

Homeland Security, may provide technical assistance to foreign authorities in order to enable such authorities to participate more effectively in the notification program system established under this chapter.

(Pub. L. 114–119, §10, Feb. 8, 2016, 130 Stat. 25.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 114–119, Feb. 8, 2016, 130 Stat. 15, known as the International Megan’s Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title of 2016 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 16935g of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 21509. Authorization of appropriations

There are authorized to be appropriated to carry out this chapter \$6,000,000 for each of fiscal years 2018 through 2021.

(Pub. L. 114–119, §11, Feb. 8, 2016, 130 Stat. 25; Pub. L. 115–425, title III, §302, Jan. 8, 2019, 132 Stat. 5488.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 114–119, Feb. 8, 2016, 130 Stat. 15, known as the International Megan’s Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title of 2016 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 16935h of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2019—Pub. L. 115–425 substituted “2018 through 2021” for “2017 and 2018”.

§ 21510. Rule of construction

Nothing in this chapter shall be construed to limit international information sharing or law enforcement cooperation relating to any person pursuant to any authority of the Department of Justice, the Department of Homeland Security, or any other department or agency.

(Pub. L. 114–119, §12, Feb. 8, 2016, 130 Stat. 25.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 114–119, Feb. 8, 2016, 130 Stat. 15, known as the International Megan’s Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Of-

fenders, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title of 2016 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 16935i of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

CHAPTER 217—ELDER ABUSE PREVENTION AND PROSECUTION

Sec.

21701. Definitions.

SUBCHAPTER I—SUPPORTING FEDERAL CASES INVOLVING ELDER JUSTICE

21711. Supporting Federal cases involving elder justice.

SUBCHAPTER II—IMPROVED DATA COLLECTION AND FEDERAL COORDINATION

21721. Establishment of best practices for local, State, and Federal data collection.

21722. Effective interagency coordination and Federal data collection.

SUBCHAPTER III—ENHANCED VICTIM ASSISTANCE TO ELDER ABUSE SURVIVORS

21731. Report.

SUBCHAPTER IV—ROBERT MATAVA ELDER ABUSE PROSECUTION ACT OF 2017

21741. Training and technical assistance for States.

21742. Interstate initiatives.

SUBCHAPTER V—MISCELLANEOUS

21751. Model power of attorney legislation.

21752. Best practices and model legislation for guardianship proceedings.

§ 21701. Definitions

In this chapter—

(1) the terms “abuse”, “adult protective services”, “elder”, “elder justice”, “exploitation”, “law enforcement”, and “neglect” have the meanings given those terms in section 1397j of title 42;

(2) the term “elder abuse” includes abuse, neglect, and exploitation of an elder; and

(3) the term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

(Pub. L. 115–70, §2, Oct. 18, 2017, 131 Stat. 1208.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 115–70, Oct. 18, 2017, 131 Stat. 1208, known as the Elder Abuse Prevention and Prosecution Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title of 2017 Amendment note set out under section 10101 of this title and Tables.

SUBCHAPTER I—SUPPORTING FEDERAL CASES INVOLVING ELDER JUSTICE

§ 21711. Supporting Federal cases involving elder justice

(a) Support and assistance

(1) Elder Justice Coordinators

The Attorney General shall designate in each Federal judicial district not less than one

Assistant United States Attorney to serve as the Elder Justice Coordinator for the district, who, in addition to any other responsibilities, shall be responsible for—

(A) serving as the legal counsel for the Federal judicial district on matters relating to elder abuse;

(B) prosecuting, or assisting in the prosecution of, elder abuse cases;

(C) conducting public outreach and awareness activities relating to elder abuse; and

(D) ensuring the collection of data required to be collected under section 21722 of this title.

(2) Investigative support

The Attorney General, in consultation with the Director of the Federal Bureau of Investigation, shall, with respect to crimes relating to elder abuse, ensure the implementation of a regular and comprehensive training program to train agents of the Federal Bureau of Investigation in the investigation and prosecution of such crimes and the enforcement of laws related to elder abuse, which shall include—

(A) specialized strategies for communicating with and assisting elder abuse victims; and

(B) relevant forensic training relating to elder abuse.

