

116TH CONGRESS
1ST SESSION

S. 1159

To amend the Older Americans Act of 1965 to establish the Office of Inclusivity and Sexual Health and a rural outreach grant program carried out by that Office, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 11, 2019

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

A BILL

To amend the Older Americans Act of 1965 to establish the Office of Inclusivity and Sexual Health and a rural outreach grant program carried out by that Office, 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 “Inclusive Aging Act”.

5 **SEC. 2. DEFINITIONS.**

6 Section 102 of the Older Americans Act of 1965 (42
7 U.S.C. 3002) is amended—

8 (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 at the end and inserting “; and”;
5 and

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

7 “(D) status as a LGBT individual.”;

8 (2) by redesignating—

9 (A) paragraphs (44) through (54) as para-
10 graphs (46) through (56), respectively; and

11 (B) paragraphs (34) through (43) as para-
12 graphs (35) through (44), respectively;

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

15 “(34) The term ‘LGBT’ means lesbian, gay, bi-
16 sexual, or transgender.”; and

17 (4) by inserting after paragraph (44), as so re-
18 designated, the following:

19 “(45) The term ‘protected class’ means a class
20 described in any of subparagraphs (A) through (E)
21 of section 2302(b)(1) of title 5, United States
22 Code.”.

1 **SEC. 3. OFFICE OF INCLUSIVITY AND SEXUAL HEALTH.**

2 Section 201 of the Older Americans Act of 1965 (42
3 U.S.C. 3011) is amended by adding at the end the fol-
4 lowing:

5 “(g)(1) Not later than 1 year after the date of enact-
6 ment of the Inclusive Aging Act, the Assistant Secretary
7 shall establish an Office of Inclusivity and Sexual Health
8 (referred to in this subsection as the ‘Office’).

9 “(2)(A) The Office shall be headed by a Director of
10 Inclusivity and Sexual Health (referred to in this sub-
11 section as the ‘Director’) who shall be appointed by the
12 Assistant Secretary.

13 “(B) The Office shall include an Assistant Director
14 of LGBT Policy (referred to in this subsection as the ‘As-
15 sistant Director’) who shall be appointed by the Director
16 to assist the Director in carrying out this subsection, in-
17 cluding by carrying out the activities under paragraph (4).

18 “(3) The Director shall—

19 “(A) coordinate activities within the Depart-
20 ment of Health and Human Services, and between
21 other Federal departments and agencies, to assure a
22 continuum of improved services for LGBT older in-
23 dividuals and older individuals of a protected class;

24 “(B) promote a continuum of improved sexual
25 health services for older individuals, including by en-

1 suring access to services for LGBT older individuals
2 and older individuals of a protected class;

3 “(C) collect and disseminate information related
4 to the challenges experienced by older individuals of
5 a protected class and all older individuals trying to
6 seek sexual health services, including information on
7 the rise of sexually transmitted diseases among the
8 population of older individuals;

9 “(D) administer and evaluate grants that will
10 help LGBT older individuals, older individuals of a
11 protected class, and all older individuals seeking sex-
12 ual health services, including grants under section
13 423; and

14 “(E) coordinate with the Administrator of the
15 Health Resources and Services Administration on
16 any sexual health recommendations for older individ-
17 uals.

18 “(4) The Assistant Director shall—

19 “(A) serve as the effective and visible advocate
20 on behalf of LGBT older individuals—

21 “(i) within the Department of Health and
22 Human Services and with other departments
23 and agencies of the Federal Government re-
24 garding all Federal policies affecting such indi-
25 viduals; and

1 “(ii) in the States to promote the enhanced
2 delivery of services and implementation of pro-
3 grams, under this Act and other Federal Acts,
4 for the benefit of such individuals;

5 “(B) support, conduct, and arrange for re-
6 search in the field of LGBT aging with a special em-
7 phasis on gathering statistics on LGBT older indi-
8 viduals;

9 “(C) collect and disseminate information related
10 to challenges experienced by LGBT older individuals
11 with an emphasis on the challenges experienced by
12 LGBT older individuals residing in rural areas and
13 LGBT older individuals living with human immuno-
14 deficiency virus and acquired immune deficiency syn-
15 drome (HIV/AIDS); and

16 “(D) recommend policies and priorities bene-
17 ficial to LGBT older individuals and promote the
18 implementation and adoption of culturally competent
19 care and services for such individuals.

