

86TH CONGRESS <i>1st Session</i>	} HOUSE OF REPRESENTATIVES {	REPORT No. 1138
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REESTABLISHMENT OF RATES OF BASIC COMPENSATION FOR CERTAIN GOVERNMENT POSITIONS

SEPTEMBER 3, 1959.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. DAVIS of Georgia, from the Committee on Post Office and Civil
Service, submitted the following

R E P O R T

[To accompany S. 1845]

The Committee on Post Office and Civil Service, to whom was
referred the bill (S. 1845) to provide for the establishment of rates of
basic compensation for certain positions in the Patent Office in the
Department of Commerce, and for other purposes, having considered
the same, report favorably thereon with amendments and recommend
that the bill, as amended, do pass.

AMENDMENTS

The committee proposes two amendments to the bill: An amend-
ment to the text and an amendment to the title.

AMENDMENT TO THE TEXT

The amendment proposed by the committee to the text of the bill
strikes out all after the enacting clause and inserts in lieu thereof a
substitute text which is set forth in the reported bill in italic type.
An explanation of the effect of this proposed amendment to the text
is set forth below in this report.

AMENDMENT TO THE TITLE

The amendment proposed by the committee to the title of the
bill is as follows:

Amend the title so as to read:

An Act to provide for the reestablishment of rates of basic
compensation for certain Government positions.

The purpose of this proposed amendment to the title is to reflect
more accurately the provisions of the amendment proposed by the
committee to the text of the bill.

STATEMENT

PURPOSE

The purpose of this legislation is to provide for adjustments in the rates of compensation of certain existing executive positions and for the establishment of additional administrative, management, and scientific research and development positions in various Government departments and agencies.

SUMMARY OF MAJOR PROVISIONS

The proposed committee amendment authorizes (1) salary rates for examiners in chief and designated examiners in chief, respectively, in the Patent Office not higher than the maximum salary rates of grades 17 and 16 of the Classification Act of 1949, (2) the establishment of 114 additional positions in the Department of the Treasury in grades 16, 17, and 18 of such act, (3) salary adjustments from \$17,500 to \$20,000 for the Commissioner of Social Security and the Commissioner of Education, (4) salary adjustments from \$17,500 to \$19,500 for the Deputy Commissioner and the Chief Counsel of the Internal Revenue Service, the Administrative Assistant Attorney General, and the Administrative Assistant Secretaries of Agriculture, Labor, and Treasury, (5) the establishment in the Department of Agriculture of 10 additional scientific research and development positions (including the position of Administrator, Agricultural Research Service, for which the existing salary is \$17,500), and in the Department of Health, Education, and Welfare of 5 additional such positions, within a salary range of \$12,500 to \$19,000, and (6) the procurement by the Director of the Administrative Office of the U.S. Courts of services of consultants in accordance with section 15 of the Administrative Expenses Act of 1946.

EXPLANATION OF THE BILL, AS REPORTED

Section 1(a) authorizes the Secretary of Commerce to fix the compensation of examiners in chief in the Patent Office of the Department of Commerce at rates not higher than the maximum rate for grade GS-17 of the General Schedule of the Classification Act of 1949, as amended, as provided in the Senate bill.

Section 1(b) authorizes the Secretary of Commerce to fix the compensation of designated examiners in chief in the Patent Office at rates not higher than the maximum rate for grade GS-16 of the General Schedule of the Classification Act of 1949, as amended. Subsection 1(b) retains the existing provision of law requiring return to appropriate lower salary levels of each designated examiner in chief after the designation expires.

Section 1(c) provides that no change made by section 1 shall affect any existing position of examiner-in-chief or designated examiner-in-chief, any incumbent of such a position or his appointment or right to compensation, until appropriate action is taken by the Secretary of Commerce under subsections (a) and (b) of section 1.

Section 2(a) authorizes the Secretary of the Treasury to establish 114 additional positions in the Department of the Treasury in grades 16, 17, and 18 of the General Schedule of the Classification Act of 1949, as amended. The additional positions are made available in

three equal increments, in periods as follows: (1) beginning with enactment and ending June 30, 1960, (2) beginning July 1, 1960, and ending June 30, 1961, and (3) on and after July 1, 1961. The authorization of such additional positions in 3 increments is in accordance with the policy of this committee in providing for similar increases in positions for the Department of Defense in H.R. 6059, passed by the House July 6, 1959.

Section 2(b) reduces the number of positions in grades GS-16, GS-17, and GS-18 of the General Schedule of the Classification Act of 1949, as amended, which are available for allocation by the U.S. Civil Service Commission to Government departments and agencies. The net reduction in the positions reflects, in part, the positions presently allocated by the Civil Service Commission to the Department of the Treasury which are replaced by the direct authorization granted the Secretary of the Treasury by section 2(a) of the bill. The difference between such net reduction in positions available for allocation by the Commission and the number of positions now allocated by the Commission to the Department of the Treasury leaves with the Commission sufficient additional positions for allocation to other departments and agencies against the considerable backlog of requests.

It is the intention of the committee, in making these additional positions available for allocation by the Civil Service Commission, that the Commission earmark a portion of such additional positions, subject to justification by the departments and agencies concerned in accordance with the provisions of the Classification Act of 1949, as follows:

Department of Health, Education, and Welfare	20 additional supergrade positions.
Department of Justice:	
Bureau of Prisons	4 additional supergrade positions.
Immigration and Naturalization Service	3 additional grade GS-18 positions.
Department of Labor	1 additional grade GS-18 position.
Small Business Administration	15 additional supergrade positions.
U.S. Court of Military Appeals	1 additional supergrade position.

In the judgment of the committee, requests for the foregoing positions, which have been submitted to the committee, are properly for consideration under the principles and standards of the Classification Act of 1949 and should be allocated, where justified, by the Civil Service Commission from the total number of supergrade positions available for allocation by the Commission.

Subsection 2(c), which is similar in effect to section 1(c), provides that no change will be made affecting any supergrade position now allocated to the Department of the Treasury or the incumbent thereof until appropriate action is taken by the Secretary of the Treasury as authorized by section 2(a).

Section 3(a) amends the Federal Executive Pay Act of 1956 so as to adjust the salaries of the Commissioner of Education (now in grade GS-18) and the Commissioner of Social Security from \$17,500 to \$20,000.

