

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2610**

OFFERED BY MS. BLUNT ROCHESTER,
Mr. Walberg, Mr. Hudson, and Mr. Lujan

Strike all after the enacting clause and insert the
following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Fraud and Scam Reduction Act”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 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.

1 **SEC. 2. COMMISSION DEFINED.**

2 In this Act, the term “Commission” means the Fed-
3 eral Trade Commission.

4 **TITLE I—PREVENTING CON-**
5 **SUMER SCAMS DIRECTED AT**
6 **SENIORS**

7 **SEC. 101. SHORT TITLE.**

8 This title may be cited as the “Stop Senior Scams
9 Act”.

10 **SEC. 102. SENIOR SCAMS PREVENTION ADVISORY GROUP.**

11 (a) **ESTABLISHMENT OF SENIOR SCAMS PREVEN-**
12 **TION ADVISORY GROUP.**—There is established a Senior
13 Scams Prevention Advisory Group (referred to in this sec-
14 tion as the “Advisory Group”).

15 (b) **MEMBERS.**—The Advisory Group shall be com-
16 posed of stakeholders such as the following individuals or
17 the designees of such individuals:

18 (1) The Chairman of the Federal Trade Com-
19 mission.

20 (2) The Secretary of the Treasury.

21 (3) The Attorney General.

22 (4) The Director of the Bureau of Consumer
23 Financial Protection.

24 (5) Representatives from each of the following
25 sectors, including trade associations, to be selected
26 by Federal Trade Commission:

1 (A) Retail.

2 (B) Gift cards.

3 (C) Telecommunications.

4 (D) Wire-transfer services.

5 (E) Senior peer advocates.

6 (F) Consumer advocacy organizations with
7 efforts focused on preventing seniors from be-
8 coming the victims of scams.

9 (G) Financial services, including institu-
10 tions that engage in digital currency.

11 (H) Prepaid cards.

12 (6) A member of the Board of Governors of the
13 Federal Reserve System.

14 (7) A prudential regulator, as defined in section
15 1002 of the Consumer Financial Protection Act of
16 2010 (12 U.S.C. 5481).

17 (8) The Director of the Financial Crimes En-
18 forcement Network.

19 (9) Any other Federal, State, or local agency,
20 industry representative, consumer advocate, or enti-
21 ty, as determined by the Federal Trade Commission.

22 (c) NO COMPENSATION FOR MEMBERS.—A member
23 of the Advisory Group shall serve without compensation
24 in addition to any compensation received for the service

1 of the member as an officer or employee of the United
2 States, if applicable.

3 (d) DUTIES.—

4 (1) IN GENERAL.—The Advisory Group shall—

5 (A) collect information on the existence,
6 use, and success of educational materials and
7 programs for retailers, financial services, and
8 wire-transfer companies, which—

9 (i) may be used as a guide to educate
10 employees on how to identify and prevent
11 scams that affect seniors; and

12 (ii) include—

13 (I) useful information for retail-
14 ers, financial services, and wire trans-
15 fer companies for the purpose de-
16 scribed in clause (i);

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

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

23 (IV) the most effective signage
24 and placement in retail locations to
25 warn seniors about scammers' use of

1 gift cards, prepaid cards, and wire
2 transfer services;

3 (V) suggestions on effective col-
4 laborative community education cam-
5 paigns;

6 (VI) available technology to as-
7 sist in identifying possible scams at
8 the point of sale; and

9 (VII) other information that
10 would be helpful to retailers, wire
11 transfer companies, financial institu-
12 tions, and their employees as they
13 work to prevent fraud affecting sen-
14 iors; and

15 (B) based on the findings in subparagraph

16 (A)—

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

23 (ii) create model materials, best prac-
24 tices guidance, or recommendations to fill
25 those inadequacies, omissions, or defi-

1 ciencies that may be used by industry and
2 others to help protect older adults from
3 scams.

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

6 (A) make the materials or guidance cre-
7 ated by the Federal Trade Commission de-
8 scribed in paragraph (1) publicly available; and

9 (B) encourage the use and distribution of
10 the materials created under this subsection to
11 prevent scams affecting seniors by govern-
12 mental agencies and the private sector.

