

US Code

(Unofficial compilation from the Legal Information Institute)

TITLE 42 - THE PUBLIC HEALTH AND WELFARE

CHAPTER 20A—CIVIL RIGHTS COMMISSION

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TITLE 42 THE PUBLIC HEALTH AND WELFARE

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CHAPTER 20A—CIVIL RIGHTS COMMISSION

Sec.

1975. Establishment of Commission.

1975a. Duties of Commission.

1975b. Administrative provisions.

1975c. Authorization of appropriations.

1975d. Termination.

1975e, 1975f. Omitted.

Codification

A prior chapter 20A, which provided for the establishment of a Commission on Civil Rights in the executive branch, was comprised of part I (§§ 101–106) of Pub. L. 85–315, Sept. 9, 1957, 71 Stat. 634, and was omitted from the Code in view of the termination of the Commission 60 days after the submission of the Commission’s final report which was due not later than Sept. 30, 1983.

§ 1975. Establishment of Commission

(a) Generally

There is established the United States Commission on Civil Rights (hereinafter in this chapter referred to as the “Commission”).

(b) Membership

The Commission shall be composed of 8 members. Not more than 4 of the members shall at any one time be of the same political party. The initial membership of the Commission shall be the members of the United States Commission on Civil Rights on September 30, 1994. Thereafter vacancies in the membership of the Commission shall continue to be appointed as follows:

- (1) 4 members of the Commission shall be appointed by the President.
- (2) 2 members of the Commission shall be appointed by the President pro tempore of the Senate, upon the recommendations of the majority leader and the minority leader, and of the members appointed not more than one shall be appointed from the same political party.
- (3) 2 members of the Commission shall be appointed by the Speaker of the House of Representatives upon the recommendations of the majority leader and the minority leader, and of the members appointed not more than one shall be appointed from the same political party.

(c) Terms

The term of office of each member of the Commission shall be 6 years. The term of each member of the Commission in the initial membership of the Commission shall expire on the date such term would have expired as of September 30, 1994.

(d) Chairperson

- (1) Except as provided in paragraphs (2) and (3), the individuals serving as Chairperson and Vice Chairperson of the United States Commission on Civil Rights on September 30, 1994 shall initially fill those roles on the Commission.
- (2) Thereafter the President may, with the concurrence of a majority of the Commission’s members, designate a Chairperson or Vice Chairperson, as the case may be, from among the Commission’s members.
- (3) The President shall, with the concurrence of a majority of the Commission’s members, fill a vacancy by designating a Chairperson or Vice Chairperson, as the case may be, from among the Commission’s members.
- (4) The Vice Chairperson shall act in place of the Chairperson in the absence of the Chairperson.

(e) Removal of members

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The President may remove a member of the Commission only for neglect of duty or malfeasance in office.

(f) Quorum

5 members of the Commission constitute a quorum of the Commission.

(Pub. L. 98–183, § 2, Nov. 30, 1983, 97 Stat. 1301; Pub. L. 102–167, § 5, Nov. 26, 1991, 105 Stat. 1101; Pub. L. 103–419, § 2, Oct. 25, 1994, 108 Stat. 4338.)

Prior Provisions

A prior section 1975, Pub. L. 85–315, pt. I, § 101, Sept. 9, 1957, 71 Stat. 634, related to establishment, membership, etc., of Commission on Civil Rights. See Codification note set out preceding this section.

Amendments

1994—Pub. L. 103–419 amended section generally, substituting provisions relating to establishment of United States Commission on Civil Rights for provisions relating to Commission on Civil Rights.

1991—Subsec. (c). Pub. L. 102–167 substituted “Chairperson” for “Chairman” wherever appearing.

Short Title of 1994 Amendment

Section 1 of Pub. L. 103–419 provided that: “This Act [amending this section and sections 1975a to 1975d of this title, omitting former sections 1975e and 1975f of this title, and amending provisions set out as a note below] may be cited as the ‘Civil Rights Commission Amendments Act of 1994.’”

Short Title of 1992 Amendment

Pub. L. 102–400, § 1, Oct. 7, 1992, 106 Stat. 1955, provided that: “This Act [amending section 1975e of this title] may be cited as the ‘United States Commission on Civil Rights Authorization Act of 1992.’”

Short Title of 1991 Amendment

Section 1 of Pub. L. 102–167 provided that: “This Act [amending this section and sections 1975a and 1975c to 1975f of this title] may be cited as the ‘United States Commission on Civil Rights Reauthorization Act of 1991.’”