20 “(5) Not later than 3 years after the date of enact-
21 ment of the Inclusive Aging Act, and every 3 years there-
22 after, the Director shall submit to Congress a report de-
23 scribing the activities carried out under this subsection
24 during the preceding 3 years.”.

1 **SEC. 4. ADMINISTRATION ON AGING.**

2 (a) ESTABLISHMENT OF ADMINISTRATION.—Section
3 201(d)(3)(J) of the Older Americans Act of 1965 (42
4 U.S.C. 3011(d)(3)(J)) is amended by inserting before the
5 semicolon the following: “, including the effectiveness of
6 such services in meeting the needs of LGBT older individ-
7 uals”.

8 (b) FUNCTIONS OF ASSISTANT SECRETARY.—Section
9 202 of the Older Americans Act of 1965 (42 U.S.C. 3012)
10 is amended—

11 (1) in subsection (a)—

12 (A) in paragraph (16)(A)(ii), by inserting
13 “, and separately specifying the number of such
14 individuals who are LGBT individuals” before
15 the semicolon;

16 (B) in paragraph (30), by striking “; and”
17 at the end and inserting a semicolon;

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

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

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

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

25 “(h)(1) The Assistant Director of LGBT Policy ap-
26 pointed under section 201(g)(2)(B) (referred to in this

1 subsection as the ‘Assistant Director’) shall, directly or by
2 grant or contract, establish and operate the National Re-
3 source Center on Lesbian, Gay, Bisexual, and
4 Transgender Aging (in this subsection referred to as the
5 ‘Center’).

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

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

15 “(A) educating aging services organizations
16 about the existence and special needs of LGBT older
17 individuals;

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

20 “(C) providing educational resources to LGBT
21 older individuals and their caregivers.

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

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

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

8 “(iii) shall meet such other criteria as the As-
9 sistant Director shall issue.

10 “(B) To be eligible to receive funds under this sub-
11 section, an entity shall submit an application to the Assist-
12 ant Director at such time, in such manner, and containing
13 such information as the Assistant Director may reason-
14 ably require.

15 “(5) The Assistant Director shall make available to
16 the Center on an annual basis such resources as are nec-
17 essary for the Center to carry out effectively the functions
18 of the Center under this subsection and not less than the
19 amount of resources made available to the National Re-
20 source Center on Lesbian, Gay, Bisexual, and
21 Transgender Aging, existing on the day before the date
22 of enactment of the Inclusive Aging Act, for fiscal year
23 2019.

1 “(6) The Assistant Director 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 “, in-
10 cluding the number of such individuals that are
11 LGBT individuals” before the semicolon;

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

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

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

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

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

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

12 “(f) The Assistant Secretary shall determine when
13 the data collection requirements described in subsection
14 (e) shall apply, taking into consideration the complexity
15 and importance of each requirement, but each requirement
16 shall apply not later than 1 year after the date of enact-
17 ment of the Inclusive Aging Act.”.

18 **SEC. 5. RURAL OUTREACH GRANT PROGRAM.**

19 Part A of title IV of the Older Americans Act of 1965
20 (42 U.S.C. 3032 et seq.) is amended by adding at the end
21 the following:

22 **“SEC. 423. RURAL OUTREACH GRANT PROGRAM.**

23 “(a) DEFINITIONS.—In this section:

1 “(1) DIRECTOR.—The term ‘Director’ means
2 the Director of the Office of Inclusivity and Sexual
3 Health established under section 201(g).

