

AMENDMENT TO THE RULES COMMITTEE PRINT
117-54
OFFERED BY MR. GOTTHEIMER OF NEW JERSEY

Add at the end of title LIV of division E the following:

1 SEC. 5403. SENIOR INVESTOR TASKFORCE.

2 (a) IN GENERAL.—Section 4 of the Securities Ex-
3 change Act of 1934 (15 U.S.C. 78d) is amended by adding
4 at the end the following:

5 “(k) SENIOR INVESTOR TASKFORCE.—

6 “(1) ESTABLISHMENT.—There is established
7 within the Commission the Senior Investor
8 Taskforce (in this subsection referred to as the
9 ‘Taskforce’).

10 “(2) DIRECTOR OF THE TASKFORCE.—The
11 head of the Taskforce shall be the Director, who
12 shall—

13 “(A) report directly to the Chairman; and

14 “(B) be appointed by the Chairman, in
15 consultation with the Commission, from among
16 individuals—

1 “(i) currently employed by the Com-
2 mission or from outside of the Commis-
3 sion; and

4 “(ii) having experience in advocating
5 for the interests of senior investors.

6 “(3) STAFFING.—The Chairman shall ensure
7 that—

8 “(A) the Taskforce is staffed sufficiently to
9 carry out fully the requirements of this sub-
10 section; and

11 “(B) such staff shall include individuals
12 from the Division of Enforcement, Office of
13 Compliance Inspections and Examinations, and
14 Office of Investor Education and Advocacy.

15 “(4) NO COMPENSATION FOR MEMBERS OF
16 TASKFORCE.—All members of the Taskforce ap-
17 pointed under paragraph (2) or (3) shall serve with-
18 out compensation in addition to that received for
19 their services as officers or employees of the United
20 States.

21 “(5) MINIMIZING DUPLICATION OF EFFORTS.—
22 In organizing and staffing the Taskforce, the Chair-
23 man shall take such actions as may be necessary to
24 minimize the duplication of efforts within the divi-
25 sions and offices described under paragraph (3)(B)

1 and any other divisions, offices, or taskforces of the
2 Commission.

3 “(6) FUNCTIONS OF THE TASKFORCE.—The
4 Taskforce shall—

5 “(A) identify challenges that senior inves-
6 tors encounter, including problems associated
7 with financial exploitation and cognitive decline;

8 “(B) identify areas in which senior inves-
9 tors would benefit from changes in the regula-
10 tions of the Commission or the rules of self-reg-
11 ulatory organizations;

12 “(C) coordinate, as appropriate, with other
13 offices within the Commission, other taskforces
14 that may be established within the Commission,
15 self-regulatory organizations, and the Elder
16 Justice Coordinating Council; and

17 “(D) consult, as appropriate, with State
18 securities and law enforcement authorities,
19 State insurance regulators, and other Federal
20 agencies.

21 “(7) REPORT.—The Taskforce, in coordination,
22 as appropriate, with the Office of the Investor Advoca-
23 te and self-regulatory organizations, and in con-
24 sultation, as appropriate, with State securities and
25 law enforcement authorities, State insurance regu-

1 lators, and Federal agencies, shall issue a report
2 every 2 years to the Committee on Banking, Hous-
3 ing, and Urban Affairs and the Special Committee
4 on Aging of the Senate and the Committee on Fi-
5 nancial Services of the House of Representatives, the
6 first of which shall not be issued until after the re-
7 port described in section 5403(b) of the National
8 Defense Authorization Act for Fiscal Year 2023 has
9 been issued and considered by the Taskforce, con-
10 taining—

11 “(A) appropriate statistical information
12 and full and substantive analysis;

13 “(B) a summary of recent trends and inno-
14 vations that have impacted the investment land-
15 scape for senior investors;

16 “(C) a summary of regulatory initiatives
17 that have concentrated on senior investors and
18 industry practices related to senior investors;

19 “(D) key observations, best practices, and
20 areas needing improvement, involving senior in-
21 vestors identified during examinations, enforce-
22 ment actions, and investor education outreach;

23 “(E) a summary of the most serious issues
24 encountered by senior investors, including
25 issues involving financial products and services;

1 “(F) an analysis with regard to existing
2 policies and procedures of brokers, dealers, in-
3 vestment advisers, and other market partici-
4 pants related to senior investors and senior in-
5 vestor-related topics and whether these policies
6 and procedures need to be further developed or
7 refined;

8 “(G) recommendations for such changes to
9 the regulations, guidance, and orders of the
10 Commission and self-regulatory organizations
11 and such legislative actions as may be appro-
12 priate to resolve problems encountered by senior
13 investors; and

14 “(H) any other information, as determined
15 appropriate by the Director of the Taskforce.

