

**ANNUAL REPORT TO CONGRESS
ON IMPLEMENTATION OF
THE AGE DISCRIMINATION ACT OF 1975**

FISCAL YEAR 2020

Table of Contents

BACKGROUND	3
AGE ACT ACTIVITIES	4
I. Executive Summary	4
II. Status of Agencies' Regulations	5
III. Complaints	6
IV. Mediation	9
V. Compliance Reviews	10
VI. Significant Cases	12
VII. Technical Assistance and Outreach, Agency Staff Training, and Other Activities	13
A. Technical Assistance and Outreach	13
B. Agency Staff Training	17
C. Other Agency Activities	19
ANALYSIS AND CONCLUSION	22
Appendix A: List of Abbreviations and Acronyms	24
Appendix B: Status of Agencies' Regulations	26
Appendix C: Complaints	30
Appendix D: Mediation	32
Appendix E: Compliance Reviews	33
Appendix F: Technical Assistance and Outreach, Staff Training, and Other Activities	35

BACKGROUND

In November 1975, Congress enacted the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101 – 6107), hereafter referred to as the “Age Act,” as part of an amendment to the Older Americans Act (P.L. 94-135). The Age Act prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance (FFA). Prohibited discriminatory acts include acts that have the effect of excluding, denying, or limiting services to individuals, or otherwise discriminating, on the basis of age.

The Age Act does not apply to programs of direct assistance, in which federal funds flow directly and unconditionally from the federal government to individual beneficiaries. The Age Act also does not prohibit the use of age as a factor that is necessary to the normal operation of a program, and it does not apply to age distinctions established under the authority of any federal, state, or local statute, or ordinance adopted by an elected, general purpose legislative body, including distinctions that create special benefits for old or young persons. In addition, the Age Act does not apply to discrimination on the basis of age in employment, which is covered by the Age Discrimination in Employment Act of 1967 (29 U.S.C. §§ 621 – 634) (ADEA). The ADEA is administered by the Equal Employment Opportunity Commission (EEOC).

The Age Act gives the Department of Health and Human Services (HHS) the responsibility of coordinating the federal government’s efforts to comply with the Age Act. Section 308(n) of the Age Act requires the Secretary of HHS to compile and analyze reports submitted from each federal agency implementing the Age Act. As such, each federal agency that provides FFA to programs and activities must submit a report to the Secretary of HHS describing steps taken to implement the Age Act during the preceding fiscal year. The Annual Report to Congress on Implementation of the Age Discrimination Act (Age Act Report) is a summary and analysis of the individual reports forwarded by these agencies.

During FY 2020, federal agencies, similar to other sectors of society, were adversely impacted by the global COVID-19 pandemic. Office closures, adaptive technology, and other operational changes were made to ensure the continuation of essential government programs and services for people of all ages, and to ensure the safety of employees and the public.

In the fall of 2020, the HHS Office for Civil Rights (OCR) sent a data request to 28 federal agencies that administer FFA programs covered by the Age Act. Only one agency was unable to provide a comprehensive report of its FY 2020 Age Act activities.¹ Most agencies’ activities were continuations of programs from previous years, demonstrating an ongoing and serious commitment on the part of the federal government to enforce the Age Act. This is the 39th Age Act Report submitted to Congress.

¹ The United States Agency for International Development (USAID) did not provide a report for FY 2020.

AGE ACT ACTIVITIES

I. Executive Summary

This Report covers the following areas:

- Development of Age Act Regulations

Twenty-four of the 28 agencies have published Age Act regulations. This issue showed no change from FY 2019.

- Complaints

In FY 2020, there was a slight decrease in the number of new Age Act complaints. Ten agencies received new complaints for a total of 838 complaints. The Department of Education (ED) received the most complaints (58%), followed by HHS (30%) and the Department of Agriculture (USDA) (7%). Agencies resolved 913 complaints (new and carry-overs), with 89% closed administratively.

- Mediation

Out of the ten agencies that received new complaints, four of these agencies referred a total of 148 complaints to the Federal Mediation and Conciliation Service (FMCS) for mediation. Sixty-one percent of these complaints were resolved through mediation, a substantial increase when compared to 15% of referred complaints in FY 2019.

- Compliance Reviews

Age-related compliance reviews continued to decrease in FY 2020, showing the lowest number in several years. Five agencies initiated compliance reviews, with a combined case workload of 195 cases. One hundred and nineteen reviews were closed, with the majority (61%), closed without finding sufficient evidence of a violation.

- Significant Cases

Two agencies reported significant and successful case resolutions. This section of the report has remained fairly steady through the years.

- Technical Assistance and Outreach, Staff Training, and Other Activities

Federal agencies' technical assistance, outreach and staff training efforts indicate that they continued to take steps in FY 2020 to advance the goal of the Age Act and prohibit discrimination on the basis of age in programs or activities receiving FFA.

II. Status of Agencies' Regulations

From FY 2014 to FY 2017, there were significant advances by agencies in the development of Age Act regulations. However, there were no major developments from FY 2018 to FY 2020. Twenty-four out of 28 agencies have published final Age Act regulations. The remaining four agencies provided updates on their progress in developing their regulations, as follows:

- AmeriCorps continues to assess whether to combine its civil rights regulations for federally assisted and conducted programs, including age discrimination regulations, into one comprehensive regulation. Once a determination has been made, AmeriCorps will revise the regulations accordingly. AmeriCorps anticipates a final decision in FY 2021.
- The Department of Defense (DOD) continues to develop a regulation implementing the Age Act and anticipates publication in FY 2022.
- Beginning in FY 2015, the Department of Transportation (DOT) coordinated with HHS to begin the process of developing its Age Act regulation. HHS will review DOT's draft when it is complete.
- The National Credit Union Administration (NCUA) appreciated HHS's review and approval of its proposed, combined nondiscrimination regulations in 2010. Before issuance the NCUA plans to receive results from a consultation with the Equal Employment Opportunity Commission (EEOC) and undergo the Department of Justice's (DOJ) approval process, and then it will issue the full complement of nondiscrimination rules in its proposed Part 730, as originally intended.

HHS will continue to review draft regulations and offer assistance to the agencies that have not published their regulations.²

² Additional information about agencies' implementing regulations is available in Appendix B.

III. Complaints

During FY 2020, ten federal agencies reported receiving at least one new age discrimination complaint, a slight decrease from eleven agencies in FY 2019. Overall, agencies received 838 new complaints, a decrease from 896 in FY 2019. As illustrated in Table I, the majority of new complaints were received by ED (58%), followed by HHS (30%), and the USDA (7%), similar to previous years.

Table I: New Complaint Receipts FY 2012 – 2020³

AGENCY	FY 2012	FY 2013	FY 2014	FY 2017	FY 2018	FY 2019	FY 2020
AmeriCorps	0	3	4	4	0	2	4
DOD	0	0	0	1	0	0	0
DHS	6	0	0	0	0	1	0
DOE	0	0	0	2	0	1	0
DOI	1	1	0	0	0	0	0
DOJ	3	26	8	0	8	26	15
DOL	25	19	24	18	30	4	4
DOS	13	9	9	13	8	-	0
DOT	2	1	0	0	0	0	1
ED	511	522	651	672	592	566	488
EPA	1	0	0	0	0	0	0
HHS	67	53	48	75	122	190	251
HUD	14	6	5	49	32	2	4
IMLS	0	1	0	2	0	2	0
NEA	0	0	0	1	0	0	0
NSF	-	-	-	-	-	0	5
NRC	0	0	2	0	0	0	0
USDA	32	58	35	48	62	88	60
VA	1	2	1	0	8	14	6
TOTALS	676	701	787	885	862	896	838

The new complaints combined with 298 complaints carried over from previous fiscal years created a government-wide workload of 1,136 complaints, lower than in FY 2019 (1,249) and FY 2018 (1,341). The issues raised in the age-related complaints varied based on the programs administered by each agency. The most frequently cited issues involved the denial of benefits or services by a program receiving FFA, and harassment or poor treatment.⁴

³ There were no Age Act Reports to Congress for FY 2015 or FY 2016.

⁴ Additional information about complaints is available in Appendix C.

ED received 488 complaints that included at least one allegation of discrimination based on age, and carried over 170 of such complaints from FY 2019, for a total caseload of 658 complaints. Out of the 658 complaints, the most frequent allegations ED investigated concerning the Age Act were “discrimination prohibited” (254 allegations) and “retaliation” (67 allegations). In addition, ED received 70 complaints that involved employment, resulting in no jurisdiction; 40 complaints containing an “unspecified education-related service issue;” and 20 complaints involving a “service issue not related to education.”

HHS OCR complaints mostly involved discriminatory treatment or denial of services (42%), while the denial of insurance coverage for certain medical procedures or medications was at 33%. This is similar to FY 2019 when 39% of complaints were related to discriminatory treatment and 36% related to insurance coverage. There was little to no change in the other types of complaint issues such as child welfare services (7%) and individuals having the opportunity to receive home and health care services while living in the most integrated setting available (1%). Seventeen percent (17%) of cases received by HHS OCR involved issues outside of its authority, such as employment, policing, and housing.

The majority of USDA’s complaint activity was attributed to problems with communication and customer service between the public and staff at state and local agencies. USDA reported there were no other patterns or practices of discrimination identified in the age-based complaints received in FY 2020.

The National Science Foundation (NSF) received five age related complaints and closed them administratively. Three of the complaints were from employees of NSF recipients that alleged age discrimination, harassment, or retaliation in employment. These complaints were referred to the EEOC. Another complaint was from an applicant that filed against a program that was not funded by NSF, and the complainant was advised to file with ED. The last complaint was from a former student of a NSF recipient institution who alleged that a faculty member made inappropriate age-related comments about older individuals in classroom environments. That complaint was also administratively closed as it was being investigated in other forums.

The Department of Housing and Urban Development (HUD) received complaints centered on the refusal to rent, or terms and conditions of rent based on age, specifically for the elderly or for youth. The most frequent issues received by the Department of Veterans Affairs (VA) involved allegations of unfair or poor treatment, and the denial of benefits and services.