Section 3(b) amends the Federal Executive Pay Act of 1956 so as to place the salaries of the Deputy Commissioner of the Internal Revenue Service and the Chief Counsel of the Internal Revenue Service, the

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Administrative Assistant Attorney General, and the Administrative Assistant Secretaries of Interior, Agriculture, Labor, and Treasury at \$19,000. All presently receive \$17,500 except the Administrative Assistant Secretary of the Interior, who receives \$19,000. The Chief Counsel of the Internal Revenue Service and the Administrative Assistant Secretaries of Agriculture, Labor, and Treasury now are in grade GS-18 of the General Schedule of the Classification Act of 1949, as amended.

Section 3(c) makes two changes in section 107(a) of the Federal Executive Pay Act of 1956. The first change removes the Administrator, Agricultural Research Service (whose present salary is \$17,500) from such act and leaves his salary to be fixed under section 4(a), which authorizes additional scientific research and development positions within a salary range of \$12,500 to \$19,000. The second change, which is technical in nature, removes the Commissioner of Social Security and the Deputy Commissioner of the Internal Revenue Service from section 107(a) of such act, since these positions are placed at a higher level by section 3(b) of the bill.

Section 4(a) authorizes the Secretary of Agriculture to establish not more than 15 scientific research and development positions in the Department of Agriculture within a salary range of \$12,500 to \$19,000. This represents an increase of 10 such positions for the Department, compared with a requested increase of 41.

Section 4(b) authorizes an increase of 5 scientific research and development positions for the Department of Health, Education, and Welfare, compared to a requested increase of 10.

Section 5(a), which is technical in nature, redesignates the Assistant Director of the Administrative Office of the U.S. Courts as the Deputy Director of the Administrative Office of the U.S. Courts and provides for conforming changes in title 28 of the United States Code and the Federal Executive Pay Act of 1956 and in references made to this position in any other law.

Section 5(b) extends authority, now granted most executive departments and agencies, for the Director of the Administrative Office of the U.S. Courts to procure services of consultants in accordance with section 15 of the Administrative Expenses Act of 1946.

Section 6 makes technical changes to redesignate paragraph numbers in section 202 of the Classification Act of 1949 (exclusions from the act), as amended, in conformity with changes made by section 1 of the bill and by the enactment of Public Law 86-36 (administrative authority of the National Security Agency) and Public Law 86-91 (Defense Department Overseas Teachers Pay and Personnel Practices Act).

Section 7 provides appropriate effective dates for the several sections of the bill.

COST

The increased direct salary cost for the first 12 months under this legislation is estimated by the departments and agencies concerned as \$192,000.

ADMINISTRATIVE REPORTS

S. 1845 is based upon official recommendations of the Departments of Agriculture; Commerce; Health, Education, and Welfare; Labor; and Treasury; the Bureau of Prisons and the Immigration and

Naturalization Service in the Department of Justice; the Administrative Office of the U.S. Courts; the Small Business Administration; and the U.S. Court of Military Appeals. The reports of the Departments of Agriculture and Commerce, the Bureau of Prisons, the Administrative Office of the U.S. Courts, the U.S. Court of Military Appeals, and the U.S. Civil Service Commission follow:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., August 10, 1959.

The SPEAKER,
House of Representatives.

DEAR MR. SPEAKER: Transmitted herewith for the consideration of the Congress is a proposed bill and justification statement related thereto which would amend the Federal Employees Salary Increase Act of 1958 to provide to the Department of Agriculture an additional 41 scientific or professional positions subject to the provisions of Public Law 313, 80th Congress, thus making a total of 46 positions which would be available to this Department.

The high level of agricultural research in the Department has been achieved through the efforts of a dedicated group of scientific personnel who have chosen to remain with the Department in the belief that their work resulted in a greater benefit to the American people as a whole. Their competence and accomplishments make it imperative that they receive recognition comparable to that given scientists employed by the other departments and agencies. Delay in according such recognition may hamper the furtherance of a research program of the nature and extent required to meet present and foreseeable needs of agriculture. Enactment of the proposed legislation is essential if our research goals are to be reached.

Upon referral of this proposed bill to the appropriate committee, the Department will submit to such committee additional data in justification of its proposal.

The Bureau of the Budget advises that there is no objection to the submission of this proposed legislation to the Congress for its consideration.

Sincerely yours,

E. L. PETERSON, *Acting Secretary.*

JUSTIFICATION STATEMENT ON PROPOSED LEGISLATION TO AUTHORIZE
46 SCIENTIFIC AND PROFESSIONAL POSITIONS UNDER PUBLIC LAW
313, 80TH CONGRESS

The Department's activities in agricultural research have been expanded greatly in the past 5 years. These activities include fundamental, applied, and developmental research relating to production, marketing, and utilization of agricultural products. Our research is generally directed toward reducing and controlling the hazards of production, improving the yield and quality of products, lowering the costs of production and marketing, and increasing utilization.

The Department's research programs are many and diversified. Farm utilization research concerns itself with the physical, chemical, and biological sciences. The research work in this area covers complex studies involving highly developed skills in plant and animal pathology, physiology, genetics, and other plant and animal science disciplines, as well as chemical research in human nutrition and textiles.

These disciplines are applied toward the objectives of maintaining productive capacity to meet the needs of an expanding population, increasing agricultural efficiency and production quality, developing new crops and uses of agricultural commodities so as to expand the uses of farm products and improve the economic position of American agriculture in general.

This broad research program includes complex and intensive research for such purposes as controlling and preventing plant and animal diseases and insects; developing systems for the efficient, sustained and profitable use of the Nation's soil and water resources; determining safe and efficient uses of farm power, labor, machines, structures and materials; developing improved livestock, poultry, and other domestic animals; developing improved dairy cows and efficient management systems for dairy herds; establishing basic knowledge of the composition and chemical and physical properties of grains, oilseed, cotton, hides, wool and other farm commodities; developing new products and processes from agricultural commodities for industrial uses; and providing basic scientific information concerning food, nutrition, textiles, etc., in the interest of better consumer utilization of food, fibers and other products of the Nation's farms.

