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# ELDER JUSTICE ACT, THE ELDER ABUSE VICTIMS ACT OF 2008, THE SCHOOL SAFETY ENHANCEMENTS ACT OF 2007, AND THE A CHILD IS MISSING ALERT AND RECOVERY CENTER ACT

## HEARING

BEFORE THE

SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY

OF THE

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

SECOND SESSION

ON

**H.R. 1783, H.R. 5352, H.R. 2352 and H.R. 5464**

APRIL 17, 2008

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# CONTENTS

APRIL 17, 2008


Page

TEXT OF THE BILLS

H.R. 1783, the "Elder Justice Act" ..... 2
H.R. 5352, the "Elder Abuse Victims Act of 2008" ..... 25
H.R. 2352, the "School Safety Enhancements Act of 2007" ..... 34
H.R. 5464, the "A Child Is Missing Alert and Recovery Center Act" ..... 36

OPENING STATEMENTS

The Honorable Robert C. "Bobby" Scott, a Representative in Congress from the State of Virginia, and Chairman, Subcommittee on Crime, Terrorism, and Homeland Security ..... 1
The Honorable Louie Gohmert, a Representative in Congress from the State of Texas, and Ranking Member, Subcommittee on Crime, Terrorism, and Homeland Security ..... 37
The Honorable John Conyers, Jr., a Representative in Congress from the State of Michigan, and Chairman, Committee on the Judiciary ..... 39
The Honorable Hank Johnson, a Representative in Congress from the State of Georgia, and Member, Subcommittee on Crime, Terrorism, and Homeland Security ..... 44
The Honorable Tammy Baldwin, a Representative in Congress from the State of Wisconsin, and Member, Subcommittee on Crime, Terrorism, and Homeland Security ..... 44

WITNESSES

The Honorable Rahm Emanuel, a Representative in Congress from the State of Illinois
Oral Testimony ..... 46
Prepared Statement ..... 48
The Honorable Joe Sestak, a Representative in Congress from the State of Pennsylvania
Oral Testimony ..... 50
Prepared Statement ..... 52
The Honorable Steven R. Rothman, a Representative in Congress from the State of New Jersey
Oral Testimony ..... 53
Prepared Statement ..... 55
The Honorable Ron Klein, a Representative in Congress from the State of Florida
Oral Testimony ..... 56
Prepared Statement ..... 58
Mr. Robert Blancato, National Coordinator, Elder Justice Coalition, Washington, DC
Oral Testimony ..... 63
Prepared Statement ..... 65
Ms. Sherry Friedlander-Olsen, Founder and CEO, A Child Is Missing Alert Program, Fort Lauderdale, FL
Oral Testimony ..... 80
Prepared Statement ..... 82

Page

Mr. Vernon M. Keenan, Director, Georgia Bureau of Investigation, Decatur, GA
Oral Testimony ..... 83
Prepared Statement ..... 85

LETTERS, STATEMENTS, ETC., SUBMITTED FOR THE HEARING

Prepared Statement of the Honorable John Conyers, Jr., a Representative in Congress from the State of Michigan, and Chairman, Committee on the Judiciary ..... 40
Prepared Statement of the Honorable Tammy Baldwin, a Representative in Congress from the State of Wisconsin, and Member, Subcommittee on Crime, Terrorism, and Homeland Security ..... 44
Prepared Statement of the Honorable Peter T. King, a Representative in Congress from the State of New York ..... 47
Prepared Statement of Joseph D. O'Connor, Chair, American Bar Association Commission on Law and Aging, the American Bar Association (ABA) ..... 99

APPENDIX

Material Submitted for the Hearing Record ..... 101

# ELDER JUSTICE ACT, THE ELDER ABUSE VICTIMS ACT OF 2008, THE SCHOOL SAFETY ENHANCEMENTS ACT OF 2007, AND THE A CHILD IS MISSING ALERT AND RECOVERY CENTER ACT

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**THURSDAY, APRIL 17, 2008**

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIME, TERRORISM,
AND HOMELAND SECURITY
COMMITTEE ON THE JUDICIARY,
*Washington, DC.*

The Subcommittee met, pursuant to call, at 10:05 a.m., in room 2141, Rayburn House Office Building, the Honorable Robert C. "Bobby" Scott (Chairman of the Subcommittee) presiding.

Present: Representatives Conyers, Scott, Waters, Johnson, Jackson Lee, Baldwin, Gohmert, Coble, and Chabot.

Staff present: Mario Dispenza, Fellow/ATF Detailee; Karen Wilkinson, Fellow/Federal Public Defender Office Detailee; Veronica Eligan, Majority Professional Staff Member; Caroline Lynch, Minority Counsel; and Kelsey Whitlock, Minority Staff Assistant.

Mr. SCOTT. The Subcommittee will now come to order.

I am pleased to welcome you to this hearing before the Subcommittee on Crime, Terrorism, and Homeland Security. Today, we will be considering four public safety bills pending before the House, H.R. 1783, the "Elder Justice Act," H.R. 5352, the "Elder Abuse Victims Act of 2008," H.R. 2352, the "School Enhancements Act of 2007," and H.R. 5464, the "A Child Is Missing Alert and Recovery Center Act."

H.R. 1783, the "Elder Justice Act," is sponsored by the gentleman from Illinois, Mr. Emanuel. H.R. 5352, the "Elder Abuse Victims Act of 2008" is sponsored by the gentleman from Pennsylvania, Mr. Sestak. They form a comprehensive plan for preventing and combating elder abuse, neglect and exploitation.

[The text of the bill, H.R. 1783, follows:]

I

110TH CONGRESS
1ST SESSION

# H. R. 1783

To amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 2007

Mr. EMANUEL (for himself and Mr. KING of New York) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, Energy and Commerce, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

# A BILL

To amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, 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; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Elder Justice Act".
(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purposes.

TITLE I—DEPARTMENT OF HEALTH AND HUMAN SERVICES

Sec. 101. Definitions.
Sec. 102. Elder Justice.

"PART A—BLOCK GRANTS TO STATES FOR SOCIAL SERVICES

"PART B—ELDER JUSTICE

"Sec. 2011. Definitions.
"Sec. 2012. General provisions.

"Subpart 1—National Coordination of Elder Justice Activities and Research

"CHAPTER I—ELDER JUSTICE COORDINATING COUNCIL AND ADVISORY BOARD ON ELDER ABUSE, NEGLECT, AND EXPLOITATION

"Sec. 2021. Elder Justice Coordinating Council.
"Sec. 2022. Advisory Board on Elder Abuse, Neglect, and Exploitation.
"Sec. 2023. Research protections.
"Sec. 2024. Authorization of appropriations.

"CHAPTER II—ELDER ABUSE, NEGLECT, AND EXPLOITATION FORENSIC CENTERS

"Sec. 2031. Establishment and support of elder abuse, neglect, and Exploitation forensic Centers.

"Subpart 2—Programs to Promote Elder Justice

"Sec. 2041. Enhancement of long-term care.
"Sec. 2042. Adult protective services functions and grant programs.
"Sec. 2043. Long-term care ombudsman program grants and training.
"Sec. 2044. Provision of information regarding, and evaluations of, elder justice programs.
"Sec. 2045. Report.
"Sec. 1150A. Reporting to law enforcement of crimes occurring in federally funded long-Term care facilities.
"Sec. 1150B. Ensuring safety of residents when federally funded Long-Term care facilities close.

TITLE II—DEPARTMENT OF JUSTICE

Sec. 201. Model State laws and practices.
Sec. 202. Elder justice plan and strategy.
Sec. 203. Victim advocacy grants.
Sec. 204. Supporting local prosecutors in elder justice matters.
Sec. 205. Supporting State prosecutors in elder justice matters.
Sec. 206. Increased support for Federal cases involving elder justice.
Sec. 207. Supporting law enforcement in elder justice matters.
Sec. 208. Evaluations.

TITLE III—TAX PROVISIONS

Sec. 301. Long-Term care facility worker employment tax credit.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) The proportion of the United States population age 60 years or older will drastically increase in the next 30 years as more than 76,000,000 baby boomers approach retirement and old age.

(2) Each year, anywhere between 500,000 and 5,000,000 elders in the United States are abused, neglected, or exploited.

(3) Elder abuse, neglect, and exploitation have no boundaries, and cross all racial, social class, gender, and geographic lines.

(4) Victims of elder abuse, neglect, and exploitation are not only subject to injury from mistreatment and neglect, they are also 3.1 times more likely than elders who were not victims of elder abuse, neglect, and exploitation to die at an earlier age than expected.

(5) There is a general dearth of data as to the nature and scope of elder abuse, neglect, and exploitation. In recognition of the need to improve data collection efforts with respect to elder abuse, neglect, and exploitation, Congress required the Secretary of Health and Human Services to conduct a study by the end of 2008 on establishing a uniform national database on elder abuse under section 405 of title IV of Division C of the Tax Relief and Health Care Act of 2006 (Public Law 109–432).

(6) Despite the dearth of data in the field, experts agree that most cases of elder abuse, neglect, and exploitation are never reported and that abuse, neglect, and exploitation shorten a victim's life, often triggering a downward spiral of an otherwise productive, self-sufficient elder's life. Programs addressing other difficult issues such as domestic violence and child abuse and neglect have demonstrated the need for a multifaceted law, combining public health, social service, and law enforcement approaches.

(7) For over 20 years, Congress has been presented with facts and testimony calling for a coordinated Federal effort to combat elder abuse, neglect, and exploitation.

(8) The Federal Government has been slow to respond to the needs of victims of elder abuse, neglect, and exploitation or to undertake prevention efforts.

(9) No Federal law has been enacted that adequately and comprehensively addresses the issues of elder abuse, neglect, and exploitation and there are very limited resources available to those in the field that directly deal with the issues.

(10) Differences in State laws and practices in the areas of elder abuse, neglect, and exploitation lead to significant disparities in prevention, protective and social services, treatment systems, and law enforcement, and lead to other inequities.

(11) The Federal Government has played an important role in promoting research, training, public safety, and data collection, and the identification, development, and dissemination of promising health care, social, and protective services, and law enforcement practices, relating to child abuse and neglect, domestic violence, and violence against women. The Federal Government should promote similar efforts and protections relating to elder abuse, neglect, and exploitation.

(12) The Federal Government should provide leadership and assist States and communities in their efforts to protect elders in the United States by—

(A) promoting coordinated planning among all levels of government;

(B) generating and sharing knowledge relevant to protecting elders;

(C) providing leadership to combat the abuse, neglect, and exploitation of the Nation's elders; and

(D) providing resources to States and communities to promote elder justice.

(13) The problem of elder abuse, neglect, and exploitation requires a comprehensive approach that—

(A) integrates the work of health, legal, and social service agencies and organizations;

(B) emphasizes the need for prevention, reporting, investigation, assessment, treatment, and prosecution of elder abuse, neglect, and exploitation at all levels of government;

(C) ensures that sufficient numbers of properly trained personnel with specialized knowledge are in place to—

(i) treat, assess, and provide services relating to elder abuse, neglect, and exploitation; and

(ii) carry out elder protection duties;

(D) is sensitive to ethnic and cultural diversity;

(E) recognizes the role of mental health, disability, dementia, substance abuse, medication mismanagement, and family dysfunction problems in increasing and exacerbating elder abuse, neglect, and exploitation; and

(F) balances elders' right to self-determination with society's responsibility to protect elders.

(14) The human, social, and economic cost of elder abuse, neglect, and exploitation is high and includes unnecessary expenditures of funds from many public programs.

(15) The failure to coordinate activities relating to, and comprehensively prevent and treat, elder abuse, neglect, and exploitation threatens the future and well-being of millions of elders in the United States.

(16) All elements of society in the United States have a shared responsibility in responding to a national problem of elder abuse, neglect, and exploitation.

**SEC. 3. PURPOSES.**

The purposes of this Act are as follows:

(1) To enhance the social security of the Nation by ensuring adequate public-private infrastructure and resolving to prevent, detect, treat, understand, and intervene in, and where appropriate, aid in the prosecution of, elder abuse, neglect, and exploitation.

(2) To bring a comprehensive approach to preventing and combating elder abuse, neglect, and exploitation, a long invisible problem that afflicts the most vulnerable among the aging population of the United States.

(3) To raise the issue of elder abuse, neglect, and exploitation to national attention, and to create the infrastructure at the Federal, State, and local levels, to ensure that individuals and organizations on the front lines, who are fighting elder abuse, neglect, and exploitation with scarce resources and fragmented systems, have the resources and information needed to carry out their fight.

(4) To bring a comprehensive multidisciplinary approach to elder justice.

(5) To set in motion research and data collection to fill gaps in knowledge about elder abuse, neglect, and exploitation.

(6) To supplement the activities of service providers and programs, to enhance training, and to leverage scarce resources efficiently, in order to ensure that elder justice receives the attention it deserves as the Nation's population ages.

(7) To recognize and address the role of mental health, disability, dementia, substance abuse, medication mismanagement, and family dysfunction problems in increasing and exacerbating elder abuse, neglect, and exploitation.

(8) To create short- and long-term strategic plans for the development and coordination of elder justice research, programs, studies, training, and other efforts nationwide.

(9) To promote collaborative efforts and diminish overlap and gaps in efforts in developing the important field of elder justice.

(10) To honor and respect the right of all individuals with diminished capacity to decisionmaking autonomy, self-determination, and dignity of choice.

(11) To respect the wishes of individuals with diminished capacity and their family members in providing supportive services and care plans intended to protect elders from abuse, neglect (including self-neglect), and exploitation.

# TITLE I—DEPARTMENT OF HEALTH AND HUMAN SERVICES

**SEC. 101. DEFINITIONS.**

Except as otherwise specifically provided, any term that is defined in section 2011 of the Social Security Act (as added by section 102(a)) and is used in this title has the meaning given such term by such section.

**SEC. 102. ELDER JUSTICE.**

(a) ELDER JUSTICE.—

(1) IN GENERAL.—Title XX of the Social Security Act (42 U.S.C. 1397 et seq.) is amended—

(A) in the title heading, by inserting "**AND ELDER JUSTICE**" after "**SOCIAL SERVICES**";

(B) by inserting before section 2001 the following:

"PART A—BLOCK GRANTS TO STATES FOR SOCIAL SERVICES";

and

(C) by adding at the end the following:

"PART B—ELDER JUSTICE

**"SEC. 2011. DEFINITIONS.**

"In this part:

"(1) ABUSE.—The term 'abuse' means the knowing infliction of physical or psychological harm or the knowing deprivation of goods or services that are necessary to meet essential needs or to avoid physical or psychological harm.

"(2) ADULT PROTECTIVE SERVICES.—The term 'adult protective services' means such services provided to adults as the Secretary may specify and includes services such as—

"(A) disseminating reports of adult abuse, neglect, or exploitation;

"(B) investigating the reports described in subparagraph (A);

"(C) case planning, monitoring, evaluation, and other case work and services; and

"(D) providing, arranging for, or facilitating the provision of medical, social service, economic, legal, housing, law enforcement, or other protective, emergency, or support services.

"(3) CAREGIVER.—The term 'caregiver' means an individual who has the responsibility for the care of an elder, either voluntarily, by contract, by receipt of payment for care, or as a result of the operation of law, and means a family member or other individual who provides (on behalf of such individual or of a public or private agency, organization, or institution) compensated or uncompensated care to an elder who needs supportive services in any setting.

"(4) DIRECT CARE.—The term 'direct care' means care by an employee or contractor who provides assistance or long-term care services to a recipient.

"(5) ELDER.—The term 'elder' means an individual age 60 or older.

"(6) ELDER JUSTICE.—The term 'elder justice' means—

"(A) from a societal perspective, efforts to—

"(i) prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation; and

"(ii) protect elders with diminished capacity while maximizing their autonomy; and

"(B) from an individual perspective, the recognition of an elder's rights, including the right to be free of abuse, neglect, and exploitation.

"(7) ELIGIBLE ENTITY.—The term 'eligible entity' means a State or local government agency, Indian tribe or tribal organization, or any other public or private entity that is engaged in and has expertise in issues relating to elder justice or in a field necessary to promote elder justice efforts.

"(8) EXPLOITATION.—The term 'exploitation' means the fraudulent or otherwise illegal, unauthorized, or improper act or process of an individual, including a caregiver or fiduciary, that uses the resources of an elder for monetary or personal benefit, profit, or gain, or that results in depriving an elder of rightful access to, or use of, benefits, resources, belongings, or assets.

"(9) FIDUCIARY.—The term 'fiduciary'—

"(A) means a person or entity with the legal responsibility—

"(i) to make decisions on behalf of and for the benefit of another person; and

"(ii) to act in good faith and with fairness; and

"(B) includes a trustee, a guardian, a conservator, an executor, an agent under a financial power of attorney or health care power of attorney, or a representative payee.

"(10) GRANT.—The term 'grant' includes a contract, cooperative agreement, or other mechanism for providing financial assistance.

"(11) GUARDIANSHIP.—The term 'guardianship' means—

"(A) the process by which a State court determines that an adult individual lacks capacity to make decisions about self-care and property, and appoints another individual or entity known as a guardian, as a conservator, or by a similar term, as a surrogate decisionmaker;

"(B) the manner in which the court-appointed surrogate decisionmaker carries out duties to the individual and the court; or

"(C) the manner in which the court exercises oversight of the surrogate decisionmaker.

"(12) INDIAN TRIBE.—

"(A) IN GENERAL.—The term 'Indian tribe' has the meaning given such term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(B) INCLUSION OF PUEBLO AND RANCHERIA.—The term 'Indian tribe' includes any Pueblo or Rancheria.

"(13) LAW ENFORCEMENT.—The term 'law enforcement' means the full range of potential responders to elder abuse, neglect, and exploitation including—

"(A) police, sheriffs, detectives, public safety officers, and corrections personnel;

"(B) prosecutors;

"(C) medical examiners;

"(D) investigators; and

"(E) coroners.

"(14) LONG-TERM CARE.—

"(A) IN GENERAL.—The term 'long-term care' means supportive and health services specified by the Secretary for individuals who need assistance because the individuals have a loss of capacity for self-care due to illness, disability, or vulnerability.

"(B) LOSS OF CAPACITY FOR SELF-CARE.—For purposes of subparagraph (A), the term 'loss of capacity for self-care' means an inability to engage in 1 or more activities of daily living, including eating, dressing, bathing, and management of one's financial affairs.

"(15) LONG-TERM CARE FACILITY.—The term 'long-term care facility' means a residential care provider that arranges for, or directly provides, long-term care.

"(16) NEGLECT.—The term 'neglect' means—

"(A) the failure of a caregiver or fiduciary to provide the goods or services that are necessary to maintain the health or safety of an elder; or

"(B) self-neglect.

"(17) NURSING FACILITY.—

"(A) IN GENERAL.—The term 'nursing facility' has the meaning given such term under section 1919(a).

"(B) INCLUSION OF SKILLED NURSING FACILITY.—The term 'nursing facility' includes a skilled nursing facility (as defined in section 1819(a))

"(18) SELF-NEGLECT.—The term 'self-neglect' means an adult's inability, due to physical or mental impairment or diminished capacity, to perform essential self-care tasks including—

"(A) obtaining essential food, clothing, shelter, and medical care;

"(B) obtaining goods and services necessary to maintain physical health, mental health, or general safety; or

"(C) managing one's own financial affairs.

"(19) SERIOUS BODILY INJURY.—

"(A) IN GENERAL.—The term 'serious bodily injury' means an injury—

"(i) involving extreme physical pain;

"(ii) involving substantial risk of death;

"(iii) involving protracted loss or impairment of the function of a bodily member, organ, or mental faculty; or

"(iv) requiring medical intervention such as surgery, hospitalization, or physical rehabilitation.

"(B) CRIMINAL SEXUAL ABUSE.—Serious bodily injury shall be considered to have occurred if the conduct causing the injury is conduct described in section 2241 (relating to aggravated sexual abuse) or 2242 (relating to sexual abuse) of title 18, United States Code, or any similar offense under State law.

"(20) SOCIAL.—The term 'social', when used with respect to a service, includes adult protective services.

"(21) STATE LEGAL ASSISTANCE DEVELOPER.—The term 'State legal assistance developer' means an individual described in section 731 of the Older Americans Act of 1965.

"(22) STATE LONG-TERM CARE OMBUDSMAN.—The term 'State Long-Term Care Ombudsman' means the State Long-Term Care Ombudsman described in section 712(a)(2) of the Older Americans Act of 1965.

**"SEC. 2012. GENERAL PROVISIONS.**

"(a) PROTECTION OF PRIVACY.—In pursuing activities under this part, the Secretary shall ensure the protection of individual health privacy consistent with the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 and applicable State and local privacy regulations.

"(b) RULE OF CONSTRUCTION.—Nothing in this part shall be construed to interfere with or abridge an elder's right to practice his or her religion through reliance on prayer alone for healing when this choice—

"(1) is contemporaneously expressed, either orally or in writing, with respect to a specific illness or injury which the elder has at the time of the decision by an elder who is competent at the time of the decision;

"(2) is previously set forth in a living will, health care proxy, or other advance directive document that is validly executed and applied under State law; or

"(3) may be unambiguously deduced from the elder's life history.

"SUBPART 1—NATIONAL COORDINATION OF ELDER JUSTICE ACTIVITIES AND RESEARCH

## "CHAPTER I—ELDER JUSTICE COORDINATING COUNCIL AND ADVISORY BOARD ON ELDER ABUSE, NEGLECT, AND EXPLOITATION

**"SEC. 2021. ELDER JUSTICE COORDINATING COUNCIL.**

"(a) ESTABLISHMENT.—There is established within the Office of the Secretary an Elder Justice Coordinating Council (in this section referred to as the 'Council').

"(b) MEMBERSHIP.—

"(1) IN GENERAL.—The Council shall be composed of the following members:

"(A) The Secretary (or the Secretary's designee).

"(B) The Attorney General (or the Attorney General's designee).

"(C) The head of each Federal department or agency or other governmental entity identified by the Chair referred to in subsection (d) as having responsibilities, or administering programs, relating to elder abuse, neglect, and exploitation.

"(2) REQUIREMENT.—Each member of the Council shall be an officer or employee of the Federal Government.

"(c) VACANCIES.—Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

"(d) CHAIR.—The member described in subsection (b)(1)(A) shall be Chair of the Council.

"(e) MEETINGS.—The Council shall meet at least 2 times per year, as determined by the Chair.

"(f) DUTIES.—

"(1) IN GENERAL.—The Council shall make recommendations to the Secretary for the coordination of activities of the Department of Health and Human Services, the Department of Justice, and other relevant Federal, State, local, and private agencies and entities, relating to elder abuse, neglect, and exploitation and other crimes against elders.

"(2) REPORT.—Not later than the date that is 2 years after the date of enactment of the Elder Justice Act and every 2 years thereafter, the Council shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives a report that—

"(A) describes the activities and accomplishments of, and challenges faced by—

"(i) the Council; and

"(ii) the entities represented on the Council; and

"(B) makes such recommendations for legislation, model laws, or other action as the Council determines to be appropriate.

"(g) POWERS OF THE COUNCIL.—

"(1) INFORMATION FROM FEDERAL AGENCIES.—Subject to the requirements of section 2012(a), the Council may secure directly from any Federal department or agency such information as the Council considers necessary to carry out this section. Upon request of the Chair of the Council, the head of such department or agency shall furnish such information to the Council.

"(2) POSTAL SERVICES.—The Council may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

"(h) TRAVEL EXPENSES.—The members of the Council shall not receive compensation for the performance of services for the Council. The members shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council. Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the voluntary and uncompensated services of the members of the Council.

"(i) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Council without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

"(j) STATUS AS PERMANENT COUNCIL.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.

**"SEC. 2022. ADVISORY BOARD ON ELDER ABUSE, NEGLECT, AND EXPLOITATION.**

"(a) ESTABLISHMENT.—There is established a board to be known as the 'Advisory Board on Elder Abuse, Neglect, and Exploitation' (in this section referred to as the 'Advisory Board') to create short- and long-term multidisciplinary strategic plans for the development of the field of elder justice and to make recommendations to the Elder Justice Coordinating Council established under section 2021.

"(b) COMPOSITION.—The Advisory Board shall be composed of 27 members appointed by the Secretary from among members of the general public who are individuals with experience and expertise in elder abuse, neglect, and exploitation prevention, detection, treatment, intervention, or prosecution.

"(c) SOLICITATION OF NOMINATIONS.—The Secretary shall publish a notice in the Federal Register soliciting nominations for the appointment of members of the Advisory Board under subsection (b).

"(d) TERMS.—

"(1) IN GENERAL.—Each member of the Advisory Board shall be appointed for a term of 3 years, except that, of the members first appointed—

"(A) 9 shall be appointed for a term of 3 years;

"(B) 9 shall be appointed for a term of 2 years; and

"(C) 9 shall be appointed for a term of 1 year.

"(2) VACANCIES.—

"(A) IN GENERAL.—Any vacancy on the Advisory Board shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

"(B) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

"(3) EXPIRATION OF TERMS.—The term of any member shall not expire before the date on which the member's successor takes office.

"(e) ELECTION OF OFFICERS.—The Advisory Board shall elect a Chair and Vice Chair from among its members. The Advisory Board shall elect its initial Chair and Vice Chair at its initial meeting.

"(f) DUTIES.—

"(1) ENHANCE COMMUNICATION ON PROMOTING QUALITY OF, AND PREVENTING ABUSE AND NEGLECT IN, LONG-TERM CARE.—The Advisory Board shall develop collaborative and innovative approaches to improve the quality of, including preventing abuse and neglect in, long-term care.

"(2) COLLABORATIVE EFFORTS TO DEVELOP CONSENSUS AROUND THE MANAGEMENT OF CERTAIN QUALITY-RELATED FACTORS.—

"(A) IN GENERAL.—The Advisory Board shall establish multidisciplinary panels to address, and develop consensus on, subjects relating to improving the quality of long-term care. At least 1 such panel shall address, and develop consensus on, methods for managing resident-to-resident abuse in long-term care.

"(B) ACTIVITIES CONDUCTED.—The multidisciplinary panels established under subparagraph (A) shall examine relevant research and data, identify best practices with respect to the subject of the panel, determine the best way to carry out those best practices in a practical and feasible manner, and determine an effective manner of distributing information on such subject.

"(3) REPORT.—Not later than the date that is 18 months after the date of enactment of the Elder Justice Act, and annually thereafter, the Advisory Board shall prepare and submit to the Elder Justice Coordinating Council, the Committee on Finance of the Senate, and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives a report containing—

"(A) information on the status of Federal, State, and local public and private elder justice activities;

"(B) recommendations (including recommended priorities) regarding—

"(i) elder justice programs, research, training, services, practice, enforcement, and coordination;

"(ii) coordination between entities pursuing elder justice efforts and those involved in related areas that may inform or overlap with elder justice efforts, such as activities to combat violence against women and child abuse and neglect; and

"(iii) activities relating to adult fiduciary systems, including guardianship and other fiduciary arrangements;

"(C) recommendations for specific modifications needed in Federal and State laws (including regulations) or for programs, research, and training to enhance prevention, detection, and treatment (including diagnosis) of, intervention in (including investigation of), and prosecution of elder abuse, neglect, and exploitation;

"(D) recommendations on methods for the most effective coordinated national data collection with respect to elder justice, and elder abuse, neglect, and exploitation; and

"(E) recommendations for a multidisciplinary strategic plan to guide the effective and efficient development of the field of elder justice.

"(g) POWERS OF THE ADVISORY BOARD.—

"(1) INFORMATION FROM FEDERAL AGENCIES.—Subject to the requirements of section 2012(a), the Advisory Board may secure directly from any Federal department or agency such information as the Advisory Board considers necessary to carry out this section. Upon request of the Chair of the Advisory Board, the head of such department or agency shall furnish such information to the Advisory Board.

"(2) SHARING OF DATA AND REPORTS.—The Advisory Board may request from any entity pursuing elder justice activities under the Elder Justice Act or an amendment made by that Act, any data, reports, or recommendations generated in connection with such activities.

"(3) POSTAL SERVICES.—The Advisory Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

"(h) TRAVEL EXPENSES.—The members of the Advisory Board shall not receive compensation for the performance of services for the Advisory Board. The members shall be allowed travel expenses for up to 4 meetings per year, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Advisory Board.

Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the voluntary and uncompensated services of the members of the Advisory Board.

"(i) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Advisory Board without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

"(j) STATUS AS PERMANENT ADVISORY COMMITTEE.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory board.

**"SEC. 2023. RESEARCH PROTECTIONS.**

"(a) GUIDELINES.—The Secretary shall promulgate guidelines to assist researchers working in the area of elder abuse, neglect, and exploitation, with issues relating to human subject protections.

"(b) DEFINITION OF LEGALLY AUTHORIZED REPRESENTATIVE FOR APPLICATION OF REGULATIONS.—For purposes of the application of subpart A of part 46 of title 45, Code of Federal Regulations, to research conducted under this chapter the term 'legally authorized representative' means, unless otherwise provided by law, the individual or judicial or other body authorized under the applicable law to consent to medical treatment on behalf of another person.

**"SEC. 2024. AUTHORIZATION OF APPROPRIATIONS.**

"There are authorized to be appropriated to carry out this chapter—

"(1) for fiscal year 2008, $6,500,000; and

"(2) for each of fiscal years 2009 through 2011, $7,000,000.

## "CHAPTER II—ELDER ABUSE, NEGLECT, AND EXPLOITATION FORENSIC CENTERS

**"SEC. 2031. ESTABLISHMENT AND SUPPORT OF ELDER ABUSE, NEGLECT, AND EXPLOITATION FORENSIC CENTERS.**

"(a) IN GENERAL.—The Secretary, in consultation with the Attorney General, shall make grants to eligible entities to establish and operate stationary and mobile forensic centers, to develop forensic expertise regarding, and provide services relating to, elder abuse, neglect, and exploitation.

"(b) STATIONARY FORENSIC CENTERS.—The Secretary shall make 4 of the grants described in subsection (a) to institutions of higher education with demonstrated expertise in forensics or commitment to preventing or treating elder abuse, neglect, or exploitation, to establish and operate stationary forensic centers.

"(c) MOBILE CENTERS.—The Secretary shall make 6 of the grants described in subsection (a) to appropriate entities to establish and operate mobile forensic centers.

"(d) AUTHORIZED ACTIVITIES.—

"(1) DEVELOPMENT OF FORENSIC MARKERS AND METHODOLOGIES.—An eligible entity that receives a grant under this section shall use funds made available through the grant to assist in determining whether abuse, neglect, or exploitation occurred and whether a crime was committed and to conduct research to describe and disseminate information on—

"(A) forensic markers that indicate a case in which elder abuse, neglect, or exploitation may have occurred; and

"(B) methodologies for determining, in such a case, when and how health care, emergency service, social and protective services, and legal service providers should intervene and when the providers should report the case to law enforcement authorities.

"(2) DEVELOPMENT OF FORENSIC EXPERTISE.—An eligible entity that receives a grant under this section shall use funds made available through the grant to develop forensic expertise regarding elder abuse, neglect, and exploitation in order to provide medical and forensic evaluation, therapeutic intervention, victim support and advocacy, case review, and case tracking.

"(3) COLLECTION OF EVIDENCE.—The Secretary, in coordination with the Attorney General, shall use data made available by grant recipients under this section to develop the capacity of geriatric health care professionals and law enforcement to collect forensic evidence, including collecting forensic evidence relating to a potential determination of elder abuse, neglect, or exploitation.

"(e) APPLICATION.—To be eligible to receive a grant under this section, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) for fiscal year 2008, $4,000,000;

"(2) for fiscal year 2009, $6,000,000; and

"(3) for each of fiscal years 2010 and 2011, $8,000,000.

"SUBPART 2—PROGRAMS TO PROMOTE ELDER JUSTICE

**"SEC. 2041. ENHANCEMENT OF LONG-TERM CARE.**

"(a) GRANTS AND INCENTIVES FOR LONG-TERM CARE STAFFING.—

"(1) IN GENERAL.—The Secretary shall carry out activities, including activities described in paragraphs (2) and (3), to provide incentives for individuals to train for, seek, and maintain employment providing direct care in a long-term care facility.

"(2) SPECIFIC PROGRAMS TO ENHANCE TRAINING, RECRUITMENT, AND RETENTION OF STAFF.—

"(A) COORDINATION WITH SECRETARY OF LABOR TO RECRUIT AND TRAIN LONG-TERM CARE STAFF.—The Secretary shall coordinate activities under this subsection with the Secretary of Labor in order to provide incentives for individuals to train for and seek employment providing direct care in a long-term care facility.

"(B) CAREER LADDERS AND WAGE OR BENEFIT INCREASES TO INCREASE STAFFING IN LONG-TERM CARE FACILITIES.—

"(i) IN GENERAL.—The Secretary shall make grants to long-term care facilities to carry out programs through which the facilities—

"(I) offer, to employees who provide direct care to residents of a long-term care facility, continuing training and varying levels of certification, based on observed clinical care practices and the amount of time the employees spend providing direct care; and

"(II) provide, or make arrangements to provide, bonuses or other increased compensation or benefits to employees who achieve certification under such a program.

"(ii) APPLICATION.—To be eligible to receive a grant under this subparagraph, a long-term care facility shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require (which may include evidence of consultation with the State in which the long-term care facility is located with respect to carrying out activities funded under the grant).

"(iii) AUTHORITY TO LIMIT NUMBER OF APPLICANTS.—Nothing in this subparagraph shall be construed as prohibiting the Secretary from limiting the number of applicants for a grant under this subparagraph.

"(3) SPECIFIC PROGRAMS TO IMPROVE MANAGEMENT PRACTICES.—

"(A) IN GENERAL.—The Secretary shall make grants to long-term care facilities to enable the facilities to provide training and technical assistance to eligible employees.

"(B) AUTHORIZED ACTIVITIES.—A long-term care facility that receives a grant under subparagraph (A) shall use funds made available through the grant to provide training and technical assistance to eligible employees regarding management practices using methods that are demonstrated to promote retention of individuals who provide direct care to residents of the long-term care facility, such as—

"(i) the establishment of standard human resource policies that reward high performance, including policies that provide for improved wages and benefits on the basis of job reviews;

"(ii) the establishment of motivational and thoughtful work organization practices;

"(iii) the creation of a workplace culture that respects and values caregivers and their needs;

"(iv) the promotion of a workplace culture that respects the rights of residents of a long-term care facility and results in improved care for the residents; and

"(v) the establishment of other programs that promote the provision of high quality care, such as a continuing education program that provides additional hours of training, including on-the-job training, for employees who are certified nurse aides.

"(C) APPLICATION.—To be eligible to receive a grant under this paragraph, a long-term care facility shall submit an application to the Secretary at such time, in such manner, and containing such information as the Sec-

retary may require (which may include evidence of consultation with the State in which the long-term care facility is located with respect to carrying out activities funded under the grant).

"(D) AUTHORITY TO LIMIT NUMBER OF APPLICANTS.—Nothing in this paragraph shall be construed as prohibiting the Secretary from limiting the number of applicants for a grant under this paragraph.

"(E) ELIGIBLE EMPLOYEE DEFINED.—In this paragraph, the term 'eligible employee' means an individual who establishes or implements management practices applicable with respect to individuals who provide direct care to residents of a long-term care facility and includes administrators, directors of nursing, staff developers, and charge nurses.

"(4) ACCOUNTABILITY MEASURES.—The Secretary shall develop accountability measures to ensure that the activities conducted using funds made available under this subsection benefit eligible employees and increase the stability of the long-term care workforce.

"(b) INFORMATICS SYSTEMS GRANT PROGRAM.—

"(1) GRANTS AUTHORIZED.—The Secretary is authorized to make grants to long-term care facilities for the purpose of assisting such entities in offsetting the costs related to purchasing, leasing, developing, and implementing standardized clinical health care informatics systems designed to improve patient safety and reduce adverse events and health care complications resulting from medication errors.

"(2) USE OF GRANT FUNDS.—Funds provided under grants under this subsection may be used for any of the following:

"(A) Purchasing, leasing, and installing computer software and hardware, including handheld computer technologies.

"(B) Making improvements to existing computer software and hardware.

"(C) Making upgrades and other improvements to existing computer software and hardware to enable e-prescribing.

"(D) Providing education and training to eligible long-term care facility staff on the use of technology to implement the electronic transmission of prescription and patient information.

"(3) APPLICATION.—To be eligible to receive a grant under this subsection, a long-term care facility shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require (which may include evidence of consultation with the State in which the long-term care facility is located with respect to carrying out activities funded under the grant).

"(4) AUTHORITY TO LIMIT NUMBER OF APPLICANTS.—Nothing in this subsection shall be construed as prohibiting the Secretary from limiting the number of applicants for a grant under this subsection.

"(5) ACCOUNTABILITY MEASURES.—The Secretary shall develop accountability measures to ensure that the activities conducted using funds made available under this subsection help improve patient safety and reduce adverse events and health care complications resulting from medication errors.

"(c) INCLUSION OF ADJUDICATED CRIMES ON NURSING HOME COMPARE WEBSITE.—Not later than 1 year after the date of enactment of the Elder Justice Act, the Secretary shall ensure that the Department of Health and Human Services includes, as part of the information provided for comparison of nursing facilities on the official Internet website of the Federal Government for Medicare beneficiaries (commonly referred to as the 'Nursing Home Compare' Medicare website), the number of adjudicated instances of criminal violations by a nursing facility or crimes committed by an employee of a nursing facility—

"(1) that were committed inside of the facility; and

"(2) with respect to such instances of violations or crimes committed outside of the facility, that were the violations or crimes of elder abuse, neglect, and exploitation, criminal sexual abuse of an elder, or other violations or crimes that resulted in the serious bodily injury of an elder.

"(d) DEVELOPMENT OF CONSUMER RIGHTS INFORMATION PAGE ON NURSING HOME COMPARE WEBSITE.—Not later than 1 year after the date of enactment of the Elder Justice Act, the Secretary shall ensure that the Department of Health and Human Services, as part of the information provided for comparison of nursing facilities on the Nursing Home Compare Medicare website develops and includes a consumer rights information page that contains links to descriptions of, and information with respect to, the following:

"(1) The documentation on nursing facilities that is available to the public.

