

Union Calendar No. 587

75TH CONGRESS  
1ST SESSION

**H. R. 8277**

[Report No. 1587]

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IN THE HOUSE OF REPRESENTATIVES

AUGUST 18, 1937

Mr. MEAD introduced the following bill; which was referred to the Select Committee on Government Organization and ordered to be printed

AUGUST 18, 1937

Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

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**A BILL**

To establish the Civil Service Administration, to extend the merit system, to extend the Classification Act of 1923, 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 Service Act of  
4       1937".

5       TITLE I—THE CIVIL SERVICE ADMINISTRATION

6       SEC. 2. (a) There is established in the executive branch  
7       of the Government an organization to be known as the Civil  
8       Service Administration (hereinafter referred to as the "Ad-  
9       ministration"), at the head of which shall be a Civil Service  
10      Administrator (hereinafter referred to as the "Adminis-

1 trator"), who shall be appointed by the President, by and  
2 with the advice and consent of the Senate, and shall re-  
3 ceive a salary at the rate of \$10,000 per annum. The Admin-  
4 istrator shall be selected without regard to any political quali-  
5 fications and shall be a person specially qualified for the office  
6 of Administrator by reason of his executive and administra-  
7 tive qualifications, with particular reference to his actual  
8 experience in, or his knowledge of, accepted practices in  
9 respect to the functions vested in and imposed upon that  
10 office by law. He shall be subject to the provisions of the  
11 Civil Service Retirement Act of May 22, 1920, as amended,  
12 but he shall not by virtue of his appointment as Administra-  
13 tor acquire an eligibility status for appointment, transfer,  
14 promotion, or reinstatement to a position in the classified  
15 civil service.

16 (b) There shall be in the Administration a Deputy  
17 Civil Service Administrator who shall be appointed by the  
18 Administrator, subject to the civil-service laws, and his  
19 salary shall be fixed in accordance with the Classification  
20 Act of 1923, as amended. The Deputy Civil Service Ad-  
21 ministrator shall perform such functions as the Administrator  
22 may prescribe, and shall act as Administrator in the absence  
23 of the Administrator or in the event of a vacancy in that  
24 office.

1        SEC. 3. (a) The United States Civil Service Commis-  
2 sion, the three offices of Civil Service Commissioners, and  
3 all other offices of such Commission are abolished, and all  
4 functions vested in and imposed upon such Commission or  
5 such offices or officers by law are conferred and imposed upon  
6 the Administrator.

7        (b) The provisions of this Act shall be construed as  
8 supplementing, and not superseding, the laws relating to the  
9 civil service of the United States, by or under which func-  
10 tions are vested in and imposed upon the President, except  
11 as such provisions may be directly in conflict with any such  
12 laws: *Provided*, That the President shall not be authorized  
13 to cover into the classified civil service any office, position,  
14 or incumbent thereof, or to remove any office or position  
15 from such service, except as hereinafter provided.

16        SEC. 4. In addition to the functions vested in and im-  
17 posed upon the Administrator by section 3 of this title—

18        (a) The Administrator shall prepare and effect plans  
19 for the development and maintenance of a career service in  
20 the Federal Government.

21        (b) The Administrator is authorized to—

22            (i) Cooperate with or assist the agencies of the Gov-  
23 ernment in the planning, establishment, or coordination  
24 of employee-training programs, and plan and establish,

1 but not require attendance at, central employee-training  
2 programs;

3 (ii) Obtain information, through the Administra-  
4 tion or in cooperation with other agencies, organizations,  
5 or groups, concerning personnel standards, practices, or  
6 policies in other governmental jurisdictions (whether a  
7 foreign country, State, Territory, or possession of the  
8 United States, including the Philippine Islands, or any  
9 political subdivision thereof, or the District of Columbia),  
10 or in private industry, and make such information avail-  
11 able to the agencies of the United States;

12 (iii) Cooperate generally with the public personnel  
13 agencies of States, Territories, or possessions of the  
14 United States (including the Philippine Islands), or  
15 political subdivisions thereof, or the District of Columbia,  
16 in the adoption, development, or extension of the merit  
17 system in their respective jurisdictions, and upon the  
18 request of any such agency render advisory or consulta-  
19 tive personnel service or establish eligible registers for  
20 such agency or establish or assist in the establishment of  
21 joint eligible registers;