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

16 (1) in subparagraph (C), by striking “and” at
17 the end;

18 (2) in subparagraph (D), by striking the period
19 at the end and inserting “; and”; and

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

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

23 “(i) the newly created materials, guid-
24 ance, or recommendations of the Senior
25 Scams Prevention Advisory Group estab-

1 lished under section 2 of the Stop Senior
2 Scams Act, and any relevant views or con-
3 siderations made by members of the Advi-
4 sory Group that were not included in the
5 Advisory Group’s model materials or con-
6 sidered an official recommendation by the
7 Advisory Group;

8 “(ii) the Senior Scams Prevention Ad-
9 visory Group’s findings about senior scams
10 and industry educational materials and
11 programs; and

12 “(iii) any recommendations on ways
13 stakeholders can continue to work together
14 to reduce scams affecting seniors.”.

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

18 **TITLE II—SENIOR FRAUD**

19 **ADVISORY OFFICE**

20 **SEC. 201. SHORT TITLE.**

21 This title may be cited as the “Seniors Fraud Preven-
22 tion Act of 2020”.

23 **SEC. 202. SENIOR FRAUD ADVISORY OFFICE.**

24 (a) ESTABLISHMENT OF ADVISORY OFFICE.—The
25 Federal Trade Commission shall establish an office within

1 the Bureau of Consumer Protection for the purpose of ad-
2 vising the Commission on the prevention of fraud tar-
3 geting seniors and to assist the Commission with the fol-
4 lowing:

5 (1) OVERSIGHT.—The advisory office shall
6 monitor the market for mail, television, internet,
7 telemarketing, and recorded message telephone call
8 (hereinafter referred to as “robocall”) fraud tar-
9 geting seniors and shall coordinate with other rel-
10 evant agencies regarding the requirements of this
11 section.

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

18 (A) disseminate to seniors and families and
19 caregivers of seniors general information on
20 mail, television, internet, telemarketing, and
21 robocall fraud targeting seniors, including de-
22 scriptions of the most common fraud schemes;

23 (B) disseminate to seniors and families
24 and caregivers of seniors information on report-
25 ing complaints of fraud targeting seniors either

1 to the national toll-free telephone number estab-
2 lished by the Commission for reporting such
3 complaints, or to the Consumer Sentinel Net-
4 work, operated by the Commission, where such
5 complaints will become immediately available to
6 appropriate law enforcement agencies, including
7 the Federal Bureau of Investigation and the at-
8 torneys general of the States;

9 (C) in response to a specific request about
10 a particular entity or individual, provide pub-
11 lically available information of enforcement ac-
12 tion taken by the Commission for mail, tele-
13 vision, internet, telemarketing, and robocall
14 fraud against such entity; and

15 (D) maintain a website to serve as a re-
16 source for information for seniors and families
17 and caregivers of seniors regarding mail, tele-
18 vision, internet, telemarketing, robocall, and
19 other identified fraud targeting seniors.

20 (3) COMPLAINTS.—The Commission through
21 the advisory office shall, in consultation with the At-
22 torney General, establish procedures to—

23 (A) log and acknowledge the receipt of
24 complaints by individuals who believe they have
25 been a victim of mail, television, internet, tele-

1 marketing, and robocall fraud in the Consumer
2 Sentinel Network, and shall make those com-
3 plaints immediately available to Federal, State,
4 and local law enforcement authorities; and

5 (B) provide to individuals described in sub-
6 paragraph (A), and to any other persons, spe-
7 cific and general information on mail, television,
8 internet, telemarketing, and robocall fraud, in-
9 cluding descriptions of the most common
10 schemes using such methods of communication.

11 (b) COMMENCEMENT.—The Commission shall com-
12 mence carrying out the requirements of this section not
13 later than one year after the date of enactment of this
14 Act.

15 **TITLE III—PREVENTING THE**
16 **TARGETING OF SENIORS DUR-**
17 **ING EMERGENCIES**

18 **SEC. 301. SHORT TITLE.**

19 This title may be cited as the “Protecting Seniors
20 from Emergency Scams Act”.

21 **SEC. 302. FTC REPORT ON SCAMS TARGETING SENIORS**
22 **DURING EMERGENCIES.**

23 Not later than 30 days after the date of enactment
24 of this Act, the Federal Trade Commission (referred to

1 in this Act as the “Commission”) shall submit a report
2 to Congress including—

3 (1) a description of the number and types of
4 scams identified by the Commission as being tar-
5 geted at senior citizens; and

6 (2) policy recommendations to prevent such
7 scams, especially as such scams relate to future na-
8 tional emergencies.

