

116TH CONGRESS
1ST SESSION

H. R. 1777

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2019

Ms. BONAMICI (for herself, Mr. DEUTCH, Mr. CRIST, Mr. GRIJALVA, Mr. LOWENTHAL, Ms. NORTON, Ms. WASSERMAN SCHULTZ, Mr. COHEN, Mr. CICILLINE, Ms. SCHAKOWSKY, Ms. JAYAPAL, Mr. SWALWELL of California, Miss RICE of New York, Mr. MOULTON, Ms. FRANKEL, Mr. PALLONE, Ms. HAALAND, and Mr. JOHNSON of Georgia) introduced the following bill; which was referred to the Committee on Education and Labor

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 “Ruthie and Connie
5 LGBT Elder Americans Act of 2019”.

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—

1 (1) in paragraph (24)—

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

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

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

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

8 (2) by redesignating—

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

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

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

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

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

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

23 (b) CONFORMING AMENDMENT.—Section
24 215(e)(1)(J) of the Older Americans Act of 1965 (42

1 U.S.C. 3020e–1(e)(1)(J)) is amended by striking “minority
2 ties” and inserting “minority individuals”.

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

4 (a) ESTABLISHMENT OF ADMINISTRATION.—Section
5 201 of the Older Americans Act of 1965 (42 U.S.C. 3011)
6 is amended—

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

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

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

16 (b) FUNCTIONS OF ASSISTANT SECRETARY.—Section
17 202 of the Older Americans Act of 1965 (42 U.S.C. 3012)
18 is amended—

19 (1) in subsection (a)—

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

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

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

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

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

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

8 “(g)(1) The Assistant Secretary shall, directly or by
9 grant or contract, establish and operate the National Re-
10 source Center on Lesbian, Gay, Bisexual, and
11 Transgender Aging (in this subsection referred to as the
12 ‘Center’).

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

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

22 “(A) educating aging services organizations
23 about the existence and special needs of LGBT older
24 individuals;

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

3 “(C) providing educational resources to LGBT
4 older individuals and their caregivers.

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

7 “(i) shall have demonstrated expertise in work-
8 ing with organizations or individuals on issues af-
9 fecting LGBT individuals;

10 “(ii) shall have documented experience in pro-
11 viding training and technical assistance on a na-
12 tional basis or a formal relationship with an organi-
13 zation that has that experience; and

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

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

21 “(5) The Assistant Secretary shall make available to
22 the Center on an annual basis such resources as are nec-
23 essary for the Center to carry out effectively the functions
24 of the Center under this Act and not less than the amount
25 of resources made available to the National Resource Cen-

1 ter on LGBT Aging, existing on the day before the date
2 of enactment of the Ruthie and Connie LGBT Elder
3 Americans Act of 2017, for fiscal year 2018.

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

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

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

11 (2) in subsection (c)—

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

16 (B) by redesignating paragraphs (4) and
17 (5) as paragraphs (5) and (6), respectively; and

18 (C) by inserting after paragraph (3) the
19 following:

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

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

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

24 “(1) no individual will be required to provide in-
25 formation regarding the sexual orientation or gender

1 identity of the individual as a condition of partici-
2 pating in activities or receiving services under this
3 Act; and

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

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

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

1 **SEC. 4. GRANTS FOR STATE AND COMMUNITY PROGRAMS**
2 **ON AGING.**

3 Section 301(a)(2) of the Older Americans Act of
4 1965 (42 U.S.C. 3021(a)(2)) is amended—

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

7 (2) by redesignating subparagraph (F) as sub-
8 paragraph (G); and

9 (3) by inserting after subparagraph (E) the fol-
10 lowing:

11 “(F) organizations that serve LGBT indi-
12 viduals; and”.

13 **SEC. 5. ACTIVITIES FOR HEALTH, INDEPENDENCE, AND**
14 **LONGEVITY.**

15 Section 411(a)(11) of the Older Americans Act of
16 1965 (42 U.S.C. 3032(a)(11)) is amended to read as fol-
17 lows:

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

25 “(A) addressing physical and mental
26 health, disabilities, and health disparities;

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

3 “(C) providing informal care, and formal
4 care in a facility setting;

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

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

11 **SEC. 6. DATA ON DISCRIMINATION.**

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

14 (1) in subsection (a)(3)—

15 (A) by redesignating subparagraphs (F)
16 through (J) as subparagraphs (G) through (K);
17 and

18 (B) by inserting after subparagraph (E)
19 the following:

20 “(F) collect and analyze data, relating to
21 discrimination against LGBT older individuals
22 on the basis of actual or perceived sexual ori-
23 entation or gender identity in the admission to,
24 transfer or discharge from, or lack of adequate
25 care provided in long-term care settings, and

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

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