22 (iv) At the direction of the President or upon the  
23 request of the head of any agency of the Government,  
24 cooperate or assist in the installation or development  
25 of personnel standards, practices, or policies for any

1       agency of the Government, or review and investigate  
2       personnel standards, practices, or policies of such  
3       agency, and report thereon to the President or the  
4       officer making the request. Cooperation or assistance  
5       by the Administrator under paragraphs (iii) and (iv)  
6       of subsection (b) of this section shall be made on the  
7       condition that the agencies for the benefit of which  
8       such cooperation or assistance is rendered shall reim-  
9       burse the Administration for all necessary expenses in-  
10      curred in connection therewith, and the payments repre-  
11      senting such reimbursements shall be deposited as re-  
12      funds to the appropriations from which such expenses  
13      were originally paid, instead of being covered into the  
14      Treasury as miscellaneous receipts;

15           (v) Request persons not in the service of the  
16      Federal Government who are experts in some aspect of  
17      personnel administration to attend conferences with rep-  
18      resentatives of the Administration or to consult or ad-  
19      vise with them, in the District of Columbia or else-  
20      where, and reimburse such experts for their subsistence  
21      and other expenses at a rate not to exceed \$25 per  
22      day for time spent in attending and traveling to and from  
23      such conferences, or in consulting or advising with such  
24      representatives, plus the actual cost of transportation; and

1           (vi) Purchase manuscripts from, or meet the costs  
2           of special studies made by, private persons, corporations,  
3           or other organizations, at the request of, or in coopera-  
4           tion with, the Administration.

5           SEC. 5. (a) The Administrator is authorized to dele-  
6           gate to any officer or employee of the Administration any  
7           functions vested in and imposed upon the Administrator or  
8           the Administration by law.

9           (b) The Administrator shall supervise such clerical and  
10          other work of the Civil Service Board, established by section  
11          201 of this Act, as the Board may request and shall provide  
12          the Board with such clerical and other services as it may  
13          require by assignment from the Administration, and furnish  
14          the Board with stationery and other necessary articles.

15          (c) The Administrator shall cause a seal of office to be  
16          made for the Administration, of such device as the President  
17          shall approve, and judicial notice shall be taken of such seal.

## 18                   TITLE II—THE CIVIL SERVICE BOARD

19          SEC. 201. There is established in the Administration a  
20          Board to consist of seven members and to be known as the  
21          Civil Service Board (hereinafter referred to as the "Board").

22          SEC. 202. The members of the Board shall be appointed  
23          by the President, by and with the advice and consent of the  
24          Senate. One of the members of the Board shall be desig-  
25          nated by the President as Chairman, and one shall be desig-

1 nated by the President as Vice Chairman and shall act as  
2 Chairman in the absence of the Chairman or in the event  
3 of a vacancy in that office.

4 SEC. 203. The terms of office of the members of the  
5 Board first taking office shall expire, as designated by the  
6 President at the time of nomination, one at the end of the  
7 first year, one at the end of the second year, and one at the  
8 end of each succeeding year up to and including the seventh  
9 year, after the enactment of this Act. A successor shall have  
10 a term of office expiring seven years from the date of expira-  
11 tion of the term for which his predecessor was appointed  
12 except that a person appointed to fill a vacancy occurring  
13 prior to the expiration of such term shall be appointed for  
14 the remainder of such term.

15 SEC. 204. (a) The members of the Board shall be reim-  
16 bursed for their subsistence and other expenses at the rate  
17 of \$50 per day for time spent in attending and traveling to  
18 and from meetings, or in otherwise exercising the functions  
19 of the Board, plus the actual cost of transportation: *Provided,*  
20 That no member shall be so reimbursed in an amount to  
21 exceed \$1,500 per annum, exclusive of transportation.

22 (b) The Board shall meet not less than four times a  
23 year. Meetings may be called by the President or the  
24 Chairman and shall be called by the Chairman upon the  
25 petition of any four members of the Board.

1       (c) The Board shall determine the rules of its own  
2 proceedings and a majority of its members in office shall  
3 constitute a quorum for the transaction of business, but the  
4 Board may function notwithstanding vacancies.

