

316(b) of this Appendix], all functions and responsibilities of the Personnel Division, National Headquarters, Selective Service System, established under authority of section 8(g) of the Selective Training and Service Act of 1940, as amended [section 308(g) of this Appendix], together with so much of the records of the Selective Service System, and so much of the unexpended balances of appropriations of the Selective Service System, as the Director of the Bureau of the Budget<sup>1</sup> may determine to relate primarily to such functions, are transferred, effective March 29, 1947, from the Selective Service System to the Secretary of Labor.

(Mar. 31, 1947, ch. 26, §5(a), 61 Stat. 32.)

#### TRANSFER OF FUNCTIONS

Functions vested by law (including reorganization plan) in Bureau of the Budget or Director of Bureau of the Budget transferred to President by section 101 of Reorg. Plan No. 2, of 1970, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085, set out in the Appendix to Title 5, Government Organization and Employees. Section 102 of Reorg. Plan No. 2 of 1970, redesignated Bureau of the Budget as Office of Management and Budget.

#### § 326. Powers and duties of Director; acceptance of voluntary services; fiscal, disbursing, and accounting agent; status of officers of military and naval Services and Reserves and departments or agencies detailed to Office

(a) The Director is authorized—

(1) to prescribe the necessary rules and regulations to carry out the provisions of this Act [sections 321 to 329 of this Appendix];

(2) to create and establish, on the date hereinafter specified, Federal record depots in the several States, the District of Columbia, Territories, and possessions of the United States, and to maintain such other offices as may be necessary for the purposes of this Act [said sections];

(3) to utilize the agencies of the Federal Government with the consent of the heads thereof, and to accept the services of all officers and agents of the several States, the District of Columbia, Territories, and possessions of the United States, and subdivisions thereof, in the execution of this Act [said sections];

(4) to appoint and fix the compensation of such officers and employees (not to exceed 1,200 in number by November 1, 1947), as may be necessary for the purposes of this Act [said sections];

(5) to delegate and provide for the delegation of any authority vested in him under this Act [said sections] to such officers, agents, or persons as he may designate or appoint for such purpose or as may be designated or appointed for such purpose pursuant to such rules and regulations as he may prescribe.

(b) In the administration of this Act [sections 321 to 329 of this Appendix] voluntary services may be accepted.

(c) The Chief of Finance, United States Army,<sup>1</sup> is designated, empowered, and directed to act as the fiscal, disbursing, and accounting agent of the Director of the Office of Selective Service

Records in carrying out the provisions of this Act [sections 321 to 329 of this Appendix].

(d) Any officer of the Armed Forces or any officer or employee of any department or agency of the United States who may be assigned or detailed to any office or position to carry out the provisions of this Act [sections 321 to 329 of this Appendix] may serve in and perform the functions of such office or position without loss of or prejudice to his status as such officer of the Armed Forces or as such officer or employee in any department or agency of the United States. (Mar. 31, 1947, ch. 26, §6, 61 Stat. 32; Pub. L. 96-513, title V, §507(c), Dec. 12, 1980, 94 Stat. 2919.)

#### CODIFICATION

Provisions of subsec. (a)(4) that authorized the Director to fix the compensation of officers and employees "with or without regard to the Classification Act of 1923, as amended: *Provided*, That the compensation of such persons shall not be in excess of that provided in said Act" were omitted as obsolete and superseded. Sections 1202 and 1204 of the Classification Act of 1949, 63 Stat. 972, 973, repealed the Classification Act of 1923 and all other laws or parts of laws inconsistent with the 1949 Act. The Classification Act of 1949 was repealed by Pub. L. 89-554, Sept. 6, 1966, §8(a), 80 Stat. 632, and reenacted as chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees. Section 5102 of Title 5 contains the applicability provisions of the 1949 Act, and section 5103 of Title 5 authorizes the Office of Personnel Management to determine the applicability to specific positions and employees.

