

1962c and 1962d of this title) for salary, pay, retirement, or other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases authorized by law."

§ 1962d-11a. Potomac River water diversion structure

(a) Consent of Congress for construction; written agreement providing schedule for allocation among parties for withdrawal of waters

[See main edition for text of (1)]

(2) The structure authorized by paragraph (1) of this subsection, may not be constructed until the Secretary of the Army, acting through the Chief of Engineers, and the State of Maryland, the Commonwealth of Virginia, the Washington Suburban Sanitary Commission, and such other governmental authorities as the Secretary of the Army, the State of Maryland, and the Commonwealth of Virginia deem desirable signatories enter into a written agreement providing an enforceable schedule for allocation among the parties to such agreement for the withdrawal of the waters of that portion of the Potomac River located between Little Falls Dam and the farthest upstream limit of the pool of water behind the Chesapeake and Ohio Canal Company rubble dam at Seneca, Maryland, during periods of low flow of such portion of such river.

[See main edition for text of (b) and (c)]

(As amended Pub. L. 96-292, § 2, June 28, 1980, 94 Stat. 609.)

AMENDMENTS

1980—Subsec. (a)(2). Pub. L. 96-292 struck out cl. "(A)" designation and cl. (B), which prohibited construction of the Potomac River water diversion structure should such structure be in conflict with the report of the Secretary of the Army, acting through the Chief of Engineers, issued in connection with a study of water resources development.

§ 1962d-16. Comprehensive plans for development, utilization, and conservation of water and related resources

[See main edition for text of (a) and (b)]

(c) For the purposes of this section, the term "State" means the several States of the United States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Marianas, and the Trust Territory of the Pacific Islands.

(As amended Pub. L. 96-597, title VI, § 605, Dec. 24, 1980, 94 Stat. 3482.)

AMENDMENTS

1980—Subsec. (c). Pub. L. 96-597 added subsec. (c).

EFFECTIVE DATE OF 1980 AMENDMENT

Section 605 of Pub. L. 96-597 provided in part that amendment of this section by section 605 of Pub. L. 96-597 is effective Oct. 1, 1981.

§ 1962d-17. Regional or river basin plans and Federal water and related land resources projects; preparation, formulation, and evaluation

RATES USED TO ASSESS RETURN ON FEDERAL GOVERNMENT'S INVESTMENT IN PROJECTS OF ARMY CORPS OF ENGINEERS AND BUREAU OF RECLAMATION

Pub. L. 95-28, title II, § 204, May 13, 1977, 91 Stat. 121, provided that: "It is hereby reiterated that the interest rates or rates of discount to be used to assess the return on the Federal Government's investment in projects of the United States Army Corps of Engineers or the Department of the Interior Bureau of Reclamation, shall be those interest rates or rates of discount established by Public Law 93-251, the Water Resources Development Act of 1974 [see Short Title of 1974 Amendment note set out under section 1962 of this title] or by any prior law authorizing projects of the United States Army Corps of Engineers or the Department of the Interior Bureau of Reclamation."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 9205 of this title; title 16 section 2704; title 30 sections 1513, 1531.

CHAPTER 20—ELECTIVE FRANCHISE

SUBCHAPTER I-E—VOTING RIGHTS OF OVERSEAS CITIZENS

Sec.

- 1973dd-2a. Current absentee voting information [New].
- 1973dd-2b. Printing and transmitting of voting material [New].
- (a) Official postcards; availability.
- (b) Facilitation of transmission; priority airmail; segregation from other mail.
- (c) Free postage.
- 1973dd-6. Authorization of appropriations [New].

SUBCHAPTER I-A—ENFORCEMENT OF VOTING RIGHTS

§ 1973a. Proceeding to enforce the right to vote

TRANSFER OF FUNCTIONS

All functions vested by statute in the United States Civil Service Commission were transferred to the Director of the Office of Personnel Management (except as otherwise specified) by Reorg. Plan No. 2 of 1978, § 102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, effective Jan. 1, 1979, as provided by section 1-102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

§§ 1973d to 1973g

TRANSFER OF FUNCTIONS

All functions vested by statute in the United States Civil Service Commission were transferred to the Director of the Office of Personnel Management (except as otherwise specified) by Reorg. Plan No. 2 of 1978, § 102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, effective Jan. 1, 1979, as provided by section 1-102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

§ 1973k. Termination of listing procedures; basis for termination; survey or census by Director of the Census

TRANSFER OF FUNCTIONS

All functions vested by statute in the United States Civil Service Commission were transferred to the Director of the Office of Personnel Management (except as otherwise specified) by Reorg. Plan No. 2 of 1978, § 102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, effective Jan. 1, 1979, as provided by section 1-102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

SUBCHAPTER I-D—FEDERAL ABSENTEE VOTING ASSISTANCE

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 1973dd-2a of this title; title 22 section 2504; title 39 sections 2401, 3627, 3684.