"(2) General information and tips on choosing a nursing facility that meets the needs of the individual.

"(3) General information on consumer rights with respect to nursing facilities.

"(4) The nursing facility survey process (on a national and State-specific basis).

"(5) On a State-specific basis, the services available through the State long-term care ombudsman for such State.

"(e) DEVELOPMENT AND ADOPTION OF STANDARDS FOR TRANSACTIONS INVOLVING CLINICAL DATA BY LONG-TERM CARE FACILITIES.—

"(1) STANDARDS.—The Secretary shall develop and adopt uniform open electronic standards for transactions involving clinical data by long-term care facilities. Such standards shall include messaging and nomenclature standards.

"(2) COMPATIBILITY WITH OTHER STANDARDS.—The standards developed and adopted under paragraph (1) shall be compatible with standards established under part C of title XI, standards established under subsections (b)(2)(B)(i) and (e)(4) of section 1860D–4, and with general health information technology standards.

"(3) ELECTRONIC SUBMISSION OF DATA TO THE SECRETARY.—

"(A) IN GENERAL.—Not later than 10 years after the date of enactment of the Elder Justice Act, the Secretary shall have procedures in place to accept the optional electronic submission of clinical data by long-term care facilities pursuant to the standards developed and adopted under paragraph (1).

"(B) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require a long-term care facility to submit clinical data electronically to the Secretary.

"(f) REGULATIONS.—The Secretary shall promulgate regulations to carry out subsections (c), (d), and (e) of this section. Such regulations shall require a State, as a condition of the receipt of funds under this part, to conduct such data collection and reporting as the Secretary determines are necessary to satisfy the requirements of such subsections.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) for fiscal year 2008, $20,000,000;

"(2) for fiscal year 2009, $17,500,000; and

"(3) for each of fiscal years 2010 and 2011, $15,000,000.

**"SEC. 2042. ADULT PROTECTIVE SERVICES FUNCTIONS AND GRANT PROGRAMS.**

"(a) SECRETARIAL RESPONSIBILITIES.—

"(1) IN GENERAL.—The Secretary shall ensure that the Department of Health and Human Services—

"(A) provides funding authorized by this subpart to State and local adult protective services offices that investigate reports of the abuse, neglect, and exploitation of elders;

"(B) collects and disseminates data annually relating to the abuse, exploitation, and neglect of elders in coordination with the Department of Justice;

"(C) develops and disseminates information on best practices regarding, and provides training on, carrying out adult protective services;

"(D) conducts research related to the provision of adult protective services; and

"(E) provides technical assistance to States and other entities that provide or fund the provision of adult protective services, including through grants made under subsections (b) and (c).

"(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, $3,000,000 for fiscal year 2008 and $4,000,000 for each of fiscal years 2009 through 2011.

"(b) GRANTS TO ENHANCE THE PROVISION OF ADULT PROTECTIVE SERVICES.—

"(1) ESTABLISHMENT.—There is established an adult protective services grant program under which the Secretary shall annually award grants to States in the amounts calculated under paragraph (2) for the purposes of enhancing adult protective services provided by States and local units of government.

"(2) AMOUNT OF PAYMENT.—

"(A) IN GENERAL.—Subject to the availability of appropriations and subparagraphs (B) and (C), the amount paid to a State for a fiscal year under the program under this subsection shall equal the amount appropriated for that year to carry out this subsection multiplied by the percentage of the

total number of elders who reside in the United States who reside in that State.

"(B) GUARANTEED MINIMUM PAYMENT AMOUNT.—

"(i) 50 STATES.—Subject to clause (ii), if the amount determined under subparagraph (A) for a State for a fiscal year is less than 0.75 percent of the amount appropriated for such year, the Secretary shall increase such determined amount so that the total amount paid under this subsection to the State for the year is equal to 0.75 percent of the amount so appropriated.

"(ii) TERRITORIES.—In the case of a State other than 1 of the 50 States, clause (i) shall be applied as if each reference to '0.75' were a reference to '0.1'.

"(C) PRO RATA REDUCTIONS.—The Secretary shall make such pro rata reductions to the amounts described in subparagraph (A) as are necessary to comply with the requirements of subparagraph (B).

"(3) AUTHORIZED ACTIVITIES.—

"(A) ADULT PROTECTIVE SERVICES.—Funds made available pursuant to this subsection may only be used by States and local units of government to provide adult protective services and may not be used for any other purpose.

"(B) USE BY AGENCY.—Each State receiving funds pursuant to this subsection shall provide such funds to the agency or unit of State government having legal responsibility for providing adult protective services within the State.

"(C) SUPPLEMENT NOT SUPPLANT.—Each State or local unit of government shall use funds made available pursuant to this subsection to supplement and not supplant other Federal, State, and local public funds expended to provide adult protective services in the State.

"(4) STATE REPORTS.—Each State receiving funds under this subsection shall submit to the Secretary, at such time and in such manner as the Secretary may require, a report on the number of elders served by the grants awarded under this subsection.

"(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, $100,000,000 for each of fiscal years 2008 through 2011.

"(c) STATE DEMONSTRATION PROGRAMS.—

"(1) ESTABLISHMENT.—The Secretary shall award grants to States for the purposes of conducting demonstration programs in accordance with paragraph (2).

"(2) DEMONSTRATION PROGRAMS.—Funds made available pursuant to this subsection may be used by States and local units of government to conduct demonstration programs that test—

"(A) training modules developed for the purpose of detecting or preventing elder abuse;

"(B) methods to detect or prevent financial exploitation of elders;

"(C) methods to detect elder abuse;

"(D) whether training on elder abuse forensics enhances the detection of elder abuse by employees of the State or local unit of government; or

"(E) other matters relating to the detection or prevention of elder abuse.

"(3) APPLICATION.—To be eligible to receive a grant under this subsection, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(4) STATE REPORTS.—Each State that receives funds under this subsection shall submit a report to the Secretary at such time, in such manner, and containing such information as the Secretary may require on the results of the demonstration program conducted by the State using funds made available under this subsection.

"(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, $25,000,000 for each of fiscal years 2008 through 2011.

**"SEC. 2043. LONG-TERM CARE OMBUDSMAN PROGRAM GRANTS AND TRAINING.**

"(a) GRANTS TO SUPPORT THE LONG-TERM CARE OMBUDSMAN PROGRAM.—

"(1) IN GENERAL.—The Secretary shall make grants to eligible entities with relevant expertise and experience in abuse and neglect in long-term care facilities or long-term care ombudsman programs and responsibilities, for the purpose of—

"(A) improving the capacity of State long-term care ombudsman programs to respond to and resolve complaints about abuse and neglect;

"(B) conducting pilot programs with State long-term care ombudsman offices or local ombudsman entities; and

"(C) providing support for such State long-term care ombudsman programs and such pilot programs (such as through the establishment of a national long-term care ombudsman resource center).

"(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection—

"(A) for fiscal year 2008, $5,000,000;

"(B) for fiscal year 2009, $7,500,000; and

"(C) for each of fiscal years 2010 and 2011, $10,000,000.

"(b) OMBUDSMAN TRAINING PROGRAMS.—

"(1) IN GENERAL.—The Secretary shall establish programs to provide and improve ombudsman training with respect to elder abuse, neglect, and exploitation for national organizations and State long-term care ombudsman programs.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, for each of fiscal years 2008 through 2011, $10,000,000.

**"SEC. 2044. PROVISION OF INFORMATION REGARDING, AND EVALUATIONS OF, ELDER JUSTICE PROGRAMS.**

"(a) PROVISION OF INFORMATION.—To be eligible to receive a grant under this part, an applicant shall agree—

"(1) except as provided in paragraph (2), to provide the eligible entity conducting an evaluation under subsection (b) of the activities funded through the grant with such information as the eligible entity may require in order to conduct such evaluation; or

"(2) in the case of an applicant for a grant under section 2041(b), to provide the Secretary with such information as the Secretary may require to conduct an evaluation or audit under subsection (c).

"(b) USE OF ELIGIBLE ENTITIES TO CONDUCT EVALUATIONS.—

"(1) EVALUATIONS REQUIRED.—Except as provided in paragraph (2), the Secretary shall—

"(A) reserve a portion (not less than 2 percent) of the funds appropriated with respect to each program carried out under this part; and

"(B) use the funds reserved under subparagraph (A) to provide assistance to eligible entities to conduct evaluations of the activities funded under each program carried out under this part.

"(2) INFORMATICS SYSTEMS GRANT PROGRAM NOT INCLUDED.—The provisions of this subsection shall not apply to the informatics systems grant program under section 2041(b).

"(3) AUTHORIZED ACTIVITIES.—A recipient of assistance described in paragraph (1)(B) shall use the funds made available through the assistance to conduct a validated evaluation of the effectiveness of the activities funded under a program carried out under this part.

"(4) APPLICATIONS.—To be eligible to receive assistance under paragraph (1)(B), an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including a proposal for the evaluation.

"(5) REPORTS.—Not later than a date specified by the Secretary, an eligible entity receiving assistance under paragraph (1)(B) shall submit to the Secretary, the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives, and the Committee on Finance of the Senate a report containing the results of the evaluation conducted using such assistance together with such recommendations as the entity determines to be appropriate.

"(c) EVALUATIONS AND AUDITS OF INFORMATICS SYSTEMS GRANT PROGRAM BY THE SECRETARY.—

"(1) EVALUATIONS.—The Secretary shall conduct an evaluation of the activities funded under the informatics systems grant program under section 2041(b). Such evaluation shall include an evaluation of whether the funding provided under the grant is expended only for the purposes for which it is made.

"(2) AUDITS.—The Secretary shall conduct appropriate audits of grants made under section 2041(b).

**"SEC. 2045. REPORT.**

"Not later than October 1, 2011, the Secretary shall submit to the Elder Justice Coordinating Council, the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives, and the Committee on Finance of the Senate a report—

"(1) compiling, summarizing, and analyzing the information contained in the State reports submitted under subsections (b)(4) and (c)(4) of section 2042; and

"(2) containing such recommendations for legislative or administrative action as the Secretary determines to be appropriate.".

(2) OPTION FOR STATE PLAN UNDER PROGRAM FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES.—

(A) IN GENERAL.—Section 402(a)(1)(B) of the Social Security Act (42 U.S.C. 602(a)(1)(B)) is amended by adding at the end the following new clause:

"(v) The document shall indicate whether the State intends to assist individuals to train for, seek, and maintain employment—

"(I) providing direct care in a long-term care facility (as such terms are defined under section 2011); or

"(II) in other occupations related to elder care determined appropriate by the State for which the State identifies an unmet need for service personnel,

and, if so, shall include an overview of such assistance.".

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect on October 1, 2008.

(b) PROTECTING RESIDENTS OF LONG-TERM CARE FACILITIES.—

(1) NATIONAL TRAINING INSTITUTE FOR SURVEYORS.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall enter into a contract with an entity for the purpose of establishing and operating a National Training Institute for Federal and State surveyors. Such Institute shall provide and improve the training of surveyors with respect to investigating allegations of abuse, neglect, and misappropriation of property in programs and long-term care facilities that receive payments under title XVIII or XIX of the Social Security Act.

(B) ACTIVITIES CARRIED OUT BY THE INSTITUTE.—The contract entered into under subparagraph (A) shall require the Institute established and operated under such contract to carry out the following activities:

(i) Assess the extent to which State agencies use specialized surveyors for the investigation of reported allegations of abuse, neglect, and misappropriation of property in such programs and long-term care facilities.

(ii) Evaluate how the competencies of surveyors may be improved to more effectively investigate reported allegations of such abuse, neglect, and misappropriation of property, and provide feedback to Federal and State agencies on the evaluations conducted.

(iii) Provide a national program of training, tools, and technical assistance to Federal and State surveyors on investigating reports of such abuse, neglect, and misappropriation of property.

(iv) Develop and disseminate information on best practices for the investigation of such abuse, neglect, and misappropriation of property.

(v) Assess the performance of State complaint intake systems, in order to ensure that the intake of complaints occurs 24 hours per day, 7 days a week (including holidays).

(vi) To the extent approved by the Secretary of Health and Human Services, provide a national 24 hours per day, 7 days a week (including holidays), back-up system to State complaint intake systems in order to ensure optimum national responsiveness to complaints of such abuse, neglect, and misappropriation of property.

(vii) Analyze and report annually on the following:

(I) The total number and sources of complaints of such abuse, neglect, and misappropriation of property.

(II) The extent to which such complaints are referred to law enforcement agencies.

(III) General results of Federal and State investigations of such complaints.

(viii) Conduct a national study of the cost to State agencies of conducting complaint investigations of skilled nursing facilities and nursing facilities under sections 1819 and 1919, respectively, of the Social

Security Act (42 U.S.C. 1395i–3; 1396r), and making recommendations to the Secretary of Health and Human Services with respect to options to increase the efficiency and cost-effectiveness of such investigations.

(C) AUTHORIZATION.—There are authorized to be appropriated to carry out this paragraph, for the period of fiscal years 2008 through 2011, $12,000,000.

(2) GRANTS TO STATE SURVEY AGENCIES.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall make grants to State agencies that perform surveys of skilled nursing facilities or nursing facilities under sections 1819 or 1919, respectively, of the Social Security Act (42 U.S.C. 1395i–3; 1395r).

(B) USE OF FUNDS.—A grant awarded under subparagraph (A) shall be used for the purpose of designing and implementing complaint investigations systems that—

(i) promptly prioritize complaints in order to ensure a rapid response to the most serious and urgent complaints;

(ii) respond to complaints with optimum effectiveness and timeliness; and

(iii) optimize the collaboration between local authorities, consumers, and providers, including—

(I) such State agency;

(II) the State Long-Term Care Ombudsman;

(III) local law enforcement agencies;

(IV) advocacy and consumer organizations;

(V) State aging units;

(VI) Area Agencies on Aging; and

(VII) other appropriate entities.

(C) AUTHORIZATION.—There are authorized to be appropriated to carry out this paragraph, for each of fiscal years 2008 through 2011, $5,000,000.

(3) REPORTING OF CRIMES AND ENSURING SAFETY OF RESIDENTS WHEN FEDERALLY FUNDED LONG-TERM CARE FACILITIES CLOSE.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following new sections:

"REPORTING TO LAW ENFORCEMENT OF CRIMES OCCURRING IN FEDERALLY FUNDED LONG-TERM CARE FACILITIES

"SEC. 1150A. (a) DETERMINATION AND NOTIFICATION.—

"(1) DETERMINATION.—The owner or operator of each long-term care facility that receives Federal funds under this Act shall annually determine whether the facility received at least $10,000 in such Federal funds during the preceding year.

"(2) NOTIFICATION.—If the owner or operator determines under paragraph (1) that the facility received at least $10,000 in such Federal funds during the preceding year, such owner or operator shall annually notify each covered individual (as defined in paragraph (3)) of that individual's obligation to comply with the reporting requirements described in subsection (b).

"(3) COVERED INDIVIDUAL DEFINED.—In this section, the term 'covered individual' means each individual who is an owner, operator, employee, manager, agent, or contractor of a long-term care facility that is the subject of a determination described in paragraph (1).

"(b) REPORTING REQUIREMENTS.—

"(1) IN GENERAL.—Each covered individual shall report to the Secretary and 1 or more law enforcement entities for the political subdivision in which the facility is located any reasonable suspicion of a crime (as defined by the law of the applicable political subdivision) against any individual who is a resident of, or is receiving care from, the facility.

"(2) TIMING.—If the events that cause the suspicion—

"(A) result in serious bodily injury, the individual shall report the suspicion immediately, but not later than 2 hours after forming the suspicion; and

"(B) do not result in serious bodily injury, the individual shall report the suspicion not later than 24 hours after forming the suspicion.

"(c) PENALTIES.—

"(1) IN GENERAL.—If a covered individual violates subsection (b)—

"(A) the covered individual shall be subject to a civil money penalty of not more than $200,000; or

"(B) the Secretary shall classify the covered individual as an excluded individual, for a period of not more than 3 years.

"(2) INCREASED HARM.—If a covered individual violates subsection (b) and the violation exacerbates the harm to the victim of the crime or results in harm to another individual—

"(A) the covered individual shall be subject to a civil money penalty of not more than $300,000; and

"(B) the Secretary shall classify the covered individual as an excluded individual, for a period of not more than 3 years.

"(3) EXCLUDED INDIVIDUAL.—During any period for which a covered individual is classified as an excluded individual under paragraph (1)(B) or (2)(B), a long-term care facility that employs such individual shall be ineligible to receive Federal funds under this Act.

"(4) EXTENUATING CIRCUMSTANCES.—

"(A) IN GENERAL.—The Secretary may take into account the financial burden on providers with underserved populations in determining any penalty to be imposed under this subsection.

"(B) UNDERSERVED POPULATION DEFINED.—In this paragraph, the term 'underserved population' means the population of an area designated by the Secretary as an area with a shortage of elder justice programs or a population group designated by the Secretary as having a shortage of such programs. Such areas or groups designated by the Secretary may include—

"(i) areas or groups that are geographically isolated (such as isolated in a rural area);

"(ii) racial and ethnic minority populations; and

"(iii) populations underserved because of special needs (such as language barriers, disabilities, alien status, or age).

"(d) ADDITIONAL PENALTIES FOR RETALIATION.—

"(1) IN GENERAL.—A long-term care facility may not—

"(A) discharge, demote, suspend, threaten, harass, or deny a promotion or other employment-related benefit to an employee, or in any other manner discriminate against an employee in the terms and conditions of employment because of lawful acts done by the employee; or

"(B) file a complaint or a report against a nurse or other employee with the appropriate State professional disciplinary agency because of lawful acts done by the nurse or employee,

for making a report, causing a report to be made, or for taking steps in furtherance of making a report pursuant to subsection (b)(1).

"(2) PENALTIES FOR RETALIATION.—If a long-term care facility violates subparagraph (A) or (B) of paragraph (1) the facility shall be subject to a civil money penalty of not more than $200,000 or the Secretary may classify the entity as an excluded entity for a period of 2 years pursuant to section 1128(b), or both.

"(3) REQUIREMENT TO POST NOTICE.—Each long-term care facility shall post conspicuously in an appropriate location a sign (in a form specified by the Secretary) specifying the rights of employees under this section. Such sign shall include a statement that an employee may file a complaint with the Secretary against a long-term care facility that violates the provisions of this subsection and information with respect to the manner of filing such a complaint.

"(e) PROCEDURE.—The provisions of section 1128A (other than subsections (a) and (b) and the second sentence of subsection (f)) shall apply to a civil money penalty under this section in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

"(f) DEFINITIONS.—In this section, the terms 'elder justice', 'long-term care facility', and 'law enforcement' have the meanings given those terms in section 2011.

"ENSURING SAFETY OF RESIDENTS WHEN FEDERALLY FUNDED LONG-TERM CARE FACILITIES CLOSE

"SEC. 1150B. (a) IN GENERAL.—

"(1) NOTIFICATION OF FACILITY CLOSURE.—Subject to paragraph (2), if the owner or operator determines under section 1150A(a)(1) that a long-term care facility received at least $10,000 in Federal funds under this Act during the preceding year, the owner or operator of the facility shall—

"(A) submit to the Secretary and the appropriate State regulatory agency written notification of an impending closure not later than the date that is 60 days prior to the date of such closure;

"(B) include in the notice a plan for the transfer and adequate relocation of the residents of the facility prior to closure, including assurances that the residents will be transferred to the most appropriate facility in terms of quality, services, and location; and

"(C) not later than 10 days after the facility closure, submit to the Secretary and the appropriate State agency information identifying where residents of the closed facility were transferred and on what date.

"(2) EXCEPTION WHERE THE SECRETARY HAS ISSUED A TERMINATION NOTICE.—In the case of a long-term care facility described in paragraph (1) for which the Secretary has issued a termination notice for the facility to close by not later than 15 days after the issuance of such notice, the Secretary shall establish requirements for the notification, transfer, and adequate relocation of residents within an appropriate timeframe.

"(b) SANCTIONS.—Any person owning or operating a long-term care facility that fails to comply with the requirements of subsection (a) shall be subject to—

"(1) a civil monetary penalty of up to $1,000,000;

"(2) exclusion from participation in the programs under this Act (in accordance with the procedures of section 1128); and

"(3) any other applicable civil monetary penalties and assessments.

"(c) PROCEDURE.—The provisions of section 1128A (other than subsections (a) and (b) and the second sentence of subsection (f)) shall apply to a civil money penalty or assessment under this section in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

"(d) DEFINITION.—In this section, the term 'long-term care facility' has the meaning given that term in section 2011.".

(4) REPORT TO CONGRESS ON PILOT PROGRAM FOR NATIONAL AND STATE BACKGROUND CHECKS ON DIRECT PATIENT ACCESS EMPLOYEES OF LONG-TERM CARE FACILITIES OR PROVIDERS.—Not later than the date that is 6 months after the completion of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers established under section 307 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395aa note), the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives a report containing the results of the evaluation required under subsection (e) of such section of such Act, together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

(c) NATIONAL NURSE AIDE REGISTRY.—

(1) DEFINITION OF NURSE AIDE.—In this subsection, the term "nurse aide" has the meaning given that term in sections 1819(b)(5)(F) and 1919(b)(5)(F) of the Social Security Act (42 U.S.C. 1395i–3(b)(5)(F); 1396r(b)(5)(F)).

(2) STUDY AND REPORT.—

(A) IN GENERAL.—The Secretary, in consultation with appropriate government agencies and private sector organizations, shall conduct a study on establishing a national nurse aide registry.

(B) AREAS EVALUATED.—The study conducted under this subsection shall include an evaluation of—

(i) who should be included in the registry;

(ii) how such a registry would comply with Federal and State privacy laws and regulations;

(iii) how data would be collected for the registry;

(iv) what entities and individuals would have access to the data collected;

(v) how the registry would provide appropriate information regarding violations of Federal and State law by individuals included in the registry;

(vi) how the functions of a national nurse aide registry would be coordinated with the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers established under section 307 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173); and

(vii) how the information included in State nurse aide registries developed and maintained under sections 1819(e)(2) and 1919(e)(2) of the Social Security Act (42 U.S.C. 1395i–3(e)(2); 1396r(e)(2)(2)) would be provided as part of a national nurse aide registry.

(C) CONSIDERATIONS.—In conducting the study and preparing the report required under this subsection, the Secretary shall take into consider-

ation the findings and conclusions of relevant reports and other relevant resources, including the following:

(i) The Department of Health and Human Services Office of Inspector General Report, Nurse Aide Registries: State Compliance and Practices (February 2005).

(ii) The General Accounting Office (now known as the Government Accountability Office) Report, Nursing Homes: More Can Be Done to Protect Residents from Abuse (March 2002).

(iii) The Department of Health and Human Services Office of the Inspector General Report, Nurse Aide Registries: Long-Term Care Facility Compliance and Practices (July 2005).

(iv) The Department of Health and Human Services Health Resources and Services Administration Report, Nursing Aides, Home Health Aides, and Related Health Care Occupations—National and Local Workforce Shortages and Associated Data Needs (2004)(in particular with respect to chapter 7 and appendix F).

(v) The 2001 Report to CMS from the School of Rural Public Health, Texas A&M University, Preventing Abuse and Neglect in Nursing Homes: The Role of Nurse Aide Registries.

(vi) Information included in State nurse aide registries developed and maintained under sections 1819(e)(2) and 1919(e)(2) of the Social Security Act (42 U.S.C. 1395i–3(e)(2); 1396r(e)(2)(2)).

(D) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit a report to the Elder Justice Coordinating Council, the Committee on Finance of the Senate, and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives containing the findings and recommendations of the study conducted under this paragraph.

(E) FUNDING LIMITATION.—Funding for the study conducted under this subsection shall not exceed $500,000.

(3) CONGRESSIONAL ACTION.—After receiving the report submitted by the Secretary under paragraph (2)(D), the Committee on Finance of the Senate and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives shall, as they deem appropriate, take action based on the recommendations contained in the report.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary for the purpose of carrying out this subsection.

(d) CONFORMING AMENDMENTS.—

(1) TITLE XX.—Title XX of the Social Security Act (42 U.S.C. 1397 et seq.), as amended by section 102(a), is amended—

(A) in the heading of section 2001, by striking "TITLE" and inserting "PART"; and

(B) in part A, by striking "this title" each place it appears and inserting "this part".

(2) TITLE IV.—Title IV of the Social Security Act (42 U.S.C. 601 et seq.) is amended—

(A) in section 404(d)—

(i) in paragraph (1)(A), by striking "Title" and inserting "Part A of title";

(ii) in paragraphs (2)(A) and (3)(B), by inserting "part A of" before "title XX" each place it appears;

(iii) in the heading of paragraph (2), by inserting "PART A OF" before "TITLE XX"; and

(iv) in the heading of paragraph (3)(B), by inserting "PART A OF" before "TITLE XX"; and

(B) in sections 422(b), 471(a)(4), 472(h)(1), and 473(b)(2), by inserting "part A of" before "title XX" each place it appears.

(3) TITLE XI.—Title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended—

(A) in section 1128(h)(3)—

(i) by inserting "part A of" before "title XX"; and

(ii) by striking "such title" and inserting "such part"; and

(B) in section 1128A(i)(1), by inserting "part A of" before "title XX".

# TITLE II—DEPARTMENT OF JUSTICE

**SEC. 201. MODEL STATE LAWS AND PRACTICES.**

(a) IN GENERAL.—The Attorney General, after consultation with the Secretary of Health and Human Services, shall carry out the following duties:

(1) STUDY.—Conduct a study of State laws and practices relating to elder abuse, neglect, and exploitation.

(2) REPORT TO ELDER JUSTICE RESOURCE CENTER.—Prepare and submit a report or periodic reports containing the findings of the study conducted under paragraph (1) to the Elder Justice Coordinating Council and the Advisory Board of Elder Abuse, Neglect, and Exploitation (established under Title XX of the Social Security Act (42 U.S.C. 1397 et seq.), as amended by this Act). Such report or reports shall be made available to the public.

(3) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, submit to the Chairman and Ranking Member of the Special Committee on Aging of the Senate, and the Speaker and Minority leader of the House of Representatives, a report that contains—

(A) a comprehensive description of State laws and practices relating to elder abuse, neglect, and exploitation;

(B) a comprehensive analysis of the effectiveness of such State laws and practices; and

(C) recommendations—

(i) for model State laws and practices relating to elder abuse, neglect, and exploitation; and

(ii) with respect to the definitions referred to in subsection (b)(1).

(b) STATE LAWS AND PRACTICES.—In conducting the study under subsection (a), the Attorney General shall examine State laws and practices on issues including—

(1) the definition of—

(A) "elder";

(B) "abuse";

(C) "neglect";

(D) "exploitation"; and

(E) such related terms the Attorney General determines to be appropriate;

(2) mandatory reporting laws, with respect to—

(A) who is a mandated reporter;

(B) to whom must they report and within what time frame; and

(C) any consequences for not reporting;

(3) evidentiary, procedural, sentencing, choice of remedies, and data retention issues relating to pursuing cases relating to elder abuse, neglect, and exploitation;

(4) laws requiring immediate reporting of all nursing home deaths to the county coroner or to some other individual or entity;

(5) fiduciary laws, including guardianship and power of attorney laws;

(6) laws that permit or encourage banks and bank employees to prevent and report suspected elder abuse, neglect, and exploitation;

(7) laws that may impede research on elder abuse, neglect, and exploitation;

(8) practices relating to the enforcement of laws relating to elder abuse, neglect, and exploitation; and

(9) practices relating to other aspects of elder justice.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $1,000,000 for fiscal year 2008; and

(2) $2,000,000 for each of the fiscal years 2009 through 2014.

**SEC. 202. ELDER JUSTICE PLAN AND STRATEGY.**

(a) DUTIES OF THE ATTORNEY GENERAL.—The Attorney General shall—

(1) develop objectives, priorities, policies, and a long-term plan for elder justice programs and activities relating to prevention, detection, training, treatment, evaluation, intervention, research, and improvement of the elder justice system in the United States;

(2) implement the overall policies and a strategy to carry out the plan described in paragraph (1);

(3) hire personnel to assist in carrying out the policies, programs, and administrative activities related to the duties under paragraphs (1) and (2); and

(4) coordinate activities with the Elder Justice Coordinating Council and the Advisory Board of Elder Abuse, Neglect, and Exploitation (established

under Title XX of the Social Security Act (42 U.S.C. 1397 et seq.), as amended by this Act).

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,000,000 for each of the fiscal years 2008 through 2014.

**SEC. 203. VICTIM ADVOCACY GRANTS.**

(a) GRANTS AUTHORIZED.—The Attorney General, after consultation with the Secretary of Health and Human Services, may award grants to eligible entities to study the special needs of victims of elder abuse, neglect, and exploitation.

(b) AUTHORIZED ACTIVITIES.—Funds awarded pursuant to subsection (a) shall be used for pilot programs that—

(1) develop programs, provide training to health care, social, and protective services providers, law enforcement, fiduciaries (including guardians), judges and court personnel, and victim advocates; and

(2) examine special approaches designed to meet the needs of victims of elder abuse, neglect, and exploitation.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $2,500,000 for fiscal year 2008; and

(2) $3,000,000 for each of the fiscal years 2009 through 2014.

**SEC. 204. SUPPORTING LOCAL PROSECUTORS IN ELDER JUSTICE MATTERS.**

(a) GRANTS AUTHORIZED.—The Attorney General, after consultation with the Secretary of Health and Human Services, shall award grants to provide training, technical assistance, policy development, multidisciplinary coordination, and other types of support to local prosecutors handling elder justice-related cases, including—

(1) funding specially designated elder justice positions or units; or

(2) funding the creation of a Center for the Prosecution of Elder Abuse, Neglect, and Exploitation by the American Prosecutor Research Institute of the National District Attorneys Association, or any other similarly situated entity, to advise and support local prosecutors nationwide in their pursuit of cases involving elder abuse, neglect, and exploitation.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $3,000,000 for fiscal year 2008; and

(2) $4,00,000 for each of the fiscal years 2009 through 2014.

**SEC. 205. SUPPORTING STATE PROSECUTORS IN ELDER JUSTICE MATTERS.**

(a) IN GENERAL.—The Attorney General shall, after consultation with the Secretary of Health and Human Services, award grants to provide training, technical assistance, multidisciplinary coordination, policy development, and other types of support to State prosecutors, including employees of State Attorneys General and Medicaid Fraud Control Units handling elder justice-related matters.

(b) CREATING SPECIALIZED POSITIONS.—Grants under this section may be made for—

(1) the establishment of specially designated elder justice positions or units; or

(2) the creation of a position to coordinate elder justice-related cases, training, technical assistance, and policy development for State prosecutors, by the National Association of Attorneys General or any other similarly situated entity.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $3,000,000 for fiscal year 2008; and

(2) $4,000,000 for each of the fiscal years 2009 through 2014.

**SEC. 206. INCREASED SUPPORT FOR FEDERAL CASES INVOLVING ELDER JUSTICE.**

(a) SUPPORT AND ASSISTANCE.—

(1) IN GENERAL.—The Attorney General shall establish procedures to ensure that the Department of Justice dedicates resources to investigating and prosecuting cases relating to elder justice.

(2) ADDITIONAL STAFF.—The Attorney General shall hire additional Federal prosecutors and make funding available to Federal prosecutors to hire nurse-investigators or other experts needed to identify, assist with, or pursue cases relating to elder justice.

(3) RESOURCE GROUP.—The Attorney General may fund, through the Executive Office of United States Attorneys, a Resource Group to assist prosecutors

throughout the Nation in investigating and prosecuting failure of care and other cases relating to elder justice matters.

(b) OFFICE OF INSPECTOR GENERAL.—The Office of Inspector General of the Department of Health and Human Services shall hire nurse-investigators and other experts to investigate and pursue failure of care allegations.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $3,000,000 for fiscal year 2008; and

(2) $4,000,000 for each of the fiscal years 2009 through 2014.

**SEC. 207. SUPPORTING LAW ENFORCEMENT IN ELDER JUSTICE MATTERS.**

(a) IN GENERAL.—The Attorney General shall, after consultation with the Secretary of Health and Human Services, award grants to provide training, technical assistance, multidisciplinary coordination, policy development, and other types of support to police, sheriffs, detectives, public safety officers, corrections personnel, and other front line law enforcement responders who handle elder justice-related matters, to fund specially designated elder justice positions or units designed to support front line law enforcement in elder justice matters.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $6,000,000 for fiscal year 2008; and

(2) $8,000,000 for each of the fiscal years 2009 through 2014.

**SEC. 208. EVALUATIONS.**

(a) GRANTS UNDER THIS TITLE.—

(1) IN GENERAL.—In carrying out the grant programs under this title, the Attorney General shall—

(A) require each recipient of a grant to use a portion of the funds made available through the grant to conduct a validated evaluation of the effectiveness of the activities carried out through the grant by such recipient; or

(B) as the Attorney General considers appropriate, use a portion of the funds available under this title for a grant program under this title to provide assistance to an eligible entity to conduct a validated evaluation of the effectiveness of the activities carried out through such grant program by each of the grant recipients.

(2) APPLICATIONS.—

(A) SUBMISSION.—To be eligible to receive a grant under this title, an entity shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require, which shall include—

(i) a proposal for the evaluation required in accordance with paragraph (1)(A); and

(ii) the amount of assistance under paragraph (1)(B) the entity is requesting, if any.

(B) REVIEW AND ASSISTANCE.—

(i) IN GENERAL.—An employee of the Department of Justice, after consultation with an employee of the Department of Health and Human Services and a nongovernmental member of the Advisory Board of Elder Abuse, Neglect, and Exploitation (established under Title XX of the Social Security Act (42 U.S.C. 1397 et seq.), as amended by this Act) with expertise in evaluation methodology, shall review each application described in subparagraph (A) and determine whether the methodology described in the proposal under subparagraph (A)(i) is adequate to gather meaningful information.

(ii) DENIAL.—If the reviewing employee determines the methodology described in such proposal is inadequate, the reviewing employee shall recommend that the Attorney General deny the application for the grant, or make recommendations for how the application should be amended.

(iii) NOTICE TO APPLICANT.—If the Attorney General denies the application on the basis of such proposal, the Attorney General shall inform the applicant of the reasons the application was denied, and offer assistance to the applicant in modifying the proposal.

(b) OTHER GRANTS.—The Attorney General shall make grants to appropriate entities to conduct validated evaluations of grant activities to reduce elder abuse, neglect, and exploitation that are funded by Federal funds not provided under this title.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $7,000,000 for each of the fiscal years 2008 through 2014.

# TITLE III—TAX PROVISIONS

**SEC. 301. LONG-TERM CARE FACILITY WORKER EMPLOYMENT TAX CREDIT.**

(a) WORK OPPORTUNITY TAX CREDIT.—

(1) IN GENERAL.—Section 51(d)(1) of the Internal Revenue Code of 1986 (relating to members of targeted groups) is amended by striking "or" at the end of subparagraph (H), by striking the period at the end of subparagraph (I) and inserting "or", and by adding at the end the following:

"(J) a qualified long-term care facility worker.".

(2) QUALIFIED LONG-TERM CARE FACILITY WORKER.—Section 51(d) of such Code is amended by redesignating paragraphs (11) through (13) as paragraphs (12) through (15), respectively, and by inserting after paragraph (10) the following:

"(11) QUALIFIED LONG-TERM CARE FACILITY WORKER.—The term 'qualified long-term care facility worker' means any individual who—

"(A) is hired by a long-term care facility (as defined in paragraph (18) of section 2201 of the Social Security Act); and

"(B) is certified by the designated local agency as being qualified to provide long-term care (as defined in paragraph (17) of such section 2201).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to individuals who begin work for an employer after the date of the enactment of this Act.

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Mr. SCOTT. Each year in the United States, between 500,000 to 5 million elders are abused, neglected or exploited. And experts agree that most cases are never reported. Data collected on the problem is minimal, and there has been no comprehensive national approach to solving many of the problems.

These problems likely will increase in the next 30 years, as 76 million baby boomers approach retirement. Yet despite the disturbing trend, funding to combat elder abuse is minimal and diminishing. The Elder Justice Coalition reports that of all the Federal funds spent on abuse prevention, less than 2 percent is spent on elder abuse.

Funding of the State Adult Protective Services varies from state to state and from year to year and is inadequate to address the problem of elder abuse. The Social Services Block Grant from which states can choose to fund Adult Protective Services has suffered more than $1 billion in funding cuts over the last few years.

Investigating elder abuse is not easy, and some of the solutions must be in the nature of legislation. In 1986, when I was a member of the Virginia State Senate, the state of Virginia passed a bill that addressed the problem of denial of access to elderly people who were suspected victims of abuse.

The Virginia state law required a protective services employee to visit any person who was reported to be a victim of abuse. Adult Protective Service employees would attempt to visit the person, only to be denied entry to the home and access to the suspected victim often by the very abuser.

The bill established a process in allowing the Adult Protective Service worker to petition a circuit court for an order allowing ac-

cess, entry or both, based on the standard of good cause, which is significantly lower than the traditional probable cause standard.

Today, we seek to do our part in addressing the serious problem of elder abuse. The Elder Justice Act provides a comprehensive, multi-disciplinary approach to preventing and combating elder abuse, neglect and exploitation, while enabling states and communities to run programs that best serve their needs.

It establishes a national Elder Justice Coordinating Council, an advisory board on elder abuse, neglect and exploitation. It starts the critically needed process of researching state practices and collecting national data on the problem.

The act authorizes grant monies in all areas of elder abuse, beginning with the prevention of abuse. It provides critically needed money to state and local Adult Protective Services and helps long-term care facilities to recruit, train and retain competent employees. It provides grants to assist in investigation and prosecution of elder abuse.

H.R. 5352, sponsored by the gentleman from Pennsylvania, Mr. Sestak, shares the goals of H.R. 1783, but focuses on the enforcement mechanisms to prosecute abuse and attain justice for victims. It requires the attorney general to study and report to Congress on state laws and practices relating to elder abuse, neglect and exploitation.

