

FROM YOUR CONGRESSMAN
Lionel Van Deerlin
37th DISTRICT - CALIFORNIA

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H. R. 7152

IN THE SENATE OF THE UNITED STATES

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Received and read the first time by title

FEBRUARY 26, 1964

Read the second time and ordered to be placed on the calendar

AN ACT

To enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as "The Civil Rights Act of
4 1963".

TITLE I—VOTING RIGHTS

1
2 SEC. 101. Section 2004 of the Revised Statutes (42
3 U.S.C. 1971), as amended by section 131 of the Civil
4 Rights Act of 1957 (71 Stat. 637), and as further amended
5 by section 601 of the Civil Rights Act of 1960 (74 Stat.
6 90), is further amended as follows:

7 (a) Insert "1" after "(a)" in subsection (a) and add
8 at the end of subsection (a) the following new paragraphs:

9 "(2) No person acting under color of law shall—

10 "(A) in determining whether any individual is
11 qualified under State law or laws to vote in any Federal
12 election, apply any standard, practice, or procedure dif-
13 ferent from the standards, practices, or procedures ap-
14 plied under such law or laws to other individuals within
15 the same county, parish, or similar political subdivision
16 who have been found by State officials to be qualified
17 to vote;

18 "(B) deny the right of any individual to vote in
19 any Federal election because of an error or omission of
20 such individual on any record or paper relating to any
21 application, registration, payment of poll tax, or other
22 act requisite to voting, if such error or omission is
23 not material in determining whether such individual is
24 qualified under State law to vote in such election; or

1 “(C) employ any literacy test as a qualification for
2 voting in any Federal election unless (i) such test is
3 administered to each individual wholly in writing except
4 where an individual requests and State law authorizes a
5 test other than in writing, and (ii) a certified copy of the
6 test whether written or oral and of the answers given
7 by the individual is furnished to him within twenty-five
8 days of the submission of his request made within the
9 period of time during which records and papers are re-
10 quired to be retained and preserved pursuant to title III
11 of the Civil Rights Act of 1960 (42 U.S.C. 1974-74e;
12 74 Stat. 88).

13 “(3) For purposes of this subsection—

14 “(A) the term ‘vote’ shall have the same meaning
15 as in subsection (e) of this section;

16 “(B) the phrase ‘literacy test’ includes any test of
17 the ability to read, write, understand, or interpret any
18 matter.”

19 (b) Insert immediately following the period at the end
20 of the first sentence of subsection (c) the following new
21 sentence: “If in any such proceeding literacy is a relevant
22 fact there shall be a rebuttable presumption that any person
23 who has not been adjudged an incompetent and who has
24 completed the sixth grade in a public school in, or a private

1 school accredited by, any State or territory, the District of
2 Columbia or the Commonwealth of Puerto Rico where
3 instruction is carried on predominantly in the English
4 language, possesses sufficient literacy, comprehension, and
5 intelligence to vote in any Federal election.”

6 (c) Add the following subsection “(f)” and designate
7 the present subsection “(f)” as subsection “(g)”:

8 “(f) When used in subsections (a) or (c) of this sec-
9 tion, the words ‘Federal election’ shall mean any general,
10 special, or primary election held solely or in part for the
11 purpose of electing or selecting any candidate for the office
12 of President, Vice President, presidential elector, Member of
13 the Senate, or Member of the House of Representatives.”

14 (d) Add the following subsection “(h)”:

15 “(h) In any proceeding instituted in any district court
16 of the United States under this section the Attorney General
17 or any defendant in the proceeding may file with the clerk
18 of such court a request that a court of three judges be con-
19 vened to hear and determine the case. A copy of the request
20 shall be immediately furnished by such clerk to the chief
21 judge of the circuit (or in his absence, the presiding circuit
22 judge) of the circuit in which the case is pending. Upon
23 receipt of the copy of such request it shall be the duty of the
24 chief judge of the circuit or the presiding circuit judge, as
25 the case may be, to designate immediately three judges in

1 such circuit, of whom at least one shall be a circuit judge
2 and another of whom shall be a district judge of the court
3 in which the proceeding was instituted, to hear and deter-
4 mine such case, and it shall be the duty of the judges so
5 designated to assign the case for hearing at the earliest
6 practicable date, to participate in the hearing and determi-
7 nation thereof, and to cause the case to be in every way
8 expedited. An appeal from the final judgment of such court
9 will lie to the Supreme Court.

10 "In the event the Attorney General fails to file such a
11 request in any such proceeding, it shall be the duty of the
12 chief judge of the district (or in his absence, the acting chief
13 judge) in which the case is pending immediately to designate
14 a judge in such district to hear and determine the case. In
15 the event that no judge in the district is available to hear and
16 determine the case, the chief judge of the district, or the act-
17 ing chief judge, as the case may be, shall certify this fact to
18 the chief judge of the circuit (or in his absence, the acting
19 chief judge) who shall then designate a district or circuit
20 judge of the circuit to hear and determine the case.

21 "It shall be the duty of the judge designated pursuant to
22 this section to assign the case for hearing at the earliest
23 practicable date and to cause the case to be in every way
24 expedited."

1 TITLE II—INJUNCTIVE RELIEF AGAINST DIS-
2 CRIMINATION IN PLACES OF PUBLIC AC-
3 COMMODATION

4 SEC. 201. (a) All persons shall be entitled to the full
5 and equal enjoyment of the goods, services, facilities, privi-
6 leges, advantages, and accommodations of any place of public
7 accommodation, as defined in this section, without discrim-
8 ination or segregation on the ground of race, color, religion,
9 or national origin.

10 (b) Each of the following establishments which serves
11 the public is a place of public accommodation within the
12 meaning of this title if its operations affect commerce, or if
13 discrimination or segregation by it is supported by State
14 action:

15 (1) any inn, hotel, motel, or other establishment
16 which provides lodging to transient guests, other than
17 an establishment located within a building which contains
18 not more than five rooms for rent or hire and which is
19 actually occupied by the proprietor of such establishment
20 as his residence;

21 (2) any restaurant, cafeteria, lunch room, lunch
22 counter, soda fountain, or other facility principally en-
23 gaged in selling food for consumption on the premises,
24 including, but not limited to, any such facility located

1 on the premises of any retail establishment; or any
2 gasoline station;

3 (3) any motion picture house, theater, concert hall,
4 sports arena, stadium or other place of exhibition or en-
5 tertainment; and

6 (4) any establishment (A) which is physically lo-
7 cated within the premises of any establishment otherwise
8 covered by this subsection, or within the premises of
9 which is physically located any such covered establish-
10 ment, and (B) which holds itself out as serving patrons
11 of such covered establishment.

12 (c) The operations of an establishment affect commerce
13 within the meaning of this title if (1) it is one of the estab-
14 lishments described in paragraph (1) of subsection (b); (2)
15 in the case of an establishment described in paragraph (2) of
16 subsection (b), it serves or offers to serve interstate travelers
17 or a substantial portion of the food which it serves, or gasoline
18 or other products which it sells, has moved in commerce; (3)
19 in the case of an establishment described in paragraph (3)
20 of subsection (b), it customarily presents films, performances,
21 athletic teams, exhibitions, or other sources of entertainment
22 which move in commerce; and (4) in the case of an establish-
23 ment described in paragraph (4) of subsection (b), it is
24 physically located within the premises of, or there is physi-
25 cally located within its premises, an establishment the oper-

1 ations of which affect commerce within the meaning of this
2 subsection. For purposes of this section, "commerce" means
3 travel, trade, traffic, commerce, transportation or communica-
4 tion among the several States, or between the District of
5 Columbia and any State, or between any foreign country or
6 any territory or possession and any State or the District of
7 Columbia, or between points in the same State but through
8 any other State or the District of Columbia or a foreign
9 country.

