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## The Civil Rights Act of 1964: Eleven Titles at a Glance

The Civil Rights Act of 1964 addresses discrimination in diverse contexts, ranging from discriminatory voter registration practices to segregation in business establishments and public schools. Though its eleven titles collectively address discrimination based on race, color, religion, national origin, and sex, the Civil Rights Act of 1964 was principally enacted to respond to racial discrimination and segregation. The eleven titles vary substantially, including the actions they prohibit, how they are enforced, the entities subject to a title's requirements, and the remedies for different statutory violations. This *In Focus* highlights some basic features of the Act's eleven titles. For more detailed discussion of each title, see CRS Report R46534, *The Civil Rights Act of 1964: An Overview*.

### Title I: Discriminatory Voting Tactics

Title I, codified at 52 U.S.C. §§ 10101 *et seq.*, addresses the discriminatory disqualification of eligible voters based on race. More specifically, Title I amended voting provisions of the Civil Rights Act of 1957 to bar generally (1) the use of different standards for qualifying voters; (2) certain uses of literacy or "interpretation" tests for voter registration purposes; and (3) the disqualification of voting applicants based on immaterial errors in a registration or other voting document. These provisions are distinct from the Voting Rights Act of 1965, 52 U.S.C. §§ 10301 *et seq.*

The Voting Rights Section of the Department of Justice's Civil Rights Division enforces Title I's provisions. Courts, however, disagree as to whether private individuals can bring suit to enforce Title I.

### Title II: Discrimination Against Patrons of Commercial Businesses

Section 201 of Title II addresses segregation and discrimination against patrons based on race, color, religion, or national origin, in their access and service at four categories of business establishments. Section 201 contains an exception for private clubs not open to the public. Title II is codified at 42 U.S.C. §§ 2000a *et seq.*

Private individuals may bring suit seeking injunctive relief for Title II violations. The Attorney General can intervene in such suits, or file a "pattern or practice" action under Title II. While the statute does not define "pattern or practice," such cases typically concern widespread or repeated discriminatory conduct. The Housing and Civil Enforcement Section of the Department of Justice's Civil Rights Division enforces Title II.

### Title III: Desegregation of Public Libraries, Parks, and Other Facilities

Title III, codified at 42 U.S.C. §§ 2000b *et seq.*, addresses segregation and discrimination based on race, color,

religion, or national origin in public facilities, such as park and recreation facilities, libraries, and prisons. Title III concerns the federal enforcement of existing protections under the Fourteenth Amendment, and authorizes the Attorney General to file enforcement actions that "materially further" the desegregation of public facilities.

### Title IV: Desegregation of Public Schools and Colleges

Title IV, codified at 42 U.S.C. §§ 2000c *et seq.*, addresses segregation and discrimination in public school and university systems. Like Title III, Title IV concerns the federal enforcement of equal protection guarantees under the Fourteenth Amendment, and authorizes the Attorney General to file enforcement actions that "materially further" desegregation. Title IV also directs the Department of Education to provide technical assistance to facilitate public school desegregation. When originally enacted, Title IV concerned desegregation based on race, color, religion, or national origin; in 1972, Title IV was amended to add desegregation based on sex.

### Title V: The U.S. Commission on Civil Rights

Title V expanded responsibilities of the U.S. Commission for Civil Rights (USCCR), an entity created through the Civil Rights Act of 1957. Among other operational matters, Title V also addressed USCCR hearings and witness subpoenas. Congress continues to fund the USCCR through the appropriations process. Provisions relating to the USCCR are codified at 42 U.S.C. §§ 1975 *et seq.*

### Title VI: Discrimination in Federally Funded Programs

Title VI, codified at 42 U.S.C. §§ 2000d *et seq.*, addresses discrimination by recipients of federal financial assistance. Section 601 provides that recipients must comply with the mandate that no person, on the basis of race, color, or national origin, "be excluded from participation in, be denied the benefits of, or be subjected to discrimination under" any federally funded program or activity.

Section 602 authorizes federal departments and agencies to "effectuate" Section 601. Thus, when a federally funded program or activity commits race discrimination in violation of Title VI's requirements, the federal agency that disbursed the funds may investigate the potential violation, and terminate or withhold funding to that recipient, subject to certain procedural preconditions.

The Supreme Court reads Title VI to permit a private individual to sue a federal funding recipient for intentional discrimination in violation of Section 601. The Court has also addressed whether private individuals may sue to enforce Title VI regulations prohibiting disparate impact

discrimination, and held in *Alexander v. Sandoval*, 532 U.S. 275 (2001), that they cannot. Thus, only federal agencies may enforce Title VI regulations prohibiting disparate impact discrimination.

