
AMENDMENTS

1986—Pub. L. 99–272 struck out `section 6102 of this title', as added, as a note under section 3001 of this title.

1985—Pub. L. 99–272 struck out `section 6102 of this title', as added, as a note under section 3001 of this title.

1978—Pub. L. 95–478 struck out `unreasonable' before `discrimination'.

Effective Date of 1986 Amendment


Effective Date of 1978 Amendment


Short Title

Pub. L. 94–135, title III, § 301, Nov. 28, 1975, 89 Stat. 728, provided that: `The provisions of this title [enacting this chapter] may be cited as the `Age Discrimination Act of 1975'.'

§ 6102. Prohibition of discrimination

Pursuant to regulations prescribed under section 6103 of this title, and except as provided by section 6103(b) and section 6103(c) of this title, no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance.


§ 6103. Regulations

(a) Publication in Federal Register of proposed general regulations, final general regulations, and anti-discrimination regulations; effective date

(1) Not later than one year after the transmission of the report required by section 6106(b) of this title, or two and one-half years after November 28, 1975, whichever occurs first, the Secretary of Health and Human Services shall publish in the Federal Register proposed general regulations to carry out the provisions of section 6102 of this title.

(2)(A) The Secretary shall not publish such proposed general regulations until the expiration of a period comprised of—

(i) the forty-five day period specified in section 6106(e) of this title; and

(ii) an additional forty-five day period, immediately following the period described in clause (i), during which any committee of the Congress having jurisdiction over the subject matter involved may conduct hearings with respect to the report which the Commission is required to transmit under section 6106(d) of this title, and with respect to the comments and recommendations submitted by Federal departments and agencies under section 6106(e) of this title.

(B) The forty-five day period specified in subparagraph (A)(ii) shall include only days during

§ 6101. Statement of purpose

It is the purpose of this chapter to prohibit discrimination on the basis of age in programs or activities receiving Federal financial assistance.
which both Houses of the Congress are in session.

(3) Not later than ninety days after the Secretary publishes proposed regulations under paragraph (1), the Secretary shall publish in the Federal Register final general regulations to carry out the provisions of section 6102 of this title, after taking into consideration any comments received by the Secretary with respect to the regulations proposed under paragraph (1).

(4) Not later than ninety days after the Secretary publishes final general regulations under paragraph (a)(3), the head of each Federal department or agency which extends Federal financial assistance to any program or activity by way of grant, entitlement, loan, or contract other than a contract of insurance or guaranty, shall transmit to the Secretary and publish in the Federal Register proposed regulations to carry out the provisions of section 6102 of this title and to provide appropriate investigative, conciliation, and enforcement procedures. Such regulations shall be consistent with the final general regulations issued by the Secretary, and shall not become effective until approved by the Secretary.

(5) Notwithstanding any other provision of this section, no regulations issued pursuant to this section shall be effective before July 1, 1979.

(b) Nonviolative actions; program or activity exemption

(1) It shall not be a violation of any provision of this chapter, or of any regulation issued under this chapter, for any person to take any action otherwise prohibited by the provisions of section 6102 of this title if, in the program or activity involved—

(A) such action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of such program or activity; or

(B) the differentiation made by such action is based upon reasonable factors other than age.

(2) The provisions of this chapter shall not apply to any program or activity established under authority of any law which (A) provides any benefits or assistance to persons based upon the age of such persons; or (B) establishes criteria for participation in age-related terms or describes intended beneficiaries or target groups in such terms.

(c) Employment practices and labor-management joint apprenticeship training program exemptions; Age Discrimination in Employment Act unaffected

(1) Nothing in this chapter shall be construed to authorize action under this chapter by any Federal department or agency with respect to any employment practice of any employer, employment agency, or labor organization, or with respect to any labor-management joint apprenticeship training program.