Marketing research provides for the measurement and protection of the quality of products passing through the marketing and distribution system. The cost of agricultural marketing which involves the physical movement, handling, storage, processing, packing, and delivery of agricultural products has more than quadrupled over the past 18 years. Since labor is the most expensive ingredient of agricultural marketing, efforts to hold down the overall cost must be concentrated upon the development of new technologies leading to greater productivity of labor. Research aimed at this objective requires engineers, architects, designers, and associated scientists. It also requires close association with biologists concerned with quality maintenance of commodities as they move through greater distances and more specialized marketing activities from farms to consumers. Biological scientists must incorporate new technologies applied to temperature and atmospheric controls, that are now possible with recent developments involving such packaging materials as transparent permeable films cooling treatments such as hydrocooling, and vacuum cooling, temperature controls such as mechanical refrigeration, disease control such as antibiotics and radiation treatments, and materials handling such as paletizing and power equipment. To attain the potential efficiencies available from these types of technologies the best talents of physicists, chemists, bacteriologists, physiologists, engineers, and related scientists must be brought to bear on the problems.

Products of the Nation's forests—timber, forage, water, and game—are essential to the Nation's health, welfare, and military strength. Scientific knowledge of forests and their vital resources is fundamental to effective production, utilization, and marketing of forest products. The importance of forest resources development is evidenced in a recent submission to the Congress of a 12-year national forest program providing for substantial increases in basic action programs and in the research required to make these programs effective. Forest research would be increased to about four times its present scope in plans now being considered by Congress. The success of this increased forest research will require strong emphasis on all aspects of

the protection, production, and utilization of forest resources involving skills in plant ecology, genetics, soils, hydrology, engineering, chemistry, and physics. These skills are essential in the improvement of management of forests, range, wildlife habitat, forest recreation, and watershed resources; in the protection of these natural resources against fire, insects, and diseases; in the development of new and improved processing methods and equipment; uses for wood and wood products; and in the studies of characteristics of wood.

The Department's research responsibilities also encompass a continually increasing demand for exploratory investigations to determine scientific truths which contribute principles and knowledges that provide a scientific basis essential to the solution of practical problems confronting the agricultural industry generally. Pioneering research in plant and animal physiology and pathology, biological and organic chemistry and other basis disciplines for the purpose of advancing the frontier of science and thereby providing the fundamental theories, concepts and principles is essential to the scientific pursuit of the improved applied and developmental research. The Department's research efforts relate directly not only to the farmer's but the Nation's economic welfare. Through its studies in the fundamental and applied sciences, the Department must continue to add to the store of knowledge essential to finding new industrial, consumer, and other uses for agricultural products particularly those in surplus supply. The search for new and improved disease resistant crop strains and varieties is unceasing. Ravages of plant and animal insects and diseases remain a significant factor in the agricultural economy. Crop and animal losses to the farmer from both insects and diseases continue to be staggering to agriculture notwithstanding past research efforts and achievements in controlling those menaces.

The success of all these research efforts depends critically upon our ability to recruit and retain the services of scientists whose level of competence and experience eminently qualify them to plan, direct, lead and conduct these programs.

Many scientists are greatly interested in the Department's programs and fields of research and the challenge offered in these areas, but salary considerations involved in their association with the Department force them to decline our offers of employment or to leave the rolls for more lucrative outside positions. It has been unquestionably established through results of recruitment efforts over the past several years that our key research positions cannot be filled under present salary scales with scientists having the necessary training, experience, and reputation to give the positions the leadership and guidance required. It can be readily recognized, therefore, that the Department's research programs have been hampered severely by this fact. To compound this vexing situation we are faced constantly with the loss of our own research personnel of recognized competence to better paying positions with other research organizations.

Recognition of this recruitment and retention problem has been accorded the Defense Department and the National Security Agency. As a result of the passage of Public Law 85-462 of June 20, 1958, these agencies received sizable increases in their scientific research job authorities. In the Department of Defense, the number was increased from 120 to 292, and in the National Security Agency from 25 to 50. The Defense Department has currently under consideration by the

Congress two similar bills, S. 1520 and H.R. 6059, which would provide 158 additional statutory research positions. Such an authorization would lift the Defense Department's total to 450 statutory research positions. In the same act, Public Law 85-462, the Public Health Service had its statutory research position authority increased from 60 to 85 positions, of which 73 were designated for the National Institutes of Health. The National Aeronautics and Space Administration, with 260 positions under Public Law 85-568 of July 29, 1958, and the Federal Aviation Agency, with 15 positions under Public Law 85-726 of August 23, 1958, are the newest agencies to be added to the roster of departments and agencies which have been authorized special statutory research jobs.

THE SECRETARY OF COMMERCE,
Washington, D.C., April 13, 1959.

HON. SAM RAYBURN,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: There are attached four copies of a proposed bill to amend title 35 of the United States Code relating to patents.

There is also attached a justification of the proposed legislation.

We are advised by the Bureau of the Budget that it would interpose no objection to the submission of this proposed legislation.

Sincerely yours,

FREDERICK H. MUELLER,
Under Secretary of Commerce.

A BILL To amend title 35 of the United States Code relating to patents

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second paragraph of section 3 of title 35 of the United States Code is amended by adding thereto the following sentence:

"The Secretary of Commerce is authorized, without regard to the provisions of the Classification Act of 1949, as amended, to fix the annual rates of basic compensation of the examiners-in-chief, subject to the approval of the Civil Service Commission, at rates not exceeding the maximum rate now or hereafter prescribed by law for employees of the classes described in the first section of the Act entitled 'An Act to authorize the creation of additional positions in the professional and scientific service in the War and Navy Departments', approved August 1, 1947 (61 Stat. 715), as amended."

JUSTIFICATION FOR PROPOSED LEGISLATION TO AMEND TITLE 35 OF THE
UNITED STATES CODE RELATING TO PATENTS

The proposed legislation has one purpose—to provide an increase in the salaries of the members of the Board of Appeals of the Patent Office. It provides for fixing, with the approval of the Civil Service Commission, the pay of the Board members at annual rates provided for top scientists and engineers (\$12,500 to \$19,000).

This Board of Appeals is comprised of not to exceed 15 examiners in chief, who are appointed by the President, by and with the advice and consent of the Senate, as provided in title 35, United States Code, section 3. In addition to the examiners in chief, the Commissioner and Assistant Commissioners may by law sit as members of the Board of Appeals. The Board has the sole power, without further recourse within the executive branch, to hear and adjudicate appeals from final rejections in patent cases. The decisions of the Board, if favorable to the appellant, are final; if unfavorable to the appellant, they are subject to review only upon appeal to the Court of Customs and Patent Appeals or, at the applicant's election, upon the filing of a suit in equity in the U.S. District Court for the District of Columbia. Each appeal is heard and considered by at least three members of the Board.

