

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

FISCAL YEAR 2019

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BACKGROUND

In November 1975, Congress enacted the Age Discrimination Act of 1975 (42 U.S.C. § 6101 *et seq.*), hereafter referred to as the “Age Act,” as part of an amendment of 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 (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.

In the fall of 2019, 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 2019 Age Act activities. 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 and to continue innovative programs to decrease age discrimination in federally funded programs. This is the 38th Age Act Report submitted to Congress.

AGE ACT ACTIVITIES

I. Executive Summary

This Report covers the following areas:

- Development of Age Act Regulations

This issue showed no change from FY 2018. Twenty-four of the 28 agencies have published Age Act regulations.

- Complaints

In FY 2019, there was an increase in the number of new Age Act complaints. Eleven agencies received new complaints in FY 2019, for a total of 896 complaints, which is an increase of 34 complaints from FY 2018. The Department of Education (ED) received the most complaints (63%), followed by HHS (21%) and the Department of Agriculture (USDA) (10%). The total federal Age Act complaint workload for FY 2019, which included new and carry-over complaints, was 1,249. Agencies resolved 969 of these complaints, with 89% closed administratively.

- Mediation

Out of the eleven agencies that received new complaints, five agencies referred a total of 252 complaints to the Federal Mediation and Conciliation Service (FMCS) for mediation. Fifteen percent of these complaints were resolved through mediation, similar to previous fiscal years.

- Compliance Reviews

Age-related compliance reviews continued to decrease in FY 2019, showing the lowest numbers in several years. Only four agencies conducted compliance reviews, with a combined case workload of 183 cases. One hundred and thirty four reviews were closed, down from 425 in FY 2018, with the majority closed without finding evidence of a violation.

- Significant Cases

Two agencies reported significant case resolutions. This portion 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 2019 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

There were significant advances in the development of Age Act regulations between FY 2014 and FY 2017, but there were no new developments in FY 2019. Twenty-four of the 28 agencies have published final Age Act regulations. Four agencies made progress in developing their regulations over the past few years, as follows:

- The Corporation for National and Community Service (CNCS) 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, CNCS will revise the regulations accordingly. CNCS anticipates a final decision in mid FY 2020.
- The Department of Defense (DOD) continues to develop a regulation implementing the Age Act and anticipates publication in FY 2020.
- 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) has worked with the Department of Justice (DOJ) and HHS to develop regulations to implement the Age Act. NCUA received approval for the proposed regulations from HHS in 2010, and awaits DOJ's final comments. NCUA reported that it appreciates HHS's review and commits to making the technical corrections identified in §730.201(f) before publishing the proposed Part 730, Volume 12 in the Federal Register.

HHS will continue to review draft regulations and offer assistance to the agencies that have not published regulations.¹

¹ Additional information about all the agencies' implementing regulations is found in [Appendix B](#).

III. Complaints

During FY 2019, eleven federal agencies reported receiving at least one new age discrimination complaint, an increase from eight federal agencies in FY 2018. Overall, agencies received 896 new complaints, an increase from 862 received in FY 2018. As illustrated in Table 1, the majority of new complaints were received by ED (63%), followed by HHS (21%), and the USDA (10%), similar to previous years.

Table 1: Complaint Receipts FY 2012-2019²

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

The FY 2019 new receipts combined with 353 complaints carried over from previous fiscal years created a government-wide workload of 1,249 Age Act complaints, lower than in FY 2018 (1,341). The issues raised in age-related complaints received by agencies in FY 2019 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.

² There were no Age Act Reports for FY 2015 or FY 2016.

³ DOS's FY 2019 complaint data was unavailable.

ED reported receiving 566 complaints that included allegations of age discrimination, and carried over 215 complaints from FY 2018, for a total caseload of 781 complaints. Out of these 781 complaints, the most frequent allegations were “Discrimination prohibited” (310 allegations) and “Retaliation” (89 allegations). In addition, ED received 72 complaints that involved an “Employment issue” resulting in no jurisdiction, 53 complaints containing an “Unspecified Education-Related Service Issue,” and 35 complaints involving a “Service Issue Not Related to Education.”

HHS reported that in FY 2018, its age complaints mostly involved health insurance plans denying coverage of medication, medical equipment, and medical services (43%). For FY 2019, these cases accounted for slightly fewer complaints, at 36%; while the denial of services or discriminatory treatment rose to 39%, up from 33% last year. In the past, the denial of services or discriminatory treatment were by far the most frequent allegations (approximately 75%). There was little to no change in the other types of complaint issues such as child welfare (8%) and living in the most integrated-community setting (5%).

USDA Food and Nutrition Service (FNS) complaint allegations for FY 2019 involved poor customer service and communication issues between Supplemental Nutrition Assistance Program (SNAP) customers and staff at the state and local agency level. However, USDA has been mitigating these issues through customer service training and technical assistance to recipients. There were no apparent patterns or practices of discrimination identified in the age-based complaints received in FY 2019.⁴

The Department of Housing and Urban Development (HUD) received complaints centered on the refusal to rent or rental terms based on age, while 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.⁵

⁴ USDA implements Age Act related activities in the following agencies: Animal and Plant Health Inspection Service (APHIS); Food and Nutrition Service (FNS); Food Safety and Inspection Service (FSIS); Forest Service (FS); and National Institute of Food and Agriculture (NIFA).

⁵ VA implements Age Act related activities in the following agencies: National Cemetery Administration (NCA); Veterans Benefits Administration (VBA); and Veterans Health Administration (VHA).

Table 2 illustrates case closures and outcomes by each agency (including new and carry-over complaints):

AGENCY	Insufficient Evidence of Violation	Specific Finding of Violation	Agreement to Implement Corrective Action	Administrative Closure	TOTAL CLOSURES
CNCS	2	0	0	0	2
DOJ	9	0	0	14	23
DOL	11	0	1	2	14
ED	29	6	4	608	647
HHS	6	0	7	186	199
HUD	0	0	0	1	1
IMLS	0	0	0	2	2
USDA	23	0	0	45	68
VA	8	0	0	5	13
TOTALS	88	6	12	863	969

There were 969 closures in FY 2019 a decrease from 1,024 closures in FY 2018. Eighty-nine percent of cases were administratively closed (an increase from 83% in FY 2018). Nine percent were closed because of insufficient evidence of a violation (down from 14% in FY 2018), and one percent were resolved with an agreement for corrective action or other change, without a specific Letter of Findings (down from 3% in FY 2018).⁶

⁶ Agencies' reports on complaint activity appear in [Appendix C](#).

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. When FMCS's efforts are unsuccessful, FMCS returns the age-related complaints to the receiving agency.

Out of the eleven agencies that received new complaints in FY 2019, five reported referring complaints to FMCS (45%), far less than 75% of agencies in FY 2018. Those five agencies – CNCS, the Department of Labor (DOL), ED, HHS, and USDA – reported referring a total of 252 complaints to FMCS, a decrease from 290 complaints in FY 2018.⁷ Out of the 252 complaints, 38 were resolved through mediation. Although only 15% of cases were successfully mediated, this percentage is in keeping with previous years (23% in FY 2018 and 17% in FY 2017), and a far greater percentage than in FY 2014, when only one percent of cases referred to FMCS were successfully mediated.