(3) Resource group

The Attorney General, through the Executive Office for United States Attorneys, shall ensure the operation of a resource group to facilitate the sharing of knowledge, experience, sample pleadings and other case documents, training materials, and any other resources to assist prosecutors throughout the United States in pursuing cases relating to elder abuse.

(4) Designated elder justice working group or subcommittee to the Attorney General's Advisory Committee of United States Attorneys

Not later than 60 days after October 18, 2017, the Attorney General, in consultation with the Director of the Executive Office for United States Attorneys, shall establish a subcommittee or working group to the Attorney General's Advisory Committee of United States Attorneys, as established under section 0.10 of title 28, Code of Federal Regulations, or any successor thereto, for the purposes of advising the Attorney General on policies of the Department of Justice relating to elder abuse.

(b) Department of Justice Elder Justice Coordinator

(1) In general

Not later than 60 days after October 18, 2017, the Attorney General shall designate an Elder Justice Coordinator within the Department of Justice who, in addition to any other responsibilities, shall be responsible for—

(A) coordinating and supporting the law enforcement efforts and policy activities for the Department of Justice on elder justice issues;

(B) evaluating training models to determine best practices and creating or com-

pling and making publicly available replication guides and training materials for law enforcement officers, prosecutors, judges, emergency responders, individuals working in victim services, adult protective services, social services, and public safety, medical personnel, mental health personnel, financial services personnel, and any other individuals whose work may bring them in contact with elder abuse regarding how to—

(i) conduct investigations in elder abuse cases;

(ii) address evidentiary issues and other legal issues, including witnesses who have Alzheimer's disease and related dementias; and

(iii) appropriately assess, respond to, and interact with victims and witnesses in elder abuse cases (including victims and witnesses who have Alzheimer's disease and related dementias), including in administrative, civil, and criminal judicial proceedings; and

(C) carrying out such other duties as the Attorney General determines necessary in connection with enhancing the understanding, prevention, and detection of, and response to, elder abuse.

(2) Training materials

(A) In general

In creating or compiling replication guides and training materials under paragraph (1)(B), the Elder Justice Coordinator shall consult with the Secretary of Health and Human Services, State, local, and Tribal adult protective services, aging, social, and human services agencies, Federal, State, local, and Tribal law enforcement agencies, and nationally recognized nonprofit associations with relevant expertise, as appropriate.

(B) Updating

The Elder Justice Coordinator shall—

(i) review the best practices identified and replication guides and training materials created or compiled under paragraph (1)(B) to determine if the replication guides or training materials require updating; and

(ii) perform any necessary updating of the replication guides or training materials.

(c) Federal Trade Commission

(1) Federal Trade Commission Elder Justice Coordinator

Not later than 60 days after October 18, 2017, the Chairman of the Federal Trade Commission shall designate within the Bureau of Consumer Protection of the Federal Trade Commission an Elder Justice Coordinator who, in addition to any other responsibilities, shall be responsible for—

(A) coordinating and supporting the enforcement and consumer education efforts and policy activities of the Federal Trade Commission on elder justice issues; and

(B) serving as, or ensuring the availability of, a central point of contact for individuals,

units of local government, States, and other Federal agencies on matters relating to the enforcement and consumer education efforts and policy activities of the Federal Trade Commission on elder justice issues.

(2)¹ Reports to Congress

Not later than 1 year after October 18, 2017, and once every year thereafter, the Chairman of the Federal Trade Commission and the Attorney General shall each submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report—

(A) detailing the enforcement actions taken by the Federal Trade Commission and the Department of Justice, respectively, over the preceding year in each case in which not less than one victim was an elder or that involved a financial scheme or scam that was either targeted directly toward or largely affected elders, including—

- (i) the name of the district where the case originated;
- (ii) the style of the case, including the case name and number;
- (iii) a description of the scheme or scam; and
- (iv) the outcome of the case.²

(B) with respect to the report by the Attorney General, including a link to the publicly available best practices identified under subsection (b)(1)(B) and the replication guides and training materials created or compiled under such subsection.