Short Title of 1989 Amendment

Pub. L. 101–180, § 1, Nov. 28, 1989, 103 Stat. 1325, provided that: “This Act [amending sections 1975e and 1975f of this title] may be cited as the ‘Civil Rights Commission Reauthorization Act of 1989.’”

Short Title

Section 1 of Pub. L. 98–183, as amended by Pub. L. 103–419, § 2, Oct. 25, 1994, 108 Stat. 4338, provided that: “This Act [enacting this chapter] may be cited as the ‘Civil Rights Commission Act of 1983.’”

.....

§ 1975a. Duties of Commission

(a) Generally

The Commission—

- (1) shall investigate allegations in writing under oath or affirmation relating to deprivations—
 - (A) because of color, race, religion, sex, age, disability, or national origin; or
 - (B) as a result of any pattern or practice of fraud;of the right of citizens of the United States to vote and have votes counted; and
- (2) shall—
 - (A) study and collect information relating to;
 - (B) make appraisals of the laws and policies of the Federal Government with respect to;
 - (C) serve as a national clearinghouse for information relating to; and

(D) prepare public service announcements and advertising campaigns to discourage; discrimination or denials of equal protection of the laws under the Constitution of the United States because of color, race, religion, sex, age, disability, or national origin, or in the administration of justice.

(b) Limitations on investigatory duties

Nothing in this chapter or any other Act shall be construed as authorizing the Commission, its advisory committees, or any person under its supervision or control, to inquire into or investigate any membership practices or internal operations of any fraternal organization, any college or university fraternity or sorority, any private club, or any religious organization.

(c) Reports

(1) Annual report

The Commission shall submit to the President and Congress at least one report annually that monitors Federal civil rights enforcement efforts in the United States.

(2) Other reports generally

The Commission shall submit such other reports to the President and the Congress as the Commission, the Congress, or the President shall deem appropriate.

(d) Advisory committees

The Commission may constitute such advisory committees as it deems advisable. The Commission shall establish at least one such committee in each State and the District of Columbia composed of citizens of that State or District.

(e) Hearings and ancillary matters

(1) Power to hold hearings

The Commission, or on the authorization of the Commission, any subcommittee of two or more members of the Commission, at least one of whom shall be of each major political party, may, for the purpose of carrying out this chapter, hold such hearings and act at such times and places as the Commission or such authorized subcommittee deems advisable. Each member of the Commission shall have the power to administer oaths and affirmations in connection with the proceedings of the Commission. The holding of a hearing by the Commission or the appointment of a subcommittee to hold a hearing pursuant to this paragraph must be approved by a majority of the Commission, or by a majority of the members present at a meeting when a quorum is present.

(2) Power to issue subpoenas

The Commission may issue subpoenas for the attendance of witnesses and the production of written or other matter. Such a subpoena may not require the presence of a witness more than 100 miles outside the place wherein the witness is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process. In case of contumacy or refusal to obey a subpoena, the Attorney General may in a Federal court of appropriate jurisdiction obtain an appropriate order to enforce the subpoena.

(3) Witness fees

A witness attending any proceeding of the Commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(4) Depositions and interrogatories

The Commission may use depositions and written interrogatories to obtain information and testimony about matters that are the subject of a Commission hearing or report.

(f) Limitation relating to abortion

Nothing in this chapter or any other Act shall be construed as authorizing the Commission, its advisory committees, or any other person under its supervision or control to study and collect, make appraisals

of, or serve as a clearinghouse for any information about laws and policies of the Federal Government or any other governmental authority in the United States, with respect to abortion.

(Pub. L. 98–183, § 3, Nov. 30, 1983, 97 Stat. 1302; Pub. L. 102–167, § 5, Nov. 26, 1991, 105 Stat. 1101; Pub. L. 103–419, § 2, Oct. 25, 1994, 108 Stat. 4339.)

Prior Provisions

A prior section 1975a, Pub. L. 85–315, pt. I, § 102, Sept. 9, 1957, 71 Stat. 634; Pub. L. 88–352, title V, § 501, July 2, 1964, 78 Stat. 249; Pub. L. 91–521, § 4, Nov. 25, 1970, 84 Stat. 1357; Pub. L. 92–496, § 1, Oct. 14, 1972, 86 Stat. 813, established rules of procedure for Commission. See Codification note set out preceding section 1975 of this title.