In FY 2019, a total of 994 complaints were not referred to FMCS because they were: (1) referred to other mediation providers; (2) under further review; (3) referred in previous years; or (4) administratively closed. Over the past few years, FMCS has worked with HHS to promote its mediation services. FMCS developed and disseminated to federal agencies a new, simpler form for requests for mediation. FMCS also spoke at conferences to explain their services, distribute the new forms, and provide technical assistance.

⁷ Agency-specific mediation outcomes are available in [Appendix D](#).

V. Compliance Reviews

Age Act compliance reviews generally focus on compliance with procedural requirements, such as the notice of nondiscrimination, and the use of age as a factor in recipients' programs. Regarding compliance review activity for FY 2019, agencies reported a wide range of activities, from limited pre-award desk-audits to post-award on-site visits, docket reviews, and interviews with recipients in order to assess compliance. The majority of reviews involved a pre-award assessment of overall compliance with federal civil rights laws as part of a broader assessment of programmatic requirements for receipt of FFA. Post-award assessments of compliance with the Age Act were generally conducted as one part of an assessment of compliance with multiple federal civil rights laws.

In FY 2019, only four agencies reported conducting compliance reviews, with a combined caseload of 183 reviews that included the Age Act. These reviews were conducted by CNCS, the U.S. Nuclear Regulatory Commission (NRC), the Tennessee Valley Authority (TVA), and USDA.

Table 3: Compliance Review Workload FY 2012-2019⁸

AGENCY	FY 2012	FY 2013	FY 2014	FY 2017	FY 2018	FY 2019
CNCS	114	129	131	195	287	43
DOT	0	0	0	43	33	0
GSA	0	0	0	4	11	0
HHS	2,800	2,535	3,137	0	0	0
HUD	0	0	2	0	0	0
NASA	2	1	1	1	0	0
NRC	106	53	84	46	51	49
TVA	81	26	27	12	17	7
USDA ⁹	5,333	2,439	3,119	50	50	84
TOTALS	8,436	5,183	6,501	351	449	183

Table 3 illustrates the significant decrease in age-related compliance reviews, with FY 2019 showing the lowest numbers in seven years. The decrease reflects a significant reduction in the number of compliance reviews conducted by CNCS, HHS, and USDA.

The four federal agencies that conducted compliance reviews in FY 2019 resolved 134 of the 183 reviews (or 73%, down from 95% in FY 2018). Table 4 provides a breakdown of how the reviews were resolved.

⁸ There were no Age Act Reports for FY 2015 or FY 2016.

⁹ USDA had 28 carry over reviews and initiated 56 reviews in FY 2019.

AGENCY	Insufficient Evidence of Violation	Specific Finding of Violation	Agreement to Implement Corrective Action	Administrative Closure	TOTAL CLOSURES
CNCS	0	0	0	43	43
NRC	49	0	0	0	49
TVA	7	0	0	0	7
USDA	16	9	10	0	35
TOTAL	72	9	10	43	134

As the table shows, agencies closed 134 compliance reviews, a decrease from 425 closures in FY 2018. Most compliance reviews were resolved without evidence of a violation or closed administratively. Only ten were resolved with corrective action and nine were found to have evidence of a violation.¹⁰

¹⁰ Agencies' reports on compliance review activities are contained in [Appendix E](#).

VI. Significant Cases

Of the 28 federal agencies, ED and HHS reported significant cases that were resolved in FY 2019.¹¹ This is a slightly lower number of agencies than FY 2018, but similar to prior years when no more than two or three agencies reported significant cases.

- ED OCR investigated whether a university discriminated against a student on the basis of age when an instructor allegedly treated an older student less favorably than younger students. Specifically, the instructor allegedly: (1) failed to provide the student with information necessary for success in the course; (2) held the student to a higher standard than younger students; (3) refused to conduct an observation of the student without a lesson plan; and (4) issued the student a failing grade for the course. During ED OCR's investigation, the university sought to voluntarily resolve the complaint and entered into a resolution agreement under which the university agreed to convert the student's grade in the course from an "F" to a "Pass," and provided mandatory training to faculty and administrators on the prohibition against discrimination under the Age Act and its implementing regulations.
- HHS OCR investigated a complaint from a patient who alleged that hospital staff excluded her from the "fast-track" emergency room process because she was over 70 years old. The patient went to the ER to obtain stitches on her thumb, and she claimed the triage nurse did not ask her any questions about her medical history. The patient felt that because she was older, hospital staff assumed she had medical conditions that would slow down the fast-track process. HHS OCR's investigation determined that the patient was not excluded from access to the fast-track process due to her age. The hospital intended to place her on the fast-track on the night she visited the ER but she voluntarily left the facility before being treated. However, HHS OCR found that the hospital's Patient Bill of Rights made no mention of filing complaints with HHS OCR and did not include a statement regarding protections from retaliation. HHS OCR provided substantial technical assistance and the hospital revised its policy and posted it throughout the facility and on its website. The hospital also provided a civil rights training program for its workforce members. The triage nurse, in particular, stated that she had learned from the experience and is now fully aware of how to carefully explain the fast-track process to patients to avoid similar misunderstandings in the future.

¹¹ ED reported two additional significant cases that are currently under monitoring agreements and are expected to be resolved and reported on in future Age Act reports. Additional HHS cases are reported in [Appendix F](#).

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) agency staff training; and (3) other activities. These activities included, among others: technical assistance during compliance reviews or upon request by recipients; presentations; training events; workshops; conferences for grantees and the public; information on websites; and distribution of fact sheets and posters. The sub-sections that follow provide examples of the efforts federal agencies took to promote compliance with the Age Act in FY 2019.¹²

A. Technical Assistance and Outreach

In FY 2019, the Department of Homeland Security (DHS), DOT, the National Aeronautics and Space Administration (NASA), 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 financial assistance. The tool assists DHS grantees and other recipients in understanding and meeting their existing requirements under civil rights laws and regulations, including the Age Act. As part of the biennial tool submission process, recipients provide to DHS information on civil rights complaints (including complaints that allege violations of the Age Act), and policies and procedures to fulfill various civil rights obligations. DHS provides technical assistance to recipients as needed to ensure nondiscrimination in the Department's federally assisted programs and activities.
- DOT National Highway Traffic Safety Administration's (NHTSA) Older Driver Program represents a proactive step by DOT to educate 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 active seniors on selecting safe bus travel.
- NASA developed a new grant term and condition requiring grantee institutions to inform NASA when there has been a finding of discrimination or harassment against a NASA principal investigator. On July 17, 2019, this new grant term and condition was published in the Federal Register and made available for public comment.
- NEH encourages cultural institutions receiving Federal funding to waive entrance fees for the general public on certain days, an effort that helps make programming more accessible. In addition, virtually all museums that receive NEH support offer lower

¹² Additional information about agencies' activities is described in [Appendix G](#).

admission fees for seniors. Additionally, alternative-format (e.g., audiotape, large-print) publications regarding NEH programs are available upon request. NEH also advises grant applicants and recipients that costs to provide exhibition and program accessibility for individuals are generally eligible project costs for NEH grants.

