

reduction of forest-fire hazards in the various towns or other political subdivisions of the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut under appropriation for New England hurricane damage in the First Deficiency Appropriation Act, fiscal year 1939, and Acts amendatory thereof and supplementary thereto, the Secretary of Agriculture be, and he is hereby, authorized to transfer to the respective States so much of the fire protection and improvement tools and equipment, purchased from said appropriation for said work for use in the respective States, as in his judgment may be needed for continuance of said work and forest-fire protection by said States.

Approved, November 25, 1940.

53 Stat. 513.

[CHAPTER 917]

AN ACT

To amend the Agricultural Adjustment Act of 1938, as amended, and for other purposes.

November 25, 1940  
[S. 4311]  
[Public, No. 879]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subparagraph (E) of paragraph (13) of subsection (b) of section 301 of the Agricultural Adjustment Act of 1938, as amended, is amended so as to provide for the determination of farm normal yields for corn, wheat, and cotton on the basis of the same period of years used in the determination of county normal yields for those commodities, by striking out in the first sentence thereof the words "with respect to which such normal yield is used in any computation authorized under this title" and by substituting in lieu thereof the words "in which such normal yield is determined".

Agricultural Adjust-  
ment Act of 1938,  
amendment.  
52 Stat. 202.  
7 U. S. C., Supp. V,  
§ 1301 (b) (13) (E).  
Farm normal yields  
for corn, wheat, and  
cotton.

Approved, November 25, 1940

[CHAPTER 919]

AN ACT

Extending the classified executive civil service of the United States.

November 26, 1940  
[H. R. 960]  
[Public, No. 880]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

TITLE I—EXTENSION OF CIVIL SERVICE ACT

That notwithstanding any provisions of law to the contrary, the President is authorized by Executive order to cover into the classified civil service any offices or positions in or under an executive department, independent establishment, or other agency of the Government: *Provided*, That in the case of any federally owned and controlled corporation organized under the laws of any State, Territory, or possession of the United States (including the Philippine Islands), or the District of Columbia, the President is authorized to direct that such action be taken as will permit appointments to offices or positions in any such corporation to be made in accordance with the civil-service laws, consistently with the laws of any such State, Territory, or possession, or the District of Columbia, or with the charter or articles of incorporation of any such corporation: *Provided further*, That the provisions of this section shall not apply to offices or positions in the Tennessee Valley Authority or to any positions in the Work Projects Administration or to any position to which appointments are made by the President by and with the advice and consent of the Senate, or to positions of assistant United States district attorney.

Authority of the  
President.

*Provisos.*  
Appointments to  
offices or positions in  
designated corpora-  
tions.

5 U. S. C., ch. 12;  
Supp. V, ch. 12.

Exemptions.

Incumbent's acquisition of civil-service status.

Recommendation and certification.

Noncompetitive examination.  
*Provisos.*  
Limitation.

Failure to pass, effect.

Appointments chargeable to State apportionment.

"State" construed.

Acquisition of civil-service status by certain legislative employees.

Noncompetitive examination.

*Proviso.*  
Time limitation.

Authority of the President.

42 Stat. 1488.  
5 U. S. C. §§ 661-674;  
Supp. V, §§ 673, 673c.

*Proviso.*  
Extension of Act to designated corporations.

SEC. 2. (a) The incumbent of any office or position which is covered into the classified civil service under the provisions of section 1 of this Act shall not thereby acquire a classified civil-service status, except (1) upon recommendation by the head of the agency concerned within one year after such office or position has been covered into the classified civil service, and certification within such period by such head to the Civil Service Commission that such incumbent has served with merit for not less than six months immediately prior to the date such office or position was covered into the classified civil service; and (2) upon passing such suitable noncompetitive examination as the Commission may prescribe: *Provided*, That any such incumbent shall be given only one such noncompetitive examination: *Provided further*, That any such incumbent who fails to pass the noncompetitive examination provided in his case shall be separated from the service not later than six months after the Commission advises the appointing officer that such employee has failed.

The appointment of any person occupying any position covered into the apportioned civil service in the District of Columbia under the provisions of section 1 of this Act shall be charged to the apportionment of his State. As used in this section "State" includes a Territory and the District of Columbia.

(b) That from and after the effective date of this Act any person who shall have served for four years as a secretary, clerk or assistant clerk to a Senator, Representative, Delegate or Resident Commissioner, or as a clerk or assistant clerk to a standing committee of the Senate or House of Representatives or as a clerical employee of the Senate or House of Representatives and whose separation from the service is involuntary and without prejudice shall acquire, upon passing such suitable noncompetitive examination as the Civil Service Commission may prescribe, a classified civil service status for transfer to a position in the classified civil service notwithstanding any contrary provisions of the civil service laws or regulations: *Provided*, That any individual who may hold such a position in the legislative branch must obtain such transfer within one year from the date of separation, and nothing in this Act shall be construed to impair any right of retransfer provided for under civil service laws or regulations made thereunder.