Table II below illustrates case closures and outcomes by each agency (including new and carry-over complaints):⁵

Table II: Complaint Closures and Outcomes

AGENCY	Insufficient Evidence of Violation	Specific Finding of Violation	Agreement to Implement Corrective Action	Administrative Closure	TOTAL CLOSURES
AmeriCorps	4	0	0	0	4
DOJ	14	0	0	11	25
DOL	5	0	0	3	8
ED	36	6	4	477	523
HHS	3	0	14	261	278
HUD	0	0	0	3	3
NSF	0	0	0	5	5
USDA	16	0	1	50	67
TOTALS	78	6	19	810	913

There were 913 closures in FY 2020, a decrease from 969 in FY 2019 and 1,024 in FY 2018. Eighty-nine percent of cases were administratively closed (the same as in FY 2019). Nine percent were closed because there was insufficient evidence of a violation (the same as in FY 2019).

⁵ DOT's sole complaint was not included in this chart. The complaint was closed in early FY 2021.

IV. Mediation

The government-wide regulation implementing the Age Act requires that age-related complaints received by agencies that administer programs receiving FFA be referred for mediation by an agency designated by the Secretary of HHS. The HHS Secretary designated the Federal Mediation and Conciliation Service (FMCS) as that agency. Over the past few years, FMCS has worked with agencies to promote its mediation services. FMCS developed and disseminated a new, simpler form for requests for mediation to federal agencies. When FMCS's efforts are unsuccessful, FMCS returns the age-related complaints to the receiving agency for processing.

Out of the ten agencies that received new complaints in FY 2020, four reported referring complaints to FMCS (40%), compared to 45% in FY 2019, and far fewer than the 75% of agencies in FY 2018. Those four agencies – AmeriCorps, ED, HHS, and USDA – reported referring a total of 148 complaints to FMCS, a decrease from 252 in FY 2019, and 290 in FY 2018. Out of the 148 complaints, 90 complaints (or 61%) were resolved through mediation, much more than in previous fiscal years.

Eight hundred and nine (809) complaints were not referred to FMCS (a decrease from 994 complaints in FY 2019) because they were: (1) referred to other mediation providers; (2) under further review; (3) referred in previous years; or (4) administratively closed.⁶

⁶ Additional information about mediation efforts is available in Appendix D.

V. Compliance Reviews

Age Act compliance reviews generally focus on the overall civil rights compliance with procedural and programmatic FFA requirements, including notices of nondiscrimination and the use of age as a factor in recipients' programs. In FY 2020, agencies were mostly limited to desk-audits unlike in previous years when agencies reported a wide range of activities including post-award audits and on-site visits in order to assess compliance.

In FY 2020, five agencies reported conducting compliance reviews, with a combined caseload of 195, a slight increase from 183 in FY 2019. These reviews were conducted by the Department of the Interior (DOI), Department of Labor (DOL), U.S. Nuclear Regulatory Commission (NRC), the Tennessee Valley Authority (TVA), and USDA.

Table III: Compliance Review Workload FY 2012-2020⁷

AGENCY	FY 2012	FY 2013	FY 2014	FY 2017	FY 2018	FY 2019	FY 2020
AmeriCorps	114	129	131	195	287	43	0
DOI	-	-	-	-	0	0	21
DOT	0	0	0	43	33	0	0
DOL	-	-	-	-	0	0	3
GSA	0	0	0	4	11	0	0
HHS	2,800	2,535	3,137	0	0	0	0
HUD	0	0	2	0	0	0	0
NASA	2	1	1	1	0	0	0
NRC	106	53	84	46	51	49	23
TVA	81	26	27	12	17	7	67
USDA	5,333	2,439	3,119	50	50	84	81
TOTALS	8,436	5,183	6,501	351	449	183	195

Table III illustrates the continued significant decrease in age-related compliance reviews. The decrease reflects a significant reduction in the number of compliance reviews conducted by AmeriCorps, HHS, and USDA.

⁷ There were no Age Act Reports to Congress for FY 2015 and FY 2016.

Table IV below illustrates compliance review closures and outcomes by each agency (including new and carry-over cases):⁸

Table IV: Compliance Reviews Closures and Outcomes

AGENCY	Insufficient Evidence of Violation	Specific Finding of Violation	Agreement to Implement Corrective Action	Administrative Closure	TOTAL CLOSURES
DOI	0	0	0	18	18
DOL	0	0	3	0	3
TVA	67	0	0	0	67
USDA	5	13	13	0	31
TOTAL	72	13	16	18	119

Agencies closed 119 compliance reviews in FY 2020, a decrease from 134 in FY 2019 and 425 in FY 2018. Most compliance reviews were resolved without sufficient evidence of a violation or closed administratively. Sixteen were resolved with corrective action and 13 were found to have evidence of a violation.

⁸ Additional information on compliance review activities is available in Appendix E.

VI. Significant Cases

Of the 28 federal agencies, ED and HHS reported significant cases that were successfully resolved in FY 2020, similar to prior years when no more than two or three agencies reported significant cases.

- ED OCR investigated a complaint from an older college student who was subjected to harassment based on her age by both students and staff. ED OCR corroborated that an instructor had made derogatory references about the student's age, and determined that the college did not have a grievance process for students to complain about age discrimination. Prior to the completion of ED OCR's full investigation, the college voluntarily agreed to provide notice of its new Age Act Coordinator in its updated college catalog. The college also agreed to adopt and publish grievance procedures providing for prompt and equitable resolution of complaints of age discrimination, and to train the Age Act Coordinator and staff on Age Act compliance responsibilities.
- ED OCR received a complaint from a student who was denied campus housing because he was over 24 years of age. ED OCR determined that the complaint was appropriate for its Rapid Resolution Process (RRP) and notified the university. Subsequently, the university's counsel committed to taking steps to resolve the allegation in the complaint. A few weeks later, the university provided ED OCR with information to show that it had: (1) provided the student with a choice of several housing options, which he chose from; and (2) amended its housing policy so that students older than 24 years of age are not prohibited from living in student housing.
- HHS OCR investigated a complaint from a patient who was denied access to the Gardasil vaccine because her health plan told her that she was "too old." Her health plan required that she prove that the vaccine was medically necessary for her age group. Prior to 2018, Gardasil was limited to individuals under the age of 26 years old. However, in 2018 the HHS Food and Drug Administration (FDA) approved the use of Gardasil for people between 27-45 years of age. The patient stated that she informed her health plan of the FDA's approval for her age group, but the health plan still denied her request, and she paid out of pocket for the vaccine. During HHS OCR's investigation, the health plan admitted that it denied the patient's claim in error. The health plan reported that it reprocessed the patient's claim. The health plan also sent written confirmation to the patient to notify her about their corrective actions. The patient reported to HHS OCR that the issues in her complaint were resolved and she was fully satisfied with the outcome.

VII. Technical Assistance and Outreach, Agency Staff Training, and Other Activities

The majority of federal agencies reported conducting activities in at least one of the following three areas: (1) technical assistance and outreach; (2) federal agency staff training; and (3) other activities. These activities included, among others: technical assistance during compliance reviews or upon request by recipients; virtual presentations, training events, and workshops; conferences for grantees and the public; and distribution of fact sheets and posters on-line and on-site. The sub-sections that follow provide examples of the efforts federal agencies took to promote compliance with the Age Act in FY 2020.⁹

A. Technical Assistance and Outreach

In FY 2020, the Department of Homeland Security (DHS), DOI, DOT, National Aeronautics and Space Administration (NASA), National Endowment for the Arts (NEA), National Endowment for the Humanities (NEH), USDA and the VA developed the following noteworthy technical assistance tools and guides:

- DHS Office for Civil Rights and Civil Liberties (CRCL) continued implementation of the DHS Civil Rights Evaluation Tool for recipients of its FFA. As part of the biennial tool submission process, recipients provide information on civil rights complaints (including complaints that allege violations of the Age Act), and policies and procedures to fulfill various civil rights obligations. Additionally, DHS Federal Emergency Management Agency (FEMA) distributed a brochure to disaster survivors titled, “Your Civil Rights and Disaster Assistance” and released a bulletin titled, “Ensuring Civil Rights During COVID Response” that references age discrimination. FEMA also conducted external stakeholder calls with more than 2,000 participants.
- DOI covered the requirements of the Age Act from an enforcement and compliance perspective for its bureaus, offices, and recipients of FFA. Bureaus and offices offered technical assistance regarding the Age Act to staff, recipients, and the public upon request.
- DOT National Highway Traffic Safety Administration’s (NHTSA) Older Driver Program educates the public on safety as it relates to older drivers. The Older Driver Program includes plans, toolkits, and trainings to assist law enforcement, medical professionals, and family members with helping to ensure the safety of older drivers on the road. Similarly, DOT Federal Highway Administration (FHWA) initiated an Older Road User Program focused on providing fact sheets and other resources on improving road safety for older drivers and pedestrians. DOT Federal Motor Carrier Safety Administration (FMCSA) provides a Senior Bus Safety Travel Kit that includes information and tips for older adults on electing safe bus travel.
- NASA created a new reporting capability that allows beneficiaries of NASA-funded educational or other programs to raise concerns without filing formal complaints under one of the four grants related to the civil rights laws NASA enforces, including the Age Act. The

⁹ Additional information about agencies’ activities is available in Appendix F.

new reporting mechanism can be found using the following link:

<https://missionstem.nasa.gov/filing-a-complaint.html>

- NEA released a new funding opportunity to support research on music interventions in brain health, with potential applicability for older adult populations. The NEH Director of Research & Analysis also presented alongside leadership of the National Institute on Aging in a session titled, “Why Creativity Matters to Aging and Health” at the Gerontological Society of America’s annual meeting.
- NEH encourages cultural institutions receiving FFA to waive entrance fees for the general public on certain days, in an effort to help make programming more accessible. In addition, virtually all museums that receive NEH support offer lower admission fees for older adults. Additionally, alternative-format (e.g., audiotape, large-print) publications regarding NEH programs are available upon request.
- USDA provided the following technical assistance to its recipients during FY 2020, in compliance with the Age Act:
 - National Institute of Food and Agriculture (NIFA) presented training to the 20-member administrative council of the Western Sustainable Agriculture Resource and Education (SARE) program regarding civil rights laws, including the Age Act. NIFA’s Equal Opportunity Staff developed a webinar series for 223 land grant university contacts which provides bi-monthly training on civil rights compliance areas including the requirements of the Age Act; and
 - Forest Service (FS) Special Use Permit Administrators and Grants and Agreements Specialists continued to issue the “Partner-in-Service” resource package to recipients at the time of a pre-award or post-award compliance review. This package contains tools to help FS partners understand their roles and responsibilities under civil rights laws, including the Age Act.
- The VA Veterans Benefits Administration’s (VBA) poster, “Equal Opportunity is the Law,” provides information regarding individuals’ rights under the Age Act and other laws to applicants, participants, and other interested persons in recipient schools. Recipient schools are required to display the poster in a conspicuous location that is accessible to all students and school employees.