- USDA Forest Service (FS) developed the “Partner-in-Service” resource package to be given to recipients of FFA at the time of a pre-award or post-award compliance review. This package contains valuable tools to help Forest Service partners understand their roles and responsibilities under civil rights laws.
- 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, DOT, ED, HHS, the Institute of Museum and Library Services (IMLS), the National Endowment for the Arts (NEA), NRC, the National Science Foundation (NSF) and USDA provided considerable civil rights outreach through presentations and conferences:

- In May 2019, DOL Civil Rights Center/Office of External Enforcement (CRC/OEE) presented an Equal Opportunity 101 training at the Midwest Equal Opportunity Summit in Kansas City, MO. This training included information about age discrimination, as well as discrimination on other bases prohibited by the laws enforced by OEE. The audience for this training primarily included Equal Opportunity Officers at the state and local levels who are responsible for oversight and implementation of each recipient’s (and, at the state level, all of a state’s covered recipients’) compliance with equal opportunity obligations.
- The DOT Federal Aviation Administration’s (FAA) 10th Annual FAA National Civil Rights Training Conference for Airports recognized airports with awards for their commitment to eliminate discrimination based on race, color, national origin, sex, creed, and age, and included conference sessions on these issues. The FAA also incorporated Age Act requirement topics into several other trainings and presentations, including at the August 2019 Airport Minority Advisory Council Annual Conference in Los Angeles, and two June 2019 nationwide webinar sessions targeted to airport staff. DOT Federal Motor Carrier Safety Administration (FMCSA) provided a technical assistance presentation to new applicants that includes the Age Act and the DOT Federal Transit Administration (FTA) routinely provides technical assistance on the “Half Fare Program” for older adults and persons with disabilities to both transit agencies and public transit customers.
- ED OCR staff conducted several presentations on its enforcement authorities, including the Age Act. Audiences included administrators; staff from state departments of education, colleges and universities, school districts, individual elementary and secondary schools; parent groups; advocacy organizations; and attorneys. In addition, ED OCR participated in a multi-agency initiative organized by the Social Security Administration (SSA) to provide outreach to Asian Americans and Pacific Islander (AAPI) populations. Specifically, as part of this initiative, ED

participated in a panel discussion in which ED OCR explained its mission and activities, including enforcement of the Age Act.

- HHS OCR presented information about the Age Act at 37 conferences and workshops. For example, in September 2019, HHS OCR's regional staff provided information to the non-profit organization, Senior and Disability Action, which educates seniors and people with disabilities about their civil rights. Also in September 2019, HHS OCR's regional staff presented at a Veterans Resource Fair sponsored by the Veterans Community Media Network (VCMN). HHS OCR provided information on federal civil rights laws and the exercise of conscience, and as well as the Health Insurance Portability and Accountability Act (HIPAA) Privacy, Security and the Breach Notification Rules to approximately 60 attendees.
- 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.
- 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 sessions was to educate participants on making quality arts programs available for older adults and people with disabilities.
- NRC informed stakeholders (including approximately 150 prospective recipients) of the NRC's pre- and post-award compliance review programs and processes, and made stakeholders aware of applicable nondiscrimination regulations, regulatory requirements, and how to achieve voluntary compliance
- NSF's Office of Diversity and Inclusion (ODI) staff presented Age Act information to representatives of recipient institutions at NSF Grants Conferences; professional, scientific organizational conferences; at Program Directorate Advisory Committee meetings; and at various NSF outreach initiatives regarding compliance issues.
- USDA Food and Nutrition Service (FNS) Regional Civil Rights Officers (CRO) provided direct technical assistance as part of the compliance review process. CRO conducted training for regional program staff, state directors, and state agency staffs at national, regional, and tri-regional conferences reaching over 2,300 attendees. Four hundred attendees received specialized training on meal modification requirements in the National School Lunch Program, the Child and Adult Care Food Program, and the Summer Food Service Program. Also, USDA Food Safety and Inspection Service (FSIS) Civil Rights Staff met with state directors to reinforce their obligation to ensure nondiscrimination policies, public notifications, and trainings that are consistent with applicable civil rights laws and USDA regulations.

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 bureau Grants Officers to oversee compliance with the Act and the Commerce 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) has a website that contains information about the Age Act and its internal and external civil rights programs at www.energy.gov/diversity/services/civil-rights.
- DHS CRCL website includes information for recipients available at www.dhs.gov/topic/civil-rights-and-civil-liberties and 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 website includes information on the Age Act in online training modules that are available to grantees and the public at www.ojp.gov/about/ocr/assistance.
- HHS OCR maintains a website with Age Act information at www.hhs.gov/civil-rights/for-individuals/age-discrimination.
- 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 based on age. The public may also seek assistance with Fair Housing questions through HUD's toll-free number, available on the website.
- IMLS, NRC, and NSF 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.
- The USDA posted its "And Justice for All" poster on its website during the summer of 2019 to help facilities comply with posting requirements, in a cost-effective manner. There are three versions of the poster, including a poster describing protected classes in USDA federally assisted programs.

B. Agency Staff Training

Multiple 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, Department of the Interior (DOI), Department of State (DOS), ED, General Services Administration (GSA), HHS, HUD, IMLS, NEA, NEH, NRC, NSF, 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 August 2019, ED OCR hosted a new employee orientation for 32 new employees which included several presentations on its enforcement authorities, including the Age Act.
- DOI OCR hosted monthly meetings on civil rights requirements and training sessions related to compliance activities. During FY 2019, staff also participated in various conferences and training programs with federal, state, and local personnel where civil rights regulations, including the Age Act, were presented and discussed.
- IMLS proactively provides staff members with training to ensure that the agency grant programs and work environment remains free from all forms of discrimination, including age discrimination. In FY 2019, IMLS provided training to supervisors and program staff, explaining their roles and responsibilities for ensuring compliance with the civil rights/anti-discrimination laws.
- The NRC Equal Opportunity Senior Civil Rights Specialist provided technical assistance to the internal offices on NRC Office of Small Business and Civil Rights's (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.
- NSF provides training opportunities for staff through its training unit "LearnNSF," which includes a course on the Age Act and other applicable nondiscrimination laws and regulations. New NSF staff members in FY 2019 participated in the New Employees Orientation, which provides an overview on civil rights, including the Age Act, for the various divisions. The Office of Diversity and Inclusion (ODI) staff presented Age Act information at an internal Program Directorate Town Hall Meeting and at the Program Management Seminars for Program Directors. ODI also addressed age discrimination in its NoFEAR training module and conducted Equal Employment Opportunity (EEO) and diversity training for managers and supervisors, which covers age discrimination and other related topics. NSF estimates that several hundred employees were trained.
- USDA's Rural Development (RD) included the Age Act in a comprehensive civil rights training presented to agency staff and recipients. RD prepared a "training work plan" which contained measures to train internal and external customers on the Age Act. Trainings were conducted with the following state staff: Nevada, South Carolina, Illinois, Idaho, Vermont, Pennsylvania, as well as the RD Rural Utilities Staff and new employees from various other states – totaling over 725 participants. Trainings discussed the Age Act as it related to program delivery and applicant eligibility. Training was provided in-person and through the use of PowerPoint, Video Conferencing (VTC), Skype, and Adobe Connect. USDA's Forest Service carried out Equal Opportunity (EO) training to approximately 470 Forest Service employees nation-wide. The training included policy guidance on Title VI of the Civil Rights Act, Title IX of the Education Amendments Act, the Age Act, Executive Order 13166, Sections 504 and 508 of the Rehabilitation Act, and Architectural Barriers Act.
- The VA provided training to its Veterans Health Administration (VHA) EEO professionals, managers, supervisors, and employees on topics including: *The EEO Complaint Process*, *The*

Harassment Prevention Program, and The External Civil Rights Discrimination Complaint Program. These trainings entailed key information and pertinent examples on the Age Act. Over 3,000 VHA staff members participated in these training opportunities.

