

112TH CONGRESS  
2D SESSION

# S. 3490

To dedicate funds from the Crime Victims Fund to victims of elder abuse,  
and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2012

Mr. BROWN of Massachusetts (for himself and Mr. LIEBERMAN) introduced  
the following bill; which was read twice and referred to the Committee  
on the Judiciary

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## A BILL

To dedicate funds from the Crime Victims Fund to victims  
of elder abuse, 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 “Stop Abuse, Violence,  
5 and Exploitation of Elders Act of 2012” or the “SAVE  
6 Elders Act of 2012”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

9 (1) The population of individuals age 65 or  
10 older in the United States is growing and is esti-

1 mated to reach  $\frac{1}{5}$  of the total population of the  
2 United States by the year 2030.

3 (2) According to a 2011 report by the Govern-  
4 ment Accountability Office, during a recent year, 1  
5 out of every 7 older individuals living in a home or  
6 community-based setting experienced some form of  
7 elder abuse.

8 (3) According to a report by the Bureau of Jus-  
9 tice Statistics, “Criminal Victimization in the United  
10 States, 2008”, 54 percent of crimes involving victims  
11 age 65 or older are unreported.

12 (4) The Crime Victims Fund, which was estab-  
13 lished to support victims of crime—

14 (A) is funded by the proceeds of forfeited  
15 bonds, criminal penalty assessments, and fines  
16 collected from persons convicted of offenses  
17 against the United States; and

18 (B) does not receive funds from taxpayers  
19 in the United States.

20 (5) No amounts are specifically allocated from  
21 the Crime Victims Fund to individuals age 65 or  
22 older who experience victimization in the form of  
23 abuse, neglect, or exploitation.

24 (6) The Government Accountability Office esti-  
25 mates that elder abuse investigations by Adult Pro-

1        tect Services in 33 States may increase by 28 per-  
 2        cent by the year 2020.

3            (7) The Federal Government and State govern-  
 4        ments use varying definitions of the term “elder  
 5        abuse”. The definition of “elder abuse” used by a  
 6        State government is recognized as the primary defi-  
 7        nition to ensure consistent administration of existing  
 8        and future elder abuse programs by the State.

9        **SEC. 3. AMENDMENTS TO THE VICTIMS OF CRIME ACT OF**  
 10        **1984.**

11        (a) CRIME VICTIMS FUND.—

12            (1) IN GENERAL.—Section 1402(d) of the Vic-  
 13        tims of Crime Act of 1984 (42 U.S.C. 10601(d)) is  
 14        amended—

15            (A) by redesignating paragraph (2) as  
 16        paragraph (1); and

17            (B) by inserting after paragraph (1), as so  
 18        redesignated, the following:

19            “(2)(A) Subject to subparagraph (C), for each  
 20        fiscal year in which the obligation limitation is great-  
 21        er than the obligation limitation for fiscal year 2012,  
 22        the first \$20,000,000 made available for obligation  
 23        in the fiscal year after the amount equal to the obli-  
 24        gation limitation for fiscal year 2012 is made avail-

1 able shall be available for grants under section  
2 1404F.

3 “(B)(i) Subject to subparagraph (C), in any fis-  
4 cal year in which an amount less than \$20,000,000,  
5 or no amount, is made available under subparagraph  
6 (A) for grants under section 1404F, and the amount  
7 available in the Fund is greater than the obligation  
8 limitation for the fiscal year, the amount described  
9 in clause (ii) shall be deposited into an elder abuse  
10 reserve fund and shall be available to make grants  
11 under section 1404F.

12 “(ii) The amount described in this clause is an  
13 amount that is the lesser of—

14 “(I) the difference between—

15 “(aa) \$20,000,000; and

16 “(bb) the amount made available  
17 under subparagraph (A) for grants under  
18 section 1404F in the fiscal year; and

19 “(II) the limitation surplus for the fiscal  
20 year.

21 “(iii) The Director may carry over amounts in  
22 the elder abuse reserve fund established under clause  
23 (i) from fiscal year to fiscal year.

1           “(iv) Amounts in the elder abuse reserve fund  
2 established under clause (i) shall not be subject to  
3 the obligation limitation.

4           “(C) The sum of the amounts made available  
5 under subparagraphs (A) and (B) for grants under  
6 section 1404F in a fiscal year shall be not more  
7 than \$20,000,000.

8           “(D) For purposes of this paragraph—

9                   “(i) the term ‘obligation limitation’ means  
10 the amount in the Fund that is made available  
11 for obligation in a fiscal year under the applica-  
12 ble appropriations act; and

13                   “(ii) the term ‘limitation surplus’ means,  
14 with respect to a fiscal year, the amount that  
15 is equal to the difference between—

16                           “(I) the amount available in the  
17 Fund; and

18                           “(II) the obligation limitation for the  
19 fiscal year.”.

20           (2) TECHNICAL AND CONFORMING AMEND-  
21 MENTS.—The Victims of Crime Act of 1984 (42  
22 U.S.C. 10601 et seq.) is amended—

23                   (A) in section 1402—

24                           (i) in subsection (d)—

1 (I) in paragraph (3), by striking  
2 “paragraph (2)” and inserting “para-  
3 graphs (1) and (2)”; and

4 (II) in paragraph (5)(A)—  
5 (aa) in the first sentence, by  
6 inserting “(1),” before “(2)”;  
7 and

8 (bb) in the second sentence,  
9 by inserting “(1),” before “(2)”;  
10 and

11 (ii) in subsection (g)—

12 (I) in paragraph (1), in the mat-  
13 ter preceding subparagraph (A), by  
14 striking “(d)(2)” and inserting  
15 “(d)(1)”; and

16 (II) in paragraph (2), by striking  
17 “(d)(2)” and inserting “(d)(1)”;

18 (B) in section 1404(a)(1), by striking  
19 “1402(d)(2)” and inserting “1402(d)(4)”; and

20 (C) in section 1404A, in the first sentence,  
21 by striking “1402(d)(2)” and inserting  
22 “1402(d)(1)”.