A member of the Board of Appeals reviews appealed patent cases in any category of the sciences and technological arts which may involve claims where competent definitions of the exact contribution to the art are exceptionally difficult to make. His decisions may involve highly complicated matters, including interpretations of a very advanced, technical character relating to the latest developments in the diverse fields of mechanics, electricity, electronics, chemistry, electrochemistry, physics, atomic physics, drugs, etc. His decisions require exceptional knowledge of, and seasoned experience with, legal precedents, prior decisions of the Board, decisions of the U.S. Court of Customs and Patent Appeals, and decisions of the other Federal courts.

Presently, the salaries of these positions are fixed in accordance with the provisions of the Classification Act of 1949, and are in GS-15, \$13,970. The possibility of securing from the Civil Service Commission authority for 15 additional supergrades is extremely remote, particularly when the entire Department of Commerce received not more than 5 additional supergrade positions from the 287 authorized by Public Law 85-737. On the other hand, continuing the present GS-15 grade and rate of pay for these positions is in violation of the principle of equal pay for equal work established by the Classification Act of 1949.

As a result of a better appreciation of the steadily increasing technological and scientific developments and their impact on patent examining, the grades and salaries of other positions of lesser responsibility in the Patent Office have improved in recent years, while the grade and rate of pay of the examiners in chief have remained unchanged. In addition, the provisions of Public Law 85-462 permitted the fixing of the salaries of certain professional employees, whose duties and responsibilities are of lesser importance, at rates in excess of those being paid to the examiners in chief.

The present salaries of the examiners in chief appear inadequate when compared with the \$25,500 salary of a member of the Court of Customs and Patent Appeals—the court which hears appeals from the decisions rendered by the Board of Patent Appeals.

A study of the duties and responsibilities required of examiners-in-chief, together with the high professional qualification requirements for their executive appointment to those positions, serve to accentuate the inadequacy of Classification Act salaries of only \$13,970. The

quasi-judicial duties of the members of the Board of Appeals are the most difficult and exacting in the Patent Office. It is required that to be eligible for appointment, examiners-in-chief be scientifically competent and trained in the law. Few of the career employees possessing this combination of professional abilities also possess the high level of judicial judgment required for successful performance of the scientific and legal decisions required of them. Recommendations to the President for appointments of new members to the Board are made only after temporary detail assignments to determine the professional competence of the proposed appointee.

This proposed amendment will permit the payment of compensation which reflects the importance of the functions performed by authorizing the fixing of salaries, upon approval by the Civil Service Commission, at an appropriate rate within the range specified in the act (Public Law 313), as amended by Public Law 854, which is \$12,500 to \$19,000.

The following table lists the top level positions in the order of the relative importance of their duties and responsibilities, together with their present salaries. The inequities which exist are apparent.

Commissioner of Patents	\$20,000
First Assistant Commissioner, GS-18	17,500
2 Assistant Commissioners, GS-17	16,335
15 examiners-in-chief, GS-15	13,970
Solicitor, GS-16	15,150
Director, patent research, examining and classifying operation, GS-17	15,615
5 Directors, patent research and examining group, Public Law 313	14,800
3 supervisory patent examiners, GS-15	13,970
67 supervisory patent examiners, GS-14	12,555

THE SECRETARY OF COMMERCE,
Washington, August 19, 1959.

HON. TOM MURRAY,
*Chairman, Committee on Post Office and Civil Service,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in reply to your request for views of the Department of Commerce with respect to H.R. 8479, a bill to provide for the establishment of rates of basic compensation for certain positions in the Patent Office in the Department of Commerce, and for other purposes.

Sections 1 through 3 of this proposal would provide increased compensation for examiners-in-chief and designated examiners-in-chief in the Patent Office in the Department of Commerce.

The Department of Commerce transmitted a legislative proposal to the Congress to effect the purposes of H.R. 8479. The proposal so transmitted was not identical to H.R. 8479, but differed in that compensation was to be measured at rates provided in the act entitled "An act to authorize the creation of additional positions in the professional and scientific service in the War and Navy Departments," approved August 1, 1947 (61 Stat. 715), as amended. H.R. 8479 would establish grade 17 of the General Schedule under the Classification Act of 1949, as amended, as the standard of compensation for these positions.

While it is our opinion that the standards of compensation found in the scientific and professional services legislation would be more appropriate for these positions, we are advised that the Senate has acted favorably on S. 1845, an act identical to H.R. 8479, and because it is very important to the Department that legislation for this purpose be enacted before the present session comes to a close, we urge enactment of sections 1 through 3 of H.R. 8479. The Department of Commerce would defer to the views of agencies concerned with section 4 of the proposal, which does not relate to the Department of Commerce.

Adjustment in the remuneration received by these examiners in chief and designated examiners in chief is necessary and well warranted. The work that is performed in these positions is most exacting in both a legal and a technological sense. These examiners, together with the Commissioner and Assistant Commissioners, comprise the Board of Appeals of the Patent Office. They hear and decide appeals filed by applicants for patents from the final decisions of the many examining divisions of the Patent Office. From the final decisions of this group on the question of patentability of inventions, appeals lie to the Court of Customs and Patent Appeals or review may be sought by civil action against the Commissioner of Patents in the District Court of the United States for the District of Columbia. The decisions of this Board, therefore, are the final decisions of the Patent Office reviewable only by the courts mentioned.

A significant backlog of cases, over 9,000, are pending before the Board now for decision, and some 2 years must elapse between the filing of an appeal and the rendering of a decision despite strenuous efforts of the examiners to accomplish their work.

Presently the salaries of these positions are established as GS-15, \$13,970, under the Classification Act of 1949. Comparison with the compensation of other top level positions is indicated to provide a measure of the inequality which exists and which H.R. 8479, if enacted, would remedy. Members of the Court of Customs and Patent Appeals who hear appeals from decisions of the Board of Appeals are paid \$25,500. Other salaries and positions which should be considered are listed below:

Commissioner of Patents.....	\$20, 000
First Assistant Commissioner, GS-18.....	17, 500
2 Assistant Commissioners, GS-17.....	16, 335
15 examiners-in-chief, GS-15.....	13, 970
Solicitor, GS-16.....	15, 150
Director, patent research, examining and classifying operation, GS-17..	15, 615
5 Directors, patent research and examining group, Public Law 313....	14, 800
3 supervisory patent examiners, GS-15.....	13, 970
67 supervisory patent examiners, GS-14.....	12, 555

For reasons set forth above, enactment of H.R. 8479 is urged. Additional information on the scope of knowledge and training necessary to carry out the job of these examiners is available if needed to persuade the committee of the appropriateness of the proposal.