C. Other Agency Activities

Below are additional examples of noteworthy Age Act activities:

- Several agencies conduct periodic desk audits and/or pre-award reviews of their recipients of FFA. These include CNCS, DOE, DHS, IMLS, NRC, and USDA. In addition, GSA, IMLS and DOI provide posters, on-site visits, 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, DHS, DOJ, HHS, IMLS, NCUA, NRC, and the United States Agency for International Development (USAID).
- HHS is responsible for coordinating the federal government's compliance efforts under the Age Act. Each year, HHS OCR evaluates the extent to which agencies have implemented the provisions of the Age Act in the Annual Age Act Report. HHS OCR also responds to questions from other federal agencies regarding development of their regulations; the implementation of their investigative and mediation processes; and the resolution of their challenging or novel complaints.
- USDA conducted 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, and implemented appropriate proactive mitigating strategies.
- Other agencies (NEA, NEH, DOT, and USDA) reported on ways they enhance the participation of individuals in certain age ranges (in particular, senior citizens) that may be underrepresented in the agencies' programs. Some examples follow:
 - NEA convened a federal interagency task force on the arts and human development to encourage improved research on how the arts can assist individuals at all stages of life, especially older individuals. Task force members included staff from HHS (including from the National Institutes of Health (NIH)), NSF, and ED, among others. Most recently, members of the Task Force have collaborated as part of the Sound Health initiative, a national partnership involving the John F. Kennedy Center for the Performing Arts, NIH, and the Arts Endowment.
 - NEH works continuously 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 senior 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 achieves its greatest impact among 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. In FY 2019, more than 550 communities in 50 states and the District of Columbia hosted NEH-funded reading and discussion programs in libraries and community centers. Additionally, NEH supported a number of projects in FY 2019 that focused on age-related topics.

- DOT funded programs designed to enhance the participation of older persons that are otherwise under-represented in transportation programming. For example, DOT FTA provided \$283 million in Enhanced Mobility of Seniors and Individuals with Disabilities grants to support transportation services that meet the special transportation needs of seniors 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.
- USDA sponsored the Forest Service 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. This pass is valid for the pass holder's lifetime.
- VA's 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 VBA EEO Liaison Office provided technical assistance to education service staff regarding the provisions of the Age Act.

ANALYSIS AND CONCLUSION

There was no advancement in the area of regulation development, and 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 34 more age discrimination complaints in FY 2019 than in FY 2018. Eleven agencies reported receiving complaints for a total of 896 new complaints. The total federal Age Act complaint workload for FY 2019, which includes new and carry-over complaints, was 1,249. As in prior years, ED continued to receive the great majority of age discrimination complaints (63%), followed by HHS (21%), and USDA (10%). The most frequently cited issues in age discrimination complaints involved denial of services or harassment by a program receiving FFA (80%).

In terms of resolution of Age Act complaints, nine federal agencies reported that they resolved age discrimination complaints in FY 2019, for a total of 969 case resolutions (lower than the 1,024 case resolutions in FY 2018), with 863 resolved through administrative closures (slightly higher than 847 in FY 2018). Of the other complaint resolutions, 88 were resolved based on insufficient evidence of a violation, and 12 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, as opposed to eight such violations found in FY 2018.

Five out of eleven agencies (or 45%) that received new age discrimination complaints in FY 2019 used FMCS to mediate the complaints. This is a decrease from previous years (75% in FY 2018; 67% in FY 2017; 58% in FY 2014; and 66% in FY 2013).¹³ 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. The success rate for mediation was similar to recent fiscal years (15% in FY 2019, 23% in FY 2018, and 17% in FY 2017).

Agencies conducted 183 compliance reviews in FY 2019, considerably lower than in previous years. Only four agencies initiated reviews and they resolved 134 during the year. Fifty-four percent were resolved without sufficient evidence of a violation. The reduction in compliance reviews has been a trend over the last several years as HHS and USDA have conducted fewer reviews, in comparison to other years. For example, the reduction by HHS was the result of HHS's termination of its traditional pre-award program (2,500 to 3,100 reviews a year) and the migration of that program to a more streamlined attestation and technical assistance process.

Federal agencies continued to engage in providing technical assistance and outreach to help members of the public understand their rights under the Age Act, as well as to help recipients

¹³ There were no Age Act Reports for FY 2015 or FY 2016.

of FFA understand their obligations under the Age Act. These outreach activities included conferences, workshops, training presentations, webinars, and the distribution of hardcopy and electronic materials. Almost all agencies reported having websites with information on civil rights laws and regulations, including the Age Act.

Half of the federal agencies reported providing training to their employees on the Age Act in FY 2019, including online training modules, presentations, meetings, and tutorials. The agencies that reported these training efforts had larger age complaint and compliance review workloads, thus assuring that these trainings reached the majority of staff most engaged in Age Act enforcement activity.

Half of the federal agencies also reported conducting additional activities in FY 2019 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, senior citizens) that may be underrepresented in the agencies' programs. Such activities, while not required by the Age Act, serve to open opportunities that otherwise may be limited to these individuals, thus enhancing access for individuals of all ages. These programmatic initiatives complement implementation of the Age Act.

In summary, federal agencies received more age discrimination complaints in FY 2019, but closed slightly fewer than in FY 2018. Most new and carry-over complaints were administratively closed. When complaints were not administratively closed and were sent to FMCS, 15% were successfully mediated, in keeping with previous years. Federal agencies also conducted and resolved far fewer compliance reviews. Those that were conducted were mostly closed without finding sufficient evidence of a violation. However, federal agencies continue to provide quality outreach, technical assistance, and training to the public; recipients of FFA; and 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 review draft agency-specific Age Act regulations and assist agencies that have not yet developed their Age Act regulations in writing and issuing their regulations;
- Urge all agencies to disseminate information on the Age Act to the public and recipients;
- Continue to share information and resources among the federal funding agencies and Departments 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

CNCS	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 ¹⁴
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

¹⁴ On October 1, 2018, the Broadcasting Board of Governors (BBG) changed its name to the U.S. Agency for Global Media (USAGM). Prior to its merger with the Department of State on October 1, 1999, BBG was known as the United States Information Agency (USIA).

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

CNCS — CNCS 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, CNCS will revise the regulations accordingly. CNCS anticipates a final decision by mid FY 2020. Once a final decision has been made, CNCS will proceed with the rulemaking drafting process for the regulations. These new procedures will apply to processing complaints received under the Age Discrimination Act of 1975 as well as other civil rights statutes.

DOC — DOC's regulation implementing the 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 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 Commerce regulations pertaining to nondiscrimination in federally assisted programs, and updates/clarifies the roles and responsibilities for implementation and complaint processing.

DOD — DOD is currently developing a regulation implementing the Age Act and anticipates its publication in FY 2020.

DOE — DOE originally published its implementing regulation, 10 C.F.R. 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 Federal Emergency Management Agency (FEMA) has a regulation implementing the Age Act. It was signed by the Director of FEMA and forwarded to the Federal Register for publication in January 1988. In 1989, FEMA received HHS approval of the revised final rule. It was published at 55 Fed. Reg. 23078 on June 6, 1990, as amended at 68 Fed. Reg. 51380, August 26, 2003, and is 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, January 25, 1989). 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. 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. pt. 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 Discrimination 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 — The DOS regulations implementing the Age Act can be found at 22 C.F.R Part 143, and were published, April 22, 1980.

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 *et seq.*, 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.