DOL, ED, HHS, the Institute of Museum and Library Services (IMLS), NEA, NRC, and USDA provided considerable civil rights outreach through presentations and conferences:

- In December 2019, DOL Civil Rights Center/Office of External Enforcement (CRC/OEE) held a conference call with 27 state-level EO Officers (SLEOs) and representatives of the National Association of State Workforce Agencies (NASWA) to provide technical assistance regarding Non-Discrimination Plans (NDP) requirements, and to discuss common discrimination-related issues (including those related to age) faced by SLEOs and their recipients. In February 2020, the CRC Director and OEE staff provided in-person training to 33 SLEOs at the annual meeting of NASWA’s EO Committee, which includes the SLEOs of multiple states and territories across the nation. Topics covered included basic EO obligations (including those related to age) and conducting discrimination-related investigations. During the rest of the fiscal year, the CRC Director and OEE staff participated in four conference calls with the NASWA EO Committee, including two meetings addressing general obligations related to civil

rights compliance (particularly during the pandemic) which included those related to age discrimination.

- ED OCR staff conducted several introductory or general presentations concerning its enforcement authorities, including the Age Act. Virtual audiences included administrators and staff from state agencies, colleges, universities, school districts, elementary and secondary schools, parent groups, advocacy organizations, and attorneys. OCR presented its general “harassment” presentation during which OCR answered questions about various topics including Free Appropriate Public Education (FAPE), private schools, nonacademic services, counseling, and transportation. In addition, OCR presented on cases from previous years and answered questions as part of the group's "Learn Local" remote conference. ED OCR also participated in a panel discussion in which ED OCR explained its mission, activities, and functions, including its enforcement of the Age Act.
- HHS OCR regularly presents at conferences and workshops to representatives of HHS FFA recipients and members of the public. In FY 2020, OCR gave five presentations that included information on the Age Act. For example, OCR participated in the State of Delaware’s “Aging Population: Riding the Gray Wave” conference, and collaborated with the HHS Administration for Community Living in two other outreach efforts. Other outreach activities provided information on both civil rights and the Health Insurance Portability and Accountability Act Privacy, Security and Breach Notification Rules to small health care providers and to members of Texas Tech University’s Health Science Center.
- IMLS awards the majority of its funding through the “Grants to States Program,” which supports 59 State Library Administrative Agencies (SLAAs). These SLAAs have responsibility for the development of library services throughout the nation. IMLS engages in both site visits and targeted training presentations to ensure that the SLAAs have the programs and assistance they need to ensure compliance with the Age Act and other civil rights laws. IMLS extranet site is specifically designed for IMLS grantees to access updated grant award requirements, policies, and compliance information, which includes the Age Act.
- NEA’s Office of Accessibility conducted a series of presentations and workshops for its grantees, as well as organizations dedicated to the aging field. The purpose of these presentations was to educate participants on making quality arts programs available for older adults and people with disabilities. Specifically, the Office of Accessibility:
 - Presented a workshop on making in-person and virtual events accessible at the Maryland Arts Summit on May 26, 2020;
 - Presented a webinar on accessibility for people with disabilities and older adults for the Mid-America Arts Alliance on July 29, 2020;
 - Presented a workshop on accessibility for people with disabilities and older adults at the Bill Bates Leadership Institute for the Alabama State Council on the Arts on August 20, 2020; and
 - Presented a workshop on accessibility for individuals with disabilities and older adults to graduate and undergraduate students at Georgetown University’s museum studies program; Duke University’s theater studies program; the University of Oregon’s arts management program; and Indiana University’s arts administration program.
- NRC informed stakeholders (including approximately 236 prospective recipients) of the NRC’s pre- and post-award compliance review programs and processes, and informed stakeholders of

applicable nondiscrimination regulations, regulatory requirements, and how to achieve voluntary compliance.

- USDA Food and Nutrition Service (FNS) civil rights staff implemented the requirements of the Age Act through trainings, meetings, conferences, and on-site reviews. FNS Regional Civil Rights Officers provided direct technical assistance as part of the compliance review process. In addition, training for regional program staff, state directors, and state agency staff at national, regional, and tri-regional conferences reached over 4,000 attendees. Program recipients also received specialized training on Meal Modification requirements for the National School Lunch Program, the Child and Adult Care Food Program, and the Summer Food Service Program, which reached over 600 attendees.

Most agencies reported using their websites to provide information regarding civil rights, including the Age Act, to their FFA recipients and the public, for example:

- The Department of Commerce (DOC) Office of Civil Rights (OCR) cooperates with its Office of Acquisition Management and Bureau Grants Officers to oversee compliance with the Age Act and the DOC's regulation. Information is available to recipients and the public on its website, found at: <https://www.commerce.gov/cr/policies/legal-authorities-ocr>.
- The Department of Energy (DOE) Office of Civil Rights and Diversity maintains a website that informs Departmental employees, the public, and recipients of DOE financial assistance of the prohibition of age-based discrimination under the Age Act and provides information on how a complaint may be filed under the Age Act. The webpage may be found at: www.energy.gov/diversity/services/civil-rights/age-discrimination-act-1975
- DHS CRCL's website includes information for recipients available at www.dhs.gov/resources-recipients-dhs-financial-assistance.
- The Environmental Protection Agency (EPA) External Civil Rights Compliance Office website includes information about civil rights enforcement and is available at www.epa.gov/ogc/external-civil-rights-compliance-office-title-vi.
- DOJ's in-person and virtual training program for recipients of DOJ funding include information on the Age Act. In addition, the Age Act is also covered in online training modules that DOJ makes available to all grantees and the public on the Office of Justice Programs, Office for Civil Rights website available at <https://www.ojp.gov/training-and-technical-assistance>.
- HHS OCR maintains a website with Age Act information available at www.hhs.gov/civil-rights/for-individuals/age-discrimination. HHS OCR also provides Age Act fact sheets online in the following languages: English, Spanish, Korean, Tagalog, Vietnamese, Chinese, Polish, and Russian. Further, HHS OCR offers technical assistance to Medicare Part A applicants on compliance with the Age Act through the attestation process in OCR's web portal.
- HUD's website, www.HUD.gov, provides ample information for the public on the Age Act, including a description of the Age Act, the discrimination prohibited, and the process for filing a

complaint. The public may also seek assistance with Fair Housing questions through HUD's toll-free number, available on the website.

- IMLS and NRC also post information and educational materials on their websites regarding civil rights programs (including the Age Act), as well as complaint forms and assurance of compliance forms. These websites are available at <https://www.imls.gov/grants/manage-your-award/administration/legal-references> and <https://www.nrc.gov/about-nrc/civil-rights.html>, respectively.
- NSF Office of Diversity and Inclusion (ODI) revised its homepage in FY 2020, and it includes information about the Age Act, available at <https://www.nsf.gov/od/odi/>. Individuals who contact ODI about its services or to report discrimination are informed about the Age Act and how to file a complaint.
- USDA Food Safety and Inspection Service (FSIS) provided technical assistance and outreach to its federally assisted State Meat and Poultry Inspection (MPI) programs. For example, the agency's "at least, equal to" guidelines were made available to the state MPI programs through the agency's website available at <https://www.fsis.usda.gov/guidelines/2016-0011>. These guidelines address civil rights requirements for state programs to include the prohibition of discrimination on the basis of age. In addition, USDA continued to ensure that the "And Justice for All" poster, which includes age as a protected basis, was posted on its website for recipients, beneficiaries, and the public. It is available at <https://nifa.usda.gov/resource/and-justice-all-poster>. The Foreign Agricultural Service (FAS) and its recipients also continue to display the "And Justice for All" poster, and published a nondiscrimination statement for the public and its federal employees.

B. Agency Staff Training

Nearly half of agencies reported providing staff training on the Age Act, often included in their general civil rights training. The U.S. Agency for Global Media (USAGM), DOC, DOI, ED, General Services Administration (GSA), HHS, HUD, IMLS, NEH, NRC, TVA, USDA, and VA all conduct civil rights training for their staff on a periodic basis, with special emphasis on providing training to new staff. Training was provided in a variety of settings, including orientations, meetings, and online tutorials. The following are highlights of agencies' training accomplishments:

- In July 2020, ED OCR hosted a training on investigative techniques for all its attorney-staff, which included the Age Act.
- DHS FEMA's Office of Equal Rights conducted external civil rights training to its Regional Field Operations and Legal Division of its Office of Chief Counsel in July 2020.
- DOI's Office of Diversity, Inclusion and Civil Rights (ODICR) hosted monthly meetings to discuss issues relating to the various civil rights requirements and provided training sessions related to compliance activities. During FY 2020, the ODICR and Bureau civil rights staff participated in various conferences and training programs with federal, state and local personnel where the requirements of the various civil rights regulations and statutes,

including the Age Act, were presented and discussed.

- IMLS ensured that its supervisors and staff employees received annual training on their roles and responsibilities with regard to ensuring that its grant programs and work environment remain free from all forms of discrimination, including age discrimination. In addition, IMLS provided updated civil rights training to program staff employees in preparation for the bi-annual Chief Officers' meetings and other grantee workshops.
- NEH provided its staff with electronic resources to aid awareness and understanding of federal civil rights laws, including the Age Act. NEH also provides accessibility guidance and grant-related civil rights and disability materials. In addition, NEH's Office of the General Counsel provides information and feedback on age discrimination issues as requested.
- The NRC Equal Opportunity and Senior Civil Rights Specialist provided technical assistance to the internal offices on NRC Office of Small Business and Civil Rights' (SBCR) pre-and post-award compliance review processes. The training provided greater understanding of the agency's compliance with federal regulations, agency policies, procedures and practices. The NRC also provides its employees with management directives (MDs) and accompanying handbooks that cover equal opportunity and fair practice laws, including the Age Act.
- USDA provided the following training to its staff on the Age Act:
 - USDA's Annual Civil Rights Training was provided to managers, supervisors, and employees on their responsibilities pertaining to all civil rights laws, including the Age Act. The training was geared toward fostering a better understanding of how the Age Act and other civil rights laws are applicable when interacting with internal staff and customers;
 - Rural Development (RD) included the Age Act in a comprehensive civil rights training presented to agency staff and recipients. Due to Covid-19 restrictions on travel and requirements for social distancing, training was provided utilizing various sources such as PowerPoint, Video Teleconferencing (VTC), Skype, and Adobe Connect. Training was provided to over 875 participants. Trainers discussed the Age Act as it related to program delivery and applicant eligibility.
 - FNS Civil Rights staff provided training to program staff on identifying age as a basis applicable to all nutrition assistance programs. The Age Act is covered during the training to include scenarios to illustrate age issues;
 - FAS disseminated its "Civil Rights and Diversity Policy Statement;" "Anti-Harassment Policy Statement and Procedures;" "USDA Non-Discrimination Statement;" and "USDA's Civil Rights Policy" to its employees. The documents include a section on nondiscrimination based on age.
 - FSIS employees attended numerous civil rights-related webinars and trainings. In most of these instances, age discrimination was included in the trainings.
 - Natural Resources Conservation Service (NRCS), National Employee Development Center (NEDC) Cadre offers a course entitled "Civil Rights and Program Delivery." This course is offered to all NRCS employees at least once each quarter. The objective of this course is to raise awareness for field level staff and how they can diversify their boards and councils, as well as how to collect and analyze program data on the county level to attract non-traditional and traditionally underserved participants to NRCS programs.