Amendments

1994—Pub. L. 103–419 amended section generally, substituting provisions relating to duties of Commission for provisions relating to rules of procedure of Commission hearings.

1991—Subsecs. (a), (d), (f). Pub. L. 102–167 substituted “Chairperson” for “Chairman” wherever appearing.

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§ 1975b. Administrative provisions

(a) Staff

(1) Director

There shall be a full-time staff director for the Commission who shall—

- (A) serve as the administrative head of the Commission; and
- (B) be appointed by the President with the concurrence of a majority of the Commission.

(2) Other personnel

Within the limitation of its appropriations, the Commission may—

- (A) appoint such other personnel as it deems advisable, under the civil service and classification laws; and
- (B) procure services, as authorized in section 3109 of title 5, but at rates for individuals not in excess of the daily equivalent paid for positions at the maximum rate for GS–15 of the General Schedule under section 5332 of title 5.

(b) Compensation of members

(1) Generally

Each member of the Commission who is not otherwise in the service of the Government of the United States shall receive a sum equivalent to the compensation paid at level IV of the Executive Schedule under section 5315 of title 5, prorated on a daily basis for time spent in the work of the Commission.

(2) Persons otherwise in Government service

Each member of the Commission who is otherwise in the service of the Government of the United States shall serve without compensation in addition to that received for such other service, but while engaged in the work of the Commission shall be paid actual travel expenses and per diem in lieu of subsistence expenses when away from such member’s usual place of residence, under subchapter I of chapter 57 of title 5.

(c) Voluntary or uncompensated personnel

The Commission shall not accept or use the services of voluntary or uncompensated persons. This limitation shall apply with respect to services of members of the Commission as it does with respect to services by other persons.

(d) Rules

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(1) Generally

The Commission may make such rules as are necessary to carry out the purposes of this chapter.

(2) Continuation of old rules

Except as inconsistent with this chapter, and until modified by the Commission, the rules of the Commission on Civil Rights in effect on September 30, 1994 shall be the initial rules of the Commission.

(e) Cooperation

All Federal agencies shall cooperate fully with the Commission to the end that it may effectively carry out its functions and duties.

(Pub. L. 98–183, § 4, Nov. 30, 1983, 97 Stat. 1304; Pub. L. 103–419, § 2, Oct. 25, 1994, 108 Stat. 4340.)

References in Text

The civil service laws, referred to in subsec. (a)(2)(A), are set out in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

The classification laws, referred to in subsec. (a)(2)(A), are classified generally to chapter 51 (§ 5101 et seq.) and subchapter III (§ 5331 et seq.) of chapter 53 of Title 5.

Prior Provisions

A prior section 1975b, Pub. L. 85–315, pt. I, § 103, Sept. 9, 1957, 71 Stat. 635; Pub. L. 88–352, title V, §§ 502, 503, July 2, 1964, 78 Stat. 250, 251; Pub. L. 91–521, § 1, Nov. 25, 1970, 84 Stat. 1356; Pub. L. 92–496, § 2, Oct. 14, 1972, 86 Stat. 813; Pub. L. 95–444, § 2, Oct. 10, 1978, 92 Stat. 1067, related to compensation of members of Commission. See Codification note set out preceding section 1975 of this title.

Amendments

1994—Pub. L. 103–419 amended section generally, substituting administrative provisions for provisions relating to compensation of members of Commission.

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§ 1975c. Authorization of appropriations

There are authorized to be appropriated,¹ to carry out this chapter \$9,500,000 for fiscal year 1995. None of the sums authorized to be appropriated for fiscal year 1995 may be used to create additional regional offices.

Footnotes

¹ So in original. The comma probably should not appear.

(Pub. L. 98–183, § 5, Nov. 30, 1983, 97 Stat. 1304; Pub. L. 102–167, § 2, Nov. 26, 1991, 105 Stat. 1101; Pub. L. 103–419, § 2, Oct. 25, 1994, 108 Stat. 4341.)

