

(b) Application and approval; State plan required; review and comment by State Planning Council

No grant may be made under subsection (a) of this section unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information as the Secretary shall by regulation prescribe. The Secretary may not approve such an application unless each State in which the applicant's project will be conducted has a State plan approved under section 6063 of this title. The Secretary shall provide to the State Planning Council (established under section 6067 of this title) for each State in which an applicant's project will be conducted an opportunity to review the application for such project and to submit its comments on the application.

(c) Method and schedule of payments

Payments under grants under subsection (a) of this section may be made in advance or by way of reimbursement, and at such intervals and on such conditions, as the Secretary finds necessary. The amount of any grant under subsection (a) of this section shall be determined by the Secretary.

(d) Authorization of appropriations

For the purpose of grants under subsection (a) of this section, there are authorized to the¹ appropriated \$2,500,000 for the fiscal year ending September 30, 1982, \$2,500,000 for the fiscal year ending September 30, 1983, and \$2,500,000 for the fiscal year ending September 30, 1984.

(Pub. L. 88-164, title I, § 145, as added Pub. L. 94-103, title I, § 105, Oct. 4, 1975, 89 Stat. 495, and amended Pub. L. 95-602, title V, §§ 504(b)(2), (3), 513, Nov. 6, 1978, 92 Stat. 3006, 3016; Pub. L. 96-32, § 3(a), July 10, 1979, 93 Stat. 82; Pub. L. 97-35, title IX, § 913, Aug. 13, 1981, 95 Stat. 563.)

AMENDMENTS

1981—Pub. L. 97-35 substantially restructured and reorganized provisions making changes in phraseology and nomenclature in subsec. (a), subsec. (b) formerly set out as subsec. (d), subsec. (c) formerly set out as subsec. (e), and subsec. (d) formerly set out as subsec. (f). Former subsec. (b), relating to specific projects, subsec. (c), relating to priorities, subsec. (g), relating to funds for nationally significant projects, and subsec. (h), relating to uses for funds, were struck out.

1979—Subsec. (g). Pub. L. 96-32 amended the directory language of Pub. L. 95-602, § 504(b)(3), to correct a typographical error, and did not involve any change in the text. See 1978 Amendment note below.

1978—Subsec. (a). Pub. L. 95-602, §§ 504(b)(2), 513(a)(1), (2), (5), substituted in provision preceding par. (1), "The Secretary may" for "The Secretary, after consultation with the National Advisory Council on Services and Facilities to the Developmentally Disabled, may", inserted in par. (1), "(particularly priority services)" following "otherwise improving services", struck out requirement that demonstrations include programs for parent counseling and training, early screening and intervention, infant and preschool children, seizure control systems, legal advocacy, and community based counseling, care, housing and other services, and added par. (2). Former par. (2) redesignated as par. (1) of subsec. (b).

Subsec. (b). Pub. L. 95-602, § 513(a)(4), (5), (b), added introductory provision, redesignated former pars. (2) to (9) of subsec. (a) as pars. (1) to (8) of this subsection, respectively, and added par. (9). Former subsec. (b) redesignated (d).

Subsec. (c). Pub. L. 95-602, § 513(a)(4), (6), added subsec. (c). Former subsec. (c) redesignated (e).

Subsec. (d). Pub. L. 95-602, § 513(a)(4), redesignated former subsec. (b) as (d). Former subsec. (d) redesignated (f).

Subsec. (e). Pub. L. 95-602, § 513(a)(4), redesignated former subsec. (c) as (e). Former subsec. (e) redesignated (g).

Subsec. (f). Pub. L. 95-602, § 513(a)(4), (c), redesignated former subsec. (d) as (f), and in subsec. (f) as so redesignated, inserted ", \$20,000,000 for the fiscal year ending September 30, 1979, \$22,000,000 for the fiscal year ending September 30, 1980, and \$26,000,000 for the fiscal year ending September 30, 1981" following "fiscal year 1978". Former subsec. (f) redesignated (h).