## TITLE II—EXTENSION OF CLASSIFICATION ACT

SEC. 3. (a) Subject to the limitations contained in this section, whenever the President, after such classification and compensation surveys or investigations as he may direct the Commission to undertake, and upon consideration of the Commission's resulting reports and recommendations, shall find and declare that an extension of the provisions of the Classification Act of 1923, as amended, to any offices or positions in the agencies of the Government is necessary to the more efficient operation of the Government, he may by Executive order extend the provisions of the Classification Act of 1923, as amended, to any such offices or positions not at the time subject to such provisions: *Provided*, That in the case of any federally owned and controlled corporation organized under the laws of any State, Territory, or possession of the United States (including the Philippine Islands), or the District of Columbia, the President is authorized to direct that such action be taken as will permit the compensation of such offices or positions to be fixed in accordance with the Classification Act of 1923, as amended, consistently with the laws of any such State, Territory, or possession, or the District of Columbia, or with the charter or articles of incorporation of any such corporation.

(b) Whenever the President, upon report and recommendation by the Commission, shall find and declare that one or more officers or positions to which the Classification Act of 1923, as amended and extended, is applicable, may not fairly and reasonably be allocated to the professional and scientific service, the subprofessional service, the clerical, administrative, and fiscal service, the custodial service, or the clerical-mechanical service, as described in the Classification Act of 1923, as amended, he may by Executive order prescribe and define such additional classification services and grades thereof as he may deem necessary and shall describe, and fix the ranges of compensation for, the grades of such services within the limits of the Classification Act of 1923, as amended, so that they shall be comparable, as nearly as may be, with the grades in said Act, as amended, for offices or positions that are comparable as to duties, responsibilities, qualifications required, and other conditions of employment.

(c) Whenever the President, upon report and recommendation by the Commission, shall find and declare that the rates of the compensation schedules of the Classification Act of 1923, as amended, are inadequate for any offices or positions under such Act, as amended and extended, he may by Executive order establish necessary schedules of differentials in the rates prescribed in such compensation schedules, but the differentials in the compensation of any such office or position shall not exceed 25 per centum of the minimum rate of the grade to which such office or position is allocated under such compensation schedules: *Provided*, That the provisions of this subsection shall be applicable only to such offices or positions having the following characteristics:

Offices or positions which are located at stations that are isolated, remote, or inaccessible when compared with stations at which offices or positions of the same character are usually located, or which involve physical hardships or hazards that are excessive when compared with those usually involved in offices or positions of the same character, or which are located outside the States of the United States and the District of Columbia: *Provided further*, That nothing herein contained shall preclude the Commission from taking the factor of isolation, hardship, hazard, or foreign service into consideration in allocating a given class of offices or positions to a service and grade under the Classification Act of 1923, as amended, if such factor is uniformly involved in each office or position in the class, in which event no differential is authorized under this section.

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

(i) Offices or positions in the Postal Service the compensation of which is fixed under an Act of Congress approved February 28, 1925 (43 Stat. 1033), as amended;

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

(iii) Offices or positions in the Metropolitan Police, in the Fire Department of the District of Columbia, and in the United States Park Police, the compensation of which is fixed under an Act of Congress approved July 1, 1930 (46 Stat. 839);

(iv) Commissioned officers and enlisted personnel in the military and naval services and the Coast Guard, and commissioned officers in the Public Health Service and the Coast and Geodetic

Additional classification services and grades.

42 Stat. 1488.  
5 U. S. C. §§ 661-674;  
Supp. V, §§ 673, 673c.

Ranges of compensation.

Schedules of differentials in compensation rates.

Limitation.

*Provisos.*  
Applicability:

Offices or positions at isolated stations, etc.

Isolation, etc., as factors in allocations.

42 Stat. 1488.  
5 U. S. C. §§ 661-674;  
Supp. V, §§ 673, 673c.

Nonapplication of President's power to designated offices or positions.