PART I—RECOMMENDATION TO STATES

§ 1973cc. State enactment of absentee voting legislation; covered persons

(a) The Congress expresses itself as favoring, and recommends that the several States take, immediate legislative or administrative action to enable every person in any of the following categories who is absent from the place of his voting residence to vote by absentee ballot in any primary, special, or general election held in his election district or precinct, if he is otherwise eligible to vote in that election:

(1) Members of the Armed Forces while in the active service, and their spouses and dependents.

(2) Members of the merchant marine of the United States, and their spouses and dependents.

(3) Citizens of the United States temporarily residing outside the territorial limits of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them.

(b) Each State shall enable every citizen in the following categories who is absent from the place of his voting residence to register absentee and to vote by absentee ballot in any Federal election, as defined in section 1973dd(1) of this title, held in his election district or precinct if he is otherwise eligible to vote in that election:

(1) Members of the Armed Forces while in the active service, and their spouses and dependents.

(2) Members of the Merchant Marine of the United States, and their spouses and dependents.

The rights granted in this section shall be supplemental to the voting rights presently enjoyed by these citizens under other Federal and State laws.

(As amended Nov. 4, 1978, Pub. L. 95-593, § 7, 92 Stat. 2537.)

AMENDMENTS

1978—Pub. L. 95-593 designated existing provisions as subsec. (a) and added subsec. (b).

PART II—RESPONSIBILITIES OF FEDERAL GOVERNMENT

§ 1973cc-11. Presidential designee to coordinate and facilitate actions to discharge Federal responsibilities; report

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1973cc-2, 1973dd-2a of this title.

§ 1973cc-12. Current absentee voting information

The Presidential designee shall request, annually or more often when appropriate, each State to furnish him with current absentee voting information for such State. Such information shall include election dates, officers to be elected, constitutional amendments, and other proposals to be voted on, absentee registration and voting procedures, any provision under such State's law requiring the removal of the name of any person from such State's registration roll (for whatever reason), information related to the number of absentee voters in a State who are entitled to vote in Federal elections under this subchapter, and other relevant data. As soon as possible after receipt of such information, he shall furnish it to the departments and agencies of the executive branch affected by this subchapter. Such departments and agencies are authorized to reprint and distribute such information to the extent necessary.

(As amended Nov. 4, 1978, Pub. L. 95-593, § 8, 92 Stat. 2537.)

AMENDMENTS

1978—Pub. L. 95-593 added provisions relating to information respecting removal from the registration roll and to the number of eligible absentee voters.

§ 1973cc-13. Cooperation of Government officials; drafts of state legislation; printing and transmitting of post cards

All Government officials shall, to the extent practicable and compatible with their primary responsibilities, cooperate with the Presidential designee in carrying out the purposes of this subchapter. All such officials shall, as far as practicable, take all reasonable measures to expedite, transmit, deliver, and return post cards, ballots, envelopes, and instructions for voting procedures mailed to or by persons to whom this subchapter is applicable. In addition, and as requested by the Presidential designee, it shall be the duty of—

(1) the Attorney General to cooperate and advise with the government of the several States in the formulation of drafts of State legislation designed to implement the recommendations for State action contained in this subchapter;

[See main edition for text of (2)]

(3) the Postmaster General and the heads of the departments and agencies concerned to facilitate the transmission of balloting materials to and from persons to whom this subchapter is applicable. Any balloting material

sent from the United States to such persons shall be sent by priority airmail or by the most expedited postal service available. Any balloting material sent to the United States by such persons shall be returned by priority airmail or by the most expedited service available, wherever practicable. In the case of ballots executed outside the United States by any such person, such ballots may be segregated from other forms of mail and placed in special bags marked with special tags printed and distributed for this purpose.

(As amended Nov. 4, 1978, Pub. L. 95-593, § 9, 92 Stat. 2538.)