- The VA trained its staff on the following courses: “EEO Complaint Process, Harassment Prevention and a Respectful Workplace” and “External Civil Rights Discrimination Complaint Program.” These trainings included information regarding the identification of and effective strategies in dealing with discrimination and harassment claims based on age. In total, over 2,000 employees participated in these training opportunities.

C. Other Agency Activities

Below are additional examples of noteworthy Age Act activities:

- Several agencies reported that they conduct periodic desk audits and/or pre-award reviews of their recipients of FFA. These include, but are not limited to, DOE, DHS, NRC, and USDA. In addition, GSA and IMLS provide posters, on-site visits, and webinars, in addition to pre-award reviews, to special subsections of their agencies, recipients, and the public.
- Many agencies reported requiring grant applicants to submit assurances that they will comply with civil rights laws and regulations, including the Age Act. These agencies include DOE, HHS, NCUA, and NRC, among others.
- DOI’s Departmental Office of Diversity, Inclusion and Civil Rights; Bureau of Land Management; Fish and Wildlife Service; Bureau of Reclamation; U.S. Geological Survey; National Park Service; Office of Surface Mining; Bureau of Safety and Energy Enforcement; Bureau of Ocean Energy Management; and Bureau of Indian Affairs provided non-discrimination policies, which included information about the Age Act, on its websites, brochures, technical assistance and training programs, and compliance reviews.
- HHS OCR is responsible for reporting on the extent to which agencies have implemented the provisions of the Age Act in the Annual Age Act Report to Congress. HHS OCR also responds to questions from other federal agencies regarding development of their regulations and resolution of their challenging or novel age complaints.
- VA’s Veterans Benefit Administration (VBA) Education Contract Compliance Specialists and Education Liaison Representatives examined the proprietary schools’ policy statements and reviewed the schools’ student catalog to ensure that Age Act compliance information was contained within those documents. Furthermore, the Office of Resolution Management, Diversity, & Inclusion (ORMDI) VBA EEO Liaison Office provided technical assistance to education service staff regarding the provisions of the Age Act. This training included non-discrimination policies and practices for customers and visitors.

Other agencies (NEA, NEH, DOT, and USDA) reported on ways they enhance the participation of individuals in certain age ranges (in particular, older adults) that may be underrepresented in the agencies’ programs. Some examples follow:

- NEA awarded the Arts Endowment Awards for Arts-and-Aging Research Project to the University of Alabama at Birmingham and Baylor University in Waco, TX. The University of Alabama at Birmingham was awarded \$100,000 in NEA research grants to support a study examining the

effects of theater experiences on the health outcomes of older adults living in subsidized retirement communities. Through a randomized waitlist control study, researchers will implement a ten-week theater acting program, and test whether it improves older adults' emotional health, their physical functioning within their environments and communities; and their health-related quality of life. Pre-, post-, and follow-up assessments will include objective clinical assessments of physical performance and biological measurements of stress.

NEA awarded Baylor University \$97,000 in research grants to support a study examining the effect of music on pain management in older adults. The clinical trial will compare outcomes across older adults in one of three groups: receiving only music; receiving music with guided instructions; and receiving structured attention and standard care. Outcome variables of interest include chronic pain management and sleep. The findings will inform public knowledge about how interventions using music—with or without guided instructions—may offer a non-pharmacological treatment option for older adults experiencing pain, by posing minimal risk and burden to patients.

- NEH works to ensure that older Americans are included in its programs and activities. Foremost, NEH awards grants based solely on merit. Older scholars have always been eligible and encouraged to compete for NEH funding on the same basis as other similarly qualified applicants. Indeed, each year NEH funds numerous projects that involve older individuals as primary investigators, project staff, or consultants. Often scholars beyond the conventional retirement age are awarded NEH support to continue long-term, collaborative research projects they have directed and sustained for many years. In addition, older scholars are involved in many of the research and teaching programs that NEH supports, and many older scholars serve as grant review panelists and specialist reviewers for NEH research and education programs. Furthermore, NEH supports many projects that directly and indirectly benefit older Americans. NEH positively impacts older Americans when they participate in reading and discussion programs, visit cultural institutions, attend public programs, view television productions, and listen to radio broadcasts made possible by NEH grants.
- DOT funded programs designed to enhance the participation of older persons that are otherwise under-represented in transportation programming. For example, DOT FTA provided \$289 million in Enhanced Mobility of Seniors and Individuals with Disabilities grants to support transportation services that meet the special transportation needs of older adults and individuals with disabilities. The program funds projects such as wheelchair lifts, ramps, and securement devices for vans and buses; mobility management programs; volunteer driver programs; and accessible paths to bus stops. FTA also provides support for the National Aging and Disability Transportation Center, which promotes the availability and accessibility of transportation options for older adults, people with disabilities, and caregivers. The Center provides grants and trainings to help communities create accessible transportation for older adults and people with disabilities. FRA provides funding and oversight over Amtrak, which offers travelers 65 years of age a 10% discount on most rail fares on most Amtrak trains. On cross-border services operated jointly by Amtrak and VIA Rail Canada, adults over 60 are eligible to receive a 10% discount.¹⁰

¹⁰ Via Rail Canada is a Canadian Crown corporation which provides passenger rail service in Canada. At Via Rail Canada stations in Montreal, Toronto and Vancouver, consumers may purchase Amtrak tickets to U.S. cities: <https://www.viarail.ca/en/travel-info/transport-services/intermodality/amtrak>.

- USDA continued to conduct Civil Rights Impact Analyses on proposed rules, regulations, and products to identify potential, disproportionate or adverse impact to individuals or classes of individuals protected under the Age Act. FS continued to sponsor the Interagency Senior Pass program that provides admission to Forest Service, National Park Service, Bureau of Land Management, Bureau of Reclamation, and Fish and Wildlife Service sites that charge entrance or standard amenity fees. Those eligible for the Interagency Senior Pass must be U.S. citizens who are over 62 years of age. Admission is provided for the pass holder and any accompanying passengers in a private non-commercial vehicle. The pass is valid for the pass holder's lifetime. Lastly, FAS continued to require its commodity-based, recipient employees to be provided with an "Introduction to Civil Rights" and "EEO and Cultural Diversity" trainings, which included a section on nondiscrimination based on age. FAS recipients include approximately 82 commodity-based organizations.

ANALYSIS AND CONCLUSION

There was no significant advancement in the area of regulation development in FY 2020 as four of the 28 agencies have not published final Age Act regulations. HHS worked, and will continue to work, with agencies to review their draft regulations and provide technical assistance consistent with its responsibility to coordinate the federal government's efforts to comply with the Age Act.

With respect to complaint activity, the federal government received 58 fewer age discrimination complaints in FY 2020 than in FY 2019. Ten agencies reported receiving complaints for a total of 838 new complaints. The total federal Age Act complaint workload for FY 2020, which included new and carry-over complaints, was 1,136. As in prior years, ED continued to receive the great majority of age discrimination complaints, followed by HHS and USDA. The most frequently cited issues in age discrimination complaints involved the denial of services or harassment by an agency or program receiving FFA.

In terms of the resolution of Age Act complaints, eight federal agencies reported that they resolved 913 complaints in FY 2020, with 810 of those resolved administratively. Of the other types of complaint resolutions, 78 were resolved based on insufficient evidence of a violation, and 19 were resolved based on an agreement to undertake corrective action or other change without a specific finding of a violation. Six were resolved with a violation Letter of Findings.

Four agencies referred 148 new age discrimination complaints to FMCS for mediation. A decrease in referrals from previous years. However, the success rate for mediation efforts increased substantially (61% in FY 2020 compared to 15% in FY 2019). Most of the complaints that were not referred to FMCS had either been referred in a previous year; were not yet triaged; or were administratively closed.

In FY 2020, five agencies initiated 195 compliance reviews and resolved 119. The majority were resolved due to insufficient evidence of a violation. The reduction in compliance reviews has been an investigative trend over the last several years.

During the COVID-19 pandemic, federal agencies continued to provide technical assistance and outreach to help the public understand their rights, as well as to help recipients of FFA understand their obligations under the Age Act. Many federal agencies also reported providing training to their employees on the Age Act, including virtual training modules, presentations, meetings, and tutorials. These agencies had more age complaint and compliance review workloads, thus assuring that these trainings reached the majority of staff most engaged in Age Act enforcement activity.

Nearly half of federal agencies reported conducting additional activities in FY 2020 to increase compliance with the Age Act. Specifically, a few agencies reported on ways they enhance the participation of individuals in certain age ranges (in particular, older adults) that may be underrepresented in the agencies' programs. Such activities, while not required by the Age Act,

serve to open opportunities that otherwise may have been limited, thus enhancing access for individuals of all ages. These programmatic initiatives complement implementation of the Age Act.

In summary, federal agencies received fewer age discrimination complaints in FY 2020, and closed fewer than in FY 2019. Most new and carry-over complaints were administratively closed. When complaints were not administratively closed and were sent to FMCS, 61% were successfully mediated. Federal agencies also initiated and resolved fewer compliance reviews. Those reviews that were conducted were mostly closed without finding sufficient evidence of a violation. However, federal agencies continued to provide quality outreach, technical assistance, and training to the public; recipients of FFA; and federal employees on the Age Act.