10 (d) Discrimination or segregation by an establishment
11 is supported by State action within the meaning of this title
12 if such discrimination or segregation (1) is carried on under
13 color of any law, statute, ordinance or regulation; or (2)
14 is carried on under color of any custom or usage required
15 or enforced by officials of the State or political subdivision
16 thereof; or (3) is required by action of a State or political
17 subdivision thereof.

18 (e) The provisions of this title shall not apply to a
19 bona fide private club or other establishment not open to
20 the public, except to the extent that the facilities of such
21 establishment are made available to the customers or
22 patrons of an establishment within the scope of subsection
23 (b).

24 SEC. 202. All persons shall be entitled to be free, at
25 any establishment or place, from discrimination or segre-

1 gation of any kind on the ground of race, color, religion, or
2 national origin, if such discrimination or segregation is or
3 purports to be required by any law, statute, ordinance,
4 regulation, rule or order, of a State or any agency or political
5 subdivision thereof.

6 SEC. 203. No person shall (a) withhold, deny, or at-
7 tempt to withhold or deny, or deprive or attempt to deprive,
8 any person of any right or privilege secured by section 201 or
9 202, or (b) intimidate, threaten, or coerce, or attempt to in-
10 timidate, threaten, or coerce any person with the purpose of
11 interfering with any right or privilege secured by section 201
12 or 202, or (c) punish or attempt to punish any person for exer-
13 cising or attempting to exercise any right or privilege secured
14 by section 201 or 202.

15 SEC. 204. (a) Whenever any person has engaged or there
16 are reasonable grounds to believe that any person is about to
17 engage in any act or practice prohibited by section 203, a civil
18 action for preventive relief, including an application for a per-
19 manent or temporary injunction, restraining order, or other
20 order, may be instituted (1) by the person aggrieved, or (2)
21 by the Attorney General for or in the name of the United States
22 if he satisfies himself that the purposes of this title will be
23 materially furthered by the filing of an action.

24 (b) In any action commenced pursuant to this title, the
25 court, in its discretion, may allow the prevailing party, other

1 than the United States, a reasonable attorney's fee as part of
2 the costs, and the United States shall be liable for costs the
3 same as a private person.

4 (c) In case of any complaint received by the Attorney
5 General alleging a violation or threatened violation of section
6 203 in a place where State or local laws or regulations forbid
7 the act or practice involved, the Attorney General shall
8 notify the appropriate State or local officials and, upon
9 request, afford them a reasonable time to act under such State
10 or local laws or regulations before he institutes an action.

11 (d) In the case of any complaint received by the Attor-
12 ney General alleging a violation or threatened violation of
13 section 203, the Attorney General, before instituting an ac-
14 tion, may utilize the services of any Federal, State, or local
15 agency or instrumentality which may be available to attempt
16 to secure compliance with the provisions of this title by vol-
17 untary procedures.

18 (e) Compliance with the foregoing provisions of sub-
19 section (c) shall not be required if the Attorney General
20 shall file with the court a certificate that the delay conse-
21 quent upon compliance with such provisions in the particular
22 case would adversely affect the interests of the United States,
23 or that in the particular case compliance with such provi-
24 sions would prove ineffective.

1 SEC. 205. (a) The district courts of the United States
2 shall have jurisdiction of proceedings instituted pursuant to
3 this title and shall exercise the same without regard to
4 whether the aggrieved party shall have exhausted any ad-
5 ministrative or other remedies that may be provided by law.

6 (b) The remedies provided in this title shall be the
7 exclusive means of enforcing the rights hereby created, but
8 nothing in this title shall preclude any individual or any
9 State or local agency from asserting any right created by any
10 other Federal or State law not inconsistent with this title,
11 including any statute or ordinance requiring nondiscrimina-
12 tion in public establishments or accommodations, or from
13 pursuing any remedy, civil or criminal, which may be avail-
14 able for the vindication or enforcement of such right.

15 (c) Proceedings for contempt arising under the provi-
16 sions of this title shall be subject to the provisions of section
17 151 of the Civil Rights Act of 1957 (71 Stat. 638).

18 TITLE III—DESEGREGATION OF PUBLIC

19 FACILITIES

20 SEC. 301. (a) Whenever the Attorney General receives
21 a complaint signed by an individual to the effect that he is
22 being deprived of or threatened with the loss of his right to
23 the equal protection of the laws, on account of his race, color,
24 religion, or national origin, by being denied access to or
25 full and complete utilization of any public facility which is

1 owned, operated, or managed by or on behalf of any State
2 or subdivision thereof, other than a public school or public
3 college as defined in section 401 of title IV hereof, and the
4 Attorney General certifies that the signer or signers of such
5 complaint are unable, in his judgment, to initiate and main-
6 tain appropriate legal proceedings for relief and that the in-
7 stitution of an action will materially further the public
8 policy of the United States favoring the orderly progress
9 of desegregation in public facilities, the Attorney General is
10 authorized to institute for or in the name of the United States
11 a civil action in any appropriate district court of the United
12 States against such parties and for such relief as may be
13 appropriate, and such court shall have and shall exercise
14 jurisdiction of proceedings instituted pursuant to this section.
15 The Attorney General may implead as defendants such addi-
16 tional parties as are or become necessary to the grant of effec-
17 tive relief hereunder.

18 (b) The Attorney General may deem a person or
19 persons unable to initiate and maintain appropriate legal
20 proceedings within the meaning of subsection (a) of this
21 section when such person or persons are unable, either
22 directly or through other interested persons or organizations,
23 to bear the expense of the litigation or to obtain effective
24 legal representation; or whenever he is satisfied that the
25 institution of such litigation would jeopardize the employ-

1 ment or economic standing of, or might result in injury or
2 economic damage to, such person or persons, their families,
3 or their property.

4 SEC. 302. Whenever an action has been commenced in
5 any court of the United States seeking relief from the
6 denial of equal protection of the laws on account of race,
7 color, religion, or national origin, the Attorney General for
8 or in the name of the United States may intervene in such
9 action. In such an action the United States shall be entitled
10 to the same relief as if it had instituted the action.

11 SEC. 303. In any action or proceeding under this title
12 the United States shall be liable for costs, including a reason-
13 able attorney's fee, the same as a private person.

14 SEC. 304. Nothing in this title shall affect adversely the
15 right of any person to sue for or obtain relief in any court
16 against discrimination in any facility covered by this title.

17 TITLE IV—DESEGREGATION OF PUBLIC

18 EDUCATION

19 DEFINITIONS

20 SEC. 401. As used in this title—

21 (a) "Commissioner" means the Commissioner of Edu-
22 cation.

23 (b) "Desegregation" means the assignment of students
24 to public schools and within such schools without regard
25 to their race, color, religion, or national origin, but "desegre-

1 gation" shall not mean the assignment of students to public
2 schools in order to overcome racial imbalance.

3 (c) "Public school" means any elementary or second-
4 ary educational institution, and "public college" means any
5 institution of higher education or any technical or vocational
6 school above the secondary school level, operated by a State,
7 subdivision of a State, or governmental agency within a
8 State, or operated wholly or predominantly from or through
9 the use of governmental funds or property, or funds or
10 property derived from a governmental source.

11 (d) "School board" means any agency or agencies
12 which administer a system of one or more public schools and
13 any other agency which is responsible for the assignment of
14 students to or within such system.

15 SURVEY AND REPORT OF EDUCATIONAL OPPORTUNITIES

16 SEC. 402. The Commissioner shall conduct a survey and
17 make a report to the President and the Congress, within two
18 years of the enactment of this title, concerning the lack of
19 availability of equal educational opportunities for individuals
20 by reason of race, color, religion, or national origin in public
21 educational institutions at all levels in the United States, its
22 territories and possessions, and the District of Columbia.

