

purpose or effect, or if it is for the purpose of financing a business enterprise which makes such extensions of credit.

PENALTIES

SECTION 5. Whoever willfully violates or knowingly participates in the violation of this order or of any regulation prescribed hereunder, shall be subject to the penalties applicable with respect to violations of section 5 (b) of the said Act of October 6, 1917, as amended (this section).

REGULATIONS ISSUED

Regulations supplementing Ex. Ord. No. 8843 relating to consumer credit were issued on Aug. 21, 1941, by the Board of Governors of the Federal Reserve System and are set forth in 6 Fed. Reg. 4443-4447.

SELECTIVE TRAINING AND SERVICE ACT OF 1940

ACT SEPT. 16, 1940, 3:08 P. M., E. S. T., CH. 720, 54 STAT. 885

CROSS REFERENCES

Prostitution near military camps unlawful, see section 518a of Title 18, Criminal Code and Criminal Procedure.

§ 302. Registration of male citizens and alien residents; age limitations.

Except as otherwise provided in this Act, it shall be the duty of every male citizen of the United States, and of every other male person residing in the United States, who, on the day or days fixed for the first or any subsequent registration, is between the ages of eighteen and sixty-five, to present himself for and submit to registration at such time or times and place or places, and in such manner and in such age group or groups, as shall be determined by rules and regulations prescribed hereunder. (As amended Dec. 20, 1941, ch. 602, § 1, 55 Stat. 844.)

REGISTRATION DATES

The President called for registration of male citizens and alien residents under the terms of the Selective Training and Service Act of 1940, as amended, on the following dates: United States on Oct. 16, 1940, by Proc. No. 2426; Hawaii on Oct. 26, 1940, by Proc. No. 2430; Puerto Rico on Nov. 20, 1940, by Proc. No. 2431; Alaska on Jan. 22, 1941, by Proc. No. 2442; United States and Territories on July 1, 1941, by Proc. No. 2486; United States and the Territories of Alaska and Hawaii, and in Puerto Rico on Feb. 16, 1942 by Proc. No. 2535.

§ 303. Persons liable for training and service; number; term; status after completion of term; pay; allowances; and benefits; place of employment.

(a) Except as otherwise provided in this Act, every male citizen of the United States, and every other male person residing in the United States, who is between the ages of twenty and forty-five at the time fixed for his registration, or who attains the age of twenty after having been required to register pursuant to section 2 of this Act [section 302 of this Appendix], shall be liable for training and service in the land or naval forces of the United States: *Provided*, That any citizen or subject of a neutral country shall be relieved from liability for training and service under this Act if, prior to his induction into the land or naval forces, he has made application to be relieved from such liability in the manner prescribed by and in accordance with rules and regulations prescribed by the President, but any person who makes such application shall thereafter be debarred from becoming a citizen of the United States: *Provided further*, That no citizen or subject

of any country who has been or who may hereafter be proclaimed by the President to be an alien enemy of the United States shall be inducted for training and service under this Act unless he is acceptable to the land or naval forces. The President is authorized from time to time, whether or not a state of war exists, to select and induct into the land and naval forces of the United States for training and service, in the manner provided in this Act, such number of men as in his judgment is required for such forces in the national interest: *Provided*, That within the limits of the quota determined under section 4 (b) (section 304 (b) of this appendix) for the subdivision in which he resides, any person, regardless of race or color, between the ages of eighteen and forty-five, shall be afforded an opportunity to volunteer for induction into the land or naval forces of the United States for the training and service prescribed in subsection (b), but no person who so volunteers shall be inducted for such training and service so long as he is deferred after classification: *Provided further*, That no man shall be inducted for training and service under this Act unless and until he is acceptable to the land or naval forces for such training and service and his physical and mental fitness for such training and service has been satisfactorily determined: *Provided further*, That no men shall be inducted for such training and service until adequate provision shall have been made for such shelter, sanitary facilities, water supplies, heating and lighting arrangements, medical care, and hospital accommodations, for such men, as may be determined by the Secretary of War or the Secretary of the Navy, as the case may be, to be essential to public and personal health: *Provided further*, That except in time of war there shall not be in active training or service in the land forces of the United States at any one time under subsection (b) more than nine hundred thousand men inducted under the provisions of this Act. The men inducted into the land or naval forces for training and service under this Act shall be assigned to camps or units of such forces.