As in previous years, HHS OCR will continue the following activities to promote enforcement of the Age Act:

- Continue to assist agencies that have not yet developed their Age Act regulations;
- Urge all agencies to disseminate information on the Age Act to the public and recipients;
- Continue to share resources among agencies to promote more effective enforcement of the Age Act by the federal government; and
- Continue to work with FMCS to coordinate and improve the efficiency of the mediation process.

Appendix A:
List of Abbreviations and Acronyms

Federal Agencies

AmeriCorps	d/b/a Corporation for National and Community Service
DOC	Department of Commerce
DHS	Department of Homeland Security
DOD	Department of Defense
DOE	Department of Energy
DOI	Department of the Interior
DOJ	Department of Justice
DOL	Department of Labor
DOS	Department of State
DOT	Department of Transportation
ED	Department of Education
EPA	Environmental Protection Agency
GSA	General Services Administration
HHS	Department of Health and Human Services
HUD	Department of Housing and Urban Development
IMLS	Institute of Museum and Library Services
NASA	National Aeronautics and Space Administration
NCUA	National Credit Union Administration
NEA	National Endowment for the Arts
NEH	National Endowment for the Humanities
NRC	Nuclear Regulatory Commission
NSF	National Science Foundation

SBA	Small Business Administration
TVA	Tennessee Valley Authority
USAID	United States Agency for International Development
USDA	United States Department of Agriculture
USAGM	United States Agency for Global Media
VA	Department of Veterans Affairs

Miscellaneous Acronyms and Abbreviations

Age Act	Age Discrimination Act of 1975
C.F.R.	Code of Federal Regulations
EEO	Equal Employment Opportunity
EO	Equal Opportunity
FFA	Federal Financial Assistance
Fed. Reg.	Federal Register
FY	Fiscal Year
OCR	Office for Civil Rights/Office of Civil Rights
P.L.	Public Law
U.S.C.	United States Code

Appendix B: **Status of Agencies' Regulations**

AmeriCorps — AmeriCorps continues to assess whether to combine its civil rights regulations for federally assisted and conducted programs, including age discrimination regulations, into one comprehensive regulation. Once a determination has been made, AmeriCorps will revise the regulations accordingly. AmeriCorps anticipates a final decision in mid FY 2021. Once a final decision has been made AmeriCorps will proceed with the drafting and rulemaking process for the regulations.

DOC — DOC's regulation implementing the Age Act was published in 15 C.F.R. Part 20, "Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance." The regulation was published in the Federal Register on August 13, 1986. In June 2009, the DOC Office of Civil Rights issued a Departmental Administrative Order (DAO) 201-7, "Nondiscrimination in Federally Assisted and Conducted Programs." In September 2019, the DAO was reviewed and recertified as being current. The DAO integrates several sets of DOC's regulations pertaining to nondiscrimination in federally assisted programs, and clarifies the roles and responsibilities for implementation and complaint processing.

DOD — DOD's regulation is undergoing an internal review. Following the Federal Register's notice and comment period, the policy will go through the final DOD steps towards issuance, with an anticipated issuance in 2022.

DOE — DOE originally published its implementing regulation, 10 C.F.R. Part 1040, Subpart E, on February 27, 1985. See 50 Fed. Reg. 8089. On August 26, 2003, DOE, along with 21 other federal agencies, amended and re-published its regulation to conform to the decision in *Cureton v. NCAA*, 198 F.3d 107 (3d. Cir. 1999). See 68 Fed. Reg. 51348. The regulation is entitled, "Non-discrimination on the Basis of Age—Age Discrimination Act of 1975."

DHS — DHS follows the HHS regulation at 45 C.F.R. Part 90, which states government-wide rules for the implementation of the Age Act. The DHS Federal Emergency Management Agency (FEMA) has a regulation implementing the Age Act that was published at 55 Fed. Reg. 23078 on June 6, 1990, and amended at 68 Fed. Reg. 51380, on August 26, 2003, and codified at 44 C.F.R. Part 7.

DOI — DOI published its final rule implementing the provisions of the Age Act in the Federal Register on January 25, 1989 (54 Fed. Reg. 3596). The rule effectuates the requirements of the Act in all programs and activities that receive FFA from DOI. The rule is codified at 43 C.F.R. Part 17, Subpart C.

DOJ — DOJ's implementing regulation for the Age Act was published on February 11, 1994, and is codified at 28 C.F.R. Part 42, Subpart I. The statutory provision authorizing the regulation is 42 U.S.C. § 6103(a)(4). DOJ issued the regulation on February 11, 1994, and revised the heading for Subpart I on August 26, 2003.

DOL — DOL Civil Rights Center (CRC) published its final rule containing the regulations implementing the Age Act in the Federal Register on April 2, 2004, with an effective date of May 3, 2004. These regulations remain in effect and are codified at 29 C.F.R. Part 35.

DOS — DOS’s regulations implementing the Age Act can be found at 22 C.F.R Part 143, and were published on April 22, 1980. It was amended on August 26, 2003.

DOT — The Office of the Secretary of Transportation (OST) heads DOT, a decentralized Agency comprised of Departmental offices, the Office of the Inspector General, and nine operating administrations (OAs). These OAs are: Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), Federal Motor Carrier Safety Administration (FMCSA), Federal Railroad Administration (FRA), Federal Transit Administration (FTA), Maritime Administration (MARAD), National Highway Traffic Safety Administration (NHTSA), Pipeline and Hazardous Materials Safety Administration (PHMSA), and St. Lawrence Seaway Development Corporation (SLSDC).

DOT does not currently have an implementing regulation, but has implemented processes throughout the OAs to carry out the intent of the statute. For example, DOT’s implementing regulations for Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d – 2000d-7, require all recipients of Federal financial assistance to sign an assurance that they will conduct all activities in compliance with Title VI and its non-discrimination provisions. 49 C.F.R. § 21.7. Appendix E of this assurance is required to be included in all sub-contracts awarded by DOT recipients, and explicitly cites the Age Discrimination Act of 1975 (Age Act) as a non-discrimination provision binding the sub-recipient.

In addition, FAA’s Order 1400.11, titled “Nondiscrimination in Federally-Assisted Programs at the FAA,” cites Title VI and the Age Act in the opening paragraph of its cover letter and declares that the Order will set forth the operating procedures for the implementation and enforcement of these authorities. Under Chapter 4, “Recipient Obligations,” all FAA recipients are required to comply with the Age Act through an assurance included in FAA’s Airport Sponsor grant assurances.

MARAD’s Maritime Administrative Order 770-772, establishes the nondiscrimination policy for its federally-assisted and federally-conducted programs. This Order includes both Title VI and the Age Act.

PHMSA’s External Civil Rights Program Guidelines for Grant Recipients covers compliance with civil rights responsibilities, including the Age Act. The Guidelines provide information that recipients can use to create a Civil Rights Program Plan in order to ensure compliance with the Age Act and other non-discrimination authorities. It provides sample notifications to the public of their rights, and sample complaint forms for recipients to adopt as part of their complaint processing program.

FMCSA’s Title VI Program implementing regulation includes specific reference to the Age Act as an authority. FMCSA also requires applicants for funding to submit a Title VI Program Assurance, which includes the Age Act requirements, along with a FMCSA Title VI Program Compliance Plan. This Plan is reviewed by FMCSA’s Office of Civil Rights. Age is included in all protected group recitations throughout the elements of the Plan (i.e., Assurance, Notification to Beneficiaries/Participants, and Complaint Disposition Process).

FTA administers its own requirement prohibiting age discrimination. FTA is required to ensure nondiscrimination on the basis of age in any project, program, or activity funded by the agency (49 U.S.C. § 5332). The prohibition against age discrimination is incorporated into every grant and cooperative agreement and must be agreed to as a condition of compliance by the grant recipient. Each year, FTA recipients sign a “Master Agreement” certifying that they will comply with all FTA requirements, which contains a specific section titled, “Nondiscrimination on the Basis of Age.”

Lastly, FHWA annually requires state DOTs to submit implementation plans that comply with the Age Act's statutory and administrative requirements. These plans are reviewed and approved by FHWA Division Administrators. (23 C.F.R. § 200.9)

ED —ED's regulation implementing the Age Act, 34 C.F.R. Part 110, was published on July 27, 1993. The effective date of implementation was August 26, 1993. The regulation was amended most recently through the formal rulemaking process in 2000, resulting in a final regulation which was published in the Federal Register on November 13, 2000, effective December 13, 2000. ED's regulation prohibiting age discrimination applies to all recipients of FFA, including elementary and secondary schools, trade schools, colleges, universities, and state vocational rehabilitation agencies.

EPA — EPA's regulations implementing the Age Act were published on June 4, 2010, in the Federal Register at Volume 75, Number 107. See 40 C.F.R. §§ 7.140 – 7.180.

GSA —GSA published its implementing regulation, "Discrimination Prohibited on the Basis of Age", on June 4, 1985, available at 41 C.F.R. §§ 101-8.7-101.8.725. GSA is relocating its Age Act regulation from GSA's Federal Property Management Regulation to GSA's Federal Management Regulation. This process will involve changing the numbering of the regulation based on its new location in the Code of Federal Regulations, but no substantive changes to the text are planned.

HHS — On December 28, 1982, HHS published its final regulation (45 C.F.R. Part 91) implementing the Age Act, for programs or services receiving HHS financial assistance, in the Federal Register. The regulation became effective on January 27, 1983.

HUD — HUD's regulation implementing the Age Act was published in the Federal Register on December 17, 1986. The regulation, entitled "Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance," 24 C.F.R. Part 146, became effective on April 10, 1987.

IMLS — IMLS has implemented the Age Act with 2 C.F.R. Section 3187.12. See 79 Fed. Reg. 76088, Dec. 19, 2014, as amended at 84 Fed. Reg. 22944, May 21, 2019.

NASA —The NASA regulation implementing the Age Act was published as a final rule at 50 Fed. Reg. 13311-13315 on April 4, 1985, and is codified at 14 C.F.R. Part 1252.

NCUA — NCUA commits to making the technical corrections identified in § 730.201(f) before publishing the proposed Part 730, Volume 12 in the Federal Register. Before issuing proposed Part 730, Subpart C, governing the Age Act, NCUA would prefer to receive the results from its Equal Employment Opportunity Commission (EEOC) consultation and the DOJ approval processes, and then issue the full complement of nondiscrimination rules in proposed Part 730, as originally intended. The NCUA remains concerned with the potential burden on its Community Development Revolving Loan Fund (CDRLF) recipients in complying with multiple publications of nondiscrimination requirements, as these credit unions typically have limited staffing and resources. However, the NCUA intends in the near term to renew its efforts to obtain approval for, and adopt, the required regulations.