23 TECHNICAL ASSISTANCE

24 SEC. 403. The Commissioner is authorized, upon the
25 application of any school board, State, municipality, school

1 district, or other governmental unit legally responsible for
2 operating a public school or schools, to render technical
3 assistance to such applicant in the preparation, adoption,
4 and implementation of plans for the desegregation of public
5 schools. Such technical assistance may, among other activi-
6 ties, include making available to such agencies information
7 regarding effective methods of coping with special educa-
8 tional problems occasioned by desegregation, and making
9 available to such agencies personnel of the Office of Educa-
10 tion or other persons specially equipped to advise and assist
11 them in coping with such problems.

12 TRAINING INSTITUTES

13 SEC. 404. The Commissioner is authorized to arrange,
14 through grants or contracts, with institutions of higher edu-
15 cation for the operation of short-term or regular session
16 institutes for special training designed to improve the ability
17 of teachers, supervisors, counselors, and other elementary or
18 secondary school personnel to deal effectively with special
19 educational problems occasioned by desegregation. In-
20 dividuals who attend such an institute may be paid stipends
21 for the period of their attendance at such institute in amounts
22 specified by the Commissioner in regulations, including
23 allowances for dependents and including allowances for travel
24 to attend such institute.

1 GRANTS

2 SEC. 405. (a) The Commissioner is authorized, upon
3 application of a school board, to make grants to such board
4 to pay, in whole or in part, the cost of—

5 (1) giving to teachers and other school personnel
6 inservice training in dealing with problems incident to
7 desegregation, and

8 (2) employing specialists to advise in problems in-
9 cident to desegregation.

10 (b) In determining whether to make a grant, and in
11 fixing the amount thereof and the terms and conditions on
12 which it will be made, the Commissioner shall take into
13 consideration the amount available for grants under this
14 section and the other applications which are pending before
15 him; the financial condition of the applicant and the other
16 resources available to it; the nature, extent, and gravity of
17 its problems incident to desegregation; and such other factors
18 as he finds relevant.

19 PAYMENTS

20 SEC. 406. Payments pursuant to a grant or contract
21 under this title may be made (after necessary adjustments
22 on account of previously made overpayments or underpay-
23 ments) in advance or by way of reimbursement, and in such
24 installments, as the Commissioner may determine.

1 SUITS BY THE ATTORNEY GENERAL

2 SEC. 407. (a) Whenever the Attorney General receives
3 a complaint—

4 (1) signed by a parent or group of parents to the
5 effect that his or their minor children, as members of
6 a class of persons similarly situated, are being deprived
7 of the equal protection of the laws by reason of the failure
8 of a school board to achieve desegregation, or

9 (2) signed by an individual, or his parent, to the
10 effect that he has been denied admission to or not per-
11 mitted to continue in attendance at a public college by
12 reason of race, color, religion, or national origin,

13 and the Attorney General certifies that the signer or signers
14 of such complaint are unable, in his judgment, to initiate
15 and maintain appropriate legal proceedings for relief and
16 that the institution of an action will materially further the
17 public policy of the United States favoring the orderly
18 achievement of desegregation in public education, the Attor-
19 ney General is authorized to institute for or in the name of
20 the United States a civil action in any appropriate district
21 court of the United States against such parties and for such
22 relief as may be appropriate, and such court shall have and
23 shall exercise jurisdiction of proceedings instituted pursuant

1 to this section. The Attorney General may implead as de-
2 fendants such additional parties as are or become necessary
3 to the grant of effective relief hereunder.

4 (b) The Attorney General may deem a person or per-
5 sons unable to initiate and maintain appropriate legal pro-
6 ceedings within the meaning of subsection (a) of this section
7 when such person or persons are unable, either directly or
8 through other interested persons or organizations, to bear
9 the expense of the litigation or to obtain effective legal rep-
10 resentation; or whenever he is satisfied that the institution
11 of such litigation would jeopardize the employment or eco-
12 nomic standing of, or might result in injury or economic
13 damage to, such person or persons, their families, or their
14 property.

15 (c) The term "parent" as used in this section includes
16 any person standing in loco parentis.

17 SEC. 408. In any action or proceeding under this title
18 the United States shall be liable for costs the same as a
19 private person.

20 SEC. 409. Nothing in this title shall affect adversely the
21 right of any person to sue for or obtain relief in any court
22 against discrimination in public education or in any facility
23 covered by this title.

1 TITLE V—COMMISSION ON CIVIL RIGHTS

2 SEC. 501. Section 102 of the Civil Rights Act of 1957 (42
3 U.S.C. 1975a; 71 Stat. 634) is amended to read as follows:

4 “RULES OF PROCEDURE OF THE COMMISSION HEARINGS

5 “SEC. 102. (a) The Chairman, or one designated by him
6 to act as Chairman at a hearing of the Commission, shall an-
7 nounce in an opening statement the subject of the hearing.

8 “(b) A copy of the Commission’s rules shall be made
9 available to the witness before the Commission.

10 “(c) Witnesses at the hearings may be accompanied by
11 their own counsel for the purpose of advising them concerning
12 their constitutional rights.

13 “(d) The Chairman or Acting Chairman may punish
14 breaches of order and decorum and unprofessional ethics on
15 the part of counsel, by censure and exclusion from the hearings.

16 “(e) If the Commission determines that evidence or
17 testimony at any hearing may tend to defame, degrade, or
18 incriminate any person, it shall receive such evidence or
19 testimony or summary of such evidence or testimony in
20 executive session. In the event the Commission determines
21 that such evidence or testimony shall be given at a public
22 session, it shall afford such person an opportunity volun-
23 tarily to appear as a witness and receive and dispose of
24 requests from such person to subpoena additional witnesses.

1 “(f) Except as provided in sections 102 and 105 (f)
2 of this Act, the Chairman shall receive and the Commission
3 shall dispose of requests to subpoena additional witnesses.

4 “(g) No evidence or testimony or summary of evidence
5 or testimony taken in executive session may be released or
6 used in public sessions without the consent of the Commis-
7 sion. Whoever releases or uses in public without the con-
8 sent of the Commission such evidence or testimony taken
9 in executive session shall be fined not more than \$1,000,
10 or imprisoned for not more than one year.

11 “(h) In the discretion of the Commission, witnesses
12 may submit brief and pertinent sworn statements in writing
13 for inclusion in the record. The Commission is the sole
14 judge of the pertinency of testimony and evidence adduced
15 at its hearings.

16 “(i) Upon payment of the cost thereof, a witness may
17 obtain a transcript copy of his testimony given at a public
18 session or, if given at an executive session, when authorized
19 by the Commission.

20 “(j) A witness attending any session of the Commission
21 shall receive \$6 for each day's attendance and for the time
22 necessarily occupied in going to and returning from the same,
23 and 10 cents per mile for going from and returning to his
24 place of residence. Witnesses who attend at points so far re-
25 moved from their respective residences as to prohibit return

1 thereto from day to day shall be entitled to an additional al-
2 lowance of \$10 per day for expenses of subsistence, including
3 the time necessarily occupied in going to and returning from
4 the place of attendance. Mileage payments shall be tendered
5 to the witness upon service of a subpoena issued on behalf of
6 the Commission or any subcommittee thereof.

7 “(k) The Commission shall not issue any subpoena for
8 the attendance and testimony of witnesses or for the produc-
9 tion of written or other matter which would require the
10 presence of the party subpoenaed at a hearing to be held out-
11 side of the State wherein the witness is found or resides
12 or is domiciled or transacts business, or has appointed an
13 agent for receipt of service of process except that, in any
14 event, the Commission may issue subpoenas for the attend-
15 ance and testimony of witnesses and the production of writ-
16 ten or other matter at a hearing held within fifty miles of the
17 place where the witness is found or resides or is domiciled
18 or transacts business or has appointed an agent for receipt
19 of service of process.”

