

115TH CONGRESS  
1ST SESSION

# S. 2089

To amend the Older Americans Act of 1965 to provide equal treatment of LGBT older individuals, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 7, 2017

Mr. BENNET (for himself, Ms. BALDWIN, Mr. MERKLEY, Mr. MARKEY, and Mr. FRANKEN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend the Older Americans Act of 1965 to provide equal treatment of LGBT older individuals, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “LGBT Elder Ameri-  
5 cans Act of 2017”.

6 **SEC. 2. DEFINITIONS.**

7 (a) IN GENERAL.—Section 102 of the Older Ameri-  
8 cans Act of 1965 (42 U.S.C. 3002) is amended—

9 (1) in paragraph (24)—

1 (A) in subparagraph (B), by striking  
2 “and” at the end;

3 (B) in subparagraph (C)(ii), by striking  
4 the period and inserting “; and”; and

5 (C) by adding at the end the following:

6 “(D) status as an LGBT individual.”;

7 (2) by redesignating—

8 (A) paragraphs (36) through (54) as para-  
9 graphs (38) through (56), respectively; and

10 (B) paragraphs (34) and (35) as para-  
11 graphs (35) and (36), respectively;

12 (3) by inserting after paragraph (33) the fol-  
13 lowing:

14 “(34) The term ‘LGBT’, used with respect to  
15 an individual, means a lesbian, gay, bisexual, or  
16 transgender individual.”; and

17 (4) by inserting after paragraph (36), as so re-  
18 designated, the following:

19 “(37) The term ‘minority’, used with respect to  
20 an individual, includes a lesbian, gay, bisexual, or  
21 transgender individual.”.

22 (b) CONFORMING AMENDMENT.—Section  
23 215(e)(1)(J) of the Older Americans Act of 1965 (42  
24 U.S.C. 3020e–1(e)(1)(J)) is amended by striking “minori-  
25 ties” and inserting “minority individuals”.

1 **SEC. 3. ADMINISTRATION ON AGING.**

2 (a) ESTABLISHMENT OF ADMINISTRATION.—Section  
3 201 of the Older Americans Act of 1965 (42 U.S.C. 3011)  
4 is amended—

5 (1) in subsection (d)(3)(J), by inserting before  
6 the semicolon the following: “, including the effec-  
7 tiveness of such services in meeting the needs of  
8 LGBT older individuals”; and

9 (2) by adding at the end the following:

10 “(g) The Assistant Secretary is authorized to des-  
11 ignate within the Administration a person to have respon-  
12 sibility for addressing issues affecting LGBT older individ-  
13 uals.”.

14 (b) FUNCTIONS OF ASSISTANT SECRETARY.—Section  
15 202 of the Older Americans Act of 1965 (42 U.S.C. 3012)  
16 is amended—

17 (1) in subsection (a)—

18 (A) in paragraph (16)(A)(ii), by inserting  
19 “, and separately specifying the number of such  
20 individuals who are LGBT individuals” before  
21 the semicolon;

22 (B) in paragraph (30), by striking “; and”  
23 and inserting a semicolon;

24 (C) in paragraph (31), by striking the pe-  
25 riod at the end and inserting “; and”; and

26 (D) by adding at the end the following:

1           “(32) conduct studies and collect data to deter-  
2           mine the services that are needed by LGBT older in-  
3           dividuals.”; and

4           (2) by adding at the end the following:

5           “(h)(1) The Assistant Secretary shall, directly or by  
6           grant or contract, establish and operate the National Re-  
7           source Center on Lesbian, Gay, Bisexual, and Transgen-  
8           der Aging (in this subsection referred to as the ‘Center’).

9           “(2) To address the unique challenges faced by  
10          LGBT older individuals, the Center shall provide national,  
11          State, and local organizations, including those with a pri-  
12          mary mission of serving LGBT individuals and those with  
13          a primary mission of serving older individuals, with the  
14          information and technical assistance the organizations  
15          need to effectively serve LGBT older individuals.

16          “(3) The Center shall have 3 primary objectives, con-  
17          sisting of—

18                 “(A) educating aging services organizations  
19                 about the existence and special needs of LGBT older  
20                 individuals;

21                 “(B) sensitizing LGBT organizations about the  
22                 existence and special needs of older individuals; and

23                 “(C) providing educational resources to LGBT  
24                 older individuals and their caregivers.

1       “(4)(A) To be eligible to receive funds under this sub-  
2 section, an entity—

3               “(i) shall have demonstrated expertise in work-  
4 ing with organizations or individuals on issues af-  
5 fecting LGBT individuals;

6               “(ii) shall have documented experience in pro-  
7 viding training and technical assistance on a na-  
8 tional basis or a formal relationship with an organi-  
9 zation that has that experience; and

10              “(iii) shall meet such other criteria as the As-  
11 sistant Secretary shall issue.

12       “(B) To be eligible to receive funds under this sub-  
13 section, an entity shall submit an application to the Assist-  
14 ant Secretary at such time, in such manner, and con-  
15 taining such information as the Assistant Secretary may  
16 require.