### **Title VII: Discrimination in Employment**

Title VII, codified at 42 U.S.C. §§ 2000e *et seq.*, addresses discrimination based on “race, color, religion, sex, or national origin” by private sector and federal government employers with respect to their employees and applicants for employment. In *Bostock v. Clayton County*, 140 S. Ct. 1731 (2020), the Supreme Court interpreted Title VII’s prohibition of discrimination “because of . . . sex” to bar discrimination based on sexual orientation or gender identity.

Title VII prohibits specific discriminatory employment actions (such as making compensation decisions because of an individual’s protected trait) and created a federal enforcement scheme for receiving, investigating, and addressing discrimination complaints. Title VII also established a federal commission, the Equal Employment Opportunity Commission (EEOC), which enforces Title VII’s requirements as to both private and federal sector employers. The Employment Litigation Section of the Department of Justice’s Civil Rights Division enforces Title VII with respect to state and municipal government employers. Private individuals may sue under Title VII for damages, injunctive relief, and equitable relief after exhausting administrative prerequisites to suit.

### **Title VIII: Voting Statistics**

Title VIII, codified at 42 U.S.C. § 2000f, directs the Secretary of Commerce to conduct a survey of registration and voting statistics capturing data relating to race, color, and national origin.

### **Title IX: Appellate Review and Attorney General Intervention**

Title IX enacted two unrelated provisions, Sections 901 and 902. Section 901 amended 28 U.S.C. § 1447(d) to permit appellate review of district court orders denying removal petitions in certain civil rights cases. It concerns situations where individuals subjected to state prosecutions in connection with exercising constitutional or statutorily protected rights sought removal of such prosecutions to federal court. Section 902, codified at 42 U.S.C. § 2000h-2, authorizes the Attorney General to intervene in cases brought by private individuals alleging Equal Protection Clause violations.

### **Title X: Community Relations Service**

Title X, codified at 42 U.S.C. §§ 2000g *et seq.*, established the Community Relations Service (CRS), to assist communities with “resolving disputes, disagreements, or difficulties” relating to discrimination based on race, color, or national origin. Through a 2009 funding provision, CRS’s activities also include prevention and response “to alleged hate crimes based on actual or perceived race, color, national origin, gender, gender identity, sexual orientation, religion, or disability.” CRS submits an annual report to Congress each year.

### **Title XI: Preemption and Other Matters**

Title XI enacted several miscellaneous provisions. Among these provisions, Section 1104, codified at 42 U.S.C. § 2000h-4, addresses the interaction between state and local antidiscrimination laws and the Civil Rights Act of 1964. In general, the 1964 Act does not preempt state or local antidiscrimination laws that provide parallel or overlapping protections. When addressing claims that the 1964 Act has preempted a state or local antidiscrimination provision, federal courts typically analyze whether the challenged state or local law conflicts with a title’s requirements.

### **Considerations for Congress**

Congress has amended sections of the Civil Rights Act of 1964 over the years, with the majority of amendments enacting changes to Title VII. The most recent change, enacted through the Lilly Ledbetter Fair Pay Act of 2009, amended Title VII to address the timeliness of pay discrimination claims and limit the dismissal of such claims for being time-barred.

The 1964 Act continues to generate significant legislative interest in amendments. Recent bills, for example, have proposed amending Title II to address discrimination by entities not presently covered under its mandate, such as banks; creating a private right of action to enforce Title VI disparate impact regulations; and defining the applicable legal standards for determining employer liability for harassment under Title VII. Another bill proposed amending multiple titles to address discrimination based on sex, sexual orientation, or gender identity.

Several considerations may inform the nature and scope of proposed amendments to titles of the Act; for instance, the implications that an amendment may have on the entities subject to a title’s requirements. There may also be judicial interpretations specific to a title that affect how agencies or courts interpret or apply an amendment. Amending a title may also have implications for other federal laws that address related topics, particularly when courts have interpreted a statute in light of the amended title. Meanwhile, federal courts have interpreted the titles as having been enacted on different constitutional bases—the Commerce Clause, the Spending Clause, and the Fourteenth and Fifteenth Amendments—which may have implications for amendments as well.

Notably, since the 1964 Act, Congress has passed other major civil rights statutes to address discrimination based on other protected categories, such as disability (the Americans with Disabilities Act), sex (Title IX of the Education Amendments of 1972), and age (the Age Discrimination in Employment Act). Thus, another legislative option for creating new statutory civil rights or prohibitions is through enacting standalone statutes apart from the 1964 Act. Recent bills reflecting this approach include proposals to prohibit discrimination based on sexual orientation or gender identity in the workplace, and to address reasonable accommodations in the workplace based on pregnancy.

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