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 federal financial assistance, 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 as a final rule at Volume 75, Number 107. See 40 C.F.R. §§7.140 *et seq.*

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 *et seq.* GSA, as part of an initiative to further regulatory reform under Executive Orders 13777 and 13771, is in the process of transferring 41 C.F.R. 101-8.7 *et seq.* to 41 CFR 105-82.700 *et seq.* This process will involve changing the numbering of the regulation, but no substantive changes to its text.

HHS — On December 28, 1982, HHS published its final regulation (45 C.F.R. Part 91) implementing the Age Act 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 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.

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.”

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 is located at 13 C.F.R. Part 117 – “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 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 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 agencies are required to adhere to the provisions set forth in the regulation and related guidance on nondiscrimination on the basis of age.

VA — 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**

DOJ — DOJ's increase in the number of reported complaints in FY 2019 was the result of the Office of Justice Programs, Office for Civil Rights expanding the parameters of its search of its docket of complaints. This expanded search method identified all complaints that were received or remained opened in FY 2019 that mentioned age as a basis for alleged discriminatory conduct. The majority of these newly identified Age Act complaints were received by DOJ prior to FY 2019. It should be noted that even using this broader search method, most of the complaints, while mentioning age, did not include factual information that would support an Age Act claim.

DOL — DOL CRC/OEE received four complaints in FY 2019 that alleged age discrimination in non-employment contexts far less than in FY 2018. DOL is hopeful that these results indicate that CRC's/OEE's work is helping to reduce age discrimination in its regulated community.

ED — During FY 2019, ED received 566 complaints that included allegations of age discrimination, and carried over 215 complaints from FY 2018, for a total caseload of 781 complaints. Out of the 781 complaints, the most frequent allegations ED investigated concerning the Age Act were "Discrimination prohibited" (310 allegations) and "Retaliation" (89 allegations). In addition, ED received 72 complaints that involved an "Employment Issue" resulting in no jurisdiction, 53 complaints containing an "Unspecified Education-Related Service Issue," and 35 complaints involving a "Service Issue Not Related to Education."

ED continued to resolve, or close, the large majority of its Age Act caseload by the end of fiscal year 2019. Out of the 781 complaints, 647 were resolved in FY 2019. Of the closed complaints, 608 were resolved through administrative closures/dismissals, and two were Early Complaint Resolutions (ECRs), in which the parties voluntarily reached an agreement. Of the remaining closures, 29 complaints were closed upon a finding of insufficient evidence or no violation, two were closed based on an agreement to implement corrective action, and six were closed based on a specific finding of a violation, issuance of a Letter of Finding, and agreement to take corrective action. There were 134 Age Act cases pending at the end of FY 2019, 40 fewer pending cases than at the end of FY 2018.

HHS — OCR received 190 new complaints alleging age discrimination by FFA recipients in FY 2019. OCR's workload in FY 2019 also included 83 age discrimination complaints carried over from previous years, for a total workload of 273 complaints. The number of complaint receipts in FY 2019 is considerably higher than in preceding fiscal years. OCR resolved 199 age discrimination complaints in FY 2019, an increase from 184 in FY 2018. One hundred and eighty-six (186) complaints were closed administratively; seven (7) complaints were closed with change achieved; and six (6) cases were closed based on insufficient evidence of a violation/no violation. There were no findings of a violation in keeping with previous years. Seventy-four (74) cases were pending with OCR at the end of FY 2019.

HUD — HUD received two new external civil rights complaints. One was closed for lack of jurisdiction and the other is currently being processed. The issues involved refusal to rent or conditions of rental based on age.

USDA — During FY 2019, USDA received 88 age discrimination complaints in its federally assisted programs. In addition, there were 24 age complaints carried over from FY 2018, resulting in a total

inventory of 112 age complaints for FY 2019. Of the total age complaints received in FY 2019, approximately 61 (69%) cited Food and Nutrition Service (FNS) programs. Specifically:

- fifty-seven cases (93%) cited the Supplemental Nutrition Assistance Program (SNAP), which serves on average 19 million households each month;
- two (3%) cited the National School Lunch Program (NSLP), which serves on average 4,000,000,000 meals a year;
- one (2%) cited the Emergency Food Assistance Program (TEFAP). Approximately \$600 million was spent on this FNS Program in FY 2019; and
- one (2%) cited the Summer Food Service Program (SFSP) which serves over 145.9 million meals a year.

In FY 2019, USDA resolved 68 (61%) of the 112 total age complaint workload. Of the 68 complaints resolved, 23 (33%) were resolved based on insufficient evidence of a violation and 45 (67%) were resolved administratively.

VA — The VA received 14 new complaints in FY 2019, and had eight carry-over complaints. Of the 22 complaints in FY 2019, the VA closed 13, with nine complaints still pending at the end of FY 2019. Of the 13 complaints that were closed, eight were resolved based on insufficient evidence of a violation and five were closed administratively. The most frequent issues included allegations of unfair or poor treatment and denial of healthcare and services.

Appendix D: **Mediation**

CNCS — CNCS referred two age related cases to FMCS. Both cases were unsuccessful with mediation.

DOL — DOL referred four complaints to FMCS but only one was resolved through mediation.

ED — ED referred 138 cases to FMCS. Of these cases, 12 were successfully mediated. A total of 698 complaints were not referred to FMCS in FY 2019 because 468 were retained in ED's OCR for investigation; 155 had been referred to FMCS in a previous fiscal year; and 75 were referred to other agencies in FY 2019.

HHS —HHS referred 48 complaints to FMCS, an increase of 38 complaints from FY 2018. Eight complaints were successfully mediated. The other 40 complaints were returned to OCR for further processing.

USDA — USDA referred 60 age discrimination complaints to FMCS, of which 17 (28%) were successfully mediated. Although FNS utilized FMCS for dispute resolution assistance, other USDA agencies used internal resolution methods, such as: (a) discussions with complainants; (b) referral to state offices for mediation; and (c) distribution of a list of mediation services to parties requesting mediation.

Appendix E: **Compliance Reviews**

CNCS — CNCS completed 43 compliance monitoring reviews in FY 2019. These reviews include assessing Age Act requirements; however, they are not limited to age discrimination. Rather, CNCS staff conducts periodic comprehensive reviews of staff, member, and grantee program operations to ensure full compliance with the laws and regulations governing CNCS and its programs. These reviews are performed with the aid of a review document developed specifically for each CNCS program. No issues involving age discrimination were detected in these reviews.

DOT — Although there were no compliance reviews focusing solely on the Age Act conducted by Operating Administrations (OA) at DOT in FY 2019, the Age Act was incorporated into the Title VI Program through Title VI program reviews. In addition, the Age Act was incorporated through the Americans with Disabilities Act (ADA) Program reviews, while not specifically requesting Age Act related data.

Every three years, FTA reviews its recipients' programs to ensure their compliance with statutory and administrative requirements. Among the 20 program areas that FTA examines during these "Triennial Reviews" is how the recipient administers its half fare program for senior transit riders. By law, transit agencies must offer a non-peak fare for seniors that is not more than half the base fare charged during the peak travel hours. 49 U.S.C. § 5307(c)(1)(D)(i). In addition, at the pre-award stage, the prohibition against age discrimination is incorporated into every FTA grant and must be agreed to as a condition of compliance. FAA conducted 46 compliance reviews, mini-reviews, or self-assessments at airports focusing on compliance with non-discrimination authorities, which includes the Age Act along with Title VI and the ADA. FAA's Title VI Program online assessments include a question concerning Age Act. Additionally, FHWA incorporated compliance with the Age Act into their Title VI Program.