We are advised that the Bureau of the Budget would interpose no objection to the transmission of this report to your committee.

Sincerely yours,

FREDERICK H. MUELLER,
Secretary of Commerce.

DEPARTMENT OF JUSTICE,
BUREAU OF PRISONS,
Washington, August 26, 1959.

Hon. TOM MURRAY,
Chairman, Post Office and Civil Service Committee,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Should your committee decide to consider widening the scope of Senate 1845 to include requests of agencies for supergrade jobs other than those covered by the Senate bill, I hope very much you will consider giving statutory authorization for supergrade jobs already allowed the Federal Prison Service by the Civil Service Commission and some additional positions not included in S. 1845.

We have submitted to the committee staff requests for 12 jobs in grade GS-16, 4 in grade GS-17, and 1 in grade GS-18. If these are granted it will enable us to place 9 of our 31 wardens in grade 16. These will be the wardens in charge of our largest and most difficult institutions. Two of the grade 16 positions would be allocated to our Prison Industries and one would be for the head of our Prisoner Classification Division. It will also permit allocation of three Assistant Directors of the Bureau and one special adviser on sentencing in grade 17 and a Deputy Director in grade 18.

Our service is growing steadily in size and responsibilities. Able and courageous administrators and professional personnel of the highest competence are required for its operation.

All of the supergrade jobs will go to experienced individuals selected from the 5,000 career members of our service.

The added cost of these upgradings will not exceed \$12,000 to \$15,000 out of a total budget for our service that is now approximately \$60 million. For this small amount a tremendous morale boost can be given a service that has steadfastly carried out the orders of the court without fear or favor.

We will be grateful for whatever you feel you can do.

With kind personal regards,

Sincerely,

_____, *Director.*

AMENDMENT OF S. 1845 TO COVER ALL SUPERGRADE JOBS IN THE PRISON
SERVICE

The Attorney General is authorized to place 12 positions in grade GS-16; 4 positions in grade GS-17; and 1 position in grade GS-18 in the Bureau of Prisons and Federal Prison Industries, Inc., and to fix the rate of basic compensation at per annum rates not in excess of the maximum scheduled per annum rate of compensation provided for the respective grades of the general schedule.

Re supergrade jobs for prison service

	Number now allocated by statute and Civil Service	Number re- quested in S. 1845
Grade 16.....	6	12
Grade 17.....	2	4
Grade 18.....		1

This will enable the Attorney General to place in grade 16 the wardens of the nine major Federal prisons, including Atlanta, Leavenworth, Alcatraz, Lewisburg, McNeil Island, Terre Haute, Chillicothe, El Reno, and Lompoc; a Deputy Assistant Director and two positions in Federal Prison Industries; three Assistant Directors and one special adviser on sentencing in grade 17; and one Deputy Director in grade 18.

ADMINISTRATIVE OFFICE OF THE U.S. COURTS,
Washington, D.C., August 5, 1959.

Hon. JAMES C. DAVIS,
House of Representatives, Washington, D.C.

DEAR JUDGE DAVIS: There is attached a proposed amendment which the Judicial Conference of the United States would like to have included as a part of S. 1845, if it meets with your approval.

The purpose of subsection (a) is merely to change the title of "Assistant Director of the Administrative Office of the U.S. Courts" to "Deputy Director," to reflect more accurately the level of responsibility assigned and to effect a greater uniformity in title with similar positions in other Federal agencies. This is a technical amendment and would not result in an increase in personnel, positions, or expenditures. This proposal was included in a bill during the last session of Congress and was passed by the Senate, but it was too late to obtain action in the House of Representatives.

Subsection (b) would provide the Administrative Office with the authority to hire an expert or consultant on a temporary basis to assist in organizing and conducting the study directed by Congress of the Federal rules of practice and procedure in the fields of civil, criminal, admiralty, bankruptcy, and appeals (72 Stat. 356). As you know, such authority was placed by the Senate in H.R. 7343, the appropriations bill, but was deleted in the conference between the House and Senate as involving substantive legislation. This authority would make it possible to hire on occasion an expert or consultant renowned in his respective field of the law and to fully benefit from his knowledge and experience without having to place such an individual on the Federal payroll on a permanent basis. Expenditures under this authority would, of course, be minimal.

Any consideration that you may be able to give this request will be greatly appreciated.

Sincerely yours,

WARREN OLNEY III, *Director.*

AMENDMENT Intended to be proposed by Mr. _____ to the bill (S. 1845) to amend title 35 of the United States Code relating to patents, viz: At the end of the bill add the following new section:

SEC. 5. (a) (1) Sections 601, 603, and 606 of title 28 of the United States Code are amended by striking out the words "Assistant Director" wherever they appear in such sections, and inserting in lieu thereof the words "Deputy Director".

(2) The analysis at the beginning of chapter 41 of such title is amended by striking out the words "Assistant Director" in the items

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thereof relating to sections 601 and 606 and inserting in lieu thereof the words "Deputy Director".

(3) Whenever the Assistant Director of the Administrative Office of the United States Courts is referred to in any other Act, such reference shall be deemed to be to the Deputy Director of the Office of the United States Courts.

(b) The Director of the Administrative Office of the United States Courts may, in accordance with the provisions of section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), procure the temporary or intermittent services of experts or consultants at rates not in excess of \$75 per diem.

U.S. COURT OF MILITARY APPEALS,
August 25, 1959.

Hon. TOM MURRAY,
*Chairman, Post Office and Civil Service Committee,
House of Representatives, Washington, D.C.*
(Attention of Hon. James C. Davis, chairman of the Civil Service Subcommittee.)

DEAR CONGRESSMAN: I am herewith forwarding for your information a copy of a letter sent to the Senate Post Office and Civil Service Committee, as well as a copy of the statement accompanying it. These were sent in an effort to have the U.S. Court of Military Appeals included in the provisions of H.R. 6059, which provides additional supergrade positions for the Department of Defense. Our situation is one for which I have been endeavoring to obtain relief for several years as you will note from the enclosures.

