

117TH CONGRESS
2D SESSION

H. R. 7993

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 2022

Ms. BONAMICI (for herself, Mr. DEUTCH, Mr. CRIST, Ms. NORTON, Ms. MCCOLLUM, Ms. SCHAKOWSKY, Ms. LOIS FRANKEL of Florida, Mr. TONKO, Mr. QUIGLEY, Mr. LOWENTHAL, Ms. PINGREE, Mr. TAKANO, Mr. SWALWELL, Mrs. CAROLYN B. MALONEY of New York, Mr. BLUMENAUER, Mr. NADLER, Mr. CARSON, Ms. TITUS, Mr. SOTO, Mr. O'HALLERAN, Mr. JOHNSON of Georgia, Mr. VARGAS, Mr. CÁRDENAS, Ms. WASSERMAN SCHULTZ, Mr. CICILLINE, Miss RICE of New York, Ms. MATSUI, Mrs. WATSON COLEMAN, Ms. CRAIG, and Mr. WELCH) 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 LGBTQ 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 LGBTQ Elder Americans Act of 2022”.

1 **SEC. 2. DEFINITIONS.**

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

4 (1) in paragraph (24)—

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

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

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

10 “(D) status as an LGBTQ individual and
11 status as an HIV individual.”;

12 (2) by redesignating—

13 (A) paragraphs (36) through (56) as para-
14 graphs (38) through (59), respectively; and

15 (B) paragraphs (34) and (35) as para-
16 graphs (36) and (37), respectively;

17 (3) by inserting after paragraph (33) the fol-
18 lowing:

19 “(34) The term ‘HIV’, used with respect to an
20 individual, means living with human immuno-
21 deficiency virus;

22 “(35) The term ‘LGBTQ’, used with respect to
23 an individual, means a lesbian, gay, bisexual,
24 transgender, or queer individual.”; and

25 (4) by inserting after paragraph (37), as so re-
26 designated, the following:

1 “(38) The term ‘minority’, used with respect to
 2 an individual, includes a lesbian, gay, bisexual,
 3 transgender, or queer individual.”.

4 (b) CONFORMING AMENDMENT.—Section
 5 215(e)(1)(J) of the Older Americans Act of 1965 (42
 6 U.S.C. 3020e–1(e)(1)(J)) is amended by striking “minori-
 7 ties” and inserting “minority individuals”.

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

9 (a) ESTABLISHMENT OF ADMINISTRATION; OFFICE
 10 OF THE LGBTQ INCLUSION.—Section 201 of the Older
 11 Americans Act of 1965 (42 U.S.C. 3011) is amended—

12 (1) in subsection (d)(3)(J), by inserting before
 13 the semicolon the following: “, including the effec-
 14 tiveness of such services in meeting the needs of
 15 LGBTQ older individuals”; and

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

17 “(h) The Assistant Secretary is authorized to des-
 18 ignate within the Administration a person to have respon-
 19 sibility for addressing issues affecting LGBTQ older indi-
 20 viduals.

21 “(i)(1) There is established in the Administration an
 22 Office of LGBTQ Inclusion (referred to in this subsection
 23 as the ‘Office’).

1 “(2)(A) The Office shall be headed by a Director of
2 LGBTQ Inclusion (referred to in this subsection as the
3 ‘Director’) who shall be appointed by the Secretary.

4 “(B) The Office shall include an Assistant Director
5 of LGBTQ Policy (referred to in this subsection as the
6 ‘Assistant Director’) who shall be appointed by the Direc-
7 tor to assist the Director in carrying out this subsection,
8 including by carrying out the activities under paragraph
9 (4).