#### AMENDMENTS

1980—Subsec. (d). Pub. L. 96-513 substituted "Any officer of the Armed Forces" for "Any officer on the active or retired list of the Army, Navy, Marine Corps, or Coast Guard, or of any Reserve component thereof," and "as such officer of the Armed Forces" for "as such officer in the Army, Navy, Marine Corps, or Coast Guard or Reserve component thereof."

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as a note under section 101 of Title 10, Armed Forces.

#### TRANSFER OF FUNCTIONS

Pursuant to Department of Defense Reorganization Order, Jan. 10, 1962, set out as a note under section 3036 of Title 10, Armed Forces, Office of Chief of Finance, United States Army, abolished and functions transferred to Secretary of the Army, with power in Secretary to delegate.

#### REESTABLISHMENT OF OFFICES

For termination and reestablishment dates, see note set out preceding section 321 of this Appendix.

#### § 327. Rules and regulations; penalties

The Director is authorized to prescribe such rules and regulations as may be necessary to preserve the confidential nature of the individual confidential records previously obtained under the Selective Training and Service Act of 1940, as amended [sections 301 to 318 of this Appendix]. Any person charged with the duty of carrying out any of the provisions of this Act [sections 321 to 329 of this Appendix], and who fails to carry out such provisions or who shall knowingly violate the regulations promulgated under this section, or any person or persons who

<sup>1</sup> See Transfer of Functions note below.

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shall unlawfully obtain, gain access to, or use such records, shall, upon conviction in the district court of the United States having jurisdiction thereof, be punished by imprisonment for not more than five years, or a fine of not more than \$10,000, or by both such fine and imprisonment, or if subject to military or naval law, may be tried by court martial, and, on conviction, shall suffer such punishment as the court martial may direct.

(Mar. 31, 1947, ch. 26, § 7, 61 Stat. 32.)

#### REESTABLISHMENT OF OFFICE

For termination and reestablishment dates, see note set out preceding section 321 of this Appendix.

### § 328. Suspension of conflicting laws

Except as provided in this Act [sections 321 to 329 of this Appendix], all laws and parts of laws in conflict with the provisions of this Act [said sections] are suspended to the extent of such conflict for the period in which this Act [said sections] shall be in force.

(Mar. 31, 1947, ch. 26, § 8, 61 Stat. 33.)

#### REESTABLISHMENT OF OFFICE

For termination and reestablishment dates, see note set out preceding section 321 of this Appendix.

### § 329. Effective date

Except as otherwise provided by the terms of this Act [sections 321 to 329 of this Appendix], the provisions hereof shall take effect at 12 o'clock post meridian, March 31, 1947.

(Mar. 31, 1947, ch. 26, § 9, 61 Stat. 33.)

### § 330. Destruction of records; use of appropriations; procedures; transfers to other agencies

Appropriations for the Selective Service System may on and after August 28, 1958, be used for the destruction of records accumulated under the Selective Training and Service Act of 1940, as amended [sections 301 to 318 of this Appendix], by the Director of Selective Service after compliance with the procedures for the destruction of records prescribed pursuant to the Records Disposal Act of 1943, as amended (44 U.S.C. 366-380): *Provided*, That no records may be transferred to any other agency without the approval of the Director of Selective Service.

(Pub. L. 85-844, title I, Aug. 28, 1958, 72 Stat. 1073.)

#### REFERENCES IN TEXT

The Records Disposal Act of 1943, as amended (44 U.S.C. 366-380), is act July 7, 1943, ch. 192, 57 Stat. 380, which enacted sections 366 to 380 of former Title 44, Public Printing and Documents. Sections 366 to 376, and 378 to 380 of former Title 44 were repealed by Pub. L. 90-620, § 3, Oct. 22, 1968, 82 Stat. 1306, and reenacted as sections 3301 to 3303 and 3304 to 3314, respectively, of Title 44, Public Printing and Documents. Sections 3304 to 3307 of Title 44 were repealed by Pub. L. 91-287, § 2(c), June 23, 1970, 84 Stat. 321. Section 377 of former Title 44 was also repealed by Pub. L. 90-620, § 3, Oct. 22, 1968, 82 Stat. 1306.