NEA — NEA's regulations implementing the Age Act can be found at 45 C.F.R. Part 1156.

NEH — NEH published its final regulation implementing the Age Act in the Federal Register on May 9, 2014 (79 Fed. Reg. 26631). The regulation, which took effect on June 9, 2014, is codified at 45 C.F.R.

Part 1172.

NRC — The NRC’s regulation implementing the Age Act can be found in 10 C.F.R. Part 4, “Nondiscrimination in Federally Assisted Programs or Activities Receiving Federal Financial Assistance from the Commission,” Subpart C, “Regulations Implementing the Age Discrimination Act of 1975, as Amended.” This regulation is available for public access on the NRC Web site at <http://www.nrc.gov/reading-rm/doc-collections/cfr/part004/>.

NSF — NSF’s regulations under the Age Act were published in the Federal Register on December 21, 1984 (Vol. 49, No. 247). NSF’s regulations that implement the Age Act are found at 45 C.F.R. Part 617.

SBA — SBA’s Age Act regulation, located at 13 C.F.R. Part 117, is titled, “Nondiscrimination in Federally Assisted Programs of SBA Effectuation of the Age Discrimination Act of 1975, As Amended.”

TVA — TVA published preliminary regulations on February 2, 1980. TVA’s final regulation implementing the Age Act was published on August 11, 1981, in 46 Fed. Reg. 30811. TVA’s regulations are codified at 18 C.F.R. Part 1309.

USAGM — On January 8, 1980, in coordination with the DOS and USAID, the USAGM, formerly known as Broadcasting Board of Governors, issued proposed regulations implementing the Age Act. These regulations were published in the Federal Register in January 1980 and became final on September 23, 1980. They were amended on August 26, 2003 (68 Fed. Reg. 51360).

USAID — USAID regulations implementing the Age Act were codified and published at 22 C.F.R. Part 218 on Sept. 23, 1980.

USDA — The USDA Age Act regulation, 7 C.F.R. Part 15c, “Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance from the U.S. Department of Agriculture,” was finalized and published on January 1, 2016. The regulation prohibits discrimination on the basis of age in programs and activities receiving FFA from USDA. All USDA mission areas and agencies are required to adhere to the provisions set forth in the regulation and related guidance on nondiscrimination on the basis of age. The regulation may be found at <https://www.govinfo.gov/app/details/CFR-2016-title7-vol1/CFR-2016-title7-vol1-part15c>.

VA — The VA’s internal regulation to implement the Age Act is contained at 38 C.F.R. Part 18, Subpart E. The State Veterans Home (Construction) Program Age Discrimination Guidelines are codified at 38 C.F.R. Part 43, and cross-referenced in Part 59. The State Veterans Homes (Per Diem) Program Age Discrimination Guidelines are finalized at 38 C.F.R. Parts 51, 52, and 58. The National Cemetery Administration follows the guidance in Title 38 to implement the Age Act, and the State Cemetery Grants Program Age Discrimination Guidelines are codified at 38 C.F.R. Part 43.

Appendix C: **Complaints**

DOL – The most frequent complaint issues DOL encountered involved either (1) programs that offer aid, benefits, services, and/or training as part of the nation’s system of American Job Centers (also known as One-Stop Career Centers) established under the Workforce Innovation and Opportunity Act (WIOA) and its predecessor statute, the Workforce Investment Act (WIA); or (2) programs associated with the Senior Community Service Employment Program (SCSEP). These complaints involved selection for, receipt of benefits, or termination from, such programs. Two of the complaints involved local workforce investment/workforce development agencies; one was an individual American Job Center; one was a municipal Department for the Aging; and one was a state unemployment agency. The DOL Civil Rights Center/Office of External Enforcement (CRC/OEE) did not issue any findings of age discrimination during FY 2020, and identified no pattern or practice of such discrimination, in any program receiving FFA that falls under the agency’s jurisdiction.

HHS —OCR received 251 new complaints alleging age discrimination by FFA recipients in FY 2020. OCR’s workload in FY 2020 also included 73 age discrimination complaints carried over from previous years, for a total workload of 324 complaints. The number of complaint receipts in FY 2020 is considerably higher than in preceding fiscal years. OCR resolved 278 age discrimination complaints in FY 2020, an increase from 199 in FY 2019 and 184 in FY 2018. Two hundred and sixty-one complaints were closed administratively; 14 complaints were closed with change achieved; and three complaints were closed based on insufficient evidence of a violation/no violation. There were no findings of a violation in keeping with previous years. Forty-six cases were pending with OCR at the end of FY 2020, a decrease from 74 cases pending at the end of FY 2019

HUD —HUD’s Office of Fair Housing and Equal Opportunity investigated seven age-based complaints in FY 2020. Complaints in FY 2020 include an allegation of discrimination based on one or more bases besides age, such as disability, religion, or race. Four of the seven investigated cases have entered into a conciliation agreement under the Title VIII conciliation process, two were withdrawn by the complainant and one was closed due to no cause findings.

USDA — Of the total age complaints received in FY 2020, approximately 75% originated from FNS programs, 23% originated from RD, and .01% originated from NIFA. Specifically:

- 91% were filed against the Supplemental Nutrition Assistance Program , which serves on average 22 million households each month;
- 4% were filed against The Emergency Food Assistance Program , which was appropriated \$397.1 million by Congress; and
- 4% were filed against the Commodity Supplemental Food Program, which serves on average 692,000 participants each month.

The FNS, RD, and NIFA complaint activity was attributed to communication issues and customer service between program users and staff at state and local agencies receiving FFA. There were no other patterns or practices of discrimination identified in the age-based complaints received in FY 2020.

In FY 2020, USDA resolved 67 of the 86 total age complaint workload. Of the 67 complaints resolved, 16 were resolved based on insufficient evidence of a violation, 1 was resolved with an agreement for

corrective action/other change without a specific finding of a violation, and 50 were resolved administratively.

VA — The VA's analysis of complaint data revealed that there were no reported age-related discriminatory complaints received by the National Cemetery Administration (NCA). There were two complaints filed with the Veterans Benefits Administration (VBA) and four complaints filed with the Veterans Health Administration (VHA) within the last three years. These results reflect VA's consistent progress in preventing or proactively addressing age discrimination, which may occasionally occur in federally assisted programs and activities.

Appendix D: **Mediation**

AmeriCorps — AmeriCorps referred three age related cases to FMCS. None were successfully mediated.

ED — ED referred 78 cases to FMCS. Of these cases, 66 were successfully mediated. A total of 540 cases were not referred to FMCS in FY 2020 because 390 were retained in ED's OCR for investigation; 93 had been referred to FMCS in a previous fiscal year; and 57 were referred to other agencies in FY 2020.

HHS — HHS referred 21 cases to FMCS, a decrease from 48 cases in FY 2019 and 38 cases in FY 2018. Most new complaints were closed administratively and were not referred to FMCS. Eight cases were successfully mediated.

USDA — USDA referred 46 cases to FMCS, of which 16 cases were successfully mediated, similar to 17 cases in FY 2019. A total of 29 cases were not referred to FMCS in FY 2020, mostly because they were closed administratively. Although FNS utilized FMCS for dispute resolution assistance, other USDA agencies used internal resolution methods, such as referral to the USDA Office of the Assistant Secretary for Civil Rights.

Appendix E: **Compliance Reviews**

DOT — Although no Age Act compliance reviews were conducted in FY 2020, the Age Act was incorporated into Title VI and ADA program reviews. At FTA, recipients' programs are reviewed every three years to ensure compliance with statutory and administrative requirements. FTA examines 21 program areas during these reviews, including recipients' half-fare program for older transit riders. By law, transit agencies must offer a non-peak fare for older adults that is not more than half the base fare charged during peak travel hours (49 U.S.C. § 5307(d)).

HHS – During prior years, HHS OCR determined a provider's compliance with the requirements of the Age Act, as well as Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, through compliance reviews as part of the pre-award process. As part of this former process, HHS OCR also routinely provided technical assistance to all Medicare Part A pre-award applicants when compliance issues were identified. In FY 2016, HHS OCR migrated its pre-award compliance review program of healthcare providers that apply to participate in the Medicare Part A program to a more streamlined way to process new applicants by attestation and technical assistance through OCR's web portal. Due to HHS OCR's current process, there were no formal pre-award, age-related compliance reviews in FY 2020, but HHS OCR continued to provide technical assistance through its website in the attestation process. HHS OCR also did not conduct post-award, age-related compliance reviews in FY 2020.

NRC — During the pre-award compliance review process, civil rights specialists engage recipient staff in an interactive exchange related to (1) applicable nondiscrimination regulations; (2) identification of compliance requirements; (3) achievement of voluntary compliance; and (4) information, data, and document collections. A civil rights specialist or other staff member provides the level of outreach, assistance, and training needed to help the designated recipient complete NRC Form 781, SBCR Compliance Review, Parts A, B, and C. NRC Form 781 identifies and requires the recipient to consent to a broad range of assurances, recordkeeping, and ongoing compliance and reporting requirements. The recipient is also required to complete the Office of Management and Budget-approved Standard Form, Assurances, Non-Construction Programs (OMB Standard Form 424B (Rev. 7-97)).

In the post-award compliance review phase, the NRC staff and recipient employees have continuous interaction related to (1) conducting agency desk audits and/or onsite audits; (2) monitoring compliance; (3) coordinating efforts; (4) training; and (5) requesting and providing technical assistance. There are also discussions focused on the recipient's feedback and notification of complaints and lawsuits. In addition to the above activities, the NRC includes discrimination provisions in the terms and conditions of an agency's grant award document. Based on informal feedback from stakeholders and the NRC's internal reviews, the aforementioned combinational approach is a significant contributing factor in the agency's reduction in age-related complaints.

TVA — TVA conducted sixty-seven compliance reviews in FY 2020; all were resolved based on insufficient evidence of a violation or without a violation finding. TVA's compliance reviews provide assistance, and are limited to desk-level audits concerning TVA awards, or self-reported violations. Under TVA's approach, any reported violations are assessed based on the size and scope of the applicant's operations; the nature of the violation or alleged violation; and the number of years that have elapsed since the violation or alleged violation occurred.

