatorship; or

18 (E) failing or neglecting to act in the best
19 interest of a person to whom one has a fidu-
20 ciary duty.

21 (3) BANK SECRECY OFFICER.—The term
22 “Bank Secrecy Act officer” means an individual re-
23 sponsible for ensuring compliance with the require-
24 ments mandated by subchapter II of chapter 53 of

1 title 31, United States Code (commonly known as
2 the “Bank Secrecy Act”).

3 (4) **BROKER-DEALER**.—The term “broker-deal-
4 er” means a broker and a dealer, as those terms are
5 defined in section 3(a) of the Securities Exchange
6 Act of 1934 (15 U.S.C. 78c(a)).

7 (5) **COVERED AGENCY**.—The term “covered
8 agency” means—

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

12 (B) each of the Federal agencies rep-
13 resented in the membership of the Financial In-
14 stitutions Examination Council established
15 under section 1004 of the Federal Financial In-
16 stitutions Examination Council Act of 1978;

17 (C) a securities association registered
18 under section 15A of the Securities Exchange
19 Act of 1934;

20 (D) the Securities and Exchange Commis-
21 sion;

22 (E) a law enforcement agency, including
23 the Financial Crimes Enforcement Network; or

1 (F) a State or local agency responsible for
2 administering domestic partner violence protec-
3 tive service laws.

4 (6) COVERED FINANCIAL INSTITUTION.—The
5 term “covered financial institution” means—

6 (A) a credit union;

7 (B) a depository institution;

8 (C) an investment adviser;

9 (D) a broker-dealer;

10 (E) an insurance company;

11 (F) an insurance agency; and

12 (G) a transfer agent.

13 (7) CREDIT UNION.—The term “credit union”
14 has the meaning given to the term in section 2 of
15 the Dodd-Frank Wall Street Reform and Consumer
16 Protection Act (12 U.S.C. 5301).

17 (8) DATING RELATIONSHIP.—

18 (A) IN GENERAL.—The term “dating rela-
19 tionship” means a person—

20 (i) who is or has been in a social rela-
21 tionship of a romantic or intimate nature
22 with the survivor; and

23 (ii) where the existence of such a rela-
24 tionship shall be determined based on a

1 consideration of one or more of the fol-
2 lowing factors—

3 (I) the length of the relationship;

4 (II) the type of relationship;

5 (III) the frequency of interaction

6 between the person involved in the re-

7 lationship; or

8 (IV) the cultural context of the

9 relationship.

10 (B) SEXUAL CONTACT.—Sexual contact is

11 not a necessary component of a dating relation-

12 ship.

13 (9) DEPOSITORY INSTITUTION.—The term “de-

14 pository institution” has the meaning given the term

15 in section 3(e) of the Federal Deposit Insurance Act.

16 (10) INSURANCE AGENCY.—The term “insur-

17 ance agency” means any business entity that sells,

18 solicits, or negotiates insurance coverage.

19 (11) INSURANCE COMPANY.—The term “insur-

20 ance company” has the meaning given the term in

21 section 2(a) of the Investment Company Act of

22 1940.

23 (12) INSURANCE PRODUCER.—The term “in-

24 surance producer” means an individual who is re-

1 quired under State law to be licensed in order to
2 sell, solicit, or negotiate insurance coverage.

3 (13) INVESTMENT ADVISOR.—The term “invest-
4 ment adviser” has the meaning given the term in
5 section 202(a) of the Investment Advisers Act of
6 1940.

7 (14) INVESTMENT ADVISOR REPRESENTA-
8 TIVE.—The term “investment adviser representa-
9 tive” means an individual who—

10 (A) is employed by, or associated with, an
11 investment adviser; and

12 (B) does not perform solely clerical or min-
13 isterial acts.

14 (15) REGISTERED REPRESENTATIVE.—The
15 term “registered representative” means an indi-
16 vidual who represents a broker-dealer in effecting or
17 attempting to effect a purchase or sale of securities.

18 (16) STATE.—The term “State” means each of
19 the 50 States, the District of Columbia, Puerto Rico,
20 and any territory or possession of the United States.

21 (17) STATE INSURANCE REGULATOR.—The
22 term “State insurance regulator” has the meaning
23 given the term in section 315 of the GrammLeach-
24 Bliley Act.

1 (18) TRANSFER AGENT.—The term “transfer
2 agent” has the meaning given the term in section
3 3(a) of the Securities Exchange Act of 1934.

4 (19) SURVIVOR.—The term “survivor” means
5 an individual who is or has previously been subjected
6 to domestic violence or economic abuse.