(2) Nothing in this chapter shall be construed to amend or modify the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621–634), as amended, or to affect the rights or responsibilities of any person or party pursuant to such Act.
political entity or other recipient with respect to which a finding has been made under sub-
section (a)(1) of this section. Any such termi-
nation or refusal shall be limited in its effect to
the particular program or activity, or part of
such program or activity, with respect to which
such finding has been made. No such termi-
nation or refusal shall be based in whole or in
part on any finding with respect to any program
or activity which does not receive Federal finan-
cial assistance. Whenever the head of any Fed-
eral department or agency who prescribes regu-
lations under section 6103 of this title withholds
funds pursuant to subsection (a) of this section,
he may, in accordance with regulations he shall
prescribe, disburse the funds so withheld di-
rectly to any public or nonprofit private organi-
zation or agency, or State or political subdivi-
sion thereof, which demonstrates the ability to
achieve the goals of the Federal statute author-
ing the program or activity while complying
with regulations issued under section 6103 of this
title.

(c) Advice as to failure to comply with regula-
tion; determination that compliance cannot
be secured by voluntary means

No action may be taken under subsection (a)
of this section until the head of the Federal de-
partment or agency involved has advised the ap-
propriate person of the failure to comply with
the regulation involved and has determined that
compliance cannot be secured by voluntary
means.

(d) Report to Congressional committees

In the case of any action taken under sub-
section (a) of this section, the head of the Fed-
eral department or agency involved shall trans-
mitt a written report of the circumstances and
grounds of such action to the committees of the
House of Representatives and the Senate having
legislative jurisdiction over the program or ac-
tivity involved. No such action shall take effect
until thirty days after the transmission of any
such report.

(e) Injunctions; notice of violations; costs; condi-
tions for actions

(1) When any interested person brings an ac-
tion in any United States district court for the
district in which the defendant is found or trans-
acts business to enjoin a violation of this Act by
any program or activity receiving Federal finan-
cial assistance, such interested person shall give
notice by registered mail not less than 30 days
prior to the commencement of that action to
the Secretary of Health and Human Services,
the Attorney General of the United States, and
the person against whom the action is directed.
Such interested person may elect, by a demand
for such relief in his complaint, to recover rea-
sonable attorney’s fees, in which case the court
shall award the costs of suit, including a reason-
able attorney’s fee, to the prevailing plaintiff.

(2) The notice referred to in paragraph (1) shall
state the nature of the alleged violation, the re-
lief to be requested, the court in which the ac-
tion will be brought, and whether or not attor-
ney’s fees are being demanded in the event that
the plaintiff prevails. No action described in
paragraph (1) shall be brought (A) if at the time
the action is brought the same alleged violation
by the same defendant is the subject of a pend-
ing action in any court of the United States; or
(B) if administrative remedies have not been ex-
hausted.

(f) Exhaustion of administrative remedies

With respect to actions brought for relief
based on an alleged violation of the provisions of
this chapter, administrative remedies shall be
deemed exhausted upon the expiration of 180
days from the filing of an administrative com-
plaint during which time the Federal depart-
ment or agency makes no finding with regard to
the complaint, or upon the day that the Federal
department or agency issues a finding in favor
of the recipient of financial assistance, which-
ever occurs first.

(Pub. L. 94–135, title III, § 305, Nov. 28, 1975, 89
Stat. 730; Pub. L. 95–478, title IV, § 401(c), (d),
title V, § 509(b), Oct. 17, 1979, 93 Stat. 695.)

REFERENCES IN TEXT

This Act, referred to in subsec. (e)(1), probably means
Pub. L. 94–135, Nov. 28, 1975, 89 Stat. 713, as amended,
known as the Older Americans Amendments of 1975.
For complete classification of this Act to the Code, see
Short Title of 1975 Amendment note set out under sec-
section 3001 of this title and Tables.

AMENDMENTS

1978—Subsec. (b). Pub. L. 95–478, § 401(d), authorized
disbursement of withheld funds directly to organization
or agency demonstrating ability to achieve the goals of
the Federal statute authorizing the program or activity
while complying with the regulations.
Subsec. (e). Pub. L. 95–478, § 401(c), substituted provi-
sions limiting the access to injunctive relief, notice of violations, and
costs for provision making this section the exclusive
remedy for the enforcement of the provisions of this
chapter.