These enclosures are being sent to you in order that you will be fully advised in the premises. I also wish to emphasize that there was no intention on the part of the court to bypass your committee. It appears that at the time your committee was considering the bill, our court was trying to obtain relief from the House Appropriations Committee. That committee noted it was in complete sympathy with the court but that the matter was one for a legislative committee. I only learned of this bill after the passage by the House. I, thereafter, immediately took the action indicated by the enclosures.

I am presently advised that the Senate committee has our request under advisement. In the event there is favorable action by the Senate and if this matter goes to conference, I will appreciate the consideration of you and your committee in the premises.

With warmest regards and assurances of my high esteem.

Sincerely yours,

ROBERT E. QUINN, *Chief Judge.*

JULY 22, 1959.

Hon. OLIN D. JOHNSTON,
*Chairman, Committee on Post Office and Civil Service,
U.S. Senate, Washington, D.C.*
(Attention: Hon. Ralph W. Yarborough, Chairman, Civil Service Subcommittee.)

DEAR SENATOR: The U.S. Court of Military Appeals requests that your committee give consideration to the allocation of two positions for the court in H.R. 6059, which was recently passed by the House and referred to your committee for action.

As chief judge, I urge that the two positions requested—one for the chief commissioner and the other for the clerk of the court—are fully justified. These two key officers were invaluable in the organization of the court in 1951 and have substantial responsibilities in insuring the successful and efficient day-to-day operations of the court.

I am attaching a detailed justification and will appreciate favorable consideration by the committee.

Sincerely yours,

MEMORANDUM RE H.R. 6059

The U.S. Court of Military Appeals is vitally concerned in obtaining for its chief commissioner and the clerk of the court what it believes to be adequate compensation. Salary increases for these two officers of the court were approved in 1955 but the court has been unable to make such increases effective. This, therefore, is an effort to correct a situation which has existed for 4 years.

It is emphasized that this matter concerns only the internal operations of the court. In this regard it is noted that the Civil Service Commission asserts jurisdiction over the employees of the court although legislative and judicial employees are not ordinarily subject thereto. However, whether the Commission is right or wrong is not now important. The court is here concerned solely with obtaining relief for its two chief officers.

The U.S. Court of Military Appeals, oftentimes referred to as the GI Court is the final authority in a worldwide system of justice and has the highest caseload per judge of any Federal appeals court in the United States.¹ The court, in the performance of its duties, is required to give a de novo (civilian) review of the cases coming before it. The thoroughness of this review is best illustrated by the fact that out of 1,500 written opinions released to date, a total of approximately one-third has involved issues and errors which the court found on its own review and which were not raised by counsel petitioning the court for relief. The court feels that salaries commensurate with the high degree of skill required to operate and administer one of the busiest courts in the country must be paid to key employees in order to assure that justice will be rendered expeditiously in all cases coming before the court.

In regard to the court's negotiations with the Civil Service Commission in this matter, it might be noted that the chief commissioner was graded as a GS-16 in 1954, approximately 2 years after approval and request by the court. In addition, despite the court's steadfast insistence that it was an independent court, it was felt that justice to the employee was more important than any dispute with the Civil Service Commission. Therefore, in 1955 the court wrote the Commission, assuming jurisdiction *arguendo*, and requested two supergrades for the chief commissioner and the clerk of the court. This request was made in view of the substantial increase in the number of top jobs provided for in the 1955 act. Eight months later, the Commission replied stating that they were sorry but that no action could be taken in view of the limited number of supergrade positions, but that they

¹ The three-judge court is composed of Chief Judge Robert E. Quinn, former Governor and judge of the superior court of Rhode Island; Judge George W. Latimer, formerly of the supreme court of Utah; and Judge Homer Ferguson, former Senator from Michigan and Ambassador to the Philippines. The judges are compensated the same as Federal circuit court judges (\$25,500 per annum).

would keep the court in mind. Again in June of 1958, because of the additional increase in the number of supergrades in the 1958 Salary Act, the court requested two supergrades. Four months later the Commission replied that they were sorry they could not accommodate the court. On neither occasion did the Commission make any assertion that the request and/or ratings were not justified.

This year the court attempted to obtain relief for the two officers by requesting the House Appropriations Committee to provide the necessary authority to effect the promotions, but that committee, while completely in sympathy, suggested that the matter could be better handled by a legislative committee.

The only hope therefore for immediate relief is to include the court specifically in H.R. 6059, which passed the House and has been referred to the Senate Post Office and Civil Service Committee. This bill provides for a total of 227 super or "extra" grade positions in the Department of Defense as a whole. The court merely requests that two of these positions be reserved for it. Providing these two positions in the defense bill would be in accord with the provisions of section 867 of title 10, which locates the court in the Department of Defense for administrative (housekeeping) purposes. It is noted that this arrangement is similar to that previously existing when the Department of Justice performed such administrative functions for all Federal courts. No request for relief was made in the House on H.R. 6059 due to the fact that the court then felt relief would be obtained in their appropriation bill.

In brief, the court would like the committee to add an amendment to H.R. 6059 by adding as subsection (4) of section 2(a) substantially the following:

"(4) Provided that two of the said positions are hereby assigned to the United States Court of Military Appeals, as of the effective date of this Act, for allocation by the court at salaries, as approved by the court, not in excess of those provided by law, and without regard to Civil Service approval of the rates."

or whatever language the committee deems appropriate.

CIVIL SERVICE COMMISSION,
Washington, D.C., August 20, 1959.

HON. TOM MURRAY,
*Chairman, Committee on Post Office and Civil Service,
House of Representatives, Washington, D.C.*

DEAR MR. MURRAY: This is in further reference to your letter of August 3, 1959, requesting the views of the Civil Service Commission on H.R. 8479, a bill to provide for the establishment of rates of basic compensation for certain positions in the Patent Office in the Department of Commerce, and for other purposes.

The Commission does not object to enactment of this legislation.

Sections 1 and 2 of the bill would exclude examiners in chief and designated examiners in chief from the Classification Act of 1949 and would authorize the Secretary of Commerce to fix the rates of basic compensation for these positions at per annum rates not in excess of

the maximum scheduled rate of grade GS-17 of the Classification Act (now \$16,335). At the request of your committee, the Commission has recently studied the positions of examiners in chief and has concluded that the proper level of the present duties is grade GS-16.