[The text of the bill, H.R. 5352, follows:]

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I

110TH CONGRESS
2D SESSION

# H. R. 5352

To protect seniors in the United States from elder abuse by establishing specialized elder abuse prosecution and research programs and activities to aid victims of elder abuse, to provide training to prosecutors and other law enforcement related to elder abuse prevention and protection, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 2008

Mr. SESTAK introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

## A BILL

To protect seniors in the United States from elder abuse by establishing specialized elder abuse prosecution and research programs and activities to aid victims of elder abuse, to provide training to prosecutors and other law enforcement related to elder abuse prevention and protection, 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 "Elder Abuse Victims Act of 2008".

**SEC. 2. MODEL STATE LAWS AND PRACTICES.**

(a) IN GENERAL.—Subject to the availability of appropriations to carry out this section, the Attorney General, after consultation with the Secretary of Health and Human Services, shall carry out the following duties:

(1) STUDY.—Conduct a study of State laws and practices relating to elder abuse, neglect, and exploitation.

(2) REPORT TO ELDER JUSTICE COORDINATING COUNCIL AND THE ADVISORY BOARD OF ELDER ABUSE, NEGLECT, AND EXPLOITATION.—Prepare and submit a report or periodic reports containing the findings of the study conducted under paragraph (1) to the Elder Justice Coordinating Council and the Advisory Board of Elder Abuse, Neglect, and Exploitation (established under title XX of the Social Security Act (42 U.S.C. 1397 et seq.), as amended by this Act). Such report or reports shall be made available to the public.

(3) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, submit to the chairman and ranking member of the Special Committee on Aging of the Senate, and the Speaker and minority leader of the House of Representatives, a report that contains—

(A) a comprehensive description of State laws and practices relating to elder abuse, neglect, and exploitation;

(B) a comprehensive analysis of the effectiveness of such State laws and practices; and

(C) recommendations—

(i) for model State laws and practices relating to elder abuse, neglect, and exploitation; and

(ii) with respect to the definitions referred to in subsection (b)(1).

(b) STATE LAWS AND PRACTICES.—In conducting the study under subsection (a)(1), the Attorney General shall examine State laws and practices on issues including—

(1) the definition of—

(A) "elder";

(B) "abuse";

(C) "neglect";

(D) "exploitation"; and

(E) any related terms the Attorney General determines to be appropriate;

(2) mandatory reporting laws with respect to elder abuse, neglect, and exploitation, including—

(A) who is a mandated reporter;

(B) to whom must a mandated reporter report, and within what time frame; and

(C) any consequences for not reporting;

(3) evidentiary, procedural, sentencing, choice of remedies, and data retention issues relating to pursuing cases relating to elder abuse, neglect, and exploitation;

(4) laws requiring immediate reporting of all nursing home deaths to the county coroner or to one or more other individuals or entities;

(5) fiduciary laws, including guardianship and power of attorney laws;

(6) laws that permit or encourage banks and bank employees to prevent and report suspected elder abuse, neglect, and exploitation;

(7) laws that may impede research on elder abuse, neglect, and exploitation;

(8) practices relating to the enforcement of laws relating to elder abuse, neglect, and exploitation; and

(9) practices relating to other aspects of elder justice.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $1,000,000 for fiscal year 2009; and

(2) $2,000,000 for each of the fiscal years 2010 through 2015.

**SEC. 3. ELDER JUSTICE PLAN AND STRATEGY.**

(a) DUTIES OF THE ATTORNEY GENERAL.—Subject to the availability of appropriations under this section, the Attorney General shall—

(1) develop objectives, priorities, policies, and a long-term plan for elder justice programs and activities relating to prevention, detection, training, treatment, evaluation, intervention, research, and improvement of the elder justice system in the United States;

(2) implement the overall policies and a strategy to carry out the plan described in paragraph (1);

(3) hire personnel to assist in carrying out the policies, programs, and administrative activities related to the duties under paragraphs (1) and (2); and

(4) coordinate activities with the Elder Justice Coordinating Council and the Advisory Board of Elder Abuse, Neglect, and Exploitation (established under title XX of the Social Security Act (42 U.S.C. 1397 et seq.), as amended by this Act).

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,000,000 for each of the fiscal years 2009 through 2015.

**SEC. 4. VICTIM ADVOCACY GRANTS.**

(a) GRANTS AUTHORIZED.—The Attorney General, after consultation with the Secretary of Health and Human Services, may award grants to eligible entities to study the special needs of victims of elder abuse, neglect, and exploitation.

(b) AUTHORIZED ACTIVITIES.—Funds awarded pursuant to subsection (a) shall be used for pilot programs that—

(1) develop programs, provide training to health care, social, and protective services providers, law enforcement, fiduciaries (including guardians), judges and court personnel, and victim advocates; and

(2) examine special approaches designed to meet the needs of victims of elder abuse, neglect, and exploitation.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $2,500,000 for fiscal year 2009; and

(2) $3,000,000 for each of the fiscal years 2010 through 2015.

**SEC. 5. SUPPORTING LOCAL PROSECUTORS IN ELDER JUSTICE MATTERS.**

(a) GRANTS AUTHORIZED.—Subject to the availability of appropriations under this section, the Attorney General, after consultation with the Secretary of Health and Human Services, shall award grants to provide training, technical assistance, policy development, multidisciplinary coordination, and other types of support to local prosecutors handling elder justice-related cases, including—

(1) funding specially designated elder justice positions or units; or

(2) funding the creation of a Center for the Prosecution of Elder Abuse, Neglect, and Exploitation by the American Prosecutor Research Institute of the National District Attorneys Association, or any other similarly situated entity, to advise and support local prosecutors nationwide in their pursuit of cases involving elder abuse, neglect, and exploitation.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $3,000,000 for fiscal year 2009; and

(2) $4,000,000 for each of the fiscal years 2010 through 2015.

**SEC. 6. SUPPORTING STATE PROSECUTORS IN ELDER JUSTICE MATTERS.**

(a) IN GENERAL.—Subject to the availability of appropriations under this section, the Attorney General, after consultation with the Secretary of Health and Human Services, shall award grants to provide training, technical assistance, multidisciplinary coordination, policy development, and other types of support to State prosecutors, including employees of State Attorneys General and Medicaid Fraud Control Units handling elder justice-related matters.

(b) CREATING SPECIALIZED POSITIONS.—Grants under this section may be made for—

(1) the establishment of specially designated elder justice positions or units; or

(2) the creation of a position to coordinate elder justice-related cases, training, technical assistance, and policy development for State prosecutors, by the National Association of Attorneys General or any other similarly situated entity.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $3,000,000 for fiscal year 2009; and

(2) $4,000,000 for each of the fiscal years 2010 through 2015.

**SEC. 7. INCREASED SUPPORT FOR FEDERAL CASES INVOLVING ELDER JUSTICE.**

(a) SUPPORT AND ASSISTANCE.—

(1) IN GENERAL.—The Attorney General shall establish procedures to ensure that the Department of Justice dedicates resources to investigating and prosecuting cases relating to elder justice.

(2) ADDITIONAL STAFF.—Subject to the availability of appropriations under this section, the Attorney General shall hire additional Federal prosecutors and make funding available to Federal prosecutors to hire nurse-investigators or other experts needed to identify, assist with, or pursue cases relating to elder justice.

(3) RESOURCE GROUP.—The Attorney General may fund, through the Executive Office of United States Attorneys, a resource group to assist prosecutors throughout the Nation in investigating and prosecuting cases relating to failure of care and other elder justice matters.

(b) OFFICE OF INSPECTOR GENERAL.—Subject to the availability of appropriations under this section, the Office of Inspector General of the Department of Health and Human Services shall hire nurse-investigators and other experts to investigate and pursue failure of care allegations.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $3,000,000 for fiscal year 2009; and

(2) $4,000,000 for each of the fiscal years 2010 through 2015.

**SEC. 8. SUPPORTING LAW ENFORCEMENT IN ELDER JUSTICE MATTERS.**

(a) IN GENERAL.—Subject to the availability of appropriations under this section, the Attorney General, after consultation with the Secretary of Health and Human Services, shall award grants to provide training, technical assistance, multidisciplinary coordination, policy development, and other types of support to police, sheriffs, detectives, public safety officers, corrections personnel, and other first responders who handle elder justice-related matters, to fund specially designated elder justice positions or units designed to support first responders in elder justice matters.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $6,000,000 for fiscal year 2009; and

(2) $8,000,000 for each of the fiscal years 2010 through 2015.

**SEC. 9. EVALUATIONS.**

(a) GRANTS UNDER THIS ACT.—

(1) IN GENERAL.—In carrying out the grant programs under this Act, the Attorney General shall—

(A) require each recipient of a grant to use a portion of the funds made available through the grant to conduct a validated evaluation of the effectiveness of the activities carried out through the grant by such recipient; or

(B) as the Attorney General considers appropriate, use a portion of the funds available under this Act for a grant program under this Act to provide assistance to an eligible entity to conduct a validated evaluation of the effectiveness of the activities carried out through such grant program by each of the grant recipients.

(2) APPLICATIONS.—

(A) SUBMISSION.—To be eligible to receive a grant under this Act, an entity shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require, which shall include—

(i) a proposal for the evaluation required in accordance with paragraph (1)(A); and

(ii) the amount of assistance under paragraph (1)(B) the entity is requesting, if any.

(B) REVIEW AND ASSISTANCE.—

(i) IN GENERAL.—An employee of the Department of Justice, after consultation with an employee of the Department of Health and Human Services and a nongovernmental member of the Advisory Board of Elder Abuse, Neglect, and Exploitation (established under title XX of the Social Security Act (42 U.S.C. 1397 et seq.), as amended by this Act) with expertise in evaluation methodology, shall review each application described in subparagraph (A) and determine whether the methodology described in the proposal under subparagraph (A)(I) is adequate to gather meaningful information.

(ii) DENIAL.—If the reviewing employee determines the methodology described in such proposal is inadequate, the reviewing employee shall recommend that the Attorney General deny the application for the grant, or make recommendations for how the application should be amended.

(iii) NOTICE TO APPLICANT.—If the Attorney General denies the application on the basis of such proposal, the Attorney General shall inform the applicant of the reasons the application was denied, and offer assistance to the applicant in modifying the proposal.

(b) OTHER GRANTS.—Subject to the availability of appropriations under this section, the Attorney General shall award grants to appropriate entities to conduct validated evaluations of grant activities that are funded by Federal funds not provided under this Act to reduce elder abuse, neglect, and exploitation.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $7,000,000 for each of the fiscal years 2009 through 2015.

**SEC. 10. ELDER JUSTICE.**

(a) ELDER JUSTICE.—

(1) IN GENERAL.—Title XX of the Social Security Act (42 U.S.C. 1397 et seq.) is amended—

(A) in the title heading, by inserting "**AND ELDER JUSTICE**" after "**SOCIAL SERVICES**";

(B) by inserting before section 2001 the following:

## "PART A—BLOCK GRANTS TO STATES FOR SOCIAL SERVICES";

and

(C) by adding at the end the following:

## "PART B—ELDER JUSTICE

**"SEC. 2011. DEFINITIONS.**

"In this part:

"(1) ABUSE.—The term 'abuse' means the knowing infliction of physical or psychological harm or the knowing deprivation of goods or services that are necessary to meet essential needs or to avoid physical or psychological harm.

"(2) CAREGIVER.—The term 'caregiver' means an individual who has the responsibility for the care of an elder, either voluntarily, by contract, by receipt of payment for care, or as a result of the operation of law, and means a family member or other individual who provides (on behalf of such individual or of a public or private agency, organization, or institution) compensated or uncompensated care to an elder who needs supportive services in any setting.

"(3) ELDER.—The term 'elder' means an individual age 60 or older.

"(4) ELDER JUSTICE.—The term 'elder justice' means—

"(A) from a societal perspective, efforts to—

"(i) prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation; and

"(ii) protect elders with diminished capacity while maximizing their autonomy; and

"(B) from an individual perspective, the recognition of an elder's rights, including the right to be free of abuse, neglect, and exploitation.

"(5) EXPLOITATION.—The term 'exploitation' means the fraudulent or otherwise illegal, unauthorized, or improper act or process of an individual, including a caregiver or fiduciary, that uses the resources of an elder for monetary or personal benefit, profit, or gain, or that results in depriving an elder of rightful access to, or use of, benefits, resources, belongings, or assets.

"(6) FIDUCIARY.—The term 'fiduciary'—

"(A) means a person or entity with the legal responsibility—

"(i) to make decisions on behalf of and for the benefit of another person; and

"(ii) to act in good faith and with fairness; and

"(B) includes a trustee, a guardian, a conservator, an executor, an agent under a financial power of attorney or health care power of attorney, or a representative payee.

"(7) GUARDIANSHIP.—The term 'guardianship' means—

"(A) the process by which a State court determines that an adult individual lacks capacity to make decisions about self-care and property, and appoints another individual or entity known as a guardian, as a conservator, or by a similar term, as a surrogate decisionmaker;

"(B) the manner in which the court-appointed surrogate decisionmaker carries out duties to the individual and the court; or

"(C) the manner in which the court exercises oversight of the surrogate decisionmaker.

"(8) LONG-TERM CARE.—

"(A) IN GENERAL.—The term 'long-term care' means supportive and health services specified by the Secretary for individuals who need assistance because the individuals have a loss of capacity for self-care due to illness, disability, or vulnerability.

"(B) LOSS OF CAPACITY FOR SELF-CARE.—For purposes of subparagraph (A), the term 'loss of capacity for self-care' means an inability to engage in 1 or more activities of daily living, including eating, dressing, bathing, and management of one's financial affairs.

"(9) NEGLECT.—The term 'neglect' means—

"(A) the failure of a caregiver or fiduciary to provide the goods or services that are necessary to maintain the health or safety of an elder; or

"(B) self-neglect.

"(10) SELF-NEGLECT.—The term 'self-neglect' means an adult's inability, due to physical or mental impairment or diminished capacity, to perform essential self-care tasks including—

"(A) obtaining essential food, clothing, shelter, and medical care;

"(B) obtaining goods and services necessary to maintain physical health, mental health, or general safety; or

"(C) managing one's own financial affairs.

**"SEC. 2012. GENERAL PROVISIONS.**

"(a) PROTECTION OF PRIVACY.—In pursuing activities under this part, the Secretary shall ensure the protection of individual health privacy consistent with the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 and applicable State and local privacy regulations.

"(b) RULE OF CONSTRUCTION.—Nothing in this part shall be construed to interfere with or abridge an elder's right to practice his or her religion through reliance on prayer alone for healing when this choice—

"(1) is contemporaneously expressed, either orally or in writing, with respect to a specific illness or injury which the elder has at the time of the decision by an elder who is competent at the time of the decision;

"(2) is previously set forth in a living will, health care proxy, or other advance directive document that is validly executed and applied under State law; or

"(3) may be unambiguously deduced from the elder's life history.

**"SEC. 2013. ELDER JUSTICE COORDINATING COUNCIL.**

"(a) ESTABLISHMENT.—There is established within the Office of the Secretary an Elder Justice Coordinating Council (in this section referred to as the 'Council').

"(b) MEMBERSHIP.—

"(1) IN GENERAL.—The Council shall be composed of the following members:

"(A) The Secretary (or the Secretary's designee).

"(B) The Attorney General (or the Attorney General's designee).

"(C) The head of each Federal department or agency or other governmental entity identified by the Chair referred to in subsection (d) as having responsibilities, or administering programs, relating to elder abuse, neglect, and exploitation.

"(2) REQUIREMENT.—Each member of the Council shall be an officer or employee of the Federal Government.

"(c) VACANCIES.—Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

"(d) CHAIR.—The member described in subsection (b)(1)(A) shall be Chair of the Council.

"(e) MEETINGS.—The Council shall meet at least 2 times per year, as determined by the Chair.

"(f) DUTIES.—

"(1) IN GENERAL.—The Council shall make recommendations to the Secretary for the coordination of activities of the Department of Health and Human Services, the Department of Justice, and other relevant Federal, State, local, and private agencies and entities, relating to elder abuse, neglect, and exploitation and other crimes against elders.

"(2) REPORT.—Not later than the date that is 2 years after the date of enactment of the Elder Abuse Victims Act of 2008 and every 2 years thereafter, the Council shall submit to the Committee on Finance of the Senate and the

Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives a report that—

"(A) describes the activities and accomplishments of, and challenges faced by—

"(i) the Council; and

"(ii) the entities represented on the Council; and

"(B) makes such recommendations for legislation, model laws, or other action as the Council determines to be appropriate.

"(g) POWERS OF THE COUNCIL.—

"(1) INFORMATION FROM FEDERAL AGENCIES.—Subject to the requirements of section 2012(a), the Council may secure directly from any Federal department or agency such information as the Council considers necessary to carry out this section. Upon request of the Chair of the Council, the head of such department or agency shall furnish such information to the Council.

"(2) POSTAL SERVICES.—The Council may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

"(h) TRAVEL EXPENSES.—The members of the Council shall not receive compensation for the performance of services for the Council. The members shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council. Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the voluntary and uncompensated services of the members of the Council.

"(i) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Council without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

"(j) STATUS AS PERMANENT COUNCIL.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.

**"SEC. 2014. ADVISORY BOARD ON ELDER ABUSE, NEGLECT, AND EXPLOITATION.**

"(a) ESTABLISHMENT.—There is established a board to be known as the 'Advisory Board on Elder Abuse, Neglect, and Exploitation' (in this section referred to as the 'Advisory Board') to create short- and long-term multidisciplinary strategic plans for the development of the field of elder justice and to make recommendations to the Elder Justice Coordinating Council established under section 2013.

"(b) COMPOSITION.—The Advisory Board shall be composed of 27 members appointed by the Secretary from among members of the general public who are individuals with experience and expertise in elder abuse, neglect, and exploitation prevention, detection, treatment, intervention, or prosecution.

"(c) SOLICITATION OF NOMINATIONS.—The Secretary shall publish a notice in the Federal Register soliciting nominations for the appointment of members of the Advisory Board under subsection (b).

"(d) TERMS.—

"(1) IN GENERAL.—Each member of the Advisory Board shall be appointed for a term of 3 years, except that, of the members first appointed—

"(A) 9 shall be appointed for a term of 3 years;

"(B) 9 shall be appointed for a term of 2 years; and

"(C) 9 shall be appointed for a term of 1 year.

"(2) VACANCIES.—

"(A) IN GENERAL.—Any vacancy on the Advisory Board shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

"(B) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

"(3) EXPIRATION OF TERMS.—The term of any member shall not expire before the date on which the member's successor takes office.

"(e) ELECTION OF OFFICERS.—The Advisory Board shall elect a Chair and Vice Chair from among its members. The Advisory Board shall elect its initial Chair and Vice Chair at its initial meeting.

"(f) DUTIES.—

"(1) ENHANCE COMMUNICATION ON PROMOTING QUALITY OF, AND PREVENTING ABUSE AND NEGLECT IN, LONG-TERM CARE.—The Advisory Board shall develop collaborative and innovative approaches to improve the quality of, including preventing abuse and neglect in, long-term care.

"(2) COLLABORATIVE EFFORTS TO DEVELOP CONSENSUS AROUND THE MANAGEMENT OF CERTAIN QUALITY-RELATED FACTORS.—

"(A) IN GENERAL.—The Advisory Board shall establish multidisciplinary panels to address, and develop consensus on, subjects relating to improving the quality of long-term care. At least 1 such panel shall address, and develop consensus on, methods for managing resident-to-resident abuse in long-term care.

"(B) ACTIVITIES CONDUCTED.—The multidisciplinary panels established under subparagraph (A) shall examine relevant research and data, identify best practices with respect to the subject of the panel, determine the best way to carry out those best practices in a practical and feasible manner, and determine an effective manner of distributing information on such subject.

"(3) REPORT.—Not later than the date that is 18 months after the date of enactment of the Elder Abuse Victims Act of 2008, and annually thereafter, the Advisory Board shall prepare and submit to the Elder Justice Coordinating Council, the Committee on Finance of the Senate, and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives a report containing—

"(A) information on the status of Federal, State, and local public and private elder justice activities;

"(B) recommendations (including recommended priorities) regarding—

"(i) elder justice programs, research, training, services, practice, enforcement, and coordination;

"(ii) coordination between entities pursuing elder justice efforts and those involved in related areas that may inform or overlap with elder justice efforts, such as activities to combat violence against women and child abuse and neglect; and

"(iii) activities relating to adult fiduciary systems, including guardianship and other fiduciary arrangements;

"(C) recommendations for specific modifications needed in Federal and State laws (including regulations) or for programs, research, and training to enhance prevention, detection, and treatment (including diagnosis) of, intervention in (including investigation of), and prosecution of elder abuse, neglect, and exploitation;

"(D) recommendations on methods for the most effective coordinated national data collection with respect to elder justice, and elder abuse, neglect, and exploitation; and

"(E) recommendations for a multidisciplinary strategic plan to guide the effective and efficient development of the field of elder justice.

"(g) POWERS OF THE ADVISORY BOARD.—

"(1) INFORMATION FROM FEDERAL AGENCIES.—Subject to the requirements of section 2012(a), the Advisory Board may secure directly from any Federal department or agency such information as the Advisory Board considers necessary to carry out this section. Upon request of the Chair of the Advisory Board, the head of such department or agency shall furnish such information to the Advisory Board.

"(2) SHARING OF DATA AND REPORTS.—The Advisory Board may request from any entity pursuing elder justice activities under the Elder Abuse Victims Act of 2008 or an amendment made by such Act, any data, reports, or recommendations generated in connection with such activities.

"(3) POSTAL SERVICES.—The Advisory Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

"(h) TRAVEL EXPENSES.—The members of the Advisory Board shall not receive compensation for the performance of services for the Advisory Board. The members shall be allowed travel expenses for up to 4 meetings per year, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Advisory Board. Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the voluntary and uncompensated services of the members of the Advisory Board.

"(i) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Advisory Board without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

"(j) STATUS AS PERMANENT ADVISORY COMMITTEE.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory board.

**"SEC. 2015. RESEARCH PROTECTIONS.**

"(a) GUIDELINES.—The Secretary shall promulgate guidelines to assist researchers working in the area of elder abuse, neglect, and exploitation, with issues relating to human subject protections.

"(b) DEFINITION OF LEGALLY AUTHORIZED REPRESENTATIVE FOR APPLICATION OF REGULATIONS.—For purposes of the application of subpart A of part 46 of title 45, Code of Federal Regulations, to research conducted under this chapter the term 'legally authorized representative' means, unless otherwise provided by law, the individual or judicial or other body authorized under the applicable law to consent to medical treatment on behalf of another person.

**"SEC. 2016. AUTHORIZATION OF APPROPRIATIONS.**

"There are authorized to be appropriated to carry out this chapter—

"(1) for fiscal year 2009, $6,500,000; and

"(2) for each of fiscal years 2010 through 2012, $7,000,000.".

**SEC. 11. DEFINITIONS.**

In this Act:

(1) ELDER.—The term "elder" means an individual age 60 or older.

(2) ELDER JUSTICE.—The term "elder justice" means—

(A) from a societal perspective, efforts to—

(i) prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation; and

(ii) protect elders with diminished capacity while maximizing their autonomy; and

(B) from an individual perspective, the recognition of an elder's rights, including the right to be free of abuse, neglect, and exploitation.

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Mr. SCOTT. The act authorizes grants to support local and state law enforcement and prosecutors in elder justice matters and establishes procedures to ensure that the Department of Justice dedicates resources to investigating and prosecuting elder justice cases.

H.R. 2352, the School Safety Enhancements Act of 2007, is a vital bill aimed at ensuring the safety of students at our nation's educational institutions.

Incidents of violence in our schools continued. Over the last decade, we have seen horrific school shootings and violence in—well, I have a list of states. The states where they did not have violence is shorter than the list where they did have violence: 27 states have reported school shootings.

Ensuring the safety of our students and teachers at all levels of education must be paramount. H.R. 2352, sponsored by the gentleman from New Jersey, Mr. Rothman, seeks to enhance school safety by increasing the amount of money available and making money more accessible to poor communities.

The bill raises the authorization level of Federal grants from $30 million to $50 million for fiscal year 2008-2009. It also amends the eligibility requirements so that schools in the most need have a better opportunity to receive funding.

Presently, grant recipients must match Federal grant dollars dollar for dollar with non-Federal funds in order to qualify for Federal funding. This ironic requirement has undermined the objective of the program, because the poorer states, who have the most need, receive the least benefit because they can least afford to provide the matching grants.

H.R. 2352 corrects the problem by changing the mandatory matching non-Federal funds percentage from 50 percent to 20 percent.

H.R. 2352 also amends the Higher Education Act and requires participating institutions to conduct annual campus assessments and develop and implement a campus emergency response plan.

[The text of the bill, H.R. 2352, follows:]

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I

110TH CONGRESS
1ST SESSION

# H. R. 2352

To enhance the safety of elementary schools, secondary schools, and institutions of higher education.

IN THE HOUSE OF REPRESENTATIVES

MAY 16, 2007

Mr. ROTHMAN (for himself, Mr. PASCRELL, Mr. DAVIS of Illinois, Mr. NEAL of Massachusetts, Mr. DELAHUNT, Ms. BERKLEY, Mr. PAYNE, Mr. MEEKS of New York, Mr. FRANK of Massachusetts, Ms. CORRINE BROWN of Florida, Ms. CLARKE, Mr. TOWNS, Mr. WEINER, Ms. WATERS, Ms. DEGETTE, Mr. ANDREWS, Mr. ACKERMAN, Mr. WU, Ms. BALDWIN, Mr. YARMUTH, Mr. HALL of New York, Mr. HIGGINS, Mr. HINCHEY, Mr. WATT, Mr. WYNN, Mr. BISHOP of Georgia, Ms. KILPATRICK, Ms. LEE, Mr. EMANUEL, Mr. HOLT, Ms. JACKSON-LEE of Texas, Mr. HARE, Mr. SIRES, Mr. KIND, Mr. SCOTT of Georgia, Mr. GENE GREEN of Texas, Mr. PATRICK J. MURPHY of Pennsylvania, Ms. MATSUI, Mr. KUCINICH, Ms. SUTTON, and Mr. SCOTT of Virginia) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

## A BILL

To enhance the safety of elementary schools, secondary schools, and institutions of higher education.

*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 "School Safety Enhancements Act of 2007".

# TITLE I—ELEMENTARY AND SECONDARY EDUCATION SAFETY ENHANCEMENTS

**SEC. 101. GRANT PROGRAM FOR SCHOOL SECURITY.**

Section 2701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797a) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting "surveillance equipment," after "detectors,";

(B) by striking paragraph (2) and inserting the following:

"(2) Establishment of hotlines or tiplines for the reporting of potentially dangerous students and situations.";

(C) by redesignating paragraph (5) as paragraph (6); and

(D) by inserting after paragraph (4) the following:

"(5) Capital improvements to make school facilities more secure.";

(2) by striking subsection (d)(1) and inserting the following:

"(1) The Federal share of the costs of a program provided by a grant under subsection (a) shall be 80 percent of the total of such costs. The non-Federal share of such costs shall be 20 percent of such costs."; and

(3) by adding at the end the following:

"(g) INTERAGENCY TASK FORCE.—Not later than 60 days after the date of enactment of the School Safety Enhancements Act of 2007, the Director and the Secretary of Education, or the designee of the Secretary, shall establish an interagency task force to develop and promulgate a set of advisory school safety guidelines. The advisory school safety guidelines shall be published in the Federal Register by not later than June 1, 2008.".

**SEC. 102. APPLICATIONS.**

Section 2702(a)(2) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797b(a)(2)) is amended to read as follows:

"(2) be accompanied by a report, signed by the chief education officer and the attorney general or other chief legal officer of the State, unit of local government, or Indian tribe, demonstrating that each proposed use of the grant funds will be—

"(A) an effective means for improving the safety of one or more schools;

"(B) consistent with a comprehensive approach to preventing school violence; and

"(C) individualized to the needs of each school at which those improvements are to be made.".

**SEC. 103. AUTHORIZATION OF APPROPRIATIONS.**

Section 2705 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797e) is amended by striking "$30,000,000 for each of fiscal years 2001 through 2009" and inserting "$50,000,000 for each of the fiscal years 2008 and 2009".

# TITLE II—HIGHER EDUCATION SECURITY ENHANCEMENT

**SEC. 201. REQUIREMENT FOR CAMPUS SAFETY ASSESSMENTS.**

Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092) is amended by adding at the end the following:

"(h) CAMPUS SAFETY ASSESSMENT.—Each eligible institution participating in any program under this title shall conduct an annual campus safety assessment that shall be prepared through consultation between the institution's staff, including safety and security personnel, and local law enforcement officials.".

**SEC. 202. REQUIREMENT FOR CAMPUS EMERGENCY RESPONSE PLANS.**

Section 485 of the Higher Education Act of 1965, as amended in section 201 (20 U.S.C. 1092), is further amended by adding at the end the following:

"(i) CAMPUS EMERGENCY RESPONSE PLAN.—Each eligible institution participating in any program under this title shall develop and implement a campus emergency response plan to address a comprehensive set of emergency situations, including the following:

"(1) Natural disasters.

"(2) Active shooter situations.

"(3) Terrorist attacks.".

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Mr. SCOTT. H.R. 5464, the "A Child Is Missing Alert and Recovery Center Act," authorizes grants to the Child Is Missing Center. A child goes missing every 40 seconds in the United States. A successful recovery of that child often requires a quick police and community response, which the center has facilitated since 1997.

[The text of the bill, H.R. 5464, follows:]

I

110TH CONGRESS
2D SESSION

# H. R. 5464

To direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2008

Mr. KLEIN of Florida (for himself, Mr. SENSENBRENNER, Mr. NADLER, Mr. CHABOT, Mr. WEXLER, Mr. COHEN, Mr. JOHNSON of Georgia, Ms. SUTTON, Ms. WASSERMAN SCHULTZ, Ms. GRANGER, Mr. CHANDLER, Mr. BURTON of Indiana, Mr. HASTINGS of Florida, Mr. MAHONEY of Florida, Mr. RUPPERSBERGER, Mr. MEEK of Florida, and Mr. SCOTT of Virginia) introduced the following bill; which was referred to the Committee on the Judiciary

## A BILL

To direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, 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 "A Child Is Missing Alert and Recovery Center Act".

**SEC. 2. DIRECTING THE ATTORNEY GENERAL TO MAKE ANNUAL GRANTS TO A CHILD IS MISSING ALERT AND RECOVERY CENTER TO ASSIST LAW ENFORCEMENT AGENCIES IN RECOVERING MISSING CHILDREN.**

(a) IN GENERAL.—The Attorney General, acting through the Administrator of the Office of Juvenile Justice and Delinquency Prevention, shall annually make a grant to the A Child Is Missing Alert and Recovery Center.

(b) SPECIFIED USE OF FUNDS FOR RECOVERY ACTIVITIES, REGIONAL CENTERS, EDUCATION, AND INFORMATION SHARING.—A Child Is Missing Alert and Recovery Center shall use the funds made available under this Act—

(1) to operate and expand the A Child Is Missing Alert and Recovery Center to provide services to Federal, State, and local law enforcement agencies to promote the quick recovery of a missing child in response to a request from such agencies for assistance by utilizing rapid alert telephone calls, text messaging, and satellite mapping technology;

(2) to maintain and expand technologies and techniques to ensure the highest level of performance of such services;

(3) to establish and maintain regional centers to provide both centralized and on-site training and to distribute information to Federal, State, and local law enforcement agency officials about how to best utilize the services provided by the A Child Is Missing Alert and Recovery Center;

(4) to share appropriate information with the National Center for Missing and Exploited Children, the AMBER Alert Coordinator, and appropriate Federal, State, and local law enforcement agencies; and

(5) to assist the National Center for Missing and Exploited Children, the AMBER Alert Coordinator, and appropriate Federal, State, and local law enforcement agencies with education programs.

**SEC. 3. DEFINITION OF MISSING CHILD.**

For purposes of this Act, the term "missing child" means an individual whose whereabouts are unknown to a Federal, State, or local law enforcement agency.

**SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

For grants under section 2, there are authorized to be appropriated to the Attorney General $5,000,000 for each fiscal year from fiscal year 2009 through fiscal year 2014.

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Mr. SCOTT. Recognizing a need, Sherry Friedlander, who is with us today, founded A Child Is Missing program. That program is a national nonprofit organization that offers free assistance to law enforcement 365 days a year, 24 hours a day.

The program is not limited to children, but extends to all at-risk members of our society, including the elderly, mentally challenged, and the disabled. When law enforcement receives the call that a person has gone missing, the responding officer can immediately call ACIM.

The organization prepares a recording that includes the description of the person and the last known location. Using a comprehensive telephone database and computer satellite technology, this recording is sent by phone to thousands of locations within the radius of the person's last sighting.

Sponsored by the gentleman from Florida, Mr. Klein, H.R. 5464 authorizes $5 million in annual grants for 2009 to 2014 to expand A Child Is Missing Alert and Recovery Center to assist more law enforcement agencies in the rapid recovery of missing children and other at-risk individuals.

I believe all of these measures before us today will make significant improvements to public safety, particularly to children and vulnerable adults.

It is now my pleasure to recognize the Ranking Member of the Subcommittee, the gentleman from Texas, Judge Gohmert.

Mr. GOHMERT. Thank you, Chairman Scott.

And thank you to the witnesses. I know your time is extremely valuable. It is great to have such well-respected colleagues here going to testify and educate us.

You all know how it goes, though. I need to get some things into the record.

A child goes missing every 40 seconds in the U.S., over 2,100 per day. We have been told that at least 800,000 children are reported missing each year and another 500,000 go missing without ever being reported.

Annually, figures we have been given indicate approximately 58,000 children in the U.S. are kidnapped by someone they do not know or by slight acquaintance. The data also says that as many as 200,000 children are victims of family abductions each year.

The Amber Alert system is activated when there is evidence that a missing child has been abducted and the police have sufficient evidence or information about the abductor or vehicle description to warrant use of the system. But if there is no evidence of an abduction or no information about the abductor, law enforcement cannot issue an Amber Alert.

This is the reality in thousands of missing children cases, and this is where A Child Is Missing steps in. Launched in 1997, A

Child Is Missing assists police in the first crucial hours of searches for missing children, elderly and disabled.

To date, more than 2.5 million calls have been made on cases at law enforcement request. A Child Is Missing's high-tech system can launch 1,000 calls in 60 seconds. This technology is particularly useful to smaller, rural law enforcement agencies that simply do not have the manpower to launch a large-scale search for a missing child.

The system's ability to notify thousands of area residents within minutes that a child has gone missing in their area is crucial when every minute counts. For instance, in my home State of Texas, A Child Is Missing alert produced a tip to the Everman Police Department that led to the recovery of an 11-year-old girl. She had been abducted by her father, who it was believed was headed across the border to Mexico with his daughter.

Twenty-two hundred law enforcement agencies across the country use this alert system. H.R. 5464, the A Child Is Missing Alert and Recovery Center Act, authorizes $5 million for fiscal years 2009 through 2014 for grants to increase the use of this alert system.

This is a valuable system and an important tool for law enforcement that Congress should support.

Yesterday, teachers and students at Virginia Tech gathered to mark the 1-year anniversary of a campus shooting that killed 27 students and five faculty. We now know that Cho Seung-Hui was a mentally disturbed young man who was able to purchase two handguns, which he brought onto campus and began a shooting spree that spanned several hours and spread through both dorms and classrooms across the campus.

Sadly, in February of this year, a gunman stormed a classroom in Northern Illinois University, opened fire, killing five students and wounding 16 others in a matter of seconds before killing himself.

School and college campuses should be safe environments for students to learn. And to date, campus security requires much more than ever before, including campus police, emergency alert systems, and emergency response plans.

H.R. 2352, the School Safety Enhancements Act of 2007, provides grants for the placement and use of surveillance equipment in schools and hotlines for tips for reporting dangerous students or situations.

The bill increases the Secure Our Schools program authorization from $30 million a year to $50 million a year and requires each college or university to conduct an annual campus safety assessment, in consultation with law enforcement officials, and develop and implement a campus emergency response plan.

We all hope that improvements to campus security will prevent any further and future tragedies like Virginia Tech or Northern Illinois.

Now, on the issue of elder abuse, every year an estimated 2.1 million older Americans are the victims of physical, psychological and other forms of abuse and neglect.

And for every case of elder abuse and neglect reported to authorities, experts estimate that as many as five cases are not reported. I saw a significant problem with this during my days as a judge.

Ninety percent of elder abuse and neglect incidents are by known perpetrators, usually family members, and 42 percent of murder victims over 60 were killed by their own offspring. Spouses were the perpetrators in 24 percent of family murders of persons over 60.

H.R. 1783 and H.R. 5352 address the growing problem of elder abuse. Both bills provide grants to State and local prosecutors and law enforcement for elder abuse cases.

Both bills also direct the attorney general to study and report the Elder Justice Coordinating Council, the advisory board of elder abuse, neglect and exploitation, and Congress on State laws and practices relating to elder abuse, neglect and exploitation, and development and implement a long-term plan for elder justice programs and related activities.

While I appreciate the desire to establish a national plan for an issue that reaches into every State in America, I do have concerns that imposing these requirements on the Department of Justice may not be the most effective approach.

We have heard the phrase "crime is local," and it is. I expect the majority of elder abuse cases are investigated by local police, prosecuted by local and State prosecutors. That is certainly what I saw in my court.

It occurs to me that these individuals are the real experts on the types of evidence or tools needed to try these cases. The bills require the department to develop objectives, priorities, policies, and a long-term plan for elder justice programs and activities relating to prevention, detection, training, treatment, evaluation, intervention, research and improvement of the elder justice system in the U.S.

I will be interested to hear from our witnesses what expertise they believe the DOJ possesses that surpasses, for instance, the White House Conference on Aging or the National Committee for the Prevention of Elder Abuse, but particularly the State or local law enforcement entities that have been dealing with this issue for so long.

I look forward to hearing from our witnesses today and yield back the balance of my time.

Mr. SCOTT. Thank you.

We have the Chairman of the full Committee with us today, Mr. Conyers.

Mr. CONYERS. Mr. Chairman, I ask unanimous consent to have my statement put in the record, because time is so short.

And look at the significance of the witnesses on the panel before us. I mean, Rahm Emanuel normally deals in international issues, certainly national, and has been a close adviser of mine.

