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
2D 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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. IMMUNITY.

(a) DEFINITIONS.—In this Act—
(1) the term “Bank Secrecy Act Officer” means an individual responsible for ensuring compliance with the requirements mandated by subchapter II of chapter 53 of title 31, United States Code;

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

(3) the term “covered agency” means—

(A) a State financial regulatory agency, including a State securities or law enforcement authority and a State insurance regulator;

(B) each of the Federal financial institutions regulatory agencies;

(C) the Securities and Exchange Commission;

(D) a law enforcement agency;

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

and

(F) a State attorney general.

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

(A) a credit union;

(B) a depository institution;
(C) an investment advisor;

(D) a broker-dealer;

(E) an insurance company; and

(F) a State attorney general.

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

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

(7) the term “exploitation” means the fraudulent or otherwise illegal, unauthorized, or improper act or process of an individual, including a caregiver or fiduciary, that—

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

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

(8) the term “Federal financial institutions regulatory agencies” has the meaning given the term in
section 1003 of the Federal Financial Institutions
Examination Council Act of 1978 (12 U.S.C. 3302);

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

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

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

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

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

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

(b) IMMUNITY FROM SUIT.—

(1) IMMUNITY FOR INDIVIDUALS.—An indi-
vidual who has received the training described in
section 3 shall not be liable, including in any civil or
administrative proceeding, for disclosing the possible exploitation of a senior citizen to a covered agency if the individual, at the time of the disclosure—

(A) served as a supervisor, compliance officer (including a Bank Secrecy Act Officer), or registered representative for a covered financial institution; and

(B) made the disclosure with reasonable care including reasonable efforts to avoid disclosure other than to a covered agency.

(2) IMMUNITY FOR COVERED FINANCIAL INSTITUTIONS.—A covered financial institution shall not be liable, including in any civil or administrative proceeding, for a disclosure made by an individual described in paragraph (1) if—

(A) the individual was employed by, or, in the case of a registered representative, affiliated or associated with, the covered financial institution at the time of the disclosure; and

(B) before the time of the disclosure, the covered financial institution provided the training described in section 3 to each individual described in section 3(a).
SEC. 3. TRAINING REQUIRED.

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

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

(2) may come into contact with a senior citizen as a regular part of the duties of the officer, employee, or registered representative; or

(3) may review or approve the financial documents, records, or transactions of a senior citizen in connection with providing financial services to a senior citizen.

(b) TRAINING.—

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

(A) instruct any individual attending the training on how to identify and report the suspected exploitation of a senior citizen;

(B) discuss the need to protect the privacy and respect the integrity of each individual customer of a covered financial institution; and

(C) be appropriate to the job responsibilities of the individual attending the training.
(2) **Timing.**—The training required under subsection (a) shall be provided as soon as reasonably practicable but not later than 1 year after the date on which an officer, employee, or registered representative begins employment with or becomes affiliated or associated with the covered financial institution.

(3) **Bank Secrecy Act Officer.**—An individual who is designated as a compliance officer under an anti-money laundering program established pursuant to section 5318(h) of title 31, United States Code, shall be deemed to have received the training described under this subsection.

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

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