#### CODIFICATION

Section was enacted as part of Pub. L. 85-844, known as the Independent Offices Appropriation Act, 1959, and

not as part of act Mar. 31, 1947, ch. 26, 61 Stat. 31, which comprises sections 321 to 329 of this Appendix.

#### PRIOR PROVISIONS

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 85-69, title I, June 29, 1957, 71 Stat. 235.

June 27, 1956, ch. 452, title I, 70 Stat. 348.

June 30, 1955, ch. 244, title I, 69 Stat. 209.

June 24, 1954, ch. 359, title I, 68 Stat. 287.

July 27, 1953, ch. 241, title I, 67 Stat. 189.

July 5, 1952, ch. 578, title I, 66 Stat. 406.

### SERVICE EXTENSION ACT OF 1941

ACT AUG. 18, 1941, CH. 362, 55 STAT. 626-628

### §§ 351 to 357. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641

Section 351, act Aug. 18, 1941, ch. 362, § 1, 55 Stat. 626, related to the declaration of national peril for purposes of extending service under section 303(b) of this Appendix.

Section 352, act Aug. 18, 1941, ch. 362, § 2, 55 Stat. 626, authorized an eighteen-month extension of periods of service for persons inducted under the Selective Training and Service Act of 1940, sections 301 to 318 of this Appendix.

Section 353, act Aug. 18, 1941, ch. 362, § 3, 55 Stat. 626, extended time for application for National Service Life Insurance.

Section 354, act Aug. 18, 1941, ch. 362, § 4, 55 Stat. 627, related to release from service in hardship cases.

Section 355, act Aug. 18, 1941, ch. 362, amended section 303(c) of this Appendix.

Section 356, act Aug. 18, 1941, ch. 362, § 6, 55 Stat. 627, authorized President to order Regular Army retired personnel to active duty. See section 471 of this Appendix.

Section 357, acts Aug. 18, 1941, ch. 362, § 7, 55 Stat. 627; Dec. 8, 1944, ch. 548, § 3, 58 Stat. 799; Aug. 9, 1946, ch. 936, 60 Stat. 971, related to reemployment rights. See section 459 of this Appendix.

### § 358. Repealed. June 16, 1942, ch. 413, § 19, 56 Stat. 369, eff. June 1, 1942

Section, act Aug. 18, 1941, ch. 362, § 8, 55 Stat. 627, related to additional compensation for active service in excess of twelve months.

#### ADDITIONAL REPEAL

Section was also repealed by act Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

### §§ 359 to 362. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641

Section 359, acts Aug. 18, 1941, ch. 362, § 9, 55 Stat. 628; Aug. 7, 1946, ch. 770, § 1(58), 60 Stat. 871, suspended limitations on number of inductees.

Section 360, act Aug. 18, 1941, ch. 362, § 10, 55 Stat. 628, related to enlistments in Army without regard to component. See section 3252 of Title 10, Armed Forces.

Section 361, act Aug. 18, 1941, ch. 362, § 11, 55 Stat. 628, amended section 401 of this Appendix.

Section 362, act Aug. 18, 1941, ch. 362, § 12, 55 Stat. 628, gave short title of act.

### ARMY RESERVE AND RETIRED PERSONNEL SERVICE LAW OF 1940

ACT AUG. 27, 1940, CH. 689, 54 STAT. 858

### §§ 401 to 405. Omitted

#### CODIFICATION

Section 401, acts Aug. 27, 1940, ch. 689, § 1, 54 Stat. 858; Aug. 18, 1941, ch. 362, § 11, 55 Stat. 628, authorized for the