And we have one little thing to work out with Judge Gohmert and you and him. The judge will be bringing this to your attention later.

And then to have an Admiral before us and a distinguished lawyer, former Member of the Committee, Steve Rothman—you know, Ron Klein, you are the luckiest guy to be on a panel like this. What

did you do to get on a panel like this? I mean, wow, just got here. Short straw. So we welcome them all. Thank you very much.

[The prepared statement of Mr. Conyers follows:]

PREPARED STATEMENT OF THE HONORABLE JOHN CONYERS, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN, AND CHAIRMAN, COMMITTEE ON THE JUDICIARY

**Statement of the Honorable John Conyers, Jr.**

**Legislative Hearing on**
**Elder Justice Act (HR 1783)**
**The Elder Abuse Victims Act of 2008 (H.R. 5352)**
**A Child is Missing Alert and Recovery Center (HR 5464)**
**School Safety Enhancements Act of 2007 (HR 2352)**

**Thursday, April 17, 2008, at 10:00 a.m.**
**2141 Rayburn House Office Building**

The four bills addressed in this hearing share a common thread. They all seek to increase the safety of our citizens, from children on up to our elderly.

The "A Child is Missing Alert and Recovery Center Act" by the gentleman from Florida, Mr. Klein, address the terrifying experience of when a family member or friend "goes missing." The bill addresses both the small child who fails to come home after school and the grandmother suffering from Alzheimer disease who walks out of the home in the middle of the night. The Act provides funding to the A Child Is Missing Alert Center, which is a national non-profit organization. The Center helps not only missing children, but also

mentally disabled and challenged persons and elders.

When the terrifying event of a missing person is reported to the police, the responding police officer can call the Center, which operates 365 days a year, 24 hours a day. Based on information from the call, the Center quickly prepares a recorded message that includes a description of the missing person along with the location where the person was last seen. Within minutes, the Center sends this recording to thousands of phones within a radius of the last known location. This activity can save not only precious lives, but also critically needed enforcement resources that would otherwise be spent in extended searches for missing persons.

The "School Safety Enhancement Act of 2007," by the gentleman from New Jersey, Mr. Rothman, provides grant money to public elementary and secondary schools to increase the safety of schools and school grounds. The Act reduces the required non-federal portion of this matching grant from 50% to 20% so that the poorest school districts, who need our help the most, can participate in the program. The Act also requires institutions of higher education to prepare an annual

campus safety assessment and develop and implement Campus Emergency Response Plans.

The "Elder Justice Act," by the gentleman from Illinois, Mr. Emmanuel, is a long-overdue comprehensive bill that addresses the many problems of elder abuse, neglect, and exploitation. For too many years, these problems have been ignored. Currently, less than two percent of federal dollars spent on abuse issues is directed toward elder abuse. Reports indicate that between 500,000 and five million American seniors are victims of some form of elder abuse every year. The Act is the first comprehensive federal effort to address this problem, and enjoys bipartisan support. I applaud both Mr. Emmanuel and Mr. King for their commitment and hard work on this bill.

The "Elder Abuse Victims Act of 2008" shares the commendable goals of the "Elder Justice Act." This Act, by the gentleman from Pennsylvania, Mr. Sestak, focuses on the enforcement needs in addressing elder abuse. It provides funding for local, state and federal prosecutors and law enforcement programs. It requires the Attorney

General to ensure that the Department of Justice dedicates resources to the problem of elder abuse.

I believe these bills make critical contributions to our ongoing efforts to protect all of our citizens, regardless of age. I am pleased to support all of the bills discussed today.

Mr. SCOTT. Thank you.

Gentleman from North Carolina?

Mr. COBLE. Thank you, Mr. Chairman, for conducting the hearing.

And no opening statement. Good to have our colleagues here, especially the distinguished gentleman from New Jersey who has come back home to where he belongs. Good to have you all with us.

Thank you, Mr. Chairman.

Mr. SCOTT. Thank you.

The gentleman from Georgia?

Mr. JOHNSON. Thank you, Mr. Chairman. I commend you for having this hearing today, the first time in, what, 16 years there has been a hearing on elder abuse.

For my colleagues that sit before us, I am in awe. Thank you very much for being here.

Mr. SCOTT. Thank you.

And the gentlelady from Wisconsin?

Ms. BALDWIN. Thank you, Mr. Chairman.

I will submit my longer opening statement for the record, but I did want to commend you and Ranking Member Gohmert for this really important hearing. The range of issues that you have described in you respective opening statements are truly important.

I am interested in all of them, but particularly pleased, as Mr. Johnson just said, that for the first time in, I think, 16 years there has been—this is a hearing that is going to focus on elder abuse and exploitation of senior citizens.

And, certainly, as we are in a period of time when the baby boom generation is beginning to retire, we know that the number of Americans over 60 is going to drastically increase over the next few decades and that these protections are particularly important.

I just wanted to note what may be a little bit of a tangent to the major focus of the elder abuse and Elder Justice Act legislation. But as a person who was raised by my grandparents and had the opportunity late in my grandmother's life to be her primary caregiver, that experience sort of opened my eyes to an area that I hope that we can also have dialogue around, and that is exploitation of seniors by mail fraud or telephone fraud and that sort of thing.

I remember a time right around when my grandmother turned 90 that she asked me to start taking over her mail and her checkbook and her accounting. And I realized how many sort of fly-by-night or fraudulent charities—sounded like the real thing, but not really the real thing—were writing her monthly.

And wanting to make sure that seniors have the tools they need to see who is credible and who is not and fend for themselves became something that was very important to me. So I hope we can add that to the larger dialogue about protecting our senior citizens.

And with that, Mr. Chairman, I yield back.

[The prepared statement of Ms. Baldwin follows:]

PREPARED STATEMENT OF THE HONORABLE TAMMY BALDWIN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WISCONSIN, AND MEMBER, SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY

Thank you Chairman Scott and Ranking Member Gohmert for holding this hearing on four important bills under our Subcommittee's jurisdiction. I also want to ex-

tend my thanks to the witnesses who have come to testify before us today. Thank you all for being here.

After learning more about the work "A Child Is Missing" is doing in my state of Wisconsin, I must say that I am impressed. The organization has trained over 100 local law enforcement officers and since 2005, they have made almost 127,000 calls on behalf of missing children, elderly, and disabled Wisconsonites.

At least a handful of those calls went out in my district when the Waterloo Police Department were alerted to an infant found alone on the street one evening last June. Coordinating with A Child Is Missing, almost 2,000 calls went out and Waterloo Police immediately fielded response calls from alert citizens who provided information to investigators. In less than two hours, as a result of information provided by citizens responding to these alert calls, police located the mother and reunited her with her baby. With successes like this, I look forward to learning more about the A Child Is Missing Alert and Recovery Center Act.

I am also eager to hear more about H.R. 2352, the School Safety Enhancements Act of 2007. As a proud cosponsor of this legislation, I wholeheartedly support efforts to enhance safety in our schools—particularly in light of the tragic string of hate-motivated violence across the country that has played out in our children's schools.

Mr. Chairman, I am particularly pleased to see our Subcommittee take up two bills addressing elder abuse: the Elder Abuse Victims Act and the Elder Justice Act. I want add a sincere note of thanks for your leadership in holding the first House hearing on elder abuse in 16 years.

Particularly with the population of Americans over 60 set to drastically increase in the next few decades, the vitally important issue of elder abuse, neglect, and exploitation will only become more so. Despite the dearth of data on the prevalence of these crimes, we know that elder abuse, neglect, and exploitation cross all racial, class, gender, and geographic boundaries. As my colleague Mr. Emanuel describes in his written testimony, the push to keep elder abuse, neglect, and exploitation quiet and "in the family" is way too reminiscent of our struggles twenty years ago to shed light on domestic violence.

My own experiences as the primary caregiver for my grandmother who raised me opened my eyes to some troubling exploitative tactics targeted to seniors. When my grandmother was about 90-years-old, she asked if I would help her with her mail, balancing her checkbook, etc. I was disturbed by the number of frequent solicitations she received from what appeared to me to be bogus or fly-by-night charities—designed more to line the pockets of the solicitors than to serve their purported charitable missions.

I was also disturbed by the amount of money my grandmother had been giving to these entities. She believed that those able to do so, ought to be as generous as possible to those in need, but she had no way of determining the legitimacy of the entities that were contacting her. I still keep a collection of my grandmother's mail as a reminder that it is not just the isolated and lonely who may fall prey to these scams.

I recognize that protecting the physical and mental health and security of seniors is the central focus of the Elder Justice Act, as it should be. I am hopeful that our consideration of this bill might open a discussion of elder exploitation concerns to include criminals who target seniors using phones and mail as their weapons.

I very much look forward to the testimony of my colleagues, as well as our expert panel of witnesses.

Thank you, Mr. Chairman.

Mr. SCOTT. Thank you very much. Thank you.

Our first witness today will be the gentleman from Illinois, the honorable Rahm Emanuel, sponsor of H.R. 1783. He is Chairman of the Democratic Caucus and serving his third term in Congress.

He is committed to addressing the challenges facing families across the Nation. He has a bachelor's degree from Sarah Lawrence College and a master's degree from Northwestern University.

Our next witness will be the gentleman from Pennsylvania, the honorable Joe Sestak, sponsor of H.R. 5352. He is serving his first term in Congress after 31 years serving our Nation in the United States Navy, rising to the rank of three-star admiral.

He is a graduate of the U.S. Naval Academy and has a master's and PhD in political economy and government from Harvard University.

Our next witness is the gentleman from New Jersey, the honorable Steve Rothman, sponsor of H.R. 2352. He is serving his sixth term in Congress and throughout his tenure has fought to improve the quality of education, both by modernizing schools and classrooms, and hiring skilled teachers.

He has a bachelor's degree from Syracuse University and juris doctorate from Washington University in St. Louis School of Law.

And our final witness for the first panel will be the gentleman from Florida, the honorable Ron Klein, sponsor of H.R. 5464. He is serving his first term in Congress and has worked to find commonsense solutions that will improve the lives of American families.

He has a bachelor's degree from Ohio State University and his juris doctorate from Case Western Reserve University Law School.

Gentlemen, you all know the drill, so we will—your full testimony will be placed in the record. A little timing device is on the desk.

And we will first hear from the Chairman of the Democratic Caucus, Rahm Emanuel.

**TESTIMONY OF THE HONORABLE RAHM EMANUEL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS**

Mr. EMANUEL. First of all, I want to thank all the Members of the Committee for holding this hearing, specifically Chairman Scott, the Chairman of the full Committee, Chairman Conyers, and the Ranking Member, Gohmert.

A number of you have all touched on different aspects of what I was going to say, to the point—starting off with the very fact that this is the first hearing by any House Committee on elder abuse in 17 years. The Senate has had a series of hearings, but no House Committee has ever held a hearing in 17 years of elder abuse.

And it touches on the fact that, as we are about to have, what, 77 million Americans, baby boomers, set to retire, it is only fitting that this hearing begin now, as we always talk about Social Security or Medicare, that this is an issue that touches a growing population, piece of the overall population, and a community that has particular interest.

I do want to add just a couple of points to some little—to things that each of you have brought up. This issue came to mind as I do my office hours at grocery stores, just meeting constituents.

In about 2003, a woman met me at the grocery store, just happened to be shopping, Rosemary—I am going to mispronounce it—Pulikche, who talked about her father, who has Alzheimer's, a World War II veteran, who was in a nursing home who she started to notice was having scars and black-and-blue marks, et cetera.

And as she tried to deal with the nursing home, they all said, "It is just little things he is bumping into," et cetera, and they pushed her off.

And then she went to the law enforcement community. And the law enforcement community said, "This is a family matter," which I note to you was, prior to the Federal Government being involved

in domestic abuse, was exactly how they referred to domestic abuse either for children or for a partner.

And so the same response that still exists today for elderly was a response until we dealt on a Federal level with either child abuse or domestic violence, that this was a family issue and not really one for the law enforcement community.

And so it is fitting that we deal with this at this time and deal with it from a Federal level.

Second, as has been noted, there is $8 billion on the Federal level spent on abuse, be that child or domestic. Of that, less than 2 percent goes to elderly; $8 billion, but less than 2 percent goes toward elderly. We noted that 77 million Americans are baby boomers about to retire.

Third statistic, this was a recent report the other day in the Chicago Tribune, because of Illinois' own laws, and Chairman Scott noted that his own days in the State legislature, that different laws, different regs, different reporting requirements.

Because 1997 and 2005, the increase in violence among elders had increased by 48 percent in the State of Illinois. Now, part of that is because the population is getting bigger; part of that is because we put in place a series of laws for better reporting by our attorney general.

We happen to have good laws in Illinois and good enforcement. What is missing in all this effort is national standards, national helping on enforcement, and national resources.

You can see clearly by what happened both with domestic violence, when the government set some standards and resources were put there, and child abuse and those types of crimes, that what happened there had a clear impact and a positive impact, in the sense of reducing that violence and also bringing it from the sidelines to the center, so you can't dismiss those crimes as merely a family issue.

Lastly—or two points I would like to close with—I want to make sure all my colleagues have appropriate time—is bringing up what Congresswoman Baldwin mentioned and that is that, when it comes to fraud, abuse, be that telephone solicitation, mail, other types of—kind of victims of crimes, as a population sector, seniors are the—I don't want to say a statistic, because I may be wrong, but the most amount of crimes against any population sector for fraud, vis-a-vis phone or mail, is among seniors.

And so that has to be a part of anything we do, besides the physical piece, and meaning abuse at nursing homes, et cetera, that seniors are the single greatest population segment for being the victims of fraud, be it bank, electronic, telephone, et cetera. And that has to be a part of this.

I am submitting, as all you mentioned that you are submitting testimony, besides my full testimony, my partner in this and working on this is Congressman Peter King. And I am submitting for the record his testimony here. He asked me to do that. I would.

[The prepared statement of Mr. King follows:]

PREPARED STATEMENT OF THE HONORABLE PETER T. KING, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

I want to thank the Committee for holding this hearing today. Elder abuse is, unfortunately, an issue that has dwelled among the shadows of many American fami-

lies for generations. From incidences in nursing facilities to neglect and abuse at the hands of those they know, the elderly have been subject to horrible crimes that, until now, have received little or no public attention. I commend the Chairman Scott and Ranking Member Gohmert for helping my colleagues and I bring the issue of elder abuse to light.

Almost daily, there are reports of instances in which the elderly have been abused. Unspeakable acts of physical abuse and downright neglect have led to the deaths of seniors across the country—many of whom had to die in slow agonizing ways. Earlier this week I read a disturbing account of a man who died shortly after being removed from a nursing facility where he was suffering from malnourishment, dehydration, sores, bed bugs and black and swollen toes. According to the local reporters, when emergency room personnel removed the socks that had not been changed for quite some time, portions of his skin were pulled off as well.

To spite this harrowing story of abuse, and the many others that exist in each state, there is not one full-time federal employee working on elder abuse issues. That is why I have been working with Rep. Rahm Emanuel and Senators John Breaux, Orrin Hatch and Blanche Lincoln to pass the Elder Justice Act (H.R. 1783). I have had the privilege of working with these Members of Congress and the Elder Justice Coalition in order to develop the first comprehensive federal effort to address and prevent elder abuse, neglect and exploitation.

This bipartisan legislation dedicates federal resources to the prevention of elder abuse. In addition, it will protect seniors by providing services such as victim assistance, improved long-term care and support for at-risk elders. We have included research, training and forensics and consumer information provisions which will help practitioners detect, treat and prevent elder abuse in the most effective ways.

I sincerely hope the Committee will take the issues surrounding elder abuse to heart and join with us to pass strong legislation to combat these tragedies. I thank the Committee for holding this hearing and stand ready to work with you.

Mr. EMANUEL. This is my first legislation I introduced when I first got to Congress. Since that time, Senator Hatch, Senator Breaux, Senator Blanche Lincoln, Peter King and I have worked on this.

I cannot thank each and every one of you enough that, after 17 years of not having literally a time this issue having any daylight, that your Committee has decided to have a hearing on this legislation and even on this subject.

And I hope it bodes well for our ability to bring this legislation or some aspects finally to the floor for a full vote.

Mr. SCOTT. Thank you. That statement will be entered without objection.

Mr. EMANUEL. Okay, thank you.

[The prepared statement of Mr. Emanuel follows:]

PREPARED STATEMENT OF THE HONORABLE RAHM EMANUEL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Before I begin, I want to sincerely thank Chairman Scott, Ranking Member Gohmert, and the members of the Subcommittee for holding this hearing.

As you may know, the issue of elder abuse, neglect and exploitation is unfortunately, nothing new. What you may not know though, is that the first hearing on elder abuse was in 1979 in the House Select Committee on Aging. The Senate has held over 20 hearings on the issue of elder abuse dating back to 1991. However, the House has only held one hearing in 1991 since those early hearings on the now defunct Select Committee on Aging. Today is the first time in 17 years that a House Committee will look at the issue of elder abuse. I sincerely applaud the Committee for taking this action and I thank you for giving me the opportunity to discuss this very important issue here today.

Reports reveal that 500,000 to 5 million senior American's will be victims of some form of abuse every year, causing illness, suffering, and premature death. In my home state of Illinois, reports to the Illinois Elder Abuse and Neglect Program increased by 48% between 1997 and 2005. Additionally, 186 nursing home residents actually died of starvation, dehydration or infected wounds in 1999 alone.

I would like to briefly share with you one story of a former constituent of mine that I met in 2003. Her name is Rosemary Pulice and her father was abused and

neglected in a nursing home. Before Alzheimer's stripped him of his strength and clarity, her father was a strong and independent man: a World War II veteran who fought for his country, a loving husband and a caring father who meant the world to his family. His illnesses robbed him of both his physical and mental abilities—he could neither fend for himself physically nor sort through mentally what was happening. During his time at a nursing home, Rosemary started to notice bruises, cuts and contusions and when she asked staff about them, they claimed "Nothing happened on our watch." No one was concerned about the injuries—no one attended to his pain. When Rosemary tried to address the abuse and neglect with aides, administrators, and finally with the police, she was treated as though she were crazy. The situation was treated as a "family problem"—much like domestic violence was 20 years ago.

Since my election to Congress, I have been working with my colleagues Rep. Peter King and Senators John Breaux, Orrin Hatch and Blanche Lincoln to pass the Elder Justice Act to protect vulnerable seniors, just like Rosemary's father from an increasing number of cases of physical and psychological abuse, neglect and financial exploitation. The bill enjoys wide bipartisan support and currently has 105 cosponsors in the House and 24 cosponsors in the Senate.

The Elder Justice Act has been endorsed by the Elder Justice Coalition, a national membership organization comprised of 525 groups and individuals dedicated to eliminating elder abuse, neglect and exploitation in America. Members include the National Committee for the Prevention of Elder Abuse, National Association of Adult Protective Service Administrators, National Academy of Elder Law Attorneys, AARP, National Association of State Ombudsman Programs and the National Association of State Units on Aging.

Few pressing social issues have been as systematically ignored as elder abuse. Over the past 25 years, Congress passed comprehensive bills to address child abuse and crimes against women, yet there is not one full-time Federal employee working on elder abuse in the entire Federal Government. A comparison of federal money spent to fight abuse and neglect shows that $6.7 billion is spent on child abuse, $520 million on domestic abuse, and only $135.5 million on elder abuse—less than 2 percent of federal dollars spent on abuse and neglect goes toward elder abuse. This lack of resources has staggering consequences. By addressing law enforcement, social service and public health concerns, the Elder Justice Act uses the proven, cost effective approaches that Congress has adopted to combat child abuse and violence against women.

The Elder Justice Act is the first comprehensive federal effort to address and prevent elder abuse, neglect and exploitation. This legislation, would, for the first time, provide much needed support to state and local entities, which are on the front lines in combating this largely unreported, but growing problem. This bipartisan legislation will protect seniors by providing victim assistance, improved long-term care and support for at-risk elders, as well as providing resources to states for abuse prevention and improved prosecution. It will also make our communities safer for older people by developing new strategies and requiring prompt reporting of crimes in nursing homes.

The Elder Justice Act also contains important research, training, forensics, and consumer information provisions which will help practitioners to detect, treat and prevent it in the most effective and cost-effective ways.

The National Sheriff's Association has also endorsed the Elder Justice Act because they believe it is an effective approach which will give local law enforcement officials the tools they need to prevent the abuse, neglect and exploitation of seniors in their communities. The Elder Justice Act authorizes funding for efforts like the Triad program, which has been used by law enforcement agencies throughout the United States to develop effective local programs serving almost 18 million seniors nationwide. My hometown of Chicago currently has 25 active Triad programs in operation.

There are a few additional key provisions in the bill that I would like to briefly mention:

- **Increases Prosecution:** The bill increases prosecutions by providing technical, investigative, coordination, and victim assistance resources to law enforcement to support elder justice cases.
- **Provides Grants to Support Local Prosecutors:** Provides grants for training, technical assistance, policy development, multidisciplinary coordination and other types of support to local prosecutor handling elder justice-related.
- **Creates New Forensic Centers:** The legislation creates new forensic expertise (similar to that in child abuse) to promote detection and increase expertise of elder abuse, neglect and exploitation.

- **Requires Immediate Reporting of Crimes to Law-Enforcement:** The bill requires the immediate reporting of crimes in long-term care settings to law enforcement.
- **Provides Grant Funding for Adult Protective Services:** The bill also provides dedicated funding for Adult Protective Services (APS) to assist victims.
- **Establishes Elder Justice Coordinating Council:** The bill elevates elder justice issues to a national by creating a public-private Coordinating Council to coordinate activities of all relevant federal agencies, States, communities and private and not-for-profit entities.

To date, no federal law has been enacted that adequately and comprehensively addresses the issues of elder abuse, neglect, and exploitation. The Elder Justice Act is the first step toward laying the groundwork to develop a knowledge basis about elder abuse, neglect and exploitation, where there is no knowledge. This bill is an attempt to stimulate research and the development of an understanding of abuse so that strategies to combat it can be developed. With 77 million baby boomers aging, the country is simply not prepared to address the growing tide of elder abuse.

After almost three decades of inaction on this critical issue since the first House hearings, the time for the House to act is now.

Thank you.

Mr. SCOTT. Thank you.

Mr. Sestak?

## TESTIMONY OF THE HONORABLE JOE SESTAK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF PENNSYLVANIA

Mr. SESTAK. Thanks, Mr. Chairman and Ranking Member Gohmert.

I visit senior facilities almost every weekend in my district. And in a lot of them, you find, as you do, that you find the seniors bursting with pride with the support they receive.

And in a few of them, though, your heart aches from the cockroaches to the neglect.

You mentioned my 31 years in the military. And I remember most well the lack of care and support for our troops as they return from Iraq at Walter Reed last year. This is worse.

If passed into law, I honestly believe the Elder Abuse Victims Act I introduced will actually change the way that our Nation's justice system begins to protect our seniors from abuse, neglect and exploitation.

Hubert Humphrey said it well. It is not only how well we take care of those in the dawn of life, the children, and those in the shadows of life, the sick, the disabled, the handicapped, but also those in the twilight of life, the seniors.

I think it is important because seniors not only represent the history of our Nation, but they are vital to our communities, particularly so as the baby boomers, as my distinguished colleague mentioned, begin to retire and have so much more to offer our society as they live longer.

Sadly, however, the incidence of elderly abuse appears to becoming almost an epidemic.

One study said last year between 1 million and 2 million Americans age 65 or older has become victims of abuse. And this number is expected to rise significantly.

The fact of the matter is our current approach is not working, nor will it be able to handle the influx of seniors. My colleague already mentioned the amount of money we wisely spend on child

abuse and also the Violence Against Women Act of $500 million for that alone, both measures I support well.

But when the total amount is so small for seniors, then it is time for this issue to be addressed.

I like this Elder Abuse Victims Act because it provides a needed strategic approach to providing a foundation that inquires and identifies the best State practices and laws that are designed to protect our seniors from neglect, abuse or exploitation, overseen by the U.S. attorney general.

It does this comprehensive review and study that is so much needed and looks at the various variations—different variations and definition standards, again, what my distinguished colleague mentions, that prevent the FBI from categorizing elder abuse in the national uniform crime reporting system.

These variations are the result of the lack of one Federal body dedicated to this type of abuse to coordinate and oversee it.

Having established within this bill two centralized bodies that can be in place, then we can have a uniform policy that States can align themselves with in order to have standard definitions and remove the confusion that I think leads to incidences of abuse going unreported. In fact, estimates are now that 84 percent of elder abuse cases go unreported.

In my State of Pennsylvania last year, this decade over last decade, there has been a 20 percent increase in substantiated reports of elder abuse.

Putting a face on it, take Louis Long, near my district, who died in March 2006 after a couple drained $84,000 from his bank account, purportedly, as he slipped into dementia. He became one of the 40 percent of elder abuse victims who suffer financial exploitation, never mind other times of exploitation, including sexual abuse.

I believe we have also, by failing to act, have failed an elderly Alzheimer's patient in my district who was struck six times with a belt buckle by an aide in an assisted living facility.

This leaves more than just bruises. Those who are abused are three times more likely to die within 10 years than those who are not.

Most important is the emphasis in this bill on prosecution as the deterrent that we want and we need so badly to prevent this from happening. It will do so by establishing funding for elder abuse prosecutorial departments at the local, State and Federal level, training law enforcement officers in appropriate action in these cases, and fund nurse investigators to become experts in identifying elder abuse, under a comprehensive study that has provided definitions and best practices to look toward and align these States and localities towards.

This is the reason I have introduced this focused legislation, the Elder Abuse Victims Act, and want to continue to fight during my time in Congress to help victims of abuse, the elderly of which we will all become.

Again, as Hubert Humphrey said, part of the moral test of government is how well it treats the elderly, those in the twilight of life.

Thank you for this opportunity.

[The prepared statement of Mr. Sestak follows:]

PREPARED STATEMENT OF THE HONORABLE JOE SESTAK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF PENNSYLVANIA

Before I begin, I would like to thank Chairman Scott and Ranking Member Gohmert for inviting me to speak on a piece of legislation about which I feel so strongly. If passed into law, the Elder Abuse Victims Act will strengthen the way our justice system prosecutes perpetrators of elder abuse and protect its victims.

Seniors represent this country's history and national memory. They are vital to our families and communities; however, the elderly are also vulnerable to physical, mental, financial, and sexual abuse. Sadly, the incidence of elder abuse in this country is a growing epidemic. Every year, according to one study, between one and two million Americans age 65 or older become victims of abuse. This number is expected to rise rapidly as the population of Americans age 65 and older grows from 35 million today to 60 million by 2030.

However, the current approach to elder abuse will not be able to handle these changes. Last year, the federal government spent approximately $153 million on programs addressing elder abuse. The Department of Health and Human Services (HHS) spent approximately $143 million and the Department of Justice spent $10 million. These funding levels pale in comparison to the $6.7 billion spent on child abuse and the $520 million mandated by the Violence Against Women Act (VAWA), both measures which I strongly support.

The greatest failure of our nation's approach to elder abuse, however, is the prosecution of perpetrators of abuse. The Elder Abuse Victims Act addresses this failure by focusing on enforcement.

This legislation requires a comprehensive review and study of states' elder justice systems, because state-to-state variations in the definitions and standards vary so widely that the FBI is unable to categorize elder abuse in the national Uniform Crime Reporting System.

These variations are the result of a lack of one federal body dedicated to this type of abuse. Therefore, the Elder Abuse Victims Act, establishes the Center for the Prosecution of Elder Abuse, Neglect, and Exploitation at the American Prosecutor Research Institute and secondly, the Elder Justice Coordinating Council, whose membership would include the Secretary of Health and Human Services (HHS) and the Attorney General, among others.

With two centralized bodies in place, we can then direct a uniform policy that aligns the wide spectrum of state and federal agencies that have jurisdiction over elder abuse cases, and reduce the confusion that leads to cases of abuse going unreported. This is significant because estimates suggest that as many as 84% of elder abuse cases go unreported.

With 2 million senior citizens, the third largest elderly population in the country, this legislation is particularly important to the Commonwealth of Pennsylvania, my home state. According to the Pennsylvania Department of Aging, between 2006 and 2007 there were 2,484 substantiated reports of elder abuse in Pennsylvania. That is a 39.2% increase from the 2005–2006 level of 1,784 and a 19.7% increase from the previous decade. Considering that the fastest growing segment of Pennsylvania's population is those who are 85 years of age or older, this trend will worsen.

As I meet the people behind these statistics at senior groups, I am troubled that we are failing victims like Louis V. Long, an elderly resident of Pottsville, Pennsylvania, who died in March 2006 after a couple purportedly drained $84,000 from his bank accounts as he slipped into dementia. He became one of the 40% of elder abuse victims who suffer financial exploitation and will continue to as the elderly are expected to control $10 trillion in assets within the next 10 years.

I also believe we have failed an elderly Alzheimer patient that was struck at least six times with a belt buckle by an aide at an assisted living facility in King of Prussia, Pennsylvania, in my district. These acts leave more than just bruises; older adults who are abused are 3 times more likely to die within 10 years than those who are not.

In Pennsylvania we have a qualified Elder Abuse Unit at the State Attorney General's office that investigates and prosecutes individuals who deceive, cheat or abuse the elderly; the 26 prosecutors, agents and support staff of this unit, however, can not solve this growing epidemic alone. Federal legislation is needed immediately.

According to a recent study by the National Academy of Sciences, HHS and the National Institutes of Health, the occurrence and severity of elder abuse is likely to increase in coming years. If we do not act now, a growing number millions of seniors will suffer from unabated physical, financial, and emotional abuse and neglect.

The need for prosecution in this arena is so great that we can not risk losing the language of enforcement in the Elder Justice Act for political reasons. That is why I have introduced this more focused legislation, the Elder Abuse Victims Act, and will continue to fight for victims of abuse. As Hubert Humphrey once said, "the moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life, the sick, the needy and the handicapped."

Again, thank you for the opportunity to testify before this subcommittee.

Mr. SCOTT. Thank you.

Mr. Rothman?

**TESTIMONY OF THE HONORABLE STEVEN R. ROTHMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY**

Mr. ROTHMAN. Thank you, Chairman Scott.

First, let me say what a delight it is to be here before my former Committee and for you, Mr. Chairman, and Ranking Member Gohmert, and my other distinguished colleagues who are here.

Thank you for your kind words, Howard.

I am here this morning to talk about a success story that emanated from this Committee, but has now generated an even greater or, rather, made aware, made many of us aware of the greater needs that we need to address.

I am here to ask your support for H.R. 2352, the "School Safety Enhancements Act of 2007."

Back in 2000, when Chairman Hyde was the Chairman of this Committee, I got a letter from two middle-school girls, two separate letters, two different girls, two different middle schools in my district, working-class, middle-class schools.

And it was shortly after Columbine and other incidents. And they wrote me and they said, "Congressman Rothman, I don't feel safe in my school. There have gangs that have come in, kids bringing knives, some bringing guns. I am always afraid. I am always looking over my shoulder. I thought school was supposed to be a place I felt same in. It is not. You are our congressman. Can't you help me?"

We had just finished the impeachment hearings and that whole saga. And nonetheless, the Judiciary Committee unanimously, Bob Barr included, from the far right to the far left, unanimously passed this bill, the original bill, which said we are not going to have a Federal mandate, but we will allow a 50-50 matching grant program so that if a school system has identified a need in their school for a metal detector, security cameras, locks on doors, training programs for school personnel on how to deal with intruders or to prevent intruders, there is a 50-50 matching grant, not a government mandate.

If they want to put up half the money, the Federal Government will match it. We got it through the Committee unanimously and got it passed in the Republican House and Republican Senate and signed by the President.

And it started out a $5 million program. And it was a huge success. In a sense, sadly it was a huge success, because of the need.

And it was well over-subscribed. Then we got it up to $10 million. That was over-subscribed. After all, there are 95,000 schools, K-12, in the 50 States and U.S. territories.

And the last appropriation we got was up to $15 million, again, over-subscribed. We have only been able to cover 2,400 of the 95,000 schools, less than 1 in 40.

And law enforcement has begged us to try to get more money, and we have every year. We have made some improvements in this, so we are asking for an increase. It was authorized for $30 million. We have only been able to get $15 million.

We would like to increase the authorization to $50 million, and maybe we will get closer to $50 million than we got to $30 million.

We have made some improvements in the bill. As the Chairman noted, while there was a provision in there that said, if it is a poor school that can't afford any match and can meet certain criteria, the Federal Government will pay for 100 percent of the costs, but there was so little money, in essence, so many poor schools got pushed to the side in order to get more schools outfitted than otherwise would have been the case.

So we now have made it an 80-20 program, 80 percent Federal grant, with a 20 percent match by the locality. Again, it is not a Federal mandate. It is purely voluntary. So whatever the mores or the threshold of pain or threat or fear that a school district wants to live with, it is up to them.

But if they come to the Federal Government, especially in these tough times, and say, "We are willing to put up 20 percent. Please bring us the money and your expertise to have security cameras, walkthrough metal detectors, wand metal detectors, security cameras, new locks on doors that cannot be broken into, et cetera," we are going to provide it, especially after a Virginia Tech, all of incidents.

And, again, the Chairman was on the money. How many States—the majority of States have had these incidences in schools K-12, as well as colleges and universities.

Another technical improvement that we added was funding for hotlines. It turns out that when kids know there is a hotline that they can call, that we have reduced the number—the incidences of violence and been able to stop before they happen some terrible, terrible tragedies. Simple solution, but it requires some funding, and that is in the bill, as well.

Finally, we have added a public safety and I believe a homeland security component, which requires that each college and university at that level provide an annual campus safety assessment and show a plan that implements an emergency response plan that will address natural disasters, active shooter situations, as well as terrorist attacks.

I don't need to tell you that it has been well demonstrated, unfortunately, that we need to have schools prepared with a plan. Again, they make up their own plan. We just say, "You have to have a plan."

Finally, just to remind my distinguished friends and colleagues what those two young ladies said to me—and, by the way, you should have seen the looks on their faces after we outfitted their schools. It just doesn't get—as a father of five, it doesn't get better when kids come up to you and say, "Thank you. I feel safe now. I don't have to worry that somebody is going to kill me."

Schools should be a place where kids feel safe. This is a voluntary program, not a Federal mandate. I hope you distinguished ladies and gentlemen will support this program.

Thank you.

[The prepared statement of Mr. Rothman follows:]

PREPARED STATEMENT OF THE HONORABLE STEVEN R. ROTHMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

I would like to thank Chairman Scott, Ranking Member Gohmert, and the Members of the Subcommittee for this opportunity to testify before you in support of H.R. 2352, the School Safety Enhancements Act of 2007.

Far too often, Americans turn on the television or open up the newspaper and learn about yet another school shooting or fight. It has become a tragic reality that guns and other weapons are being brought into schools all across America. Children are forced to wonder whether they are safe in school—a place once thought to be a guaranteed safe haven.

Whether it is fighting terrorism or working to keep our schools free of violence, I have always believed that the government's first responsibility is to protect the people. Our government must help to ensure that our children are safe and protected from violence of any kind in school. School violence is a real danger, from New Jersey to California and everywhere in between, and in my view the federal government has an obligation to help local municipalities and property taxpayers cover the cost of implementing new school safety initiatives.

That is why in 2000, as a member of the House Judiciary Committee, I, along with then Judiciary Chairman Henry Hyde (R-IL), started the Secure Our Schools program. Secure Our Schools is a matching federal grant program administered by the Community Oriented Policing Services (COPS) Office, of the Department of Justice. Under this program, specific security measures are not mandated by the federal government. Rather, the funds assist local school districts with the costs of those measures they choose to enact. Secure Our Schools gives grantees the opportunity to establish and enhance a variety of school safety equipment and/or programs to continue to improve school safety efforts within their communities.

Secure Our Schools grants may be used to install metal detectors, locks, improved lighting, and other deterrent measures that will help keep students safe. With walkthrough metal detectors available for $1,750 and handheld wand metal detectors available for $145, just to name a few of the security measures that can be taken, significant progress can be made in preventing weapons from being brought into our schools, while saving local property taxpayers from bearing the full cost of these security initiatives. Secure Our Schools addresses a variety of existing and emerging problems relating to school security through responses that range from traditional to innovative and rely on both new technology and the experience of school administrators and law enforcement professionals.

In response to the tragic events that took place at Virginia Tech one year ago yesterday, I introduced H.R. 2352, the School Safety Enhancements Act of 2007. The School Safety Enhancements Act would make several changes to the Secure Our Schools Program. Most notably it would:

- Increase the federal share of elementary and secondary school security upgrades to 80% and lower the local responsibility to 20%. This will ensure that even those localities that are cash strapped can afford to protect their children without raising property taxes.
- Allow for the funding to be used for the creation of hotlines for the reporting of dangerous situations, which have proven effective throughout many school districts across the nation.
- Increase the authorization level of this critical program to $50 million annually which, if appropriated, would allow a large number of additional schools to obtain grants.
- Require all institutions of higher education to develop, on an annual basis, a campus safety assessment and implement of a campus emergency response plan to address a number of emergency situations such as natural disasters, active shooter situations, and terrorist attacks.

Since 2002, Secure Our Schools grants have been awarded to a total of 572 law enforcement agencies that have partnered with more than an estimated 2,400 schools in 50 states and territories. In the past year alone, 152 law enforcement agencies received grants to improve their school safety and security measures.

With over 14,000 law enforcement agencies in the U.S. and 95,615 public K-12 schools in the nation, increased funding would clearly allow us to reach a larger number of children and communities.

A secure school environment provides young people with an educational environment free from unnecessary distractions, and full of opportunities to learn. When children know they are safe at school, they can focus on what is being taught in class, and thus excel with their schoolwork. I developed the Secure Our Schools Act in direct response to concerns over school safety expressed to me by children, parents, and teachers from my Congressional District. They wrote to me asking for my help to keep students safe in their schools. As the father of two public school children myself, these letters touched me deeply and I felt compelled to take action. I hope you will also join me in this fight to ensure that each and every one of our schoolchildren is kept safe from harm.

Thank you for your time and consideration and I look forward to working with you to pass the School Safety Enhancements Act of 2007.

Mr. SCOTT. Thank you.

Mr. Klein?