5       SEC. 205. The Board shall—

6       (a) Represent the public interest in the improvement  
7 of personnel administration in the service of the Federal  
8 Government and in the protection of the merit system;

9       (b) Make annual reports to the President and the  
10 Congress on the quality and status of the personnel adminis-  
11 tration of the Federal Government;

12       (c) Study and report to the President from time to  
13 time the relation of the Civil Service of the Federal Govern-  
14 ment to the merit system in States, Territories, or posses-  
15 sions of the United States (including the Philippine Islands),  
16 or political subdivisions thereof, or the District of Columbia,  
17 particularly with reference to activities in such jurisdictions  
18 in which there is a participation by the Federal Govern-  
19 ment by way of assistance in the program;

20       (d) Make recommendations to the President on possible  
21 improvements in the laws or the administration of matters  
22 affecting personnel of the Federal Government, and to this  
23 end the Board is authorized to make such special investiga-  
24 tions as it deems necessary;



1       (e) Make such special reports to the President or the  
2 Congress as either may request or the Board deems  
3 advisable;

4       (f) Act in an advisory capacity, upon request of the  
5 President or the Administrator, on matters concerning per-  
6 sonnel administration in the service of the Federal Gov-  
7 ernment;

8       (g) Propose to the President and the Administrator  
9 new or amended rules for the administration of personnel  
10 matters in the service of the Federal Government and review  
11 and comment upon such proposed rules or regulations as  
12 may be submitted to the Board by the Administrator; and

13       (h) Propose to the President plans and procedures deal-  
14 ing with Federal employment problems. If the President,  
15 or the head of any executive department or independent  
16 agency, finds it necessary to constitute special boards to deal  
17 with such problems, the President or such officer is author-  
18 ized, subject to such regulations as the President may pre-  
19 scribe, to appoint the members of such special boards, and,  
20 except in the case of officers or employees of the United  
21 States, to fix their compensation without regard to the Classi-  
22 fication Act of 1923, as amended: *Provided*, That the agency  
23 of the United States, for the benefit of which any such special  
24 board is appointed, shall reimburse agencies of the

1 Government for the salaries and necessary expenses  
2 of officers or employees of such agencies while serving on  
3 any such special board, and when so reimbursed such  
4 funds shall be deposited as refunds to the appropriations  
5 from which such payments were originally made instead  
6 of being covered into the Treasury as miscellaneous receipts.  
7 Such special boards shall as soon as practicable report their  
8 findings to the President or other appointing officer.

9       SEC. 206. The Chairman of the Board shall cause a seal  
10 of office to be made for the Board, of such device as the  
11 President shall approve, and judicial notice shall be taken  
12 of such seal.

13       TITLE III—EXTENSION OF CIVIL-SERVICE LAWS

14       SEC. 301. The President is authorized by Executive order  
15 to except from, or cover into, the classified civil service any  
16 office or position within an agency of the Government, except  
17 an office or position appointment to which is authorized to  
18 be made by the President, by and with the advice and con-  
19 sent of the Senate, whenever he finds and declares that good  
20 administration of the Government will be facilitated thereby:  
21 *Provided*, That in the case of any federally owned and con-  
22 trolled corporation organized under the laws of any State,  
23 Territory, or possession of the United States (including the  
24 Philippine Islands), or the District of Columbia, the Presi-  
25 dent is authorized to direct that such action be taken as will

1 permit appointments to offices or positions in any such cor-  
2 poration to be made in accordance with the civil-service  
3 laws, consistently with the laws of any such State, Terri-  
4 tory, or possession, or the District of Columbia, or with  
5 the charter or articles of incorporation of any such corporation.

6 SEC. 302. Incumbents of offices or positions which are  
7 covered into the classified civil service under the provisions  
8 of this title shall not thereby acquire a classified civil-service  
9 status, except (a) upon recommendation by the head of  
10 the agency concerned to the Administrator within one year  
11 after such offices or positions have been covered into the  
12 classified civil service, and certification within such period  
13 by such head to the Administrator that such incumbents  
14 have served with merit for not less than six months prior  
15 to the date of the Executive order covering their offices or  
16 positions into the classified civil service under the provisions  
17 of section 301 of this title; and (b) upon passing such suit-  
18 able noncompetitive examinations as the Administrator may  
19 prescribe.

20 SEC. 303. The provisions of this title relating to the  
21 covering into and excepting from the classified civil service  
22 of offices or positions or the incumbents thereof shall, in  
23 addition to being applicable to existing offices and positions  
24 and the incumbents thereof, be applicable to all offices,  
25 positions, and incumbents created, authorized, or appointed

1 under this Act, and under all Acts enacted subsequent to  
2 the enactment of this Act, unless the Congress specifically  
3 provides otherwise.

