

118TH CONGRESS
1ST SESSION

H. R. 3625

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

IN THE HOUSE OF REPRESENTATIVES

MAY 24, 2023

Ms. BONAMICI (for herself, Ms. BALINT, Mr. FROST, Ms. BARRAGÁN, Ms. TOKUDA, Ms. DAVIDS of Kansas, Ms. SCANLON, Mr. POCAN, Ms. NORTON, Ms. WILLIAMS of Georgia, Mr. LYNCH, Ms. TITUS, Mr. PANETTA, Mr. BLUMENAUER, Ms. SCHAKOWSKY, Ms. JACOBS, Ms. TLAIB, Mr. DESAULNIER, Ms. MENG, Mr. MOSKOWITZ, Mrs. WATSON COLEMAN, Mr. CÁRDENAS, Mr. JOHNSON of Georgia, Ms. PINGREE, Ms. GARCIA of Texas, Mr. QUIGLEY, Ms. SÁNCHEZ, Mr. SWALWELL, Ms. MCCOLLUM, Ms. BUSH, Ms. LEE of California, Mr. HIGGINS of New York, Mrs. HAYES, Mr. CASTEN, Ms. LOIS FRANKEL of Florida, Mr. BOWMAN, Ms. LEE of Pennsylvania, and Mr. CARSON) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Older Americans Act of 1965 to provide equal treatment of LGBTQI 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 LGBTQI Elder Americans Act of 2023”.

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 LGBTQI 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 ‘LGBTQI’, used with respect to
23 an individual, means a lesbian, gay, bisexual,
24 transgender, queer, or intersex 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, queer, or intersex 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 LBGTQ 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 LGBTQI 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 LGBTQI older indi-
 20 viduals.

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

1 “(2)(A) The Office shall be headed by a Director of
2 LGBTQI 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 LGBTQI 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 LGBTQI older
15 individuals;

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

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

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

24 “(4) The Assistant Director shall—

1 “(A) serve as the effective and visible advocate
2 on behalf of LGBTQI 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 LGBTQI aging with a special
14 emphasis on gathering statistics on LGBTQI older
15 individuals;

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

19 “(D) recommend policies and priorities bene-
20 ficial to LGBTQI 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 LGBTQI individuals” be-
10 fore 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 LGBTQI 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, Transgender,
23 Queer, and Intersex Aging (in this subsection referred to
24 as the ‘Center’).

1 “(2) To address the unique challenges faced by
2 LGBTQI older individuals, the Center shall provide na-
3 tional, State, and local organizations, including those with
4 a primary mission of serving LGBTQI 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 LGBTQI older individ-
8 uals.

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

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

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

17 “(C) providing educational resources to
18 LGBTQI older individuals and their caregivers.

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

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

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

1 tional basis or a formal relationship with an organi-
2 zation that has that experience; and

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

“(B) To be eligible to receive funds under this sub-
section, an entity shall submit an application to the Assist-
ant Secretary at such time, in such manner, and con-
taining such information as the Assistant Secretary may
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 LGBTQI Aging, existing on the day before the date of enactment of the Ruthie and Connie LGBTQI Elder Americans Act of 2023, for fiscal year 2024.

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 LGBTQI 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 LGBTQI older individ-
20 uals on the basis of actual or perceived sexual
21 orientation, gender identity, or sex characteris-
22 tics (including intersex traits) in the admission
23 to, transfer or discharge from, or lack of ade-
24 quate care provided in long-term care settings,

1 and 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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