USDA —USDA agencies conducted 81 compliance reviews of its federally assisted programs. USDA carried over 54 from FY 2019 and initiated 27 new compliance reviews in FY 2020. Thirty-one were closed in FY 2020 and 50 were pending at the end of FY 2020. USDA utilized several methods to carry out compliance reviews, such as interviews; docket reviews; and site visits to assess activities and to review the effectiveness of the enforcement of civil rights laws; Executive Orders; and Departmental and agency regulations.

Appendix F: **Technical Assistance and Outreach, Staff Training, and Other Activities**

1. Technical Assistance and Outreach to FFA Recipients, Beneficiaries, and the Public

DOT — NHTSA's Older Driver Program represents a proactive step by DOT to help older drivers. The Older Driver Program includes plans, toolkits, and trainings to assist law enforcement, medical professionals, and family members with helping to ensure the safety of older drivers on the road. FHWA and NHTSA provide funding for the Clearinghouse for Older Road User Safety, a centralized source of information about highway safety for older drivers, passengers, pedestrians, and cyclists. FHWA's Older Road Users program is designed to address the engineering aspects of highway and roadway safety for aging populations. This includes compiling community resources for promoting older road user safety, a handbook for designing roadways for the aging population, and hosting a training on roadway engineering for older road user safety. FMCSA provides a Senior Bus Safety Travel Kit, which provides information and tips for older adults on selecting safe bus travel. FRA provides funding and oversight over Amtrak, which offers travelers 65 years of age and older a 10% discount on most rail fares on most Amtrak trains. On cross-border services operated jointly by Amtrak and VIA Rail Canada¹¹, adults over 60 years of age are eligible to receive a 10% discount.

FTA announced \$3.5 million in grants for 17 projects in 16 states as a part of the Mobility for All Pilot Program. These grants are designed to improve mobility and access to public transportation for older adults, people with disabilities, and individuals with low incomes. FTA also provided \$289 million in Enhanced Mobility of Seniors and Individuals with Disabilities grants to support transportation services that meet the special transportation needs of older adults and individuals with disabilities. The program funds projects such as wheelchair lifts, ramps, and securement devices for vans and buses, mobility management programs, volunteer driver programs, and building accessible paths to bus stops.

FTA financially supports the National Aging and Disability Transportation Center, which promotes the availability and accessibility of transportation options for older adults, people with disabilities, and caregivers. The Center provides grants and trainings to help communities create accessible transportation for older adults and people with disabilities. FTA also funds the National Center for Mobility Management, which works to adopt transportation strategies and the coordination of federal resources for transportation for people with disabilities, older adults, and people with lower incomes.

IMLS — IMLS provides regular technical assistance to its grant recipients even though it is a smaller federal agency. Through the IMLS website, grantees are provided resources that address civil rights compliance requirements for all its applicants and recipients of FFA.

NASA — NASA has certain civil rights requirements for recipients of its grant awards and other forms of assistance. Among the most important of these requirements is an assurance by the grantee institution, prior to receiving an award that it is in compliance with all Federal civil rights laws, including the Age Act. A signed Assurance of Compliance form (also known as NASA Form 1206) provides grantees with valuable

¹¹ Via Rail Canada is a Canadian Crown corporation that operates intercity passenger rail service in Canada. At Via Rail Canada stations in Montreal, Vancouver and Toronto, consumers may purchase one-way or round trip tickets to U.S. cities: <https://www.viarail.ca/en/help/fag/travelling-united-states>.

information on specific requirements under the grant related civil rights laws and requires information on complaints filed against the grantees, including under the Age Act. In 2020, NASA collected 203 Assurance of Compliance forms from its grantees

NEH — As an independent federal agency and one of the largest funders of humanities programs in the U.S., NEH requires its funding recipients to execute their projects in accordance with applicable anti-discrimination laws, including the Age Act, and provides information about these laws on its website, <https://www.neh.gov/about/human-resources/civil-rights-and-disability-related-resources>. Also, NEH encourages grant applicants to consider architectural accessibility when developing their projects. In conjunction with the NEA, NEH published *Design for Accessibility: A Cultural Administrator's Handbook*, which contains guidance on accessibility issues, including how to both create new programs and open existing programs so as to be inclusive of persons with disabilities and elderly persons. The Handbook is available to grantees and the public at: <https://www.arts.gov/sites/default/files/Design-for-Accessibility.pdf>. The *Accessibility Planning and Resource Guide for Cultural Administrators* is available as an online companion to the Handbook. The Guide outlines a step-by-step process for achieving accessible practices, and features best practices that illustrate specific methods for making existing programs more inclusive. The Guide is available to grantees and the public at: <https://www.arts.gov/sites/default/files/AccessibilityPlanningAll.pdf>.

2. Staff Training

DOC — DOC OCR continued to build its External Civil Rights program through weekly consultation with DOJ's Federal Coordination and Compliance Section. DOC OCR also provided training to its headquarters and bureau civil rights offices as well as grants offices throughout the Department.

GSA — All of GSA's staff that administers the Age Act are trained on the Age Act requirements and processes. Age Act information is also incorporated into regular meetings within the GSA Office of Civil Rights' External Programs Branch, as needed.

TVA — TVA's Office of the General Counsel conducts training upon request on Age Act requirements to TVA employees involved in the federal assistance award process.

USAGM — USAGM's staff is trained annually on civil rights and equal employment opportunity matters, affording them the expertise needed to guide employees in accordance with current federal regulations. Also, the Agency's Office of Civil Rights provides a variety of training opportunities, which are made available to agency employees as well as such as contractors and grantees. As a result, USAGM anticipates its efforts can prevent or reduce age discrimination in its programs and activities.

3. Other Activities

DOC — DOC requires grant applicants to sign the Standard Form 424B or 424D, which provides DOC with certifications that applicants will comply with the Age Act. Specifically, the Commerce Financial Assistance Standard Terms and Conditions, which are incorporated into each financial assistance award, contain a stipulation that recipients will comply with the Age Act and the Commerce regulation enforcing the Act.

DOE — DOE routinely performs pre-award compliance reviews of its recipients to ensure compliance with civil rights statutes and regulations, including the Age Act. As a precondition for FFA, recipients are required to self-certify that they are in compliance with the Age Act by executing, DOE Form 1600.5, Assurance of Compliance. Recipients are further required to answer DOE's Civil Rights Questionnaire to report any allegations of discrimination made against them within a designated time period.

DHS — DHS advises its recipients of the Age Act and their compliance obligations through the DHS Standard Terms and Conditions, which is referenced in the Notice of Funding Opportunity Announcement and included with the Notice of Award for DHS grants and other types of financial assistance.

DOL — The regulations promulgated under the Workforce Innovation and Opportunity Act (WIOA) Section 188 require state governors to submit Non-Discrimination Plans (known as NDPs), describing how the state will ensure nondiscrimination and equal opportunity in its workforce development system. Each state NDP must explain the procedures the state has put in place for ensuring nondiscrimination on all bases prohibited by WIOA Section 188, including age. In addition, the WIOA nondiscrimination regulations require Governors to collect and analyze demographic data, explicitly including data and analyses related to age, about program applicants, registrants, participants, and trainees, as well as employees and applicants for employment. Where one or more of these analyses identifies any statistically significant differences in participation by members of a protected group (explicitly including age-based differences), the Governor is required to investigate, in order to determine whether those differences were caused by systemic discrimination. Where systemic discrimination is identified, the Governor must either obtain prompt corrective action, or, as necessary, apply appropriate sanctions. The Governor must also provide CRC with copies of reports of monitoring reviews and of follow-up actions taken under those reviews where violations have been found, including, where appropriate, sanctions. During FY 2020, OEE initiated and resolved compliance reviews in three cases in which Governors had failed to submit timely NDPs. The resolutions involved submission of acceptable NDPs. They did not result in any evidence of any pattern or practice of age discrimination. In CRC's view, the NDP requirements are significant in that they emphasize to states the importance of conducting their own monitoring to ensure that no systemic discrimination, including on the basis of age, is taking place.

GSA —GSA issues nondiscrimination posters for display in recipients' buildings and on their websites, which explain their responsibility to comply with the Age Act.

IMLS —IMLS emphasizes compliance programs in connection with its Grants to States Program, which awards funds to State Library Administrative Agencies. Additionally, the IMLS Office of the General Counsel briefs members of the museum and library fields about significant developments in the area of civil rights. In addition, all applicants for FFA from IMLS must certify that they will comply with the applicable nondiscrimination statutes. IMLS engages in desk audits of all grant applications to determine compliance with the Age Act.

NASA - Effective April 9, 2020, NASA's grant terms and conditions require FFA institutions to report to NASA any findings or determinations of sexual and other forms of harassment, or sexual assault regarding a NASA-funded Principal Investigator or Co-Investigator, along with the actions taken by the respective institution in order to resolve those findings or determinations. The terms and conditions further specifies the procedures that will be followed by NASA upon receipt of a notification. In September 2020, NASA's Administrator reinforced NASA's commitment to anti-discrimination by issuing

a policy letter to beneficiaries of NASA-funded programs and activities informing the beneficiaries that their institutions are prohibited from discriminating in their programs or activities, and must have in place programs and processes to redress discrimination or harassment should they occur. The aforementioned policy statement can be viewed in its entirety using the following web link:

https://missionstem.nasa.gov/docs/NASA_Policy_Statement_Antidiscrimination-SIGNED_TAGGED.pdf

NCUA — NCUA only provides federal financial assistance through its Community Development Revolving Loan Fund (CDRLF), a relatively small grant and loan program. In 2020, the CDRLF awarded 305 grants totaling approximately \$2.5 million to 301 low-income designated credit unions nationwide. In 2020, nine loans were issued totaling \$2.25 million. As a condition to participate in the program, NCUA requires its recipients to sign a certification form that includes an assurance that the applicant conducts its activities in compliance with civil rights laws, including the Age Act.