4 TITLE IV—EXTENSION OF CLASSIFICATION ACT

5 SEC. 401. (a) Subject to the limitations contained in  
6 this section, whenever the President, after such classification  
7 and compensation surveys or investigations as he may direct  
8 the Administrator to undertake, and upon consideration of  
9 the Administrator's resulting reports and recommendations,  
10 shall find and declare that an extension of the provisions of  
11 the Classification Act of 1923, as amended, to any office or  
12 position in the agencies of the Government is necessary to  
13 the more efficient operation of the Government, he may by  
14 Executive order extend the provisions of the Classification  
15 Act of 1923, as amended, to any such office or position not  
16 at the time subject to such provisions: *Provided*, That in  
17 the case of any federally owned and controlled corporation  
18 organized under the laws of any State, Territory, or posses-  
19 sion of the United States (including the Philippine Islands),  
20 or the District of Columbia, the President is authorized to  
21 direct that such action be taken as will permit the compen-  
22 sation of such offices or positions to be fixed in accordance  
23 with the Classification Act of 1923, as amended, consistently  
24 with the laws of any such State, Territory, or possession,

1 or the District of Columbia, or with the charter or articles  
2 of incorporation of any such corporation.

3 (b) Whenever the President, upon report and recom-  
4 mendation by the Administrator, shall find and declare that  
5 one or more offices or positions to which the Classification  
6 Act of 1923, as amended and extended, is applicable, may  
7 not fairly and reasonably be allocated to the professional and  
8 scientific service, the subprofessional service, the clerical,  
9 administrative, and fiscal service, the custodial service, or  
10 the clerical-mechanical service, as described in the Classi-  
11 fication Act of 1923, as amended, he may by Executive order  
12 prescribe and define such additional classification services  
13 and grades thereof as he may deem necessary and shall de-  
14 scribe, and fix the ranges of compensation for, the grades  
15 of such services within the limits of the Classification Act  
16 of 1923, as amended, so that they shall be comparable, as  
17 nearly as may be, with the grades in said Act, as amended,  
18 for offices or positions that are comparable as to duties, re-  
19 sponsibilities, qualifications required, and other conditions of  
20 employment.

21 (c) Whenever the President, upon report and recom-  
22 mendation by the Administrator, shall find and declare that  
23 the rates of the compensation schedules of the Classification  
24 Act of 1923, as amended, are inadequate for any offices or

1 positions under such Act, as amended and extended, he may  
2 by Executive order establish necessary schedules of differen-  
3 tials in the rates prescribed in such compensation schedules,  
4 but the differential in the compensation of any such office  
5 or position shall not exceed 25 per centum of the minimum  
6 rate of the grade to which such office or position is allocated  
7 under such compensation schedules: *Provided*, That the  
8 provisions of this subsection shall be applicable only to such  
9 offices or positions having the following characteristics:

10 Offices or positions which are located at stations that are  
11 isolated, remote, or inaccessible when compared with sta-  
12 tions at which offices or positions of the same character are  
13 usually located, or which involve physical hardships or haz-  
14 ards that are excessive when compared with those usually  
15 involved in offices or positions of the same character, or  
16 which are located outside the States of the United States and  
17 the District of Columbia: *Provided further*, That nothing  
18 herein contained shall preclude the Administrator from tak-  
19 ing the factor of isolation, hardship, hazard, or foreign serv-  
20 ice into consideration in allocating a given class of offices or  
21 positions to a service and grade under the Classification Act  
22 of 1923, as amended, if such factor is uniformly involved in  
23 each office or position in the class, in which event no differ-  
24 ential is authorized under this section.