Section 3 protects against any change in the existing positions of examiners in chief, the compensation attached thereto, and incumbents until basic pay rates are established by the Secretary of Commerce under section 2. This is a necessary provision to span the transition period between the effective date of the bill and the date the Secretary of Commerce exercises his pay-fixing authority.

Subsection (a) of section 4 fixes at \$19,000 per annum the salary of the Administrative Assistant Secretary in the Department of the Interior, Department of Agriculture, Department of Labor, and Department of the Treasury, respectively, and the Administrative Assistant Attorney General, Department of Justice.

The Commission regards this as a sound proposal. The Commission further considers as very desirable the inclusion of such provisions in the one basic statute which covers generally the compensation of top level positions in the Federal service. Therefore, the committee may wish to consider the inclusion of these positions under subsection (b) of section 106 of the Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2205(b)). The following draft of language would accomplish this objective:

"SEC. 4. (a) Section 106(b) of the Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2205(b)), is further amended by adding the following new paragraphs:

- '(10) Administrative Assistant Attorney General.
- '(11) Administrative Assistant Secretary of the Interior.
- '(12) Administrative Assistant Secretary of Agriculture.
- '(13) Administrative Assistant Secretary of Labor.
- '(14) Administrative Assistant Secretary of the Treasury.' "

Subsection (b) of section 4 authorizes the Attorney General to place a total of three positions in the Bureau of Prisons in grade GS-17. These positions would be in addition to the number authorized to be placed in that grade by subsection 505(b) of the Classification Act. It is our understanding that this authorization is intended to apply to the three Assistant Directors of the Bureau of Prisons in order to establish a proper salary alignment of the top positions within the Bureau. By recent action of the Commission, two of the Assistant Director positions have been placed in GS-17; the third is in GS-16.

We have been advised by the Bureau of the Budget that it has no objection to the submission of this report.

By direction of the Commission:

Sincerely yours,

ROGER W. JONES, *Chairman.*

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as passed by the Senate, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTIONS 202 AND 505 OF THE CLASSIFICATION ACT OF 1949

(5 U.S.C. 1082 and 1105)

SEC. 202. This Act (except title XII) shall not apply to—

(1) the field service of the Post Office Department, for which the salary rates are fixed by Public Law 134, Seventy-ninth Congress, approved July 6, 1945, as amended and supplemented;

(2) the Foreign Service of the United States under the Department of State, for which the salary rates are fixed by the Foreign Service Act of 1946, as supplemented by Public Law 160, Eighty-first Congress, approved July 6, 1949; and positions in or under the Department of State which are (A) connected with the representation of the United States to international organizations; or (B) specifically exempted by law from the Classification Act of 1923, as amended, or any other classification or compensation law;

(3) physicians, dentists, nurses, and other employees in the Department of Medicine and Surgery in the Veterans' Administration, whose compensation is fixed under chapter 73 of title 38, United States Code;

(4) teachers, school officers, and employees of the Board of Education of the District of Columbia, whose compensation is fixed under the District of Columbia Teachers' Salary Act of 1947, as supplemented by Public Law 151, Eighty-first Congress, approved June 30, 1949; and the chief judge and the associate judges of the Municipal Court of Appeals for the District of Columbia, and of the Municipal Court for the District of Columbia;

(5) officers and members of the Metropolitan Police, the Fire Department of the District of Columbia, the United States Park Police, and the White House Police;

(6) lighthouse keepers and civilian employees on lightships and vessels of the Coast Guard, whose compensation is fixed under authority of section 432 (f) and (g) of title 14 of the United States Code;

(7) employees in recognized trades or crafts, or other skilled mechanical crafts, or in unskilled, semiskilled, or skilled manual-labor occupations, and other employees including foremen and supervisors in positions having trade, craft, or laboring experience and knowledge as the paramount requirement, and employees in the Bureau of Engraving and Printing the duties of whom are to perform or to direct manual or machine operations requiring special skill or experience, or to perform or direct the counting, examining, sorting, or other verification of the product of manual or machine operations: *Provided*, That the compensation of such employees shall be fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates: *Provided further*, That whenever the Civil Service Commission concurs in the opinion of the employing agency that in any given area the number of such employees is so few as to make prevailing rate determinations impracticable, such employee or employees shall be subject to the provisions of this Act which are applicable to positions of equivalent difficulty or responsibility.

(8) officers and members of crews of vessels, whose compensation shall be fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates and practices in the maritime industry;

(9) employees of the Government Printing Office whose compensation is fixed under Public, Numbered 276, Sixty-eighth Congress, approved June 7, 1924;

(10) civilian professors, lecturers, and instructors at the Naval War College and the Naval Academy whose compensation is fixed under Public Law 604, Seventy-ninth Congress, approved August 2, 1946, senior professors, professors, associate and assistant professors, and instructors at the Naval Postgraduate School whose compensation is fixed under Public Law 303, Eightieth Congress, approved July 31, 1947; and the Academic Dean of the Postgraduate School of the Naval Academy whose compensation is fixed under Public Law 402, Seventy-ninth Congress, approved June 10, 1946;

(11) aliens or persons not citizens of the United States who occupy positions outside the several States and the District of Columbia;

(12) the Tennessee Valley Authority;

(13) the Inland Waterways Corporation;

(14) the Alaska Railroad;

(15) the Virgin Islands Corporation;

(16) the Central Intelligence Agency;

(17) the Atomic Energy Commission;

(18) Production Credit Corporations;

(19) Federal Intermediate Credit Banks;

(20) the Panama Canal Company;

(21) (A) employees of any department who are stationed in the Canal Zone and (B) upon approval by the Civil Service Commission of the request of any department which has employees stationed in both the Republic of Panama and the Canal Zone, employees of such department who are stationed in the Republic of Panama;

(22) employees who serve without compensation or at nominal rates of compensation;

(23) employees none or only part of whose compensation is paid from appropriated funds of the United States: *Provided*, That with respect to the Veterans' Canteen Service in the Veterans' Administration, the provisions of this paragraph shall be applicable only to those positions which are exempt from the Classification Act of 1949, pursuant to section 4202 of title 38, United States Code;

(24) employees whose compensation is fixed under a cooperative agreement between the United States and (A) a State, Territory, or possession of the United States, or political subdivision thereof, or (B) a person or organization outside the service of the Federal Government;