GSA — Each year, GSA's Office of Civil Rights (OCR) conducts compliance reviews of state agencies that administer the Federal Surplus Personal Property Donation Program. In FY 2019, GSA reviewed the North Carolina, South Carolina, New Jersey, Maryland, West Virginia, Rhode Island, Nebraska, Minnesota, and Iowa State Agencies for Surplus Property (SASP) to ensure that policies and procedures are being followed for all GSA Federally assisted programs and activities; to ensure civil rights and equal opportunity compliance; and to provide direction, guidance, and technical assistance to correct any civil rights and/or equal opportunity compliance deficiencies. No age-based civil rights investigations of GSA recipients were conducted in FY 2019 and no patterns or practices were identified regarding age discrimination in any of GSA's federally assisted programs and activities. OCR also provided civil rights training that included coverage of the Age Act to staff at the SASPs reviewed in FY 2019.

HHS — In FY 2016, HHS 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. During prior years, 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, OCR also routinely provided individualized information and technical assistance to all Medicare Part A pre-award applicants when compliance issues were identified. Due to this new process, OCR conducted no formal pre-award, age-related

compliance reviews in FY 2019, but continued to provide technical assistance through its website in the attestation process. OCR also did not conduct post-award, age-related compliance reviews in FY 2019.

NRC — There were no issues, patterns, or practices of age discrimination found in the NRC's compliance reviews. During the pre-award compliance review process, the Office of Small Business and Civil Rights's (SBCR) 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 SBCR 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, onsite audits, or both; (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 seven compliance reviews in FY 2019; all were resolved without a violation finding. TVA's compliance reviews are performed only to provide assistance, and are limited to a desk-level review and assessment of any complaints to TVA concerning the award, or self-reported violations by the applicant. 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. TVA did not receive any complaints of violations, including any complaints of a pattern or practice of age discrimination in any program receiving financial assistance from TVA.

USDA — In FY 2019, USDA agencies initiated 56 new compliance reviews of federally assisted programs. USDA continued to utilize various methods of 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. During the reviews, program beneficiaries were contacted and specifically asked whether they believed they had been subjected to discrimination as a result of any of the protected bases, to include their age. The beneficiaries were also asked if they were aware of their rights to file a program complaint and were provided, when necessary, an overview of the discrimination complaints process. There were no instances in any of the compliance reviews conducted wherein a beneficiary indicated they had been subjected to discrimination on any of the protected bases, to include their age.

The table below illustrates USDA’s compliance review activity:

Compliance Review Activity

Agency	Carried Over From FY 2018	Initiated in FY 2019	Total Workload in FY 2019	Total Reviews Closed in FY 2019	Reviews Pending at the End of FY 2019
USDA Total	28	56	84	35	49

Of the 35 compliance reviews completed during FY 2019, 16 were resolved based on insufficient evidence of a violation or no violation; 10 were resolved based on agreement to implement corrective action or other change, without a specific finding of a violation; and nine were resolved based on a specific finding of a violation, issuance of a Letter of Findings, and agreement to take corrective action. While there were correctable actions found during the reviews, none were based on age.

Appendix F: **Significant Cases**

In FY 2019, HHS OCR resolved seven cases with an agreement to implement corrective action or other change. Below are a couple of examples:

- A Complainant alleged that a state medical assistance program discriminated against her daughter based on her age. Her daughter was two and a half years old, and a participant in the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) program after being diagnosed with Muscular Dystrophy, Gross Motor Delay, and incontinence. Upon review of the complaint and discussion with the Complainant, HHS OCR determined that it was likely that the issue was with the participating medical supplier, not the state agency, and contacted the pharmacy to expeditiously resolve the complaint. After providing technical assistance to the pharmacy's management regarding the program's requirements, the pharmacy began supplying diapers and liners for the toddler in accordance with the program's manual, applicable law, and regulation.

- Another Complainant alleged that a state's child and family services agency discriminated against her based on her age. Specifically, the Complainant asserted that after many years of service to the agency as a highly praised foster parent, the agency did not allow her to re-open her home to foster children after she voluntarily closed it due to an upcoming surgery. She also alleged that when she pressed for an explanation, the agency told her that she could re-apply. However, the agency's denial letter stated that they had made a final decision not to re-open her home. HHS OCR referred the complaint to the Federal Mediation and Conciliation Service (FMCS) for mediation as required by the implementing regulation of the Age Act. FMCS was unable to resolve the complaint and returned it to HHS OCR. Subsequently, the state agency informed HHS OCR that the issues raised in the complaint were resolved pursuant to a Settlement Agreement entered into by the agency and the Complainant.

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

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

DOI — DOI covers the requirements of the Age Act during technical assistance activities. The focus is on an enforcement and compliance perspective for DOI's bureaus, offices, and recipients of FFA. All bureaus offer technical assistance regarding the Age Act to staff, recipients, and the public upon request. Additionally, the Departmental Office of 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, Office of Insular Affairs, and Bureau of Indian Affairs provided, internally and externally, the Department's and/or its bureau-specific notification of non-discrimination policies through websites, brochures, posters, technical assistance and training, and compliance reviews. Such notification includes information about the Age Act.

DOL — DOL CRC attended five meetings of the EO Committee of the National Association of State Workforce Agencies (NASWA), which includes the EO Officers of multiple states and territories across the nation. Virtually all of those meetings included discussion of regulatory provisions, promulgated under WIOA Section 188, that require 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 of the meetings of the NASWA EO Committee in which CRC participated was attended by approximately 30 to 35 people (other than CRC staff).

DOT — The Pipeline and Hazardous Materials Safety Administration (PHMSA) External Civil Rights Program release its "Guidelines for Grant Recipients." 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. The Roadway Safety Foundation, a non-profit located in Washington, D.C., runs the Clearinghouse for Older Road User Safety, which provides resources pertaining to highway safety for aging drivers, passengers, pedestrians, and cyclists.

HHS — HHS OCR regularly presents at conferences and workshops, and distributes copies of regulations and fact sheets to attendees who represent recipients of FFA from HHS, other agencies within HHS, or members of the public. In FY 2019, OCR gave 37 presentations that included information on civil rights statutes and regulations, including the Age Act. For example, during May to July 2019, HHS OCR provided 12 presentations nationwide to approximately 1,000 pre-medical and pre-dental students to help them understand how nondiscriminatory treatment of patients is required by law and necessary to ensure safe and effective health care. These presentations, which include a short piece on the Age Act, are part of the Medical School Curriculum Initiative, which launched in 2007 with partnership from the Association of American Medical Colleges.

IMLS — IMLS is a micro agency, which provides regular technical assistance to its grant recipients. Through the IMLS website, grantees are provided resources that fully address civil rights compliance requirements for all applicants and recipients of FFA. IMLS continues to provide outreach and distribute relevant information to grantees and the general public about current civil rights laws and compliance

requirements as it pertains to pre- and post-award funding. IMLS extranet site is specifically designed for IMLS grantees to access updated IMLS grant award requirements, policies, and compliance information to include applicable civil rights laws (i.e., Age Act).

NASA — NASA awards funding to over 300 grantee institutions. Prior to receiving the awards, NASA requires each grantee to complete an Assurance of Compliance form (NASA Form 1206) attesting that the grantee institution is in compliance with the Age Act, and other civil rights laws. In 2019, NASA enhanced the form by requiring signatures attesting to compliance by the General Counsel, the Chief Research Officer, and the Title IX Coordinator. The form previously required only one signature from the President, Board Chairman, or other authorized official.