1       (d) Except as Congress may otherwise provide by law,  
2 the power granted to the President by this section shall not  
3 apply to the following:

4           (i) Offices or positions in the Postal Service the  
5 compensation of which is fixed under an Act of Con-  
6 gress approved February 28, 1925 (43 Stat. 1033), as  
7 amended;

8           (ii) Offices or positions of teachers, librarians,  
9 school-attendance officers, and employees of the com-  
10 munity-center department under the Board of Education  
11 of the District of Columbia, the compensation of which  
12 is fixed under an Act of Congress approved June 4,  
13 1924 (43 Stat. 367), as amended;

14           (iii) Offices or positions in the Metropolitan  
15 Police, in the fire department of the District of Colum-  
16 bia, and in the United States Park Police, the compen-  
17 sation of which is fixed under an Act of Congress ap-  
18 proved July 1, 1930 (46 Stat. 839) ;

19           (iv) Commissioned officers and enlisted personnel  
20 in the military and naval services and the Coast Guard,  
21 and commissioned officers in the Public Health Service  
22 and the Coast and Geodetic Survey, the compensation  
23 of which is fixed under an Act of Congress approved  
24 June 10, 1922 (42 Stat. 625), as amended;

1           (v) Offices or positions in the Government Print-  
2     ing Office the compensation of which is fixed under an  
3     Act of Congress approved June 7, 1924 (43 Stat.  
4     658) ;

5           (vi) Offices or positions of foreign-service officers  
6     in the Foreign Service of the United States the com-  
7     pensation of which is fixed under an Act of Congress  
8     approved May 24, 1924 (43 Stat. 140), as amended;

9           (vii) Offices or positions of clerks in the Foreign  
10    Service of the United States the compensation of which  
11    is fixed under an Act of Congress approved February  
12    23, 1931 (46 Stat. 1207) ;

13          (viii) Offices or positions of commercial attachés,  
14    assistant commercial attachés, trade commissioners, and  
15    assistant trade commissioners in the Foreign Commerce  
16    Service of the Department of Commerce, the compen-  
17    sation of which is fixed under an Act of Congress ap-  
18    proved March 3, 1927 (44 Stat. 1394), as amended;

19          (ix) Offices or positions of verifiers-openers-  
20    packers, clerks, guards, inspectors, station inspectors,  
21    and laborers in the Customs Service of the Treasury  
22    Department the compensation of which is fixed under  
23    an Act of Congress approved May 29, 1928 (45 Stat.  
24    955), as amended;



1           (x) Offices or positions of inspectors in the Immi-  
2           gration and Naturalization Service of the Department  
3           of Labor the compensation of which is fixed under an  
4           Act of Congress approved May 29, 1928 (45 Stat.  
5           954), as amended;

6           (xi) Offices or positions the duties of which are to  
7           serve as an officer or member of the crew of a vessel;  
8           and

9           (xii) Offices or positions the duties of which are  
10          to perform the work of an apprentice, helper, or journey-  
11          man in a recognized trade or craft, or other skilled  
12          mechanical craft, or the work of an unskilled, semi-  
13          skilled, or skilled laborer, except that whenever such  
14          offices or positions involve work in the regular custody,  
15          operation, or maintenance of a Government building,  
16          or other Government property, or work which is sub-  
17          ordinate, incidental, or preparatory to work of a pro-  
18          fessional, scientific, or technical character, the President,  
19          upon a finding that the characteristics and working  
20          conditions of such offices or positions render them  
21          substantially the same as comparable offices or posi-  
22          tions in the District of Columbia included within the  
23          Classification Act of 1923, as amended, may by Execu-  
24          tive order extend the provisions of such Act to include  
25          them.

1 . SEC. 402. The President is authorized, after suitable  
2 investigation by the Administrator, which shall include con-  
3 sultation with representatives of the heads of Executive de-  
4 partments and independent agencies, in or under the juris-  
5 diction of which the offices or positions hereinafter desig-  
6 nated are located, and upon a finding that such action is  
7 necessary to the more efficient operation of the Government,  
8 to exclude, by Executive order, from the provisions of the  
9 Classification Act of 1923, as amended and extended under  
10 this Act—

11 Offices or positions on work which is financed jointly  
12 by the United States and a State, Territory, or possession of  
13 the United States (including the Philippine Islands), or pô-  
14 litical subdivision thereof, or cooperating persons or organiza-  
15 tions outside the service of the Federal Government, and the  
16 pay of which is fixed under a cooperative agreement with the  
17 United States; offices or positions, none or only part of the  
18 compensation of which is paid from funds of the United  
19 States; offices or positions filled by inmates, patients, stu-  
20 dents, or beneficiaries in Government institutions; offices or  
21 positions outside the States of the United States and the Dis-  
22 trict of Columbia filled by natives of Territories or posses-  
23 sions of the United States (including the Philippine Islands)  
24 or foreign nationals; emergency or seasonal offices or posi-  
25 tions in the field service, or other field offices or positions, the

1 duties of which are of purely temporary duration, or which  
2 are required only for brief periods at intervals; and offices or  
3 positions filled by persons employed locally on a fee, con-  
4 tract, or piece-work basis who may lawfully perform their  
5 duties concurrently with their private profession, business, or  
6 other employment and whose duties require only a portion of  
7 their time, where it is impracticable to ascertain or antici-  
8 pate the proportion of time devoted to the service of the  
9 Federal Government.

