

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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#### SUBCHAPTER VIII—CIVIL LIABILITY

4041. Enforcement by the Attorney General.  
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#### CODIFICATION

The Servicemembers Civil Relief Act, comprising this chapter, was originally enacted as act Oct. 17, 1940, ch.

888, 54 Stat. 1178, known as the Soldiers' and Sailors' Civil Relief Act of 1940, and amended by acts Oct. 6, 1942, ch. 581, 56 Stat. 769; July 3, 1944, ch. 397, 58 Stat. 722; Apr. 3, 1948, ch. 170, 62 Stat. 160; June 23, 1952, ch. 450, 66 Stat. 151; July 11, 1956, ch. 570, 70 Stat. 528; Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1105; Pub. L. 86-721, Sept. 8, 1960, 74 Stat. 820; Pub. L. 87-771, Oct. 9, 1962, 76 Stat. 768; Pub. L. 89-358, Mar. 3, 1966, 80 Stat. 12; Pub. L. 92-540, Oct. 24, 1972, 86 Stat. 1074; Pub. L. 102-12, Mar. 18, 1991, 105 Stat. 34; Pub. L. 104-106, Feb. 10, 1996, 110 Stat. 186; Pub. L. 107-107, Dec. 28, 2001, 115 Stat. 1012; Pub. L. 107-330, Dec. 6, 2002, 116 Stat. 2820. Sections of the act Oct. 17, 1940, are shown herein, however, as having been added by Pub. L. 108-189, § 1, Dec. 19, 2003, 117 Stat. 2835, without reference to the intervening amendments listed above because of the extensive revision of act Oct. 17, 1940, by Pub. L. 108-189.

Act Oct. 17, 1940, ch. 888, as added Pub. L. 108-189, § 1, Dec. 19, 2003, 117 Stat. 2835, comprising this chapter, was formerly set out in the Appendix to this title, prior to the elimination of the Appendix to this title and the editorial reclassification of the Act as this chapter. For disposition of sections of the former Appendix to this title, see Table II, set out preceding section 1 of this title.

#### § 3901. Short title

This chapter may be cited as the "Servicemembers Civil Relief Act".

(Oct. 17, 1940, ch. 888, § 1(a), as added Pub. L. 108-189, § 1, Dec. 19, 2003, 117 Stat. 2835.)

#### CODIFICATION

Section was formerly classified to section 501 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

#### PRIOR PROVISIONS

A prior section 1 of act Oct. 17, 1940, ch. 888, 54 Stat. 1178, provided that this Act could be cited as the Soldiers' and Sailors' Relief Act of 1940, prior to the general amendment of this Act by Pub. L. 108-189.

#### EFFECTIVE DATE

Pub. L. 108-189, § 3, Dec. 19, 2003, 117 Stat. 2866, provided that: "The amendment made by section 1 [enacting this chapter] shall apply to any case that is not final before the date of the enactment of this Act [Dec. 19, 2003]."

#### SHORT TITLE OF 2016 AMENDMENT

Pub. L. 114-142, § 1, Mar. 31, 2016, 130 Stat. 326, provided that: "This Act [amending section 3953 of this title and provisions set out as notes under section 3953 of this title] may be cited as the 'Foreclosure Relief and Extension for Servicemembers Act of 2015'."

#### SHORT TITLE OF 2014 AMENDMENT

Pub. L. 113-286, § 1, Dec. 18, 2014, 128 Stat. 3093, provided that: "This Act [amending provisions set out as notes under section 3953 of this title] may be cited as the 'Foreclosure Relief and Extension for Servicemembers Act of 2014'."

#### SHORT TITLE OF 2010 AMENDMENT

Pub. L. 111-346, § 1, Dec. 29, 2010, 124 Stat. 3622, provided that: "This Act [amending provisions set out as a note under section 3953 of this title] may be cited as the 'Helping Heroes Keep Their Homes Act of 2010'."

#### SHORT TITLE OF 2009 AMENDMENT

Pub. L. 111-97, § 1, Nov. 11, 2009, 123 Stat. 3007, provided that: "This Act [amending sections 3998, 4001, and 4025 of this title and enacting provisions set out as notes under sections 3998, 4001, and 4025 of this title] may be cited as the 'Military Spouses Residency Relief Act'."