NEA — The Office of Accessibility conducted a series of presentations and workshops for Arts Endowment grantees and service organizations, as well as organizations dedicated to the aging field. The purpose of these sessions was to educate participants about making high-quality arts programs available to older adults and people with disabilities. Specifically, the Accessibility Office:

- Organized and presented an accessibility pre-conference peer session for state arts agency and regional arts organization accessibility coordinators and other staff at the National Assembly of State Arts Agencies conference in Baltimore, MD, October 31, 2019. The working meeting included presentations on cultural accessibility and creative aging initiatives by state arts agencies and regional arts organizations to help build capacity for state governments and regional organizations to make the arts accessible to all audiences with disabilities, including older adults.
- Delivered a keynote address on creative aging at a creative aging symposium hosted by the Arts Council of Baton Rouge in Baton Rouge, LA, November 26, 2018. The keynote addressed overcoming ageism and stigma through the arts and the work that the Arts Endowment has done to support the field through research, policy, and practice.
- Delivered a lecture on accessibility and creative aging in museums for master's degree students at Georgetown University's museum studies program, Washington, DC, December 10, 2018.
- Presented on a panel discussing accessibility at the Americans for the Arts conference, addressing how local arts agencies can serve people with disabilities and older adults in their communities, in Minneapolis, on June 14, 2019.
- Organized and presented an accessibility pre-conference peer session for state arts agency and regional arts organization accessibility coordinators and other staff at the John F. Kennedy Center for the Performing Arts' Leadership Exchange in Art and Disability Conference in Denver, CO on August 4, 2019. The working meeting included presentations on cultural accessibility and creative aging initiatives by state arts agencies and regional arts organizations to help build capacity for state governments and regional organizations to make the arts accessible to all audiences with disabilities, including older adults.
- Organized and presented workshops on accessibility for people with disabilities and older adults, as well as funding opportunities for cultural accessibility at the John F. Kennedy Center for the Performing Arts' Leadership Exchange on Art and Disability Conference in Denver on

August 5-6, 2019. The workshops included information on the legal requirements under the Rehabilitation Act and the Americans with Disabilities Act, best practices from Endowment grantees, and funding opportunities through the Arts Endowment and state arts agencies.

- Delivered a guest lecture for a George Mason University arts management course on the Arts Endowment's support for creative aging, Arlington, VA, September 5, 2019.

NEH — 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. 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. *Design for Accessibility* is available electronically to grantees and the public at: <https://www.arts.gov/sites/default/files/Design-for-Accessibility.pdf>.

NRC — NRC provided assistance to applicants and recipients to help them understand applicable federal civil rights statutes and responded to information requests during the pre- and post-award stages of the grants process. NRC also posted information and educational materials for stakeholders on its website, which address requirements under the Age Act.

TVA — TVA informed recipients of their obligations under the Act and provided recipients with information regarding equal opportunity requirements as well as a description of the specific responsibilities of recipients. This information identifies the Act and enforcing statutes and explains how to report any alleged act of discrimination.

USAID — Each potential recipient of USAID federal financial assistance must provide a signed assurance that its organization will comply with the Act prior to receiving an award. The assurance document includes information notifying recipients where to find the Agency's codified regulations.

USAGM — USAGM provides technical and educational assistance to enhance the recipient's awareness and knowledge of its non-discrimination obligations.

USDA — USDA provided the following technical assistance to its recipients during FY 2019, in compliance with the Age Act:

- FNS Regional Civil Rights Officers conducted program-specific Civil Rights training, which included training on the prohibition of discrimination on the basis of age, for CACFP, CSFP, FMNP/SFMNP, FDPIR, School Meals (School Lunch, School Breakfast and School Milk), Supplemental Nutrition Assistance Program, WIC and WIC Indian Tribal Organizations for state agency staff in all 50 states, Puerto Rico, U.S. territories in the Pacific and the U.S. Virgin Islands;
- Food Safety and Inspection Service (FSIS) provided technical assistance and outreach to its federally-assisted State Meat and Poultry Inspection (MPI) programs in several ways. Specifically, the Agency's "at least equal to" guidelines were made available to the State MPI programs through the Agency's website. This guidance addresses civil rights

requirements for state programs to include the prohibition of discrimination on the basis of age;

- Natural Resources Conservation Service (NRCS) ensured the non-discrimination requirement was placed on public materials. In addition, the agency ensured recipients complied with relative regulations including the Age Act; and
- National Institute of Food and Agriculture (NIFA) provided annual civil rights and equal opportunity training to NIFA grantees and Land-Grant partners.

2. Staff Training

DOC — In FY 2019, DOC OCR officials met with representatives from the DOJ Civil Rights Division and discussed potential ways to strengthen DOC's external Civil Rights Program, including enforcement of the Age Act. In addition, DOC OCR has assigned an additional staff member to help strengthen the external Civil Rights Program.

GSA — GSA OCR staff is committed to professional development through ongoing review of case law and decisions regarding applicable federal civil rights laws, regulations, and guidance, which includes Age Act compliance.

HHS — HHS OCR informs its new staff of Age Act requirements and enforcement procedures as part of its orientation training. HHS OCR also periodically provides staff with refresher training about the procedural requirements of the Age Act.

HUD — HUD's staff is provided with periodic training on age discrimination regulations along with the other authorities that fall within its responsibility.

NEA — In FY 2019, NEA provided training for new employees, which explained agency civil rights enforcement responsibilities, including the Age Act. NEA OCR continues to work closely with other federal agencies in complying with federal regulations governing accessibility issues for older adults.

NEH — NEH provides its staff with electronic resources to aid awareness and understanding of federal civil rights laws, including the Age Act. It also provides accessibility guidance and grant-related civil rights materials. NEH's Office of the General Counsel provides information and feedback on age discrimination issues as requested.

TVA — TVA's Office of the General Counsel conducts informal training upon request on Age Act requirements with regard to Federal financial assistance. The training is given to the 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, including online and onsite sessions, which are made available to Agency employees as well as such as contractors and grantees. As a result, USAGM anticipates minimizing and/or eliminating age discrimination in its programs and activities.

USDA — USDA continued to emphasize and perform the following staff training on the Age Act:

- Annual Civil Rights Training was taken by 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 that are applicable when interacting with internal staff and customers;
- Foreign Agriculture Service continued to provide documents, such as the Civil Rights and Diversity Policy Statement and the Anti-Harassment Policy Statement and Procedures to its approximately 866 employees which included a section on nondiscrimination based on age;
- FSIS staff employees attended numerous webinars, conferences, and trainings that focused on civil rights laws and discrimination. In most instances, prohibited protected bases, to include age, were discussed; and
- NRCS offered a course entitled “Civil Rights and Program Delivery” to all employees quarterly and was requested as a specific training seminar by individual states. The course objective is to raise the awareness of field staff on the protected bases in Title VI of the Civil Rights Act with the goal to diversify boards and councils as well as learn to collect and analyze program data at the county level to attract non-traditional and traditionally underserved participants to NRCS programs.

3. Other Activities

DOC — DOC OCR cooperates with Bureau Grants Officers to oversee compliance with the Age Act and the Commerce regulation. Information is available to recipients and the public on OCR’s web site. In addition, Commerce requires grant applicants to use the applicable Standard Form 424B or 424D, which provide the Department with certifications that applicants will comply with the Act. 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 Act and the Commerce regulation enforcing the Act.