(c) Each such man, after the completion of his period of training and service under subsection (b), shall be transferred to a reserve component of the land or naval forces of the United States; and until he attains the age of forty-five, or until the expiration of a period of ten years after such transfer, or until he is discharged from such reserve component, whichever occurs first, he shall be deemed to be a member of such reserve component and shall be subject to such additional training and service as may now or hereafter be prescribed by law: *Provided*, That any man who completes at least twelve months' training and service in the land forces under subsection (b), and who thereafter serves satisfactorily in the Regular Army or in the active National Guard for a period of at least two years, shall, in time of peace, be relieved from any liability to serve in any reserve component of the land or Naval forces of the United States and from further liability for the training and service under subsection (b), but nothing in this subsection shall be con-

strued to prevent any such man, while in a reserve component of such forces, from being ordered or called to active duty in such forces. The active military service or training and service of any person pursuant to section 2 of the Service Extension Act of 1941 (section 352 of this appendix) shall be credited against the service in a reserve component required by this section or section 4 of the Service Extension Act of 1941 (section 354 of this appendix). (As amended Aug. 18, 1941, ch. 362, § 5, 55 Stat. 627; Dec. 20, 1941, ch. 602, §§ 2, 9, 55 Stat. 844, 846.)

* * * * *

AMENDMENTS

1941—Subsec. (a) was amended by act Dec. 20, 1941, §§ 2, 9, cited to text. Said section 2 amended the first sentence. Said section 9 amended the first proviso of the second sentence by substituting "forty-five" for "thirty-six".

Subsec. (c) was amended by Res. Aug. 18, 1941, cited to text, which added last sentence.

SUSPENSION IN PART

The limitation on the number of men who may be in active training and service at any one time was temporarily suspended by section 359 of this Appendix.

EXTENSION BY PRESIDENT

By Ex. Ord. No. 8802, Aug. 21, 1941, 6 Fed. Reg. 4319, the President extended the period of active military service for eighteen months.

STATUS AND TERM OF SERVICE OF PERSONS INDUCTED INTO NAVY, MARINE CORPS, OR COAST GUARD

Act Dec. 20, 1941, ch. 602, § 8, 55 Stat. 846, provided as follows: "Persons inducted under the Selective Training and Service Act of 1940 who are inducted into or assigned to the Navy, Marine Corps, or Coast Guard, shall be members of the Navy, Marine Corps, or Coast Guard, as the case may be; and in time of war their periods of service or training and service may be extended by the President for such additional time as he may deem necessary in the interest of national defense: *Provided*, That the periods of service or training and service under section 3 (b) of such Act [section 303 (b) of this Appendix] of men who are detained under this section shall be terminated not later than six months after the termination of the war which authorized their detention, unless such men voluntarily extend their periods of service or training and service."

CROSS REFERENCES

Declaration that national interest is imperilled, see section 351 of this Appendix.

Extension of term of service during war, see section 732 of this Appendix.

Suspension of territorial ban on use of Army, see section 731 of this Appendix.

§ 304. Manner of selecting men for training and service; quotas.