(d) Use of appropriated funds

No additional funds are authorized to be appropriated to carry out this section.

(Pub. L. 115–70, title I, § 101, Oct. 18, 2017, 131 Stat. 1209; Pub. L. 116–252, §§ 2(a), 3(a), Dec. 22, 2020, 134 Stat. 1133, 1134.)

Editorial Notes

AMENDMENTS

2020—Subsec. (b). Pub. L. 116–252, § 2(a)(1)–(3), designated existing provisions as par. (1) and inserted heading, redesignated former pars. (1) to (3) as subpars. (A) to (C), respectively, of par. (1), redesignated former subpars. (A) to (C) of par. (2) as clauses (i) to (iii), respectively, of par. (1)(B), and realigned margins.

Subsec. (b)(1)(B)(ii). Pub. L. 116–252, § 2(a)(4)(A), inserted “, including witnesses who have Alzheimer’s disease and related dementias” after “other legal issues”.

Subsec. (b)(1)(B)(iii). Pub. L. 116–252, § 2(a)(4)(B), substituted “elder abuse cases (including victims and witnesses who have Alzheimer’s disease and related dementias),” for “elder abuse cases,”.

Subsec. (b)(2). Pub. L. 116–252, § 2(a)(5), added par. (2).

Subsec. (c)(2). Pub. L. 116–252, § 3(a), substituted “a report—” for “a report” in introductory provisions, designated remainder of provisions as subpar. (A), redesignated former subpars. (A) to (D) as cls. (i) to (iv), respectively, of subpar. (A) and realigned margins, and added subpar. (B).

¹ See Applicability of Amendment note below.

² So in original. Subpar. (B) added by Pub. L. 116–252 without conforming amendment to punctuation at end of subpar. (A)(iv).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE AND APPLICABILITY OF 2020 AMENDMENT

Pub. L. 116–252, § 2(b), Dec. 22, 2020, 134 Stat. 1134, provided that: “The amendments made by subsection (a) [amending this section] shall—

“(1) take effect on the date of enactment of this Act [Dec. 22, 2020]; and

“(2) apply on and after the date that is 1 year after the date of enactment of this Act.”

Pub. L. 116–252, § 3(b), Dec. 22, 2020, 134 Stat. 1134, provided that: “The amendments made by subsection (a) [amending this section] shall apply with respect to the report under section 101(c)(2) of the Elder Abuse Prevention and Prosecution Act (34 U.S.C. 21711(c)(2)) submitted during the second year beginning after the date of enactment of this Act [Dec. 22, 2020], and each year thereafter.”

SUBCHAPTER II—IMPROVED DATA COLLECTION AND FEDERAL COORDINATION

§ 21721. Establishment of best practices for local, State, and Federal data collection

(a) In general

The Attorney General, in consultation with Federal, State, and local law enforcement agencies, shall—

- (1) establish best practices for data collection to focus on elder abuse; and
- (2) provide technical assistance to State, local, and tribal governments in adopting the best practices established under paragraph (1).

(b) Deadline

Not later than 1 year after October 18, 2017, the Attorney General shall publish the best practices established under subsection (a)(1) on the website of the Department of Justice in a publicly accessible manner.

(c) Limitation

Nothing in this section shall be construed to require or obligate compliance with the best practices established under subsection (a)(1).

(Pub. L. 115–70, title II, § 201, Oct. 18, 2017, 131 Stat. 1211.)

§ 21722. Effective interagency coordination and Federal data collection

(a) In general

The Attorney General, in consultation with the Secretary of Health and Human Services shall, on an annual basis—

- (1) collect from Federal law enforcement agencies, other agencies as appropriate, and Federal prosecutors’ offices statistical data related to elder abuse cases, including cases or investigations where one or more victims were elders, or the case or investigation involved a financial scheme or scam that was either targeted directly toward or largely affected elders; and
- (2) publish on the website of the Department of Justice in a publicly accessible manner—

(A) a summary of the data collected under paragraph (1); and

(B) recommendations for collecting additional data relating to elder abuse, including recommendations for ways to improve data reporting across Federal, State, and local agencies.