20 SEC. 502. Section 103 (a) of the Civil Rights Act of
21 1957 (42 U.S.C. 1975b (a) ; 71 Stat. 634) is amended to
22 read as follows:

23 “SEC. 103. (a) Each member of the Commission who
24 is not otherwise in the service of the Government of the
25 United States shall receive the sum of \$75 per day for each

1 day spent in the work of the Commission, shall be paid actual
2 travel expenses, and per diem in lieu of subsistence expenses
3 when away from his usual place of residence, in accordance
4 with section 5 of the Administrative Expenses Act of 1946,
5 as amended (5 U.S.C. 73b-2; 60 Stat. 808).”

6 SEC. 503. Section 103 (b) of the Civil Rights Act of
7 1957 (42 U.S.C. 1975b (b) ; 71 Stat. 634) is amended to
8 read as follows:

9 “(b) Each member of the Commission who is otherwise
10 in the service of the Government of the United States shall
11 serve without compensation in addition to that received for
12 such other service, but while engaged in the work of the
13 Commission shall be paid actual travel expenses, and per
14 diem in lieu of subsistence expenses when away from his
15 usual place of residence, in accordance with the provisions
16 of the Travel Expenses Act of 1949, as amended (5 U.S.C.
17 835-42; 63 Stat. 166).”

18 SEC. 504. (a) Section 104 of the Civil Rights Act of
19 1957 (42 U.S.C. 1975c; 71 Stat. 635), as amended, is
20 further amended to read as follows:

21 “DUTIES OF THE COMMISSION

22 “SEC. 104. (a) The Commission shall—

23 “(1) investigate allegations in writing under oath
24 or affirmation that certain citizens of the United States
25 are being deprived of their right to vote and have that

1 vote counted by reason of their color, race, religion, or
2 national origin; which writing, under oath or affirma-
3 tion, shall set forth the facts upon which such belief or
4 beliefs are based;

5 “(2) study and collect information concerning legal de-
6 velopments constituting a denial of equal protection of the
7 laws under the Constitution;

8 “(3) appraise the laws and policies of the Federal
9 Government with respect to equal protection of the laws
10 under the Constitution;

11 “(4) serve as a national clearinghouse for information
12 in respect to equal protection of the laws, including but not
13 limited to the fields of voting, education, housing, employ-
14 ment, the use of public facilities, transportation, and the
15 administration of justice;

16 “(5) investigate allegations, made in writing and under
17 oath or affirmation, that citizens of the United States are
18 unlawfully being accorded or denied the right to vote, or to
19 have their votes properly counted, in any election of presi-
20 dential electors, Members of the United States Senate, or
21 of the House of Representatives, as a result of any patterns
22 or practice of fraud or discrimination in the conduct of such
23 election; and

24 “(6) Nothing in this or any other Act shall be construed
25 as authorizing the Commission, its Advisory Committees, or

1 any person under its supervision or control to inquire into or
2 investigate any membership practices or internal operations
3 of any fraternal organization, any college or university fra-
4 ternity or sorority, any private club or any religious
5 organization.”

6 “(b) The Commission shall submit interim reports to
7 the President and to the Congress at such times as the Com-
8 mission, the Congress or the President shall deem desirable,
9 and shall submit to the President and to the Congress a final
10 report of its activities, findings, and recommendations not
11 later than January 31, 1968.”

12 SEC. 505. Section 105 (a) of the Civil Rights Act of
13 1957 (42 U.S.C. 1975d (a) ; 71 Stat. 636) is amended by
14 striking out in the last sentence thereof “\$50 per diem” and
15 inserting in lieu thereof of “\$75 per diem.”

16 SEC. 506. Section 105 (g) of the Civil Rights Act of
17 1957 (42 U.S.C. 1975d (g) ; 71 Stat. 636) is amended to
18 read as follows:

19 “(g) In case of contumacy or refusal to obey a subpoena,
20 any district court of the United States or the United States
21 court of any territory or possession, or the District Court
22 of the United States for the District of Columbia, within
23 the jurisdiction of which the inquiry is carried on or within
24 the jurisdiction of which said person guilty of contumacy or
25 refusal to obey is found or resides or is domiciled or transacts

1 business, or has appointed an agent for receipt of service of
2 process, upon application by the Attorney General of the
3 United States shall have jurisdiction to issue to such person
4 an order requiring such person to appear before the Com-
5 mission or a subcommittee thereof, there to produce evidence
6 if so ordered, or there to give testimony touching the matter
7 under investigation; and any failure to obey such order of
8 the court may be punished by said court as a contempt
9 thereof.”

10 SEC. 507. Section 105 of the Civil Rights Act of 1957
11 (42 U.S.C. 1975d; 71 Stat. 636), as amended by section
12 401 of the Civil Rights Act of 1960 (42 U.S.C. 1975d (h) ;
13 74 Stat. 89), is further amended by adding a new subsection
14 at the end to read as follows:

15 “(i) The Commission shall have the power to make
16 such rules and regulations as it deems necessary to carry out
17 the purposes of this Act.”

18 TITLE VI—NONDISCRIMINATION IN
19 FEDERALLY ASSISTED PROGRAMS

20 SEC. 601. Notwithstanding any inconsistent provision
21 of any other law, no person in the United States shall, on
22 the ground of race, color, or national origin, be excluded
23 from participation in, be denied the benefits of, or be sub-
24 jected to discrimination under any program or activity
25 receiving Federal financial assistance.

1 SEC. 602. Each Federal department and agency which
2 is empowered to extend Federal financial assistance to any
3 program or activity, by way of grant, loan, or contract other
4 than a contract of insurance or guaranty, shall take action
5 to effectuate the provisions of section 601 with respect to
6 such program or activity. Such action may be taken by
7 or pursuant to rule, regulation, or order of general appli-
8 cability and shall be consistent with achievement of the
9 objectives of the statute authorizing the financial assistance in
10 connection with which the action is taken. No such rule,
11 regulation or order shall become effective unless and until
12 approved by the President. After a hearing, compliance
13 with any requirement adopted pursuant to this section may
14 be effected (1) by the termination of or refusal to grant
15 or to continue assistance under such program or activity
16 to any recipient as to whom there has been an express find-
17 ing of a failure to comply with such requirement, or (2)
18 by any other means authorized by law: *Provided, however,*
19 That no such action shall be taken until the department or
20 agency concerned has advised the appropriate person or
21 persons of the failure to comply with the requirement and
22 has determined that compliance cannot be secured by volun-
23 tary means. In the case of any action terminating, or
24 refusing to grant or continue, assistance because of failure
25 to comply with a requirement imposed pursuant to this

1 section, the head of the Federal department or agency
2 shall file with the Committees of the House and Senate
3 having legislative jurisdiction over the program or activity
4 involved a full written report of the circumstances and the
5 grounds for such action. No such action shall become
6 effective until thirty days have elapsed after the filing of
7 such report.

8 SEC. 603. Any department or agency action taken pur-
9 suant to section 602 shall be subject to such judicial review
10 as may otherwise be provided by law for similar action taken
11 by such department or agency on other grounds. In the case
12 of action, not otherwise subject to judicial review, terminating
13 or refusing to grant or to continue financial assistance upon
14 a finding of failure to comply with any requirement imposed
15 pursuant to section 602, any person aggrieved (including
16 any State or political subdivision thereof and any agency of
17 either) may obtain judicial review of such action in accord-
18 ance with section 10 of the Administrative Procedure Act,
19 and such action shall not be deemed committed to unreview-
20 able agency discretion within the meaning of that section.