Subsec. (g). Pub. L. 95-602, §§ 504(b)(3), 513(a)(3), (4), as amended by Pub. L. 96-32, § 3(a), redesignated former subsec. (c) as (g), and in subsec. (g) as so redesignated, substituted "subsection (f) of this section" for "subsection (d) of this section" and struck out "(after consultation with the National Advisory Council on Services and Facilities to the Developmentally Disabled)" following "Secretary determines".

Subsec. (h). Pub. L. 95-602, § 513(a)(3), (4), redesignated former subsec. (f) as (h), and in subsec. (h) as so redesignated, substituted "subsection (f) of this section" for "subsection (d) of this section".

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-602 applicable to payments under this chapter for fiscal years beginning on or after Oct. 1, 1978, see section 515 of Pub. L. 95-602, set out as an Effective Date note under section 6000 of this title.

CHAPTER 76—AGE DISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

- | | |
|---|--|
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6101.
6102.
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6104.

6105.</p> | <p>Statement of purpose.
Prohibition of discrimination.
Regulations.
(a) Publication in Federal Register of proposed general regulations, final general regulations, and anti-discrimination regulations; effective date.
(b) Nonviolative actions; program or activity exemption.
(c) Employment practices and labor-management joint apprenticeship training program exemptions; Age Discrimination in Employment Act unaffected.
Enforcement.
(a) Methods of achieving compliance with regulations.
(b) Limitations on termination of, or on refusal to grant or to continue, assistance; disbursement of withheld funds to achieve agencies.
(c) Advice as to failure to comply with regulation; determination that compliance cannot be secured by voluntary means.
(d) Report to Congressional committees.
(e) Injunctions; notice of violations; costs; conditions for actions.
(f) Exhaustion of administrative remedies.
Judicial review.
(a) Provisions of other laws.
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|---|--|

¹So in original. Probably should be "be".

- Sec.
6106. Study of discrimination based on age.
 (a) Study by Commission on Civil Rights.
 (b) Public hearings.
 (c) Publication of results of analyses, research and studies by independent experts; services of voluntary or uncompensated personnel.
 (d) Report to President and Congress; copies to affected Federal departments and agencies; information and technical assistance.
 (e) Comments and recommendations of Federal departments and agencies; submission to President and Congressional committees.
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 (g) Authorization of appropriations.
- 6106a. Reports to the Secretary and Congress.
 6107. Definitions.

CROSS REFERENCES

Age discrimination in employment, see section 621 et seq. of Title 29, Labor.
 Civil rights, Federally assisted programs, see section 2000d et seq. of this title.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 300w-7, 300x-7, 300y-9, 708, 5057, 5309, 6727, 8625, 9906 of this title; title 29 section 1577; title 31 section 6716.

§ 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, including programs or activities receiving funds under chapter 67 of title 31.

(Pub. L. 94-135, title III, § 302, Nov. 28, 1975, 89 Stat. 728; Pub. L. 95-478, title IV, § 401(a), Oct. 18, 1978, 92 Stat. 1555.)

CODIFICATION

"Chapter 67 of title 31" was substituted in text for "the State and Local Fiscal Assistance Act of 1972 (31 U.S.C. 1221 et seq.);" on authority of Pub. L. 97-258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

AMENDMENTS

1978—Pub. L. 95-478 struck out "unreasonable" preceding "discrimination".

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-478 effective at the close of Sept. 30, 1978, see section 504 of Pub. L. 95-478, set out as a note under section 3001 of this title.

SHORT TITLE

Section 301 of Pub. L. 94-135 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.

(Pub. L. 94-135, title III, § 303, Nov. 28, 1975, 89 Stat. 728.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6103, 6106a of this title.

§ 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 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) Except with respect to any program or activity receiving Federal financial assistance for public service employment under the Job Training Partnership Act [29 U.S.C. 1501 et seq.], 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.