AMENDMENTS

1978—Pub. L. 95-593 in par. (1) substituted "government of the several States" for "Council of State Governments", and revised par. (3) to provide that most expedited postal service available be used as alternative to priority airmail.

§ 1973cc-14. Form and content of post card application

The form of the Federal post card application shall be as follows:

[See main edition for text of (a) to (c)]

(d) Notwithstanding the provisions of subsections (a), (b), and (c) of this section, the Presidential designee shall design, for purposes of carrying out the provisions of this subchapter and the Overseas Citizens Voting Rights Act of 1975 [42 U.S.C. 1973dd et seq.], a single form of postcard application for registration to vote and for an absentee ballot. The Presidential designee is empowered to promulgate such form by regulation and upon adoption of such form, subsections (a), (b), and (c) of this section shall have no effect.

(As amended Nov. 4, 1978, Pub. L. 95-593, § 10, 92 Stat. 2538.)

REFERENCES IN TEXT

The Overseas Citizens Voting Rights Act of 1975, referred to in subsec. (d), is Pub. L. 94-203, Jan. 2, 1976, 89 Stat. 1142, as amended, which is classified generally to subchapter I-E (§ 1973dd et seq.) of this chapter. For complete classification of this Act to the Code, see Short Title note under section 1971 of this title and Tables.

AMENDMENTS

1978—Subsec. (d). Pub. L. 95-593 added subsec. (d).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1973dd of this title.

SUBCHAPTER I-E—VOTING RIGHTS OF OVERSEAS CITIZENS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 1973cc-14 of this title; title 39 sections 2401, 3627.

§ 1973dd. Definitions

For the purposes of this subchapter, the term—

[See main edition for text of (1)]

(2) "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands;

(3) "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands, but does not include American Samoa, the Canal Zone, the Trust Territory of the Pacific Islands, or any other territory or possession of the United States; and

(4) "official postcard" means a postcard application for registration to vote and for an absentee ballot in the form provided in section 1973cc-14(d) of this title.

(As amended Pub. L. 95-593, § 1, Nov. 4, 1978, 92 Stat. 2535.)

REFERENCES IN TEXT

For definition of Canal Zone, referred to in par. (3), see section 3602(b) of Title 22, Foreign Relations and Intercourse.

AMENDMENTS

1978—Par. (4). Pub. L. 95-593 added par. (4).

EFFECTIVE DATE

Section 10, formerly § 8, of Pub. L. 94-203, as renumbered by Pub. L. 95-593, § 4(1), Nov. 4, 1978, 92 Stat. 2535, provided that: "The provisions of the Act [this subchapter] shall apply with respect to any Federal election held on or after January 1, 1976."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1973cc of this title.

§ 1973dd-1. Qualifications for registration and vote by absentee ballot

Each citizen residing outside the United States shall have the right to register absentee for, and to vote by, an absentee ballot in any Federal election in the State, or any election district of such State, in which he was last domiciled immediately prior to his departure from the United States and in which he could have met all qualifications (except any qualification relating to minimum voting age) to vote in Federal elections under any present law, even though while residing outside the United States he does not have a place of abode or other address in such State or district, and his intent to return to such State or district may be uncertain, if—

[See main edition for text of (1) and (2)]

(3) he has a valid passport or card of identity and registration issued under the authority of the Secretary of State or, in lieu thereof, an alternative form of identification consistent with this subchapter and applicable State or district requirements, if a citizen does not possess a valid passport or card of identity and registration.

(As amended Pub. L. 95-593, § 2, Nov. 4, 1978, 92 Stat. 2535.)

AMENDMENTS

1978—Par. (3). Pub. L. 95-593 added provisions relating to an alternative form of identification.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1973dd-2, 1973dd-2a, 1973dd-2b, 1973dd-3 of this title.

§ 1973dd-2. State provisions for registration and vote by absentee ballot

[See main edition for text of (a) and (b)]

(c) In carrying out the provisions of this section, it is recommended that each State—

(1) accept any official postcard which is duly executed by any person who meets the requirements in section 1973dd-1 of this title as a simultaneous application for registration under such State's election laws and for an absentee ballot under such State's absentee balloting laws;

(2) if a special application is required for registration by mail, provide that the necessary forms will be sent with the absentee ballot and may be returned with it;

(3) authorize and instruct the State or local election officials, upon receipt of any official postcard application or any other application for registration to vote or an absentee ballot, to mail immediately to the applicant a ballot, instructions for voting and returning the ballot, and a self-addressed envelope; and

(4) provide that there be printed across the face of each envelope the words "Official Election Balloting Material—Via Air Mail", or similar language.