21 TITLE VII—EQUAL EMPLOYMENT

22 OPPORTUNITY

23 FINDINGS AND DECLARATION OF POLICY

24 SEC. 701. (a) The Congress hereby declares that the
25 opportunity for employment without discrimination of the

1 types described in sections 704 and 705 is a right of all
2 persons within the jurisdiction of the United States, and
3 that it is the national policy to protect the right of the indi-
4 vidual to be free from such discrimination.

5 (b) The Congress further declares that the succeed-
6 ing provisions of this title are necessary for the following
7 purposes:

8 (1) To remove obstructions to the free flow of
9 commerce among the States and with foreign nations.

10 (2) To insure the complete and full enjoyment by
11 all persons of the rights, privileges, and immunities
12 secured and protected by the Constitution of the United
13 States.

14 DEFINITIONS

15 SEC. 702. For the purposes of this title—

16 (a) the term “person” includes one or more individuals,
17 labor union, partnerships, associations, corporations, legal
18 representatives, mutual companies, joint-stock companies,
19 trusts, unincorporated organizations, trustees, trustees in
20 bankruptcy, or receivers.

21 (b) The term “employer” means a person engaged in
22 an industry affecting commerce who has twenty-five or more
23 employees, and any agent of such a person, but such term
24 does not include (1) the United States, a corporation wholly
25 owned by the Government of the United States, or a State

1 or political subdivision thereof, (2) a bona fide private mem-
2 bership club (other than a labor organization) which is
3 exempt from taxation under section 501 (c) of the Internal
4 Revenue Code of 1954: *Provided*, That during the first year
5 after the effective date prescribed in subsection (a) of section
6 718, persons having fewer than one hundred employees (and
7 their agents) shall not be considered employers, and, during
8 the second year after such date, persons having fewer than
9 seventy-five employees (and their agents) shall not be con-
10 sidered employers, and, during the third year after such date,
11 persons having fewer than fifty employees (and their
12 agents) shall not be considered employers.

13 (c) The term "employment agency" means any person
14 regularly undertaking with or without compensation to pro-
15 cure employees for an employer or to procure for employees
16 opportunities to work for an employer and includes an agent
17 of such a person; but shall not include an agency of the
18 United States, or an agency of a State or political subdivision
19 of a State, except that such term shall include the United
20 States Employment Service and the system of State and local
21 employment services receiving Federal assistance.

22 (d) The term "labor organization" means a labor
23 organization engaged in an industry affecting commerce,
24 and any agent of such an organization, and includes any

1 organization of any kind, any agency, or employee represen-
2 tation committee, group, association, or plan so engaged in
3 which employees participate and which exists for the purpose,
4 in whole or in part, of dealing with employers concerning
5 grievances, labor disputes, wages, rates of pay, hours, or other
6 terms or conditions of employment, and any conference, gen-
7 eral committee, joint or system board, or joint council so
8 engaged which is subordinate to a national or international
9 labor organization.

10 (e) A labor organization shall be deemed to be en-
11 gaged in an industry affecting commerce if the number of
12 its members (or, where it is a labor organization composed
13 of other labor organizations or their representatives, if the
14 aggregate number of the members of such other labor orga-
15 nization) is (A) one hundred or more during the first year
16 after the effective date prescribed in subsection (a) of sec-
17 tion 718, (B) seventy-five or more during the second year
18 after such date or fifty or more during the third year, or
19 (C) twenty-five or more thereafter, and such labor
20 organization—

21 (1) is the certified representative of employees
22 under the provisions of the National Labor Relations
23 Act, as amended, or the Railway Labor Act, as
24 amended;

25 (2) although not certified, is a national or inter-

1 national labor organization or a local labor organization
2 recognized or acting as the representative of employees
3 of an employer or employers engaged in an industry
4 affecting commerce; or

5 (3) has chartered a local labor organization or sub-
6 sidiary body which is representing or actively seeking
7 to represent employees of employers within the meaning
8 of paragraph (1) or (2); or

9 (4) has been chartered by a labor organization repre-
10 senting or actively seeking to represent employees within
11 the meaning of paragraph (1) or (2) as the local or
12 subordinate body through which such employees may en-
13 joy membership or become affiliated with such labor
14 organization; or

15 (5) is a conference, general committee, joint or sys-
16 tem board, or joint council, subordinate to a national or
17 international labor organization, which includes a labor
18 organization engaged in an industry affecting com-
19 merce within the meaning of any of the preceding para-
20 graphs of this subsection.

21 (f) The term "employee" means an individual em-
22 ployed by an employer.

23 (g) The term "commerce" means trade, traffic, com-
24 merce, transportation, transmission, or communication
25 among the several States; or between a State and any place

1 outside thereof; or within the District of Columbia, or a
2 possession of the United States; or between points in the
3 same State but through a point outside thereof.

4 (h) The term "industry affecting commerce" means any
5 activity, business, or industry in commerce or in which a
6 labor dispute would hinder or obstruct commerce or the free
7 flow of commerce and includes any activity or industry
8 "affecting commerce" within the meaning of the Labor-
9 Management Reporting and Disclosure Act of 1959.

10 (i) The term "State" includes a State of the United
11 States, the District of Columbia, Puerto Rico, the Virgin
12 Islands, American Samoa, Guam, Wake Island, the Canal
13 Zone, and Outer Continental Shelf lands defined in the Outer
14 Continental Shelf Lands Act.

15 **EXEMPTION**

16 **SEC. 703.** This title shall not apply to an employer with
17 respect to the employment of aliens outside any State, or to a
18 religious corporation, association, or society.

19 **DISCRIMINATION BECAUSE OF RACE, COLOR, RELIGION, OR**

20 **NATIONAL ORIGIN**

21 **SEC. 704. (a)** It shall be an unlawful employment
22 practice for an employer—

23 (1) to fail or refuse to hire or to discharge any
24 individual, or otherwise to discriminate against any
25 individual with respect to his compensation, terms, con-

1 ditions, or privileges of employment, because of such
2 individual's race, color, religion, sex, or national origin;
3 or

4 (2) to limit, segregate, or classify his employees in
5 any way which would deprive or tend to deprive any
6 individual of employment opportunities or otherwise
7 adversely affect his status as an employee, because of
8 such individual's race, color, religion, sex, or national
9 origin.

10 (b) It shall be an unlawful employment practice for
11 an employment agency to fail or refuse to refer for employ-
12 ment, or otherwise to discriminate against, any individual
13 because of his race, color, religion, sex, or national origin, or
14 to classify or refer for employment any individual on the
15 basis of his race, color, religion, sex, or national origin.

16 (c) It shall be an unlawful employment practice for
17 a labor organization—

18 (1) to exclude or to expel from its membership, or
19 otherwise to discriminate against, any individual because
20 of his race, color, religion, sex, or national origin;

21 (2) to limit, segregate, or classify its membership in
22 any way which would deprive or tend to deprive any
23 individual of employment opportunities, or would limit
24 such employment opportunities or otherwise adversely
25 affect his status as an employee or as an applicant for

1 employment, because of such individual's race, color, re-
2 ligion, sex, or national origin; or

3 (3) to cause or attempt to cause an employer to dis-
4 criminate against an individual in violation of this
5 section.

6 (d) It shall be an unlawful employment practice for
7 any employer, labor organization, or joint labor-management
8 committee controlling apprenticeship or other training or re-
9 training, including on-the-job training programs to discrimi-
10 nate against any individual because of his race, color,
11 religion, sex, or national origin in admission to, or employ-
12 ment in, any program established to provide apprenticeship
13 or other training.