(Pub. L. 94-135, title III, § 304, Nov. 28, 1975, 89 Stat. 729; Pub. L. 95-478, title IV, § 401(b), Oct. 18, 1978, 92 Stat. 1555; Pub. L. 96-88, title V, § 509(b), Oct. 17, 1979, 93 Stat. 695; Pub. L. 97-300, title I, § 183, Oct. 13, 1982, 96 Stat. 1357.)

REFERENCES IN TEXT

The Job Training Partnership Act, referred to in subsec. (c)(1), is Pub. L. 97-300, Oct. 13, 1982, 96 Stat. 1322, which is classified generally to chapter 19 (§ 1501 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of Title 29 and Tables.

The Age Discrimination in Employment Act of 1967 (29 U.S.C. 621-634), as amended, referred to in subsec. (c)(2), is Pub. L. 90-202, Dec. 15, 1967, 81 Stat. 602, as amended, which is classified generally to chapter 14 (§ 621 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 621 of Title 29 and Tables.

CODIFICATION

In subsec. (c)(1), "Job Training Partnership Act [29 U.S.C. 1501 et seq.]" was substituted for "Comprehensive Employment and Training Act of 1974 (29 U.S.C. 801 et seq.), as amended" pursuant to section 183 of

the Job Training Partnership Act, Pub. L. 97-300, title I, Oct. 13, 1982, 96 Stat. 1357, which is classified to section 1592 of Title 29, Labor, and which provided in part that references in any other statute to the Comprehensive Employment and Training Act shall be deemed to refer to the Job Training Partnership Act.

AMENDMENTS

1978—Subsec. (a)(4). Pub. L. 95-478, § 401(b)(1), provided that the regulations shall not become effective until approved by the Secretary.

Subsec. (a)(5). Pub. L. 95-478, § 401(b)(2), substituted "July 1, 1979" for "January 1, 1979".

CHANGE OF NAME

"Secretary of Health and Human Services" was substituted for "Secretary of Health, Education, and Welfare" in subsec. (a)(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 Sept. 30, 1978, see section 504 of Pub. L. 95-478, set out as a note under section 3001 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6102, 6104 of this title.

§ 6104. Enforcement**(a) Methods of achieving compliance with regulations**

The head of any Federal department or agency who prescribes regulations under section 6103 of this title may seek to achieve compliance with any such regulation—

(1) by terminating, or refusing to grant or to continue, assistance under the program or activity involved to any recipient with respect to whom there has been an express finding on the record, after reasonable notice and opportunity for hearing, of a failure to comply with any such regulation; or

(2) by any other means authorized by law.

(b) Limitations on termination of, or on refusal to grant or to continue, assistance; disbursement of withheld funds to achiever agencies

Any termination of, or refusal to grant or to continue, assistance under subsection (a)(1) of this section shall be limited to the particular political entity or other recipient with respect to which a finding has been made under subsection (a)(1) of this section. Any such termination 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 termination 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 financial assistance. Whenever the head of any Federal department or agency who prescribes regulations 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 directly to any public or nonprofit private organization thereof, or State or political subdivision thereof, which demonstrates the ability to achieve the goals of the Federal statute authorizing the program or activity while complying

with regulations issued under section 6103 of this title.

(c) Advice as to failure to comply with regulation; 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 department or agency involved has advised the appropriate 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 subsection (a) of this section, the head of the Federal department or agency involved shall transmit 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 activity involved. No such action shall take effect until thirty days after the transmission of any such report.

(e) Injunctions; notice of violations; costs; conditions for actions

(1) When any interested person brings an action in any United States district court for the district in which the defendant is found or transacts business to enjoin a violation of this Act by any program or activity receiving Federal financial 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 reasonable attorney's fees, in which case the court shall award the costs of suit, including a reasonable attorney's fee, to the prevailing plaintiff.