(As amended Pub. L. 95-593, § 3, Nov. 4, 1978, 92 Stat. 2535.)

AMENDMENTS

1978—Subsec. (c). Pub. L. 95-593 added subsec. (c).

§ 1973dd-2a. Current absentee voting information

(a) The Presidential designee under section 1973cc-11 of this title (hereinafter in this subchapter referred to as the "Presidential designee") shall request, when appropriate, each State to furnish him with information on the current absentee registration and voting procedures of each State pertaining to citizens entitled to vote in Federal elections under this subchapter. Such information shall include election dates, officers to be elected, any provisions under such State's law requiring the removal of the name of any person from such State's voter registration roll (for whatever reason), and information related to the number of absentee voters in such State who are entitled to vote in Federal elections under this subchapter. Where consistent with their respective duties, appropriate departments or agencies of the Federal Government shall assist and cooperate with the Presidential designee, both in the collection of such information and in its dissemination to persons who meet the requirements in section 1973dd-1 of this title.

(b) The Secretary of State shall publicize, in the manner best designed to reach the persons meeting the requirements in section 1973dd-1 of this title—

(1) the right of such persons to vote in Federal elections and the procedures available to such persons to enforce that right, as provided in this subchapter; and

(2) with the assistance of the Postmaster General, the availability of expedited mail delivery of balloting material under this subchapter.

The Presidential designee shall notify all appropriate State and local election officials of such availability under this subchapter and under the Federal Voting Assistance Act of 1955 (42 U.S.C. 1973cc et seq.).

(Pub. L. 94-203, § 5, as added Pub. L. 95-593, § 4(2), Nov. 4, 1978, 92 Stat. 2535.)

REFERENCES IN TEXT

The Federal Voting Assistance Act of 1955, referred to in subsec. (b), is act Aug. 9, 1955, ch. 656, 69 Stat. 584, as amended, which is classified principally to subchapter I-D (§ 1973cc et seq.) of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1971 of this title and Tables.

PRIOR PROVISIONS

A prior section 5 of Pub. L. 94-203, Jan. 2, 1976, 89 Stat. 1143, which was classified to section 1973dd-3 of this title, was renumbered section 7 of Pub. L. 94-203 by Pub. L. 95-593, § 4(1), Nov. 4, 1978, 92 Stat. 2535.

§ 1973dd-2b. Printing and transmitting of voting material

(a) Official postcards; availability

The Administrator of General Services shall cause to be printed and distributed to the Department of Justice, the Department of State, and any other appropriate department or agency of the Federal Government official postcards for use in accordance with the provisions of this subchapter as directed by the Presidential designee. Such departments or agencies shall deliver or make available such postcards to persons meeting the requirements in section 1973dd-1 of this title not later than August 15 immediately before any general Federal election for use in such election. To the extent practicable, such postcards shall also be made available at appropriate times to such persons for use in special or primary Federal elections.

(b) Facilitation of transmission; priority airmail; segregation from other mail

(1) The Postmaster General, the Attorney General, the Secretary of State, and the head of any other appropriate department or agency of the Federal Government shall facilitate the transmission of balloting material, including official postcards, absentee ballots, voting instructions, and envelopes for the return of such ballots, to and from persons meeting the requirements in section 1973dd-1 of this title.

(2) Any balloting material sent from the United States to any person meeting the requirements in section 1973dd-1 of this title shall be sent by priority airmail or by the most expedited postal service available.

(3) Any balloting material sent to the United States by any person meeting the requirements in section 1973dd-1 of this title shall be returned by priority airmail or by the most expedited service available, wherever practicable. Such material may be mailed from any Armed

Forces post office in an overseas area established as provided in section 406 of title 39, unless otherwise prohibited by any treaty or other agreement between the United States and a foreign country. In the case of ballots executed outside the United States by any person, such ballots may be segregated from other forms of mail and placed in special bags marked with special tags printed and distributed by the Postmaster General for this purpose.

(c) Free postage

Official postcards, ballots, voting instructions, and envelopes, whether transmitted individually or in bulk, shall be free of postage, including airmail postage, when sent from the United States in the United States mails.

(Pub. L. 94-203, § 6, as added Pub. L. 95-593, § 4(2), Nov. 4, 1978, 92 Stat. 2536.)