10 SEC. 403. When any extension of the Classification Act  
11 of 1923, as amended, becomes effective under this title—

12 (a) The allocations of offices or positions to services,  
13 grades, and classes shall be made as set forth in section 4  
14 of the Classification Act of 1923, as amended, and in accord-  
15 ance with a uniform procedure to be prescribed by the  
16 Administrator; and

17 (b) The initial compensation of the incumbents of the  
18 offices or positions to which the provisions of the Classifica-  
19 tion Act of 1923, as amended, are extended under this title,  
20 shall be fixed in accordance with section 6 of the Classifica-  
21 tion Act of 1923, as amended, except that if an officer or  
22 employee is receiving compensation in excess of the maxi-  
23 mum rate prescribed for the appropriate grade, no change  
24 by reason of this fact shall be made in his existing compensa-  
25 tion so long as he continues to occupy the same office or

1 position, but the office or position shall be correctly allocated  
2 and when it becomes vacant the compensation attached  
3 thereto shall be brought within the compensation schedule,  
4 in accordance with existing law.

5       SEC. 404. Nothing herein contained shall be construed  
6 to prevent the promotion of an officer or employee from an  
7 office or position in one class to a vacant office or position  
8 in a higher class at any time in accordance with civil-service  
9 laws, and when so promoted the officer or employee shall  
10 receive compensation according to the schedule established  
11 for the class to which he is promoted.

12                   TITLE V—MISCELLANEOUS PROVISIONS

13       SEC. 501. The President is authorized to promulgate  
14 such rules, and the Administrator and the Board to prescribe  
15 such regulations, as may be necessary to enable them  
16 to exercise their respective functions under the provisions  
17 of this Act.

18       SEC. 502. The personnel (including all officers and  
19 employees, except the Civil Service Commissioners) and  
20 property of, or pertaining to, the United States Civil Serv-  
21 ice Commission (including office equipment and official rec-  
22 ords on file therein or pertaining to the business thereof)  
23 are transferred to the Administrator, and thereafter all ap-  
24 pointments to offices and positions in the Administration  
25 shall be made in accordance with the civil-service laws,

1 unless the President by Executive order shall except any  
2 such offices or positions from the classified civil service under  
3 the authority of this Act: *Provided*, That the transfer of  
4 such personnel shall be without change in classification or  
5 compensation, except that this requirement shall not operate  
6 after the end of the fiscal year during which the transfer  
7 becomes effective to prevent the adjustment of classification  
8 or compensation to conform to the duties to which such  
9 transferred personnel may be assigned: *Provided further*,  
10 That such of the personnel so transferred who do not already  
11 possess a classified civil-service status shall not acquire such  
12 status by reason of such transfer except (a) upon recom-  
13 mendation by the Administrator within one year after such  
14 personnel have been so transferred, and certification within  
15 such period by the Administrator that such personnel have  
16 served with merit for not less than six months prior to the  
17 transfer of such personnel, and (b) upon passing such suit-  
18 able noncompetitive examinations as the Administrator may  
19 prescribe.

20       SEC. 503. Such portions of the unexpended balances of  
21 appropriations or other funds available for the United States  
22 Civil Service Commission, the offices of the Civil Service  
23 Commissioners, and all other offices of such Commission,  
24 as the President shall deem necessary, are transferred to  
25 the Administrator. Unexpended balances of appropriations

1 or other funds available for such Commission or offices, not  
2 so transferred pursuant to the President's determination  
3 under this section, shall be impounded and returned to the  
4 Treasury.

5 SEC. 504. (a) All laws, rules, regulations, remedies,  
6 privileges, permits, or orders made, issued, or granted by  
7 or in respect of the United States Civil Service Commission,  
8 the Civil Service Commissioners, and all other offices of  
9 such Commission, prior to the effective date of section 3 of  
10 this Act, shall continue in full force and effect, except insofar  
11 as directly in conflict with the provisions of this Act, and  
12 shall be applicable in the same manner and to the same  
13 extent as if the functions of the United States Civil Service  
14 Commission, the Civil Service Commissioners, and officers of  
15 such Commission had not been transferred, until modified,  
16 superseded, revoked, or repealed.

