

Congress: *Provided*, That the foregoing shall not apply to any member of the inactive or volunteer reserve ordered to active duty whose rating or specialty is found by the Secretary of the military department concerned to be critical and whose release to inactive duty prior to the period for which he was ordered to active duty would impair the efficiency of the military department concerned.

The President may retain the unit organizations and the equipment thereof, exclusive of the individual members thereof, in the active Federal service for a total period of five consecutive years, and upon being relieved by the appropriate Secretary from active Federal service, National Guard, or Air National Guard units, shall, insofar as practicable, be returned to their National Guard or Air National Guard status in their respective States, Territories, the District of Columbia, and Puerto Rico, with pertinent records, colors, histories, trophies, and other historical impedimenta.

(June 24, 1948, ch. 625, title I, §21, as added June 30, 1950, ch. 445, §2, 64 Stat. 318; amended June 19, 1951, ch. 144, title I, §1(x), 65 Stat. 87; July 7, 1952, ch. 584, §1, 66 Stat. 440.)

REFERENCES IN TEXT

Section 2 of the Selective Service Act of 1948, referred to in text, is section 2 of act June 24, 1948, ch. 625, title I, 62 Stat. 605, now known as the Military Selective Service Act, which was classified to former section 452 of the former Appendix to this title prior to repeal by act Aug. 10, 1956, ch. 1041, §53, 70A Stat. 641, and omission in the editorial reclassification of title I of act June 24, 1948, ch. 625, as this chapter.

CODIFICATION

Section was formerly classified to section 471 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

1952—Act July 7, 1952, authorized the President to retain unit organizations and their equipment, exclusive of individual members, for a period of five years.

1951—Act June 19, 1951, substituted “July 1, 1953” for “July 9, 1951”, “twenty-four months” for “twenty-one months”, and inserted last sentence.

EX. ORD. NO. 10271. DELEGATION OF PRESIDENT'S AUTHORITY

Ex. Ord. No. 10271, July 7, 1951, 16 F.R. 6661, as amended by Ex. Ord. No. 13286, §80, Feb. 28, 2003, 68 F.R. 10631, provided:

There is hereby delegated to the Secretary of Defense the authority vested in the President by section 21 of the Universal Military Training and Service Act (64 Stat. 318), as amended by the 1951 Amendments to the Universal Military Training and Service Act (65 Stat. 87; Public Law 51, 82d Congress) [this section], to order into the active military or naval service of the United States for a period not to exceed twenty-four months, with or without their consent, any or all members and units of any or all Reserve components of the Armed Forces of the United States and retired personnel of the Regular Armed Forces: *Provided*, that so much of the authority of the President under the said section 21, as amended [this section], as relates to any Reserve component of the United States Coast Guard or to retired personnel of the Regular Coast Guard is hereby delegated to the Secretary of Homeland Security.

The Secretary of Defense is hereby authorized to redelegate, subject to such conditions as the Secretary may deem appropriate, to the Secretaries of the Army,

Navy, and Air Force such functions under this order as affect their respective services.

§ 3820. Procedural rights

(a) It is hereby declared to be the purpose of this section to guarantee to each registrant asserting a claim before a local or appeal board, a fair hearing consistent with the informal and expeditious processing which is required by selective service cases.

(b) Pursuant to such rules and regulations as the President may prescribe—

(1) Each registrant shall be afforded the opportunity to appear in person before the local or any appeal board of the Selective Service System to testify and present evidence regarding his status.

(2) Subject to reasonable limitations on the number of witnesses and the total time allotted to each registrant, each registrant shall have the right to present witnesses on his behalf before the local board.

(3) A quorum of any local board or appeal board shall be present during the registrant's personal appearance.

(4) In the event of a decision adverse to the claim of a registrant, the local or appeal board making such decision shall, upon request, furnish to such registrant a brief written statement of the reasons for its decision.

(June 24, 1948, ch. 625, title I, §22, as added Pub. L. 92-129, title I, §101(a)(36), Sept. 28, 1971, 85 Stat. 353.)

CODIFICATION

Section was formerly classified to section 471a of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

CHAPTER 50—SERVICEMEMBERS CIVIL RELIEF

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