(a) The selection of men for training and service under section 3 (section 303 of this appendix) (other than those who are voluntarily inducted pursuant to this Act) shall be made in an impartial manner, under such rules and regulations as the President may prescribe, from the men who are liable for such training and service and who at the time of selection are registered and classified but not deferred or exempted: *Provided*, That in the selection and training of men under this Act, and in the interpretation and execution of the provisions of this Act, there shall be no discrimination against any person on account of race or color: *Provided further*, That in the classification of registrants within the jurisdiction of any local board, the regis-

trants of any particular registration may be classified, in the manner prescribed by and in accordance with rules and regulations prescribed by the President, before, together with, or after the registrants of any prior registration or registrations; and in the selection for induction of persons within the jurisdiction of any local board and within any particular classification, persons who were registered at any particular registration may be selected, in the manner prescribed by and in accordance with rules and regulations prescribed by the President, before, together with, or after persons who were registered at any prior registration or registrations. (As amended Dec. 20, 1941, ch. 602, § 3, 55 Stat. 845.)

* * * * *

AMENDMENTS

1941—Act Dec. 20, 1941, cited to text, added last proviso to subsec. (a).

§ 305. Exceptions, exemptions, or deferments from training and service.

(a) Commissioned officers, warrant officers, pay clerks, and enlisted men of the Regular Army, the Navy, the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, the Public Health Service, the federally recognized active National Guard, the Officers' Reserve Corps, the Regular Army Reserve, the Enlisted Reserve Corps, the Naval Reserve, and the Marine Corps Reserve; cadets, United States Military Academy; midshipmen, United States Naval Academy; cadets, United States Coast Guard Academy; men who have been accepted for admittance (commencing with the academic year next succeeding such acceptance) to the United States Military Academy as cadets, to the United States Naval Academy as midshipmen, or to the United States Coast Guard Academy as cadets, but only during the continuance of such acceptance; cadets of the advanced course, senior division, Reserve Officers' Training Corps or Naval Reserve Officers' Training Corps; and diplomatic representatives, technical attachés of foreign embassies and legations, consuls general, consuls, vice consuls, and consular agents of foreign countries, and persons in other categories to be specified by the President, residing in the United States, who are not citizens of the United States, and who have not declared their intention to become citizens of the United States, shall not be required to be registered under section 2 (section 302 of this appendix) and shall be relieved from liability for training and service under section 3 (b) (section 303 (b) of this appendix).

(b) In time of peace, the following persons shall be relieved from liability for training and service under section 3 (b) (303 (b) of this appendix) and from the liability to serve in any Reserve component of the land or naval forces imposed by this Act:

(1) Any person who shall have satisfactorily served as an officer or enlisted man for at least three consecutive years in the Regular Army, Navy, Marine Corps, or Coast Guard before or after or partially before and partially after the time fixed for registration under section 2 (302 of this appendix), or any enlisted man who has been or is hereafter honorably discharged from the Regular Army or the Coast Guard for the convenience of the Government within

six months prior to the completion of his regular three-year period of enlistment: *Provided*, That any person who has had such prior service and who has already been inducted for service may upon application be discharged and shall not be liable for further training and service in time of peace.

(2) Any person who as a member of the active National Guard shall have satisfactorily served as an officer or enlisted man for at least one year in active Federal service in the Army of the United States, and subsequent thereto for at least two consecutive years in the Regular Army or in the active National Guard, before or after or partially before and partially after the time fixed for registration under section 2 (302 of this appendix); or any person who as a member of the Naval Reserve or Marine Corps Reserve shall have satisfactorily served for at least three consecutive years on active duty before or after or partially before and partially after the time fixed for such registration; or any person who as a member of the Naval Reserve or Marine Corps Reserve shall have satisfactorily served for at least one year on active duty and for at least two consecutive years in the Regular Navy or Marine Corps or with an organized unit of the Naval Reserve or Marine Corps Reserve, before or after or partially before and partially after the time fixed for such registration.

(3) Any person who is an officer or enlisted man in the active National Guard at the time fixed for registration under section 2 (302 of this appendix), and who shall have satisfactorily served therein for at least six consecutive years, before or after or partially before and partially after the time fixed for such registration.

(4) Any person who is an officer in the Officers' Reserve Corps on the eligible list at the time fixed for registration under section 2 (302 of this appendix), and who shall have satisfactorily served therein on the eligible list for at least six consecutive years, before or after or partially before and partially after the time fixed for such registration.