**TESTIMONY OF THE HONORABLE RON KLEIN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA**

Mr. KLEIN. Thank you, Chairman Scott, for allowing me to participate. And as Chairman Conyers said, I am along here with a very distinguished panel and privileged to be part of this to discuss elder abuse, senior safety and security, school safety.

And the issue which we are going to talk about in this resolution is A Child Is Missing Alert and Recovery Center Act.

Ranking Member Gohmert, you very well stated all the good reasons why we need to do this.

And, Chairman Scott, thank you for taking the time to discuss this with me and provide your leadership in bringing this forward.

H.R. 5464 is called the "A Child Is Missing Alert and Recovery Center Act." And it would expand the widely praised A Child Is Missing not-for-profit organization into a national program with regional centers under the Department of Justice.

It would accomplish this expansion through annual grants from the attorney general in the amount of $5 million from 2009 through 2014.

The funds would allow for the purchase of future technologies and techniques, centralized and on-site training, and for the distribution of information to Federal, State, and local law enforcement agency officials on the best ways to utilize the around-the-clock services provided by the A Child Is Missing Alert and Recovery Center.

Currently, A Child Is Missing is the only program of its kind that assists in all missing cases, including abduction, children who are lost, wander or run away, or adults with special needs, such as the elderly who suffer with Alzheimer's, which is a major problem in my district in South Florida and other places around the country, with dementia and other reasons why people would wander from a facility or a home.

When a person is reported missing to the police, A Child Is Missing utilizes the latest technology to place 1,000 emergency telephone calls every 60 seconds to residents and businesses in the local area where the person was last seen.

It works in concert with the Amber Alert and all child safety programs and has the support of law enforcement agencies all across the United States.

A Child Is Missing also fills a critical gap in time in the most dangerous cases. Although the Amber Alert has been an extremely successful program, there is still a crucial void from when a child is first reported missing and when an Amber Alert, which is activated only in cases of criminal abduction, can be issued, which is approximately 3 to 5 hours.

This critical period of time can be the difference between whether a child lives or dies. A Washington state attorney general's office study showed that among cases involving children abducted and murdered 74 percent were slain in the first 3 hours. So this time element is essential.

Adding to the problem is the resource and manpower limitations facing many local law enforcement agencies. Roughly half of these offices in the United States have 25 or fewer officers. And an average 12-hour search for a missing child can cost as much as $400,000.

A Child Is Missing helps to fill this critical gap in time, as well as complement the Amber Alert during its ongoing search. We know this for a fact because we have heard it from countless law enforcement agencies and officers all across our country, and you will hear it again during the next panel.

So this issue isn't whether A Child Is Missing works or not; the real issue is that not enough local communities have access to the program.

As you will learn from the founder and President of A Child Is Missing, Sherry Friedlander, who is a remarkable woman who came up with this idea and has fully implemented it in Fort Lauderdale, the program has been a remarkable success in spreading the program and its success to all over the country.

But if we are going to bring this program to every community in America, then we will need to leverage the resources of the Federal Government, and that is what my legislation attempts to do.

H.R. 5464 has broad bipartisan support in Congress. And we count co-sponsors from all over the country, including Ohio, Kentucky, Texas, Indiana and New York.

On the Senate side, companion legislation was introduced by Senator Menendez and is co-sponsored by Senator Hatch, the distinguished former Chairman of the Senate Judiciary Committee.

We have such support because A Child Is Missing provides a service that transcends politics. Our children are not partisan; they are not Democrats or Republicans. They all our children.

And all of us require that responsibility and their protection requires our cooperation and working together, just like this Subcommittee is going to do today.

I want to thank the Chairman, again, and Ranking Member for inviting me to testify today, and I hope that I will have the support of this Subcommittee as we move forward with H.R. 5464, the "A Child Is Missing Alert and Recovery Center Act."

Thank you very much, Mr. Chairman. I yield back the time.

[The prepared statement of Mr. Klein follows:]

PREPARED STATEMENT OF THE HONORABLE RON KLEIN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Thank you, Chairman Scott and Ranking Member Gohmert, for holding this important hearing today and for allowing me to testify in support my legislation, H.R. 5464, the "A Child Is Missing Alert and Recovery Center Act."

H.R. 5464 would expand the widely-praised A Child Is Missing non-profit organization into a national program with regional centers under the Department of Justice. It would accomplish this expansion through annual grants from the Attorney General in the amount of $5 million from 2009 through 2014.

The funds would also allow for the purchase of future technologies and techniques, centralized and on-site training, and for the distribution of information to Federal, State, and local law enforcement agency officials on the best ways to utilize the round-the-clock services provided by the A Child Is Missing Alert and Recovery Center Act.

Currently, A Child Is Missing is the only program of its kind that assists in all missing cases involving abduction, children who are lost, wander or run away, or adults with special needs such as the elderly who suffer with Alzheimer's, which is a major problem in my district in South Florida.

When a person is reported missing to the police, A Child Is Missing utilizes the latest technology to place 1,000 emergency telephone calls every 60 seconds to residents and businesses in the area where the person was last seen. It works in concert with the AMBER Alert and all child safety programs, and has the support of law enforcement agencies all across the country.

A Child Is Missing also fills a critical gap in time in the most dangerous cases. Although the AMBER Alert has been an extremely successful program, there is still a crucial void from when a child is first reported missing and when an AMBER Alert, which is activated only in cases of criminal abduction, can be issued, which is approximately three to five hours.

This critical period of time can be the difference between whether a child lives or dies. A Washington State Attorney General's office study showed that among cases involving children abducted and murdered, 74 percent were slain in the first 3 hours.

Adding to the problem is the resource and manpower limitations facing many local law enforcement agencies. Roughly half of these offices in the United States have 25 or fewer officers, and an average twelve-hour search for a missing child can cost as much as $400,000.

A Child Is Missing helps to fill this critical gap in time as well as complement the AMBER Alert during its ongoing search. We know this for a fact because we've heard it from countless law enforcement officers all across America, and you will hear again during the next panel.

So the issue isn't whether A Child Is Missing works or not. The real issue is that not enough local communities have access to the program. As you will learn from the founder and President of A Child Is Missing, Sherry Friedlander has done a remarkable job spreading the program to all 50 states. But if we're going to bring the program to every community in America, then we'll need to leverage the resources of the federal government, and that's what my legislation attempts to do.

H.R. 5464 has broad bipartisan support in Congress. I count cosponsors from all across the country, including Ohio, Kentucky, Texas, Indiana and New York. On the Senate side, companion legislation was introduced by Senator Menendez and is cosponsored by Senator Hatch, the distinguished former chairman of the Senate Judiciary Committee.

We have such support because A Child Is Missing provides a service that transcends politics. Our children are not Democrats or Republicans. They are all our children and all our responsibility, and their protection requires us to work together, much like this subcommittee is doing today, to do what's best for their continued safety.

I want to thank the Chairman and Ranking Member for inviting me to testify today, and I hope that I will have the support of this subcommittee as we move forward with H.R. 5464.

Thank you.

Mr. SCOTT. Thank you very much. I thank all of our witnesses.

Do any of the Members have compelling questions that have to be asked?

The gentleman from—Ranking Member Johnson, Mr. Johnson, the gentleman from Georgia?

Mr. JOHNSON. Thank you, Mr. Chairman.

I would just point out the fact that, with the exploding foreclosure crisis that exists now, and the fact that many school systems are dependent on property taxes to fund the schools, and the fact that we have had so many unfunded mandates passed down from State and Federal Government to the local governments, local governments need help, in terms of providing for school safety.

And so I am glad that we are considering increasing the amount of money that is available for school safety and to make that money more accessible to communities that don't have the funds to provide for security.

And as far as elder abuse cases go, many cases take place in nursing homes. Of course, we have great nursing homes, but we also find some that are challenged. And these nursing homes oftentimes are not held accountable for what goes on inside.

And so oftentimes, when the criminal justice system is unprepared to act, the relatives and next of kin of elderly who have been subjected to abusive practices often have only to turn to the civil courts to get justice.

And when they go to the civil court, they are often confronted with the fact that their nursing home contract that they signed when they committed their elderly relative to the nursing home contains the pre-dispute mandatory binding arbitration clause, which are held to be enforceable by the courts, and they prevent the parties from getting justice in court.

And so this is why we need to protect our elderly through the criminal processes and make sure that we provide the resources that are needed to take care of this problem, which is only going to get worse as more and more people become elderly and live longer.

Thank you.

Mr. SCOTT. Thank you.

The gentleman from Ohio?

Mr. CHABOT. Thank you, Mr. Chairman. I will be very brief.

I want to thank Mr. Klein especially for his leadership in this particular piece of legislation, H.R. 5464, the "Child Is Missing Alert and Recovery Center Act."

I also want to recognize and thank one of the witnesses that will be testifying here shortly, Sherry Friedlander, who is originally from Cincinnati, even though she is down in Fort Lauderdale now. I want to thank her for making this program happen.

And the program, of course, would authorize $5 million in grants. And it fills a void between the initial reports to law enforcement of a missing child or adult and before the Amber Alert comes out.

And I know that there has been some issue relative to some interpreting as perhaps a hoax call. And I would—I know that is one of the areas that we are particularly interested in to make sure that that is not an issue.

And a number of the law enforcement agencies in both my district, including the Hamilton County sheriff's department, the Norwood Police Department, and Forest Park, and in the district next to mine, in Deer Park, have vouched for the benefits of this program.

So I again want to thank Mr. Klein for his leadership in this. I am the lead Republican on it.

Unfortunately, I am not going to be able to stick around, because I am the Ranking Member of the Small Business Committee, and we have a hearing going on over there, and I have to go back or Ms. Velazquez will be very upset with me. So I have to get back and deal with her.

But thank you very much for holding this hearing, and I yield back my time.

Mr. SCOTT. Thank you.

The gentlelady from Wisconsin?

Ms. BALDWIN. No questions of this panel. Thank you.

Mr. SCOTT. Thank you very much. We thank all of our witnesses, Mr. Chairman, for testifying—just a minute.

Ranking Member, Mr. Gohmert?

Mr. GOHMERT. Thank you, Chairman Scott. And I do appreciate the work for children and schools.

I would like to ask, I guess, Congressman Emanuel, on the issue of the Elder Justice Act, Chairman Conyers alluded to it, and I do appreciate my friend, Mr. Johnson, indicating the problem is only going to get worse.

You are so right. It seems, as technology improves, medicine improves, we are able to keep the bodies alive longer than we are able to keep the mind as active. And as my friend, Ms. Baldwin, indicated, those who have dealt closely with elderly family members, most of us have been surprised how much they get inundated by mail, by phone calls, and sometimes in person, at times when they are often less able to discern what is a fraud.

In the old days, I think their generations called them confidence men, and that is exactly what they are. They come in, and they befriend, and maybe they are mad at a family member—I have seen this in other family situations—and, boy, just take advantage of the situation, get close to them, and then take everything they have.

It is my understanding, Congressman Emanuel, of the Senate program or the Senate bill that they do not have the DOJ provisions and that, if we were going to move this quickly and get it into law quickly, that it may be easier without the DOJ provisions.

And as I mentioned in my opening statement, I think the real expertise in prosecuting these things has been with State and local. And I really do appreciate your pushing this bill to begin with. I didn't realize it had been 17 years. My goodness.

But this is a critical issue, but I wondered about that possibility of moving forward. Congressman Sestak has a provision, as I understand, might allow that part to be standalone so we could move forward, the House pass it, and we got one like the Senate, and it becomes law.

What is your thought on that?

Mr. EMANUEL. Well, two or three things that I can bring up to point here.

One is—and I will not speak for the senators, but they do support how we have drafted the legislation, and it happens to be jurisdictional, vis-a-vis over there as opposed to what we do here.

Second is the National Sheriff Association supports the legislation as is. And they have a good take on why it requires that piece of it.

Third is that—more than willing, without taking a lot of time with everybody, maybe my staff and your staff can sit down and we can see if we can work around or see if we can resolve some of your concerns, if not.

I happen to think this has the right balance, in the sense it doesn't put Federal laws in place in sense of ex crimes, but it assists at the State and local level so they can actually pursue the cases at that level. As we said, it sets national standards.

One of the things that I think, as Chairman Scott showed when he was a State Senator, some States are doing certain things. Certain States don't know whether they are falling behind or leading the pack. We need national standards, national resources, and a help on the national enforcement level.

I would note—and this brings up with something that Congressman Johnson noted—in the prescription drug bill, there was a study to be done on having background checks for people working at nursing homes. One of the things that we called on is that report to be issued by CMS in the next 6 months, because it showed that they prevented 500 people going to get jobs in nursing homes who actually had a background that should have stopped them even from applying.

And hopefully we can have that report issued so we can then make sure that all States do background checks for people working at nursing homes. That is not what is done there.

And, again, I want to remind you, as I said earlier—and hopefully my staff will sit down with your staff so we can try to work through this issue—it doesn't set national laws, it doesn't make it a national crime, or a Federal, rather, but it gives the resources, the type of enforcement, and the type of standards that we need so, in fact, all our States and local law enforcements are doing the job they need to do and have the backing that they did.

And as we saw on child abuse and we saw on domestic violence, until you do that, it will always be put to the side as a family issue and not the type of concern that needs to be brought.

But hopefully we can work together and resolve your concern.

Mr. GOHMERT. Oh, and one other issue would be the criminal laws. That was brought up a moment ago.

And it does seem—I mean, there is no question, even with someone that tries to be as constitutionally strict as I do, we have jurisdiction over matters in interstate commerce, and that includes the mail, that includes telephones, and those are being used to defraud our elderly.

I was at a dialysis center and somebody came up and said they had an elderly person on dialysis and they would have been hit up for some home improvement. Stuff came in the mail. They got involved. And now they are paying 80 percent interest. I said, "No, we have laws against that," and come to find out we didn't and we don't.

So some usury laws, but also, if you are using the mail—and particularly make the elderly a protected class, we may be able to further the criminal laws.

Mr. EMANUEL. Mr. Chairman, we will work with all due speed to try to resolve the concerns that the Ranking Member——

Mr. GOHMERT. Well, that may need to be a separate bill.

Mr. EMANUEL. Yes, it may be. But I know one thing: What I don't want to do, as just a cautionary yellow light, is passed an elder abuse bill that doesn't have any oomph behind it.

And my concern is, if you don't have the Department of Justice in some way helping coordinate, having the office and the resources available, given that we talked about $8 billion and only less than 2 percent dedicated to this issue, I think we would be doing a disservice, not only to the elderly, but the law enforcement that is on the front line—and we would be actually basically, in my view, winking at a serious problem and not doing what we really need to do.

And I don't—I think we can work through this. I really do. But I don't think you want to participate, nor do I, in one that really is something fake, it makes us feel good and does nothing to prevent the crimes or enforce them.

Mr. GOHMERT. I don't think there will be any winking.

Mr. EMANUEL. There won't.

Mr. GOHMERT. I think there will be fists in play here. So thank you.

Mr. EMANUEL. Well, okay, then I think then—let us help you get comfortable with it.

Mr. ROTHMAN. Mr. Chairman?

Mr. SCOTT. Oh, I am sorry, excuse me.

Mr. EMANUEL. That is what happens when you bring former Members back.

Mr. ROTHMAN. I apologize and appreciate your indulgence. I wanted to make two points I didn't make very briefly.

Number one, in 2000, while there were many problems of violence at all levels of our school system, it has only increased and in particular because of the prevalence of gangs. Gangs are now everywhere. It is not just in inner city; it is not any one community. Gangs are everywhere.

And if you talk to local law enforcement, they need every amount of resource they can get. And when you talk to the kids, they are more afraid now than ever, and that is why we need to have these programs, so they can at least feel free from fear and feel safe in the school setting, so that they can not only be safe, but so that they can learn, because you cannot learn in an atmosphere of fear.

And, finally, if I didn't make this point earlier, this is a local program where local law enforcement provides the expertise and works hand-in-glove with the school systems.

So this is not some Federal law enforcement agency. We provide the resources; we provide the expertise. But in the end, it is local law enforcement working hand-in-glove with the school system, implementing these new Federal ideas with Federal money, with a predominance of Federal money.

But that is one of the reasons why it is so effective: Federal money, local law enforcement, local school systems.

Thank you, Mr. Chairman.

Mr. SCOTT. Thank you.

If there are no further questions, I want to thank the panel for your testimony. And we appreciate your being with us today.

Our next panel, if they would come forward.

Our first witness will be Mr. Robert Blancato, the national coordinator, Elder Justice Coalition, Washington, DC. He served for 6 years as President of the National Committee for the Prevention of Elder Abuse. He is a former House staff member, serving 17 years on the House Select Committee on Aging.

He is executive director of the 1995 White House Conference on Aging. He has a B.A. from Georgetown University and a MBA from the American University.

Our next witness will be Sherry Friedlander-Olsen, the founder and CEO of A Child Is Missing program. A Child Is Missing is a national nonprofit organization dedicated to assisting law enforcement in the early and safe recovery of missing children, the elderly, college students, and the disabled.

She is actively involved in many areas of her community and has been distinguished in many awards, including Citizen of the Year in 2005 for Broward County Sheriff's Office in Florida. She also received the J. Edgar Hoover Humanitarian Award in 1999 for the National Association of Police Chiefs.

Our next witness, the gentleman from Georgia has asked to introduce our next witness.

Mr. JOHNSON. Thank you, Mr. Chairman.

I am proud to introduce our next witness, a fellow Georgian, Mr. Vernon Keenan, director of the Georgia Bureau of Investigation. Beginning his career in my congressional district, the 4th Congressional District of Georgia, Mr. Keenan entered law enforcement in 1972 as a uniformed police officer in DeKalb County, and he has made his way up the ranks, doing it the old-fashioned way.

In 1973, he became a Georgia Bureau of Investigation special agent. And throughout his career, he has been promoted to every sworn rank in the agency.

In 2003, he was appointed as the director of the Georgia Bureau of Investigations by Governor Sonny Perdue. And as director, Mr. Keenan is responsible for managing a law enforcement agency of close to 900 employees with a budget of about $90 million.

A graduate of Valdosta State University with a bachelor of science degree in criminal justice, he also holds a master's degree in public administration from the Columbus State University.

And Mr. Keenan is also a graduate of the FBI National Academy and Command College of the Georgia Association of Chiefs of Police.

Thank you, Mr. Keenan, for joining us today, and we look forward to your testimony.

And I yield back. Thank you.

Mr. SCOTT. Thank you.

Mr. Blancato?

## TESTIMONY OF ROBERT BLANCATO, NATIONAL COORDINATOR, ELDER JUSTICE COALITION, WASHINGTON, DC

Mr. BLANCATO. Chairman Scott, Judge Gohmert, Members of the Subcommittee, on behalf of the nonpartisan, 556-member Elder

Justice Coalition, I testify today in strong support of H.R. 1783, the "Elder Justice Act."

This hearing is held during National Crime Victims' Rights Week. A victim of elder abuse, neglect or exploitation is a crime victim, but the impact is especially severe because of the age and the vulnerable nature of the victim.

Our coalition salutes the strong leadership of Congressman Rahm Emanuel, the author of H.R. 1783, as well as Congressman Peter King. We note that 12 of the 135 co-sponsors of the bill are Members of the Judiciary Committee, including Subcommittee Members Mr. Johnson and Ms. Baldwin.

Passage of H.R. 1783 is long overdue. The bill is necessitated by the combination of a growing national problem and an anemic Federal response to the problem.

Elder abuse takes on many forms, including physical, emotional, sexual and financial. The common thread involving elder abuse is that it involves one or more persons establishing and then violating a trust relationship with a vulnerable older person.

National data on elder abuse provides some disturbing present-day realities and future trends. According to the National Center on Elder Abuse, each year between 1 million and 2 million Americans 65 and over have been injured, exploited, or otherwise mistreated by someone on whom they depended for care or protection.

For every case of elder abuse, at least five more go unreported. Another 20,000 cases of abuse in nursing homes were reported by State Long-Term Care Ombudsman program.

Among perpetrators of elder abuse, as has been noted, 80 percent were either a family member of or in an ongoing relationship with the victim. According to the Department of Justice, crime victims 65 and over lost a total of $1.3 billion due to personal and property crimes in 2005, including Internet fraud.

Finally, the average elder abuse victim is an older woman in her upper 70's living alone. Today, 48 percent of all women 75 and over now live alone.

As striking as national data may be, elder abuse happens locally. We review news articles from the States where the Members of this Subcommittee reside and found a total of 67 articles in just the month of March regarding elder abuse. And they have been submitted for the record.

The Elder Justice Act has been proposed in each of the last few congresses. It always has enjoyed significant bipartisan support. It has passed the Senate Finance Committee on two occasions. And a small provision of the act dealing with data collection was actually included in public law in the 109th Congress.

The Elder Justice Act also served to promote changes in the Older Americans Act, when Congress broadened in 2006 the role of the administration on aging related to elder justice and elder abuse, including the coordination of elder justice activities.

H.R. 1783 includes, among its key provisions, the first-ever dedicated Federal funding for Adult Protective Services, the critical program in every State that assists victims and works with law enforcement.

It provides improved APS training and investigations through Federal coordination and demonstration grants from the Depart-

ment of Health and Human Services and provide grants to improve ombudsman capacity, conduct pilots, provide support, and improve training.

It also contains provisions related to law enforcement and the Department of Justice, as has been noted, including forming an Elder Justice Coordinating Council and an advisory board to that to foster coordination throughout the Federal Government on elder abuse. And law enforcement would be represented in both these commission.

Grants would be provided for mobile and stationary forensic centers to help develop better expertise on elder abuse and exploitation. Adult Protective Services grants would interface with law enforcement when abuse is found.

A national training institute for surveyors of long-term care facilities would be established in the bill.

And very importantly, since it has come up some times this morning, immediate reporting of crimes in nursing homes to law enforcement is called for in this bill.

There are also important grant programs, including those that review model State laws and practices, provide victims advocacy grants for law enforcement training, support for local, State and Federal prosecutors, and specialized training for law enforcement in the case of elder abuse.

H.R. 1783 makes elder abuse prevention a higher priority in the Department of Justice. The grants that are proposed are sound investments.

There must be a level of shared responsibility in elder abuse prevention. Older people need to be more vigilant to protect themselves and their assets. We must remember that all seniors do not have equal capacity to manage their financial resources. Where assistance is needed, we need to ensure maximum reasonable decision-making for vulnerable seniors whose resources are at stake.

The shared responsibility for protecting the Nation's elders against abuse must extend to the Federal Government. Our current policy of directing paltry sums in a piecemeal fashion is not the answer.

A comprehensive and effective approach, as embodied in the Elder Justice Act, is the way we need to go. As the number of older people increase in our Nation, so does the potential for more elder abuse.

We have an opportunity to get ahead of the curve. We ask you to report out H.R. 1783 so we can get one step closer to it becoming public law this year.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Blancato follows:]

PREPARED STATEMENT OF ROBERT BLANCATO

Chairman Scott and Members of the Subcommittee, on behalf of the nonpartisan 556 member Elder Justice Coalition, I appreciate the invitation to testify today regarding H.R. 1783, the Elder Justice Act. The coalition commends this subcommittee for holding this hearing. We hope it proves to be a catalyst for passing this worthwhile legislation in the House. We especially thank you for holding this hearing during National Crime Victims' Rights Week. A victim of elder abuse, neglect, or exploitation is a victim of a crime, but the impact of these crimes is especially severe because of the age and vulnerable nature of the victim. Frankly, Mr.

Chairman, we need more than a designated week to address a daily national disgrace.

The Elder Justice Coalition also commends Representatives Rahm Emanuel (D-IL) and Rep. Peter King (R-NY), the co-authors of the Elder Justice Act. They have been longstanding champions of this legislation. We also salute the 105 co-sponsors of the bill, including the following Members from the Judiciary Committee: Representative Baldwin, Representative Berman, Representative Boucher, Representative Cohen, Representative Delahunt, Representative Johnson, Representative Lofgren, Representative Sanchez, Representative Sutton, Representative Wasserman Schultz, Representative Weiner, and Representative Wexler.

H.R. 1783 addresses elder abuse, neglect, and exploitation and its passage is long overdue. The legislation is necessitated by the combination of a growing national problem and an anemic federal response to the problem.

Elder abuse is a multifaceted issue. The abuse takes on many forms, including physical, emotional, sexual, and financial. The common thread involving elder abuse is that it involves one or more persons establishing and then violating a trust relationship with a vulnerable older person.

National data related to elder abuse provides some disturbing present-day realities and future trends:

- According to the National Center on Elder Abuse 2005 fact sheet: Best available estimates are each year between 1 and 2 million Americans age 65 and over have been injured, exploited or otherwise mistreated by someone on whom they depended for care or protection.
- For every one case of elder abuse, neglect, exploitation or self-neglect reported to authorities, at least five more go unreported. As a result, the Senate Special Committee on Aging has estimated the number of elder abuse cases nationally at more than 5 million.
- A 2004 survey of Adult Protective Service agencies revealed a 19.7 percent increase in the combined total of reports of elder and vulnerable adult abuse and a 15.6 percent increase in substantiated cases since 2000.
- Overall, APS agencies received more than 556,000 reports of suspected elder abuse in 2004.
- Another 20,000 cases of abuse in nursing homes were reported by State Long-Term Care Ombudsman Programs. It should be noted that this is only one of several possible reporting sources, suggesting the number of nursing home abuse cases may be considerably higher.
- Of a group of more than 190,000 substantiated cases of elder abuse reported to APS, the two highest forms were caregiver neglect and financial exploitation.
- Among perpetrators of elder abuse, 80% were either a family member of or in an ongoing relationship with the victim.
- According to the Department of Justice Office of Victims of Crime, crime victims 65 and over lost a total of $1.3 billion due to personal and property crimes in 2005, including internet fraud complaints. The median loss for those 60 and over was $866, higher than any other age group.
- The average victim of elder abuse, according to various studies, is an older woman in her upper 70's living alone. According to the most recent Profile of Older Americans issued by the Administration on Aging, 48 percent of all women 75 and over now live alone. Sadly, data is lacking regarding abuse across race, religion, ethnicity and the diversity of other elderly sub-population groups.
- Earlier studies pointed to the fact that as much as 70 percent of the wealth in our nation is controlled by persons 50 and over, a trend which will continue at the same time as elder financial abuse is one of the fastest rising forms of elder abuse.

Perhaps the most graphic impact of elder abuse can be found in the text of a study by Dr. Mark Lachs entitled "The Mortality of Elder Mistreatment." The study looked at 176 older persons over a 13 year period and found that those who were reported to APS for elder mistreatment had a 9% survival rate over that time period vs. a 40% survival rate for the persons not so reported, adjusted for disease, cognitive status and several other factors.

As striking as the national data may be, elder abuse, neglect, and exploitation are intensely local issues as well. One of the better sources of information that we use to track elder abuse cases is the newsfeed provided as a service by the National Center on Elder Abuse. In preparation for this hearing, we reviewed articles from

the States where the Members of this Subcommittee reside and found a total of 67 articles in just the month of March regarding abuse. A complete list of these articles is included as an attachment. The problem is a local, state, and national one. The solution must involve all three entities. In fact, that is the strength of the Elder Justice Act, which helps coordinate and fund programs but also enables states and local communities to run programs that best serve their needs.

The Elder Justice Act has been proposed in each of the last few Congresses. It is legislation which has always, and still does, enjoy significant bi-partisan support. It is legislation that has passed the Senate Finance Committee on two occasions, and in the 109th Congress a very small provision of the EJA dealing with data collection was passed and signed into law. The Elder Justice Act also served as a catalyst for changes that were made to the Older Americans Act of 2006, in which Congress broadened the role of the Administration on Aging related to elder justice and elder abuse, including the coordination of elder justice activities.

However the fact remains that of all the federal funds spent on abuse prevention, less than 2 percent is spent on elder abuse, despite the national increase in the number of cases. Many states opt to use some of their Social Services Block Grant funds to support APS, but the amount used for APS varies dramatically from state to state and fluctuates as states adjust their SSBG expenditures to deal with cuts in social services and other priorities. Moreover, the SSBG has incurred more than $1billion in funding cuts over the past number of years and the president's budget proposes even deeper cuts to SSBG. A dedicated federal funding stream for Adult Protective Services is urgently needed in order to protect the lives and financial well-being of the rapidly increasing number of older citizens vulnerable to abuse, neglect, and exploitation.

H.R. 1783 includes among its key provisions:

1. Provide the first ever dedicated federal funding for adult protective services—the critical program in every state that assists victims and works with law enforcement.
2. Provide improved APS training and investigations through federal coordination and demonstration grants from HHS.
3. Provide grants to improve ombudsman capacity, conduct pilots, provide support, and improve training.
4. Require immediate reporting to law enforcement of crimes in a long-term care facility and provide better consumer information on Nursing Home Compare.
5. Create a National Training Institute for Surveyors of long-term care facilities.
6. Establish an Elder Justice Coordinating Council to foster coordination throughout the federal government on elder abuse topics and an Advisory Board to the Coordinating Council made up of experts on elder abuse, neglect, and exploitation.

It also contains important provisions under the jurisdiction of this Committee. This includes requiring the Attorney General to invest through grants in improved training, policy development, and other types of support to state and local prosecutors handling elder abuse cases, as well as retaining additional Federal prosecutors and nurse investigators needed to assist with elder abuse cases. The bill would also permit the Attorney General to fund a resource group to assist prosecutors nationwide with respect to elder justice matters.

In addition to the need for greater reporting of elder abuse is the need for greater prosecutions of these cases once reported. Victims of elder abuse are crime victims. They can suffer physical harm or tremendous loss of needed financial resources. Our criminal justice system needs to be aggressive in bringing those who commit elder abuse to justice and H.R. 1783 can help make that a reality. Current laws and policies of the Department of Justice are not sufficiently elder abuse sensitive and H.R. 1783 would make elder abuse prevention a more distinct priority in DOJ.

In addition, H.R. 1783 would require the Attorney General to award grants to provide training, technical assistance, and other types of support to police and other front-line law enforcement personnel handling elder abuse cases. Again, the point is to recognize the critical role that law enforcement must play in elder abuse prevention. Unless training is provided throughout the system from adult protective services to law enforcement to prosecutors, we will never improve upon our efforts to combat and prosecute those who commit elder abuse as well as prevent future victimization.

Further, H.R. 1783 would place responsibilities with the Department of Justice to work to help achieve a coordinated federal response to elder justice, evaluate ef-

fective state laws, provide recommendations, and conduct evaluations of all new programs authorized under this legislation.

Finally, the bill makes grants to establish and operate stationary and mobile forensic centers to develop forensic expertise on elder abuse and to assist in making winnable cases against perpetrators.

Elder abuse prevention is an issue where the resources of the Department of Justice are needed. At the local level, it has been determined over and over again that a multi-disciplinary team approach works best in elder abuse prevention. This means involving the APS, social services, law enforcement, health, and other sectors in the effort. Grants that foster better trained multi-disciplinary responses are sound investments.

There must be a level of shared responsibility in elder abuse prevention. Older people need to be more vigilant to protect themselves and their assets. For the record, some of the common tips include:

- Use Direct Deposit for your checks.
- Don't sign blank checks allowing another person to fill in the amount.
- Don't leave money or valuables in plain sight.
- Don't sign anything you don't understand.
- Protect your money. The bank may be able to protect your money by arranging your accounts to control access to your funds.
- Be aware of scams. If it sounds too good to be true, it probably is.
- Don't give anyone your ATM PIN number, and cancel your ATM card immediately if it is stolen.
- Check your bank statements carefully for unauthorized withdrawals.
- Be cautious of joint accounts.
- Build good relationships with the professionals who handle your money.

Finally, we must remember that all seniors do not have equal capacity to manage their financial resources. Where assistance is needed, ensure maximum reasonable decision-making for vulnerable seniors whose resources are at stake.

In conclusion, the shared responsibility for protecting the nation's elders must finally be extended to the federal response to elder abuse. Our current policy of directing paltry sums in a piecemeal fashion is not the answer. A comprehensive and effective approach as embodied in the Elder Justice Act is the way we need to go. The Elder Justice Coalition strongly urges the enactment of the Elder Justice Act this year.

Thank you Mr. Chairman.

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**ATTACHMENT**

**The Elder Justice Coalition: 556 members** 4/17/08

*Denotes Elder Justice Coalition Coordinating Committee

**Organizational Members: 229**

*National Committee for the Prevention of Elder Abuse
*National Academy of Elder Law Attorneys
*National Association of State Units on Aging
*National Adult Protective Services Association
*National Association of State Long-Term Care Ombudsman Programs
*AARP
Adams County Social Services Department, CO
Adult Abuse Coalition of South Central Tennessee, TN
Adult Guardianship Services, OH
Adult Protective Services, Sacramento, CA
Adult Protective Services, San Francisco, CA
Advocates for National Guardianship Ethics and Reform
Aging Solutions
Alabama Dept. of Senior Services
Alabama Long-Term Care Ombudsman
Alaska State Office of the Long-Term Care Ombudsman
Alliance for Better Long Term Care
Alliance for Quality Nursing Home Care
Alliance of Retired Americans

American Art Therapy Association
Alzheimer's Association
*American Association of Homes and Services for the Aging
American Association for Single People
American Geriatrics Society
*American Health Care Association
American Psychological Association
Americans for Better Care of the Dying
American Society on Aging
Area Agency on Aging, Region One, Phoenix, AZ
Arlington AAA, Arlington, VA
Arizona Elder Abuse Coalition
Arlington Steering Committee for Services to Older Persons
Arkansas Advocates For Nursing Home Residents
Assisted Living Federation of America
Association for Protection of the Elderly
Association for Protection of the Elderly—PA Chapter
Association for Protection of the Elderly—West Coast Chapter
Bay Area Agency on Aging, Inc.
Benjamin Rose Institute, Cleveland, OH
Billings Chapter of NCPEA, Montana
Brookdale Center on Aging of Hunter College
Burden Center for the Aging
California Medical Training Center, UC Davis
Catholic Charities of the Archdiocese of St. Paul & Minneapolis
Catholic Charities Health and Human Services, Cleveland, Ohio
Center for Advocacy for the Rights and Interests of the Elderly
Center on Aging & Disabilities—University of Miami, FL
Center for a Just Society
Center for Medicare Advocacy, Inc.
Center for Social Gerontology
Central PA Critical Jobs Training
Chatham County S.A.L.T. (Seniors And Law enforcement Together), GA
Citizens for Better Care
Coalition of Wisconsin Aging Groups & the Elder Law Center
Coastline Elderly Services, Inc.
Cochise County, Arizona, Elder Abuse Task Force
College of Professional Mediation, Puerto Rico
Collier County S.A.L.T. (**S**eniors **A**nd **L**aw enforcement **T**ogether) Council, FL
Consumer Consortium for Assisted Living
Council on Aging—Orange County
Council of Senior Centers and Services of New York
County Welfare Directors Association of California
Crater District Area Agency on Aging, VA
District of Columbia Long-Term Care Ombudsman Office
Disability, Abuse and Personal Rights Project
Elder Abuse Institute of Maine
Eldercare America
ElderCare Rights Alliance
Elder Financial Protection Network
Elder Law of Michigan
Elder Law Offices of Mitchell A. Karasov, CA
Elder Law Practice of Timothy Takacs, TN
Family Research Council
Foundation for Senior Living
Gallatin County Attorney's Office, TN
Gary Jones Association, NE
General Federation of Women's Clubs
Georgia Division of Aging Services
Georgia Office of the State Long-Term Care Ombudsman

Gerontological Society of America
Governor's Commission on Senior Services, OR
Gray Panthers
Greater Cleveland Elder Abuse/Domestic Violence Roundtable
Hawaii State Long-Term Care Ombudsman Program
Heart and Hand, Inc.
Home Instead Senior Care, Inc.
Hospice Patients Alliance
Idaho State Long-Term Care Ombudsman Program
Institute on Aging
Institute for Caregiver Education, PA
Institute of Gerontology at the University of Louisiana at Monroe
International Association of Forensic Nurses
International Cemetery and Funeral Association
International Longevity Center
Joint Public Affairs Committee for Older Adults, NY
Kansas Advocates for Better Care
Kansas Area Agencies on Aging Association
Kalamazoo County Advocates for Senior Issues
Kentucky Office of the State Long-Term Care Ombudsman
Lawyers for Elder Abuse Prevention, NY
Lee County Sheriff's Office, Fort Myers, FL
Lifecycles, MT
LIFESPAN, NY
Los Angeles City Attorney's Office
Louisiana Association of Councils on Aging
Louisiana Geriatrics Society
Louisiana Long-Term Care Ombudsman Program
Lucas County (Ohio) Prosecutor's Office
Maine Long-Term Care Ombudsman Program
Margate Police Department, FL
Maricopa Elder Abuse Prevention Alliance, AZ
Massachusetts Long-Term Care Ombudsman Program
Meals on Wheels Association
MedAmerica Insurance Company
Mendocino County DHHS, CA
Member of the Family
Metropolitan Crime Commission of Jackson, MS
Michigan Campaign for Quality Care
Michigan Office of the State Long Term Care Ombudsman
Missouri Advocates For The Elderly
Napa County Health and Human Services Agency, CA
National Adult Day Services Association
National Association of Area Agencies on Aging
National Association of Counties
National Association of Directors of Nursing Home Administration in Long Term Care
National Association of Legal Services Developers
National Association of Local Long Term Care Ombudsmen
National Association of Nutrition and Aging Service Programs
National Association of Orthopedic Nurses
National Association of Professional Geriatric Care Managers
National Association of Senior Legal Help lines
National Association of Social Workers
National Clearinghouse on Abuse in Later Life
National Caucus and Center on Black Aged, Inc.
National Citizens' Coalition for Nursing Home Reform
National Committee to Preserve Social Security and Medicare
*National Council on Aging
National Council on Child Abuse & Family Violence