14 (e) Notwithstanding any other provision of this title,
15 (1) it shall not be an unlawful employment practice for an
16 employer to hire and employ employees of a particular re-
17 ligion, sex, or national origin in those certain instances where
18 religion, sex, or national origin is a bona fide occupational
19 qualification reasonably necessary to the normal operation of
20 that particular business or enterprise, and (2) it shall not
21 be an unlawful employment practice for a school, college,
22 university, or other educational institution or institution of
23 learning to hire and employ employees of a particular re-
24 ligion if such school, college, university, or other educational
25 institution or institution of learning is, in whole or in sub-

1 stantial part, owned, supported, controlled, or managed by
2 a particular religion or by a particular religious corporation,
3 association, or society, or if the curriculum of such school,
4 college, university, or other educational institution or institu-
5 tion of learning is directed toward the propagation of a
6 particular religion.

7 (f) Notwithstanding any other provision of this title,
8 it shall not be an unlawful employment practice for an em-
9 ployer to refuse to hire and employ any person because of
10 said person's atheistic practices and beliefs.

11 (g) As used in this title, the phrase "unlawful employ-
12 ment practice" shall not be deemed to include any action or
13 measure taken by an employer, labor organization, joint
14 labor-management committee, or employment agency with
15 respect to an individual who is a member of the Communist
16 Party of the United States or of any other organization
17 required to register as a Communist-action or Communist-
18 front organization by final order of the Subversive Activities
19 Control Board pursuant to the Subversive Activities Control
20 Act of 1950.

21 OTHER UNLAWFUL EMPLOYMENT PRACTICES

22 SEC. 705. (a) It shall be an unlawful employment
23 practice for an employer to discriminate against any of his
24 employees or applicants for employment, for an employment
25 agency to discriminate against any individual, or for a labor

1 organization to discriminate against any member thereof or
2 applicant for membership, because he has opposed any
3 practice made an unlawful employment practice by this title,
4 or because he has made a charge, testified, assisted, or par-
5 ticipated in any manner in an investigation, proceeding, or
6 hearing under this title.

7 (b) It shall be an unlawful employment practice for
8 an employer, labor organization, or employment agency to
9 print or publish or cause to be printed or published any
10 notice or advertisement relating to employment by such an
11 employer or membership in such a labor organization, or
12 relating to any classification or referral for employment by
13 such an employment agency, indicating any preference,
14 limitation, specification, or discrimination, based on race,
15 color, religion, sex, or national origin, except that such a
16 notice or advertisement may indicate a preference, limitation,
17 specification, or discrimination based on religion, sex, or
18 national origin when religion, sex, or national origin is a
19 bona fide occupational qualification for employment.

20 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

21 SEC. 706. (a) There is hereby created a Commission to
22 be known as the Equal Employment Opportunity Commis-
23 sion, which shall be composed of five members, not more than
24 three of whom shall be members of the same political party,
25 who shall be appointed by the President by and with the

1 advice and consent of the Senate. One of the original mem-
2 bers shall be appointed for a term of one year, one for a term
3 of two years, one for a term of three years, one for a term
4 of four years, and one for a term of five years, beginning
5 from the date of enactment of this title, but their successors
6 shall be appointed for terms of five years each, except that
7 any individual chosen to fill a vacancy shall be appointed only
8 for the unexpired term of the member whom he shall succeed.
9 The President shall designate one member to serve as Chair-
10 man of the Commission, and one member to serve as Vice
11 Chairman. The Chairman shall be responsible on behalf
12 of the Commission for the administrative operations of the
13 Commission, and shall appoint, in accordance with the civil
14 service laws, such officers, agents, attorneys, and employees
15 as it deems necessary to assist it in the performance of its
16 functions and to fix their compensation in accordance with
17 the Classification Act of 1949, as amended. The Vice Chair-
18 man shall act as Chairman in the absence or disability of the
19 Chairman or in the event of a vacancy in that office.

20 (b) A vacancy in the Commission shall not impair the
21 right of the remaining members to exercise all the powers of
22 the Commission and three members thereof shall constitute a
23 quorum.

24 (c) The Commission shall have an official seal which
25 shall be judicially noticed.

1 (d) The Commission shall at the close of each fiscal year
2 report to the Congress and to the President concerning the
3 action it has taken; the names, salaries, and duties of all in-
4 dividuals in its employ and the moneys it has disbursed; and
5 shall make such further reports on the cause of and means of
6 eliminating discrimination and such recommendations for
7 further legislation as may appear desirable.

8 (e) Each member of the Commission shall receive a sal-
9 ary of \$20,000 a year, except that the Chairman shall receive
10 a salary of \$20,500.

11 (f) The principal office of the Commission shall be in
12 the District of Columbia, but it may meet or exercise any or
13 all of its powers at any other place. The Commission may
14 establish such regional offices as it deems necessary, and
15 shall establish at least one such office in each of the major
16 geographical areas of the United States, including its terri-
17 tories and possessions.

18 (g) The Commission shall have power—

19 (1) to cooperate with and utilize regional, State,
20 local, and other agencies, both public and private, and
21 individuals;

22 (2) to pay to witnesses whose depositions are taken
23 or who are summoned before the Commission or any of
24 its agents the same witness and mileage fees as are paid
25 to witnesses in the courts of the United States;

1 (3) to furnish to persons subject to this title such
2 technical assistance as they may request to further their
3 compliance with this title or an order issued thereunder;

4 (4) upon the request of any employer, whose em-
5 ployees or some of them refuse or threaten to refuse to
6 cooperate in effectuating the provisions of this title, to as-
7 sist in such effectuation by conciliation or other remedial
8 action;

9 (5) to make such technical studies as are appro-
10 priate to effectuate the purposes and policies of this
11 title and to make the results of such studies available to
12 interested governmental and nongovernmental agencies.

13 (h) Attorneys appointed under this section may, at
14 the direction of the Commission, appear for and represent
15 the Commission in any case in court.

16 (i) The Commission shall, in any of its educational or
17 promotional activities, cooperate with other departments and
18 agencies in the performance of such educational and promo-
19 tional activities.

20 PREVENTION OF UNLAWFUL EMPLOYMENT PRACTICES

21 SEC. 707. (a) Whenever it is charged in writing under
22 oath by or on behalf of a person claiming to be aggrieved,
23 or a written charge has been filed by a member of the Com-
24 mission where he has reasonable cause to believe a viola-
25 tion of this Act has occurred (and such charge sets forth the

1 facts upon which it is based) that an employer, employment
2 agency, or labor organization has engaged in an unlawful
3 employment practice, the Commission shall furnish such
4 employer, employment agency, or labor organization (here-
5 inafter referred to as the "respondent") with a copy of such
6 charge and shall make an investigation of such charge. If
7 two or more members of the Commission shall determine,
8 after such investigation, that there is reasonable cause to be-
9 lieve that the charge is true, the Commission shall endeavor
10 to eliminate any such unlawful employment practice by in-
11 formal methods of conference, conciliation, and persuasion
12 and, if appropriate, to obtain from the respondent a written
13 agreement describing particular practices which the respond-
14 ent agrees to refrain from committing. Nothing said or
15 done during and as a part of such endeavors may be used as
16 evidence in a subsequent proceeding.

17 (b) If the Commission has failed to effect the elimination
18 of an unlawful employment practice and to obtain voluntary
19 compliance with this title, the Commission, if it determines
20 there is reasonable cause to believe the respondent has en-
21 gaged in, or is engaging in, an unlawful employment practice,
22 shall, within ninety days, bring a civil action to prevent the
23 respondent from engaging in such unlawful employment prac-
24 tice, except that the Commission shall be relieved of any
25 obligation to bring a civil action in any case in which the

1 Commission has, by affirmative vote, determined that the
2 bringing of a civil action would not serve the public interest.