4 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
5 tity’—

6 “(A) means an entity that submits an ap-
7 plication to the Director in accordance with
8 subsection (c), and is—

9 “(i) a State;

10 “(ii) an Indian tribe or tribal organi-
11 zation; or

12 “(iii) an agency, organization, or in-
13 stitution, which may be a nonprofit agency,
14 organization, or institution, that—

15 “(I) focuses on serving the needs
16 of older individuals, LGBT individ-
17 uals, or individuals of a protected
18 class; or

19 “(II) focuses on providing sexual
20 health services to all older individuals;
21 and

22 “(B) may include an area agency on aging
23 for a rural area or a multipurpose senior cen-
24 ter.

1 “(3) RURAL AREA.—The term ‘rural area’
2 means an area that is not designated by the United
3 States Census Bureau as an urbanized area or
4 urban cluster.

5 “(b) AUTHORITY FOR GRANTS.—The Director may
6 make grants to eligible entities to carry out activities de-
7 scribed in subsection (d) that are designed—

8 “(1) to create a cooperative and lasting part-
9 nership between LGBT older individuals, or older in-
10 dividuals of a protected class, residing in rural areas
11 and the eligible entity receiving the grant;

12 “(2) to meet the needs of the individuals de-
13 scribed in paragraph (1); and

14 “(3) to provide comprehensive sexual health
15 services to all older individuals residing in rural
16 areas.

17 “(c) APPLICATIONS.—

18 “(1) IN GENERAL.—An eligible entity seeking a
19 grant under this section shall submit an application
20 to the Director at such time, in such manner, and
21 containing such information as the Director may
22 reasonably require, including the contents described
23 in paragraph (2).

24 “(2) CONTENTS.—An application for a grant
25 under this section shall contain—

1 “(A) a description of the proposed activi-
2 ties to be supported by the grant;

3 “(B) a description of the size and charac-
4 teristics of the population in a rural area to be
5 served by such proposed activities;

6 “(C) a description of the public and private
7 resources expected to be made available in con-
8 nection with such activities;

9 “(D) a demonstrated intent to partner
10 with local organizations in rural areas in car-
11 rying out such activities;

12 “(E) evidence in a form acceptable to the
13 Director that such activities will meet needs
14 that are not met by available public and private
15 sources; and

16 “(F) such other information or certifi-
17 cations that the Director determines necessary
18 to achieve the purposes described in paragraphs
19 (1) through (3) of subsection (b).

20 “(d) USE OF FUNDS.—An eligible entity may use
21 funds made available by a grant under this section to
22 carry out activities that include initiatives that—

23 “(1) engage in education and training relating
24 to community outreach to LGBT older individuals,

1 or older individuals of a protected class, residing in
2 rural areas;

3 “(2) reduce isolation and improve access to care
4 for LGBT older individuals, or older individuals of
5 a protected class, residing in rural areas by building
6 relationships between such individuals and the local
7 community;

8 “(3) foster relationships between local service
9 providers and LGBT older individuals, or older indi-
10 viduals of a protected class, residing in rural areas;

11 “(4) improve cultural competency with respect
12 to LGBT individuals, or older individuals of a pro-
13 tected class, among organizations and personnel pro-
14 viding services to older individuals residing in rural
15 areas;

16 “(5) expand the use of nondiscrimination poli-
17 cies that—

18 “(A) protect sexual orientation and gender
19 identity; and

20 “(B) create community spaces that are in-
21 clusive to LGBT older individuals or older indi-
22 viduals of a protected class; and

23 “(6) focus on providing sexual health services to
24 older individuals residing in rural areas.

1 “(e) STANDARDS AND GUIDELINES.—The Director
2 shall establish standards and guidelines for activities sup-
3 ported by a grant under this section. Such standards and
4 guidelines shall permit an eligible entity receiving such a
5 grant to refine or adapt the standards and guidelines for
6 an individual project, where such a refinement or adapta-
7 tion is made necessary by a local circumstance.