(5) Any person who is an officer or an enlisted man in the organized Naval Reserve or the organized Marine Corps Reserve at the time fixed for registration under section 2 (302 of this appendix), and who shall have satisfactorily served therein for at least six consecutive years, before or after or partially before and partially after the time fixed for such registration or any person who is an officer or an enlisted man in the Naval Merchant Marine Reserve or Volunteer Naval Reserve or Volunteer Marine Corps Reserve at the time fixed for registration under section 2 (302 of this appendix), and who shall have satisfactorily served therein for at least eight consecutive years, before or after or partially before and partially after the time fixed for such registration.

(c) (1) The Vice President of the United States, the Governors, and all other State officials chosen by the voters of the entire State, of the several States and Territories, members of the legislative bodies of the United States and of the several States and Territories, judges of the courts of record of the United States and of the several States and Territo-

ries and the District of Columbia, shall, while holding such offices, be deferred from training and service under this Act in the land and naval forces of the United States.

(e) (1) The President is authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service under this Act in the land and naval forces of the United States of those men whose employment in industry, agriculture, or other occupations or employment, or whose activity in other endeavors, is found in accordance with section 10 (a) (2) (section 310 (a) (2) of this appendix) to be necessary to the maintenance of the national health, safety, or interest. The President is also authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service under this Act in the land and naval forces of the United States (1) of any or all of those men in a status with respect to persons dependent upon them for support which renders their deferment advisable, and (2) of any or all of those men found to be physically, mentally, or morally deficient or defective. No deferment from such training and service shall be made in the case of any individual except upon the basis of the status of such individual, and no such deferment shall be made of individuals by occupational groups or of groups of individuals in any plant or institution.

Rules and regulations issued pursuant to this subsection shall include provisions requiring that there be posted in a conspicuous place at the office of each local board a list setting forth the names and classifications of those men who have been classified by such local board.

(2) Anything in this Act to the contrary notwithstanding, the President is authorized, under such rules and regulations as he may prescribe, to provide for the deferment, by age group, or groups, from training and service under this Act in the land and naval forces of the United States, of those men whose age or ages are such that he finds their deferment to be advisable in the national interest: *Provided*, That the President may, upon finding that it is in the national interest, terminate the deferment by age group or groups of any or all of the men so deferred. (As amended May 29, 1941, ch. 155, 55 Stat. 211; Aug. 16, 1941, ch. 355, §§ 1, 2, 55 Stat. 621; Dec. 20, 1941, ch. 602, §§ 4-6, 55 Stat. 845.)

AMENDMENTS

1941—Subsec. (a) was amended by act Dec. 20, 1941, § 4, cited to text.

Subsec. (b) (1) was amended by act Aug. 16, 1941, cited to text, which inserted words "or any enlisted man who has been * * * regular three-year period of enlistment."

Subsec. (c) (1) was amended by act Dec. 20, 1941, § 4, cited to text.

Subsec. (e) was amended by acts Aug. 1, 1941, and Dec. 20, 1941, §§ 5, 6, both cited to text.

§ 308. Service and health certificates; employment and reemployment provisions; voting during service.

CROSS REFERENCES

Reemployment benefits extended to persons who enter service after May 1, 1940, see section 357 of this Appendix.

§ 315. Definitions.

(a) The term "between the ages of twenty and forty-five" shall refer to men who have attained the twentieth anniversary of the day of their birth and who have not attained the forty-fifth anniversary of the day of their birth; and other terms designating different age groups shall be construed in a similar manner. (As amended Dec. 20, 1941, ch. 602, § 7, 55 Stat. 845.)

SERVICE EXTENSION ACT OF 1941 (New)

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

Sec.

