

position in which he served during such period, or (B) within one year after the effective date of this Act, meets such non-competitive examination standards as the United States Civil Service Commission shall prescribe; and

(4) has completed, prior to reappointment under this section, a total of continuous or intermittent satisfactory service aggregating not less than three years on the rolls in a position or positions in the competitive civil service;

may, during the period ending two years after the effective date of this Act, be reappointed without competitive examination to a position in the competitive civil service for which he is qualified and such reappointment (except reappointment to a position involving temporary job employment) shall be a career-conditional appointment or a career appointment determined by the appropriate United States Civil Service Commission regulations governing conversions to career-conditional or career appointments in accordance with Executive Order Numbered 10577, dated November 22, 1954.

SEC. 4. The United States Civil Service Commission is hereby authorized and directed to promulgate such rules and regulations as it determines to be necessary to carry out the provisions of this Act.

SEC. 5. Nothing in this Act shall affect, or be construed to affect, the application of section 1310 of the Supplemental Appropriation Act, 1952 (Public Law 253, Eighty-second Congress), as amended.

SEC. 6. This Act shall take effect on the ninetieth day following the date of its enactment.

Approved August 12, 1955.

3 CFR, 1954
Supp., p. 84.
Rules and regulations.

Effective date.

Public Law 381

CHAPTER 867

AN ACT

To amend the Fair Labor Standards Act of 1938 in order to increase the national minimum wage, and for other purposes.

August 12, 1955
[S. 2168]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fair Labor Standards Amendments of 1955".

Fair Labor Standards
Amendments
of 1955.
Report to Congress.
52 Stat. 1062.
29 USC 204 (d).

SEC. 2. Subsection (d) of section 4 of the Fair Labor Standards Act of 1938, as amended, is amended by adding at the end thereof the following: "Such report shall contain an evaluation and appraisal by the Secretary of the minimum wages established by this Act, together with his recommendations to the Congress. In making such evaluation and appraisal, the Secretary shall take into consideration any changes which may have occurred in the cost of living and in productivity and the level of wages in manufacturing, the ability of employers to absorb wage increases, and such other factors as he may deem pertinent."

SEC. 3. Effective March 1, 1956, paragraph (1) of subsection (a) of section 6 of such Act is amended by striking out "75 cents" and inserting in lieu thereof "\$1".

Minimum wage.
63 Stat. 912.
29 USC 206 (a).

SEC. 4. Effective July 1, 1956, subsection (a) of section 8 of such Act is amended by inserting at the end thereof the following: "Minimum rates of wages established in accordance with this section shall be reviewed by such a committee at least once each fiscal year."

Puerto Rico and
Virgin Islands.
63 Stat. 915.
29 USC 208 (a).

SEC. 5. (a) Subsection (a) of section 5 of such Act is amended by striking out "and the administrator" in the last sentence.

63 Stat. 911.
29 USC 205 (a).

(b) Subsection (b) of section 8 of such Act is amended by striking out the second sentence and inserting in lieu thereof the following: "The industry committee shall investigate conditions in the

29 USC 208.

industry and the committee, or any authorized subcommittee thereof, shall after due notice hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under this Act."

(c) Subsection (c) of section 8 is amended by striking out "and the Administrator" in the second sentence.

(d) Subsection (d) of section 8 of such Act is amended to read as follows:

"(d) The industry committee shall file with the Secretary a report containing its findings of fact and recommendations with respect to the matters referred to it. Upon the filing of such report, the Secretary shall publish such recommendations in the Federal Register and shall provide by order that the recommendations contained in such report shall take effect upon the expiration of 15 days after the date of such publication."

(e) Subsection (e) of section 8 of such Act is amended by striking out the last sentence.

(f) Subsection (a) of section 10 of such Act is amended to read as follows:

"SEC. 10. (a) Any person aggrieved by an order of the Secretary issued under section 8 may obtain a review of such order in the United States Court of Appeals for any circuit wherein such person resides or has his principal place of business, or in the United States Court of Appeals for the District of Columbia, by filing in such court, within 60 days after the entry of such order a written petition praying that the order of the Secretary be modified or set aside in whole or in part. A copy of such petition shall forthwith be served upon the Secretary, and thereupon the Secretary shall certify and file in the court a transcript of the record of the industry committee upon which the order complained of was entered. Upon the filing of such transcript such court shall have exclusive jurisdiction to affirm, modify, or set aside such order in whole or in part, so far as it is applicable to the petitioner. The review by the court shall be limited to questions of law, and findings of fact by such industry committee when supported by substantial evidence shall be conclusive. No objection to the order of the Secretary shall be considered by the court unless such objection shall have been urged before such industry committee or unless there were reasonable grounds for failure so to do. If application is made to the court for leave to adduce additional evidence, and it is shown to the satisfaction of the court that such additional evidence may materially affect the result of the proceeding and that there were reasonable grounds for failure to adduce such evidence in the proceedings before such industry committee, the court may order such additional evidence to be taken before an industry committee and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. Such industry committee may modify the initial findings by reason of the additional evidence so taken, and shall file with the court such modified or new findings which if supported by substantial evidence shall be conclusive, and shall also file its recommendation, if any, for the modification or setting aside of the original order. The judgment and decree of the court shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.

SEC. 6. The term "Secretary" as used in this Act and in amendments made by this Act means the Secretary of Labor.

Approved August 12, 1955.

Publication in
FR.

52 Stat. 1065.
29 USC 210 (a).

Court review.

62 Stat. 928.
"Secretary".