3 (c) If the Commission has failed or declined to bring
4 a civil action within the time required under subsection (b),
5 the person claiming to be aggrieved may, if one member of
6 the Commission gives permission in writing, bring a civil
7 action to obtain relief as provided in subsection (e).

8 (d) Each United States district court and each United
9 States court of a place subject to the jurisdiction of the United
10 States shall have jurisdiction of actions brought under this
11 title. Such actions may be brought either in the judicial dis-
12 trict in which the unlawful employment practice is alleged
13 to have been committed or in the judicial district in which
14 the respondent has his principal office. No such civil action
15 shall be based on an unlawful employment practice occurring
16 more than six months prior to the filing of the charge with
17 the Commission and the giving of notice thereof to the
18 respondent, unless the person aggrieved thereby was pre-
19 vented from filing such charge by reason of service in the
20 Armed Forces, in which event a period of military service
21 shall not be included in computing the six month period.

22 (e) If the court finds that the respondent has engaged in
23 or is engaging in an unlawful employment practice charged
24 in the complaint, the court may enjoin the respondent from
25 engaging in such unlawful employment practice, and shall

1 order the respondent to take such affirmative action, includ-
2 ing reinstatement or hiring of employees, with or without back
3 pay (payable by the employer, employment agency, or labor
4 organization, as the case may be, responsible for the unlawful
5 employment practice), as may be appropriate. Interim
6 earnings or amounts earnable with reasonable diligence by
7 the person or persons discriminated against shall operate to
8 reduce the back pay otherwise allowable. No order of the
9 court shall require the admission or reinstatement of an in-
10 dividual as a member of a union or the hiring, reinstatement,
11 or promotion of an individual as an employee, or the pay-
12 ment to him of any back pay, if such individual was refused
13 admission, suspended, or expelled or was refused employment
14 or advancement or was suspended or discharged for any
15 reason other than discrimination on account of race, color,
16 religion, or national origin.

17 (f) In any case in which the pleadings present issues of
18 fact, the court may appoint a master and the order of ref-
19 erence may require the master to submit with his report a
20 recommended order. The master shall be compensated by
21 the United States at a rate to be fixed by the court, and
22 shall be reimbursed by the United States for necessary ex-
23 penses incurred in performing his duties under this section.
24 Any court before which a proceeding is brought under this

1 section shall advance such proceeding on the docket and ex-
2 pedite its disposition.

3 (g) The provisions of the Act entitled "An Act to
4 amend the Judicial Code and to define and limit the jurisdic-
5 tion of courts sitting in equity, and for other purposes," ap-
6 proved March 23, 1932 (29 U.S.C. 101-115), shall not
7 apply with respect to civil actions brought under this section.

8 (h) In any action or proceeding under this title the
9 Commission shall be liable for costs the same as a private
10 person.

11 EFFECT ON STATE LAWS

12 SEC. 708. (a) Nothing in this title shall be deemed to
13 exempt or relieve any person from any liability, duty,
14 penalty, or punishment provided by any present or future
15 law of any State or political subdivision of a State, other
16 than any such law which purports to require or permit the
17 doing of any act which would be an unlawful employment
18 practice under this title.

19 (b) Where there is a State or local agency which has
20 effective power to eliminate and prohibit discrimination in
21 employment in cases covered by this title, and the Com-
22 mission determines the agency is effectively exercising such
23 power, the Commission shall seek written agreements with
24 the State or local agency under which the Commission shall

1 refrain from bringing a civil action in any cases or class of
2 cases referred to in such agreement. No person may bring
3 a civil action under section 707 (c) in any cases or class of
4 cases referred to in such agreement. The Commission shall
5 rescind any such agreement when it determines such agency
6 no longer has such power, or is no longer effectively exercis-
7 ing such power.

8 INVESTIGATIONS, INSPECTIONS, RECORDS

9 SEC. 709. (a) In connection with any investigation of
10 a charge filed under section 707, the Commission or its
11 designated representative shall at all reasonable times have
12 access to, for the purposes of examination, and the right to
13 copy any evidence of any person being investigated or pro-
14 ceeded against that relates to any matter under investigation
15 or in question.

16 (b) With the consent and cooperation of State and local
17 agencies charged with the administration of State fair em-
18 ployment practices laws, the Commission may, for the pur-
19 pose of carrying out its functions and duties under this title
20 and within the limitation of funds appropriated specifically
21 for such purpose, utilize the services of State and local
22 agencies and their employees and, notwithstanding any other
23 provision of law, may reimburse such State and local agencies
24 and their employees for services rendered to assist the Com-
25 mission in carrying out this title.

1 (c) Every employer, employment agency, and labor or-
2 ganization subject to this title shall (1) make and keep such
3 records relevant to the determinations of whether unlawful
4 employment practices have been or are being committed,
5 (2) preserve such records for such periods, and (3) make
6 such reports therefrom, as the Commission shall prescribe
7 by regulation or order, after public hearing, as reasonable,
8 necessary, or appropriate for the enforcement of this title or
9 the regulations or orders thereunder. The Commission shall,
10 by regulation, require each employer, labor organization, and
11 joint labor-management committee subject to this title which
12 controls an apprenticeship or other training program to main-
13 tain such records as are reasonably necessary to carry out the
14 purpose of this title, including, but not limited to, a list of ap-
15 plicants who wish to participate in such program, including the
16 chronological order in which such applications were received,
17 and shall furnish to the Commission, upon request, a detailed
18 description of the manner in which persons are selected to
19 participate in the apprenticeship or other training program.
20 Any employer, employment agency, labor organization, or
21 joint labor-management committee which believes that the
22 application to it of any regulation or order issued under
23 this section would result in undue hardship it may (1) apply
24 to the Commission for an exemption from the application of
25 such regulation or order, or (2) bring a civil action in the
26 United States district court for the district where such records

1 are kept. If the Commission or the court, as the case may
2 be, finds that the application of the regulation or order to the
3 employer, employment service, or labor organization in ques-
4 tion would impose an undue hardship, the Commission or the
5 court, as the case may be, may grant appropriate relief.

6 INVESTIGATORY POWERS

7 SEC. 710. (a) For the purposes of any investigation
8 provided for in this title, the provisions of sections 9 and 10
9 of the Federal Trade Commission Act of September 16,
10 1914, as amended (15 U.S.C. 49, 50), are hereby made
11 applicable to the jurisdiction, powers, and duties of the Com-
12 mission, except that the provisions of section 307 of the
13 Federal Power Commission Act shall apply with respect to
14 grants of immunity, and except that the attendance of a
15 witness may not be required outside the State where he is
16 found, resides, or transacts business, and the production of
17 evidence may not be required outside the State where such
18 evidence is kept.

19 (b) The several departments and agencies of the Gov-
20 ernment, when directed by the President, shall furnish the
21 Commission, upon its request, all records, papers, and other
22 information in their possession relating to any matter before
23 the Commission whenever disclosure of such information is
24 not prohibited by law.

1 NOTICES TO BE POSTED

2 SEC. 711. (a) Every employer, employment agency,
3 and labor organization, as the case may be, shall post and
4 keep posted in conspicuous places upon its premises where
5 notices to employees, applicants for employment, and mem-
6 bers are customarily posted a notice to be prepared or ap-
7 proved by the Commission setting forth excerpts of this title
8 and such other relevant information which the Commission
9 deems appropriate to effectuate the purposes of this title.

10 (b) A willful violation of this section shall be punishable
11 by a fine of not less than \$100 or more than \$500 for each
12 separate offense.

13 VETERANS' PREFERENCE

14 SEC. 712. Nothing contained in this title shall be con-
15 strued to repeal or modify any Federal, State, territorial, or
16 local law creating special rights or preference for veterans.