(2) The notice referred to in paragraph (1) shall state the nature of the alleged violation, the relief to be requested, the court in which the action will be brought, and whether or not attorney'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 pending action in any court of the United States; or (B) if administrative remedies have not been exhausted.

(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 complaint during which time the Federal department 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, whichever occurs first.

(Pub. L. 94-135, title III, § 305, Nov. 28, 1975, 89 Stat. 730; Pub. L. 95-478, title IV, § 401(c), (d),

Oct. 18, 1978, 92 Stat. 1555, 1556; Pub. L. 96-88, 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 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 provisions relating to injunctions, notice of violations, and costs for provision making this section the exclusive remedy for the enforcement of the provisions of this chapter.

Subsec. (f). Pub. L. 95-478, § 401(c), added subsec. (f).

CHANGE OF NAME

"Secretary of Health and Human Services" was substituted for "Secretary of Health, Education, and Welfare" 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 Sept. 30, 1978, see section 504 of Pub. L. 95-478, set out as a note under section 3001 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6105 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 grounds.

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

In the case of any action by any Federal department 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.

(Pub. L. 94-135, title III, § 306, Nov. 28, 1975, 89 Stat. 730.)

§ 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 (2) identi-

fy with particularity any such federally assisted program or activity in which there is found evidence of persons who are otherwise qualified being, on the basis of age, excluded from participation in, denied the benefits of, or subjected to discrimination under such program or activity.

(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 or 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 1975d(b) of this title.

(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.

(Pub. L. 94-135, title III, § 307, Nov. 28, 1975, 89 Stat. 731; S. Res. 4, Feb. 4, 1977; Pub. L. 95-65, § 1, July 11, 1977, 91 Stat. 269; S. Res. 30, Mar. 7, 1979.)

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

The name of the Committee on Human Resources of the Senate was changed to the Committee on Labor and Human Resources effective Mar. 7, 1979, by Senate Resolution 30, 96th Congress. See Rule XXV of the Standing Rules of the Senate adopted Nov. 14, 1979.

The Committee on Labor and Public Welfare of the Senate was abolished and replaced by the Committee on Human Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6103 of this title.

§ 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 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.

(b) 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.

(Pub. L. 94-135, title III, § 308, as added Pub. L. 95-478, title IV, § 401(e), Oct. 18, 1978, 92 Stat. 1556, and amended Pub. L. 96-88, title V, § 509(b), Oct. 17, 1979, 93 Stat. 695.)

PRIOR PROVISIONS

A prior section 308 of Pub. L. 94-135 was renumbered section 309 by Pub. L. 95-478, title IV, § 401(e).

Oct. 18, 1978, 92 Stat. 1556, and is classified to section 6107 of this title. Sec.

CHANGE OF NAME

"Secretary of Health and Human Services" was 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 the 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; and
- (3) the term "Federal department or agency" means any agency as defined in section 551 of title 5 and includes the United States Postal Service and the Postal Rate Commission.

(Pub. L. 94-135, title III, § 309, formerly § 308, Nov. 28, 1975, 89 Stat. 731; renumbered Pub. L. 95-478, title IV, § 401(e), Oct. 18, 1978, 92 Stat. 1556, and amended Pub. L. 96-88, title V, § 509(b), Oct. 17, 1979, 93 Stat. 695.)

CHANGE OF NAME

"Secretary of Health and Human Services" was 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.

CHAPTER 77—ENERGY CONSERVATION

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(c) Substitutions for all or part of volume stored in Reserve.
6238. Utility Reserves; Coal Reserves; Remote Crude Oil and Natural Gas Reserves.
6239. Congressional review of Strategic Petroleum Reserve Plan; implementation.
(a) Congressional review of Strategic Petroleum Reserve Plan as prerequisite to implementation.
(b) Effective date of Strategic Petroleum Reserve Plan.
(c) Preparation and transmittal to Congress of proposals for designing, constructing, and filling storage or related facilities; statement accompanying proposal.