

**(f) Penalties**

Any person, or any officer of any person as defined in this section, who willfully fails or refuses to carry out any duty imposed upon him by subsection (b) of this section shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not more than three years, or by a fine of not more than \$50,000, or by both such imprisonment and fine.

**(g) "Person" and "Government agency" defined**

(1) As used in this section—

(A) The term "person" means any individual, firm, company, association, corporation, or other form of business organization.

(B) The term "Government agency" means any department, agency, independent establishment, or corporation in the Executive branch of the United States Government.

(2) For the purposes of this section, a plant, mine, or other facility shall be deemed capable of producing any articles or materials if it is then producing or furnishing such articles or materials or if the President after consultation with and receiving advice from the National Security Resources Board determines that it can be readily converted to the production or furnishing of such articles or materials.

**(h) Rules and regulations governing steel industry; mandatory**

The President is empowered, through the Secretary of Defense, to require all producers of steel in the United States to make available, to individuals, firms, associations, companies, corporations, or organized manufacturing industries having orders for steel products or steel materials required by the armed forces, such percentages of the steel production of such producers, in equal proportion deemed necessary for the expeditious execution of orders for such products or materials. Compliance with such requirement shall be obligatory on all such producers of steel and such requirement shall take precedence over all orders and contracts theretofore placed with such producers. If any such producer of steel or the responsible head or heads thereof refuses to comply with such requirement, the President, through the Secretary of Defense, is authorized to take immediate possession of the plant or plants of such producer and, through the appropriate branch, bureau, or department of the armed forces, to insure compliance with such requirement. Any such producer of steel or the responsible head or heads thereof refusing to comply with such requirement shall be deemed guilty of a felony and upon conviction thereof shall be punished by imprisonment for not more than three years and a fine not exceeding \$50,000.

(June 24, 1948, ch. 625, title I, §18, 62 Stat. 625; Pub. L. 93-155, title VIII, §807(d), Nov. 16, 1973, 87 Stat. 616; Pub. L. 101-510, div. A, title XIII, §1303(c), Nov. 5, 1990, 104 Stat. 1669.)

**Editorial Notes**

## CODIFICATION

Section was formerly classified to section 468 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

## AMENDMENTS

1990—Subsec. (h). Pub. L. 101-510 struck out "(1)" before "The President is empowered" and struck out par. (2) which read as follows: "The President shall report to the Congress on the final day of each six-month period following November 5, 1990, the percentage figure, or if such information is not available, the approximate percentage figure, of the total steel production in the United States required to be made available during such period for the execution of orders for steel products and steel materials required by the armed forces, if such percentage figure is in excess of 10 per centum."

1973—Subsec. (a). Pub. L. 93-155 provided for notification of Congressional Committees with respect to certain proposed payment orders, Congressional resolution of disapproval, continuity of Congressional session, and computation of period.

**Statutory Notes and Related Subsidiaries**

## TRANSFER OF FUNCTIONS

Atomic Energy Commission abolished and functions transferred by sections 5814 and 5841 of Title 42, The Public Health and Welfare. See also Transfer of Functions notes set out under those sections.

## OBLIGATIONS ENTERED INTO BEFORE NOVEMBER 16, 1973

Amendment by Pub. L. 93-155 not affecting the carrying out of any contract, loan, guarantee, commitment, or other obligation entered into prior to Nov. 16, 1973, see section 807(e) of Pub. L. 93-155, set out as a note under section 1431 of this title.

**Executive Documents**

## TRANSFER OF FUNCTIONS

National Security Resources Board, together with Office of Chairman, abolished by section 6 of Reorg. Plan No. 3 of 1953, eff. June 12, 1953, 18 F.R. 3375, 67 Stat. 634, set out in the Appendix to Title 5, Government Organization and Employees. Functions of Chairman of National Security Resources Board under this section, with respect to being consulted by and furnishing advice to President as required by this section, abolished by section 5(a) of Reorg. Plan No. 3 of 1953. Other functions of Chairman transferred to Office of Defense Mobilization by section 2(a) of Reorg. Plan No. 3 of 1953. For subsequent transfers to Office of Emergency Planning, Office of Emergency Preparedness, President, Federal Preparedness Agency, Federal Emergency Management Agency, and Secretary of Homeland Security, see notes set out under former section 3042 of this title.

## DELEGATION OF AUTHORITY

For delegation of President's authority under this section with respect to placing of orders for prompt delivery of articles or materials, see section 102 of Ex. Ord. No. 12742, Jan. 8, 1991, 56 F.R. 1079, set out as a note under section 82 of this title.

**§ 3817. Savings provision**

Nothing in this chapter shall be deemed to amend any provision of the National Security Act of 1947 (61 Stat. 495) [50 U.S.C. 3001 et seq.]. (June 24, 1948, ch. 625, title I, §19, 62 Stat. 627.)

**Editorial Notes**

## REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this title", meaning title I of act June 24, 1948, ch. 625, 62 Stat. 604, which is classified principally to this chapter. For complete classification of title I to the Code, see Tables.

The National Security Act of 1947 (61 Stat. 495), referred to in text, is act July 26, 1947, ch. 343, 61 Stat.

495, which is classified principally to chapter 44 (§3001 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

#### CODIFICATION

Section was formerly classified to section 469 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

#### § 3818. Effective date

This chapter shall become effective immediately; except that unless the President, or the Congress by concurrent resolution, declares a national emergency after June 24, 1948, no person shall be inducted or ordered into active service without his consent under this chapter within ninety days after June 24, 1948.

(June 24, 1948, ch. 625, title I, §20, 62 Stat. 627; Sept. 27, 1950, ch. 1059, §1(14), 64 Stat. 1074; Aug. 10, 1956, ch. 1041, §53, 70A Stat. 641.)

#### Editorial Notes

##### REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title I of act June 24, 1948, ch. 625, 62 Stat. 604, which is classified principally to this chapter. For complete classification of title I to the Code, see Tables.

#### CODIFICATION

Section was formerly classified to section 470 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

#### AMENDMENTS

1956—Act Aug. 10, 1956, repealed provisions requiring the Secretaries of the Army, Navy, and the Treasury to initiate and carry forward intensified voluntary enlistment campaigns for the Army, Air Force, Navy, Marine Corps, and the Coast Guard.

1950—Act Sept. 27, 1950, struck out “and” after “Air Force” and inserted “and the Secretary of the Treasury, for the Coast Guard” after “Marine Corps”.

#### § 3819. Authority of President to order Reserve components to active service; release from active duty; retention of unit organizations and equipment

Until July 1, 1953, and subject to the limitations imposed by section 2 of the Selective Service Act of 1948, as amended,<sup>1</sup> the President shall be authorized to order into the active military or naval service of the United States for a period of not to exceed twenty-four consecutive 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. Unless he is sooner released under regulations prescribed by the Secretary of the military department concerned, any member of the inactive or volunteer reserve who served on active duty for a period of 12 months or more in any branch of the Armed Forces between the period December 7, 1941, and September 2, 1945, inclusive, who is now or may hereafter be ordered to active duty pursuant to this section, shall upon completion of 17 or more months of active duty since June 25, 1950, if he makes ap-

plication therefor to the Secretary of the branch of service in which he is serving, be released from active duty and shall not thereafter be ordered to active duty for periods in excess of 30 days without his consent except in time of war or national emergency hereafter declared by the 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.)

#### Editorial Notes

##### 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.

#### Executive Documents

##### 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

<sup>1</sup> See References in Text note below.