43 Stat. 1053.

7 D. C. Code §§ 31-47; Supp. V, §§ 31-46.

20 D. C. Code, Supp. V, §§ 457a, 555a, 582 (note), 582a, 582b, 617, 618.

Survey, the compensation of which is fixed under an Act of Congress approved June 10, 1922 (42 Stat. 625), as amended;

(v) Offices or positions in the Government Printing Office the compensation of which is fixed under an Act of Congress approved June 7, 1924 (43 Stat. 658);

(vi) Offices or positions of foreign-service officers in the Foreign Service of the United States the compensation of which is fixed under an Act of Congress approved May 24, 1924 (43 Stat. 140), as amended, including those offices and positions transferred under the provisions of the Act of Congress approved April 3, 1939, to the Department of State by part 1, section 1, of Reorganization Plan Numbered II, effective July 1, 1939;

(vii) Offices or positions of clerks in the Foreign Service of the United States the compensation of which is fixed under an Act of Congress approved February 23, 1931 (46 Stat. 1207), including those offices and positions transferred under the provisions of the Act of Congress approved April 3, 1939, to the Department of State by part 1, section 1, of Reorganization Plan Numbered II, effective July 1, 1939;

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

(ix) Offices or positions of inspectors in the Immigration and Naturalization Service of the Department of Labor the compensation of which is fixed under an Act of Congress approved May 29, 1928 (45 Stat. 954), as amended;

(x) Offices or positions the duties of which are to serve as an officer or member of the crew of a vessel, except that the President may by Executive order extend the provisions of the Classification Act of 1923, as amended, to offices or positions in the Bureau of Lighthouses;

(xi) Offices or positions the duties of which are to perform the work of an apprentice, helper, or journeyman in a recognized trade or craft, or other skilled mechanical craft, or the work of an unskilled, semiskilled, or skilled laborer, except that whenever such offices or positions involve work in the regular custody, operation, or maintenance of a Government building, or other Government property, or work which is subordinate, incidental, or preparatory to work of a professional, scientific, or technical character, the President, upon a finding that the characteristics and working conditions of such offices or positions render them substantially the same as comparable offices or positions in the District of Columbia included within the Classification Act of 1923, as amended, may by Executive order extend the provisions of such Act to include them; and

(xii) Offices or positions in the Tennessee Valley Authority.

(e) In carrying out the provisions of this title, and the provisions of the Classification Act of 1923, as amended, there shall be no discrimination against any person, or with respect to the position held by any person, on account of race, creed, or color.

SEC. 4. The President is authorized, after suitable investigation by the Commission, which shall include consultation with representatives of the heads of executive departments and independent agencies, in or under the jurisdiction of which the offices or positions hereinafter designated are located, and upon a finding that such action is necessary to the more efficient operation of the Government, to exclude, by Executive

44 U. S. C. § 40.

22 U. S. C. § 3;  
Supp. V, § 3.

53 Stat. 561, 1431.  
5 U. S. C., Supp. V,  
§§ 133-133r, 133t (note).

22 U. S. C. §§ 23a-  
23c; Supp. V, § 23c.

53 Stat. 561, 1431.  
5 U. S. C., Supp. V,  
§§ 133-133r, 133t (note).

19 U. S. C. §§ 6a-6d.

8 U. S. C. § 109.

42 Stat. 1488.  
5 U. S. C. §§ 661-674;  
Supp. V, §§ 673, 673c.

No racial, etc., dis-  
crimination.

Authority of Presi-  
dent to exclude desig-  
nated offices or posi-  
tions.

order, from the provisions of the Classification Act of 1923, as amended and extended under this Act—

Offices or positions on work which is financed jointly by the United States and a State, Territory, or possession of the United States (including the Philippine Islands), or political subdivision thereof, or cooperating persons or organizations outside the service of the Federal Government, and the pay of which is fixed under a cooperative agreement with the United States; offices or positions, none or only part of the compensation of which is paid from funds of the United States; offices or positions filled by inmates, patients, students, or beneficiaries in Government institutions; offices or positions outside the States of the United States and the District of Columbia filled by natives of Territories or possessions of the United States (including the Philippine Islands) or foreign nationals; emergency or seasonal offices or positions in the field service, or other field offices or positions, the duties of which are of purely temporary duration, or which are required only for brief periods at intervals; and offices or positions filled by persons employed locally on a fee, contract, or piece-work basis who may lawfully perform their duties concurrently with their private profession, business, or other employment and whose duties require only a portion of their time, where it is impracticable to ascertain or anticipate the proportion of time devoted to the service of the Federal Government.

SEC. 5. When any extension of the Classification Act of 1923, as amended, becomes effective under this Act—

(a) The allocations of offices or positions to services, grades, and classes shall be made as set forth in section 4 of the Classification Act of 1923, as amended, and in accordance with a uniform procedure to be prescribed by the Commission; and

(b) The initial compensation of the incumbents of the offices or positions to which the provisions of the Classification Act of 1923, as amended, are extended under this Act, shall be fixed in accordance with section 6 of the Classification Act of 1923, as amended.