9 **SEC. 303. INCREASING AWARENESS OF SCAMS TARGETING**
10 **SENIORS.**

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

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

1 **TITLE IV—PREVENTING SCAMS**
2 **TARGETING INDIAN TRIBES**

3 **SEC. 401. SHORT TITLE.**

4 This title may be cited as the “Protecting Indian
5 Tribes from Scams Act”.

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

8 (a) **FTC REPORT.**—Not later than 1 year after the
9 date of the enactment of this Act, and after consultation
10 with Indian Tribes, the Commission shall make publicly
11 available on the website of the Commission and submit
12 to the Committee on Energy and Commerce of the House
13 of Representatives and the Committee on Commerce,
14 Science, and Transportation of the Senate a report on un-
15 fair or deceptive acts or practices targeted at Indian
16 Tribes or members of Indian Tribes, including—

17 (1) a description of the types of unfair or de-
18 ceptive acts or practices identified by the Commis-
19 sion as being targeted at Indian Tribes or members
20 of Indian Tribes;

21 (2) a description of the consumer education ac-
22 tivities of the Commission with respect to such acts
23 or practices;

24 (3) a description of the efforts of the Commis-
25 sion to collaborate with Indian Tribes to prevent

1 such acts or practices or to pursue persons using
2 such acts or practices;

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

6 (5) any recommendations for legislation to pre-
7 vent such acts or practices.

8 (b) INCREASING AWARENESS OF UNFAIR OR DECEP-
9 TIVE ACTS OR PRACTICES TARGETING INDIAN TRIBES.—
10 Not later than 6 months after the date of the submission
11 of the report required by subsection (a), the Commission
12 shall update the website of the Commission to include in-
13 formation for consumers and businesses on identifying
14 and avoiding unfair or deceptive acts or practices targeted
15 at Indian Tribes or members of Indian Tribes.

16 **TITLE V—ENHANCING CON-**
17 **SUMER PROTECTION EN-**
18 **FORCEMENT**

19 **SEC. 501. SHORT TITLE.**

20 This title may be cited as the “FTC Collaboration
21 Act of 2020”.

22 **SEC. 502. UNFAIR AND DECEPTIVE PRACTICES COOPERA-**
23 **TION STUDY.**

24 (a) IN GENERAL.—

1 (1) STUDY REQUIRED.—Not later than 1 year
2 after the date of the enactment of this Act, the Fed-
3 eral Trade Commission shall conduct a study on fa-
4 cilitating and refining existing efforts with State At-
5 torneys General to prevent, publicize, and penalize
6 frauds and scams being perpetrated on individuals in
7 the United States.

8 (2) REQUIREMENTS OF STUDY.—In conducting
9 the study, the Commission shall examine the fol-
10 lowing:

11 (A) The roles and responsibilities of the
12 Commission and State Attorneys General that
13 best advance collaboration and consumer pro-
14 tection.

15 (B) The policies, procedures, and mecha-
16 nisms that facilitate cooperation and commu-
17 nications across the Commission.

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

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

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

4 (A) consult with—

5 (i) the National Association of State
6 Attorneys General;

7 (ii) public interest organizations dedi-
8 cated to consumer protection;

9 (iii) relevant private sector entities;
10 and

11 (iv) any other Federal or State agency
12 that the Federal Trade Commission con-
13 siders necessary; and

14 (B) provide opportunity for public com-
15 ment and advice relevant to the production of
16 the study.

17 (b) REPORT TO CONGRESS.—Not later than 6
18 months after the completion of the study required pursu-
19 ant to subsection (a), the Commission shall submit to the
20 Committee on Energy and Commerce of the House of
21 Representatives and the Committee on Commerce,
22 Science, and Transportation of the Senate, and make pub-
23 licly available on the website of the Commission, a report
24 that contains the following:

25 (1) The results of the study.

1 (2) Recommended best practices to enhance col-
2 laboration efforts between the Commission and State
3 Attorneys General with respect to preventing, publi-
4 cizing, and penalizing fraud and scams.

5 (3) Quantifiable metrics by which enhanced col-
6 laboration can be measured.

7 (4) Legislative recommendations, if any, to en-
8 hance collaboration efforts between the Commission
9 and State Attorneys General to prevent, publicize,
10 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.”.