National Education Association—Retired
National Family Caregivers Association
National Funeral Directors Association
National Guardianship Association
National Hispanic Council on Aging
National Indian Council on Aging
National Senior Citizens Law Center
National Silver Haired Congress
Nebraska State Long-Term Care Ombudsman Program
Nevada State Long-Term Care Ombudsman Program
Nevada County (California) Department of Adult & Family Services
New Britain Area Seniors, CT
New Hampshire Long-Term Care Ombudsman Program
New Mexico Guardianship Association
New Mexico State Agency on Aging
New Mexico State Long Term Care Ombudsman Program
New York Citizens' Committee on Aging
New York City Department for the Aging
New York Foundation for Senior Citizens Guardian Services
New York State Coalition on Elder Abuse
New York State Society on Aging
Northeastern Illinois Area Agency on Aging
Northern Area Agency of Aging, WI
Northern Virginia Long-Term Care Ombudsman Programs
Nursing Home Monitors
Office of Ombudsman for Older Minnesotans
Ohio Association of Probate Judges
Ohio Association of Regional Long-Term Care Ombudsman
Ohio Coalition for Adult Protective Services
Ohio Office of the State Long-Term Care Ombudsman
Older and Disabled Adult Services/Solano County Health and Social Services
Older Women's League
Ombudsman for Older Minnesotans
Oneida County Elder Abuse Coalition, NY
Orange County Vulnerable Adult Specialist Team, CA
Palm Beach County Courthouse, FL
Pennsylvania Coalition Against Rape
Philadelphia Corporation for Aging (AAA), PA
Pima Council on Aging, AZ
Pinal County Attorney's Office, AZ
Pinal County Public Fiduciary, AZ
Pinal-Gila Elder Abuse Specialist Team, AZ
Police Executive Research Forum
Rhode Island Office of the State Long-Term Care Ombudsman
Riverside County Office on Aging, CA
Rockdale County Adult Protective Services, GA
San Francisco Consortium for Elder Abuse Prevention
San Francisco Department of Aging and Adult Services
San Francisco Department of Human Services
Santa Clara County Department of Aging and Adult Services
Senior & Adult Services of Cuyahoga County, OH
Senior Citizens, Inc., TN
Senior Protective Ministry
SeniorLAW Center, PA
Seniors 'N Sync, LLC, VA
SLTCO of Iowa
SOLACE
Sonoma County Area Agency on Aging, CA
Stanislaus County Adult Services Advisory Committee, CA
Stanislaus County Community Services Agency, CA

Stanislaus Elder Abuse Prevention Alliance, CA
Stop Family Violence, NY
Suburban Area Agency on Aging, IL
Tanana Chiefs Conference
Texas Dept. of Family & Protective Services
Texas Elder Abuse and Mistreatment Institute
Texas Office of the State Long Term Care Ombudsman
The Alliance for Retired Americans, DC
The Burden Center for the Aging, NY
The Center for Social Gerontology, Inc.
The Long Term Ombudsman Council of Broward County, FL
TRIAD
United Jewish Appeal Federation of New York
United Jewish Communities
Upstate Medical University Binghamton Clinical Campus CARES Project, NY
Ventura Adult Abuse Prevention Council, CA
Vermont Ombudsman Project
Virginia Coalition on Aging
Virginia Elder Rights Coalition
Virginia Hospital Center
Virginia Office of the State Long-Term Care Ombudsman
Washington County, Oregon Elder Abuse MDT
Washington State Long-Term Care Ombudsman Program
Wellspring Personal Care
Western Montana Chapter for the Prevention of Elder Abuse
Western Reserve Area Agency on Aging, OH
Wider Opportunities for Women
Wisconsin Association of Area Agencies on Aging
Wisconsin Board on Aging and Long Term Care
Wisconsin Social Services Association
WordBridges
Wyoming Dept of Health/Aging Division

**Individual Members: 325**

Pamela Aalderink
Sarah Albert
Nancy Alterio
Debbie Armstrong
Georgia Anetzberger
Ben Antinori
Moya Atkinson
John Attwood
Susan Aziz
Nora J. Baladerian, Ph.D.
Shantha Balaswamy (OH)
Dave Baldridge
Doris Ball
Rick Barry
Cheryl Bartholomew (VA)
Virginia Bell
Bill Belzner
Brenda Bensman
Louis Blancato, MD
Bennett Blum, MD
Patricia Bomba, MD
Sybil Boutilier (CA)
Betty Bowers
Karen Buck
Jamie Buckmaster (CA)
Kelly Bradford

Bonnie Brandl
Michelle Brannon
Sarah Briggs
Sharon Brigner
Bernadine Brooks
Richard Browdie
Dr. Patricia Brownell
Karen C. Buck
Mark I. Burnstein, MD
Tracey E. Burnstein, MS, HSA
Bobbi Butler
Gordon Butler
Paul Caccamise (NY)
Stephanie Carr
Richard Carriere
Ashley Carson
Susan Castano
Curtis B. Clark, MD
Kathy Cilley-Wagner
Patricia Ciripompa
Ruth Coberly (CO)
Laura Stewart Cockman
Walter Coffey
Joshua Cohen
Valarie Colmore
Ken Connor
Michael Cottone
Loree Cook-Daniels
Mary Counihan
Ed Coyle
Dr. Lawrence Cranberg
Susan Crone
Kathy Cubit
Neely Dahl
Sophia Dalle
Carol Dayton, ACSW, LISW
Alice Deak
Domingo Delgado
Joyce DeMonnin
Annette DePauli (CA)
Farrell Didio
Alison Dieter (TX)
Maggie Donahue
Judith Dorsett
Jennifer Duft
Joy Duke
Susan Emmer
Susan Era
Diane Fassel
Bob Fells
Susan Ferlauto
Mara Ferris (NH)
Elizabeth Figueroa, CSW, MPA
Marcella Fierro, MD
Rich Fiesta
Jim Firman
Ivy Firouztale
Marta Fontaine (MO)
Janet Forlini
Robert Franz

Iris Freeman
David Gammill
Oscar Garcia
Manuel Garcia
Barbara Gay
Lori Gerber
Stanley M. Giannet, Ph.D.
Pasquale Gilberto
Robert Goldberg
Gary Gotham
AC Graber (WA)
Rebecca Gray (NC)
Sasha Greene
Marsha Greenfield
Paul Greenwood
Stanley Habib
A. Ricker Hamilton
Cathy Hart
Roberta Hawkins
Alice Hayes
Marshall Hayes
Meg Heap
June Hebb
Jonathan Heller
Jayd Hendricks
Gema Hernandez
Fay Hewitt M.S.W.
Donna Hicks
Alison Hirschel
Bonnie Hogue
Katrina Hotrum
Peg Horan
Ann Howard
Laura Howard
Sam Hubbard
Joan Hurdle, RN (VT)
Kary Hyre
Kathryn Ieada, CPA
Paula Inglese
Peggy Ingram
Dale Jackson
Tim Jackson
Michelle Jacobs
Mary Charlene Johns
Patricia Johnson
Gilda Johnstone
Rene Jones
Tom Joseph
Alecia Juber
Cindy Kadavy
Mitchell Karasov
Dale Kassan
Norm Katz
Linda Keegan
Kathleen Kelso
John Paul Kenney (MD)
Richard Keys
Steffanie Keys
Joanne Keyston
Anne Kincaid

Valerie King
Violet King
Kathy Klatzke
Amy Knight (TN)
Diana Koin
Lynn Koontz
Elaine Korthals
Linda Kretz
Catherine Kruger
Becky Kurtz
Janice Langford (FL)
Tom Laughlin
Dr. Tomas Larrieux
Jon Lavin
Debi Lee
David Leopard
Vickijo Letchworth
Nina Levigne
Bryan Liang
Carol J. Lieske
Brian Lindberg
Karin Linenberger
Elizabeth Loewy
Janet Lombard
Karen Love
Rebecca Ludens
Nadine Lujan
Jack Mack
Jackie Majoros
Beatrice A. Maloney, CSW
Sandy Markwood
Irene Masiello
Art Mason
Margaret S. McCarthy
George E. McClane
Marcy McCrumb
John McDermott
Mary McKenna
Winnie McLin
Kate McWhinney
Melissa Medick
Jennifer Merck
Carol Merlini
Nina Merer
Kathy Miller
Robert D. Miller
Patty Mitchell
Paula Mixson
Lu Molberg
Ricker Mooers
Ailee Moon, Ph.D.
Paula Moreau
Gary Morgan
Rebecca Morgan
Cal Morken
Scott Morken
Debra Morrow, MSW (CA)
Laura Mosqueda, MD
Michael Munson
Mary Brugger Murphy

Chris Nelson
Rudy Norris
Jim Nyberg
Jeanne O'Brien
Nora O'Brien
Joanne Otto
Mark Pafford (FL)
Lisabeth Passalis-Bain
Brian K. Payne, Ph.D.
Stacey Payne
Roxanne Perales
Noel Peters
Crystal Peterson
Jeanne Pici
Les Plooster
Martha Plotkin
Dianna Porter
George Potaracke
Mebane Powell
Laura Prohov
Ron Proudfoot
Kathleen Quinn
Mary Joy Quinn
Dan Quirk
Jane Raymond
Jo Reed
Kimberly Reed
Lisa Reid
Sandy Reynolds
Betty Rhodes
Esther L. Aguila Rivera
Erin Rock
Emily Ross
Alfred Rotondaro
Kathy Rotondaro
Mary Martha Rugg
Brenda Russell
Charlie Sabatino
Francine T. Saccio, ACSW
EJ Santos
Kristin Schaer RN, MSN
Frank Schersing
Ellen Schmeding (CA)
Sarah Schram
Gail Schultz
Rita Schumacher
Carol Scott
Patti Seager
April Seitz
Edward Sheehy
Daniel J. Sheridan, PhD, RN
Jean Sherman, Ed.D.RN
Mark Sherman
Mike Shetka, LCSW (CA)
Chris Shoemaker
Cynthia Shott
Rob Shotwell
Denise Shukoff
Richard Sicchio
Stephen J. Silverberg, JD

Sarah Slocum
Linda Smith (TN)
Donny Smith
Lori Smith
Monica Smith (WI)
Kaja Snell
Matt Socknat
Susan Somers
Joseph Soos
Helen Spencer
Gail Spessert
Ruth Spinale
Pat Stanis
Dennis Steele
Lori Stiegel
Terry Stone
Patricia Storch, J.D.
Sandy Storherr
Sara Strope
Donald Sullivan
Sandra Sullivan
Erika Taylor
Grady Tarbutton
Dorothy Thomas
Natalie Thomas
Randolph W. Thomas
Robert Tiller
Brenda Toline, R.N., B.S.N.
Marie Tomlin
Luci Ungar
Catherine Valcourt
Elaine Wadsworth
Andre Waguespack
Joy Ann von Wahlde, Attorney
Bessie Walker (KS)
Debra Wanser
Sarah Warnke
Dawn Washington
Linda L. Watts
Eric Weakly
Patti West
Teresa Baisley Webb (CA)
Jane Weinheimer
Jim Weiser
Janet Wells
Rebecka Westerfors
Robin Cohen Westmiller
Marilyn Whalen
Larry White
Megan Wiley (VA)
Shayne Wilks
Pamela Williams
Karen Wilson
Genevieve Wood
Carol Woodcock
Jacquie Woodruff
Aileen Worrell
Mitzi Wortman
Jim Wright
Ann Yom

Diane Zielinski

**Elder Abuse Cases/News Articles**

**March 2008**

**New York (Rep. Weiner, Rep. Nadler)**

"'Pals' Scam 78-year-old Harlem woman out of $15M Fortune"
—*http://tinyurl.com/ywayns*
"Travel and Tour Operator Accused of Preying on Senior Citizens"
—*http://tinyurl.com/yqmtu3*
"Require Reporting of Elder Abuse"
—*http://tinyurl.com/yqouq5*
"Inside an Animal Hoarder's House"
—*http://tinyurl.com/2tzc6c*
"Six Civil Servants will be honors"
—*http://tinyurl.com/2yf23w*
"New Scam Targets Elderly in Brooklyn"
—*http://tinyurl.com/2xtubf*
"Congress and Albany must protect elders"
—*http://tinyurl.com/224ym8*
"3 in Yates County jailed for photographing mentally handicapped Person"
—*http://tinyurl.com/3xpmj2*
"Family sues Blossom South Nursing Home"
—*http://tinyurl.com/36f22b*
"NY Report signals need to address Elder Abuse"
—*http://tinyurl.com/27bn4o*
"I-Team 10 Investigates: Livonia Man Accused of Bilking Elderly Women"
—*http://tinyurl.com/363gay*
"Eden Park Nursing Home Cited Again for Deficiencies"
—*http://tinyurl.com/3d62wf*

**Texas (Rep. Jackson Lee, Rep. Gohmert)**

"Family Law councils Advocate for Relatives in Nursing Homes"
—*http://tinyurl.com/389nlf*
"Woman pleads not guilty to injury to elderly individual indictments"
—*http://tinyurl.com/39mfuw*
"Family Reacts to Elderly Abuse Conviction"
—*http://www.ksat.com/news/15570254/detail.html*
"Ex-Nursing Home Exec Guilty of Fraud"
—*http://www.chron.com/disp/story.mpl/ap/tx/5602630.html*
"Caretakers admits slapping elderly woman"
—*http://www.ksat.com/news/15531198/detail.html*
"APS honors three west Texans"
—*http://www.cbs7.com/news/details.asp?ID=5074*

**North Carolina (Rep. Coble)**

"State to Report all deaths at mental health facilities"
—*http://ww.wral.com/news/state/story/2635209/*
"Justice often slow for Elder Crimes"
—*http://newsobserver.com/news/story/991319.html*
"Dunmore Grandmother alleges Elder Abuse by Grandsons"
—*http://tinyurl.com/2mnwqe*
"It's like Open Season on Seniors"
—*http://tinyurl.com/2ywhkv*

**Virginia (Rep. Scott)**

"Sex Assault Charges Certified Against Adult Day Care Worker"
—*http://tinyurl.com/2y72mt*
"Patient Advocate Makes Sure Seniors are Heard"
—*http://tinyurl.com/33q735*
"Injunction Expanded in Elder Abuse Lawsuit"
—*http://tinyurl.com/25jvmx*
"Gretna Man Sues Daughter"
—*http://tinyurl.com/2f4rh6*

*California (Rep. Waters, Rep. Lungren)*
"Ex-Patton Employee Charged"
—*http://www.sbsun.com/sanbernardino/ci*__8737553
"Panel Approves Wolk Bill to Increase Reporting Elder Abuse"
—*http://www.californiachronicle.com/articles/56606*
"Pair Swindles Thousands from Elderly Woman"
—*http://www.sacbee.com/101/story/810057.html*
"Mental Health Patients turn to clinics"
—*http://tinyurl.com/3e2ogk*
"Officials deciding fate of filthy OC house"
—*http://knbc.com/news/15683087/detail.html*
"Mill Valley Caregiver Accused of throwing dying man's dog"
—*http://www.marinij.com/ci*__8657028
"Suit Filed, 7 arrested in Mortgage Fraud Ring"
—*http://www.montereyherald.com/business/ci*__8623095
"Seniors targeted in Scams"
—*http://www.modbee.com/business/story/240380.html*
"Martinez Nursing Home Comes under Federal Scrutiny"
—*http://winyurl.com/3a5sva*
"Antioch Man Arrested for beating his 78-year-old mom"
—*http://www.insidebayarea.com/localnews/ci*__8540724
"Fraud Case Postponed"
—*http://thereporter.com/news/ci*__8544333
"Woman Sues After Arsenic Death"
—*http://ww.fresnobee.com/263/story/458132.html*
"Ashburn's Caregiver Background Checks Bill passes legislature, now goes to the governor"
—*http://www.californiachronical.com/articles/54909*
"Caregiver gets 3 months for videotaped assault"
—*http://tinyurl.com/23p67c*
"Officials to discuss filthy Villa Park Home"
—*http://tinyurl.com/274pgy*
"Deputies find mentally disabled adults in cockroach-infested house"
—*http://tinyurl.com/2vjhe4*
"Whittier Man convicted in Fatal Beating of Father"
—*http://www.whittierdailynews.com/news/ci*__8482005
"Nurse facing 10 years in federal prison for Medicare Fraud"
—*http://www.mercurynews.com/breakingnews/ci*__8462331
"State Fines Nursing Homes $100,000"
—*http://www.modbee.com/local/story/229305.html*
"Man accused of Scam Targeted at Elderly Arrested"
—*http://nbc11.com/news/15457283.detail.html*
"Son Investigated for Elder Abuse in Filthy House Case"
—*http://tinyurl.com/3xxef7*

**Alabama (Rep. Davis)**

"Cuts to DHR Could Eliminate Vital Adult Care Services"
—*http://tinyurl.com2tyaod*

"SEC Chariman discusses scams targeting seniors"
—*http://tinyurl.com/39cm36*
"Police: Scammer Targeting Elderly"
—*http://tinyurl.com/2jy9g8*

**Massachusetts (Rep. Delahunt)**

"Arraignment set for Brockton elderly abuse suspect"
—*http://tinyurl.com/yvpqdv*
"Police, Fire, Senior Care Advocates part of 'Traid'"
—*http://tinyurl.com/2rf8le*
"Seniors Warned about new tax rebate scam"
—*http://www.metrowestdailynews.com/state/x1379332448*
"Methuen Man Charged with Sexual Assault of Retarded Relative"
—*http://tinyurl.com/378gmf*

**Georgia (Rep. Johnson)**

"DHR urges you to report Elder Abuse"
—*http://tinyurl.com/3sqvrd*
"Sales Tactics can put Seniors at Disadvantage"
—*http://tinyurl.com/yvf8db*
"Nursing Home Employee Charged with Sodomy"
—*http://tinyurl.com/2g3esg*
"Police: Elderly Cobb Man Killed Wife, Shot Himself"
—*http://tinyurl.com/2n59bt*
"Elderly woman accused of stocking up on painkillers"
—*http://www.wsbtv.com/news/15478087/detail.html*

**Wisconsin (Rep. Baldwin, Rep. Sensenbrenner, Jr.)**

"Waupun man charged with abusing elderly mother"
—*http://tinyurl.com/28p794*
"Nursing Home sued over 2005 death"
—*http://jsonline.com/story/index.aspx?id=723313*

**Ohio (Rep. Sutton, Rep. Chabot)**

"Woman gets 1 year in prison"
—*http://tinyurl.com/2dco2a*
"Mansfield Police Arrest Suspect in Car Repair Scam Targeting Elderly"
—*http://tinyurl.com/ys5yn5*
"Protecting seniors from abuse"
—*http://tinyurl.com/36kz6q*
"Relatives in dark over man's death"
—*http://tinyurl.com/yud861*
"Nursing Homes 'deplorable'
—*http://tinyurl.com/2qzssh*
"Couple arrested in alleged elderly scam"
—*http://www.whiotv.com/news/15568368/detail.html*

Mr. SCOTT. Thank you.
Ms. Friedlander-Olsen?

## TESTIMONY OF SHERRY FRIEDLANDER-OLSEN, FOUNDER AND CEO, A CHILD IS MISSING ALERT PROGRAM, FORT LAUDERDALE, FL

Ms. FRIEDLANDER-OLSEN. Thank you, Chairman Scott and Mr. Gohmert, Members of the Subcommittee, and the great staff mem-

bers that allowed me to testify here today in support of H.R. 5464, the "A Child Is Missing Alert and Recovery Center Act."

And my real thanks to Congressman Klein for introducing the bill and to my great friend, Director Keenan, from the Georgia Bureau of Investigation.

One in every 42 children in the United States goes missing every year. Every 40 seconds, a child goes missing somewhere in the United States. That means almost 10 children will go missing in the brief time I am addressing you today.

These numbers are what motivated me to start A Child Is Missing in 1997. I did not have a missing child, just an idea to use technology to help law enforcement find missing children.

I started very small, by helping a couple of agencies in South Florida. With the help of friends and supporters, I was able to expand the program to other parts of Florida, then to Rhode Island, Alaska, Ohio, and Georgia. Now we are available to law enforcement in 50 States.

A Child Is Missing is a nonprofit organization that assists law enforcement in the first hours a child goes missing. The program is also used to help find the elderly, often with Alzheimer's or dementia. Almost 30 percent of our cases involve the elderly.

This is a free service, activated only by law enforcement. This program fills the gaps between law enforcement and the Amber Alert.

Here is how A Child Is Missing works. A child goes missing. A frantic parent calls 911. Law enforcement responds. They go to the scene. Then they call our recovery specialist, who gathers the information, such as the description of the child and where they were last seen.

Then we use our sophisticated satellite mapping system to define the search area. Once the area is defined, a telephone message is recorded on behalf of the agency. Our phone system then dials out to every listed phone number in the search area. Residents are told to report any information they may have about the missing individual to the police.

It only takes us 8 to 12 minutes to accomplish this. And, basically, we have 181 T1 lines, and our calls are made at 1,000 every 60 seconds. We have a database of more than 80 million listed phone numbers.

Residents appreciate the call because it is an official message from their local law enforcement agencies. Our calls have a 98 percent listen rate. When you hear, "This is the Washington, DC, police," you will listen.

When the need arises, we work across jurisdictional boundaries with local, State and Federal law enforcement agencies, including the FBI and the U.S. Marshal Service.

The program saves money for law enforcement. To date, A Child has worked approximately 9,000 cases and has launched almost 16 million alert calls. In 2007 alone, we worked about 1,500 cases. In the first 4 months of 2007, we worked 412 cases. In the first 4 months of 2008, we handled more than 900 cases.

Law enforcement has credited us with 340 safe assisted recoveries; that is 340 lives we have saved, 340 families we have touched.

We could take credit for more recoveries, but unless I have a written statement back from that agency, we do not take credit for it at all.

We do this every day. We are available 24/7, 365, and are experienced in searching for missing children and the elderly, often, again, with Alzheimer's.

Fifty percent of the Nation's law enforcement agencies have 25 or fewer sworn personnel. Without A Child Is Missing, these agencies would not have a place to turn for this kind of help. This vital service, again, is free to law enforcement.

Though available to 16,000 law enforcement agencies across the Nation, a mere 2,200 currently use the program. Therein lies the critical need for H.R. 5464.

The bill will increase the number of agencies using the program, thereby saving more lives. This legislation will ensure us to stay on the cutting edge of technology and address the increasing volume of cases.

Very large metropolitan areas, such as New York and Los Angeles, pose unique challenges to us. Doing nothing in this area is not an option, but H.R. 5464 will help us to help the special needs of these agencies.

One-third of our safe assisted recoveries have come just in the last year due to our having increased agency participation. H.R. 5464, I know we can save more lives.

Thank you, Mr. Scott, Mr. Gohmert, and the opportunity to testify before the Committee.

[The prepared statement of Ms. Friedlander-Olsen follows:]

PREPARED STATEMENT OF SHERRY FRIEDLANDER-OLSEN

Mr. Chairman and Ranking Member:

Thank you Chairman Scott, Ranking Member Gohmert, Members of the Subcommittee, and staff for allowing me to testify today in support of H.R. 5464, the "A Child Is Missing Alert and Recovery Center Act." Thank you Congressman Klein for introducing the bill.

One in every 42 children in the United States goes missing every year. That is one child every 40 seconds. Almost 10 children will go missing in the brief time I am addressing you today.

These daunting statistics are what motivated me to start the *A Child Is Missing* program in 1997. I did not have a missing child, just an idea to use technology to help law enforcement find missing children. I started very small by helping a couple of law enforcement agencies in South Florida. With the help of friends and supporters, I was able to expand the program to other parts of Florida, and then to Rhode Island, Alaska, Ohio and Georgia. Now we are available to law enforcement agencies in all 50 states!

*A Child Is Missing* is a not-for-profit organization that assists law enforcement agencies in the first hours a child is reported missing. The program is also used to help find elderly adults. Almost 30 percent of our cases involve the elderly. This is a free service, activated only by law enforcement that fills the gaps of the *Amber Alert* program.

Here is how *A Child Is Missing* works. A child goes missing. A frantic parent or guardian calls 911. Law enforcement responds and verifies if in fact the child is missing. If the child is missing, the law enforcement officer calls us. Our Recovery Specialist quickly gathers essential information from police such as the description of the child and where the child was last seen. Our Recovery Specialist then uses our satellite-mapping system, a system similar to *Google Earth* but more detailed, to define the search area. Once the search area is defined, the Recovery Specialist records a telephone message on behalf of the law enforcement agency and then pushes a button. Our phone system then auto dials every listed phone number in the search area. Citizens are told to report any information they may have about the missing child or elderly adult to the police.

The speed in which this takes place is remarkable. It takes *A Child Is Missing* only 8–12 minutes to determine the search area, identify the phone numbers, record the message, and make the calls. Due to our 181 T1 lines, our calls can be made at the rate of 1,000 calls every 60 seconds.

*A Child Is Missing*'s satellite-mapping system is very sophisticated and we have a database of more than 80 million phone numbers. Citizens appreciate the calls because it is an official call from the law enforcement agency. Our calls have a 98 percent listen rate.

We also know no jurisdictional boundaries. In fact, we have successfully worked cases that have involved multiple states and a host of local, state, and federal law enforcement agencies. We also work with the U.S. Marshal Service and the FBI.

To date, *A Child Is Missing* has worked approximately 9,000 cases and has launched more than 16 million alert calls. In 2007 alone, we worked almost 1,500 cases. From January 2007 through April 2007, *A Child Is Missing* worked on 412 cases. A year later, we have handled more than 900 cases!

Law enforcement has credited us with 340 safe assisted recoveries. That is 340 lives we have saved. 340 families we have touched. We could take credit for more safe recoveries; however, I decided long ago to only list recoveries where law enforcement—in writing—gives us credit for the recovery.

We do this everyday. Our Recovery Specialists are available 24/7, 365 and are extremely experienced in the field of missing children and elderly adults. We bring this experience to the assistance of law enforcement. Fifty-two percent of the nation's law enforcement agencies have 25 or fewer sworn personnel. Without *A Child Is Missing*, these agencies would not have a place to turn for help.

This vital service is free to all law enforcement. Though available to all 16,000-law enforcement agencies throughout the nation, only 2,200 currently use the program. Therein lies a critical need for H.R. 5464.

H.R. 5464 will increase the number of agencies using the program thereby saving more lives. This legislation will also enable us to ensure we stay on the cutting edge of technology and will help address the increasing volume of cases. Very large metropolitan areas such as New York, Chicago, and Los Angeles pose unique challenges for law enforcement and us. Doing nothing in these areas is not an option, but H.R. 5464 will allow us to work with these agencies to address their special needs.

Our statistics clearly show that the increased success of *A Child Is Missing* is due to an increase in usage by law enforcement. One third of our safe assisted recoveries have come in just last year due to our having maximized agency participation. With H.R. 5464, I know we can do even more.

Thank you Chairman Scott and Ranking Member Gohmert for the opportunity to testify before your Subcommittee. I would be happy to answer any questions you may have.

Mr. SCOTT. Thank you very much.

Ms. FRIEDLANDER-OLSEN. Can I breathe now? Please let me breathe. [Laughter.]

Mr. SCOTT. You have done well.

Mr. Keenan?

## TESTIMONY OF VERNON M. KEENAN, DIRECTOR, GEORGIA BUREAU OF INVESTIGATION, DECATUR, GA

Mr. KEENAN. Mr. Chairman, Members of the Committee, thank you for the opportunity to provide testimony here today.

And thank you, Congressman Johnson, for the introduction. My mother is never around when somebody has something positive to say. [Laughter.]

I am here today as director of the Georgia Bureau of Investigation and as a representative of all Georgia law enforcement to urge your support for A Child is Missing.

The absolute priority of the GBI is the investigation of violent crimes against children. As a statewide agency, we work each day with the nearly 600 law enforcement agencies in Georgia in their efforts to protect children.

I believe that Georgia's success with A Child Is Missing represents the experience of many law enforcement agencies throughout the United States.

Georgia implemented A Child Is Missing in 2003. And our law enforcement officers have received training on the use of this simple but valuable program.

Since its adoption in Georgia, A Child Is Missing has assisted in the recovery of many Georgia children. We consider this program to be an excellent example of a public and private nonprofit partnership with a proven record of success.

Georgia law enforcement routinely uses both A Child Is Missing and the Amber Alert systems. We were the fourth State to implement A Child Is Missing and also the fourth State to establish an Amber Alert system.

A Child Is Missing and Amber Alert are two separate and distinct child recovery systems, but they mutually support and enhance each other. Both systems engage citizens to aid law enforcement in the search for and the recovery of children who are in danger.

Georgia has extensive experience in using both systems. A Child Is Missing sends telephone alerts to the community when a child, elderly or disabled person is missing.

The recorded telephone message contains a detailed physical description of the missing person and is directed to a specific neighborhood or a community. The Amber Alert uses the Emergency Alert System to interrupt radio and television programming with an electronic and voice message when a child has been abducted.

Because Amber Alert is a voluntary partnership between law enforcement and the broadcast industry, there are specific requirements for its use and there are established protocols that must be followed before activation.

Amber Alert is activated when a child is criminally abducted and is believed to be in imminent danger. Further, there must be enough descriptive information about the abduction to believe that a media broadcast will assist in the child's recovery.

Amber Alert has limited applications, while A Child Is Missing has great flexibility. Both systems are extremely valuable resources in the protection of children, but they have several differences.

Amber Alert can be used only when there is a criminal abduction of a child, while A Child Is Missing is used to search for lost or missing children, as well as abductions. A Child Is Missing can also be used to search for the elderly or the disabled.

Amber Alert operates within a very structured process, which requires local law enforcement agencies to seek approval before activation. This is done at the State level. A Child Is Missing can be activated by the first police officer or deputy sheriff who responds to the scene of a missing person.

Amber Alert is most effective when there is a suspect vehicle description to give to the public. A Child Is Missing gives a targeted segment of the community a detailed physical description of the missing person, their clothing, location where they were missing, and other relevant information.

Additionally, A Child Is Missing may request that neighbors search their grounds for the missing person.

When the GBI activates Amber Alert for Georgia law enforcement, we recommend that investigators also seek assistance from A Child Is Missing. Since 2002, Georgia has activated Amber Alert for 69 abductions. We also denied 60 cases because the incidents did not meet the required criteria for Amber Alert.

In each of the denied cases, law enforcement officers were referred to A Child Is Missing for assistance. A Child Is Missing serves to fill the gap in endangered children cases where Amber Alert is not available.

A Child Is Missing plays a critical role in law enforcement's efforts to protect our children. And I strongly urge your support for H.R. 5464.

[The prepared statement of Mr. Keenan follows:]

PREPARED STATEMENT OF VERNON M. KEENAN

I am here today as Director of the Georgia Bureau of Investigation and as the representative of all Georgia law enforcement to urge your support for *A Child is Missing*. The absolute priority of the GBI is the investigation of violent crimes against children. As a statewide agency, we work each day with the nearly six hundred police and sheriffs departments in Georgia in their efforts to protect children. I believe that Georgia's success with *A Child is Missing* represents the experience of law enforcement agencies in the United States.

Georgia implemented *A Child is Missing* in 2003 and our law enforcement officers have received training on the use of this simple but, valuable program. Since its adoption in Georgia, *A Child is Missing* has assisted in the recovery of many children. We consider this program to be an excellent example of a public and private non-profit partnership with a proven record of success.

Georgia law enforcement routinely uses both the *A Child is Missing* and the *Amber Alert* systems. We were the fourth state to implement *A Child is Missing* and also the fourth state to establish an *Amber Alert* system.

*A Child is Missing* and *Amber Alert* are two separate and distinct child recovery systems, but they mutually support and enhance each other. Both systems engage citizens to aid law enforcement in the search for and recovery of children who are in danger. Georgia has extensive experience in using both systems.

*A Child is Missing* sends telephone alerts to the community when a child, elderly or disabled person is missing. The recorded telephone message contains a detailed physical description of the missing person and is directed to a specific neighborhood or community.

The *Amber Alert* uses the Emergency Alert System to interrupt radio and television programming with electronic and voice messages when a child has been abducted. Additionally, the Department of Transportation message boards display a description of the suspect vehicle.

Because *Amber Alert* is a voluntary partnership between law enforcement and the broadcast industry, there are specific requirements for its use and there are established protocols to be followed before activation.

*Amber Alert* is activated when a child is criminally abducted and is believed to be in imminent danger. Further, there must be enough descriptive information about the abduction to believe that a media broadcast will assist in the child's recovery. *Amber Alert* has limited applications while *A Child is Missing* has great flexibility.

Both systems are extremely valuable resources in the protection of children, but they have several differences:

*Amber Alert* can be used only when there is a criminal abduction of a child, while *A Child is Missing* is used to search for lost or missing children as well as abductions. *A Child is Missing* can also be used to search for the elderly or the disabled. *Amber Alert* operates within a very structured process which requires local law enforcement agencies to seek approval and activation at the state level. *A Child is Missing* can be activated by the first police officer or deputy sheriff who responds to the scene of a missing person.

*Amber Alert* is most effective when there is a suspect vehicle description to give to the public. *A Child is Missing* gives a targeted segment of the community a detailed physical description of the missing person, their clothing, location where they became missing and other relevant information. Additionally *A Child is Missing* may request that neighbors search their grounds for the missing person.

When the GBI activates *Amber Alert* we recommend that investigators also seek assistance from *A Child is Missing*. Since 2002, Georgia has activated *Amber Alert* for 69 abductions. We also denied 60 cases because the incidents did not meet the required criteria. In each of the denied cases, law enforcement officers were referred to *A Child is Missing* for assistance. *A Child is Missing* serves to fill the "gap" in endangered children cases when *Amber Alert* is not available.

We train Georgia law enforcement officers to use *A Child is Missing* when they respond to a missing person incident. The system can provide public safety personnel with substantial savings in time and money in these type cases. *A Child is Missing* plays a critical role in law enforcement's efforts to protect our children.

As Director of the GBI and as the representative of all Georgia law enforcement, I urge your support for *A Child is Missing*.

Mr. SCOTT. Thank you. And I thank all of our witnesses for their testimony. We will now begin with our Members' questions.

I will recognize myself for the first set of questions, limited to 5 minutes.

Ms. Friedlander-Olsen, you said 340 out of 9,000. What happens to the others?

Ms. FRIEDLANDER-OLSEN. I am sorry?

Mr. SCOTT. What happens to the other children that you did not assist in recovering?

Ms. FRIEDLANDER-OLSEN. Well, fortunately, some of them are found before we get the phone calls out. We always love that. Some are runaways and they aren't found for years. You know, all different kinds of things can happen.

We get our information back from law enforcement by sending out a request, and then they fax it back to us. We get about 67 percent of those case inquiries back. So those are the ones that we really know about in writing.

Mr. SCOTT. Your notification is to a small area. You have a lot of these cases. One of the problems that would occur if you have frequent notifications and you get the crying wolf syndrome.

How many alerts would an individual expect to get over the course of a year or 2?

Ms. FRIEDLANDER-OLSEN. You know, I am asked that question a lot. And as we grow and expand, the number gets further away.

So if you got one in a year in your neighborhood, that would be astronomical, because they go missing from all different areas. And it just happens that way. Does that answer your question?

Mr. SCOTT. Yes. But you didn't want to have somebody get a weekly call, like it is——

Ms. FRIEDLANDER-OLSEN. No, I don't allow it, number one. We did have a place that—it was called the Starting Place. And they would run away every day. And I would just have to say—and they were teenagers. It was a house where they could go to for drugs and alcohol. And I wouldn't allow it, because the neighbors would put me down.

And we had to save this for little kids and lots of things that were important to people.

Mr. SCOTT. Thank you.

Mr. Blancato, Virginia passed a law to give access to elderly people suspected of abuse with a standard less than probable cause. For good cause shown, you can get a warrant to get access to the person. Is that a problem anywhere else?

Mr. BLANCATO. Mr. Chairman, I would probably have to come back and give you an answer for the record on that. I am not aware

of it in too many other States, but we can come back and get you the response on that.

Mr. SCOTT. You were staff on the Select Committee for Aging for 17 years.

Mr. BLANCATO. Yes, sir.

Mr. SCOTT. Do we have any unfinished business from that select Committee?

Mr. BLANCATO. Congressman, there is a lot of unfinished business, but I commend you for taking one of them on today, which is the passage of elder abuse legislation.

I actually staffed a Subcommittee hearing in 1978, 30 years ago, on elder abuse. And Claude Pepper—many of you remember Claude Pepper—was the Chairman of that Committee. Back then, it was identified as an issue that was going to grow. He was prophetic in his views on where we were going.

And so there has been some response. I mean, there has been a small response in the Older Americans Act and there is—money is dedicated for Adult Protective Services and some programs.

But it is about the comprehensive response we are talking about. It is about the coordination. And during the comments today, I think the point we want to stress is that nobody is trying to federalize this issue.

It is a question of being able to use the resources of the Federal Government to give empowerment to programs that are working well at the local level, to give grants that can help train prosecutors better, so we can actually prosecute these cases.

So I would start with saying, if we could get movement on elder justice legislation, that would be one legacy left over from the House Committee on Aging.

Mr. SCOTT. Now, am I hearing you say that we do not need new Federal laws, we just need new resources?

Mr. BLANCATO. Well, you need to have the Federal authority, for example, to have a dedicated funding stream for Adult Protective Services. It has to be established through a Federal program. Federal grants can be established.

But, no, I think what we are saying in this legislation, as you go through the legislation, it is about giving empowerment to programs that are going on already at the State and local level, making them better, but bringing the Federal resources in to help coordinate all the activities.

I mean, right now, coordination is so important in this time of fiscal restraint, to be able to know exactly what you have at your disposal in the Federal Government already, how can you coordinate and make the response better, and then use resources more effectively at the State and local level, so you are doing the full, comprehensive response to this problem.

Mr. SCOTT. Thank you.

Mr. Keenan, for school safety, do we need new laws or just Federal resources to help?

Mr. KEENAN. Federal resources. There are sufficient laws relating to the child abduction systems.

Mr. SCOTT. Thank you.

Mr. KEENAN. And elderly abuse—the testimony here today is extremely abuse. Elderly abuse is going to be a rapidly escalating crime in the near future.

Congress has an excellent track record in the way they have provided resources to local and State agencies in addressing child abuse. And those same best practices can certainly be put into the elderly abuse area.

Mr. SCOTT. Thank you.

The gentleman from Texas?

Mr. GOHMERT. Thank you, Mr. Chairman.

And, Ms. Friedlander-Olsen, you are to be commended for your work. And thank you for all you have done on behalf of those children you have assisted and those that you gave comfort in knowing that somebody was actually doing something. So that is wonderful.