17       “(5) The Assistant Secretary shall make available to  
18 the Center on an annual basis such resources as are nec-  
19 essary for the Center to carry out effectively the functions  
20 of the Center under this Act and not less than the amount  
21 of resources made available to the National Resource Cen-  
22 ter on LGBT Aging, existing on the day before the date  
23 of enactment of the LGBT Elder Americans Act of 2017,  
24 for fiscal year 2017.

1       “(6) The Assistant Secretary shall develop and issue  
2 operating standards and reporting requirements for the  
3 Center.”.

4       (c) REPORTS.—Section 207 of the Older Americans  
5 Act of 1965 (42 U.S.C. 3018) is amended—

6           (1) in subsection (a)(3), by inserting “LGBT  
7 individuals,” after “low-income individuals,”;

8           (2) in subsection (c)—

9               (A) in paragraph (1), by inserting “, and  
10 separately specify the number of such individ-  
11 uals who are LGBT individuals” before the  
12 semicolon;

13               (B) by redesignating paragraphs (4) and  
14 (5) as paragraphs (5) and (6), respectively; and

15               (C) by inserting after paragraph (3) the  
16 following:

17           “(4) the effectiveness of such activities in as-  
18 sisting LGBT individuals;”; and

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

20       “(d) The Assistant Secretary shall ensure that—

21           “(1) no individual will be required to provide in-  
22 formation regarding the sexual orientation or gender  
23 identity of the individual as a condition of partici-  
24 pating in activities or receiving services under this  
25 Act; and

1           “(2) no agency or other entity providing activi-  
2           ties or services under this Act that receives, for the  
3           purposes of this Act, information regarding the sex-  
4           ual orientation or gender identity of an individual  
5           will disclose the information in any form that would  
6           permit such individual to be identified.

7           “(e) The Assistant Secretary shall develop appro-  
8           priate protocols, demonstrations, tools, or guidance for use  
9           by State agencies and area agencies on aging, to ensure  
10          successful implementation of data collection requirements  
11          under section 201(d)(3)(J), paragraphs (16)(A)(ii) and  
12          (29) of section 202(a), subsections (a)(3), (c)(1), and  
13          (c)(4), and section 307(a)(6), relating to LGBT individ-  
14          uals.

15          “(f) The Assistant Secretary shall determine when  
16          the data collection requirements described in subsection  
17          (e) shall apply, taking into consideration the complexity  
18          and importance of each requirement, but each requirement  
19          shall apply not later than 1 year after the date of enact-  
20          ment of the LGBT Elder Americans Act of 2017.”.

21       **SEC. 4. GRANTS FOR STATE AND COMMUNITY PROGRAMS**  
22                               **ON AGING.**

23          Section 301(a)(2) of the Older Americans Act of  
24          1965 (42 U.S.C. 3021(a)(2)) is amended—

1           (1) in subparagraph (E), by striking “; and”  
2           and inserting a semicolon;

3           (2) by redesignating subparagraph (F) as sub-  
4           paragraph (G); and

5           (3) by inserting after subparagraph (E) the fol-  
6           lowing:

7                   “(F) organizations that serve LGBT indi-  
8                   viduals; and”.

9   **SEC. 5. ACTIVITIES FOR HEALTH, INDEPENDENCE, AND**  
10                   **LONGEVITY.**

11           Section 411(a)(11) of the Older Americans Act of  
12   1965 (42 U.S.C. 3032(a)(11)) is amended to read as fol-  
13   lows:

14                   “(11) conducting activities of national signifi-  
15                   cance to promote quality and continuous improve-  
16                   ment in the support and services provided to individ-  
17                   uals with greatest social need, through activities that  
18                   include needs assessment, program development and  
19                   evaluation, training, technical assistance, and re-  
20                   search, concerning—

21                           “(A) addressing physical and mental  
22                           health, disabilities, and health disparities;

23                           “(B) providing long-term care, including  
24                           in-home and community-based care;

1           “(C) providing informal care, and formal  
2           care in a facility setting;

3           “(D) providing access to culturally respon-  
4           sive health and human services; and

5           “(E) addressing other gaps in assistance  
6           and issues that the Assistant Secretary deter-  
7           mines are of particular importance to older in-  
8           dividuals with greatest social need.”.

9   **SEC. 6. DATA ON DISCRIMINATION.**

10          Section 712 of the Older Americans Act of 1965 (42  
11   U.S.C. 3058g) is amended—

12           (1) in subsection (a)(3)—

13           (A) by redesignating subparagraphs (F)  
14           through (J) as subparagraphs (G) through (K);  
15           and

16           (B) by inserting after subparagraph (E)  
17           the following:

18           “(F) collect and analyze data, relating to  
19           discrimination against LGBT older individuals  
20           on the basis of actual or perceived sexual ori-  
21           entation or gender identity in the admission to,  
22           transfer or discharge from, or lack of adequate  
23           care provided in long-term care settings, and  
24           shall include the analyses in the reports de-  
25           scribed in subsection (h)(1);”;

1           (2) in subsection (h)(6), in the matter pre-  
2           ceding subparagraph (A), by striking “(A) through  
3           (G)” and inserting “(A) through (H)”.

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