SEC. 6. Nothing herein contained shall be construed to prevent the promotion of an officer or employee from an office or position in one class to a vacant office or position in a higher class at any time in accordance with civil-service laws, and when so promoted the officer or employee shall receive compensation according to the schedule established for the class to which he is promoted. Nor shall anything in this Act be construed to prevent the application of the existing veteran-preference provisions in civil-service laws, Executive orders, and rulings.

SEC. 7. Section 9 of the Classification Act of 1923, as amended (42 Stat. 1490; U. S. C., 1934 edition, title 5, sec. 669), is hereby further amended by adding at the end thereof the following paragraph:

“Under such regulations as may be prescribed by the Civil Service Commission with the approval of the President—

“There shall be established in each Department one or more boards of review, each of which shall be composed of three members, the chairman to be designated by the Civil Service Commission, one of the other members to be designated by the head of the Department concerned, and the third member to be designated by the employees of the Department concerned in such manner as may be determined by the Civil Service Commission. The boards of review shall meet at the call of their respective chairmen for the purpose of considering and passing upon the merits of such efficiency ratings assigned to employees as may be submitted to such boards of review as herein-after provided. Any employee shall, upon written request to the chairman of the appropriate board of review of his department, be

42 Stat. 1488.  
5 U. S. C. §§ 661-674;  
Supp. V, §§ 673, 673c.

42 Stat. 1488.  
5 U. S. C. §§ 661-674;  
Supp. V, §§ 673, 673c.

Allocations.  
42 Stat. 1489.  
5 U. S. C. § 664.

Initial compensa-  
tion.

42 Stat. 1490.  
5 U. S. C. § 666.

Promotions.

Veteran preference.

Boards of review,  
composition.

Meetings; efficiency  
ratings.

Right of employees  
to hearing, etc.

entitled, as a matter of right, to a hearing and a review by such board of review of his efficiency rating. At such hearing such employee and his representative, and such representatives of the Department as may be designated by the head thereof, shall be afforded an opportunity to submit orally or in writing any information deemed by the board of review to be pertinent to the case, and shall be afforded an opportunity to hear or examine, and reply to, information submitted to such board by other parties. After any such hearing, the board of review may make such adjustments in any such efficiency rating as it may find to be proper."

Adjustments in ratings.

Compensation of Commissioners, etc.

SEC. 8. Hereafter the compensation of the Civil Service Commissioners shall be fixed at \$10,000 each per annum, and the compensation of the Executive Director and Chief Examiner shall be fixed at \$9,500 per annum.

Approved, November 26, 1940.

[CHAPTER 920]

AN ACT

November 27, 1940  
[S. 1681]  
[Public, No. 881]

To amend section 107 of the Judicial Code, to redistrict the State of Tennessee, to provide the duties and powers of the district judges of the State of Tennessee, and for other purposes.

Judicial Code, amendment.  
36 Stat. 1124,  
28 U. S. C. § 188;  
Supp. V, § 188.  
Tennessee judicial districts.  
Eastern district.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 107 of the Judicial Code, as amended, is amended to read as follows:

"SEC. 107. (a) The State of Tennessee is divided into three districts, to be known as the eastern, middle, and western districts of Tennessee.

Winchester division.

"(b) The eastern district shall include the territory embraced on the 1st day of January 1940 in the counties of Bedford, Franklin, Lincoln, Warren, Grundy, Coffee, Van Buren, and Moore, which shall constitute the Winchester division of said district; also the territory embraced on the date last mentioned in the counties of Bledsoe, Bradley, Hamilton, Marion, McMinn, Meigs, Polk, Rhea, and Sequatchie, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Anderson, Blount, Campbell, Claiborne, Grainger, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Sevier, Scott, and Union, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Carter, Cocke, Greene, Hamblen, Hancock, Hawkins, Johnson, Sullivan, Unicoi, and Washington, which shall constitute the northeastern division of said district. Terms of the district court for the Winchester division shall be held at Winchester on the third Mondays in May and October; for the southern division at Chattanooga on the fourth Monday in April and the second Monday in November; for the northern division at Knoxville on the fourth Monday in May and the first Monday in December; for the northeastern division at Greeneville on the first Monday in March and the third Monday in September: *Provided*, That suitable accommodations for holding court at Winchester shall be provided by the local authorities but only until such time as such accommodations shall be provided upon the recommendation of the Director of the Administrative Office of the United States Courts in a public building or other quarters provided by the Federal Government for such purpose.

Southern division.

Northern division.

Northeastern division.  
Terms of court.

*Proviso.*  
Court accommodations at Winchester.  
*Ante*, p. 348.

Middle district.

"(c) The middle district shall include the territory embraced on the 1st day of January 1940 in the counties of Cannon, Cheatham, Davidson, Dickson, Humphreys, Houston, Montgomery, Robertson, Rutherford, Stewart, Sumner, Trousdale, Williamson, and Wilson,