PRIOR PROVISIONS

A prior section 6 of Pub. L. 94-203, Jan. 2, 1976, 89 Stat. 1143, which was classified to section 1973dd-4 of this title, was renumbered section 8 of Pub. L. 94-203 by Pub. L. 95-593, § 4(1), Nov. 4, 1978, 92 Stat. 2535.

§ 1973dd-3. Enforcement by Attorney General

[See main edition for text of section]

(Pub. L. 94-203, § 7, formerly § 5, Jan. 2, 1976, 89 Stat. 1143; renumbered Pub. L. 95-593, § 4(1), Nov. 4, 1978, 92 Stat. 2535.)

PRIOR PROVISIONS

A prior section 7 of Pub. L. 94-203, Jan. 2, 1976, 89 Stat. 1144, which was classified to section 1973dd-5 of this title, was renumbered section 9 of Pub. L. 94-203 by Pub. L. 95-593, § 4(1), Nov. 4, 1978, 92 Stat. 2535.

§ 1973dd-4. Separability of provisions

[See main edition for text of section]

(Pub. L. 94-203, § 8, formerly § 6, Jan. 2, 1976, 89 Stat. 1143; renumbered Pub. L. 95-593, § 4(1), Nov. 4, 1978, 92 Stat. 2535.)

PRIOR PROVISIONS

A prior section 8 of Pub. L. 94-203, Jan. 2, 1976, 89 Stat. 1144, which was set out as an Effective Date note under section 1973dd of this title, was renumbered section 10 of Pub. L. 94-203 by Pub. L. 95-593, § 4(1), Nov. 4, 1978, 92 Stat. 2535.

§ 1973dd-5. Applicability to State registration requirements and voting practices; determination of residence or domicile for tax purposes

(a) Nothing in this subchapter shall—

(1) be deemed to require registration in any State or election district in which registration is not required as a precondition to voting in any Federal election; or

(2) prevent any State or election district from adopting or following any voting practice which is less restrictive than the practices prescribed by this subchapter.

(b) The exercise of any right to register or vote in Federal elections by any citizen outside the United States shall not affect the determination of his place of residence or domicile for purposes of any tax imposed under Federal, State, or local law.

(Pub. L. 94-203, § 9, formerly § 7, Jan. 2, 1976, 89 Stat. 1144; renumbered and amended Pub. L. 95-593, §§ 4(1), 5, Nov. 4, 1978, 92 Stat. 2535, 2537.)

AMENDMENTS

1978—Pub. L. 95-593, § 5, designated existing provisions as subsec. (a) and added subsec. (b).

§ 1973dd-6. Authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this subchapter.

(Pub. L. 94-203, § 11, as added Pub. L. 95-593, § 6, Nov. 4, 1978, 92 Stat. 2537.)

CHAPTER 20A—CIVIL RIGHTS COMMISSION

§ 1975. Commission on Civil Rights

SHORT TITLE OF 1980 AMENDMENT

Pub. L. 96-447, § 1, Oct. 13, 1980, 94 Stat. 1894 provided: "That this Act [amending section 1975e of this title] may be cited as the 'Civil Rights Commission Authorization Act of 1980'."

SHORT TITLE OF 1979 AMENDMENT

Pub. L. 96-81, § 1, Oct. 6, 1979, 93 Stat. 642, provided: "That this Act [amending sections 1975c and 1975e of this title] may be cited as the 'Civil Rights Commission Authorization Act of 1979'."

SHORT TITLE OF 1978 AMENDMENT

Pub. L. 95-444, § 1, Oct. 10, 1978, 92 Stat. 1067, provided: "That this Act [amending sections 1975b to 1975e of this title] may be cited as the 'Civil Rights Commission Act of 1978'."

SHORT TITLE OF 1977 AMENDMENT

Pub. L. 95-132, § 1, Oct. 13, 1977, 91 Stat. 1157, provided: "That this Act [which amended section 1975e of this title] may be cited as the 'Civil Rights Commission Authorization Act of 1977'."

§ 1975b. Compensation of members

(a) 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 Federal Executive Salary Schedule, pursuant to section 5315 of title 5, prorated on a daily basis for each day spent in the work of the Commission, shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his usual place of residence, in accordance with section 5703 of title 5.

(b) 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 his usual place of residence, in accordance with subchapter I of chapter 57 of title 5.

(As amended Pub. L. 95-444, § 2, Oct. 10, 1978, 92 Stat. 1067.)