DOE — DOE routinely performs pre-award 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 allegations of discrimination made against them.

DHS — DHS advises its recipients of the Age Act and their compliance obligations through the DHS Standard Terms and Conditions (www.dhs.gov/publication/fy15-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.

DOI — DOI OCR and Departmental Bureaus distribute posters, brochures, and other program-specific materials relating to non-discrimination policies and requirements of the various authorities, including the Age Act, to staff, recipients, and the public.

DOJ — All DOJ funding components include an Assurance of Nondiscrimination in their grant award packages, and recipients must sign it in order to receive FFA. The Assurance outlines the applicable laws, including the Age Act, with which the funding recipients must comply.

DOL — During FY 2019, CRC received thirty-five (35) Non-Discrimination Plans (NDPs) to review for compliance with regulatory requirements. Each state NDP must explain the procedures the state has put in place for ensuring nondiscrimination on all bases prohibited by Workforce Innovation and Opportunity Act (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 terminees, 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.

GSA — GSA regularly distributes non-discrimination posters to surplus personal property recipients for prominent display at their place(s) of operation. The posters contain information regarding the Age Act. In FY 2019, GSA's OCR staff conducted webinars and on-site training regarding civil rights responsibilities of the North Carolina, South Carolina, New Jersey, Maryland, West Virginia, Rhode Island, Nebraska, Minnesota, and Iowa SASPs, which included information regarding their responsibilities under the Age Act as a primary recipient of the Federal Surplus Personal Property Donation Program. No age discrimination concerns were identified as a result of the SASP reviews conducted during FY 2019.

IMLS — IMLS emphasizes compliance programs in connection with its Grants to States Program, which awards funds to State Library Administrative Agencies. The agency provides specialized training to its Grants to States Program Officers in preparation for site visits and meetings with Chief Officers of the State Library Administrative Agencies meetings. Program officers, staff employees, and managers are regularly briefed on civil rights related matters and best practices in the delivery of museum and library services. From time to time, the 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.

NCUA — NCUA only provides federal financial assistance through the Community Development Revolving Loan Fund (CDRLF), a relatively small grant and loan program. In 2019, the CDRLF awarded 171 grants totaling approximately \$2 million to 165 low-income designated credit unions nationwide. In 2019, three loans were issued totaling \$750,000. 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 Office of Accessibility continues to update and expand the resource section of the Endowment's Website to include more accessibility resources, links, and articles, available at <http://arts.gov/artistic-fields/accessibility> Arts projects include:

- FY 2019 Arts Endowment Awards for Arts-and-Aging Research Projects: Rice University, Houston, TX; Texas Tech University, Lubbock, TX; Dr. Phillips Center for the Performing Arts, Orlando, FL; and George Mason University, Fairfax, VA.
- FY 2019 Arts Endowment Awards for Creativity and Aging Projects: Appalshop, Inc., Whitesburg, KY; Arts for the Aging – Maryland Rockville, MD; Asian American Writers’ Workshop; New York, NY; City of Lone Tree, Lone Tree, CO; Creative Aging Memphis, TN; Dances for a Variable Population, New York, NY; Dr. Phillips Center for the Performing Arts, Orlando, FL; Engage Inc. (aka EngAGE) Burbank, CA; Fine Arts Work Center, Provincetown, MA; Harrisburg Area Community College Foundation Harrisburg, PA; Holland Area Arts Council, Holland, MI; Hook Arts Media Inc., Brooklyn, NY; Inlandia Institute Riverside, CA; International Storytelling Association, Jonesborough, TN; Latino Theater Company (aka Los Angeles Theatre Center), Los Angeles, CA; Lighthouse Writers Workshop, Denver, CO; Los Angeles LGBT Center, Los Angeles, CA; Madison Symphony Orchestra, Inc., Madison, WI; Magical Experiences Arts Company, Ltd., Baltimore, MD; Mainly Mozart Inc., San Diego, CA; Marshall County Retired Senior Volunteer Program, Inc., Guntersville, AL; Minneapolis Pops Orchestra Association, Minneapolis, MN; Museum of Photographic Arts (aka MOPA), San Diego, CA; New York Korean Performing Arts Center, New York, NY; Picture House Regional Film Center Inc., Pelham, NY; Quintet of the Americas, Inc., Douglaston, NY; Repertory Dance Theatre, Salt Lake City, UT; Teachers and Writers Collaborative, Brooklyn, NY; TeCo Theatrical Productions, Inc., Dallas, TX; Think 360 Arts for Learning, Denver, CO; University Settlement Society of New York, NY; Volunteer Lawyers for the Arts, Inc. (aka VLA), New York, NY; Wexner Center Foundation (aka Wexner Center for the Arts); Columbus, OH; and Young at Heart Chorus, Incorporated, Florence, MA.

NEH — NEH’s Office of Federal/State Partnership makes grants to humanities councils based in all fifty states, as well as the District of Columbia, Puerto Rico, American Samoa, the Northern Mariana Islands, and Guam. Each year, the state humanities councils support a variety of museum exhibitions, library book programs, and other activities that engage older Americans and give them the opportunity to pursue educational activities in their own communities. The following is a sample of programs specifically for and about older Americans that NEH-funded state humanities councils carried out during FY 2019:

- Alaska: Alaska Humanities is partnering with Opportunities for Lifelong Education, which offers stimulating academic courses to adults over 50, to lead a series of community conversations based on humanities themes.
- California: California Humanities supported “Voices of Wisdom: Writing Classes for Seniors 55 Plus,” which provides weekly free writing classes focused on memoir and story preservation.
- Florida: Florida Humanities Council supported the Compass Legacy Project, a cross-generational storytelling project pairing youth with elders in the local LGBTQ+ community.
- Kansas: To commemorate 50 years since the escalation of US involvement in the Vietnam War, Humanities Kansas partnered with twelve organizations for the statewide oral history project “Kansas Stories of the Vietnam War.” The organizations conducted oral history and memoir writing projects with Vietnam veterans in their various communities.

- Oregon: Oregon Humanities' Conversation Project brings Oregonians together to talk-across differences, beliefs, and backgrounds-about important issues and ideas. Recent topics included discussions on intergenerational friendships and aging. A larger statewide initiative, "Talking About Dying," provides an opportunity for participants to reflect on what stories and influences shape their thinking about death and dying, and to hear perspectives and ideas from fellow community members. Program facilitators are trained professionals working in the fields of chaplaincy, counseling, gerontology, facilitation, and hospice care around Oregon.
- South Carolina: The South Carolina Humanities Speakers Bureau makes it possible for some of South Carolina's finest scholars to travel throughout the state and share their interests in and knowledge of the humanities. One of the main goals of this project is to spark discussions about human values, traditions and cultures. Retirement communities frequently host these programs.
- Washington: In communities throughout Washington State, Humanities Washington Speakers Bureau presenters give free public presentations on history, politics, music, philosophy, spiritual traditions, and everything in between. To reach as many Washingtonians as possible, Humanities Washington partners with a wide range of organizations, including libraries, schools, museums, historical societies, retirement homes, community centers, and civic organizations.
- West Virginia: West Virginia Humanities' History Alive program features scholars from across the state portraying historical figures at approximately 150 presentations each year. These presentations take place at a variety of venues, including schools, museums, senior centers, and retirement communities.

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 or 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.