CHANGE OF NAME

“Secretary of Health and Human Services” sub-
stituted for “Secretary of Health, Education, and Wel-
fare” in subsec. (e)(1) pursuant to section 509(b) of Pub.
L. 96–88, which is classified to section 3508(b) of Title 20,
Education.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–478 effective at the close of
as a note under section 3001 of this title.

§ 6105. Judicial review

(a) Provisions of other laws

Any action by any Federal department or
agency under section 6104 of this title shall be
subject to such judicial review as may otherwise
be provided by law for similar action taken by
any such department or agency on other

(b) Provisions of chapter 7 of title 5; reviewable
agency discretion

In the case of any action by any Federal de-
partment or agency under section 6104 of this
title which is not otherwise subject to judicial
review, any person aggrieved (including any
State or political subdivision thereof and any
agency of either) may obtain judicial review of
such action in accordance with the provisions of chapter 7 of title 5. For purposes of this subsection, any such action shall not be considered committed to unreviewable agency discretion within the meaning of section 701(a)(2) of such title.


§ 6106. Study of discrimination based on age

(a) Study by Commission on Civil Rights

The Commission on Civil Rights shall (1) undertake a study of unreasonable discrimination based on age in programs and activities receiving Federal financial assistance, and particularly with respect to the reasonableness of distinguishing, on the basis of age, among potential participants in, or beneficiaries of, specific federally assisted programs.

(b) Public hearings

As part of the study required by this section, the Commission shall conduct public hearings to elicit the views of interested parties, including Federal departments and agencies, on issues relating to age discrimination in programs and activities receiving Federal financial assistance, and particularly with respect to the reasonableness of distinguishing, on the basis of age, among potential participants in, or beneficiaries of, specific federally assisted programs.

(c) Publication of results of analyses, research and studies by independent experts; services of voluntary or uncompensated personnel

The Commission is authorized to obtain, through grant, contract, analyses, research and studies by independent experts of issues relating to age discrimination and to publish the results thereof. For purposes of the study required by this section, the Commission may accept and utilize the services of voluntary or uncompensated personnel, without regard to the provisions of section 105(b) of the Civil Rights Act of 1957 (42 U.S.C. 1975d(b)).

(d) Report to President and Congress; copies to affected Federal departments and agencies; information and technical assistance

Not later than two years after November 28, 1975, the Commission shall transmit a report of its findings and its recommendations for statutory changes (if any) and administrative action, including suggested general regulations, to the Congress and to the President and shall provide a copy of its report to the head of each Federal department and agency with respect to which the Commission makes findings or recommendations.

The Commission is authorized to provide, upon request, information and technical assistance regarding its findings and recommendations to Congress, to the President, and to the heads of Federal departments and agencies for a ninety-day period following the transmittal of its report.

(e) Comments and recommendations of Federal departments and agencies; submission to President and Congressional committees

Not later than forty-five working days after receiving a copy of the report required by subsection (d) of this section, each Federal department or agency with respect to which the Commission makes findings or recommendations shall submit its comments and recommendations regarding such report to the President and to the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives.

(f) Cooperation of Federal departments and agencies with Commission

The head of each Federal department or agency shall cooperate in all respects with the Commission with respect to the study required by subsection (a) of this section, and shall provide to the Commission such data, reports, and documents in connection with the subject matter of such study as the Commission may request.

(g) Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.


REFERENCES IN TEXT

Section 105(b) of the Civil Rights Act of 1957, referred to in subsec. (c), is section 105(b) of Pub. L. 85–315, pt. 1, Sept. 9, 1957, 71 Stat. 636, which was classified to section 1975d(b) of this title and was omitted from the Code. For further details, see Codification note set out preceding section 1975 of this title. Similar provisions are contained in section 4(c) of the Civil Rights Commission Act of 1983, Pub. L. 98–183, Nov. 30, 1983, 97 Stat. 1304, as amended, which is classified to section 1975b(c) of this title.

AMENDMENTS

1977—Subsec. (d). Pub. L. 95–65 substituted “two years” for “eighteen months” and authorized the Commission to provide information and technical assistance regarding its findings and recommendations to Congress, the President, and heads of Federal departments and agencies for a ninety-day period following the transmittal of its report.