Prior Provisions

A prior section 1975c, Pub. L. 85–315, pt. I, § 104, Sept. 9, 1957, 71 Stat. 635; Pub. L. 86–383, title IV, § 401, Sept. 28, 1959, 73 Stat. 724; Pub. L. 87–264, title IV, § 401, Sept. 21, 1961, 75 Stat. 559; Pub. L. 88–152, § 2, Oct. 17, 1963, 77 Stat. 271; Pub. L. 88–352, title V, § 504, July 2, 1964, 78 Stat. 251; Pub. L. 90–198, § 1, Dec. 14, 1967, 81 Stat. 582; Pub. L. 92–496, §§ 3, 4, Oct. 14, 1972, 86 Stat. 813, 814; Pub. L. 95–444, § 3, Oct. 10, 1978, 92 Stat. 1067; Pub. L. 96–81, § 2, Oct. 6, 1979, 93 Stat. 642, related to duties of Commission. See Codification note set out preceding section 1975 of this title.

Amendments

1994—Pub. L. 103–419 amended section generally, substituting provisions authorizing appropriations for fiscal year 1995 for provisions relating to duties of Commission.

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1991—Subsec. (f). Pub. L. 102–167, which directed the insertion of “The Commission shall, in addition to any other reports under this section, submit at least one annual report that monitors Federal civil rights enforcement efforts in the United States to Congress and to the President.” at the end of this section, was executed by making the insertion at the end of subsec. (f).

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§ 1975d. Termination

This chapter shall terminate on September 30, 1996.

(Pub. L. 98–183, § 6, Nov. 30, 1983, 97 Stat. 1305; Pub. L. 102–167, § 5, Nov. 26, 1991, 105 Stat. 1101; Pub. L. 103–419, § 2, Oct. 25, 1994, 108 Stat. 4342.)

Prior Provisions

A prior section 1975d, Pub. L. 85–315, pt. I, § 105, Sept. 9, 1957, 71 Stat. 636; Pub. L. 86–449, title IV, § 401, May 6, 1960, 74 Stat. 89; Pub. L. 88–352, title V, §§ 505–507, July 2, 1964, 78 Stat. 251, 252; Pub. L. 91–521, § 2, Nov. 25, 1970, 84 Stat. 1356; Pub. L. 92–496, § 5, Oct. 14, 1972, 86 Stat. 814; Pub. L. 95–444, §§ 4–6, Oct. 10, 1978, 92 Stat. 1067, 1068, related to powers of Commission. See Codification note set out preceding section 1975 of this title.

Amendments

1994—Pub. L. 103–419 amended section generally, substituting provisions terminating this chapter Sept. 30, 1996, for provisions relating to powers of Commission.

1991—Subsec. (f). Pub. L. 102–167 substituted “Chairperson” for “Chairman” in two places.

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§§ 1975e, 1975f. Omitted

Codification

Sections 1975e and 1975f were omitted in the general amendment of this chapter by Pub. L. 103–419.

Section 1975e, Pub. L. 98–183, § 7, Nov. 30, 1983, 97 Stat. 1307; Pub. L. 101–180, § 2(1), Nov. 28, 1989, 103 Stat. 1325; Pub. L. 102–167, § 3, Nov. 26, 1991, 105 Stat. 1101; Pub. L. 102–400, § 2, Oct. 7, 1992, 106 Stat. 1955, authorized appropriations to carry out this chapter. See section 1975c of this title.

A prior section 1975e, Pub. L. 85–315, pt. I, § 106, Sept. 9, 1957, 71 Stat. 636; Pub. L. 90–198, § 2, Dec. 14, 1967, 81 Stat. 582; Pub. L. 91–521, § 3, Nov. 25, 1970, 84 Stat. 1356; Pub. L. 92–64, Aug. 4, 1971, 85 Stat. 166; Pub. L. 92–496, § 6, Oct. 14, 1972, 86 Stat. 814; Pub. L. 94–292, § 2, May 27, 1976, 90 Stat. 524; Pub. L. 95–132, § 2, Oct. 13, 1977, 91 Stat. 1157; Pub. L. 95–444, § 7, Oct. 10, 1978, 92 Stat. 1068; Pub. L. 96–81, § 3, Oct. 6, 1979, 93 Stat. 642; Pub. L. 96–447, § 2, Oct. 13, 1980, 94 Stat. 1894, related to authorization of appropriations for this chapter. See Codification note set out preceding section 1975 of this title.

Section 1975f, Pub. L. 98–183, § 8, Nov. 30, 1983, 97 Stat. 1307; Pub. L. 101–180, § 2(2), Nov. 28, 1989, 103 Stat. 1325; Pub. L. 102–167, § 4, Nov. 26, 1991, 105 Stat. 1101, provided termination date for this chapter. See section 1975d of this title.