10 “(3) The Director shall—

11 “(A) coordinate activities within the Depart-
12 ment of Health and Human Services, and between
13 other Federal departments and agencies, to assure a
14 continuum of improved services for LGBTQ older
15 individuals;

16 “(B) promote access to aging services and sup-
17 ports for LGBTQ older individuals;

18 “(C) collect and disseminate information related
19 to the challenges experienced by LGBTQ older indi-
20 viduals; and

21 “(D) administer and evaluate grants that will
22 expand access to aging services and supports for
23 LGBTQ older individuals.

24 “(4) The Assistant Director shall—

1 “(A) serve as the effective and visible advocate
2 on behalf of LGBTQ older individuals—

3 “(i) within the Department of Health and
4 Human Services and with other departments
5 and agencies of the Federal Government re-
6 garding all Federal policies affecting such indi-
7 viduals; and

8 “(ii) in the States to promote the enhanced
9 delivery of services and implementation of pro-
10 grams, under this Act and other Federal Acts,
11 for the benefit of such individuals;

12 “(B) support, conduct, and arrange for re-
13 search in the field of LGBTQ aging with a special
14 emphasis on gathering statistics on LGBTQ older
15 individuals;

16 “(C) collect and disseminate information related
17 to challenges experienced by LGBTQ older individ-
18 uals; and

19 “(D) recommend policies and priorities bene-
20 ficial to LGBTQ older individuals and promote the
21 implementation and adoption of culturally competent
22 care and services for such individuals.

23 “(5) Not later than 5 years after the date of enact-
24 ment of this Act and every 5 years thereafter, the Director
25 shall submit to Congress a report describing the activities

1 carried out under this subsection during the preceding 5
2 years.”.

3 (b) FUNCTIONS OF ASSISTANT SECRETARY.—Section
4 202 of the Older Americans Act of 1965 (42 U.S.C. 3012)
5 is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (16)(A)(ii), by inserting
8 “, and separately specifying the number of such
9 individuals who are LGBTQ individuals” before
10 the semicolon;

11 (B) in paragraph (33), by striking “; and”
12 and inserting a semicolon;

13 (C) in paragraph (34), by striking the pe-
14 riod at the end and inserting “; and”; and

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

16 “(35) conduct studies and collect data to deter-
17 mine the services that are needed by LGBTQ older
18 individuals.”; and

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

20 “(j)(1) The Assistant Secretary shall, directly or by
21 grant or contract, establish and operate the National Re-
22 source Center on Lesbian, Gay, Bisexual, and
23 Transgender Aging (in this subsection referred to as the
24 ‘Center’).

1 “(2) To address the unique challenges faced by
2 LGBTQ older individuals, the Center shall provide na-
3 tional, State, and local organizations, including those with
4 a primary mission of serving LGBTQ individuals and
5 those with a primary mission of serving older individuals,
6 with the information and technical assistance the organi-
7 zations need to effectively serve LGBTQ older individuals.

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

10 “(A) educating aging services organizations
11 about the existence and special needs of LGBTQ
12 older individuals;

13 “(B) sensitizing LGBTQ organizations about
14 the existence and special needs of older individuals;
15 and

16 “(C) providing educational resources to
17 LGBTQ older individuals and their caregivers.

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

20 “(i) shall have demonstrated expertise in work-
21 ing with organizations or individuals on issues af-
22 fecting LGBTQ individuals;

23 “(ii) shall have documented experience in pro-
24 viding training and technical assistance on a na-

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

5 “(B) To be eligible to receive funds under this sub-
6 section, an entity shall submit an application to the Assist-
7 ant Secretary at such time, in such manner, and con-
8 taining such information as the Assistant Secretary may
9 require.

“(5) The Assistant Secretary shall make available to the Center on an annual basis such resources as are necessary for the Center to carry out effectively the functions of the Center under this Act and not less than the amount of resources made available to the National Resource Center on LGBTQ Aging, existing on the day before the date of enactment of the Ruthie and Connie LGBTQ Elder Americans Act of 2017, for fiscal year 2018.

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

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 LGBTQ in-
8 dividuals; 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 LGBTQ 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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