- 351. Declaration of national peril.
- 352. Extension of periods of service; limitations.
- 353. Insurance for persons whose period of military service is extended.
- 354. Release from service; certificate of service; member of reserve component.
- 355. Amendment of section 303 (c) of this appendix.
- 356. Authority to order retired personnel of Regular Army to active duty.
- 357. Extension of reemployment benefits under section 308 of this appendix.
- 358. Additional compensation for active service in excess of twelve months; duration of section.
- 359. Suspension of provisions limiting number of men in active training and service.
- 360. Enlistments in the Army of the United States.
- 361. Amendment of section 401 of this appendix.
- 362. Short title.

§ 351. Declaration of national peril.

The Congress, acting in accordance with and solely for the purpose of carrying into effect the provisions of section 3 (b) of the Selective Training and Service Act of 1940 (303 (b) of this Appendix), hereby declares that the national interest is imperiled. (Aug. 18, 1941, ch. 362, § 1, 55 Stat. 626.)

§ 352. Extension of periods of service; limitations.

The President is hereby authorized, subject, however, to the condition hereinafter stated, to extend, for such periods of time as may be necessary in the interests of national defense, the periods of service, training and service, enlistment, appointment, or commission, of any or all persons inducted for training and service under said Act (sections 301-318 of this appendix), members and units of the reserve components of the Army of the United States (including the National Guard of the United States), retired personnel and enlisted men of the Regular Army, and any other members of the Army, who are now, or who may hereafter be, in or subject to active military service, or training and service: *Provided*, That extension of the periods of active military service, or training and service, in the case of any person subject to the provisions of this section, shall not, without his consent, exceed eighteen months in the aggregate; except that whenever the Congress declares that it is in the interests of national defense to further extend such periods of active military service and training and service, such periods may be further extended by the President, in the case of any such persons, for such time as may be necessary

in the interests of national defense: *Provided further*, That the authority hereby conferred is subject to the condition that the delegation of such authority may be revoked at any time by concurrent resolution of the Congress. (Aug. 18, 1941, ch. 362, § 2, 55 Stat. 626.)

CROSS REFERENCES

Extension of term of service during war, see section 732 of this Appendix.

§ 353. Insurance for persons whose period of military service is extended.

Any person whose period of active military service or training and service is extended under section 2 (352 of this appendix) and who was (a) ordered to active Federal service under Public Resolution Numbered 96, Seventy-sixth Congress (sections 401-405 of this appendix), or (b) inducted under the Selective Training and Service Act of 1940, as amended (sections 301-318 of this appendix), prior to the enactment of this Act, shall, notwithstanding the limitation in section 602 (a) of the National Service Life Insurance Act of 1940 (section 802 of Title 38), upon the time within which application for National Service Life Insurance may be made, be granted insurance under such section without further medical examination if application therefor is filed within one hundred and twenty days after the date of enactment of this Act. (Aug. 18, 1941, ch. 362, § 3, 55 Stat. 626.)

§ 354. Release from service; certificate of service; member of reserve component.

The Secretary of War shall, when not in conflict with the interests of national defense, release from active military service those persons who apply therefor through the regular military channels and state their reasons for such release, and whose retention in active military service would, in the judgment of the Secretary of War, subject them or their wives or other dependents to undue hardship if retained on active military service. Any person so released who, in the judgment of those in authority over him, has served satisfactorily shall be entitled to a certificate to that effect, which shall be in the same form and have the same force and effect as a certificate issued under the provisions of section 8 of the Selective Training and Service Act of 1940, as amended (section 308 of this appendix). Any person so released shall be transferred to, or remain in, as the case may be, a reserve component of the land forces for the same period and with the same rights, duties, and liabilities as any person transferred to a reserve component of the land forces under the provisions of section 3 (c) of such Act (section 303 (c) of this appendix). (Aug. 18, 1941, ch. 362, § 4, 55 Stat. 627.)

§ 355. Amendment of section 303 (c) of this appendix.

Section 3 (c) of the Selective Training and Service Act of 1940, as amended (section 303 (c) of this appendix), is amended by adding at the end thereof the following: "The active military service or training and service of any person pursuant to section 2 of the Service Extension Act of 1941 (section 352 of this appendix) shall be credited against the service in a reserve component required by this section or section