(25) student nurses, medical or dental interns, residents-in-training, student dietitians, student physical therapists, student occupational therapists, and other student employees, assigned or attached to a hospital, clinic, or laboratory primarily for training purposes, whose compensation is fixed under Public

Law 330, Eightieth Congress, approved August 4, 1947, or section 4114(b) of title 38, United States Code;

(26) inmates, patients, or beneficiaries receiving care or treatment or living in Government agencies or institutions;

(27) experts or consultants, when employed temporarily or intermittently in accordance with section 15 of Public Law 600, Seventy-ninth Congress, approved August 2, 1946;

(28) emergency or seasonal employees whose employment is of uncertain or purely temporary duration, or who are employed for brief periods at intervals;

(29) persons employed on a fee, contract, or piece work basis;

(30) persons 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;

(31) positions for which rates of basic compensation are individually fixed, or expressly authorized to be fixed, by any other law, at or in excess of the maximum scheduled rate of the highest grade established by this Act;

(32) the National Security Agency.

[(32) (33) "teachers" and "teaching positions" as defined in the Defense Department Overseas Teachers Pay and Personnel Practices Act.];

(34) *examiners-in-chief and designated examiners-in-chief in the Patent Office in the Department of Commerce.*

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SEC. 505. (a) No position shall be placed in grade 16, 17, or 18 of the General Schedule except by action of, or after prior approval by, a majority of the Civil Service Commissioners.

(b) Subject to subsections (c), (d), and (e) of this section, a majority of the Civil Service Commissioners are authorized to establish and, from time to time, revise the maximum number of positions (not to exceed fourteen hundred and eighty-three) which may be in grades 16, 17, and 18 of the General Schedule at any one time, except that under such authority such maximum number of positions shall not exceed three hundred and ninety-seven for grade 17 and one hundred and fifty-seven for grade 18.

(c) The number of positions of senior specialists in the Legislative Reference Service of the Library of Congress allocated to grades 16, 17, and 18 of the General Schedule by reason of the proviso contained in section 203 (b) (1) of the Legislative Reorganization Act of 1946 (60 Stat. 836; 2 U.S.C., sec. 166 (b)(1)) shall be in addition to the number of positions authorized to be placed in such grades by subsection (b).

(d) The Comptroller General of the United States is authorized, subject to the procedures prescribed by this section, to place a total of twenty-five positions in the General Accounting Office in grades 16, 17, and 18 of the General Schedule. Such positions shall be in addition to the number of positions authorized to be placed in such grades by subsection (b).

(e) The Director of the Federal Bureau of Investigation, United States Department of Justice, is authorized, without regard to any

other provision in this section, to place a total of seventy-five positions in the Federal Bureau of Investigation in grades 16, 17, and 18 of the General Schedule. Such positions shall be in addition to the number of positions authorized to be placed in such grades by subsection (b).

(f) The National Security Council is authorized, subject to the procedures prescribed by this section, to place two additional positions in grade 18, one additional position in grade 17, and two additional positions in grade 16 of the general schedule. Such positions shall be in addition to the number of positions authorized to be placed in such grades by subsection (b).

(f) The Director of the Administrative Office of the United States Courts is authorized to place a total of four positions in grade 17 of the General Schedule. Such positions shall be in addition to the number of positions authorized to be placed in such grade by subsection (b).

(g) The Commissioner of Immigration and Naturalization is authorized to place a total of eleven positions in grade 17 of the General Schedule. Such positions shall be in addition to the number of positions authorized to be placed in such grade by subsection (b).

(h) In any case in which, subsequent to February 1, 1958, provisions are included in a general appropriation Act authorizing an agency of the Government to place additional positions in grade 16, 17, or 18, the total number of positions authorized by this section to be placed in such grades shall, unless otherwise expressly provided, be deemed to have been reduced by the number of positions authorized by such provisions to be placed in such grades. Such reduction shall be deemed to have occurred in the following order: first, from any number specifically authorized for such agency under this section, and second, from the maximum number of positions authorized to be placed in such grades under subsection (b) irrespective of the agency to which such positions are allocated.

(i) Appointments to positions in grades 16, 17, and 18 of the General Schedule shall be made only upon approval by the Civil Service Commission of the qualifications of the proposed appointees, except that this subsection shall not apply to those positions—

- (1) provided for in subsection (e) of this section;
- (2) to which appointments are made by the President alone or by the President by and with the advice and consent of the Senate; and

(3) for which the compensation is paid from (A) appropriations for the Executive Office of the President under the headings "The White House Office," "Special Projects," "Council of Economic Advisers," "National Security Council," "Office of Defense Mobilization," and "President's Advisory Committee on Government Organization," or (B) funds appropriated to the President under the heading "Emergency Fund for the President, National Defense" by the General Government Matters Appropriation Act, 1959, or any subsequent Act making appropriations for such purposes.

(j) *The Attorney General is authorized to place a total of three positions in the Bureau of Prisons in grade 17 of the General Schedule. Such positions shall be in addition to the number of positions authorized to be placed in such grade by subsection (b).*

SECTION 3 OF TITLE 35 OF THE UNITED STATES CODE

CHAPTER 1.—ESTABLISHMENT; OFFICERS, FUNCTIONS

§ 3. Officers and employees

A Commissioner of Patents, one first assistant commissioner, two assistant commissioners, and not more than fifteen examiners-in-chief, shall be appointed by the President, by and with the advice and consent of the Senate. The assistant commissioners shall perform the duties pertaining to the office of commissioner assigned to them by the Commissioner. The first assistant commissioner, or, in the event of a vacancy in that office, the assistant commissioner senior in date of appointment, shall fill the office of Commissioner during a vacancy in that office until a Commissioner is appointed and takes office. The Secretary of Commerce, upon the nomination of the Commissioner in accordance with law, shall appoint all other officers and employees. *The Secretary of Commerce is authorized to fix the rates of basic compensation of examiners-in-chief and designated examiners-in-chief in the Patent Office, at per annum rates not in excess of the maximum scheduled per annum rate of compensation provided for positions in grade 17 of the General Schedule under the Classification Act of 1949, as amended.*

The Secretary of Commerce may vest in himself the functions of the Patent Office and its officers and employees specified in this title and may from time to time authorize their performance by any other officer or employee.

The annual rate of compensation of the Commissioner shall be \$20,000.

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