

FROM YOUR CONGRESSMAN

*Lionel Van Deerlin*   
37th DISTRICT - CALIFORNIA

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IN THE SENATE OF THE UNITED STATES

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

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

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

8           “(2) No person acting under color of law shall—

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

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

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.

## GRANTS

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

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

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

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

## PAYMENTS

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

## SUITS BY THE ATTORNEY GENERAL

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

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

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

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

3 EFFECTIVE DATE

4 SEC. 718. (a) This title shall become effective one year  
5 after the date of its enactment.

6 (b) Notwithstanding subsection (a), sections of this  
7 title other than sections 704, 705, and 707 shall become  
8 effective immediately.

9 (c) The President shall, as soon as feasible after the  
10 enactment of this title, convene one or more conferences for  
11 the purpose of enabling the leaders of groups whose members  
12 will be affected by this title to become familiar with the rights  
13 afforded and obligations imposed by its provisions, and for  
14 the purpose of making plans which will result in the fair and  
15 effective administration of this title when all of its provisions  
16 become effective. The President shall invite the participa-  
17 tion in such conference or conferences of (1) the members  
18 of the President's Committee on Equal Employment Oppor-  
19 tunity, (2) the members of the Commission on Civil Rights,  
20 (3) representatives of State and local agencies engaged in  
21 furthering equal employment opportunity, (4) representa-  
22 tives of private agencies engaged in furthering equal employ-  
23 ment opportunity, and (5) representatives of employers,  
24 labor organizations, and employment agencies who will be  
25 subject to this title.

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.*

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**AN ACT**

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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.

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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