CHANGE OF NAME

Committee on Labor and Human Resources of Senate changed to Committee on Health, Education, Labor, and Pensions of Senate by Senate Resolution No. 20, One Hundred Sixth Congress, Jan. 19, 1999. Previously, Committee on Human Resources of Senate changed to Committee on Labor and Human Resources of Senate effective Mar. 7, 1979, by Senate Resolution No. 30, 96th Congress. See Rule XXV of Standing Rules of Senate adopted Nov. 14, 1979.

Committee on Labor and Public Welfare of Senate abolished and replaced by Committee on Human Resources of Senate, effective Feb. 11, 1977. See Rule XXV of Standing Rules of Senate, as amended by Senate Resolution No. 4 (popularly cited as the “Committee System Reorganization Amendments of 1977”), approved Feb. 4, 1977.

§ 6106a. Reports to the Secretary and Congress

(a) Not later than December 31 of each year (beginning in 1979), the head of each Federal department or agency shall submit to the Secretary of Health and Human Services a report (1) describing in detail the steps taken during the preceding fiscal year by such department or agency to carry out the provisions of section
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6102 of this title; and (2) containing specific data about program participants or beneficiaries, by age, sufficient to permit analysis of how well the department or agency is carrying out the provisions of section 6102 of this title.

Not later than March 31 of each year (beginning in 1980), the Secretary of Health and Human Services shall compile the reports made pursuant to subsection (a) of this section and shall submit them to the Congress, together with an evaluation of the performance of each department or agency with respect to carrying out the provisions of section 6102 of this title.


PRIOR PROVISIONS

A prior section 308 of Pub. L. 94–135 was renumbered section 309 and is classified to section 6107 of this title.

CHANGE OF NAME

“Secretary of Health and Human Services” substituted for “Secretary of Health, Education, and Welfare” pursuant to section 509(b) of Pub. L. 96–88, which is classified to section 3508(b) of Title 20, Education.

 EFFECTIVE DATE

Section effective at close of Sept. 30, 1978, see section 504 of Pub. L. 95–478, set out as an Effective Date of 1978 Amendment note under section 3001 of this title.

§ 6107. Definitions

For purposes of this chapter—

(1) the term “Commission” means the Commission on Civil Rights;

(2) the term “Secretary” means the Secretary of Health and Human Services;

(3) the term “Federal department or agency” means any agency as defined in section 511 of title 5 and includes the United States Postal Service and the Postal Regulatory Commission; and

(4) the term “program or activity” means all of the operations of—

(A)(i) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

(ii) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship—

(I) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

(II) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(ii) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

(D) any other entity which is established by two or more of the entities described in subparagraph (A), (B), or (C); any part of which is extended Federal financial assistance.


AMENDMENTS


CHANGE OF NAME

“Secretary of Health and Human Services” substituted for “Secretary of Health, Education, and Welfare” in par. (2), pursuant to section 509(b) of Pub. L. 96–88, which is classified to section 3508(b) of Title 20, Education.

 EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–110 effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 107–110, set out as an Effective Date note under section 6301 of Title 20, Education.

EXCLUSION FROM COVERAGE

Amendment by Pub. L. 100–259 not to be construed to extend application of Age Discrimination Act of 1975 (this chapter) to ultimate beneficiaries of Federal financial assistance excluded from coverage before Mar. 22, 1988, see section 7 of Pub. L. 100–259, set out as a Construction note under section 1687 of Title 20, Education.

ABORTION NEUTRALITY

Amendment by Pub. L. 100–259 not to be construed to force or require any individual or hospital or any other institution, program, or activity receiving Federal funds to perform or pay for an abortion, see section 8 of Pub. L. 100–259, set out as a note under section 1688 of Title 20, Education.

CHAPTER 77—ENERGY CONSERVATION

Sec. 6201. Congressional statement of purpose.
6202. Definitions.

SUBCHAPTER I—DOMESTIC SUPPLY

AVAILABILITY

PART A—DOMESTIC SUPPLY

6211. Repealed.