NEA – The following are institutions that NEA has awarded the National Arts Endowment Awards for Creativity and Aging Projects for Older Adults: Alaska Pacific University, Anchorage, AK; Artown, Reno, NV; Arts for the Aging-Maryland, Inc., Rockville, MD; Brooklyn Ballet, Inc., Brooklyn, NY; Buffalo Fine Arts Academy (Albright-Knox Art Gallery), Buffalo, NY; Carter Burden Network, Inc., New York, NY; City of St. Peters, Missouri, St. Peters, MO; Cultural Arts Center at Glen Allen Foundation, Glen Allen, VA; D.C. Wheel Productions, Inc. (Dance Place), Washington, DC; Da Capo Chamber Players, Inc., New York, NY; Dances for a Variable Population, New York, NY; Dance Exchange, Inc., Tacoma Park, MD; Denver Botanic Gardens, Denver, CO; Eliot School Trustees, Jamaica Plan, MA; Engage, Inc., Burbank, CA; Friends of NORD, Inc., New Orleans, LA; Indian Township Tribal Government - Passamaquoddy Tribe, Princeton, ME; Intercultural Journeys, Philadelphia, PA; Kairos Alive, Minneapolis, MN; Lake Sumter State College Foundation, Leesburg, FL; Lake George Opera Festival Association (Opera Saratoga), Saratoga Springs, NY; LA Plaza de Cultura y Artes, Los Angeles, CA; Magical Experiences Arts Company, Baltimore, MD; Mainly Mozart, San Diego, CA; Marshall County Retired Senior Volunteer Program, Guntersville, AL; Massachusetts Institute of Technology (on behalf of MIT List Visual Arts Center), Cambridge, MA; Mastervoices, Inc., New York, NY; Minneapolis Pops Orchestra Association, Minneapolis, MN; Minnesota State University-Moorhead, Moorhead, MN; Moksh Community Arts, Inc., Missouri City, TX; Music for Seniors, Nashville, TN; New York Writers Coalition, Inc., Brooklyn, NY; Philadelphia Chinatown Development Corporation, Philadelphia, PA; Phoenix Theatre Academy, Hapeville, GA; South Texas Institute for the Arts (Art Museum of South Texas), Corpus Christi, TX; Villa Musica, San Diego, CA; Volunteer Lawyers for the Arts, Inc., New York, NY; Whitefish Theatre Co, Whitefish, MT; Williamsburg Players, Williamsburg, VA; and Wisdom of the Elders, Inc., Portland, OR.

The NEA also has on-going arts and aging research projects in partnership with the following institutions: Rice University, Houston, TX; Texas Tech University, Lubbock, TX; Dr. Phillips Center for the Performing Arts, Orlando, FL; and George Mason University, Fairfax, VA.

NEH — NEH's Office of Federal/State Partnership is the liaison between NEH and the nonprofit network of humanities councils based in all fifty states, and the District of Columbia, Puerto Rico, American Samoa, the Marianas, the U.S. Virgin Islands, and Guam. NEH provides general operating support awards to the state and jurisdictional humanities councils in order to bring humanities education, lifelong learning, and public humanities programming to communities across the country. Each year the state and jurisdictional humanities councils support a variety of museum exhibitions, humanities lectures, reading and discussion programs, and other activities that engage older Americans. The following is a sampling of programs developed for or concerning older Americans that were implemented by humanities councils during fiscal year 2020:

- California: California Humanities Council awarded a California Documentary Project Grant to the International Media Project for “The Third Act” (formerly known as “Living in the Layers: Upending Ageism in the Golden State”). The project challenges stereotypes about Californians over the age of 65, the state’s fastest growing demographic, by combining narrative storytelling with elders’ audio diaries. This project was funded in 2019 and aired in 2020.

California Humanities also awarded a grant to the New Village Arts Inc. located in San Diego to support a program titled, “Saving Stories: A Connection Toolkit in the Age of COVID-19.” The grantee is developing a toolkit and public programming that will connect individuals in assisted living facilities and skilled nursing facilities in San Diego County with a diverse group of interviewers and dramatists. The goal is to deliver a collection of oral histories or “saved stories” through New Village Arts Theatre’s online theatre program. A virtual workshop will be held in collaboration with Dramatists Guild of America to reflect on project outcomes and share how others can use the toolkit.

- Connecticut: Connecticut Humanities Council awarded Silvermine Arts Center a grant to “ReFRAMING Aging: Health, Happiness, and the Arts,” which featured discussion-based humanities programs—keynote lecture, historical colloquy, moderated panels, storytelling, and oral histories —enriching an exhibit featuring artists who are producing the best work of their careers in their advanced years. “ReFRAMING Aging” debunks myths about aging, deepens visitors’ understanding of why lifelong creativity matters, and inspires inter-generational bonds.

Connecticut Humanities awarded the Friends of the Edith Wheeler Memorial Library a grant for a program titled, “The United States in World War II: Pivotal Events from a Modern Perspective.” This eight-part series, presented via Zoom, examines the U.S. role in the war in specific battles or events that made a critical difference. The programs examine various perspectives, controversies, and how the war impacted American society. The Council is concerned that elderly men in the community are missing social contact due to COVID-19. To draw in this audience, the Council has intentionally selected topics that will be of specific interest to them.

Connecticut Humanities also awarded a grant to the Windham Textile & History Museum for a project titled, “Exhibits for Everyone: Creating Audio Exhibits for Non-Reading Visitors.” This project creates ten, three-minute "audio exhibits" within the Windham Textile and History Museum, in partnership with the Connecticut Radio Information System (CRIS) Radio's CRISAccess Program. The audio exhibits will accompany the Museum's traditional history exhibits already in place, but will make those exhibits accessible to people who are blind, or have low-vision, or have low-literacy. The audio exhibits will be maintained by CRISAccess.

- Kansas: Humanities Kansas Council has developed “Humanities Hotline,” a telephone-based program for older adults using analog technology to connect them with humanities content. The toll-free hotline delivers interesting short stories by allowing participants to choose from a menu of humanities programming. The hotline provides an accessible alternative to the current Zoom culture and was launched during the Council’s National Arts and Humanities Month.

“Dial-a-Speaker” and “Dial-a-TALK” enables Humanities Kansas to virtually offer the popular Speakers Bureau presentations and “Talk About Literature in Kansas” (TALK) book discussions. These programs allow Kansans to receive mini-presentations about Kansas history with one of HK’s highly-qualified Speakers Bureau presenters or discussion leaders from the comfort of their home

free of charge. The participant selects the topic or book, and a phone call or Zoom call is scheduled with a speaker or discussion leader. The fifteen-minute presentations and discussions provide connection and engagement when in-person programming is not possible.

- Montana: Montana Humanities Council had scheduled three “Montana Conversations” programs in nursing homes. Unfortunately, all three had to be cancelled due to the pandemic. However, the following “Big Sky Reads” programs – primarily attended by older participants – took place in FY 2020 in these locations: Havre Hill County Library; Wild Rose Center; Glendive Book Club; Wedsworth Memorial Library Book Discussion Club; Lewis & Clark Library—Augusta Book Club; and Circle Page Turners Book Club.
- Oklahoma: Oklahoma Humanities Council partnered with the Salvation Army of Central Oklahoma to provide a literature-based reading and discussion program for older adults. Programs were led by a scholar facilitator and discussion leaders, and served 40 older adults over the course of five reading and discussion sessions.
- Oregon: Oregon Humanities Council offered the following public programs as part of its Conversation Project catalog and/or its virtual Connect in Place programming: “Talking about Dying;” “Growing Old in a Time of Uncertainty;” and “Loneliness and Aging During COVID-19: Making Space for Our Elders.” These programs were created to help older adults share their experiences with COVID-19. Oregon Humanities also awarded a grant to the Hood River County Historical Museum for their program, “Cherished Memories/Recuerdos Apreciados.” The goal of the project is to deepen community understanding and support for those who have become isolated as they experience dementia.
- Pennsylvania: Pennsylvania Humanities Council awarded a grant to the Elkland Area Community Library (Elkland) for a program titled, “Once Upon a Time.” The program provides inter-generational activities centered on modern storytelling. The library facilitated community “togetherness” online during a time of social distancing using activities that both remember the past and prepare for the future.

With a grant from the Council, Fairmount Park Conservancy in Philadelphia produced, “The Value of Voices,” a collection of stories from Fairmount Park’s storied houses with an accompanying cell phone audio guide program. The project served a vital documentary purpose by collecting and preserving the myriad of voices connected to the community, with particular focus on the aging population who are most vulnerable during a public health crisis.

- South Carolina: South Carolina Humanities awarded a grant in FY 2020 to the Ginetta V. Hamilton Literacy Foundation for a project titled, “Gullah: A Historic Introduction to a new Generation in Alvin, SC.” South Carolina Humanities Speakers Bureau provided support for some of South Carolina’s finest scholars with travel throughout the state to share their interests and knowledge of the humanities, and to spark discussions about human values, traditions and cultures. Retirement communities and older adult centers frequently host these programs. For example, they held programs at the Shepherd’s Center of Columbia in January 2020, and virtually from the Osher Lifelong Learning Institute at the University of South Carolina-Beaufort in June and July 2020.
- South Dakota: South Dakota Humanities Council awarded some funds from its Coronavirus Aid, Relief, and Economic Security (CARES) Act package to libraries to help bring books to isolated residents in nursing and assisted living centers, and older adults isolated in their homes.

- Vermont: Older adults make up a significant portion of the Vermont Humanities Council’s participants. Reading & Discussion Programs offer a way for libraries and other nonprofit organizations to host high-quality, facilitated book discussions, with books provided at no cost, and led by trained scholars. Approximately 52% of the attendees are between 50 and 69 years of age, and 41% are over 70. Veterans Book Groups create an opportunity for veterans to share experiences and literature. Approximately 75% of those who attend these sessions are 60 years of age or older. The First Wednesdays Program offers free talks in libraries around the state and 80% of attendees are over the age of 56. The Council’s Annual Fall Conference offers a program of presentations, plenaries, and interactive sessions, where 80% of the audience is over 56 years of age.
- Washington: Washington Humanities Speakers Bureau gave free presentations on history, politics, music, philosophy, spiritual traditions, and other subjects. To reach as many Washingtonians as possible, they partner with a wide range of organizations, including libraries, schools, museums, historical societies, retirement homes, community centers, and civic organizations. During 2019-2020, Humanities Washington supported 59 live and virtual Speakers Bureau programs in nursing homes and older adult centers. One speaker, Mayumi Gillam, presented “What’s Age Got to Do With It,” a lecture on ways to discuss aging in a positive and affirming way.

NRC — During the pre-award compliance review process, which includes assessment of a recipient’s compliance with the Age Act, NRC civil rights specialists engage recipient staff in an interactive exchange related to (1) applicable nondiscrimination regulations; (2) identification of compliance requirements; (3) achievement of voluntary compliance; and (4) information, data, and document collection. Civil rights specialists and other staff persons provide outreach, assistance, and training to help the designated recipient complete NRC Form 781, SBCR Compliance Review, Parts A, B, and C. NRC Form 781 identifies and requires the recipient to consent to a broad range of assurances (including the assurance to comply with the Age Act), recordkeeping, and ongoing compliance and reporting requirements.