It is my understanding that basically Amber Alert, the way it proceeds now, and A Child Is Missing systems complement each other then, is that fair to say?

And, Mr. Keenan, you are nodding. That is your experience, as well?

Mr. KEENAN. That is correct.

Mr. GOHMERT. And so are there any problems you see with the way in which they do complement each other?

Mr. KEENAN. No, I think they are an absolute perfect match. And when we train law enforcement officers in handling child abduction situations, we train them on Amber Alert and on Child Is Missing. And they go hand-in-hand.

Mr. GOHMERT. You had mentioned that you don't know that more laws are needed as much as assistance, as I understood. I think there may be some place for additional laws with regard to elder abuse and the ways in which our elderly are being pursued and taken advantage of these days.

And it does sound like it is going to get worse. I know you were sitting through the beginning of the hearing.

But I am wondering—I just don't want to create new entities. I was not a fan, for example, of creating a new Department of Homeland Security. I was a judge back in those days, and what do you want another bureaucracy for? You are just adding to the problems. And so I am still not a big fan when I see the complications that have arisen there.

I know we have the National Committee for the Prevention of Elder Abuse. That is one of six partners that make up the National Center on Elder Abuse. I don't want to keep federally reinventing the wheel, and so I am wanting some input from you on—and, Mr. Blancato, on this issue.

Will we duplicate things? Should we be more directive in where we are going with the elder abuse issue and the studies to be done?

Yes, sir, if you would first.

Mr. BLANCATO. I will attempt to answer some of that, and I imagine some we will have to come back to you in more detail.

But in the case of the National Center on Elder Abuse, that is a federally funded entity that is intended to do improved amounts of research in the field of aging, data collection so we can have a better grip on the extent of the problem that is going on. That is

an appropriate Federal activity that has been going since 1988, frankly, doing a lot of good work that the field appreciates.

I mean, at the end of the day, you want to be able to go down to the field, people at the State and local level, and say, "Are you benefiting from the work that the center is doing?" And in many instances, the answer has been yes.

In fact, one of the more important things it is doing is helping to set up local network development programs, where there are no activities going on in a locality, where you don't have multidisciplinary teams working at the local level to help stop elder abuse.

This center helps provide them with the technical resources to do that. And at the end of the day, that is very important.

And I am sensitive to the question about, you know, the duplication. I think the purpose of this legislation is to get an accurate handle on how to do better coordination between the Federal, State and local levels throughout on elder abuse so that the response that is done is done comprehensively, whether it is helping the victim or that is prosecuting against the perpetrators, whether it is just providing support for worthwhile programs.

So my guess is that we are, through this legislation, making an effort to build coordination, as compared to enhancing any duplication activities.

And I would also point out that, in the early stages of development of this legislation, staff from the Department of Justice were put on detail to the Senate Special Committee on Aging and helped draft the legislation, including the provisions that are before us today.

Mr. GOHMERT. Well, I was curious, having dealt with felonies of all types, well, there is a prosecutor, a judge, and a chief justice, and being so familiar with so many of the Federal law enforcement people in DOJ, I kind of figured if we push them to do a study, the first thing they are going to do is go back to the local and State law enforcement folks and say, "Tell us what the problems are," when you have people that are already dealing with those.

So I am curious, Mr. Keenan, are there any crimes with regard to elder abuse that in Georgia are not getting prosecuted that would require Federal laws to pursue?

Mr. KEENAN. Not Federal laws. My view is, having been in law enforcement 36 years, is that the secret to—the way to handle this problem would be to—the role of the Federal Government should be in providing resources and direction to be in partnerships between local, State prosecutors, providing training.

This is what happens in the child abuse arena, with great success. There are Federal funds that are available to set up the multi-disciplinary investigative teams to handle child abuse. The same process could be used for elderly abuse.

That gives an opportunity for local and State law enforcement to come together, with best practices training, specialized training to handling the area, and they build the teams that go forward and do the work.

The test in American law enforcement is that, in the middle of the night, when the system has a problem, and they call 911, who shows up to respond? It is local law enforcement, and that is going to be the key to addressing any major crime problem like elderly

abuse, is training local and State law enforcement to be able to use their State laws to handle the issues.

A process like that would bring to light shortcomings in State laws that could be—new laws could be enacted at the State level to enhance the investigation prosecution of elderly abuse. That is what has happened in the child abuse arena.

Mr. GOHMERT. Thank you. I have more questions, but my time is expired. Thank you.

Mr. SCOTT. Thank you.

The gentleman from Georgia?

Mr. JOHNSON. Thank you, Mr. Chairman.

Ms. Friedlander, how is A Child Is Missing funded currently?

Ms. FRIEDLANDER-OLSEN. Currently, we have gotten Federal funds, State funds, local funds, private contributions, and some corporations.

We run a very tight ship, because I started very tight. Well, I started very poor, if you want the truth. But we are a tight organization. But our funding is where I said it came from.

Mr. JOHNSON. Okay. And H.R. 5464 would provide funding for the establishment and maintenance of regional centers. Does A Child Is Missing currently have regional centers?

Ms. FRIEDLANDER-OLSEN. We have one center at present. And what is happening is that we have a trainer up in Fort Thomas, Kentucky. That is right across the border from Cincinnati, Ohio. And he is going to act as one of our regions.

And so we would put these very small pods. I don't want a lot of big places to run. It is just that the cost of airplanes, in some States like Montana and Idaho, and North Dakota, it takes a lot to get there.

And so by having somebody locally within a five-state, six-state region would be very helpful, because the turnover in law enforcement—a chief's life is about 3½ years. And then they move on and move on.

And law enforcement officers, they move from department to department, and that is why you have to constantly be there to remind them, "Call A Child Is Missing," because we have had——

Mr. JOHNSON. To kind of develop local contacts and kind of face-to-face dialogue, so that local law enforcement will know—will be able to interface easily, I guess, with a live person representing A Child Is Missing, that would probably a good thing to enhance this effort.

Are you available or do you have the technology to respond to calls for assistance from any one of the 50 States in the United States?

Ms. FRIEDLANDER-OLSEN. Yes, sir. We are at present—in the 50 States, we are available. When I go into a State, I generally pick some place, like the capital area, because we go in on our own dollar, on our general funds, and then we have to—we invite about a 2-hour ring around that particular area to the officers, train them, and then we will make calls, emergency calls for that State any place.

But we just are held back right now, because we don't have the funding to go throughout Montana, to go throughout the various areas.

Mr. JOHNSON. Yes, ma'am. All right. Thank you.

Mr. Keenan, are you aware of any other organizations, whether public or private, that provides the same services as A Child Is Missing?

Mr. KEENAN. I am not aware of any other service like this that is out there. This is a great example, a success story of a nonprofit organization that worked hand-in-hand with law enforcement with a great success record. I am not aware of another body that does anything like this.

Mr. JOHNSON. And does your department have to pay for the services of A Child Is Missing?

Mr. KEENAN. We do not. And that is one of the reasons why the GBI has become such a strong proponent for this.

Many of the local law enforcement agencies do not have the resources to pay even a small charge for a service. And Ms. Friedlander's group has never asked for funding from agencies who couldn't provide it, and they have always stepped forward and done this without charge.

Mr. JOHNSON. How many children or how many persons have actually been recovered in Georgia utilizing A Child Is Missing technology?

Mr. KEENAN. There are about—I think there were 17 documented cases of recovery in Georgia. And I was telling Ms. Friedlander earlier I am convinced there are more of those—other successes that they just did not get the documentation back for that.

Mr. JOHNSON. And I assume that A Child Is Missing expertise and efforts save money for the Georgia Bureau of Investigation and local law enforcement?

Mr. KEENAN. They certainly do. And what is important about this is that, always for all of us to remember, the value that the public has, that the public is interested in this. They will coordinate with law enforcement. They will provide law enforcement. They just need to know what they are looking for and what the issue is.

Many of the cases involving when you call A Child Is Missing, their staff give that officer at the scene some immediate directions about what to do. For instance, if it is a small child, there is a body of water nearby. Officers are directed to get to that body of water and set up a security perimeter and begin a search there, because children are attracted to water.

And this is valuable on-the-scene dialogue between the center's caseworkers and the officer on the scene. And this doesn't require a law enforcement officer to go through their hierarchy to get permission to activate A Child Is Missing. The officer at the scene can call from a cell phone, get to the center, and immediately get results.

Mr. JOHNSON. Thank you.

Mr. SCOTT. Thank you.

The gentlelady from Wisconsin?

Ms. BALDWIN. Thank you, Mr. Chairman.

Mr. Blancato, in your written testimony, you State that crime victims aged 65 and over lost a total of $1.3 billion due to personal and property crimes in 2005, including Internet fraud complaints.

You also write that, of the almost 200,000 substantiated cases of elder abuse reported to the Adult Protective Services agencies, one of the highest and one of the fastest rising forms of abuse was financial exploitation.

According to the Department of Justice Bureau of Justice Statistics, between 1993 and 2002, more than 9 in 10 crimes against the elderly were property crimes.

So given these troubling statistics, can you speak a little bit about how you think financial exploitation of seniors in America fits within the definition of senior abuse, neglect and exploitation that we are addressing through the two bills before us today, the Elder Justice Act and the Elder Abuse Victims Act?

Mr. BLANCATO. Yes, Congresswoman, and thank you also for your co-sponsorship of the Elder Justice Act.

The definition of elder abuse is multifaceted, but a central feature of it has always been financial abuse and exploitation, in terms of what is addressed by the efforts to try to combat elder abuse.

The growing concern about financial exploitation—and you touched on one aspect of it, with the whole question of mail fraud and the whole external scams that go on, the financial abuse occurs directed by family members against other family members or form the outside.

This legislation would do a number of things to address this concern, ranging from something as basic as the raising of public awareness to the potential older person victims, to look out for certain things, to have the capacity to have certain tips and public awareness campaigns so they can be more protective of their own assets.

I think the other thing is that it trains everybody who would deal with a senior to look out for certain things that obviously would show a potential victimization of someone.

For example, if a homebound older person suddenly has their ATM card being used, there is a sign of trouble. If an older person who has lived in their own home for years suddenly is having utilities shut off, okay, there is a concern that somebody is coming in and doing things.

But in order to make people aware of this problem, they have to be trained to understand what this issue is, what elder abuse is. I mean, we talked earlier in some comments about older people showing up in emergency rooms and they think they just fell, yet if there was better forensic information in the centers, you could actually determine that it wasn't a fall, that it was actually a case of abuse that went on.

So central to the Elder Justice Act is providing Federal resources to better train people to be able to detect elder abuse and report it, because the underreporting of elder abuse is the central problem we have here.

And I think this legislation's whole function is to get training dollars out so people can become more responsive to the problem, report it. People can be prosecuted, and victimization can be limited. And financial exploitation is clearly in the center of that whole conversation.

Ms. BALDWIN. Generally, I am wondering whether you think that, on this particular issue, the response that is in the two bills we are looking at is adequate or whether we ought to be looking at other ways, additional legislation, additional programming to protect seniors from telemarketing and mail fraud and other forms of—and I am thinking in this case more the exploitation from outside the family setting.

Mr. BLANCATO. Right. Well, first of all, I am enough of a realist, having worked up here for a long time, that it has taken 5 years to get this bill to this point.

Ms. BALDWIN. I hear you.

Mr. BLANCATO. And so, in the world of legislation, you always want the perfect legislation. But in reality, you want to get a passable bill started so you can build on it. There are too many issues that we can all identify sitting here where, if we just started with some place, got something underway, you can always build on it later and make a better deal.

I think what this legislation serves to do and the attention being focused on it, it leads outside groups to help in this fight, while we wait for the passage of legislation.

One of our leading Elder Justice Coalition members is AARP, which you know is very actively engaged in helping to fight financial abuse against older people from external sources.

So as long as this conversation goes forward, provided we can get the bill passed in this session, I think we will see more response happening, simply because more attention is being focused on it.

Ms. BALDWIN. Thank you, Mr. Blancato.

Mr. SCOTT. The gentlelady from Texas.

Ms. JACKSON LEE. I thank the Chairman, and the Ranking Member, and the witnesses, and the previous panel. And I apologize for being detained in another meeting.

But I do want to congratulate you for hitting on really the Achilles' heel of our society, the early part of life and the sunsetting or the older aspect of our lives. And we are living longer and certainly become vulnerable on both ends of the spectrum.

I would like to ask Ms. Friedlander about the utilization of your program. And my first question is: How does this—and you may have commented, but I appreciate your repeating it—how does your program complement or how is it distinct from the Missing and Exploited Children's program?

Ms. FRIEDLANDER-OLSEN. A Child Is Missing concentrates basically in one area. And we complement greatly the Amber Alert. We are the gap between two particular—those two programs.

And the national center is a great program. And they do a lot of different things. I mean, they have been around for 20-some years. I have only been doing this for 11 years, overnight success.

But they can work very well together. I am not trying to duplicate——

Ms. JACKSON LEE. What specifically do you do that puts you in between Amber and Missing and Exploited Children?

Ms. FRIEDLANDER-OLSEN. What do we do?

Ms. JACKSON LEE. Yes.

Ms. FRIEDLANDER-OLSEN. First of all, law enforcement is called by an individual whose child or elderly Alzheimer's has gone miss-

ing. Then the policemen go to the area, make sure the person is missing. Then they will call, as long as it is in their SOP, standard operating procedure, A Child Is Missing directly, 24/7, 365——

Ms. JACKSON LEE. So they are able to call you sooner than Missing and Exploited Children?

Ms. FRIEDLANDER-OLSEN. Sooner than the Amber Alert.

Ms. JACKSON LEE. Sooner than the Amber Alert.

Ms. FRIEDLANDER-OLSEN. Missing and Exploited Children do not do what we do. We are the only program of its kind in the United States. We are free.

Ms. JACKSON LEE. You get activated immediately, is that what you are saying? After the police person calls you, you begin to reach out?

Ms. FRIEDLANDER-OLSEN. That is correct. That is correct.

Ms. JACKSON LEE. In reaching out, what actions do you take?

Ms. FRIEDLANDER-OLSEN. What do I take?

Ms. JACKSON LEE. What actions do you take once you——

Ms. FRIEDLANDER-OLSEN. Oh, what actions.

Ms. JACKSON LEE. Yes.

Ms. FRIEDLANDER-OLSEN. Well, they call our office. Our recovery specialists are on-call 24/7. They will take all of the information, and we will direct—we will plan an area with our satellite mapping. And then we will get the phone numbers down of our databank that represent that area.

Then the technician will make a recorded call that says, "This is the Houston Police Department. We are currently looking for a missing child in your area. The child's name and description is Mary Jones, 3 year old, 30 pounds″——

Ms. JACKSON LEE. Excellent.

Ms. FRIEDLANDER-OLSEN.—″last seen at, please call the Houston Police Department."

Ms. JACKSON LEE. And so if this——

Ms. FRIEDLANDER-OLSEN. And that goes out to those people. And if they don't answer the first time, it rings a second time and a third time, and then it stops. And that way, then they are asked to call the Houston Police Department back.

Ms. JACKSON LEE. So you start a chain reaction as quickly as possible?

Ms. FRIEDLANDER-OLSEN. A chain reaction as quick as possible.

Ms. JACKSON LEE. And then this legislation will certainly help you expand what you do?

Ms. FRIEDLANDER-OLSEN. Yes, ma'am, it will.

Ms. JACKSON LEE. Let me thank you for what you are doing.

Let me quickly ask—I have encountered both on the children's end, obviously coming from Houston, Texas, but also missing elderly, as you mentioned, who suffer from Alzheimer's or other forms of senility.

One of the suggestions is a tracking bracelet that would be under the jurisdiction of some kind of entity. Is that a welcome opportunity that communities should invest in if families want to participate in that, working with agencies like yourself?

Ms. FRIEDLANDER-OLSEN. Well, in my opinion, anything that helps to save a life is worthwhile. I am familiar with the program

you are talking about. It does cost money. Some elderly cannot afford it, so assistance must be made.

You know, anything that can help save, because, again, the elderly will go out in the bitter cold in a nightgown and slippers, and they are gone, and, honest to God, they freeze to death.

Ms. JACKSON LEE. You are right.

Ms. FRIEDLANDER-OLSEN. And we have helped to save a lot of those people when we are called immediately. We can only do with as much time as we have. And they also go to water. Elderly go right to water, just like children.

Ms. JACKSON LEE. Let me thank you for your answer. I would like to say to the Chairman, let me thank all the witnesses.

I know Mr. Rothman was probably previously here on an earlier panel, and I just wanted to briefly comment on the H.R. 2352. There is no witness here. I will look forward to working with the Committee on two aspects that I think can be clarified in this very good legislation, as issues dealing with securing schools that relates to terrorist acts and also as it relates to hazardous materials.

And I would just like to place that on the record and work with the Chairman in terms of amendments to assist that. And I want to suggest that I am in full support of the legislation that you represent and certainly that of the gentleman dealing with elder abuse.

And, Ms. Friedlander, we will work with you——

Ms. FRIEDLANDER-OLSEN. Thank you.

Ms. JACKSON LEE [continuing]. For the very constructive approach to saving our children.

I yield back.

Mr. SCOTT. Thank you.

We will have another very quick round of questions.

And I just had one question, Mr. Blancato. The Elder Justice Act includes an Elder Justice Coordinating Council and an advisory board on elder abuse, neglect and exploitation. How can this help us, assuming we get the bill passed and into law, look for additional areas that need our attention?

And do these two—does the council and the board, do they overlap and contradict each other? Or can they work in a coordinated fashion?

Mr. BLANCATO. They clearly can work in a coordinated fashion. My understanding about the coordinating council is it is made up primarily of people who would be existing in the Federal Government now that would be working to define a coordinated response at the Federal level to elder abuse prevention.

And advisory people could include people from outside, who would be consulted to provide input into, again, how to improve coordination at all levels as it relates to elder abuse. So I think they are complementary to one another.

And I think, at the end of the day, if you end up with a coordinated response, you may end up actually saving money, as compared to having fragmented programs that may be existing out there that couldn't otherwise be channeled together.

Mr. SCOTT. The gentleman from Texas?

Mr. GOHMERT. Yes, just very briefly, Ms. Friedlander-Olsen, you mentioned that one of the problems is the transition of law enforce-

ment personnel from one department to another. Mr. Keenan also is familiar with that problem.

And one of the problems that has come up here before is with regard to the FBI. And having been involved at a local level in different capacities, it seemed to be the importance of that credibility with law enforcement is very high and that especially as Federal agents come in to your area, it takes a while for them to build up credibility, and sometimes just build up experience so where they have as much experience as the local and the State people they deal with.

I have been concerned about an FBI program that this director had implemented called the Five Year Up or Out program that, at least in Texas, has caused us to lose some really valuable assets who were told, "You either move up to Washington or you demote or you retire," and so they retired.

I am just curious, in your capacity there in Georgia, Mr. Keenan, have you seen that effect the FBI's experience level?

Mr. KEENAN. I have discussed with FBI officials before my belief that they would be much more effective if they left their supervisors in duty stations longer to build those relationships.

Law enforcement is based around personal relationships and partnerships. And you have to have a stabilized workforce to build those relationships. The FBI is a wonderful law enforcement agency. Our agents—to be a GBI agent, it is the same requirements to be an FBI agent.

We have found out over the years that our most productive agents, most effective agents are those that live and work in a community that have an opportunity to build public trust and work with their counterparts. And that is relationships.

Mr. GOHMERT. I wish our current FBI director had heard that from you before he changed the policy and implemented that.

But thank you very much, Mr. Keenan.

Mr. SCOTT. Thank you.

The gentleman from Georgia?

Mr. JOHNSON. Thank you, Mr. Chairman.

Mr. Blancato, what do you see as the biggest obstacle facing States in effectively addressing the problem of elder abuse, neglect and exploitation?

Mr. BLANCATO. Well, the biggest problem I suspect is the inadequate level of dedicated funding for Adult Protective Services, which is the state-run programs. They operate in all 50 States. They are the front lines in the efforts to combat elder abuse.

At the moment, because they are funded through a block grant, there is sporadic funding between the different States. Even elder abuse is a growing problem in all the States.

So certainly dedicated funding for Adult Protective Services is something that is necessary at the State level.

And I think also, again, the notion of coordinating the response from all levels of government, particularly with the effort to provide adequate resources to train State and local prosecutors and law enforcement personnel to be more aggressive and effective in the ultimate pursuit of the people committing abuse and prosecuting them I think is another area where they need additional help.

And both issues are addressed in the Elder Justice Act, which is why a lot of State organizations and people at the local level support the bill and why they have joined our coalition to help get the bill passed.

Mr. JOHNSON. So are you suggesting that, under Social Services Block Grants, the recipient States are not necessarily investing that money or funding elder abuse, neglect and exploitation initiatives?

Mr. BLANCATO. Correct. And I think what I will do for the record is we will provide some data, to the extent we have it, about how much money from the States—from the Social Services Block Grant is dedicated to Adult Protective Services.

My understanding is that that number has declined over the years, as has the funding overall for the Social Services Block Grant program.

What the Elder Justice Act says is, "Let's remove Adult Protective Services from having that restriction of it being tied to a larger block grant and give it dedicated funding so everybody knows in all States there will be money going in to fighting elder abuse," which is really what we want to get done.

Mr. JOHNSON. Thank you.

Mr. BLANCATO. Thank you.

Mr. SCOTT. We have been joined by the gentlelady from California, who has questions.

The gentlelady is recognized for 5 minutes.

Ms. WATERS. Thank you very much, Mr. Chairman. And I don't think I need the 5 minutes.

First of all, I would like to thank you for doing what should have been done a long time in dealing with some of the issues by way of the four bills that are before us. And I think it is very important that we pay attention to what is happening with our elders and, of course, our children and our students.

We in my office have been attempting to deal with some of these issues. Let me just raise a couple of questions.

Are there unique problems associated with the investigation and prosecution of elder abuse that do not exist with child abuse cases? Anybody?

Mr. BLANCATO. Congresswoman Waters, not being a prosecutor, I know there are issues about the victim coming forth and identifying the person committing the suspected abuse, because oftentimes it is family members involved, and I suspect that that is somewhat of a complicated thing.

I think what—in California, actually in San Diego, there is a very well known unit in the San Diego Police Department, there is a prosecuting person by the name of Paul Greenwood who specializes in elder abuse prosecutions.

And he is a national example and a model that we could turn to for information on how he has been able to improve the level of prosecutions of elder abuse cases in his area, by being focused on it and getting resources to do that.

The other part of it, of course, is that there are so many forms of elder abuse going on right now, financial, physical neglect, self-neglect, sexual abuse, that it is just the lack of some knowledge

about how to pursue a prosecution sometimes is an impediment to successful prosecutions.

Ms. WATERS. Thank you very much, Mr. Chairman. I yield back.

Mr. SCOTT. Thank you.

And I would like to thank all of our witnesses for their testimony today. And Members may have additional——

Ms. JACKSON LEE. Mr. Chairman?

Mr. SCOTT. Excuse me?

Ms. JACKSON LEE. May I have a——

Mr. SCOTT. The gentlelady from Texas, I am sorry.

Ms. JACKSON LEE. Thank you. Thank you very much.

I sort of ran through the issue of school security and also the question of elder abuse, and I just wanted to raise a question again.

With the rising good news of people living longer, with respect to elder abuse, do we have the right pressure points? Do we need to ensure that the FBI, for example, has a component because of the interstate aspect sometimes of what happens to elder abuse?

Caretakers may go from place to place, masquerading as caretakers, and really be undermining that elderly person.

I yield to you.

Mr. BLANCATO. There is certainly grounds to pursue that, even as an element of this legislation is pending. There are certain issues that are addressed in the Elder Justice Act about getting the Department of Justice more focused on elder abuse and being more sensitive to the issues and providing the kind of training and grants to help improve training of people and prosecutors at the State and local level.

You know, going deeper into more specific assignments for FBI would have to be something that this Subcommittee would have to look at, at the time of markup.

I think basically the point that has been made most of the day is that the Federal response is the most anemic of all responses so far to elder abuse. And this is what we are hoping through the Elder Justice Act to correct. And anything that can be done in that regard we would be supportive of.

Ms. JACKSON LEE. It is a very helpful answer. We will, obviously, explore that and research that.

And my final point, again, is just to expand for the record my issue as it relates to making sure that the school security bill—and I will engage Mr. Rothman—does take into consideration really the issue—I see it mentioned safety and security—but really focuses, since this Subcommittee has responsibilities dealing with terrorism, really focus on the vulnerability of the school, as it relates to being subjected to terrorist acts.

The schools are probably, even with the new metal detectors in some of our urban schools, are probably the most vulnerable. They are in rural areas, in urban areas, in suburban areas, and I think it is crucial that we not frighten our educational system, but we prepare them.

Alongside of that, I think it is important to put the school district on notice about the easiness of toxic, hazardous materials, air conditioning systems that are old and may be vulnerable to someone who would want to do something untoward.

So I make the record, because we have had something like that occur in my own hometown of Houston, with a school that seems to be continuously faced with toxicity, and not attended to by the district. So I wanted to make that record.

And I look forward, as we move toward markup—and, again, I thank the witnesses for their very detailed testimony on their various issues.

I yield back.

Mr. SCOTT. Thank you.

Thank you. And I want to thank our witnesses for their testimony today. Members may have additional written questions, which we will forward to you and ask that you answer as promptly as you can, in order that your answers may be made part of the record.

At this point, I would like to enter into the record a statement of Joseph O'Connor, submitted on behalf of the American Bar Association.

[The prepared statement of Mr. O'Connor follows:]

PREPARED STATEMENT OF JOSEPH D. O'CONNOR, CHAIR, AMERICAN BAR ASSOCIATION COMMISSION ON LAW AND AGING, THE AMERICAN BAR ASSOCIATION (ABA)

Mr. Chairman and Members of the Committee:

I appreciate the opportunity to present the views of the American Bar Association on H. R. 1783, the "Elder Justice Act."

The American Bar Association commends the Crime, Terrorism and Homeland Security Subcommittee of the House Judiciary Committee for holding this hearing on the Elder Justice Act. The Committee has before it a tremendous opportunity to address in a strong bipartisan way the growing national problem of elder abuse, neglect and exploitation—a domestic and institutional tragedy that causes serious harm to between 500,000 and 5 million individuals each year. The American Bar Association strongly supports enactment of this legislation. No current federal law adequately and comprehensively addresses issues of elder abuse, neglect, and exploitation, and there are very limited resources available to those in the field directly dealing with these issues.

The Elder Justice Act would create an infrastructure and provide resources needed to develop and implement a nationally coordinated strategy in collaboration with the states to make elder justice a reality. As elder justice is central to any viable notion of the rule of law and social justice, American Bar Association policy "supports efforts to improve the response of the federal, state, territorial and local governments and of the criminal and civil justice systems to elder abuse, neglect and exploitation" through, among other things, the creation of "a nationwide structure for raising public awareness; supporting research, training and technical assistance; funding critical services; and coordinating local, territorial, state, and national resources." Enactment of the Elder Justice Act can make that goal a reality.

It is also important to stress how these steps at the federal level really do have an impact on preventing elder abuse and helping victims of elder abuse. We can tell you that, over the last fifteen years, American Bar Association staff have heard and read the stories of hundreds, if not thousands, of victims and caring family members who have sought assistance. Too many of those people were angry and frustrated at their inability to get help from adult protective services or law enforcement agencies, prosecutors, civil lawyers, the courts, and other local and state government agencies, or they felt that the "help" they received was counter-productive. Their stories demonstrate that the law-related provisions of the act, which the American Bar Association supports, would only improve the quality of justice currently provided to older persons who have been abused, neglected or exploited.

The victim advocacy grants in the act that would support training about elder abuse of "health care, social, and protective services providers, law enforcement, fiduciaries (including guardians), judges and court personnel, and victim advocates" would decrease the likelihood of common situations like these: the older person whose assets were stolen by a guardian or agent under a power of attorney who is told that "it's a civil legal problem, not a crime"; or the niece who suspects that her aunt is being financially exploited by a caregiver and subsequently learns that her

suspicions were determined to be baseless after her aunt was interviewed while the alleged perpetrator sat next to her.

Legal assistance for older persons would enable them to protect their retirement savings from the "new best friend" or to have legal representation if they face eviction because a grandchild is making methamphetamine in the home. Grants to support hiring and training of prosecutors and provide resources to their offices would reduce the number of victims who are told that elder abuse just isn't a priority. Studies of model state laws and practices would enable state legislators to more easily and effectively strengthen their laws protecting older persons from abuse.

The American Bar Association encourages your subcommittee to quickly approve H.R. 1783. We especially support the law-related provisions that are in the House bill and not in the Senate version of the legislation, S. 1070. If passed by the House, we will urge a conference committee to include the law-related provisions in any final bill. The serious problems faced daily by victims cannot be fixed unless the justice system is given the resources it needs to effectively address those problems.

Again, we thank you for weighing the need to move forward with the Elder Justice Act.

Thank you for giving me this opportunity to submit the American Bar Association's views to you on this important subject.

Mr. SCOTT. And without objection, the hearing record will remain open for 1 week for the submission of additional materials.

Without objection, the Subcommittee stands adjourned.

[Whereupon, at 12:03 p.m., the Subcommittee was adjourned.]

# APPENDIX

## MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENT OF THE HONORABLE SHEILA JACKSON LEE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS, AND MEMBER, SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY

Thank you Chairman Scott and ranking member Gohmert for your leadership in holding today's very important hearing which is aimed at making America a safer place. There are four bills that we will be discussing today. The bills address health and safety issues for children, students, and elders. It is fitting that we discuss these bills today during National Crime Victims week. These bills will protect the most vulnerable members of our society: the elderly and children. The four bills are: H.R. 1783, the Elder Justice Act; H.R. 5352, the Elder Abuse Victims Act of 2008; H.R. 2352, the School Safety Enhancements Act of 2007; and H.R. 5464, A Child is Missing Alert and Recovery Center Act. I welcome our distinguished group of panelists and I look forward to their insightful testimony.

### A. ELDER JUSTICE ACT

Each year in the United States, between one-half million to five million elders are abused, neglected or exploited. Experts agree that most cases are never reported. Data collected on the problem is minimal, and there has been no comprehensive national approach to solving the many problems. In fact, the House has held only one hearing on elder abuse, over 16 years ago, in 1991. These problems likely will increase in the next 30 years, as 76 million baby boomers approach retirement.

H.R. 1783 sets forth a comprehensive plan for preventing and combating elder abuse, neglect and exploitation, including the development of the Elder Justice Coordinating Council within the Office of the Secretary of Health and Human Services (HHS). It authorizes funding for numerous programs to promote elder justice, including State and local adult protective services, and requires the Department of Justice (DOJ) to develop policies and plans and support federal prosecution of elder abuse. Witnesses expected to testify are the Honorable Rahm Emanuel, sponsor of H.R. 1783; and Bob Blancato, National Coordinator of the Elder Justice Coalition.

The Elder Justice Act provides a comprehensive multi-disciplinary approach to preventing and combating elder abuse, neglect and exploitation, yet respects the need of and assists state and local communities to develop their own programs. It establishes the national Elder Justice Coordinating Council and Advisory Board on Elder Abuse, Neglect, and Exploitation. The Act starts the critically needed process of researching state practices and collecting national data on the problem. The Act authorizes grant monies for all areas of elder abuse, beginning with the prevention of abuse. It authorizes critically needed money to state and local adult protective services and helps long-term care facilities recruit, train and retain competent employees. It requires long-term care facilities to report suspected elder abuse, and provides grant money to law enforcement and prosecutors for the investigation and prosecution of elder abuse cases.

The Elder Abuse Victims Act of 2008, H.R. 5352, focuses on the enforcement provisions of the Elder Justice Act. It provides funding for law enforcement and prosecutors to combat elder abuse. The Honorable Joe Sestak, sponsor of H.R. 5352, is expected to testify.

H.R. 5352 establishes a national Elder Justice Coordinating Council and Advisory Board on Elder Abuse, Neglect, and Exploitation. Its purpose is to protect seniors in the United States from elder abuse by establishing specialized elder abuse prosecution and research programs and providing training for law enforcement and prosecutors.

I note that H.R. 1783 should involve the Federal Bureau of Investigation because many of the elder abuse issues occur across state lines. Moreover, involving the FBI would provide greater enforcement, manpower, and resources. I would also like to offer an amendment to this bill or possibly H.R. 5465, also discussed today, to give elderly the option of wearing a bracelet that could be monitored to ensure their safety.

B. SCHOOL SAFETY ENHANCEMENTS ACT OF 2007 (H.R. 2352)

Violence at our schools have increased at an alarming rate in states such as California, Colorado, Illinois, Louisiana, Minnesota, Missouri, Ohio, Pennsylvania, Tennessee, Vermont, Virginia, Washington, and Wisconsin over the last few years. H.R. 2352 seeks to curb that stem of violence.

H.R. 2352 increases authorized annual funding from $30 million to $50 million for FY 2008–2009 for the Secure Our Schools grant program, and decreases the non-federal grant participation percentage from 50% to 20%. It requires institutions of higher education to conduct annual campus safety assessments and develop and implement campus emergency response plans. The Honorable Steven R. Rothman (NJ-9), sponsor of H.R. 2352 is expected to testify.

This bill seeks to address the violence in our schools. It will ensure the safety of students and teachers and will make sure that education is the paramount concern of educators.

The Act also increases the federal portion of the funding from 50% to 80%, which decreases the non-federal portion from 50% to 20%. According to the Community Oriented Policing Services (COPS) Office of the Department of Justice, which administers the Secure Our Schools grants, many of the poorer communities that need help the most have been unable to participate in the program because they cannot afford the previously required 50% non-federal grant match. The proposed change in non-federal funding is more in line with the COPS traditional 75/25% split, and should allow more participation in the program.

The Act increases the possible uses of funding to include surveillance equipment, hotlines to report potentially dangerous situations and capital improvements to make school facilities more secure. Finally, the Act requires the establishment of an interagency task force to develop and promulgate advisory school safety guidelines.

The Act amends the existing requirements for grant applications, and requires each grant application to be accompanied by a report, signed by the chief education officer and the attorney general or other chief legal officer, demonstrating that the proposed use of the grant funds is an effective means for improving school safety, is consistent with a comprehensive approach to preventing school violence, and meets the individualized needs of the particular school.

Finally, the Act amends the Higher Education Act and requires each eligible participating institution to conduct an annual campus safety assessment, and develop and implement a campus emergency response plan to address emergency situations, including natural disasters, active shooter situations, and terrorist attacks. The bill is sponsored by Mr. Rothman, and has 52 cosponsors.

I note that I would like to offer an amendment that would specifically provide monies to the state and local schools to implement safety measures to protect students from terrorist attacks and hazardous conditions/chemicals. Moreover, the state and local schools should also be required to demonstrate that they have a response plan to deal with terrorist attacks and hazardous conditions.

C. A CHILD IS MISSING ALERT AND RECOVERY CENTER (H.R. 5464)

A child goes missing every 40 seconds. The successful recovery of missing children often requires a quick response. In 1997, Sherry Friedlander, the founder of A Child is Missing (ACIM), saw the need for a rapid-response program to persons who go missing, especially in situations that do not involve abductions. In response to this need, she established ACIM, a national non-profit organization that offers free assistance to law enforcement 365 days of the year, 24 hours per day. The program is not limited to children, but extends to elderly persons (suffering from senility or Alzheimer's), mentally challenged or disabled individuals and college students.

When law enforcement receives a call regarding a missing person, the first-responder can immediately call ACIM for help. The officer provides critical information to ACIM, such as the person's age and description and the last time/place seen. ACIM uses that information to record a message that, within minutes, is sent via phone to 1000s of locations within a radius of the last sighting of the person. Through their computer mapping system, ACIM also can identify "hot spots," such as water or wooded areas.

ACIM complements the Amber Alert program by providing different services. While Amber Alert focuses on children who are abducted, ACIM covers all "persons" who go missing, including situations where criminal intent may not be at issue. Amber Alert uses television and highway signs to broadcast information about the abducted child and the related vehicle, while ACIM uses a rapid response telephone alert system and covers cases where there is no vehicle involved. The ACIM notification system often can respond more quickly than the Amber Alert program.

ACIM would use the requested money to operate and expand the existing ACIM office in Florida, to develop Regional Centers for on-site training and communication with local law enforcement, to maintain and expand their computer and phone technologies, and to assist the National Center for Missing and Exploited Children, the AMBER Alert Coordinator, and appropriate law enforcement agencies with training.

H.R. 5464 authorizes $5 million annual grants for 2009 through 2014 to A Child is Missing Alert and Recovery Center (ACIM) to assist law enforcement in the rapid recovery of missing children and other individuals. Witnesses expected to testify are the Honorable Ron Klein (FL-22), sponsor of H.R.5464; Sherry Friedlander, the founder of ACIM; and Vernon Keenan, Director of the Georgia Bureau of Investigation.

The bill is sponsored by Mr. Klein and has bi-partisan support. It has 21 cosponsors, including committee members Chairman Conyers, Chairman Scott, Mr. Chabot, Mr. Nadler, Mr. Wexler, Mr. Cohen, Mr. Johnson, Ms. Sutton, and Ms. Wasserman Schultz.

I look forward to hearing from our witnesses ad look forward to their testimony. I hope that we can ensure the health and safety of the young and the elderly—two vulnerable populations—whose rights I have long championed. Thank you, and I yield the remainder of my time.

***CONFERENCE OF CHIEF JUSTICES***
***CONFERENCE OF STATE COURT ADMINISTRATORS***

WRITTEN TESTIMONY

by
Mary McQueen
President
National Center for State Courts

on

# The Elder Justice Act (H.R. 1783)

Submitted to the

**SUBCOMMITTEE ON CRIME, TERRORISM AND HOMELAND SECURITY OF THE COMMITTEE OF THE JUDICIARY UNITED STATES HOUSE OF REPRESENTATIVES**

Subcommittee Hearing
April 17, 2008

Chairman Scott, Ranking Member Gohmert, and Members of the Subcommittee,

On behalf of the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA), I am pleased to provide testimony for consideration in the Subcommittee's examination of the problem of elder abuse. Congress has an opportunity to make an important and tangible difference in preventing elder abuse. We commend you for holding a hearing on the Elder Justice Act (H. R. 1783).