8 “(f) COORDINATION WITH LOCAL ENTITIES.—

9 “(1) COOPERATION.—An eligible entity receiv-
10 ing a grant under this section shall, in carrying out
11 activities supported by the grant, agree to cooperate
12 and coordinate with—

13 “(A) the agencies of the relevant State and
14 local governments responsible for providing
15 services to LGBT older individuals, or older in-
16 dividuals of a protected class, in the area served
17 by such activities; and

18 “(B) other public and private organizations
19 and agencies providing services to LGBT older
20 individuals, or older individuals of a protected
21 class, in such area.

22 “(2) PRIORITIZATION.—An eligible entity re-
23 ceiving a grant under this section shall prioritize co-
24 operating and coordinating with public and private
25 organizations and agencies that primarily serve pop-

1 ulations of older individuals with the greatest social
2 need.

3 “(g) REPORTS.—Not later than 2 years after the date
4 of enactment of the Inclusive Aging Act, and every 2 years
5 thereafter, the Director shall submit to Congress a report
6 describing the activities carried out under this section dur-
7 ing the preceding 2 years.”.

8 **SEC. 6. GRANTS FOR STATE AND COMMUNITY PROGRAMS**
9 **ON AGING.**

10 Section 301(a)(2) of the Older Americans Act of
11 1965 (42 U.S.C. 3021(a)(2)) is amended—

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

14 (2) by redesignating subparagraph (F) as sub-
15 paragraph (I); and

16 (3) by inserting after subparagraph (E) the fol-
17 lowing:

18 “(F) organizations that serve LGBT indi-
19 viduals;

20 “(G) organizations that serve a protected
21 class; and

22 “(H) organizations that provide sexual
23 health services to older individuals; and”.

1 **SEC. 7. ACTIVITIES FOR HEALTH, INDEPENDENCE, AND**
2 **LONGEVITY.**

3 Section 411(a)(11) of the Older Americans Act of
4 1965 (42 U.S.C. 3032(a)(11)) is amended to read as fol-
5 lows:

6 “(11) conducting activities of national signifi-
7 cance to promote quality and continuous improve-
8 ment in the support and services provided to individ-
9 uals with greatest social need, through activities that
10 include needs assessment, program development and
11 evaluation, training, technical assistance, and re-
12 search, concerning—

13 “(A) addressing physical and mental
14 health, disabilities, and health disparities;

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

17 “(C) providing informal care, and formal
18 care in a facility setting;

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

21 “(E) addressing other gaps in assistance
22 and issues that the Assistant Secretary deter-
23 mines are of particular importance to older in-
24 dividuals with greatest social need.”.

1 **SEC. 8. DATA COLLECTION.**

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

4 (1) in subsection (a)(3)—

5 (A) by redesignating subparagraphs (F)
6 through (J) as subparagraphs (G) through (K);
7 and

8 (B) by inserting after subparagraph (E)
9 the following:

10 “(F)(i) collect and analyze data, in coordi-
11 nation with the Director of the Centers for Dis-
12 ease Control and Prevention, relating to—

13 “(I) discrimination, in the admission
14 to, transfer or discharge from, or lack of
15 adequate care provided in long-term care
16 settings, against older individuals on the
17 basis of actual or perceived sexual orienta-
18 tion or gender identity, a protected class,
19 or inclusion in an Indian tribe or tribal or-
20 ganization; and

21 “(II) the need of sexual health serv-
22 ices for older individuals, the availability of
23 such services, and any outbreaks of sexu-
24 ally transmitted diseases among older indi-
25 viduals; and

1 “(ii) include the analyses under clause (i)
2 in the reports described in subsection (h)(1);”;
3 and
4 (2) in subsection (h)(6), in the matter pre-
5 ceding subparagraph (A), by striking “(A) through
6 (G)” and inserting “(A) through (H)”.

○