16 “(8) REQUEST FOR REPORTS.—The Taskforce
17 shall make any report issued under paragraph (7)
18 available to a Member of Congress who requests
19 such a report.

20 “(9) SUNSET.—The Taskforce shall terminate
21 after the end of the 10-year period beginning on the
22 date of the enactment of this subsection.

23 “(10) SENIOR INVESTOR DEFINED.—For pur-
24 poses of this subsection, the term ‘senior investor’
25 means an investor over the age of 65.

1 “(11) USE OF EXISTING FUNDS.—The Commis-
2 sion shall use existing funds to carry out this sub-
3 section.”.

4 (b) GAO STUDY.—

5 (1) IN GENERAL.—Not later than 2 years after
6 the date of enactment of this Act, the Comptroller
7 General of the United States shall submit to Con-
8 gress and the Senior Investor Taskforce the results
9 of a study of financial exploitation of senior citizens.

10 (2) CONTENTS.—The study required under
11 paragraph (1) shall include information with respect
12 to—

13 (A) economic costs of the financial exploi-
14 tation of senior citizens—

15 (i) associated with losses by victims
16 that were incurred as a result of the finan-
17 cial exploitation of senior citizens;

18 (ii) incurred by State and Federal
19 agencies, law enforcement and investiga-
20 tory agencies, public benefit programs,
21 public health programs, and other public
22 programs as a result of the financial ex-
23 ploitation of senior citizens;

1 (iii) incurred by the private sector as
2 a result of the financial exploitation of sen-
3 ior citizens; and

4 (iv) any other relevant costs that—
5 (I) result from the financial ex-
6 ploitation of senior citizens; and

7 (II) the Comptroller General de-
8 termines are necessary and appro-
9 priate to include in order to provide
10 Congress and the public with a full
11 and accurate understanding of the
12 economic costs resulting from the fi-
13 nancial exploitation of senior citizens
14 in the United States;

15 (B) frequency of senior financial exploi-
16 tation and correlated or contributing factors—

17 (i) information about percentage of
18 senior citizens financially exploited each
19 year; and

20 (ii) information about factors contrib-
21 uting to increased risk of exploitation, in-
22 cluding such factors as race, social isola-
23 tion, income, net worth, religion, region,
24 occupation, education, home-ownership, ill-
25 ness, and loss of spouse; and

1 (C) policy responses and reporting of sen-
2 ior financial exploitation—

3 (i) the degree to which financial ex-
4 ploitation of senior citizens unreported to
5 authorities;

6 (ii) the reasons that financial exploi-
7 tation may be unreported to authorities;

8 (iii) to the extent that suspected elder
9 financial exploitation is currently being re-
10 ported—

11 (I) information regarding which
12 Federal, State, and local agencies are
13 receiving reports, including adult pro-
14 tective services, law enforcement, in-
15 dustry, regulators, and professional li-
16 censing boards;

17 (II) information regarding what
18 information is being collected by such
19 agencies; and

20 (III) information regarding the
21 actions that are taken by such agen-
22 cies upon receipt of the report and
23 any limits on the agencies' ability to
24 prevent exploitation, such as jurisdic-
25 tional limits, a lack of expertise, re-

1 source challenges, or limiting criteria
2 with regard to the types of victims
3 they are permitted to serve;

4 (iv) an analysis of gaps that may exist
5 in empowering Federal, State, and local
6 agencies to prevent senior exploitation or
7 respond effectively to suspected senior fi-
8 nancial exploitation; and

9 (v) an analysis of the legal hurdles
10 that prevent Federal, State, and local
11 agencies from effectively partnering with
12 each other and private professionals to ef-
13 fectively respond to senior financial exploi-
14 tation.

15 (3) SENIOR CITIZEN DEFINED.—For purposes
16 of this subsection, the term “senior citizen” means
17 an individual over the age of 65.