The Conferences' memberships consist of the highest judicial officers and the state court administrators in each of the fifty states, the District of Columbia, the Commonwealth of Puerto Rico, and the Northern Mariana Islands and the Territories of American Samoa, Guam and the Virgin Islands. The National Center for State Courts (NCSC) serves as the Secretariat for the two Conferences and provides supportive services to state court leaders including original research, consulting services, publications, and national education programs.

The aging of American society impacts every sector of the nation, including state courts. Cases involving elder abuse, domestic violence, and family violence affecting older persons are increasingly finding their way into our nation's state courts. There is an increased need for the appointment of guardians and conservators to protect individuals and their assets. Accommodations are needed in court facilities to meet the needs of disabled and older persons. As a result, state courts are increasingly challenged to deliver efficient justice as the population shifts.

**INTRODUCTION**[1]

Legal definitions of elder abuse vary across states, tribes, and territories. In general, elder abuse refers to the abuse, exploitation, and neglect of older persons. The National Center on Elder Abuse describes seven primary types of elder abuse: physical abuse, sexual abuse, emotional abuse, financial exploitation, neglect, abandonment, and self-neglect.[2] While damage inflicted by physical abuse may be obvious, the effects of emotional or psychological abuse - humiliation, intimidation, and fear - are much more difficult to detect.

The abuse of older Americans is poorly documented, particularly in the courts.[3] Yet evidence indicates an increase in elder abuse - a 2004 survey of Adult Protective Services (APS) investigations showed a twenty percent increase since 2000 in the combined total

[1] Brenda Uekert and Denise Dancy, *State Courts and Elder Abuse: Ensuring Justice for Older Americans*, National Center for State Courts, June 8, 2007

[2] See the National Center on Elder Abuse, www.elderabusecenter.org, for more detailed definitions.

[3] For example, in 2005, only two courts were able to provide elder abuse data in the National Center for State Courts' annual collection of court data.


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of reports of elder and vulnerable adult abuse and neglect.[4] Indeed, at any point in time, between one and two million vulnerable elders may be experiencing mistreatment.[5] Furthermore, current estimates suggest that there may be at least five million elderly victims of financial abuse each year.[6] The overwhelming majority of elder abuse occurs in a domestic setting, and most alleged perpetrators are adult children, spouses or partners, or other family members. There is a continuing need for research on the incidence and prevalence of elder abuse.

Elder abuse will become more ubiquitous as a consequence of the changing demographics of the United States. In 2006, the first of the "baby boomers" (those born between 1946 and 1964) began turning sixty and are rapidly approaching retirement age. By 2030, the number of people older than sixty-five in the United States will exceed seventy-one million—double the number in the year 2000. In fact, the U. S. Census Bureau reports that the 85-plus group is the fastest-growing demographic, with projections that the number of people age 85 and older could quadruple by 2050.

**IMPACT OF PROBLEM ON STATE COURTS**[7]

The problem of elder abuse is becoming increasingly apparent to judges and court staff. In 1997, the American Bar Association published the first curriculum for judges and court staff, which was based on the *ABA Recommended Guidelines for State Courts Handling Cases Involving Elder Abuse*.[8] In 1999, Florida's 13th Judicial Circuit Court established the first Elder Justice Center to assist the elderly with issues related to guardianship, criminal, family, or other civil matters. In 2002, the Alameda County Superior Court in California created the nation's first specialized dockets for elders—the Elder Protection Court program, which provides civil remedies for elders and hears felony elder and dependent adult abuse cases. In 2004, the state of Louisiana provided elder abuse training for its entire bench at their annual judicial institute, and the American Judges Association offered its first seminar on elder abuse. In 2005, the National Center for State Courts created the Elder Abuse and the Courts Working Group, a multidisciplinary group of experts and practitioners whose mission is to improve court identification of and response to elder abuse. The Working Group addresses elder abuse

[4] Pamela Teaster, et al., *The 2004 Survey of State Adult Protective Services: Abuse of Adults 60 Years of Age and Older*, Washington, DC: The National Center on Elder Abuse, 2006. The report, a follow-up to the 2000 survey, can be found at http://www.elderabusecenter.org.
[5] *Elder Mistreatment: Abuse, Neglect and Exploitation in Aging America*, 2003, Washington, DC: National Research Council Panel to Review Risk and Prevalence of Elder Abuse and Neglect
[6] John F. Wasik, "The Fleecing of America's Elderly," 2000. *Consumers Digest* (March/April)
[7] Brenda Uekert and Denise Dancy, *State Courts and Elder Abuse: Ensuring Justice for Older Americans*, National Center for State Courts, June 8, 2007
[8] Lori A. Stiegel, *Elder Abuse in the State Courts -Three Curricula for Judges and Court Staff*. Washington, DC: American Bar Association, 1997


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in all court contexts, including the development of the ten key components of an effective court response. In addition, the Working Group identified four issues that encumber court responses: the complexity of the problem, low levels of awareness among judges and court staff, access to the courts, and traditional court structures.[9]

The Complexity of the Problem

Elder abuse is a complex civil and criminal issue. Definitions of elder abuse vary from state to state, compounded by varying legal classifications of types of mistreatment. Some of the risk factors, particularly social isolation and mental impairment, make it difficult for the justice system and professionals to initially identify the problem and to follow up with appropriate remedies. Additionally, cases of financial abuse that target the elderly specifically (e.g., consumer scams, telemarketing fraud) often cross traditional legal jurisdictions, creating challenges for limited jurisdiction courts in states that lack unified court systems. Solutions require innovative approaches, such as coordinated responses across agencies and jurisdictions.

Low Levels of Awareness among Judges and Court Staff

Older persons appear in court every day as victims, defendants, petitioners, jurists, and witnesses. Yet very few older persons will demonstrate obvious signs of physical, financial, and emotional abuse. Rather, elder abuse is subtle - abusers often rely on the vulnerability of an individual and the court's reluctance to address questions of mental capacity, consent, and undue influence. While elder abuse is a growing problem, few cases ever come to the attention of the authorities.[10] From a criminal standpoint, elder abuse cases are challenging to prosecute. A survey of prosecutors found that the most difficult aspects of prosecuting elder abuse cases are (1) diminished mental capacity and/or physical health of the victim, (2) cooperation by the victim, (3) proving undue influence, and (4) witness intimidation.[11] Consequently, the courts hear a relatively small number of cases that are identified as elder abuse. Without screening mechanisms and training to detect the more subtle nature of abuse and neglect that may be present, the problem remains hidden.

Access to the Courts

Access to justice is a basic American right. Accessibility includes courtroom modifications that provide maximum access to elders and people with disabilities. Few jurisdictions have had the resources to retrofit courthouses to accommodate the growing

[9] The full report of the meeting can be found at the National Center for State Courts' website at www.ncsconline.org.

[10] Data on elder abuse in domestic settings suggest that one in fourteen incidents, excluding acts of self-neglect, come to the attention of authorities (Karl Pillemer and David Finkelhor, 1988, "The Prevalence of Elder Abuse: A Random Survey," The Gerontologist, 28: 51-57)

[11] Mark L. Miller and James L. Johnson, *Protecting America's Senior Citizens: What Local Prosecutors Are Doing to Fight Elder Abuse*, Washington, DC: American Prosecutors Research Institute, 2003


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number of older persons. The Eleazer Courtroom at Stetson University College of Law is the only courtroom in the country designed specifically with the needs of elderly parties in mind.[12] Accessibility also calls for docket management that takes into account the age and health of the parties involved—cases can be sped up to ensure that justice is served during an older person's lifetime. Similarly, cases involving older victims can be scheduled around physical impairments or limitations that impact cognitive ability during certain hours of the day. The American Bar Association's *Recommended Guidelines for State Courts Handling Cases Involving Elder Abuse* lays out specific case management strategies that can be used in cases where the older persons' capacity is at issue.[13]

Traditional Court Structures

The traditional court structure compartmentalizes cases by type—criminal, civil, family, and probate. Yet cases with an underlying element of elder abuse often occur in a variety of guises within the court. While each type of court addresses the specific complaint, systemic coordination is needed to ensure that the courts' actions are consistent and that the remedies are followed. A problem-solving approach that incorporates input from local community-based victim services organizations to provide holistic remedies and links to resources is ideally suited to providing recourse to victims of elder abuse.

While impediments and challenges remain, there are solutions that can help courts improve the identification of and response to elder abuse. Judicial and court staff awareness is the first step toward recognizing ways in which elder abuse may be impacting cases before the court. Innovation, communication, and outreach can be used to create processes and partnerships that serve the interests of older persons.

**RECOMMENDATIONS**

While elder abuse has and will have a significant impact on court resources, HR 1783 does not provide any programs or funding specific to state courts. Because state courts are an integral partner in addressing elder abuse, we ask for your consideration of the following recommendations as you deliberate over H.R. 1783.

Sec 2021, Elder Justice Coordinating Council

**Strengthen coordination between federal agencies.**

The existing funding streams make it difficult to attack elder abuse in a coordinated way. Social service agencies charged with oversight over elder issues do not generally have expertise to deal with crime and fraud and criminal justice agencies do not generally have

[12] For more information, see www.law.stetson.edu/Eleazercourtroom/.

[13] Lori Stiegel, *Recommended Guidelines for State Courts Handling Cases Involving Elder Abuse*, 1996, Washington, DC: American Bar Association



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expertise to deal with problems of the elderly. We applaud the effort to strengthen coordination between federal agencies.

Section 2022, Advisory Board on Elder Abuse, Neglect, and Exploitation
**Include a representative of state courts knowledgeable about elder abuse issues on the Advisory Board.**

We believe that state courts are an integral part of addressing the problem of elder abuse and should be a part of the development of short- and long-term multidisciplinary strategic plans for elder justice.

Section 2042, Adult Protective Services Functions and Grant Programs
**Ensure that state courts are eligible to apply directly to the Secretary of Health and Human Services for the demonstration grants.**

Judges and court personnel play a critical role in detecting and preventing financial exploitation of elders in guardianship and conservatorship matters. To carry out their responsibilities, judges and court personnel also need to understand the methods for detecting elder abuse and elder abuse forensics. To develop model programs and training modules specifically targeted for judges and court personnel, we ask that specific language be added to make it clear that state courts would be eligible to apply directly to the Secretary for the proposed demonstration grants.

Section 203, Victim Advocacy Grants
**Ensure that state courts are eligible to apply directly to the Attorney General for the victim advocacy grants.**

We commend the bill sponsors for recognizing in Sec. 203(b)(1) that judges and court personnel are critical in addressing the problem of elder abuse. While "eligible entities" is not defined in this section, we ask for clarification that state courts and state court entities would qualify as eligible entities.

New Section after Sec 207, Supporting State Courts in Elder Justice Matters
**Provide similar resources to state courts as is proposed for supporting state and local prosecutors and law enforcement.**

H.R. 1783 specifically proposes to establish new grant programs to assist state and local prosecutors and law enforcement with training, technical assistance, policy development, and other types of support. While we support the need for these programs, state courts have very similar needs. The criminal justice system cannot work effectively if state courts do not also have well trained judges and effective policies and procedures in place. The victims are not protected and the public is not served well if state courts do not have


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the resources and procedures in place to respond to increased arrests and prosecutions. To effectively address elder justice, all components in the criminal justice system continuum must be supported.

**CONCLUSION**

The state courts of this country commend the Judiciary Committee's interest in elder abuse. We look forward to working with the Committee to address this critical and growing problem.

For further information, contact
Kay Farley
NCSC Government Relations Office
(703) 841-5601
kfarley@ncsc.org



**National Center for State Courts**
*Government Relations Office*
2425 Wilson Boulevard, Suite 350
Arlington, Virginia 22201
Tel: (703) 841-0200 Fax: (703) 841-0206

**ABOUT CCJ**

The Conference of Chief Justices (CCJ) was organized in 1949 and its membership consists of the highest judicial officer in each of the fifty states, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the Territories of American Samoa, Guam, and the Virgin Islands. The purpose of the Conference is to provide an opportunity for consultation among the highest judicial officers of the several states, commonwealths, and territories, concerning matters of importance in improving the administration of justice, rules and methods of procedure, and the organization and operation of state courts and judicial systems, and to make recommendations and bring about improvements on these matters.

The Conference accomplishes its mission by the mobilization of the collective resources of the highest judicial officers of the states, commonwealths and territories to:

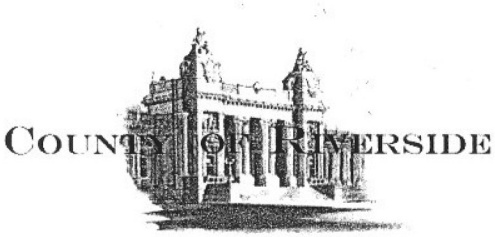
- Develop, exchange, and disseminate information and knowledge of value to state judicial systems;
- Educate, train and develop leaders to become effective managers of state judicial systems;
- Promote the vitality, independence and effectiveness of state judicial systems;
- Develop and advance policies in support of common interests and shared values of state judicial systems; and
- Support adequate funding and resources for the operations of the state courts.

**ABOUT COSCA**

The Conference of State Court Administrators (COSCA) was organized in 1953 and is dedicated to the improvement of state court systems. Its membership consists of the principal court administrative officer in each of the fifty states, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the Territories of American Samoa, Guam, and the Virgin Islands. A state court administrator implements policy and programs for a statewide judicial system. COSCA is a nonprofit corporation endeavoring to increase the efficiency and fairness of the nation's state court systems. As you know, state courts handle 97% of all judicial proceedings in the country. The purposes of COSCA are:

- To encourage the formulation of fundamental policies, principles, and standards for state court administration;
- To facilitate cooperation, consultation, and exchange of information by and among national, state, and local offices and organizations directly concerned with court administration;
- To foster the utilization of the principles and techniques of modern management in the field of judicial administration; and
- To improve administrative practices and procedures and to increase the efficiency and effectiveness of all courts.


**National Center for State Courts**
*Government Relations Office*
2425 Wilson Boulevard, Suite 350
Arlington, Virginia 22201
Tel: (703) 841-0200 Fax: (703) 841-0206




**Board of Supervisors**

| | |
|---|---|
| District 1 | Bob Buster<br>951-955-1010 |
| District 2 | John F. Tavaglione<br>951-955-1020 |
| District 3 | Jeff Stone<br>951-955-1030 |
| District 4 | Roy Wilson<br>951-955-1040 |
| District 5 | Marion Ashley<br>951-955-1050 |


FAX DATE: April 16, 2008

The Honorable Robert Scott, Chairman
Subcommittee on Crime, Terrorism, and Homeland Security
Committee on the Judiciary
U.S. House of Representatives
B-370 Rayburn House Office Building
Washington, DC 20515

Dear Mr. Chairman:

The Riverside County Board of Supervisors supports H.R. 1783, the *Elder Justice Act*, which would provide Federal resources to strengthen State, local, and community-based efforts to fight elder abuse.

The problem of elder abuse, neglect, and financial exploitation is increasing in Riverside as the aging population increase. The Elder Justice Act would establish a public-private infrastructure and resources to prevent detect, treat, and prosecute cases of elder abuse, neglect, and exploitation. This legislation will also provide help for elderly victims of abuse and neglect, pay for research and victim assistance, and make it easier to prosecute those who abuse this vulnerable population.

Specifically, H.R. 1783 would help to achieve the following objectives:

- Establish a comprehensive approach to preventing and combating elder abuse, neglect, and exploitation;
- Create the infrastructure at the Federal, State, and local levels to better coordinate resources and information needed to address this problem;
- Bring a comprehensive multi-disciplinary approach to elder justice; and,
- Create a short-term and long-term strategic plan for the development and coordinating of elder justice research, programs studies, training, and other efforts nationwide.

The County urges favorable action on H.R. 1783 or similar legislation during the current legislative session in order to address the serious issue of elder abuse, exploitation, and neglect.

Sincerely yours,

Thomas Walters

Thomas P. Walters
Washington Representative

TPW:sbm

25 Massachusetts Avenue, N.W., Suite 570, Washington, D.C. 20001 (202) 737-7523

# county of ventura

COUNTY EXECUTIVE OFFICE
Thomas P. Walters
Washington Representative

FAX DATE: April 16, 2008

The Honorable Robert Scott, Chairman
Subcommittee on Crime, Terrorism, and Homeland Security
Committee on the Judiciary
U.S. House of Representatives
B-370 Rayburn House Office
Washington, DC 20515

Dear Mr. Chairman:

The Ventura County Board of Supervisors supports H.R. 1783, the *Elder Justice Act*, which would provide Federal resources to strengthen State, local, and community-based efforts to fight elder abuse.

Well-funded abuse prevention programs are particularly important to the residents of Ventura County, California, as our senior population (currently estimated at 80,000) is growing even more rapidly than the State average. In Ventura County, the Human Services Agency's Adult Protective Services program responded to over 1,600 allegations of abuse/neglect of seniors and dependent adults in 2006, with allegations of financial abuse figuring prominently in 22% of those cases.

Adult protective services programs represent a vital and growing safety net for thousands of California's seniors and dependent adults who are abused and neglected. These programs provide emergency response 24 hours a day and ensure that victims receive the necessary services and supports to remain safe by working with local law enforcement and other local social service agencies.

Without adequate funding, adult protective services programs can serve only the most critical cases first, delaying other reports to later when situations potentially worsen. An exploding aging population coupled with diminishing resources threatens to erode the ability of these programs to ensure timely and adequate response to elder and dependent adult abuse. As a result, seniors and dependent adults are increasingly and unnecessarily put at risk. Elder and dependent adult abuse is costly to victims and to society as victims may face premature institutional care, reliance on public benefits, costly court proceedings, and at worse, premature death.

The County urges favorable action on H.R. 1783 or similar legislation during the current legislative session in order to address the serious issue of elder abuse, exploitation, and neglect.

Sincerely yours,

Thomas P. Walters
Washington Representative

TPW:sbm

Suite 570, 25 Massachusetts Ave., N.W., Washington, D.C. 20001 • (202) 737-7523

SALUD CARBAJAL
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Fifth District, Vice Chair

BOARD OF SUPERVISORS
County Administration Building
105 East Anapamu Street
Santa Barbara, CA 93101
Telephone: (805) 568-2190
www.countyofsb.org

**COUNTY OF SANTA BARBARA** FAX DATE: April 17, 2008

The Honorable Robert Scott, Chairman
Subcommittee on Crime, Terrorism, and Homeland Security
Committee on the Judiciary
U.S. House of Representatives
B-370 Rayburn House Office Building
Washington, DC 20515

Dear Mr. Chairman:

The Santa Barbara County Board of Supervisors supports H.R. 1783, the *Elder Justice Act*, which would provide Federal resources to strengthen State, local, and community-based efforts to fight elder abuse.

The problem of elder abuse, neglect, and financial exploitation is increasing in Santa Barbara as the aging population increase. The Elder Justice Act would establish a public-private infrastructure and resources to prevent detect, treat, and prosecute cases of elder abuse, neglect, and exploitation. This legislation will also provide help for elderly victims of abuse and neglect, pay for research and victim assistance, and make it easier to prosecute those who abuse this vulnerable population.

Specifically, H.R. 1783 would help to achieve the following objectives:

- Establish a comprehensive approach to preventing and combating elder abuse, neglect, and exploitation;
- Create the infrastructure at the Federal, State, and local levels to better coordinate resources and information needed to address this problem;
- Bring a comprehensive multi-disciplinary approach to elder justice; and,
- Create a short-term and long-term strategic plan for the development and coordinating of elder justice research, programs studies, training, and other efforts nationwide.

The County urges favorable action on H.R. 1783 or similar legislation during the current legislative session in order to address the serious issue of elder abuse, exploitation, and neglect.

Sincerely yours,

Thomas P. Walters
Washington Representative

TPW:sbm

**Statement for the Hearing Record**

**Regarding**

**H.R. 1783 "The Elder Justice Act"**

**Before the**

**House Judiciary Committee**

**Subcommittee on Crime, Terrorism and Homeland Security**

**April 17, 2008**

**AARP**
**601 E Street, NW**
**Washington, DC 20049**

**For further information, contact:**
**Larry White/Rhonda Richards**
**Government Relations and Advocacy**
**(202) 434-3800**

On behalf of AARP's nearly 40 million members, we thank you for convening this hearing regarding the nation's commitment to protecting older, vulnerable adults from abuse, neglect and exploitation. Preventing elder abuse is critically important to AARP members and their families.

The risk of harm is real and growing as the number of people living into advanced old age increases dramatically. Fully mobilizing the law enforcement community and engaging all sectors of society in fighting abuse, neglect, and exploitation is essential. That is why AARP strongly supports the bi-partisan Elder Justice Act (H.R. 1783/S. 1070) introduced in the House by Representatives Rahm Emanuel (D-IL) and Peter King (R-NY) and in the Senate by Senators Hatch (R-UT), Lincoln (D-AR), Smith (R-OR), and Kohl (D-WI). This bill represents a comprehensive, cost-effective approach to preventing elder abuse, neglect, and exploitation, by enhancing our capabilities for research, training, and responsiveness to the needs of victims.

**Elder Abuse—A Hidden Problem**

Elder abuse is a hidden, but very real, problem. It has been estimated that roughly two-thirds of all elder abuse perpetrators are family members, most often the victim's adult child or spouse. Research has shown that the abusers in many instances are financially dependent on the elder's resources and have problems related to alcohol and drugs.

The secrecy, personal embarrassment, and fear that surrounds abuse leads to significant under-reporting of incidents. It is estimated that for every one case of elder abuse, neglect, exploitation, or self-neglect reported to authorities, about five more go unreported.

According to facts compiled by the National Center on Elder Abuse, the best available estimates are that between one and two million Americans age 65 or older have been injured, exploited or otherwise mistreated by someone on whom they depended for care or protection. Nationwide state long-term care ombudsmen investigated over 19,000 complaints of abuse, gross neglect, and exploitation on behalf of nursing home and board and care residents in just 2006 alone. Physical abuse was the most common type reported.

A 2004 survey of state adult protective services (APS) agencies revealed that they collectively received 565,747 reports of elder and vulnerable adult abuse in domestic and institutional settings during fiscal year (FY) 2003. This represents a 19.7 percent increase over the 472,813 reports to APS agencies in FY 2000. Reported cases are only the tip of the iceberg. Of the reports that were investigated and substantiated by APS agencies (not including self-neglect), about a third (32.5%) concerned caregiver neglect, 23.4% involved financial exploitation, 23.6% involved emotional, verbal or psychological abuse, and 17% involved physical abuse of adults age 60 and older.

Victims of elder abuse may be frail, unable to care for themselves, have cognitive impairments, or have other vulnerabilities that make them more easily subjected to abuse. Further, in many instances, the perpetrator is a family member or a "new found friend" who has engendered a sense of trust and dependency or isolated the victim from sources of assistance. This often makes detection and successful prosecution of abuse cases more challenging. Older victims must be removed from an offender's reach to appropriate shelter. Specialized protocols are often required where victims are unable to testify on their own behalf due to cognitive impairments or poor physical health.

In addition to the incalculable human costs, elder abuse results in increased health care costs for vulnerable older adults. According to a recent Agency for Healthcare Research and Quality report on the hospitalization costs attributable to violence during 2005, there were over 1,800 hospitalizations resulting from elder abuse with the mean total costs per stay of $7,500. The aggregate costs for elder abuse were over $13 million. With better elder abuse prevention, detection, and response, some of these hospital stays – and the costs to the individual and the health care system – could likely be prevented.

These figures help to demonstrate the seriousness of today's problem. But dramatic changes in the older population portend a substantial increase in the number of abuse and neglect cases in the not-too-distant future.

**Meeting the Demographic Challenge**

According to the Administration on Aging, the older population (age 65+) numbered 36.8 million in 2005. As baby boomers age, the older population will spiral upwards, reaching 40 million by 2010 and 55 million by 2020. Within the older population, the number of persons age 85 and older is growing especially rapidly and is expected to rise from 4.2 million in 2000 to 6.1 million by 2010 and 7.3 million by 2020.[1] By the year 2030, the numbers of people over 85 years of age – those most at risk of abuse – will more than double. Developing the support services and enforcement network to meet the needs of a larger number of potentially vulnerable persons poses a significant challenge.

Current state and federal laws addressing elder abuse and our system of protective services are inadequate. Many state elder abuse statutes lack adequate provisions to encourage wider reporting of incidents, more thorough investigations and greater prosecution of abuse cases. Not too long ago, it was difficult, if not impossible, to get an abuse case investigated and prosecuted. Fortunately, that has changed, but a great need remains for specialized knowledge that will allow successful prosecutions and encourage further

[1] U.S. Administration on Aging. (2007, July 5). *A profile of older Americans: 2006.* Retrieved July 5, 2007, from http://www.aoa.gov/prof/Statistics/profile/2006/profiles2006.asp

development of case law. Additional coordination and resources could be helpful.

There are also many gaps in the network of services for abused and vulnerable adults. These include a lack of:

- Emergency temporary housing and in-home care for older abuse victims;
- Responsible guardians to act on behalf of victims who lack the capacity to manage their own affairs;
- Training for adult protection, law enforcement, and prosecutorial staff;
- Coordination between federal, state and local agencies; and
- Reliable national and state data.

**The Elder Justice Act of 2007**

Recognizing the need for a coordinated approach to the problems of abuse and neglect, AARP has joined a wide array of organizations in supporting H.R. 1783, the Elder Justice Act of 2007, which was introduced in Congress on a bipartisan basis. This legislation would greatly enhance the federal government's ability to partner with states and communities to develop the tools needed to ensure the safety of our most vulnerable citizens. A number of provisions are particularly relevant to prevention and enforcement. These include:

- Authorization of a direct funding stream for adult protective services.

- Creation of an Elder Justice Coordinating Council to make recommendations regarding coordination of activities of the Department of Health and Human Services, the Department of Justice and other federal, state, local and private entities relating to elder abuse, neglect, exploitation and other crimes against the elderly.

- Authorization of grants to establish forensic centers to enhance expertise in the area of elder abuse. This would include development of forensic markers and methodologies to aid in the detection and diagnosis of abuse.

- Required prompt reporting of crimes in long-term care facilities to law enforcement.

- Authorization of grants for multi-disciplinary coordination, training, and other support of professionals from a variety of disciplines including State and local prosecutors, police and sheriffs, detectives, and other law enforcement personnel.

- Additional resources and support for federal prosecution of elder abuse cases and authorization of victim advocacy grants to support personnel

training and address the special needs of victims of elder abuse, neglect, and exploitation.

While advocating strongly for federal proposals like the Elder Justice Act, AARP also encourages and supports ongoing efforts at the state level to increase public awareness of elder abuse, and improve the quality of investigations and enforcement in cases of abuse and neglect. States have been making great strides in combating elder abuse. Passage of the Elder Justice Act will help further these state efforts by providing much needed support to state and local entities, which are on the front lines in combating this largely unknown, but growing, problem.

AARP South Dakota was instrumental in the enactment of state legislation last year that creates clear definitions of elder abuse, spells out a mechanism for reporting suspected abuse, and provides immunity to individuals and other entities from any civil liability for reporting suspected cases of abuse. AARP Oklahoma helped ensure the passage of legislation that amends the state's Protective Services for Vulnerable Adults Act by adding "financial neglect" as an offense. Under the new law, "financial neglect" includes repeated instances by a financial caretaker of failing to use the resources available to maintain the well-being of a vulnerable adult. The law also permits a court to authorize the eviction of persons -- who are in a position to exploit the vulnerable adult -- from any property owned, leased, or rented by the vulnerable adult. California also enacted elder abuse legislation last year that allows judges to freeze assets that are in question in a case of alleged elder financial abuse, helping to ensure that defendants cannot spend or hide assets before the case is decided

**Elder Financial Abuse and Exploitation**

AARP continues in its longtime concern about financial exploitation, the predominant type of reported elder abuse after self-neglect. Impediments to successful interdiction of these crimes include getting these cases reported to law enforcement, having them thoroughly investigated, and having them prosecuted in a timely and appropriate manner. Although financial abuse has been described as the fastest growing form of elder abuse, too few studies have been conducted on its incidence and prevalence to provide an accurate picture of the numbers of victims.

Accurate current data on financial abuse are difficult to obtain for a number of reasons. No national reporting mechanism exists to record the incidence (number of new cases within a given period of time) or prevalence (total number of cases) of financial abuse of older persons. Many victims are reluctant to report financial abuse. They may not even know that they are being exploited because of the secretive ways that perpetrators gain their trust and steal their money. They may also not know where to report this kind of fraud. Even if law enforcement agencies do receive an exploitation report, they generally do not

categorize these crimes by the age of the victim, and so the crime may not be reported as an elder crime.

Law enforcement agencies may also classify elder financial abuse differently depending on the method of abuse and the type of asset taken (e.g., fraud versus theft; real estate versus cash). Additionally, financial exploitation may not be classified as a crime under state law, or it may not be vigorously prosecuted because it is deemed to be a "civil" or "family" matter. Another factor is the lack of training about identifying and reporting financial abuse for bankers, lawyers, judges, medical staff, and other professionals who have contact with older persons.[2]

Financial exploitation has many disguises, causes, and forms of expression. But the common thread of its many modalities is an effort by unscrupulous persons to extract money and resources through a variety of devious means from unsuspecting and often vulnerable individuals.

According to the 1998 National Elder Abuse Incidence Study, financial abuse accounted for about 12% of all elder abuse reported nationally in 1993 and 1994, and 30.2% of substantiated elder abuse reports submitted to Adult Protective Services (APS) in 1996 after excluding reports of self neglect.[3]

In the 2004 survey of the National Association of Adult Protective Services Administrators for the National Center on Elder Abuse, financial exploitation comprised 20.8% of the allegations of mistreatment investigated.[4]

However much exploitation is detected, reported, investigated, substantiated, or prosecuted, everyone agrees that more happens than is brought to light and that any exploitation is too much.

Recognizing that financial exploitation is a pervasive and increasing problem that specifically threatens our members' financial security, AARP is addressing this problem through programs that educate members, families, professionals and potential victims.

Incapacitated elders are also at risk of abuse, neglect and exploitation by guardians, agents under durable powers of attorney, and other fiduciaries with the authority to make surrogate personal and financial decisions. Guardianship monitoring by courts is critical to ensure the welfare of wards by identifying abuses when they exist and removing guardians who abuse or neglect their wards through action or inaction. Power of attorney abuse is an equally serious problem, and individuals granted powers of attorney are not subject to oversight

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[2] Donna Rabiner, et al, Financial Exploitation of Older Persons (Aug. 2004)

[3] National Center for Elder Abuse, The National Elder Abuse Incidence Study (1998) http://www.aoa.gov/eldfam/Elder_Abuse/ABuseReport_Full.pdf.

[4] National Center of Elder Abuse, A Response to the Abuse of Vulnerable Adults: the 2000 Survey of State Adult Protective Services 21 (2002).

by a court or government agency. AARP is addressing these serious issues by disseminating reports on promising practices for guardianship monitoring and by supporting state legislation to better protect older adults who delegate decision-making authority through durable powers of attorney. AARP Maine and AARP Missouri have been helping financial institutions train their front line employees to identify possible exploitation of their older customers.

**Institutional Settings**

Elder abuse occurs in both home and community-based and institutional settings. Residents in this nation's nursing homes are particularly vulnerable to abuse and neglect, and the limited evidence that exists suggests that abuse and neglect are serious and widespread. Most nursing home residents suffer from several chronic diseases that limit their ability to care for themselves and are therefore largely dependent on others for their care with basic activities of daily living. In addition to physical limitations, the majority of nursing home residents suffer from significant cognitive impairments which may present behavioral challenges. A diagnosis of dementia has been found to place residents at greater risk of abuse. In addition, many nursing home residents do not have family members who live nearby.

The Government Accountability Office (GAO), in its report to Congress of March 2002 entitled "*Nursing Homes: More Can be Done to Protect Residents from Abuse*," found that the protections afforded nursing home residents and the responsiveness of federal, state, and local agencies to allegations of resident abuse were inadequate. It also found that allegations of abuse were frequently not reported promptly to local law enforcement and state survey agencies, and that abusers were rarely prosecuted. In sum, there were insufficient safeguards in place to protect nursing home residents from abuse.

Despite steps such as state nurse aide registries and the federal nursing home quality standards enacted over 20 years ago, much more needs to be done to prevent, detect, and respond to abuse and quality problems in nursing homes. There are also racial disparities in nursing home quality that must be addressed. Research released in September 2007 found that African Americans are much more likely than whites to be located in nursing homes that have serious deficiencies and lower staffing ratios.

AARP is pleased that the Elder Justice Act (H.R. 1783/S. 1070) includes provisions specific to abuse in long-term care facilities. The bill would increase consumer information on the Nursing Home Compare website by adding adjudicated crimes by nursing facilities or crimes committed by nursing facility employees and a consumer rights information page on this important consumer website. The consumer rights page would include information such as long-term care ombudsman services, tips on choosing a nursing home and publicly

available documentation on nursing homes. The bill would also require prompt reporting of crimes in long-term care facilities to law enforcement.

Importantly, the Elder Justice Act would also authorize additional resources to improve the capacity of state long-term care ombudsman to respond to complaints and to improve ombudsmen training regarding elder abuse and exploitation. Long-term care ombudsmen are on the front lines of investigating and responding to quality of care complaints in nursing homes. The bill also authorizes grants for improving staffing in long-term care facilities through training, recruitment, incentives such as career ladders and wage or benefit increases, and improvement in management practices. Low staffing and inadequate staff training are perhaps the most significant preventable causes of abuse and neglect in institutional settings.

Finally, the bill authorizes a study to determine the efficacy of establishing and maintaining a national nurse aide registry. This is just a first step in addressing issues raised by a 2005 Department of Health and Human Services Inspector General report that found that more than 1,500 nurse aides with substantiated findings of violations had certifications in at least one other state and were potentially employable in that state. The report suggested the creation of a national nurse aide registry as a way that the Centers for Medicare and Medicaid Services could reduce the potential for nurse aides with substantiated findings to commit similar acts in another state.

AARP also supports legislation, the Patient Safety and Abuse Prevention Act (S. 1577/H.R. 3078), that would establish a system of screening and national criminal history background checks, including an FBI fingerprint check for long-term care employees in both home and community-based and institutional settings. A system of national criminal background checks is critical, given the mobility of today's workers, the turnover in the long-term care workforce, and the fact that it is not unusual for individuals to work in multiple states. AARP also urges this committee to act on this important bill this year.

**Conclusion**

We commend the subcommittee for holding this important hearing today to focus more attention on the critical problem of elder abuse. We hope that this hearing is just the beginning, and we urge this committee to take action to address this growing national problem. We look forward to working with you and your colleagues on other committees to enact the Elder Justice Act (H.R. 1783/S. 1070) this year to provide a comprehensive national approach to elder abuse prevention, detection, and response.

PREPARED STATEMENT OF THE NATIONAL ASSOCIATION OF LOCAL LONG TERM CARE OMBUDSMEN (NALLTCO)

Mr. Chairman and Members of the Committee;

We, the governing board, appreciate the opportunity to present the views of the membership of the National Association of Local Long Term Care Ombudsmen regarding H.R. 1783, the "Elder Justice Act." NALLTCO lauds the Crime, Terrorism, and Homeland Security Subcommittee of the House Judiciary Committee for holding the April 17, 2008 hearing on the Elder Justice Act. As Representative Rahm Emanuel stated, "it has been over 17 years since the House had hearings regarding the problem of elder abuse, neglect, and exploitation as witnessed throughout the nation." No current federal law comprehensively addresses these issues in a standardized manner, and limited resources are available to professionals in the field to collect the data needed to research the scope of the matter.

In our duties as regional and local long term care ombudsmen, our members are faced daily with the atrocities that are inflicted on our most frail and vulnerable adults that live in long term care settings. We sustain a united support for efforts that create a national law which powerfully raises public awareness, supports research, training and technical assistance, funds critical services, (including the ombudsman program), and coordinates the resources of national resources with the state, regional, and local entities. The Elder Justice Act serves as a vehicle to coordinate all of these efforts.

Civil remedies have been rendered inadequate through the imposition of binding arbitration agreements placed in admission contracts. The victim of elder abuse in a long term care setting is already deprived of a voice of credibility when alleging they have been harmed. The resident is dependent on caregivers for all aspects of their daily living, as basic as the food they consume, the medicines they need to withstand illness, and the most intimate tasks of hygiene. The current laws vary from state to state, with little standardization regarding the victim's rights to pursue criminal actions. The victim advocacy grants outlined in the act would provide resources for training about elder abuse to "healthcare, social, and protective services providers, law enforcement, fiduciaries (including guardians), judges and court personnel, and victim advocates." Provisions to study model state laws and practices would establish standards of practice and enable state and local legislators to easily identify and strengthen their own laws protecting our nation's elders. As ombudsmen, we know that so few of the alleged cases of abuse in long term care settings are vetted in the prosecution and conviction of perpetrators that are caregivers or family members who may inflict physical harm or commit financial acts of exploitation. Fear of retaliation is a real phenomenon because so many victims of elder abuse express their need for continued reliance on the very person who has inflicted the harm.

We strongly urge the Committee to approve the provisions within H.R. 1783. Our nation's long term care residents are entitled to swift action of protection. They should not be required to wait for justice. If passed, we encourage a conference committee with the Senate to adopt provisions that are reflective of law-related provisions in the legislation that may not be included in the Senate version S. 1070 of the same title. We are active members of the Elder Justice Coalition and fully support the testimony entered by Bob Blancato.

We thank you for the progressive step in acknowledging that elder abuse is prevalent in long term care settings and needs immediate attention. NALLTCO urges you to take action and vote in favor of the Elder Justice Act.

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Respectfully submitted by the NALLTCO Board of Directors: Jacqueline Case (NJ/NY) Chair; JM Sorrell (MA) Vice-Chair; Tonya Amos (IA) Treasurer; Eileen Bennett (MD) Secretary; Patrice Berry (TX); Karen Guice (AL); Alana Kietzman (MT); Cindy Kincaid (NC); Sue McCauley (AZ); Alice Nicholson (VT); Joe Oertel (WA); Tammy Wacker (IL); John Weir (MI)

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