17 (b) All laws in force on the effective date of section 3  
18 of this Act referring to the United States Civil Service  
19 Commission, the three offices of Civil Service Commissioner,  
20 or any other offices of such Commission, are amended in  
21 accordance with the provisions of this Act.

22 SEC. 505. No proceedings, hearings, investigations, or  
23 other matters pending on the effective date of section 3 of  
24 this Act shall abate by reason of the transfer made by that

1 section but shall be continued and brought to determination  
2 in the Administration.

3       SEC. 506. No suit, action, or other proceeding by or  
4 against any officer or employee of the United States Civil  
5 Service Commission, or the Civil Service Commissioners, in  
6 his official capacity or in relation to the discharge of his  
7 official duties, shall abate by reason of the transfer made by  
8 section 3 of this Act.

9       SEC. 507. Subject to such regulations as the President  
10 may from time to time prescribe, the President and the heads  
11 of the executive departments and the managerial agencies  
12 of the Government and the Civil Service Board, for the pur-  
13 poses of consultation, investigation, and research in connec-  
14 tion with the exercise of functions vested in and imposed  
15 upon them by law, or (in the case of the heads of executive  
16 departments and the managerial agencies of the Govern-  
17 ment and the Civil Service Board) for the purposes of con-  
18 ducting such investigation or research as may be required of  
19 them by the President, are respectively authorized to ap-  
20 point such experts and consultants, for such temporary  
21 periods, as may be necessary, and to fix their compensation  
22 without regard to the Classification Act of 1923, as amended.

23       SEC. 508. Where used in this Act unless the context  
24 clearly indicates otherwise—

1       (a) The term “agency” means any executive depart-  
2 ment, independent establishment, commission, legislative  
3 court, board, bureau, service, administration, authority,  
4 federally owned and controlled corporation, agency, division,  
5 or activity of the United States, whether in the District of  
6 Columbia or in the field service, or any office or part thereof,  
7 and shall include the municipal government of the District  
8 of Columbia, the Botanic Garden, Library of Congress,  
9 Library Building and Grounds, and the Smithsonian  
10 Institution;

11       (b) The term “independent agency” means any agency  
12 that is not within an executive department;

13       (c) The term “temporary agency” means (1) every  
14 agency which, at the time it was created, was intended to  
15 continue to function only during an emergency and has not,  
16 since, been given by law a permanent status, and (2) to  
17 every agency which will not function beyond a date fixed  
18 by law;

19       (d) The term “managerial agency” means the Bureau  
20 of the Budget and the Civil Service Administration;

21       (e) The term “federally owned and controlled cor-  
22 poration” means any corporation (whether incorporated  
23 by, or under the provisions of, an Act of Congress, or under  
24 the laws of any State, Territory, or possession of the United  
25 States, including the Philippine Islands or the District of



1 Columbia), a majority of the stock of which is owned by  
2 the Federal Government and in which no member of the  
3 board of directors is elected or appointed by private interests;  
4 and

5 (f) The term "functions" means any rights, privileges,  
6 powers, immunities, duties, authority, or functions.

7 SEC. 509. There is authorized to be appropriated, out  
8 of any money in the Treasury not otherwise appropriated,  
9 such sums as may be necessary to carry out the provisions  
10 of this Act.

11 SEC. 510. If any provision of this Act, or the applica-  
12 tion thereof to any person or circumstances, is held invalid,  
13 the remainder of the Act, and the application of such pro-  
14 vision to other persons or circumstances, shall not be  
15 affected thereby.

16 SEC. 511. The provisions of this Act shall become effec-  
17 tive ninety days after its enactment.

Union Calendar No. 587

75TH CONGRESS }  
1ST SESSION }

**H. R. 8277**

[Report No. 1587]

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**A BILL**

To establish the Civil Service Administration,  
to extend the merit system, to extend the  
Classification Act of 1923, and for other  
purposes.

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By Mr. MEAD

AUGUST 18, 1937

Referred to the Select Committee on Government  
Organization and ordered to be printed

AUGUST 18, 1937

Committed to the Committee of the Whole House on  
the state of the Union and ordered to be printed