23 (3) SENSE OF CONGRESS.—It is the sense of  
24 Congress that—

1 (A) in establishing the maximum amount  
 2 available for obligation during a fiscal year in  
 3 the Fund established under section 1402 of the  
 4 Victims of Crime Act of 1984 (42 U.S.C.  
 5 10601), the maximum should be increased by  
 6 the amount described in such section  
 7 1402(d)(2)(A), as amended by paragraph (1),  
 8 as compared to the maximum amount that  
 9 would otherwise be established; or

10 (B) the amount described in paragraph  
 11 (2)(B) of section 1402(d) of the Victims of  
 12 Crime Act of 1984 (42 U.S.C. 10601(d)), as  
 13 added by paragraph (1), should be made avail-  
 14 able on an annual basis to be used for com-  
 15 pensation and assistance to victims of elder  
 16 abuse.

17 (b) COMPENSATION AND ASSISTANCE TO VICTIMS OF  
 18 ELDER ABUSE.—The Victims of Crime Act of 1984 (42  
 19 U.S.C. 10601 et seq.) is amended by inserting after sec-  
 20 tion 1404E (42 U.S.C. 10603e) the following:

21 **“SEC. 1404F. COMPENSATION AND ASSISTANCE TO VICTIMS**  
 22 **OF ELDER ABUSE.**

23 “(a) DEFINITIONS.—In this section—

24 “(1) the term ‘elder abuse’—

1           “(A) means the abuse, exploitation, or ne-  
2           glect, as those terms are defined in section  
3           2011 of the Social Security Act (42 U.S.C.  
4           1397j), of an individual who is—

5                   “(i) age 65 or older; and

6                   “(ii) lawfully present in the United  
7           States; and

8           “(B) with respect to a State that receives  
9           a grant under this section, includes any other  
10          conduct not described in subparagraph (A) that  
11          is defined as elder abuse under the laws of the  
12          State; and

13          “(2) the term ‘State’ means each of the several  
14          States of the United States, the District of Colum-  
15          bia, the Commonwealth of Puerto Rico, Guam, the  
16          United States Virgin Islands, American Samoa, and  
17          the Northern Mariana Islands.

18          “(b) GRANTS AUTHORIZED.—

19                 “(1) IN GENERAL.—Subject to paragraph (2),  
20          the Director shall use the amounts made available  
21          under section 1402(d)(2) to make grants to States  
22          to support—

23                   “(A) eligible crime victim assistance pro-  
24                  grams, as defined in section 1404(b)(1), that  
25                  provide assistance to victims of elder abuse; and



1           “(B) programs that improve the investiga-  
2           tion, handling (as defined under the laws of a  
3           State), and prosecution of cases of elder abuse.

4           “(2) STATE APPORTIONMENTS.—

5           “(A) BASE AMOUNTS.—Of the amounts al-  
6           located for grants to States under paragraph  
7           (1), the Director shall apportion—

8                   “(i) 0.5 percent to—

9                           “(I) each of the several States of  
10                           the United States;

11                           “(II) the District of Columbia;

12                           and

13                           “(III) the Commonwealth of  
14                           Puerto Rico;

15                   “(ii) 0.25 percent to—

16                           “(I) Guam; and

17                           “(II) the United States Virgin Is-  
18                           lands; and

19                   “(iii) 0.125 percent to—

20                           “(I) American Samoa; and

21                           “(II) the Northern Mariana Is-  
22                           lands.

23           “(B) REMAINING AMOUNTS.—

24                   “(i) IN GENERAL.—Amounts remain-  
25                   ing after apportionment under subpara-

1 graph (A) of the amounts allocated under  
2 paragraph (1) shall be apportioned among  
3 the States according to a formula estab-  
4 lished by the Director.

5 “(ii) FORMULA.—The formula de-  
6 scribed in clause (i) shall be based on the  
7 following factors:

8 “(I) The population of individ-  
9 uals age 65 or older in a State in rela-  
10 tion to the population of individuals  
11 age 65 or older in all States.

12 “(II) The population of individ-  
13 uals age 65 or older in a State in rela-  
14 tion to the population of the State.

15 “(III) The overall rate of crime  
16 in a State, as determined by the Bu-  
17 reau of the Census.

18 “(3) FEDERAL SHARE.—The Federal share of  
19 the cost of a program carried out by one of the sev-  
20 eral States, the District of Columbia, or the Com-  
21 monwealth of Puerto Rico using a grant under this  
22 section may not exceed 80 percent.

23 “(c) BIENNIAL REPORT.—The Attorney General, act-  
24 ing through the Director, shall submit to Congress a bien-  
25 nial report on—

1           “(1) the use of funds made available under sec-  
2           tion 1402(d)(2) during each of the 2 preceding fiscal  
3           years; and

4           “(2) the administration of this section, includ-  
5           ing—

6                   “(A) a complete and detailed analysis of—

7                           “(i) the manner in which each State  
8                           that receives amounts under this section  
9                           has distributed the amounts; and

10                           “(ii) significant problems, if any, in  
11                           carrying out this section; and

12                   “(B) recommendations for legislation to  
13                   remedy the problems, if any, identified under  
14                   subparagraph (A)(ii).”.

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