17 RULES AND REGULATIONS

18 SEC. 713. (a) The Commission shall have authority
19 from time to time to issue, amend, or rescind suitable pro-
20 cedural regulations to carry out the provisions of this title.
21 Regulations issued under this section shall be in conformity
22 with the standards and limitations of the Administrative
23 Procedure Act.

24 (b) In any action or proceeding based on any alleged

1 unlawful employment practice, no person shall be subject to
2 any liability or punishment for or on account of (1) the
3 commission by such person of an unlawful employment prac-
4 tice if he pleads and proves that the act or omission com-
5 plained of was in good faith, in conformity with, and in re-
6 liance on any written interpretation or opinion of the Com-
7 mission, or (2) the failure of such person to publish and file
8 any information required by any provision of this title if
9 he pleads and proves that he failed to publish and file such in-
10 formation in good faith, in conformity with the instructions of
11 the Commission issued under this title regarding the filing of
12 such information. Such a defense, if established, shall be a
13 bar to the action or proceeding, notwithstanding that (A)
14 after such act or omission, such interpretation or opinion is
15 modified or rescinded or is determined by judicial authority
16 to be invalid or of no legal effect, or (B) after publishing or
17 filing the description and annual reports, such publication or
18 filing is determined by judicial authority not to be in con-
19 formity with the requirements of this title.

20 **FORCIBLY RESISTING THE COMMISSION OR ITS**

21 **REPRESENTATIVES**

22 **SEC. 714.** The provisions of section 111, title 18,
23 United States Code, shall apply to officers, agents, and

1 employees of the Commission in the performance of their
2 official duties.

3 APPROPRIATIONS AUTHORIZED

4 SEC. 715. There is hereby authorized to be appropriated
5 not to exceed \$2,500,000 for the administration of this title
6 by the Commission during the first year after its enactment,
7 and not to exceed \$10,000,000 for such purpose during the
8 second year after such date.

9 SEPARABILITY CLAUSE

10 SEC. 716. If any provision of this title or the applica-
11 tion of such provision to any person or circumstance shall
12 be held invalid, the remainder of this title or the application
13 of such provision to persons or circumstances other than those
14 to which it is held invalid shall not be affected thereby.

15 SPECIAL STUDY BY SECRETARY OF LABOR

16 SEC. 717. The Secretary of Labor shall make a full
17 and complete study of the factors which might tend to result
18 in discrimination in employment because of age and of the
19 consequences of such discrimination on the economy and
20 individuals affected. The Secretary of Labor shall make a
21 report to the Congress not later than June 30, 1964, con-
22 taining the results of such study and shall include in such
23 report such recommendations for legislation to prevent ar-

1 TITLE VIII

2 REGISTRATION AND VOTING STATISTICS

3 SEC. 801. The Secretary of Commerce shall promptly
4 conduct a survey to compile registration and voting statistics
5 in such geographic areas as may be recommended by the
6 Commission on Civil Rights. Such a survey and compila-
7 tion shall, to the extent recommended by the Commission on
8 Civil Rights, include a count of persons of voting age by race,
9 color, and national origin, and a determination of the extent
10 to which such persons are registered to vote, and have voted
11 in any statewide primary or general election in which the
12 Members of the United States House of Representatives are
13 nominated or elected, since January 1, 1960. Such infor-
14 mation shall also be collected and compiled in connection with
15 the Nineteenth Decennial Census, and at such other times as
16 the Congress may prescribe.

17 TITLE IX—PROCEDURE AFTER REMOVAL IN
18 CIVIL RIGHTS CASES

19 SEC. 901. Title 28 of the United States Code, section
20 1447 (d), is amended to read as follows:

21 "An order remanding a case to the State court from
22 which it was removed is not reviewable on appeal or other-
23 wise, except that an order remanding a case to the State
24 court from which it was removed pursuant to section 1443
25 of this title shall be reviewable by appeal or otherwise."

1 TITLE X—ESTABLISHMENT OF COMMUNITY
2 RELATIONS SERVICE

3 SEC. 1001. (a) There is hereby established in the
4 Department of Commerce a Community Relations Service
5 (hereinafter referred to as the "Service"), which shall be
6 headed by a Director who shall be appointed by the President
7 with the advice and consent of the Senate for a term of four
8 years. The Director shall receive compensation at a rate of
9 \$20,000 per year. The Director is authorized to appoint,
10 subject to the Civil Service laws and regulations, such other
11 personnel, not to exceed six in number, as may be necessary
12 to enable the Service to carry out its functions and duties,
13 and to fix their compensation in accordance with the Classi-
14 fication Act of 1949, as amended. The Director is further
15 authorized to procure services as authorized by section 15
16 of the Act of August 2, 1946 (60 Stat. 810; 5 U.S.C.
17 55(a)), but at rates for individuals not in excess of \$75
18 per diem.

19 (b) Section 106 of the Federal Executive Pay Act of
20 1956, as amended (5 U.S.C. 2205), is further amended
21 by adding the following clause thereto:

1 “(52) Director, Community Relations Service.”

2 SEC. 1002. It shall be the function of the Service to
3 provide assistance to communities and persons therein in
4 resolving disputes, disagreements, or difficulties relating to
5 discriminatory practices based on race, color, or national
6 origin which impair the rights of persons in such communi-
7 ties under the Constitution or laws of the United States or
8 which affect or may affect interstate commerce. The Service
9 may offer its services in cases of such disputes, disagree-
10 ments or difficulties whenever, in its judgment, peaceful
11 relations among the citizens of the community involved are
12 threatened thereby, and it may offer its services either upon
13 its own motion or upon the request of an appropriate State
14 or local official or other interested person.

15 SEC. 1003. (a) The Service shall, whenever possible,
16 in performing its functions under this title, seek and utilize
17 the cooperation of the appropriate State or local agencies.

18 (b) The Service shall hold confidential any information
19 acquired in the regular performance of its duties upon the
20 understanding that it would be so held. No officer or em-
21 ployee of the Service shall engage in the performance of

1 investigative or prosecuting functions of any Department or
2 agency in any litigation arising out of a dispute in which he
3 acted on behalf of the Service.

4 SEC. 1004. Subject to the provisions of section 1003
5 (b), the Director shall, on or before January 31 of each
6 year, submit to the Congress a report of the activities of the
7 Service during the preceding fiscal year.

8 TITLE XI—MISCELLANEOUS

9 SEC. 1101. Nothing in this Act shall be construed to
10 deny, impair, or otherwise affect any right or authority of
11 the Attorney General or of the United States or any agency
12 or officer thereof under existing law to institute or intervene
13 in any action or proceeding.

14 SEC. 1102. Nothing contained in any title of this Act
15 shall be construed as indicating an intent on the part of Con-
16 gress to occupy the field in which any such title operates to
17 the exclusion of State laws on the same subject matter, nor
18 shall any provision of this Act be construed as invalidating
19 any provision of State law unless such provision is inconsis-
20 tent with any of the purposes of this Act, or any provision
21 thereof.

22 SEC. 1103. There are hereby authorized to be appro-
23 priated such sums as are necessary to carry out the provisions
24 of this Act.

25 SEC. 1104. If any provision of this Act or the applica-

1 tion thereof to any person or circumstance is held invalid, the
2 remainder of the Act and the application of the provision
3 to other persons or circumstances shall not be affected
4 thereby.

Passed the House of Representatives February 10, 1964.

Attest:

RALPH R. ROBERTS,

Clerk.

H. R. 7152

AN ACT

To enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

FEBRUARY 17 (legislative day, FEBRUARY 10), 1964

Received and read the first time by title

FEBRUARY 26, 1964

Read the second time and ordered to be placed on the calendar